

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Kristi F. Curtis, Circuit Court Judge

DANNY RYANT, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001191

APPENDIX

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Pages 1001-1240

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED DECEMBER 10-17, 2010	1
INDICTMENTS	1129
SENTENCE SHEETS	1135
APPLICATION FOR POST-CONVICTION RELIEF DATED OCTOBER 13, 2015.....	1138
RETURN DATED JULY 21, 2016	1161
PCR HEARING DATED AUGUST 12, 2024.....	1167
APPLICANT’S EXHIBIT 1 (STATEMENT).....	1224
APPLICANT’S EXHIBIT 2 (STATEMENT).....	1226
ORDER OF DISMISSAL DATED MAY 7, 2025	1227

1 INTO THE JURY ROOM, INTO THAT QUIET PLACE IN RELATION
2 TO MARIO SHIVERS WHEN YOU GO BACK THERE, TO DETERMINE
3 WHETHER MS. BUSBY, UNDER THE INFLUENCE OF ALCOHOL, SHE
4 SAID TWO, IT COULD HAVE BEEN THREE, COULD HAVE BEEN
5 FOUR, USE YOUR COMMON SENSE AND LIFE EXPERIENCES, AND
6 SEE WHETHER THAT IDENTIFICATION WAS CORRECT, ACCURATE,
7 TRUTHFUL AND RELIABLE.

8 NOW, LET'S GET TO, WE HAD SEVERAL WITNESSES
9 DEALING WITH THE INVESTIGATION AT THE SCENE AND, OF
10 CORSE, WHAT WAS FOUND AT THAT PARTICULAR SCENE. AND I
11 THINK THE FIRST LAW ENFORCEMENT OFFICER WAS MR., WAS A
12 LIEUTENANT GERALD CARTER WHO -- EXCUSE ME, CRAIG DAVIS
13 WAS THE FIRST ONE. AND BASICALLY, SERGEANT DAVIS WENT
14 TO THE SCENE, DID HIS JOB, SECURED THE SCENE TO MAKE
15 SURE THE INTEGRITY OF THE SCENE WAS NOT COMPROMISED.
16 I THINK HE STATED HE STAYED ABOUT SEVERAL HOURS UNTIL
17 ABOUT TWO O'CLOCK IN THE MORNING. HE DID HIS JOB, HE
18 KEPT OTHER PERSONS NOT INVOLVED FROM COMPROMISING THE
19 SCENE. SO, IT WAS LAID OUT, IT WAS LAID OUT FOR THE
20 CRIME SCENE INVESTIGATOR.

21 NOW, LIEUTENANT CARTER TESTIFIED AFTER, AFTER HE
22 SECURED THE EXTERIOR OF THE APARTMENT THAT THEY CAME
23 IN TO COLLECT EVIDENCE. AND HE STATED THAT HIS
24 PRIMARY CONCERN -- AGAIN, I DISAGREE, BUT I'M NOT IN
25 LAW ENFORCEMENT -- THAT HIS PRIMARY CONCERN WAS THE

1 INVESTIGATIONS IN THE LIVING ROOM. AND HE SAID HE
2 CAME -- THE FIRST THING, THE FIRST ITEM THAT HE DUSTED
3 FOR PRINTS WAS THE DOOR KNOB WITH NO SUCCESS, AND I
4 THINK SEVERAL OF MY COLLEAGUES MENTIONED THAT. THEN I
5 THINK HE ALSO STATED THAT HE DUSTED THE DOOR, THE
6 ACTUAL SURFACE AREA OF THE DOOR FOR PRINTS. AGAIN, NO
7 PRINTS FOUND. BUT THEN ON CROSS I STARTED ASKING HIM,
8 OKAY, SOME ADDITIONAL THINGS. IF WE HAVE SOMEONE
9 ENTERING A ROOM DID YOU DUST THE DOOR FRAME? HE SAID,
10 NO. THEN HE WENT IN HERE AND YOU NOTICE THE BODY IS
11 NEAR A TELEVISION, WELL, A T.V. TABLE AND A
12 TELEVISION. I ASKED LIEUTENANT CARTER, WELL, DID YOU
13 DUST FOR PRINTS, YOU KNOW, IF SOMEONE IS IN THERE
14 INADVERTENTLY SOMETHING CAN, YOU CAN SWIPE SOMETHING.
15 IT HAPPENS ALL THE TIME. PEOPLE ARE NOT CONSCIOUS OF
16 WHAT THEY TOUCH WHEN THEY'RE DOING THINGS. HE SAID,
17 NO, MR. KOGER, I DIDN'T DUST THE T.V. TABLE. WELL,
18 LIEUTENANT CARTER, DID YOU DUST THIS BIG FLAT SCREEN
19 T.V. NEAR THE BODY? NO, MR. KOGER, I DIDN'T DUST THAT
20 FOR PRINTS. WELL, YOU'RE PRIMARILY CONCERNED WITH THE
21 LIVING ROOM, DID YOU DUST THIS COFFEE TABLE? NO, MR.
22 KOGER, I DIDN'T. ANY ITEMS ON THE COFFEE TABLE? NO,
23 MR. KOGER, I DIDN'T. THE END TABLE? NO, MR. KOGER, I
24 DIDN'T. NOW, THIS RIGHT HERE -- AND AGAIN, YOU KNOW,
25 I'M NOT SAYING ANYTHING ABOUT LIEUTENANT CARTER, THERE

1 WAS A LOT OF BULLETS AND PROJECTILES AND CASINGS ON
2 THE SCENE, SO MAYBE IT WAS AN OVERSIGHT. OKAY?
3 INEXCUSABLE, BUT MAYBE IT WAS. BUT WHEN YOU HAVE THE
4 COUCH AND THE LOVE SEAT RIPPED, NO DOUBT IN ANYONE'S
5 MIND THAT THESE TWO ITEMS WERE TOUCHED, AND EVEN
6 THOUGH HE OFFERED A PRE-EMPTIVE EXPLANATION, WELL,
7 THIS SUEDE MATERIAL ON THIS COUCH AND LOVE SEAT, IT'S
8 HARD TO TAKE PRINTS, BUT IT'S POSSIBLE. BUT HE
9 WOULDN'T KNOW, AND EVENTUALLY YOU WOULDN'T KNOW AS
10 JURORS IN THIS CASE BECAUSE HE DIDN'T DO IT. AND
11 THEN, YOU KNOW, AND YOU'LL SEE IT IN THE EXHIBITS, IS
12 THAT THIS COUCH AND LOVE SEAT HAD THIS SIMULATED WOOD
13 SIMILAR TO WHAT WE HAVE HERE THAT NO DOUBT THAT YOU
14 COULD HAVE LIFTED SOME PRINTS. AND HE STATED, MR.
15 KOGER, I DIDN'T DUST THE FRONT NOR THE SIDE OF THE
16 COUCH OR LOVE SEAT. AND THEN ALSO, TOO, AGAIN, HIS
17 EXPLANATION WAS, WELL, IT PRIMARILY HAPPENED IN THE
18 LIVING ROOM BUT IT SEEMS LIKE TO ME, AS HE TESTIFIED,
19 IF THE DRUGS AND SOME OF THE MONEY IS LOCATED IN THE
20 KITCHEN AND SUPPOSEDLY THEY WERE THERE TO GET SOME
21 MONEY OR MAYBE DRUGS, IT SEEMS LIKE OUT OF AN
22 ABUNDANCE OF CAUTION WOULD YOU HAVE DUSTED FOR PRINTS
23 IN THE KITCHEN? IT SEEMS LIKE YOU WOULD HAVE DUSTED
24 FOR PRINTS EVERYWHERE, BECAUSE GUESS WHAT? AN
25 ESSENTIAL PART OF THE STATE PROVING THEIR CASE BEYOND

1 A REASONABLE DOUBT IS TO PROVE THE PRESENCE OF THE
2 DEFENDANTS HERE.

3 NOW, LET'S FAST FORWARD TO INVESTIGATOR SHUMPERT.
4 AGAIN, AND I CAN'T RECALL WHICH ONE OF MY COLLEAGUES
5 STATED IT, BUT ESSENTIALLY, BASED UPON THE
6 INVESTIGATIVE PROCEDURES AFTER THE EXISTENCE OF THIS
7 FACT, IT SEEMS TO BE TRUE IS THAT FOR ALL INTENTS AND
8 PURPOSES THE INVESTIGATION WAS OVER AFTER A STATEMENT
9 WAS RECEIVED FROM PATRICK TYLER. I ASKED INVESTIGATOR
10 SHUMPERT ON THE STATE, WELL, WHAT ABOUT, WHAT ABOUT,
11 WHAT ABOUT THE ALLEGED MURDER WEAPONS, DID YOU EXECUTE
12 A SEARCH WARRANT IN PARTICULAR TO MY CLIENT, MARIO
13 SHIVERS? IF YOU DIDN'T HAVE HIS CORRECT ADDRESS
14 BEFORE HE ARRESTED, AFTER HE WAS ARRESTED -- AND HE
15 STATED THAT HE ASCERTAINED THAT INFORMATION. DID YOU
16 EXECUTE A SEARCH WARRANT TO SEE WHETHER -- AND OF
17 COURSE, WE DON'T HAVE THEM HERE IN EVIDENCE BECAUSE
18 IT'S PHANTOM EVIDENCE OF ANY RIFLES, OF ANY NINE
19 MILLIMETER CHROME PISTOL OR ANY OTHER EVIDENCE OF THE
20 CRIME, BE IT MONEY, BE IT THE THREE FIFTY-SEVEN
21 REVOLVER THAT MR. PRINGLE POSSESSED. NOT ONLY THEY
22 DIDN'T EXECUTE A SEARCH WARRANT ON MR. SHIVERS'S
23 RESIDENCE NEITHER ON MR. RYANT'S, NEITHER ON MR. RALPH
24 COLEMAN AND MR. CHRISTIAN COLEMAN. NOW, SOME OF YOU
25 MAY THINK, WELL, MR. KOGER, WHERE ARE YOU GOING WITH

1 THIS HERE? THE STATE HAS AN OBLIGATION THAT WHEN THEY
2 BRING A CASE BEFORE A JURY HERE IN ORANGEBURG COUNTY
3 TO BRING FORTH THE BEST EVIDENCE, THE BEST EVIDENCE.
4 AND IN ORDER FOR YOU AS A JURY TO MAKE THE BEST
5 DECISION IN THE CASE AND IN ORDER FOR THE STATE TO
6 RECEIVE THE BEST EVIDENCE, THEN THE BEST EVIDENCE HAS
7 TO BE PLACED AT THE BEGINNING TO GET IT TO THIS POINT.
8 SO, IT IS YOU, THE JURY, THAT DON'T HAVE THE PROPER
9 INFORMATION TO MAKE DETERMINATION WHETHER MR. SHIVERS
10 IS GUILTY OR NOT GUILTY OF THE CRIMES CHARGED.

11 NOW, WE HAD MR. GREEN FROM SLED WHO TESTIFIED TO
12 PROJECTILES, CASINGS, BULLETS IN THIS PARTICULAR CASE,
13 AND YOU KNOW, I'M NOT GOING TO GO OVER IT, BUT YOU
14 KNOW, HE TESTIFIED THE CASINGS TO THIS FORTY CALIBER
15 GUN, I BELIEVE THAT'S THE BAG THAT IT CAME OUT OF, AND
16 HE TESTIFIED ABOUT FORTY-FIVE MINUTES THAT HE FOUND
17 ALL THESE CASINGS AND PROJECTILES AND BULLETS ON THE
18 FLOOR. BUT WHAT HE STATED ON CROSS, MAYBE WITH ME,
19 MAYBE WITH ONE OF THE CO-DEFENDANTS, IS THAT IN
20 RELATION TO MARIO SHIVERS THERE IS NOTHING THAT WAS
21 FOUND ON THE SCENE AT SIX THIRTY-FIVE KINGS ROAD THAT
22 EVER INDICATES THAT MR. SHIVERS WAS ON THE PREMISES,
23 NOTHING.

24 NOW, THE STATE HAD A PHOTOGRAPH OF A GUN, OF A
25 RIFLE, AND THEY HAD THIS FORTY CALIBER IN WHICH THE

1 EXPERT TESTIFIED THAT MR. SHIVERS HAD NOTHING TO DO
2 WITH IT, BUT THEN THEY BROUGHT IN ALL THIS, THE
3 CASINGS AND PROJECTILES OF TWO RIFLES AND A NINE
4 MILLIMETER. I'M USING CUPS BECAUSE THEY DON'T HAVE
5 THEM. THEY DON'T HAVE THE MURDER WEAPONS, THE ALLEGED
6 MURDER WEAPONS. AND THAT GOES BACK TO THE BEST
7 EFFORTS AT THE BEGINNING TO TRY TO OBTAIN THAT
8 INFORMATION. SO, YOU HAVE TO MAKE A DECISION, YOU
9 HAVE TO MAKE A DETERMINATION WHETHER THE STATE IN
10 THEIR ATTEMPT TO PROVE THEIR CASE BEYOND A REASONABLE
11 DOUBT THAT THEY CAN DO THAT.

12 NOW, GOING OVER SOME OTHER WITNESSES, ANDRE
13 WASHINGTON TESTIFIED, HE TESTIFIED TO HIS INVOLVEMENT
14 WITH THE FORTY CALIBER GUN, NO TYPE OF CONNECTION WITH
15 MARIO SHIVERS.

16 SHANNON MITCHELL, WHO WAS ON THE SCENE FOR A
17 PARTICULAR PERIOD OF TIME TESTIFIED THAT MR. SHIVERS,
18 MARIO SHIVERS WAS NOT ON THE SCENE.

19 NOW WE'RE GOING TO FAST FORWARD TO, WHY I SAY,
20 TWO OF THE STAR WITNESSES HERE, ONE MORE THAN THE
21 OTHER. OF COURSE, YOU'VE HEARD OVER THE LAST HOUR AND
22 A HALF ABOUT PATRICK TYLER. YOU HEARD ABOUT THE
23 STATEMENT THAT HE GAVE THAT ALLEGEDLY CONNECTS
24 EVERYONE TO THIS PARTICULAR CRIME. NOW, MR. TYLER'S
25 STATEMENT AND TESTIMONY IS UNDER THE SAME CRITERIA AS

1 I STATED FOR IDENTIFICATION. IT IS YOUR JOB TO PROVE
2 BEYOND A REASONABLE DOUBT THAT HIS STATEMENT IS
3 CORRECT, ACCURATE AND TRUTHFUL. THE STATE EVEN STATED
4 IN THEIR OPENING PORTION OF THE CLOSING THAT YOU ARE
5 TO LOOK FOR ANY TYPE OF BIAS, ANY TYPE OF PREJUDICE,
6 ANY TYPE OF HESITANCY, BUT THIS FOURTH ONE, THIS
7 FOURTH LISTING IS VERY IMPORTANT BECAUSE IT WAS AN
8 ADMISSION BY THE DEFENDANT HIMSELF THAT HIS STATEMENT
9 AT TIMES IS NOT ENTIRELY TRUTHFUL. THAT GOES TO
10 WHETHER IT WAS CONSISTENT OR NOT. AND INVESTIGATOR
11 SHUMPERT, THE LEAD INVESTIGATOR, TESTIFIED ON THE
12 STAND THERE MAY BE, THERE ARE SOME INCONSISTENCIES IN
13 HIS STATEMENT. SO, IF THAT'S THE CASE, HOW CAN YOU AS
14 THE JURY DETERMINE THAT HIS STATEMENT IS CORRECT,
15 ACCURATE AND TRUE BEYOND A REASONABLE DOUBT? BECAUSE
16 THAT'S WHAT YOUR JOB IS TO DO, BUT THOSE ARE FACTORS
17 THAT YOU NEED TO KEEP IN MIND. AS FAR AS ALONG WITH
18 THE OTHER SEVERAL, OR MAY OTHER INCONSISTENCIES, MR.
19 TYLER IN HIS STATEMENT SAID THAT MR. SHIVERS CALLED
20 HIM. ON THE STAND HE STATED HE CALLED MR. SHIVERS.
21 OKAY. ANOTHER ONE, HE SAID IN HIS STATEMENT THAT A
22 GROUP OF DEFENDANTS WENT TO BROOKDALE AND GOT HIM.
23 GARNER TESTIFIED THAT THEY ENDED UP AT WOODBINE. NOW,
24 AGAIN, WHAT I SAY IS NOT EVIDENCE, WHAT MY COLLEAGUES
25 SAY IS NOT EVIDENCE, WHAT THE SOLICITOR SAYS WHEN HE

1 GETS A SECOND CHANCE IS NOT EVIDENCE. SO, YOU RECALL
2 WHAT YOU HEARD ON THE STAND. BUT THAT IS AN EXAMPLE
3 OF THE INCONSISTENCIES. AND ALSO, YOU KNOW, I GOT
4 SOME STRANGE LOOKS WHEN I KIND OF ASKED ABOUT THE DOG
5 WITH LIEUTENANT CARTER, BECAUSE MR. TYLER SAID ON THE
6 STAND THE DOG WAS SHOT. AND AS YOU CAN RECALL,
7 LIEUTENANT CARTER STATED THAT DOG WAS VERY MUCH ALIVE,
8 TIED TO A CEMENT BLOCK, ANOTHER INCONSISTENCY.

9 WHAT DOES SOMEONE HAVE TO LOSE, WHAT DOES SOMEONE
10 HAVE TO GAIN? IT IS NOT BELIEVABLE FOR MR. TYLER TO
11 SIT IN THAT CHAIR, OR TO HAVE SAT IN THAT CHAIR AND
12 STATED, I EXPECT NO BENEFIT, NO EXPECTATIONS FOR MY
13 TESTIMONY, THAT I'M DOING THIS OUT OF THE GOODNESS OF
14 MY HEART. THIS IS FROM A PERSON THAT ACCORDING TO HIS
15 WEED BUDDY HAS SMOKED MARIJUANA CONTINUOUSLY FOR THREE
16 YEARS, SEVEN DAYS A WEEK, FIFTY-TWO WEEKS A YEAR. AS
17 ATTORNEY WISE STATED SO APTLY, HE SUDDENLY DEVELOPED A
18 STREAM OF CONSCIOUS. BUT YOU ARE ENTITLED, YOU ARE
19 ENTITLED AS JURORS WHEN YOU LOOK AT MR. TYLER'S
20 DEMEANOR ON THE STAND, HOW HE REACTED ON THE STAND,
21 YOU ARE ENTITLED TO USE THOSE FACTORS TO DETERMINE
22 WHETHER HIS TESTIMONY AND HIS STATEMENT IS CORRECT,
23 ACCURATE OR TRUTHFUL. AND IF THE STATE CANNOT PROVE
24 BEYOND A REASONABLE DOUBT THAT THOSE THINGS, THAT THAT
25 BURDEN IS MET, THEN YOU ARE OBLIGATED TO FIND NOT

1 GUILTY FOR MR. MARIO SHIVERS, AND THE REST IF YOU SO
2 CHOOSE, THE REST OF THE DEFENDANTS.

3 I'M NOT GOING TO BELABOR THE POINT, BUT DON'T
4 MAKE THIS EASY FOR THE PROSECUTION. DON'T LET THE
5 PROSECUTION COME UP HERE AND IMPLORE YOU TO TREAT ALL
6 OF THESE DEFENDANTS AS A GROUP, TO TRY TO SAY IF ONE
7 KNEW, ALL KNEW, IF ONE ACTS, ALL ACTS. DON'T ALLOW
8 THAT. DON'T ALLOW THE STATE, AS SOLICITOR PASCOE
9 ATTEMPTED TO DO IN HIS OPENING, TO CHANGE THE STANDARD
10 FROM BEYOND A REASONABLE DOUBT TO FIRMLY CONVINCED.
11 EACH ONE OF THESE DEFENDANTS HAVE A QUIET ROOM. WHEN
12 YOU GO BACK IN THERE PROVIDE A QUIET ROOM FOR
13 CHRISTIAN COLEMAN, PROVIDE A QUIET ROOM FOR RALPH
14 COLEMAN, PROVIDE A QUIET ROOM FOR WALTER HARRIS,
15 PROVIDE A QUIET ROOM FOR DANNY RYANT, AND PROVIDE A
16 QUIET ROOM FOR MARIO SHIVERS, AND MAKE Y'ALL'S
17 DETERMINATION BASED ON EACH AND EVERY ONE OF THEM AND
18 NOT UNDER SOME THEORY, HAND OF ONE, HAND OF ALL.

19 I SUBMIT TO YOU THAT THE STATE HAS NOT PROVED
20 THEIR CASE OF MURDER BEYOND A REASONABLE DOUBT AGAINST
21 MARIO SHIVERS. I SUBMIT TO YOU THAT THE STATE HAS NOT
22 PROVED THEIR CASE BEYOND A REASONABLE DOUBT ON ARMED
23 ROBBERY FOR MARIO SHIVERS. AND I SUBMIT TO YOU THAT
24 THE STATE HAS NOT PROVED THEIR CASE BEYOND A
25 REASONABLE DOUBT ON THE BURGLARY, FIRST DEGREE, FOR

1 MARIO SHIVERS. AND I SUBMIT TO YOU, NOT ONLY THEY
2 HAVE NOT PROVED IT, BUT THEY HAVE FAILED MISERABLY IN
3 ATTEMPTING TO DO SO.

4 THANK YOU.

5 THE COURT: THANK YOU, MR. KOGER.

6 ALRIGHT, LADIES AND GENTLEMEN, WHAT WE'RE GOING
7 TO DO RIGHT NOW IS, WE'RE GOING TO TAKE ABOUT A TEN
8 MINUTE BREAK, AND LET Y'ALL GO BACK INTO THE JURY ROOM
9 SO YOU CAN ORDER YOUR LUNCH. OKAY? AFTER ABOUT A TEN
10 MINUTE BREAK YOU'LL COME BACK OUT HERE AND THEN,
11 WHILE WE WAIT FOR THE FOOD, MR. PASCOE WILL FINISH UP
12 WITH HIS CLOSING ARGUMENTS, AND THEN I WILL CHARGE YOU
13 WITH THE LAW. OKAY? NOW, REMEMBER, AGAIN, YOU HAVE
14 NOT HEARD ALL THE CLOSING ARGUMENTS YET SO YOU CANNOT
15 BEGIN DISCUSSING THIS CASE. OKAY, Y'ALL ARE NOW
16 EXCUSED TO GO BACK INTO THE JURY ROOM.

17 (Whereupon, the jury retires
18 to the jury room and the following
19 takes place out of the presence
20 of the jury.)

21 THE COURT: ALRIGHT, WE'LL BE IN RECESS FOR ABOUT
22 TEN MINUTES.

23 (Recess)

24 THE COURT: ALRIGHT, MR. PASCOE, ARE YOU READY?

25 SOLICITOR PASCOE: YES, SIR.

1 THE COURT: ALRIGHT, BRING THE JURY BACK IN.

2 (Whereupon, the jury enters
3 the courtroom and the following
4 takes place in the presence
5 of the jury.)

6 THE COURT: ALRIGHT, LADIES AND GENTLEMEN, I HOPE
7 Y'ALL HAVE GOT YOUR LUNCH ORDERED. OKAY? WE'RE GOING
8 TO CONTINUE WITH THE CLOSING.

9 SOLICITOR PASCOE.

10 SOLICITOR PASCOE: MAY IT PLEASE THE COURT.

11 THE COURT: YES, SIR.

12 FINAL CLOSING ARGUMENT BY SOL. PASCOE

13 ON THE NIGHT OF MARCH THE TWELFTH, TWO THOUSAND
14 TEN, THIS YEAR, CHARLES PRINGLE DIDN'T STAND A CHANCE
15 WHEN SIX MEN, CRIS COLEMAN, RALPH COLEMAN, WALTER
16 HARRIS, DANNY RYANT, MARIO SHIVERS AND PATRICK TYLER
17 WENT STORMING INTO HIS HOUSE ARMED WITH AT LEAST FOUR
18 GUNS AND DUCT TAPE. HE DIDN'T STAND A CHANCE.

19 CHARLES PRINGLE WASN'T PERFECT, WE DIDN'T COME IN
20 HERE AND TELL YOU HE WAS PERFECT, ALTHOUGH YOU HEARD
21 ON THE WITNESS STAND UNDER THEIR CROSS-EXAMINATION, HE
22 WAS A NICE GUY. BUT HE WASN'T PERFECT, HE SOLD
23 MARIJUANA. BUT HE WAS SOMEBODY'S SON, HE WAS
24 SOMEBODY'S NEPHEW, HE WAS SOMEBODY'S FRIEND. AND HE
25 GOT GUNNED DOWN BY SIX PEOPLE TWENTY-FOUR TIMES,

1 TWENTY-FOUR TIMES BY SIX PEOPLE WHO HAVE ABSOLUTELY NO
2 RESPECT FOR HUMAN LIFE. PATRICK TYLER, TOO, PATRICK
3 TYLER, HE'S NOT MY FRIEND, HE WASN'T MY FRIEND IN
4 MARCH, HE WAS THEIR FRIEND. ONE THING I WILL AGREE
5 WITH WITH MS. ULLMAN ON, PATRICK TYLER NEEDS TO BE
6 PUNISHED. PATRICK TYLER WILL BE PUNISHED. BUT TODAY
7 THEY ARE GOING TO BE PUNISHED FOR THE MALICIOUS AND
8 VICIOUS ACT THEY DID ON THAT NIGHT, ON MARCH THE
9 TWELFTH.

10 THE THING ABOUT MARCH THE TWELFTH IS, WE
11 WITNESSED TWO SEPARATE ACTS IN ORANGEBURG COUNTY, TWO
12 SEPARATE ACTS, THE FIRST ACT, EVIL, THE WORST OF
13 ORANGEBURG COUNTY, THE COWARDLY ACTS OF THE
14 DEFENDANTS. BUT IN THE SECOND ACT AS A RESULT OF
15 MARCH THE TWELFTH WE GOT TO SEE THE BEST OF ORANGEBURG
16 COUNTY. LET'S TALK ABOUT THOSE COWARDLY ACTS, THE
17 WORST OF ORANGEBURG COUNTY.

18 THE WORST OF ORANGEBURG COUNTY WAS WHEN PATRICK
19 TYLER, MARIO SHIVERS AND RALPH COLEMAN GOT TOGETHER AT
20 RALPH COLEMAN'S FAMILY'S HOME ON WOODBINE AND DECIDED
21 TO COMMIT AN ARMED ROBBERY OF CHARLES PRINGLE, WHO
22 MARIO SHIVERS KNEW. CHRIS COLEMAN SHOWS UP WITH HIS
23 BUDDY, RONNIE WASHINGTON. THEY'VE GOT A RIDE NOW,
24 THEY'RE INVOLVED IN IT. THEY GO AND PICK UP WALTER
25 HARRIS WHO HAS A FORTY CALIBER HAND GUN, A BLACK

1 PISTOL. WALTER HARRIS GOES INSIDE, SCOPES IT OUT,
2 THEY THEN GO TO THE CORNER POCKET WHICH IS ABOUT A
3 HALF A MILE FROM THE VICTIM'S HOME, AND THEY PICK UP
4 DANNY RYANT. AND CHRISTOPHER COLEMANA GOES INTO THAT
5 HOME WITH A NINE MILLIMETER PISTOL, RALPH COLEMAN GOES
6 INTO THAT HOME WITH A FORTY CALIBER PISTOL, WALTER
7 HARRIS WITH DUCT TAPE, DANNY RYANT AND MARIO SHIVERS
8 WITH SKS RIFLES. PATRICK TYLER GOES IN THERE AND HE'S
9 INVOLVED, TOO, AND THEY GUN HIM DOWN TWENTY-FOUR TIMES
10 LIKE THEY'RE USING HIS BODY FOR TARGET PRACTICE, AND
11 THEY RUN LIKE COWARDS. THAT'S THE FIRST ACT, THE
12 VIOLENT SIDE, THE EVIL PART OF WHAT HAPPENED IN THIS
13 COUNTY.

14 BUT WE ALSO GOT TO WITNESS THE GREAT SIDE OF
15 ORANGEBURG COUNTY, COURAGE, AND I'M TALKING ABOUT THE
16 COURAGE OF WITNESSES COMING FORWARD BACK IN MARCH TO
17 TELL THE POLICE WHAT HAPPENED. I'M TALKING ABOUT THE
18 COURAGE OF PEOPLE THAT ARE FRIENDS WITH DANNY RYANT
19 WHO CAME FORWARD AND SAID, DANNY RYANT, YEAH, HE WAS
20 AT THE CORNER POCKET WHICH IS JUST ABOUT A HALF A MILE
21 FROM THE VICTIM, BUT WE COULDN'T FIND HIM FOR A WHILE.
22 AND ONE WITNESS WHO I'LL TALK ABOUT IN A MINUTE WHO
23 ACTUALLY SAID, HEY, AND I SAW HIM GETTING IN THE CAR
24 WITH TWO PEOPLE. AND SHE PICKS OUT MARIO SHIVERS AND
25 PATRICK TYLER. I'M TALKING ABOUT THE COURAGE OF A

1 SHANNON MITCHELL WHO GETS ON THE WITNESS STAND AND
2 TELLS THE POLICE, WALTER HARRIS WAS IN THAT HOUSE
3 RIGHT BEFORE THE MURDER. AND THAT'S KIND OF UNUSUAL,
4 I DON'T KNOW WHY HE WOULD BE IN THERE, I'VE NEVER
5 KNOWN HIM TO BE IN THERE. AND WHY WOULD HE GO IN
6 THERE? BECAUSE CHARLES PRINGLE KNOWS MARIO SHIVERS
7 BUT HE DOESN'T KNOW WALTER HARRIS, PART OF THE
8 CONSPIRACY. I'M TALKING ABOUT THE COURAGE, YES, OF A
9 PATRICK TYLER, A SIXTEEN YEAR OLD CHILD. YOU THINK
10 YOU'RE A MAN WHEN YOU'RE SIXTEEN, YOU'RE NOT A MAN,
11 YOU'RE STILL A KID, BREAKING DOWN AND CRYING IN FRONT
12 OF HIS PARENTS WITH INVESTIGATOR SHUMPERT AND FINALLY
13 TELLING HIM ON MARCH THE EIGHTEENTH, NOT JUST ON
14 TUESDAY, BUT MARCH THE EIGHTEENTH WHO WAS INVOLVED IN
15 THIS MURDER, HE AND HIS BUDDIES. AND NOT JUST THE
16 COURAGE BACK IN MARCH OF THESE WITNESSES TO COME
17 FORWARD, BUT THE COURAGE OF THEM TO THEN COME INTO
18 THIS COURTROOM, PUT THEIR HAND ON THAT BIBLE, GET ON
19 THAT WITNESS STAND, FACE THOSE ATTORNEYS, FACE ME,
20 FACE THOSE DEFENDANTS, AND TESTIFY. YOU SAW THE
21 GRILLING YOU GET WHEN YOU GET ON A WITNESS STAND, YOU
22 SAW WHAT YOU HAVE TO GO THROUGH. AND THEY HAD THE
23 COURAGE TO GET ON THAT WITNESS STAND AND TESTIFY
24 AGAINST THOSE FIVE DEFENDANTS. EVEN THOUGH SOME OF
25 THEM WERE FRIENDS WITH THEIR FAMILY, EVEN THOUGH SOME

1 FO THEM WERE FRIENDS WITH THE DEFENDANTS. THAT'
2 COURAGE. AND WHAT I'M ASKING OF YOU TODAY, LADIES AND
3 GENTLEMEN, IS THAT YOU DISPLAY THAT SAME DEGREE OF
4 COURAGE THAT EVERY SINGLE ONE OF THOSE WITNESSES HAD
5 WHEN YOU REACH YOUR VERDICT TODAY. HAVE THE COURAGE TO
6 DO THE RIGHT THING LIKE THOSE WITNESSES AND FIND THOSE
7 DEFENDANTS GUILTY OF MURDER, ARMED ROBBERY, AND
8 BURGLARY IN THE FIRST DEGREE. BECAUSE, LADIES AND
9 GENTLEMEN, HOW IS THERE ANY DOUBT WHATSOEVER, MUCH
10 LESS A REASONABLE DOUBT -- I'M GOING TO SAY IT BECAUSE
11 IM' GOING TO PROVE IT -- HOW IS THERE ANY DOUBT, MUCH
12 LESS A REASONABLE DOUBT THAT ALL FIVE OF THEM, AND
13 PATRICK TYLER ARE GUILTY. AND IF I'M WRONG, FIND THEM
14 NOT GUILTY, FIND THEM NOT GUILTY.

15 THERE WAS A BUNCH OF ASSERTIONS DURING THE TRIAL
16 AND IN CLOSING ARGUMENTS, WHERE ARE THE GUNS, WHERE
17 ARE THE GUNS? WELL, THEY KNOW WHERE THE GUNS ARE.
18 THEY'RE MARIO SHIVERS'S GUNS. THEY USED THEM. FIND
19 THEM NOT GUILTY, LET THEM GO BACK TO THEM. BUT TO
20 THAT, I SUBMIT YOU'D HAVE TO DISREGARD EVERY PIECE OF
21 EVIDENCE IN THIS CASE. BECAUSE THE EVIDENCE DOESN'T
22 JUST PROVE THE DEFENDANTS' GUILT BEYOND A REASONABLE
23 DOUBT, IT PROVES IT BEYOND ANY DOUBT WHATSOEVER.
24 THERE'S AN OLD EXPRESSION, FACTS ARE STUBBORN THINGS,
25 FACTS ARE STUBBORN THINGS, AND IN A MINUTE I'M GOING

1 TO TALK TO YOU ABOUT THOSE STUBBORN FACTS OF GUILT.
2 BUT FIRST I'M GOING TO PUT ONE THING TO REST RIGHT
3 NOW, WHICH IS WHY THE STATE OF SOUTH CAROLINA, WE HAVE
4 THE SOLE BURDEN OF PROOF. THE DEFENSE DOESN'T HAVE TO
5 ASK ONE QUESTION, THEY DON'T HAVE TO THROW UP ANY
6 ASSERTIONS OR SAY A WORD. BUT ONCE THEY DO START
7 THROWING UP ASSERTIONS, ONCE THEY DO START TALKING
8 THEY'RE SUBJECT TO SCRUTINY JUST LIKE ANYTHING ELSE.
9 AND FIRST AND FOREMOST, THINGS WE SAY AS ATTORNEYS,
10 QUESTIONS WE ASK ARE NOT EVIDENCE. THE ONLY THING YOU
11 AN CONSIDER FOR YOUR VERDICT IS WHAT YOU HEARD FROM
12 THAT WITNESS STAND AND WHAT YOU GET TO TAKE BACK WITH
13 YOU, THAT'S IT. NOT STATEMENTS FROM ATTORNEYS, JUST
14 THE EVIDENCE. BUT THE DEFENSE DOESN'T WANT YOU TO
15 BASE YOUR VERDICT ON THE EVIDENCE, THEY WANT YOU TO
16 BASE IT ON ASSERTIONS, ASSERTIONS, LIKE NO GUNS,
17 REASONABLE DOUBT, NO GUNS. THAT'S RIDICULOUS. WE
18 DON'T REWARD MURDERERS FOR WAITING A WEEK, TEN DAYS,
19 ALMOST TWO WEEKS BEFORE THEY TURN THEMSELVES IN. THEY
20 DON'T GET REWARD FOR THAT. AND BESIDES, WE GOT TO
21 SEE, YOU GOT TO WITNESS WHAT MURDERERS DO WITH THEIR
22 WEAPONS, THEY SELL THEM, LIKE WALTER HARRIS SOLD HIS
23 FORTY CALIBER PISTOL SATURDAY, I SUBMIT, THE DAY AFTER
24 THE MURDER, TO ANDRE WASHINGTON. WE DON'T REWARD
25 MURDERERS FOR GETTING RID OF THEIR WEAPONS AFTER A

1 MURDER AND WAITING TEN DAYS TO TURN THEMSELVES IN.

2 OH, ASSERTIONS LIKE, NO FINGERPRINTS, REASONABLE
3 DOUBT. THAT IS, THAT'S JUST UNTRUE. I HOPE IF
4 THERE'S ANYTHING YOU LEARNED DURING THE COURSE OF THIS
5 TRIAL, AND IT DRIVES ME UP A WALL, AND I HAVE TO
6 EXPLAIN IT TO MY FAMILY AND I HAVE TO EXPLAIN IT TO
7 FRIENDS, LIKE GERALD CARTER SAID, HE'S THE EXPERT, IT
8 IS A MISCONCEPTION THAT PEOPLE LEAVE FINGERPRINTS AND
9 DNA AT CRIME SCENES. AS HE SAID, JUST BECAUSE YOU
10 TOUCH SOMETHING DOESN'T MEAN YOU'RE GOING TO LEAVE A
11 FINGERPRINT WITH SUFFICIENT RIDGE DETAIL THAT YOU CAN
12 COMPARE IT WITH SOMETHING ELSE. YOU MIGHT LEAVE,
13 MIGHT LEAVE SMUDGES, BUT YOU'RE NOT GOING TO LEAVE
14 NECESSARILY FINGERPRINTS. THIS IS NOT CSI, IT'S NCIS,
15 IT'S NOT T.V., IT'S THE REAL WORLD. AND BESIDES, HOW
16 DO WE PROVE THAT, HOW DO YOU KNOW THAT? WHAT DOES
17 EVERYBODY TOUCH? A DOOR KNOB. AND THERE ARE NO
18 IDENTIFIABLE PRINTS ON THE DOOR KNOB BECAUSE IT IS A
19 MISCONCEPTION THAT WHEN YOU TOUCH SOMETHING YOU LEAVE
20 DNA OR A FINGERPRINT. IT'S CHARLES PRINGLE'S HOME,
21 COULDN'T FIND ANY OF HIS FINGERPRINTS IN THERE. WE
22 KNOW SOMEBODY MURDERED AND SHOT CHARLES PRINGLE
23 TWENTY-FOUR TIMES, BUT THERE ARE NO PRINTS OR DNA.
24 MISCONCEPTION. DON'T LET THEM GET AWAY WITH IT,
25 BECAUSE YOUR JOB IS NOT TO LOOK AT WHAT'S NOT THERE,

1 YOUR JOB IS TO LOOK AT WHAT IS THERE AND ASK
2 YOURSELVES, AM I FIRMLY CONVINCED OF THE DEFENDANT'S
3 GUILT?

4 ASSERTIONS LIKE, WHERE IS RONNIE WASHINGTON?
5 WELL, LET'S TALK ABOUT RONNIE WASHINGTON. WHERE IS
6 HE? WHY ISN'T HE CHARGED WITH MURDER YET? SOMEONE
7 SAID IN THEIR CLOSING STATEMENT, I ASSUME IT'S BECAUSE
8 THE PROSECUTION IN THEIR DEFENSE OF MAYBE MERE
9 PRESENCE. WELL, I APPRECIATE THEIR INDIGNATION
10 TOWARDS THE GET AWAY DRIVER, RONNIE WASHINGTON, IT
11 PROVES THAT THE DEFENDANTS ARE GUILTY. I APPRECIATE
12 THAT. BUT LET'S TALK ABOUT RONNIE. IT IS NOT
13 REASONABLE, HE CAME FORTH, AS YOU HEARD, TWO WEEKS
14 AGO, WHILE WE WERE GETTING READY FOR THIS TRIAL,
15 RONNIE WASHINGTON GOES TO THE SHERIFF'S OFFICE, THIS
16 CAME OUT, AND ADMITTED, I WAS THE GET AWAY DRIVER.
17 HOW DOES THAT HELP THEM? AND WE'LL TALK MORE ABOUT
18 THAT IN A MINUTE. I WAS THE GET AWAY DRIVER, AND I'M
19 FRIENDS WITH CHRIS COLEMAN, JUST LIKE PATRICK TYLER
20 TOLD YOU ON THE WITNESS STAND. HOW DOES THAT HELP
21 THEM? BUT HOW IS IT REASONABLE FOR RONNIE WASHINGTON
22 TO DRIVE THOSE SIX INDIVIDUALS ARMED WITH SKS'S, ARMED
23 WITH PISTOLS, DUCT TAPE, AS PATRICK TYLER TOLD YOU,
24 TALKING ABOUT THE ROBBERY IN THE CAR, HOW WOULD IT BE
25 REASONABLE FOR RONNIE WASHINGTON NOT TO KNOW WHAT'S

1 GOING TO HAPPEN? I SUBMIT, IT'S NOT. WELL, WHAT DOES
2 THAT MEAN? IT MEANS, AS THEY SAID, HE NEEDS TO BE
3 CHARGED. HOW CAN I ETHICALLY CALL A WITNESS IF I'M
4 ABOUT TO CHARGE HIM WITH A CRIME? I CAN'T. THAT'S
5 WHY RONNIE WASHINGTON IS NOT HERE. THAT'S THE TRUTH.
6 WELL, HOW CAN RONNIE WASHINGTON IN ANY WAY HELP THEM?
7 NOT AT ALL. IT KILLS THEM. HE CORROBORATES PATRICK
8 TYLER FROM THE TESTIMONY YOU GOT TO HEAR ABOUT RONNIE
9 WASHINGTON. HE WAS THE GET AWAY DRIVER, THAT'S THE
10 ONLY EVIDENCE IN THIS CASE, HE'S FRIENDS WITH
11 CHRISTOPHER COLEMAN, AND HE DROVE AN SUV, A JEEP TYPE
12 CAR, AN EXPLORER. AND THEY ACCURATELY POINT OUT THE
13 LAW WITH REGARD TO RONNIE WASHINGTON, I REALLY
14 APPRECIATED THAT AGAIN. YOU DO NOT HAVE TO BE THE
15 GUNMAN, YOU DO NOT EVEN HAVE TO GO IN THE HOUSE TO BE
16 GUILTY OF MURDER, ARMED ROBBERY, AND BURGLARY, THAT'S
17 EXACTLY RIGHT. BUT THEN THEY GET UP HERE AND
18 SOMETIMES MIS-STATE THE LAW WITH REGARDS TO THEIR
19 CLIENT.

20 AND ONE MIS-STATEMENT THAT WAS MADE, AND I DON'T
21 THINK IT WAS INTENTIONAL, BUT I WANT TO CORRECT
22 SOMETHING, THAT I CHANGED THE STANDARD OF PROOF FROM
23 BEYOND A REASONABLE DOUBT TO FIRMLY CONVINCED. WHEN
24 YOU LISTEN TO THE JUDGE'S CHARGE, LISTEN CAREFULLY
25 ABOUT REASONABLE DOUBT, YOU WILL HEAR THE WORDS,

1 FIRMLY CONVINCED. HE'S GOING TO TELL YOU IF YOU'RE
2 FIRMLY CONVINCED OF THE DEFENDANT'S GUILT THAT MEANS
3 THAT'S PROOF BEYOND A REASONABLE DOUBT, THAT MEANS YOU
4 MUST CONVICT THEM. I DIDN'T MIS-STATE ANYTHING.

5 INCONSISTENCIES. THERE ARE BROAD ASSERTIONS,
6 WHETHER ALL KINDS OF INCONSISTENCIES IN THE
7 STATEMENTS, INCONSISTENCIES ON THE WITNESS STAND, I
8 HOPE SO. THAT'S HOW YOU KNOW THINGS ARE CREDIBLE. YOU
9 KNOW THIS FROM YOUR OWN EXPERIENCE. TWO PEOPLE, JUST
10 TWO PEOPLE WITNESS THE SAME EVENT, YOU ASK THEM A
11 MINUTES LATER TO RECOUNT IT, THEY'RE ALL GOING TO HAVE
12 DIFFERENT DETAILS. THAT'S HOW YOU KNOW THEY'RE
13 CREDIBLE. IF THEY'RE GOING TO GET UP AND LIE, GET UP
14 THERE AND SAY THE SAME THING. BUT WE DON'T WANT THAT,
15 WE WANT THE TRUTH, WE WANT THE TRUTH. IT'S ABSOLUTELY
16 UNTRUE TO SAY THAT INCONSISTENCIES ARE ALWAYS A LACK
17 OF CREDIBILITY.

18 AND TALK ABOUT A LACK OF CREDIBILITY, LET'S SEE,
19 WHEN YOU GET UP IN AN OPENING STATEMENT AND SAY, WELL,
20 THE STATE WON'T PROVE THAT MY CLIENT WAS THERE, BUT IF
21 THEY DO PROVE HE WAS THERE, THEY WON'T PROVE HE
22 PARTICIPATED. NOW, I KNOW I HAVE THE SOLE BURDEN OF
23 PROOF, BUT HOW IS THAT CREDIBLE? COME ON.

24 MR. PALMER ADDRESSED, ACCURATELY SO, HE SPOKE
25 ABOUT THE LAW OF WITHDRAWAL, ABOUT HOW YOU CAN

1 WITHDRAW FROM A CRIME. HE WAS VERY ACCURATE IN THE
2 WAY HE EXPLAINED IT, AND I WOULD ALSO ASK THAT YOU
3 LISTEN TO THE JUDGE WHEN HE TELLS YOU ABOUT HOW YOU
4 CAN WITHDRAW FROM A CRIME. OKAY? THE PROBLEM FOR MR.
5 HARRIS IS, IN ORDER TO BE NOT GUILTY TO WITH DRAW FROM
6 THE CRIME YOU HAVE TO WITHDRAW BEFORE THE CONSPIRACY
7 STARTS. THE CONSPIRACY STARTED WHEN HE WENT IN THAT
8 HOUSE AND SCOPED IT OUT. YOU ALSO HAVE TO WITHDRAW
9 DURING THE ENTIRETY OF THE CRIME, AND AS WE KNOW, THE
10 ONLY EVIDENCE IN THIS CASE IS, HE WENT IN THERE WITH
11 DUCT TAPE AND PUT DUCT TAPE OVER THE VICTIM'S MOUTH.
12 BUT AGAIN, LISTEN TO THE JUDGE'S CHARGE ON THAT.

13 MISREPRESENTATIONS, AND I KNOW Y'ALL SAW, I WAS
14 OPENING A VESSEL OVER HERE AT ONE POINT AND I'M SORRY,
15 I APOLOGIZE, BUT TO GET UP HERE AND SAY TWO THINGS,
16 FIRST OF ALL, THAT CHRISTOPHER DWIGHT SHOULD HAVE BEEN
17 INVESTIGATED, THERE IS NO EVIDENCE, IT IS OFFENSIVE TO
18 COME IN A COURTROOM AND POINT THE FINGER AT SOMEBODY
19 WHEN THERE'S NO EVIDENCE THAT THEY HAD ANY INVOLVEMENT
20 IN THIS CRIME. THE ONLY EVIDENCE IS THAT MR. DWIGHT
21 ASSISTED LAW ENFORCEMENT IN FINDING THAT WEAPON. NONE
22 WHATSOEVER, IT'S OFFENSIVE TO MR. DWIGHT, WHO IS NOT
23 EVEN IN THIS COURTROOM TO ANSWER THAT. IT'S OFFENSIVE
24 TO THE PROCESS TO GET UP HERE IN FRONT OF YOU AND SAY
25 THAT THERE'S EVIDENCE THAT RALPH COLEMAN HAD PROBLEMS

1 WITH PATRICK TYLER, THAT PATRICK TYLER HAD ISSUES WITH
2 RALPH COLEMAN, WHEN THERE'S NO EVIDENCE OF THAT
3 WHATSOEVER, THAT'S A BLATANT UNTRUTH, BLATANT UNTRUTH.
4 THE ONLY EVIDENCE IS, THEY WERE BUDDIES, THEY WERE
5 HANGING OUT THAT NIGHT SMOKING MARIJUANA AT COLEMAN'S
6 FAMILY'S PLACE. THAT'S BLATANT UNTRUTH, NO EVIDENCE
7 OF THAT.

8 WE ALL HAD TO HEAR A BUNCH OF OLD PHRASES THAT WE
9 ALL HEARD IN LAW SCHOOL, MY FIRST DAY OF LAW SCHOOL,
10 THE FIRST PHRASE I EVER HEARD FOR LAWYERS, IF THE
11 FACTS AREN'T ON YOUR SIDE, ARGUE THE LAW. IF THE LAW
12 IS NOT ON YOUR SIDE, ARGUE THE FACTS. IF NEITHER ARE
13 ON YOUR SIDE TRY TO CONFUSE THE JURY. THAT'S ALL
14 THEY'RE TRYING TO DO. NONE OF THEM, THE FACTS OR THE
15 LAW, NONE OF IT IS ON THEIR SIDE. CONFUSE THE JURY.

16 LADIES AND GENTLEMEN, ALL THESE DIVERSIONS, THESE
17 ASSERTIONS, THEY'RE JUST ATTEMPTS TO DIVERT YOUR
18 ATTENTION AWAY FROM THE FACTS OF THIS CASE. QUICK
19 STORIES, QUICK STORIES. I WAS THINKING ABOUT IT WHEN
20 I WAS SITTING THERE, I LOVED BASEBALL GROWING UP, I
21 LOVED IT. MY FAVORITE BASEBALL TO THIS DAY IS HANK
22 AARON. EVERY TIME HE WAS ON T.V. I'D GO WATCH IT, I'D
23 WATCH. I BEGGED MY FATHER TO TAKE ME TO GAMES IN
24 ATLANTA. AND ONE SATURDAY I'M WATCHING THE SATURDAY
25 AFTERNOON GAME ON NBC, I'LL NEVER FORGET IT, AND

1 YOU'RE GOING TO HAVE TO EXPLAIN TO SOME OF THE YOUNGER
2 JURORS HOW WE ONLY HAD THREE CHANNELS BACK THEN AND IT
3 WAS A BIG DEAL TO GET A BASEBALL ON SATURDAY, TO WATCH
4 A GAME WITH JOE GRAGIOLI AND TONY CUBECK. AND HANK
5 AARON WAS GETTING UP THERE IN AGE AND HE WAS FACING A
6 GUY NAMED NOLAN RYAN, THE HARDEST PITCHER IN THE
7 HISTORY OF BASEBALL. AND HANK AARON -- AND I WAS WITH
8 MY GRANDFATHER, MY UNCLE, AND I WATCHED HANK AARON HIT
9 A HOME RUN ON NOLAN RYAN, AND I SAW TONY CUBECK
10 INTERVIEW HANK AARON AT THE END OF THE GAME. AND HE
11 ASKED HIM, HANK, YOU'RE GETTING UP THERE IN AGE, HOW
12 IS IT THAT YOU'RE ABLE TO HIT THAT FAST BALL SO WELL
13 WHEN IT'S OVER A HUNDRED MILES AN HOUR? AND HANK
14 AARON SMILED AND HE SAID, IT'S EASY, I JUST KEEP MY
15 EYE ON THE BALL. I MEAN, TALK ABOUT ADVICE FOR, NOT
16 JUST HITTING A BASEBALL, BUT FOR LIFE. VERDICT COMES
17 FROM THE LATIN WORD, VERE DICTO, IT MEANS TO SPEAK THE
18 TRUTH. IF YOU KEEP YOUR EYE ON THE BALL IN THIS CASE,
19 IF YOU STAY FOCUSED ON WHAT'S IN FRONT OF YOU AND NOT
20 ON THE DIVERSIONS AND THE ASSERTIONS, THE ONLY VERDICT
21 YOU CAN RENDER IS GUILTY. BECAUSE AS THE JUDGE IS
22 GOING TO TELL YOU, THERE ARE VERY FEW THINGS IN THIS
23 WORLD WE KNOW WITH ABSOLUTE CERTAINTY, AND IN CRIMINAL
24 CASES THE STATE DOESN'T HAVE TO PROVE A DEFENDANT'S
25 GUILT BEYOND ANY AND ALL CERTAINTY. BUT IF THERE'S

1 EVER A CASE WHERE THAT'S DONE, IT'S THIS ONE. LET'S
2 START TALKING ABOUT THOSE STUBBORN FACTS VERY BRIEFLY,
3 THOSE STUBBORN FACTS OF GUILT.

4 FIRST, PATRICK TYLER, AND LOOK AT THE
5 CIRCUMSTANCES WITH PATRICK TYLER WHEN YOU'RE ASSESSING
6 HIS CREDIBILITY. OKAY? HE WAS SIXTEEN YEARS OLD.
7 AGAIN, IT DOESN'T MINIMIZE WHAT HE DID, HE HAS TO BE
8 TREATED AS AN ADULT EVEN AT SIXTEEN. I AIN'T CUTTING
9 HIM A DEAL. HE ISN'T GOING TO GET TO BE TREATED AS A
10 JUVENILE. YOU SAW HIM, I WASN'T PROUD OF THIS. IT
11 DOESN'T MAKE ME FEEL GOOD TO BRING PEOPLE IN HERE IN
12 ORANGE JUMP SUITS AND CHAINS. BUT HE COMMITTED A
13 HORRIBLE ACT AND HE HAS TO PAY FOR IT. SIXTEEN YEARS
14 OLD, AND HE'S HANGING OUT WITH PEOPLE THREE, FOUR,
15 FIVE YEARS OLDER THAN HIM. AND NOW, BECAUSE OF THAT -
16 - AND I'M NOT EXCUSING IT, BUT BECAUSE OF WHAT HE
17 DECIDED TO DO AT SIXTEEN, HANGING OUT WITH THEM, HE'S
18 LOOKING AT A SENTENCE OF FIFTEEN YEARS TO LIFE. THINK
19 ABOUT HIS CIRCUMSTANCES WHEN YOU ASSESS WHAT HE TOLD
20 THE POLICE AND NOW. HOW SHOULD HE BE HELD RESPONSIBLE
21 AND THEY NOT? AND HE WAS ASKED AT ONE POINT ON CROSS-
22 EXAMINATION, AREN'T YOU JUST MINIMIZING WHAT YOU DID,
23 MR. TYLER? YOU'RE MINIMIZING WHAT YOU DID, BECAUSE
24 YOU CLAIM YOU DIDN'T HAVE A GUN. WELL, TWO QUICK
25 POINTS, HOW DO THEY KNOW HE'S MINIMIZING WHAT HE DID

1 IF THEY DIDN'T GO IN THERE? AND MORE IMPORTANTLY, HIS
2 ANSWER, HOW AM I MINIMIZING IT, SIR, WHEN, YEAH, I
3 SAID I DIDN'T GO IN THREE WITH A GUN, BUT I'M STILL
4 PLEADING GUILTY TO BURGLARY IN THE FIRST DEGREE. I'M
5 STILL PLEADING GUILTY TO ARMED ROBBERY, AND I'M STILL
6 PLEADING GUILTY TO THE HOMICIDE. HOW IS THAT
7 MINIMIZING YOUR GUILT? SAY WHAT YOU WANT ABOUT
8 PATRICK TYLER, BUT HE ACCEPTED RESPONSIBILITY IN THIS
9 COURTROOM, AND HE ACCEPTED RESPONSIBILITY ON MARCH THE
10 EIGHTEENTH WITH INVESTIGATOR SHUMPERT.

11 AND LET'S TALK ABOUT THAT, THE STATEMENT THAT HE
12 GAVE TO INVESTIGATOR SHUMPERT AT FOUR:FORTY-THREE P.M.
13 ON MARCH THE EIGHTEENTH. HE TOLD INVESTIGATOR
14 SHUMPERT THAT DAY, AFTER HE BROKE DOWN AND CRIED,
15 EVERYBODY THAT WSA INVOLVED IN THIS MURDER, INCLUDING
16 HIMSELF, EVERYBODY. HE ALSO TOLD YOU, HE WAS HONEST
17 ABOUT HIS STATEMENT, WHICH IS DEFENSE EXHIBIT TWO, HE
18 TOLD YOU ON THE WITNESS STAND, I WASN'T A HUNDRED PER
19 CENT ACCURATE IN THE STATEMENT. I DIDN'T WANT TO TELL
20 THE POLICE THAT I KNEW EVERYBODY'S REAL NAME. I WASN'T
21 A HUNDRED PER CENT ACCURATE, IW AS SCARED, I WAS
22 CRYING, BUT I TOLD THEM WHO THE SIX PEOPLE WERE . AND
23 WHAT MAKES THIS STATEMENT REALLY CREDIBLE? TWO
24 THINGS: NUMBER ONE, THE STATEMENT BY ITSELF CONVICTS
25 ALL SIX OF THEM. SO IF HE WANTED TO LIE, ALL HE NEEDS

1 TO DO IS GET ON THE WITNESS STAND AND SAY EXACTLY
2 WHAT'S IN THE STATEMENT. IF HE WAS GOING TO LIE TO
3 YOU, JUST GET UP THERE AND SAY THE EXACT SAME THAT'S
4 IN THE STATEMENT BECAUSE IT CONVICTS ALL SIX OF THEM,
5 HIMSELF AND THE FIVE DEFENDANTS. BUT HE DIDN'T DO
6 THAT, HE TOLD YOU THE TRUTH. THERE ARE SOME THINGS IN
7 THE STATEMENT THAT AREN'T TRUE THAT Y'ALL NEED TO KNOW
8 ABOUT, LIKE, HOW I GOT A RIDE TO THE WOODBINE ADDRESS;
9 LIKE, WHO HAD WHICH GUN; LIKE WHO WENT IN THE HOUSE AT
10 WHAT TIME; AND WHAT WAS SAID AND DONE AFTER THE
11 MURDER. AND HOW ELSE DO WE KNOW THAT'S TRUE? LIKE
12 INVESTIGATOR SHUMPERT TOLD YOU, WHAT'S GREAT ABOUT
13 THAT STATEMENT, WHAT MAKES IT TRUSTWORTHY IS, HE
14 IMPLICATES HIMSELF. THAT'S WHAT MAKES A DEFENDANT'S
15 STATEMENT TRUSTWORTHY, WHEN YOU IMPLICATE YOURSELF
16 AND, YOU SAY, YEAH, I'M GUILTY, TOO. IT'S NOT LIKE HE
17 WENT TO THE POLICE AND SAID, I DIDN'T HAVE ANYTHING TO
18 DO WITH IT, I WAS JUST IN THE CAR, THEY DID IT. HE
19 IMPLICATED HIMSELF, AND THAT'S WHAT MAKE THAT
20 STATEMENT TRUSTWORTHY. STUBBORN FACTS OF GUILT. AND
21 WHAT MAKES IT TRUSTWORTHY IS, HE GOT ON THAT WITNESS
22 STAND AND HAD THE GUTS TO FACE THOSE FIVE LAWYERS AND
23 TESTIFY. AND LET'S TALK ABOUT WHAT HE TESTIFIED TO.

24 HE TESTIFIED THAT THAT EARLY, LATE AFTERNOON,
25 EARLY EVENING HE WAS HANGING OUT WITH HIS FRIEND,

1 DARIUS GARNER. HE GETS A PHONE CALL, OR HE TALKS ON
2 THE PHONE WITH DANNY RYANT. DURING THAT CONVERSATION
3 DANNY RYANT TELLS HIM, HEY, MARIO SHIVERS HAS SOME
4 GUNS, YOU NEED TO GO CHECK THESE GUNS OUT. RIGHT
5 AFTER HE TALKS TO DANNY RYANT HE GETS ON THE PHONE
6 WITH MARIO SHIVERS. SOMETIME AROUND SEVEN:THIRTY HE
7 HAS DARIUS TAKE HIM TO WOODBINE STREET WHERE THE FOUR
8 OF THEM AT THAT TIME, RALPH COLEMAN AND MARIO SHIVERS
9 ARE SMOKING MARIJUANA AT WOODBINE STREET, COLEMAN'S
10 PLACE. DARIUS LEAVES, AND HE ADMITTED TO YOU THAT
11 THAT'S WHEN THEY STARTED TALKING ABOUT ROBBING CHARLES
12 PRINGLE. HE DIDN'T LIE. HE DIDN'T SAY, OH, I DIDN'T
13 HAVE ANYTHING TO DO WITH IT. HUH-UH. HE ADMITTED TO
14 THAT.

15 HE ALSO TOLD YOU THAT CHRIS COLEMAN ARRIVES WITH
16 A DRIVER, AND I DON'T KNOW WHO THE DRIVER IS, BUT THEY
17 ARRIVE IN AN SUV. THEY GET IN THE CAR, THEY TALK
18 ABOUT THE ROBBERY, AND THE DRIVER, WHO I DON'T KNOW,
19 IS DRIVING US IN THAT SUV, THE DRIVER IS CHRIS
20 COLEMAN'S FRIEND.

21 HE TELLS YOU THAT AT ONE POINT WALTER SHIVERS
22 CALLS WALTER HARRIS, THAT THEY GO AND PICK UP WALTER
23 HARRIS, AND WALTER HARRIS IS PACKING A BLACK GUN.
24 WALTER HARRIS GOES INTO CHARLES PRINGLE'S APARTMENT.
25 WHY WOULD THEY PICK WALTER HARRIS, WHY DOES HE NEED TO

1 GO IN? BECAUSE THEY KNOW THAT CHARLES PRINGLE WON'T
2 KNOW WALTER HARRIS. SO, HE GOES IN THERE TO SCOPE IT
3 OUT. HE COMES BACK OUT AND HE SAYS, THERE'S SOMEBODY
4 IN THERE I KNOW. SO, ACCORDING TO PATRICK TYLER -- AND
5 I WANT YOU TO REMEMBER THE TESTIMONY BECAUSE AT THE
6 END I'M GOING TO CORROBORATE THESE PHONE CALLS --
7 PATRICK TYLER SAYS THEY THEN CALL DANNY RYANT, AND
8 THEY GO AND PICK DANNY RYANT UP ABOUT A HALF A MILE
9 FROM CHARLES PRINGLE'S AT THE CORNER POCKET. AND THEN
10 ALL SIX OF THEM GO INTO CHARLES PRINGLE'S APARTMENT
11 ARMED WITH GUNS AND DUCT TAPE TO ROB HIM, TO
12 BURGLARIZE HIS HOME, AND THEY KILL HIM. ALL FOUR
13 WEAPONS WERE USED TO GUN HIM DOWN.

14 THE TESTIMONY OF PATRICK TYLER IS THE ONLY
15 EVIDENCE IN THIS CASE. THINK ABOUT THAT. IT IS THE
16 ONLY EVIDENCE IN THIS CASE. HIS TESTIMONY BY ITSELF
17 PROVES THE DEFENDANTS' GUILT BEYOND A REASONABLE
18 DOUBT. BUT WHAT MAKES THIS CASE EVEN MORE THAN BEYOND
19 A REASONABLE DOUBT IS THE UNBELIEVABLE AMOUNT OF
20 CORROBORATION TO PATRICK TYLER'S TESTIMONY,
21 UNBELIEVABLE AMOUNT OF CORROBORATION. FIRST, WE HAVE
22 ASHLEY PARSLEY, ASHLEY PARSLEY. AND SHE WAS HONEST
23 WITH YOU. SHE OBVIOUSLY TOLD YOU, SHE'S NOT PERFECT,
24 BUT SHE TOLD YOU THE TRUTH. SHE SOLD MARIJUANA. SHE
25 ALSO TOLD YOU HOW SOMEONE HAD COME INTO THE HOUSE

1 EARLIER, TO THE APARTMENT EARLIER TO OSTENSIBLY BUY
2 MARIJUANA AND THAT LATER ON THAT NIGHT THE HOME
3 INVASION OCCURRED. SHE TOLD YOU SHE DIDN'T SEE
4 EVERYBODY, THAT ONE PERSON CAME IN THERE, I SUBMIT,
5 PATRICK TYLER, WHY SHE COULDN'T PICK HIM OUT, COVERING
6 HIS FACE UP, AND THE SECOND PERSON BEHIND HIM HAD A
7 GUN, SHOVED IT INTO HER FACE AND SAID, GET ON THE
8 GROUND. SHE HEARD THE FOOTSTEPS, SHE HEARD THE DUCT
9 TAPE, SHE HEARD THE GUN SHOTS. SHE HEARD THE MALICE,
10 SHE HEARD THE HORRIFYING ACTS OF THAT NIGHT WHEN HER
11 FRIEND WAS GUNNED DOWN. AND SHE WAS HONEST WITH YOU,
12 AND SHE WAS HONEST WITH THE POLICE. SHE COULDN'T --
13 THEY SHOWED HER MULTIPLE LINEUPS. TALK ABOUT
14 CREDIBILITY, SHE CALLED NINE ONE ONE, OF CORSE, BUT
15 TALK ABOUT CREDIBILITY, IF WE'RE GOING TO GET HER TO
16 LIE, ESPECIALLY AFTER THEY KNOW WHO'S INVOLVED, GET
17 HER TO PICK THEM ALL OUT OF THE PHOTO LINEUP, PICK
18 THEM ALL. SHE'S NOT GOING TO DO THAT, BUT ISN'T IT
19 INTERESTING WHO SHE IS ABLE TO PICK OUT? SHE PICKS
20 OUT RALPH COLEMAN. WHY WOULD SHE PICK OUT RALPH
21 COLEMAN? IS IT BECAUSE PATRICK TYLER SAYS THAT HE WAS
22 RIGHT BEHIND HIM, AND HE'S THE ONE THAT SHOVED THE GUN
23 IN HER FACE? THAT WOULD BE ONE OF THE DEFENDANTS THAT
24 SHE GOT THE BEST LOOK AT, RALPH COLEMAN. WHY WOULD
25 YOU BE ABLE TO MAYBE PICK OUT MARIO SHIVERS AND THINK

1 THAT HE WAS IN THERE? IS IT BECAUSE MARIO SHIVERS IS
2 THE MAIN GUY GOING IN THERE CALLING THE SHOTS, THE
3 MAIN ONE TALKING THAT YOUR ATTENTION WOULD GO TOWARDS?
4 AND OF COURSE, SHE PICKS OUT WALTER HARRIS FROM COMING
5 IN THERE EARLIER THAT NIGHT. PROOF BEYOND A
6 REASONABLE DOUBT? ARE YOU KIDDING ME?

7 AND THEN THE ATTORNEYS, NOT ONLY IN CLOSING BUT
8 DURING THE QUESTIONING OF WITNESSES, THEY SAID, WELL,
9 THERE'S A BLACK LIGHT, OR A LIGHT BULB, AND YOU CAN'T
10 SEE AS WELL. UNDER THEIR OWN CROSS-EXAMINATION, HE
11 ASKED SHANNON MITCHELL, MR. WISE DID, WITH THAT
12 LIGHTING, COULD YOU SEE MY FACIAL FEATURES FROM HERE?
13 AND HE SAID, YES, SIR. WELL, COULD YOU SEE SOMEBODY'S
14 FACIAL FEATURES FROM HERE?

15 YOU HEARD FROM SHANNON MITCHELL. HE TOLD THE
16 POLICE THAT HOURS, JUST HOURS AFTER THE MURDER, HOURS
17 AFTER THE MURDER THAT WALTER HARRIS WAS IN THAT
18 APARTMENT, AND HE TOLD Y'ALL, I DON'T KNOW OF WALTER
19 HARRIS EVER COMING IN THERE BEFORE. WHY WOULD WALTER
20 HARRIS BE THERE UNLESS HE'S GETTING READY TO HELP THEM
21 DO A ROBBERY, JUST AS PATRICK TYLER TESTIFIED TO,
22 THAT WALTER HARRIS WENT IN THERE FIRST AND THEN CAME
23 BACK OUT?

24 YOU HEARD FROM DARIUS GARNER. HE TOLD YOU HOW HE
25 AND PATRICK TYLER HAD BEEN HANGING OUT TOGETHER, AND

1 THAT HE TOOK THE DEFENDANT, OR TOOK PATRICK TYLER TO
2 WOODBINE, JUST LIKE PATRICK TYLER TOLD YOU. AND IF WE
3 WERE GOING TO GET DARIUS TO LIE, HE SAID THAT THERE
4 WERE TWO OTHER PEOPLE THERE, ONE OF THEM HE KNEW,
5 LITTLE M, MARIO SHIVERS. THE OTHER ONE I DIDN'T KNOW
6 BUT HE HAD DREDS, AND HE WAS STOCKY. WE KNOW IT WAS
7 RALPH COLEMAN BECAUSE PATRICK TOLD US THAT. AND WHAT
8 ELSE DOES DARIOUS SAY, BEFORE I FORGET? HE DOESN'T LIE
9 AND SAY, I SAW THE GUNS, BUT HE DOES SAY, I SAW A
10 RIFLE BAG, A CAMOUFLAGE RIFLE BAG. ANYBODY WANT TO
11 GUESS WHAT WAS IN THAT BAG? PROOF BEYOND A REASONABLE
12 DOUBT?

13 THEN YOU HEARD ABOUT THE FORD EXPLORER. I'VE
14 ALREADY TALKED ABOUT IT SOME, BUT AGAIN, IT
15 CORROBORATES PATRICK TYLER. HE TOLD Y'ALL, HE TOLD
16 THE POLICE THAT HE WAS PICKED UP IN AN SUV, A JEEP
17 LIKE VEHICLE. HE TOLD YOU AN EXPLORER. AND WE KNOWN
18 IT HAD TO BE SOME KIND OF SUV, I MEAN, I KNOW THEY'RE
19 ONLY DRIVING A HALF A MILE FROM CORNER POCKET AND FROM
20 HOUSE TO THE VICTIM'S PLACE, BUT WE KNOW IT'S NOT
21 GOING TO BE A PINTO WITH SIX PEOPLE IN IT, OR A GOLF
22 CART. AND WHAT DO WE FIND OUT? RONNIE WASHINGTON WAS
23 THE GET AWAY DRIVER, RONNIE WASHINGTON DROVE THEM IN
24 THIS VEHICLE, SOMEBODY PATRICK TYLER DIDN'T KNOW,
25 CHRIS COLEMAN'S FRIEND. CORROBORATION.

1 YOU HEARD FROM MONEAK BUSBY AND YVONNE
2 SHARPERSON. AND I WANT TO MAKE SURE THAT I GET THIS
3 RIGHT. I DON'T WANT TO MISREPRESENT ANYTHING, BUT BOTH
4 OF THEM ARE FRIENDS OF DANNY RYANT. IT WAS NOT EASY
5 FOR THEM TO COME IN HERE AND TESTIFY, IT COULDN'T BE.
6 WELL, YOU KNOW THEY DIDN'T WANT TO COME IN HERE AND
7 TESTIFY AGAINST HIM. BUT WHAT DID, I BELIEVE IT WAS
8 MS. SHARPERSON, TELL THE POLICE BACK THEN AND TELL YOU
9 TODAY, OR IN THE COURTROOM, THIS WEEK? SHE'S THE ONE
10 WHO TOLD THE POLICE RYANT'S FAMILY WAS EVEN LOOKING
11 FOR HIM IN THE CORNER POCKET. FOR A WHILE THEY
12 COULDN'T FIND HIM. AND MORE IMPORTANTLY, WHAT DID
13 MONEAK BUSBY TELL THE POLICE, AND SHE GOT HERE AND
14 TESTIFIED TO? SHE TOLD THEM THAT NOT ONLY WAS DANNY
15 RYANT MISSING, BUT HE WENT TO THE DOOR AND LEFT WITH
16 TWO PEOPLE, AND SHE PICKED OUT MARIO SHIVERS AND
17 PATRICK TYLER. PROOF BEYOND ANY DOUBT, CORROBORATING
18 PATRICK TYLER.

19 WE HEARD FROM ANDRE WASHINGTON, A
20 MISREPRESENTATION THAT WAS BROUGHT UP IN THE CLOSING
21 AND I JUST REMEMBERED, SHE SAID, ONE OF THE ATTORNEYS
22 SAID THAT ANDRE WASHINGTON BOUGHT THIS GUN FROM
23 CHRISTOPHER DWIGHT. NO, NO, NO, THAT'S NOT TRUE. THE
24 EVIDENCE IS, ANDRE WASHINGTON BOUGHT THIS GUN FROM
25 WALTER HARRIS ON SATURDAY, BEFORE HE SOLD THE GUN ON

1 MARCH THE SEVENTEENTH. THAT WOULD BE SATURDAY, MARCH
2 THE THIRTEENTH, THE DAY AFTER THAT GUN IS USED TO KILL
3 CHARLES PRINGLE. THE DAY AFTER WALTER HARRIS GAVE
4 THAT GUN TO RALPH COLEMAN TO KILL CHARLES PRINGLE HE'S
5 SELLING IT TO ANDRE WASHINGTON.

6 PATRICK TYLER, HE WASN'T GOING TO LIE, HE WASN'T
7 GOING TO SAY, YES, THAT'S THE GUN. HE WAS HONEST, HE
8 SAID, I DIDN'T GET AS GOOD A LOOK AT RALPH, OR EXCUSE
9 ME, AT WALTER HARRIS'S GUN, THE ONE RALPH USED,
10 BECAUSE IT WAS HARRIS'S GUN. I SAW THE NINE
11 MILLIMETER THAT BELONGED TO MARIO SHIVERS THAT CHRIS
12 COLEMAN, BUT I NEVER HANDLED THIS, I JUST REMEMBER IT
13 WAS A BLACK GUN. AND WE GOT LUCKY AND WE GOT THIS GUN
14 RIGHT AFTER THE MURDER, WALTER HARRIS'S FORTY CALIBER,
15 BLACK, JUST LIKE PATRICK TYLER TOLD YOU IT WOULD BE,
16 USED TO KILL CHARLES PRINGLE.

17 YOU HEARD FROM THE CRIME SCENE, BALLISTICS, AND
18 DR. ROSS ABOUT THIS CRIME. WE LEARNED THAT THERE WERE
19 AT LEAST FOUR FIREARMS USED, TWO SKS RIFLES, ONE NINE
20 MILLIMETER PISTOL AND ONE FORTY CALIBER PISTOL, JUST
21 LIKE PATRICK TYLER TOLD US, CORROBORATION. YOU
22 LEARNED THAT TWENTY-FOUR BULLET WOUNDS WENT INTO THE
23 VICTIM, WITH THE BULLETS GOING IN DIFFERENT
24 DIRECTIONS, LACERATING HIS HEART, HIS LUNGS, HIS
25 LIVER. DANNY RYANT AND MARIO SHIVERS POSSESSED THE

1 SKS'S AND ONE OF THEM FIRED ONE SHOT, THE OTHER FIRED
2 FOUR. IT DOESN'T MATTER WHO FIRED WHICH ONE, THEY'RE
3 BOTH GUILTY OF MURDER, BURGLARY, AND ARMED ROBBERY.
4 WE LEARNED THAT CHRIS COLEMAN HAD A NINE MILLIMETER,
5 HE FIRED ELEVEN SHOTS, MANY OF THOSE SHOTS INTO THE
6 VICTIM AT POINT BLANK RANGE WHILE HE'S LYING ON THE
7 GROUND. WE LEARNED THAT RALPH COLEMAN HAD WALTER
8 HARRIS'S FORTY CALIBER, EIGHT SHOTS INTO THE VICTIM BY
9 RALPH COLEMAN. A LOT OF THOSE SHOTS WHILE THE VICTIM
10 IS LYING ON THE GROUND. AND WALTER HARRIS GAVE RALPH
11 COLEMAN THIS GUN, AND THAT WALTER HARRIS HAD THE DUCT
12 TAPE, AND HE PUT THE DUCT TAPE OVER THE VICTIM'S
13 MOUTH. AND I REMEMBER, THEY WERE TRYING TO IMPEACH
14 PATRICK ON THE WITNESS STAND ABOUT HOW, HOW COULD HE
15 TALK WITH DUCT TAPE OVER HIS MOUTH? AND THEY WOULDN'T
16 LET PATRICK ANSWER THE QUESTION. YOU LOOK AT THE
17 PICTURE WHEN YOU TAKE IT BACK IN CHAMBERS. YOU CAN
18 TELL IT'S OVER HIS MOUTH, OVER THE TOP, SO HE COULD
19 TALK.

20 HOW MUCH MORE MALICIOUS CAN YOU GET THAN INVADING
21 ANOTHER PERSON'S HOME WITH FOUR WEAPONS? I'M ALMOST
22 DONE. THE FINAL PIECE OF CORROBORATION I WANT TO TALK
23 TO YOU ABOUT ARE THE PHONE RECORDS AND THE TIME LINE
24 THAT CORROBORATE PATRICK TYLER. AND YOU'LL HAVE THE
25 ACTUAL PHONE RECORDS IN CHAMBERS, AND THIS IS A BLOW

1 UP USED TO HELP ME. AND YOU'RE GOING TO HAVE THESE
2 RECORDS BACK THERE, AND YOU'RE GOING TO HAVE --
3 BECAUSE REMEMBER, THE POLICE GOT LUCKY, WITHIN LESS
4 THAN A WEEK OF THIS CRIME THEY WERE ABLE TO GET TYLER
5 AND GET HARRIS SO THEY WERE ABLE TO GET THEIR RECORDS.
6 AND THEY GOT THE PHONE RECORDS. NOW, WHAT DO WE FIND
7 OUT WHEN WE LOOK AT THEIR PHONE RECORDS DURING THIS
8 TRIAL? THAT AT SIX:THIRTY-ONE TO SIX:FORTY RYANT
9 CALLS PATRICK TYLER, JUST LIKE PATRICK TYLER TOLD US,
10 I GOT A PHONE CALL FROM DANNY RYANT. NUMBER OF PHONE
11 CALLS FROM SIX:THIRTY-ONE TO ABOUT, IT LOOKS LIKE
12 SIX:FORTY-FOUR, ACTUALLY, WHERE HE'S TELLING ME ABOUT
13 THE GUNS MARIO HAS. WHAT WAS PATRICK'S NEXT
14 TESTIMONY? THAT I GOT A HOLD OF MARIO SHIVERS. AND
15 FROM SIX:FORTY-SIX TO SEVEN:TWENTY-SIX, YOU'RE GOING
16 TO SEE PHONE CALLS ON PATRICK TYLER'S PHONE RECORDS
17 FROM MARIO SHIVERS, EIGHTEEN:FORTY-FOUR HOURS TO
18 NINETEEN:TWENTY-SIX HOURS, MARIO SHIVERS. AND THEN WE
19 THEN KNOW THAT SOMETIME AFTER SEVEN:THIRTY, ACCORDING
20 TO NOT ONLY THEIRS BUT PATRICK TYLER, THEY GO TO THE
21 HOME ON WOODBINE. WE ALSO KNOW THAT THEY CONSPIRED TO
22 COMMIT THE ROBBERY, THEY'RE PICKED UP BY CHRIS AND
23 RONNIE WASHINGTON. WE ALSO KNOW FROM PATRICK TYLER,
24 MARIO SHIVERS CALLED WALTER HARRIS, AND SURE ENOUGH,
25 ON WALTER HARRIS'S PHONE RECORDS, AT EIGHT:FIFTY-TWO,

1 WHICH IS TWENTY:FIFTY-TWO HOURS, HE GETS A PHONE CALL
2 FORM MARIO SHIVERS. THIS IS PROOF BEYOND A REASONABLE
3 DOUBT. CORROBORATION. EIGHT:FIFTY-TWO, AND THERE ARE
4 THREE CONVERSATIONS UP TO EIGHT:FIFTY-SEVEN, WHICH I
5 SUBMIT WAS RIGHT AFTER THAT TIME THEY PICKED HIM UP.

6 WE ALSO LEARNED FROM PATRICK TYLER THAT AFTER
7 HARRIS GOES IN THEY DECIDE TO GET ANOTHER GUN, ANOTHER
8 PERSON INVOLVED, DANNY RYANT. AND PATRICK TYLER TOLD
9 YOU, I CALLED DANNY RYANT. WELL, IF THAT'S TRUE THAT
10 WOULD BE ON PATRICK TYLER'S PHONE RECORDS. TWENTY-
11 ONE:THIRTY-FOUR HOURS, WHICH IS NINE:THIRTY-FOUR, HE
12 CALLS DANNY RYANT. THEY TALK FOR A COUPLE OF MINUTES.
13 AT NINE:FORTY HE CALLS HIM BACK, I SUBMIT PROBABLY TO
14 SAY, I'M OUTSIDE, AND DANNY RYANT IS GONE FROM THE
15 CORNER POCKET, ACCORDING TO MONEAK BUSBY.
16 CORROBORATION.

17 AT NINE:FORTY CHARLES PRINGLE DOESN'T HAVE MORE
18 THAN FIFTEEN MINUTES TO LIVE, BECAUSE SIX MEN, SEVEN
19 COUNTING RONNIE WASHINGTON, ARE ON THE WAY TO HIS
20 HOUSE TO ROB AND BURGLARIZE HIM AND THEN GUN HIM DOWN,
21 LESS THAN FIFTEEN MINUTES FOR HER SON TO LIVE.

22 NINE:FIFTY-EIGHT, SERGEANT CARTER OF THE
23 SHERIFF'S DEPARTMENT IS DISPATCHED TO KINGS ROAD.
24 CHARLES PRINGLE IS DEAD. AT TEN:O-TWO, PATRICK TYLER
25 TOLD Y'ALL, AS DID DARIUS, THAT HE CALLED HIS FRIEND

1 TO COME PICK HIM UP IN THAT COLEMAN AREA OFF OF
2 BELLEVILLE AND GIVE HIM A RIDE TO SANTEE. THAT'S WHAT
3 ONE THE PHONE RECORDS, AT TEN:O-TWO HE'S CALLING
4 DARIUS GARNER TO PICK HIM UP. THREE PHONE CALLS, IT'S
5 THE ONES AT TWENTY-TWO:O-ONE TO TWENTY-TWO:O-SEVEN,
6 JUST LIKE PATRICK TYLER TOLD YOU.

7 ONE MORE INTERESTING THING ABOUT THESE PHONE
8 RECORDS, BETWEEN THE HOURS OF THE CONSPIRACY AFTER
9 WALTER HARRIS GETS PICKED UP TO START THE ROBBERY OF
10 CHARLES PRINGLE, HE MAKES NO MORE PHONE CALLS OR GETS
11 NO MORE PHONE CALLS UNTIL TEN:O-FIVE P.M., AFTER THE
12 MURDER OF CHARLES PRINGLE. HE GOES OVER AN HOUR
13 WITHOUT ANY PHONE CALLS TO OR FROM HIS PHONE. WHY?
14 BECAUSE HE'S INVOLVED IN THE ROBBERY AND MURDER OF
15 CHARLES PRINGLE.

16 NOT PROOF BEYOND A REASONABLE DOUBT, LADIES AND
17 GENTLEMEN, YES, PROOF BEYOND ANY POSSIBLE DOUBT
18 WHATSOEVER. YOUR JOB IS EASY. DO THE RIGHT THING AND
19 CONVICT THOSE FIVE MEN FOR WHAT THEY DID. IT'S BEEN
20 MADE EASY BECAUSE PEOPLE HAD THE COURAGE TO COME INTO
21 THIS COURTROOM AND TESTIFY . THEY HAD THE COURAGE TO
22 COME FORWARD IN MARCH. DO THE RIGHT THING. ON MARCH
23 THE TWELFTH OF THIS YEAR WHEN PATRICK TYLER AND THOSE
24 FIVE DEFENDANTS WENT INTO CHARLES PRINGLE'S HOME TO
25 ROB HIM THEY THOUGHT NOBODY CARED. WHEN THEY GUNNED

1 HIM DOWN TWENTY-FOUR TIMES THEY THOUGHT THEY HAD GOT
2 AWAY WITH MURDER. PROVE THEM WRONG.

3 IN CLOSING, I WANT TO THANK YOU AGAIN. YOU HAVE
4 BEEN UNBELIEVABLY ATTENTIVE. I'VE NEVER HAD A JURY
5 THIS ATTENTIVE, AND I MEAN THAT, AND ALL FIVE OF THE
6 ATTORNEYS WOULD JOIN ME IN THAT, AND PROBABLY THE
7 JUDGE. INCREDIBLE, NO FOOD, UNBELIEVABLE. I CAN'T
8 IMAGINE WHAT YOU'VE HAD TO GO THROUGH, YOU'VE HAD TO
9 HEAR ABOUT THINGS THAT YOU DON'T WANT TO HEAR ABOUT.
10 YOU'VE HAD TO LOOK AT THINGS THAT YOU DON'T CARE TO
11 LOOK AT, AND YOU'VE HAD TO DO IT ALL SITTING THERE
12 QUIET. BUT SOON, THE IRONY IS, YOU'RE GOING TO HAVE
13 THE MOST POWERFUL VOICE IN THIS COURTROOM, AND WITH
14 ONE WORD YOU CAN LET THE DEFENDANTS KNOW WHAT THEY DID
15 WA WRONG. WITH ONE WORD YOU CAN LET THEM KNOW YOU
16 CANNOT TAKE THAT WOMAN'S SON AND GET AWAY WITH IT.
17 WITH ONE WORD YOU CAN LET THEM KNOW THAT THERE IS
18 JUSTICE IN ORANGEBURG COUNTY. AND THAT ONE WORD IS
19 GUILTY.

20 ON BEHALF OF THE STATE OF SOUTH CAROLINA, AS YOUR
21 SOLICITOR I RESPECTFULLY ASK THAT YOU FIND THE
22 DEFENDANTS, CHRIS COLEMAN, RALPH COLEMAN, WALTER
23 HARRIS, DANNY RYANT AND MARIO SHIVERS GUILTY OF
24 MURDER, GUILTY OF BURGLARY IN THE FIRST DEGREE, AND
25 GUILTY OF ARMED ROBBERY.

1 THANK YOU.

2 THE COURT: THANK YOU, MR. PASCOE. DO YOU MIND
3 TAKING THOSE DOWN?

4 SOLICITOR PASCOE: YES, SIR.

5 THE COURT: I HATE TO BOTHER YOU BUT ...

6 ALRIGHT, LADIES AND GENTLEMEN, I DON'T THINK YOUR
7 LUNCH HAS GOTTEN HERE YET, SO I'M GOING TO GO AHEAD
8 AND CHARGE Y'ALL WITH THE LAW RIGHT NOW.

9 CHARGE BY THE COURT

10 LET ME TELL Y'ALL AT THE VERY FIRST OF THIS CASE,
11 THE INDICTMENTS THAT ARE IN THIS CASE CHARGE EACH OF
12 THESE YOUNG MEN, CHRISTIAN COLEMAN, RALPH COLEMAN,
13 WALTER HARRIS, DANNY RYANT, AND MARIO SHIVERS, WITH
14 ARMED ROBBERY, FIRST DEGREE BURGLARY AND MURDER. BUT
15 THE FACT THAT THESE DEFENDANTS WERE ARRESTED, CHARGED
16 AND INDICTED IN THIS CASE IS NOT EVIDENCE IN THIS CASE
17 AND CANNOT BE CONSIDERED BY YOU AS EVIDENCE OF GUILT
18 IN THIS CASE, NOR DOES IT CREATE ANY PRESUMPTION OR
19 INFERENCE OF GUILT. THE INDICTMENTS ARE SIMPLY THE
20 FORMAL WRITTEN INSTRUMENTS WHICH CONTAIN THE CHARGES
21 MADE AGAINST THE DEFENDANTS. IT IS THE FORMAL
22 DOCUMENTS BY WHICH THIS CASE IS BROUGHT TO THIS COURT.

23 NOW, EACH INDICTMENT CHARGES A SEPARATE AND
24 DISTINCT OFFENSE. YOU MUST DECIDE EACH INDICTMENT
25 SEPARATELY ON THE EVIDENCE AND THE LAW APPLICABLE TO

1 IT UNINFLUENCED BY YOUR DECISION AS TO ANY OTHER
2 INDICTMENT. EACH DEFENDANT MAY BE CONVICTED OR
3 ACQUITTED ON ANY OR ALL OF THE OFFENSES CHARGED. YOU
4 WILL BE ASKED TO WRITE A SEPARATE VERDICT OF GUILTY OR
5 NOT GUILTY FOR EACH INDICTMENT. AND MADAM FORELADY,
6 AT THE CLOSE MY CHARGE I WILL GO OVER THESE VERDICT
7 FORMS WITH YOU TO MAKE SURE YOU UNDERSTAND THEM.
8 OKAY?

9 NOW, THE CASE OF EACH DEFENDANT AND THE EVIDENCE
10 AND LAW CONCERNING THAT DEFENDANT SHOULD BE CONSIDERED
11 SEPARATELY AND INDIVIDUALLY. THE DEFENDANTS HAVE BEEN
12 TRIED TOGETHER BUT YOU MUST DETERMINE EACH DEFENDANT'S
13 GUILT OR INNOCENCE SEPARATELY AS TO EACH CHARGE. YOUR
14 VERDICT DOES NOT HAVE TO BE THE SAME FOR ALL THE
15 DEFENDANTS. THE FACT THAT YOU MAY FIND ONE DEFENDANT
16 GUILTY OR NOT GUILTY SHOULD NOT CONTROL YOUR VERDICT
17 AS TO THE OTHER DEFENDANTS. WHERE MORE THAN ONE
18 PERSON IS CHARGED WITH A CRIME, IF THE EVIDENCE
19 WARRANTS IT YOU MAY CONVICT ONE AND ACQUIT THE OTHERS,
20 OR YOU MAY ACQUIT ALL, OR YOU MAY CONVICT ALL. IT
21 WILL DEPEND UPON YOUR VIEW OF THE TESTIMONY AND THE
22 EVIDENCE. YOU MUST TAKE EACH DEFENDANT AND CONSIDER
23 THE EVIDENCE AS TO THAT DEFENDANT AND MY INSTRUCTIONS
24 TO YOU ON THE LAW. YOU WILL THEN WRITE A SEPARATE
25 VERDICT OF GUILTY OR NOT GUILTY FOR EACH INDIVIDUAL

1 DEFENDANT AS TO EACH CHARGE.

2 EVERY ONE OF THE DEFENDANTS HAS PLED NOT GUILTY
3 TO THESE INDICTMENTS, AND THAT PUTS THE BURDEN ON THE
4 STATE TO PROVE EACH ONE OF THE DEFENDANTS GUILTY. A
5 PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE IN
6 SOUTH CAROLINA IS NEVER REQUIRED TO PROVE HIMSELF
7 INNOCENT. I CHARGE YOU THAT IT IS AN IMPORTANT RULE
8 OF LAW THAT THE DEFENDANT IN A CRIMINAL TRIAL, NO
9 MATTER WHAT THE SERIOUSNESS OF THE CHARGE MAY BE, WILL
10 ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIMES FOR
11 WHICH THE INDICTMENTS WERE ISSUED UNLESS THE GUILT HAS
12 BEEN PROVEN BY EVIDENCE SATISFYING YOU, THE JURY, OF
13 THAT GUILT BEYOND A REASONABLE DOUBT. THIS
14 PRESUMPTION OF INNOCENCE DOES NOT END WHEN YOU BEGIN
15 YOUR DELIBERATIONS, BUT IT ACCOMPANIES THE DEFENDANTS
16 THROUGHOUT THE TRIAL UNTIL YOU REACH A VERDICT OF
17 GUILT BASED ON EVIDENCE SATISFYING YOU OF THAT GUILT
18 BEYOND A REASONABLE DOUBT. THE PRESUMPTION OF
19 INNOCENCE IS LIKE A ROBE OF RIGHTEOUSNESS PLACED ABOUT
20 THE DEFENDANT, OF EACH OF THE DEFENDANT, WHICH REMAINS
21 WITH THE DEFENDANT UNTIL IT HAS BEEN STRIPPED FROM THE
22 DEFENDANT BY EVIDENCE SATISFYING YOU OF THE
23 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT. THE
24 PRESUMPTION OF INNOCENCE IS NOT A MERE LEGAL THEORY,
25 IT IS NOT JUST A LEGAL PHRASE, IT IS A SUBSTANTIAL

1 RIGHT TO WHICH EVERY DEFENDANT IS ENTITLED UNLESS YOU,
2 THE JURY, ARE SATISFIED FROM THE EVIDENCE OF THE
3 DEFENDANT'S GUILTY BEYOND A REASONABLE DOUBT. THE
4 DEFENDANTS ARE ENTITLED TO EVERY INFERENCE IN THEIR
5 FAVOR WHICH CAN REASONABLY BE DRAWN FROM THE EVIDENCE.
6 WHEN TWO INFERENCES MAY BE DRAWN FROM THE SAME SET OF
7 FACTS, ONE CONSISTENT WITH THE VERDICT OF GUILTY, AND
8 ONE INFERENCE CONSISTENT WITH A VERDICT OF NOT GUILTY,
9 THE DEFENDANTS ARE ENTITLED TO THE INFERENCE WHICH IS
10 CONSISTENT WITH A VERDICT OF NOT GUILTY. YOU CANNOT
11 FIND THE DEFENDANTS GUILTY BASED UPON SUSPICION,
12 CONJECTURE OR SPECULATION, NO MATTER HOW STRONG. A
13 CONVICTION CAN ONLY BE BASED UPON PROOF OF GUILT
14 BEYOND A REASONABLE DOUBT. IF THE PROOF DOES NOT MEET
15 THAT STANDARD YOU MUST FIND THE DEFENDANT NOT GUILTY.

16 WHAT IS REASONABLE DOUBT IN THE LAW? A
17 REASONABLE DOUBT IS THE KIND OF DOUBT THAT WOULD CAUSE
18 A REASONABLE PERSON TO HESITATE TO ACT. THE STATE HAS
19 THE BURDEN OF PROVING EACH DEFENDANT GUILTY BEYOND A
20 REASONABLE DOUBT. IN CRIMINAL CASES, AS I'VE SAID,
21 THE STATE'S PROOF MUST BE BEYOND A REASONABLE DOUBT.
22 PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES
23 YOU FIRMLY CONVINCED OF THE DEFENDANTS' GUILT. THERE
24 ARE VERY FEW THINGS IN THIS WORLD THAT WE KNOW WITH
25 ABSOLUTE CERTAINTY. IN CRIMINAL CASES THE LAW DOES

1 NOT REQUIRE PROOF THAT OVERCOMES VERY POSSIBLE. IF
2 BASED ON YOUR CONSIDERATION OF THE EVIDENCE YOU ARE
3 FIRMLY CONVINCED THAT A DEFENDANT IS GUILTY OF THE
4 CRIME CHARGED, YOU MUST FIND THAT DEFENDANT GUILTY.
5 IF, ON THE OTHER HAND, YOU THINK THERE IS A REAL
6 POSSIBILITY THAT THE DEFENDANT IS NOT GUILTY, YOU MUST
7 GIVE THAT DEFENDANT THE BENEFIT OF THE DOUBT AND FIND
8 HIM NOT GUILTY.

9 DURING THIS TRIAL YOU AND I HAVE CERTAIN DUTIES
10 TO PERFORM. AS THE TRIAL JUDGE IS IT MY
11 RESPONSIBILITY TO PRESIDE OVER THE TRIAL OF THIS CASE,
12 AND I ALSO HAVE THE DUTY TO RULE ON THE ADMISSIBILITY
13 FO THE EVIDENCE OFFERED DURING THE TRIAL.

14 YOU ARE TO CONSIDER ONLY THE COMPETENT EVIDENCE
15 BEFORE YOU. IF THERE WAS ANY TESTIMONY ORDERED
16 STRICKEN FROM THE RECORD IN THIS CASE DURING THIS
17 TRIAL YOU MUST DISREGARD THAT TESTIMONY. YOU ARE TO
18 CONSIDER ONLY THE TESTIMONY WHICH HAS BEEN PRESENTED
19 FROM THIS WITNESS STAND, FROM ANY EXHIBITS WHICH HAVE
20 BEEN MADE A PART OF THE RECORD IN THIS CASE, AND
21 STIPULATIONS OF COUNSEL.

22 I HAVE THE ADDITIONAL DUTY TO CHARGE YOU THE LAW
23 APPLICABLE TO THIS CASE. AS THE PRESIDING JUDGE I AM
24 THE SOLE JUDGE OF THE LAW IN THIS CASE AND IT IS YOUR
25 DUTY AS JURORS TO ACCEPT AND APPLY THE LAW AS I STATE

1 IT TO YOU. IF YOU ALREADY HAVE ANY IDEA AS TO WHAT
2 THE LAW IS OR WHAT THE LAW OUGHT TO BE AND IT DOES NOT
3 AGREE WITH WHAT I TELL YOU THE LAW IS, YOU MUST
4 ABANDON THIS IDEA BECAUSE YOU ARE SWORN TO ACCEPT THE
5 LAW AND APPLY THE LAW EXACTLY AS I STATE IT TO YOU.

6 IN EVERY CASE TRIED BEFORE A JURY THE JURY IS THE
7 SOLE AND EXCLUSIVE JUDGE OF THE FACTS IN THE CASE. A
8 TRIAL JUDGE CANNOT INTIMATE, STATE, COMMENT ON OR MAKE
9 ANY STATEMENT TO A TRIAL JURY ABOUT THE FACTS IN THE
10 CASE. SINCE YOU ARE THE SOLE JUDGES OF THE FACTS IN
11 THE CASE YOU ARE NOT TO INFER FROM WHAT I HAVE SAID
12 DURING THE PROGRESS OF THIS TRIAL IN RULING UPON THE
13 ADMISSIBILITY OF THE EVIDENCE OR OTHERWISE, OR
14 ANYTHING THAT I SAY NOW DURING THE COURSE OF THIS
15 INSTRUCTION TO YOU THAT I HAVE ANY OPINION ABOUT THE
16 FACTS IN THE CASE. THE LAW DOES NOT ALLOW ME TO HAVE
17 AN OPINION ABOUT THE FACTS IN THIS CASE. THIS IS A
18 MATTER SOLELY FOR YOU, THE JURY, TO DETERMINE. AS
19 JURORS IT IS YOUR DUTY TO DETERMINE THE EFFECT, VALUE,
20 WEIGHT AND TRUTH OF THE EVIDENCE PRESENTED DURING THIS
21 TRIAL.

22 NOW, DURING THIS TRIAL YOU'VE HEARD SOME
23 TESTIMONY OF THE POSSIBLE LENGTH OF PUNISHMENT FOR
24 CERTAIN CRIMES. YOU AS JURORS ARE NOT TO CONSIDER
25 POSSIBLE SENTENCES IN ANY MANNER WHATSOEVER IN

1 DETERMINING YOUR VERDICT. DEPENDING ON YOUR VERDICT
2 IT IS MY DUTY AS JUDGE TO DO THE SENTENCING. SO, I
3 REMIND YOU, YOU ARE NOT CONSIDER SENTENCING OR
4 PUNISHMENT. YOUR DUTY IS TO DETERMINE THE GUILT OR
5 INNOCENCE OF EACH DEFENDANT AS TO EACH CHARGE AND
6 RENDER A FAIR AND JUST VERDICT.

7 THERE ARE TWO TYPES OF EVIDENCE WHICH ARE
8 GENERALLY PRESENTED DURING A TRIAL, DIRECT EVIDENCE
9 AND CIRCUMSTANTIAL EVIDENCE. DIRECT EVIDENCE IS THE
10 TESTIMONY OF A PERSON WHO CLAIMS TO HAVE ACTUAL
11 KNOWLEDGE OF A FACT, SUCH AS AN EYE WITNESS. IT IS
12 EVIDENCE WHICH IMMEDIATELY ESTABLISHES THE MAIN FACT
13 TO BE PROVED. CIRCUMSTANTIAL EVIDENCE IS PROOF OF A
14 CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE
15 EXISTENCE OF A FACT. IT IS EVIDENCE WHICH IMMEDIATELY
16 ESTABLISHES COLLATERAL FACTS FROM WHICH THE MAIN FACT
17 MAY BE INFERRED. CIRCUMSTANTIAL EVIDENCE IS BASED ON
18 INFERENCE AND NOT ON PERSONAL KNOWLEDGE OR
19 OBSERVATION. THE LAW MAKES ABSOLUTELY NO DISTINCTION
20 BETWEEN THE WEIGHT OR VALUE TO BE GIVE TO EITHER
21 DIRECT OR CIRCUMSTANTIAL EVIDENCE, NOR IS A GREATER
22 DEGREE OF CERTAINTY REQUIRED OF CIRCUMSTANTIAL
23 EVIDENCE THAN OF DIRECT EVIDENCE. YOU SHOULD WEIGH
24 ALL OF THE EVIDENCE IN THIS CASE, AND AFTER WEIGHING
25 ALL OF THE EVIDENCE, IF YOU ARE NOT CONVINCED OF THE

1 GUILT OF A DEFENDANT BEYOND A REASONABLE DOUBT YOU
2 MUST FIND THAT DEFENDANT NOT GUILTY.

3 YOU MUST DETERMINE THE CREDIBILITY OF THE
4 WITNESSES WHO HAVE TESTIFIED IN THIS CASE.
5 CREDIBILITY SIMPLY MEANS BELIEVABILITY. IT IS YOUR
6 DUTY AS JURORS TO ANALYZE AND TO EVALUATE THE EVIDENCE
7 AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS
8 TRUTH. IN DETERMINING THE BELIEVABILITY OF WITNESSES
9 WHO HAVE TESTIFIED IN THIS CASE YOU MAY BELIEVE ONE
10 WITNESS OVER SEVERAL WITNESSES, OR SEVERAL WITNESSES
11 OVER ONE WITNESS. YOU MAY BELIEVE A PART OF THE
12 TESTIMONY OF A WITNESS AND REJECT THE REMAINING PART
13 OF THE TESTIMONY OF THAT SAME WITNESS. YOU MAY
14 BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY, OR
15 YOU MAY REJECT THE TESTIMONY OF A WITNESS IN ITS
16 ENTIRETY. YOU MAY CONSIDER WHETHER ANY WITNESS HAS
17 EXHIBITED TO YOU ANY INTEREST, BIAS, PREJUDICE OR
18 OTHER MOTIVE IN THIS CASE. YOU MAY ALSO CONSIDER THE
19 APPEARANCE AND MANNER OF THE WITNESS STAND.

20 THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT
21 WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSION. AN
22 EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WE CALL
23 EXPERT WITNESSES. A WITNESS WHO BY EDUCATION AND
24 EXPERIENCE HAS BECOME EXPERT IN SOME ART, SCIENCE,
25 PROFESSION OR CALLING MAY STATE AN OPINION AS TO

1 RELEVANT AND MATERIALS IN WHICH THE WITNESS CLAIMS TO
2 BE AN EXPERT, AND MAY ALSO STATE THE REASONS FOR THAT
3 OPINION. YOU SHOULD CONSIDER ANY EXPERT OPINION
4 RECEIVED INTO EVIDENCE IN THIS CASE, AND LIKE OTHER
5 EVIDENCE, GIVE IT THE WEIGHT YOU THINK IT DESERVES. IF
6 YOU DECIDE THAT THE OPINION OF AN EXPERT WITNESS IS
7 NOT BASED ON SUFFICIENT EDUCATION AND EXPERIENCE, OR
8 IF YOU CONCLUDE THAT THE REASONS GIVEN IN SUPPORT OF
9 THE OPINION ARE NOT SOUND, OR THAT THE OPINION IS
10 OUTWEIGHED BY OTHER EVIDENCE, YOU MAY DISREGARD THE
11 OPINION ENTIRELY. AN EXPERT WITNESS'S TESTIMONY IS TO
12 BE GIVEN NO GREATER WEIGHT THAN THAT OF OTHER
13 WITNESSES SIMPLY BECAUSE A WITNESS IS AN EXPERT.
14 FURTHER, YOU ARE NOT REQUIRED TO ACCEPT AN EXPERT'S
15 OPINION EVEN THOUGH IT IS NOT CONTRADICTED.

16 I INSTRUCT YOU AND EMPHASIZE TO YOU THAT THE FACT
17 THAT THE DEFENDANTS DID NOT TESTIFY IS NOT A FACTOR TO
18 BE CONSIDERED BY YOU IN ANY WAY IN YOUR DELIBERATIONS
19 AND IN YOUR CONSIDERATION OF THE QUESTIONS OF THE
20 GUILT OR INNOCENCE OF EACH OF THE DEFENDANTS. IT MUST
21 NOT BE CONSIDERED BY YOU IN ANY MANNER WHATSOEVER. A
22 DEFENDANT HAS THE CONSTITUTIONAL RIGHT TO REMAIN
23 SILENT, AND THE ASSERTION OF THIS RIGHT MUST NOT BE
24 CONSIDERED BY YOU IN YOUR DELIBERATIONS. I REPEAT,
25 UNDER YOUR OATH AS JURORS YOU ARE TO DRAW NO

1 CONCLUSION WHATSOEVER FROM THE FACT THAT THE
2 DEFENDANTS IN THIS CASE DID NOT TESTIFY. THE FACT
3 THAT THE DEFENDANTS DID NOT TESTIFY SHOULD NOT EVEN BE
4 DISCUSSED IN THE JURY ROOM. THE BURDEN OF PROOF, AS I
5 HAVE STATED TO YOU, IS ON THE STATE. A DEFENDANT IS
6 NOT REQUIRED TO PROVE HIS INNOCENCE, THE BURDEN OF
7 PROOF REMAINS ON THE STATE TO PROVE GUILT BEYOND A
8 REASONABLE DOUBT AS TO EACH DEFENDANT AND AS TO EACH
9 CHARGE.

10 IF A CRIME IS COMMITTED BY TWO OR MORE PEOPLE WHO
11 ARE ACTING TOGETHER IN COMMITTING A CRIME, THE ACT OF
12 ONE IS THE ACT OF ALL. A PERSON WHO JOINS WITH
13 ANOTHER TO COMMIT AN UNLAWFUL ACT IS CRIMINALLY
14 RESPONSIBLE FOR EVERYTHING DONE BY THE OTHER PERSON
15 WHICH HAPPENS AS A PROBABLE OR NATURAL CONSEQUENCE OF
16 THE ACTS DONE IN THE CARRYING OUT THE COMMON PLAN AND
17 PURPOSE. IF TWO OR MORE PEOPLE ARE TOGETHER, ACTING
18 TOGETHER, ASSISTING EACH OTHER IN COMMITTING THE
19 OFFENSE, THE ACT OF ONE IS THE ACT OF ALL, OR AS IT IS
20 SOMETIMES SAID, THE HAND OF ONE IS THE HAND OF ALL.

21 PRIOR KNOWLEDGE THAT A CRIME IS GOING TO BE
22 COMMITTED, WITHOUT MORE, IS NOT SUFFICIENT TO MAKE A
23 PERSON GUILTY OF THAT CRIME. MERE KNOWLEDGE THAT
24 ANOTHER PERSON IS GOING TO COMMIT A CRIME, EVEN IF THE
25 DEFENDANT IS PRESENT WHEN THE CRIME IS COMMITTED, IS

1 NOT SUFFICIENT TO CONVICT THE DEFENDANT AS A
2 PRINCIPAL. GUILT AS A PRINCIPAL IS SHOWN BY ACTUAL OR
3 CONSTRUCTIVE PRESENCE AT THE SCENE AS THE RESULT OF
4 PRIOR ARRANGEMENT. THEREFORE, A FINDING OF A PRIOR
5 ARRANGED PLAN OR COMMON SCHEME IS NECESSARY FOR A
6 FINDING OF GUILT AS A PRINCIPAL. THE STATE MUST PROVE
7 BEYOND A REASONABLE DOUBT BY COMPETENT EVIDENCE THE
8 THEORY OF THE HAND OF ONE IS THE HAND OF ALL. A
9 PRINCIPAL IN A CRIME IS ONE WHO EITHER ACTUALLY
10 COMMITS THE CRIME OR WHO IS PRESENT, AIDING, ABETTING
11 OR ASSISTING IN COMMITTING THE CRIME. WHEN A PERSON
12 DOES AN ACT IN THE PRESENCE OF AND WITH THE ASSISTANCE
13 OF ANOTHER THE ACT IS DONE BY BOTH. WHERE TWO OR MORE
14 ARE ACTING WITH A COMMON PLAN OR INTENT OR PRESENT AT
15 THE COMMISSION OF A CRIME IT IS NOT, IT DOES NOT
16 MATTER WHO ACTUALLY COMMITS THE CRIME, ALL ARE GUILTY.
17 THE HAND OF ONE IS THE HAND OF ALL. PRESENT AT THE
18 COMMISSION OF A CRIME MEANS TO BE SUFFICIENTLY NEAR TO
19 AID AND ABET AND ASSIST IN THE COMMISSION OF THE
20 CRIME. HOWEVER, MERE PRESENCE AT THE SCENE OF A CRIME
21 IS NOT SUFFICIENT TO CONVICT ONE AS A PRINCIPAL ON THE
22 THEORY OF AIDING AND ABETTING. INTENT IS ALSO A
23 NECESSARY ELEMENT, FOR THERE MUST HAVE BEEN A COMMON
24 DESIGN OR INTENT TO COMMIT THE CRIME, AND THE CRIME
25 MUST HAVE BEEN COMMITTED PURSUANT THERETO WITH THE

1 PERSON AIDING AND ABETTING BY SOME OVERT ACT. INTENT
2 MEANS INTENDING THE RESULT WHICH ACTUALLY OCCURS, NOT
3 ACCIDENTALLY OR INVOLUNTARILY. INTENT MAY BE SHOWN BY
4 ACTS AND CONDUCT OF THE DEFENDANT AND OTHER
5 CIRCUMSTANCES FROM WHICH YOU MAY NATURALLY AND
6 REASONABLY INFER INTENT. THE STATE MUST PROVE THESE
7 ELEMENTS BEYOND A REASONABLE DOUBT.

8 MERE PRESENCE AT THE SCENE IS NOT SUFFICIENT TO
9 PROVE SOMEONE GUILTY OF A CRIME. A DEFENDANT'S MERE
10 PRESENCE WHERE A CRIME IS BEING COMMITTED, OR MERE
11 ASSOCIATION WITH A PERSON WHO COMMITS A CRIME DOES NOT
12 MAKE A DEFENDANT AN ACCOMPLICE, OR AN AIDER OR AN
13 ABETTER OF THE PERSON COMMITTING THE CRIME. THE
14 BURDEN IS ON THE STATE TO PROVE EVERY ELEMENT OF THE
15 CRIME CHARGED. IF YOU FIND AFTER REVIEWING ALL OF THE
16 EVIDENCE THAT THE STATE HAS PROVEN THAT THE DEFENDANT
17 WAS ONLY PRESENT AT THE SCENE OF A CRIME AND THAT THEY
18 HAVE NOT PROVED BEYOND A REASONABLE DOUBT ANY OTHER
19 PARTICIPATION IN THE CRIME, THEN YOU MUST FIND THE
20 DEFENDANT NOT GUILTY. THE LAW IS THAT PROOF OF
21 PRESENCE AT THE SCENE OF A CRIME IS NOT SUFFICIENT TO
22 FIND SOMEONE GUILTY.

23 IF TWO OR MORE COMBINE TOGETHER TO COMMIT AN
24 UNLAWFUL ACT AND IN THE EXECUTION OF THAT CRIMINAL ACT
25 A HOMICIDE IS COMMITTED BY ONE OF THE ACTORS AS A

1 PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS DONE IN
2 PURSUANCE OF THE COMMON DESIGN, ALL PRESENT,
3 PARTICIPATING IN THE UNLAWFUL UNDERTAKING ARE AS
4 GUILTY AS THE ONE WHO COMMITTED THE FATAL ACT. THE
5 COMMON PURPOSE MAY NOT HAVE BEEN TO KILL OR MURDER,
6 BUT IF IT WAS UNLAWFUL AND IN THE EXECUTION OF THIS
7 COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE AS A
8 PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS DONE IN
9 PURSUANCE OF THE COMMON DESIGN, THEN ALL PRESENT AND
10 PARTICIPATING IN THE UNLAWFUL DESIGN ARE AS GUILTY AS
11 THE SLAYER.

12 AN ISSUE IN THIS CASE IS THE IDENTIFICATION OF
13 THE DEFENDANTS AS A PERSON WHO COMMITTED THE CRIME
14 CHARGED. THE STATE HAS THE BURDEN OF PROVING IDENTITY
15 BEYOND A REASONABLE DOUBT. YOU MUST BE SATISFIED
16 BEYOND A REASONABLE DOUBT OF THE ACCURACY OF THE
17 IDENTIFICATION OF THE DEFENDANT BEFORE YOU MAY CONVICT
18 THE DEFENDANT. IDENTIFICATION TESTIMONY IS AN
19 EXPRESSION OF BELIEF OR IMPRESSION BY A WITNESS. YOU
20 MUST DETERMINE THE ACCURACY OF THE IDENTIFICATION OF
21 THE DEFENDANT. YOU MUST CONSIDER THE BELIEVABILITY OF
22 EACH IDENTIFICATION WITNESS IN THE SAME WAY AS ANY
23 OTHER WITNESS. YOU MAY CONSIDER WHETHER THE WITNESS
24 HAD AN ADEQUATE OPPORTUNITY TO OBSERVE THE OFFENDER AT
25 THE TIME OF THE OFFENSE. THIS WILL BE AFFECTED BY

1 THINGS LIKE, HOW LONG OR SHORT A TIME WAS AVAILABLE;
2 HOW FAR OR CLOSE THE WITNESS WAS; THE LIGHTING
3 CONDITION, AND WHETHER THE WITNESS HAD THE CHANCE TO
4 SEE OR KNOW THE PERSON IN THE PAST. ONCE AGAIN I
5 INSTRUCT YOU, THE BURDEN OF PROOF ON THE STATE EXTENDS
6 TO EVERY ELEMENT OF EACH CRIME CHARGED, AND THIS
7 SPECIFICALLY INCLUDES THE BURDEN OF PROVING BEYOND A
8 REASONABLE DOUBT THE IDENTITY OF THE DEFENDANT AS THE
9 PERSON WHO COMMITTED THE CRIME. IF AFTER EXAMINING
10 THE TESTIMONY YOU HAVE A REASONABLE DOUBT AS TO THE
11 ACCURACY OF THE IDENTIFICATION YOU MUST FIND THE
12 DEFENDANT NOT GUILTY.

13 IN ORDER TO ESTABLISH CRIMINAL LIABILITY,
14 CRIMINAL INTENT IS REQUIRED. FOR EXAMPLE, THE MENTAL
15 STATE REQUIRED TO BE PROVEN BY THE STATE FOR A
16 PARTICULAR CRIME MIGHT BE PURPOSE, INTENT, KNOWLEDGE,
17 RECKLESS OR CRIMINAL NEGLIGENCE. CRIMINAL INTENT MUST
18 BE PROVEN BY THE STATE BEYOND A REASONABLE DOUBT.
19 CRIMINAL INTENT IS ALWAYS A MATTER THAT MUST BE
20 DETERMINED BY THE JURY FROM THE CIRCUMSTANCES
21 SURROUNDING THE SITUATION. THERE IS NOT WAY TO PROVE
22 INTENT TO A MATHEMATICAL CERTAINTY. THERE IS NO WAY
23 MEDICAL SCIENCE CAN DISSECT A PERSON'S BRAIN AND
24 DETERMINE WHAT THE PERSON HAD IN MIND, SO THE LAW SAYS
25 THAT CRIMINAL INTENT MAY BE INFERRED FROM THE

1 CIRCUMSTANCES SHOW TO HAVE EXISTED. THIS IS HOW YOU
2 MAKE A DETERMINATION OF WHETHER OR NOT THE ELEMENT
3 REQUIRING INTENT WAS PRESENT. IT IS NOT NECESSARY TO
4 ESTABLISH BY DIRECT AND POSITIVE, BUT INTENT MAYBE
5 ESTABLISHED BY INFERENCE IN THE SAME WAY AS ANY OTHER
6 FACT, BY TAKING INTO CONSIDERATION THE ACTS OF THE
7 PARTIES AND ALL THE FACTS AND CIRCUMSTANCES OF THE
8 CASE. CRIMINAL INTENT IS A MENTAL STATE, A CONSCIOUS
9 WRONG DOING. IT IS UP TO YOU DETERMINE THAT THE
10 DEFENDANT INTENDED -- WHAT THE DEFENDANT INTENDED TO
11 DO BASED ON THE CIRCUMSTANCES SHOWN TO HAVE EXISTED.
12 CRIMINAL INTENT CAN ARISE FROM ACTION OR A FAILURE TO
13 ACT. IT MAY ARISE FROM NEGLIGENCE, RECKLESSNESS, OR
14 INDIFFERENCE TO DUTY, OR TO CONSEQUENCES THAT ARE
15 CONSIDERED BY THE LAW TO BE THE EQUIVALENT OF CRIMINAL
16 INTENT.

17 THE DEFENDANTS ARE CHARGED WITH ARMED ROBBERY.
18 IN ORDER TO PROVE THIS OFFENSE THE STATE MUST FIRST
19 PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT
20 TOOK PERSONAL PROPERTY FROM THE PERSON OR PRESENCE OF
21 ANOTHER PROPERTY. PROPERTY IS IN THE PRESENCE OF A
22 PERSON IF IT IS WITHIN THE PERSON'S REACH, INSPECTION,
23 OBSERVATION OR CONTROL SO THAT A PERSON COULD, IF NOT
24 OVERCOME WITH VIOLENCE OR PREVENTED BY FEAR, KEEP
25 POSSESSION OF THE PROPERTY. THE STATE MUST ALSO PROVE

1 BEYOND A REASONABLE DOUBT THAT THE DEFENDANT CARRIED
2 THE PROPERTY AWAY INTENDING TO PERMANENTLY DEPRIVE THE
3 OWNER OF THE PROPERTY AND TO KEEP THE PROPERTY FOR THE
4 DEFENDANT'S OWN USE. THE SLIGHTEST REMOVAL OF THE
5 PROPERTY OR THE COMPLETE POSSESSION OF THE PROPERTY,
6 EVEN FOR AN INSTANT, BY THE DEFENDANT IS SUFFICIENT TO
7 SHOW A TAKING AND CARRYING AWAY OF THE PROPERTY. THE
8 TAKING AND CARRYING AWAY OF THE PROPERTY MUST HAVE
9 BEEN DONE WITH VIOLENCE OR BY PUTTING THE OWNER OF THE
10 PROPERTY IN FEAR OF VIOLENCE. AND FINALLY, THE STATE
11 MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
12 DEFENDANT WAS ARMED WITH A DEADLY WEAPON DURING THE
13 ROBBERY. A DEADLY WEAPON IS ANY ARTICLE, INSTRUMENT
14 OR SUBSTANCE WHICH IS LIKELY TO CAUSE DEATH OR GREAT
15 BODILY HARM. WHETHER AN INSTRUMENT HAS BEEN USED AS A
16 DEADLY WEAPON DEPENDS ON THE FACTS AND CIRCUMSTANCES
17 IN EACH CASE. THE FOLLOWING ARE EXAMPLES OF
18 INSTRUMENTS WHICH MAY BE DEADLY WEAPONS: A PISTOL,
19 SHOT GUN, A RIFLE, A DAGGER, A KNIFE, A SLING SHOT,
20 METAL KNUCKLES, A RAZOR, GASOLINE, A FIRE BOMB OR A
21 MOLOTOV COCKTAIL; AND LIGHTER FLUID. A GUN MAY BE A
22 DEADLY WEAPON EVEN IF IT IS NOT OPERATING.

23 AN ATTEMPT IS AN EFFORT TO ACCOMPLISH A CRIME
24 WHICH DOES NOT SUCCEED. AN ATTEMPT INCLUDES A
25 SPECIFIC INTENT TO DO A PARTICULAR CRIMINAL ACT ALONG

1 WITH AN ACT FALLING SHORT OF THE ACT INTENDED. THE
2 STATE MUST SHOW MORE THAN MERE PREPARATION AND INTENT.
3 THERE MUST BE SOME OVERT ACT ACCOMPANIED IN THE EFFORT
4 TO COMMIT THE CRIME. INTENT MEANS INTENDING THE
5 RESULT WHICH ACTUALLY OCCURS NOT ACCIDENTALLY OR
6 INVOLUNTARILY. INTENT MAY BE SHOWN BY ACTS AND
7 CONDUCT OF THE DEFENDANT AND OTHER CIRCUMSTANCES FROM
8 WHICH YOU MAY NATURALLY AND REASONABLY INFER INTENT.

9 THE DEFENDANTS ARE ALSO CHARGED WITH FIRST DEGREE
10 BURGLARY. THE STATE MUST FIRST PROVE BEYOND A
11 REASONABLE DOUBT THAT THE DEFENDANT ENTERED A DWELLING
12 WITHOUT CONSENT. A DWELLING IS ANY BUILDING OR
13 PORTION OF A BUILDING IN WHICH A PERSON ORDINARILY
14 SLEEPS. A BUILDING CONSTRUCTED AS A DWELLING THAT HAS
15 NEVER BEEN OCCUPIED CANNOT BE CONSIDERED A DWELLING
16 FOR PURPOSES OF BURGLARY, BUT A BUILDING IS A DWELLING
17 EVEN IF THE RESIDENTS ARE TEMPORARILY ABSENT FROM THE
18 BUILDING. IN ORDER TO PROVE THAT THE DEFENDANT
19 ENTERED THE DWELLING THE STATE DOES NOT HAVE TO SHOW
20 THAT THE DEFENDANT'S ENTIRE BODY ENTERED THE
21 DWELLING, THE SMALLEST ENTRY IS SUFFICIENT. IT MAY BE
22 ANY PART OF THE BODY SUCH AS A HAND, A FOOT, OR EVEN
23 AN INSTRUMENT SUCH AS A HOOK OR OTHER INSTRUMENT. IN
24 ADDITION, THE STATE DOES NOT HAVE TO PROVE THAT FORCE
25 WAS USED TO GAIN ENTRY. IF A PERSON ENTERS A

1 BUILDING BY USING DECEPTION, ARTIFICE, TRICK OR
2 MISREPRESENTATION TO GET CONSENT TO ENTER, THIS IS AN
3 ENTRY WITHOUT CONSENT. NEXT, THE STATE MUST PROVE
4 BEYOND A REASONABLE DOUBT THAT THE DEFENDANT INTENDED
5 TO COMMIT A CRIME, EITHER A FELONY OR A MISDEMEANOR,
6 AT THE TIME OF THE ENTRY. THE MERE ENTRY INTO A
7 DWELLING WITHOUT CONSENT IS NOT BURGLARY. IF THE
8 INTENT TO COMMIT A CRIME IS FORMED AFTER THE ENTRY IT
9 IS NOT BURGLARY. ON THE OTHER HAND, IF THE DEFENDANT
10 INTENDED TO COMMIT A CRIME AT THE TIME OF THE ENTRY IT
11 IS BURGLARY, EVEN IF THE INTENT WAS ABANDONED AFTER
12 ENTRY. IT DOES NOT MATTER THAT THE INTENDED CRIME WAS
13 NOT COMPLETED. INTENT MAY BE SHOWN BY ACTS AND
14 CONDUCT OF THE DEFENDANT AND OTHER CIRCUMSTANCES FROM
15 WHICH YOU MAY NATURALLY AND REASONABLY INFER INTENT.
16 AND FINALLY, THE STATE MUST PROVE BEYOND A REASONABLE
17 DOUBT THAT WHEN ENTERING, WHILE IN THE DWELLING, OR
18 WHILE FLEEING, THE DEFENDANT OR AN ACCOMPLICE, WAS
19 ARMED WITH A DEADLY WEAPON OR EXPLOSIVE. AS I'VE SAID
20 BEFORE, A DEADLY WEAPON IS ANY ARTICLE, INSTRUMENT OR
21 SUBSTANCE WHICH IS LIKELY TO CAUSE DEATH OR GREAT
22 BODILY HARM, WHETHER THE INSTRUMENT HAS BEEN USED AS A
23 DEADLY WEAPON DEPENDS ON THE FACTS AND CIRCUMSTANCES
24 IN EACH CASE. I HAVE ALREADY GIVEN YOU EXAMPLES OF
25 THOSE INSTRUMENTS THAT MAY BE DEADLY WEAPONS AND I'M

1 NOT GOING TO REPEAT THAT.

2 COURT REPORTER: JUST A MINUTE, JUDGE. OKAY, I'M
3 READY.

4 THE COURT: OKAY, THANK YOU.

5 BREAKING IN IS NOT AN ELEMENT OF THE CRIME OF
6 BURGLARY. THE PHRASE, ENTERS A BUILDING WITHOUT
7 CONSENT IS DEFINED AS, TO ENTER WITHOUT THE CONSENT OF
8 A PERSON IN LAWFUL POSSESSION OR TO ENTER BY USING
9 DECEPTION, ARTIFICE, TRICK OR MISREPRESENTATION TO
10 GAIN CONSENT TO ENTER FROM THE PERSON IN LAWFUL
11 POSSESSION. DECEPTION IS DEFINED AS USE OF DECEIT.
12 ARTIFICE IS DEFINED AS SUBTLE BUT BASE DECEPTION.
13 TRICK IS DEFINED AS AN ACTION DESIGNATED TO ACHIEVE AN
14 END BY DECEPTION OR FRAUDULENT MEANS.
15 MISREPRESENTATION IS DEFINED AS TO GIVE AN INCORRECT
16 OR MISLEADING REPRESENTATION OF.

17 THE DEFENDANTS IN THIS CASE ARE ALSO CHARGED WITH
18 MURDER. THE STATE MUST PROVE BEYOND A REASONABLE
19 DOUBT THAT THE DEFENDANT KILLED ANOTHER PERSON WITH
20 MALICE AFORETHOUGHT. MALICE IS HATRED, ILL WILL OR
21 HOSTILITY TOWARDS ANOTHER PERSON. IT IS THE
22 INTENTIONAL DOING OF A WRONGFUL ACT WITHOUT JUST CAUSE
23 OR EXCUSE AND WITH AN INTENT TO INFLECT AN INJURY OR
24 UNDER CIRCUMSTANCES THAT THE LAW WILL INFER AN EVIL
25 INTENT. MALICE AFORETHOUGHT DOES NOT REQUIRE THAT

1 MALICE EXIST FOR ANY PARTICULAR TIME BEFORE THE ACT IS
2 COMMITTED, BUT MALICE MUST EXIST IN THE MINDS OF THE
3 DEFENDANTS JUST BEFORE AND AT THE TIME THE ACT IS
4 COMMITTED. THEREFORE, THERE MUST BE A COMBINATION OF
5 THE PREVIOUS EVIL INTENT AND THE ACT. MALICE
6 AFORETHOUGHT MAY BE EXPRESSED OR INFERRED. THE TERMS,
7 EXPRESS AND INFERRED DO NOT MEAN DIFFERENT KINDS OF
8 MALICE BUT MERELY THE MANNER IN WHICH MALICE MAY BE
9 SHOWN TO EXIST. THAT IS EITHER BY DIRECT EVIDENCE OR
10 BY INFERENCE FROM THE FACTS AND CIRCUMSTANCES WHICH
11 ARE PROVED. EXPRESS MALICE IS SHOWN WHEN A PERSON
12 SPEAKS WORDS WHICH EXPRESS HATRED OR ILL WILL FOR
13 ANOTHER OR WHEN THE PERSON PREPARED BEFOREHAND TO DO
14 THE ACT WHICH WAS LATER ACCOMPLISHED. FOR EXAMPLE,
15 LYING IN WAIT FOR A PERSON OR ANY OTHER ACTS OF
16 PREPARATION GOING TO SHOW THAT THE DEED WAS WITHIN THE
17 DEFENDANT'S MIND WOULD BE EXPRESS MALICE. MALICE MAY
18 ALSO BE INFERRED FROM THE CONDUCT SHOWING A TOTAL
19 DISREGARD FOR HUMAN LIFE. INFERRED MALICE MAY ALSO
20 ARISE WHEN THE DEED IS DONE WITH A DEADLY WEAPON. AS
21 I TOLD YOU BEFORE, A DEADLY WEAPON IS ANY ARTICLE,
22 INSTRUMENT OR SUBSTANCE WHICH IS LIKELY TO CAUSE DEATH
23 OR GREAT BODILY HARM, AND WHETHER AN INSTRUMENT HAS
24 BEEN USED AS A DEADLY WEAPON DEPENDS ON THE FACTS AND
25 CIRCUMSTANCES IN EACH CASE. AGAIN, I REFER YOU TO YOU

1 THE EXAMPLES OF INSTRUMENTS WHICH MAY BE DEADLY
2 WEAPONS WHICH I HAVE STATED EARLIER.

3 IF A PERSON COMPLETELY WITHDRAWS FROM THE COMMON
4 DESIGN OR PLAN AND COMMUNICATES HIS WITHDRAWAL TO HIS
5 ASSOCIATES UNDER CIRCUMSTANCES THAT PERMIT THE
6 ASSOCIATES TO WITHDRAW THEN THE PERSON ESCAPES
7 CRIMINAL RESPONSIBILITY FOR THE ACTS OF THE
8 ASSOCIATES. HOWEVER, IF THE WITHDRAWAL WAS NOT
9 COMMUNICATED TO A PARTICULAR ASSOCIATE OR IF THAT
10 ASSOCIATE DID NOT HAVE THE OPPORTUNITY TO WITHDRAW
11 AFTER THE COMMUNICATION THEN THE PERSON REMAINS
12 RESPONSIBLE FOR THE ACTIONS OF THAT ASSOCIATE THAT
13 WERE THE NATURAL AND PROBABLE CONSEQUENCES OF THEIR
14 COMMON DESIGN.

15 NOW, THE LAW REQUIRES THAT A PERSON INVOLVED IN A
16 COMMON DESIGN MUST WITHDRAW ENTIRELY AND COMPLETELY
17 FROM IT, AND MUST COMMUNICATE THAT WITHDRAWAL TO HIS
18 ASSOCIATE. A PERSON WHO CONTINUES IN THE COMMON
19 DESIGN CANNOT CLAIM WITHDRAWAL. IT IS THE BURDEN ON
20 THE STATE TO PROVE THAT THE DEFENDANT HAD NOT
21 WITHDRAWN FROM AN UNLAWFUL COMMON DESIGN OR PLAN AT
22 THE RELEVANT TIME.

23 VOLUNTARY INTOXICATION OR THE USE OF DRUGS DOES
24 NOT CONSTITUTE A DEFENSE TO A CRIME.

25 I AM REQUIRED TO DECLARE THE LAW TO YOU AS I HAVE

1 DONE THROUGH THESE INSTRUCTIONS TO HELP GUIDE YOU TO A
2 JUST AND LAWFUL VERDICT. WHETHER SOME OF THESE
3 INSTRUCTIONS WILL APPLY WILL DEPEND UPON WHAT YOU FIND
4 TO BE THE FACTS IN THIS CASE. THE FACT THAT I HAVE
5 INSTRUCTED YOU ON VARIOUS SUBJECTS IN THIS CASE MUST
6 NOT BE TAKEN AS INDICATING AN OPINION OF THIS COURT AS
7 TO WHAT YOU SHOULD FIND TO BE THE FACTS OR AS TO WHAT
8 YOUR VERDICT SHOULD BE.

9 YOUR VERDICT MUST REPRESENT THE CONSIDERED
10 JUDGEMENT OF EACH JUROR. IN ORDER TO RETURN A VERDICT
11 IT IS NECESSARY THAT EACH ONE OF YOU AGREE. YOUR
12 VERDICT MUST BE UNANIMOUS, ALL TWELVE OF YOU MUST
13 AGREE ON THE VERDICT. YOUR VERDICT CANNOT BE BASED ON
14 SYMPATHY, PASSION, PREJUDICE, EMOTION OR ANY OTHER
15 CONSIDERATION NOT IN EVIDENCE IN THIS CASE. REMEMBER,
16 YOU ARE NOT PARTISANS FAVORING ONE PARTY OVER ANOTHER,
17 YOU ARE THE JUDGES OF THE FACTS. YOUR SOLE INTEREST IS
18 TO SEEK THE TRUTH FROM THE EVIDENCE IN THIS CASE AND
19 RENDER A FAIR AND JUST VERDICT.

20 NOW, LADIES AND GENTLEMEN OF THE JURY, I HAVE
21 FIVE DIFFERENT VERDICT FORMS FOR EACH ONE OF THE FIVE
22 DEFENDANTS, AS YOU HAVE GOT TO JUDGE THEM EACH
23 SEPARATELY, AND I'M GOING TO GO OVER JUST ONE OF THEM,
24 JUST TO GIVE YOU AN IDEA OF HOW YOU ARE TO FILL THEM
25 OUT. THIS IS THE VERDICT FORM, MADAM FORELADY. IT

1 SAYS, "PLEASE CIRCLE THE APPROPRIATE VERDICT BELOW AND
2 FOLLOW THE ACCOMPANYING INSTRUCTIONS CAREFULLY." AND
3 THE FIRST QUESTION IS, "WE, THE JURY, UNANIMOUSLY FIND
4 THE DEFENDANT AS TO THE CHARGE OF MURDER," AND THEN
5 Y'ALL HAVE TO DECIDE WHETHER THAT DEFENDANT IS GUILTY
6 OR NOT GUILTY, AND YOU WILL CIRCLE WHICHEVER ONE YOU
7 FIND. THE NEXT QUESTION, "WE, THE JURY, UNANIMOUSLY
8 FIND THE DEFENDANT AS TO THE CHARGE OF BURGLARY IN THE
9 FIRST DEGREE," EITHER GUILTY OR NOT GUILTY. NOW EACH
10 ONE OF THESE IS FOR EACH SEPARATE DEFENDANT. YOU HAVE
11 GOT TO DETERMINE EACH DEFENDANT'S GUILT AS TO EACH
12 CHARGE SEPARATELY. THE THIRD QUESTION, "WE, THE JURY,
13 UNANIMOUSLY FIND THE DEFENDANT AS TO THE CHARGE OF
14 ARMED ROBBERY," EITHER GUILTY OR NOT GUILTY. NOW, ON
15 THIS CHARGE IF YOU FIND THE DEFENDANT NOT GUILTY OF
16 NUMBER THREE -- IF YOU FIND THE DEFENDANT GUILTY OF
17 NUMBER THREE, EXCUSE ME, THEN SKIP FOUR, STOP AND END
18 YOUR DELIBERATIONS. OKAY? IF YOU FIND THE DEFENDANT
19 NOT GUILTY OF NUMBER THREE, THEN YOU GO TO NUMBER
20 FOUR. AND IF I CAN SEPARATE THIS I'LL TELL YOU WHAT
21 NUMBER FOUR IS. AND NUMBER FOUR READS, "WE, THE JURY,
22 UNANIMOUSLY FIND THE DEFENDANT AS TO THE CHARGE OF
23 ATTEMPTED ARMED ROBBERY," EITHER GUILTY OR NOT
24 GUILTY. OKAY? AND THEN, STOP AND END YOUR
25 DELIBERATIONS. AND MADAM FORELADY, YOU'LL HAVE TO

1 SIGN AND DATE IT. OKAY?

2 ALRIGHT, NOW, I'M NOT GIVING YOU THESE VERDICT
3 FORMS YET, BECAUSE WHAT'S GOING TO HAPPEN NOW IS, I'M
4 GOING TO EXCUSE Y'ALL TO GO BACK TO THE JURY ROOM.
5 AGAIN, YOU CANNOT BEGIN YOUR DELIBERATIONS YET, I HAVE
6 NOT TOLD YOU TO BEGIN YOUR DELIBERATIONS. WHILE YOU
7 ARE BACK IN THE JURY ROOM I WILL GO OVER WITH THE
8 LAWYERS INVOLVED IN THIS CASE AND SEE IF THEY HAVE ANY
9 CORRECTIONS OR ADDITIONS THAT I NEED TO MAKE TO THE
10 CHARGES THAT I GAVE TO YOU. IF I HAVE TO MAKE ANY
11 CORRECTIONS OR ADDITIONS TO THESE CHARGES I WILL BRING
12 YOU BACK OUT HERE AND I WILL DO THAT.

13 NOW, IF THEY TELL ME THAT EVERYTHING IS OKAY, I
14 DON'T NEED TO CHARGE YOU ON ANYTHING, I DON'T NEED TO
15 CORRECT ANYTHING, THEN WHAT I WILL DO IS, I WILL SEND
16 THE VERDICT FORMS BACK INTO THE JURY ROOM WITH YOU,
17 ALL THE EVIDENCE WILL GO BACK INTO THE JURY ROOM WITH
18 YOU, AND YOU WILL BE TOLD TO BEGIN YOUR DELIBERATIONS.
19 OKAY? BUT UNTIL YOU ARE TOLD TO BEGIN YOUR
20 DELIBERATIONS YOU MAY NOT DISCUSS THIS CASE.

21 ALRIGHT, I'M GOING TO LET Y'ALL GO BACK INTO THE
22 JURY ROOM NOW WHILE I GO OVER THIS WITH THE ATTORNEYS.
23 (Whereupon, the jury retires
24 to the jury room and the following
25 takes place out of the presence

1 of the jury.)

2 THE COURT: ALRIGHT, ANYTHING FROM THE STATE?

3 SOLICITOR PASCOE: YES, YOUR HONOR, UNLESS I
4 MISSED IT, WHEN YOU WERE GOING OVER THE CHARGE ON
5 BURGLARY IN THE FIRST DEGREE I DIDN'T HEAR -- HEARD
6 THE AGGRAVATING CIRCUMSTANCES ABOUT THE USE OF A
7 DEADLY WEAPON, BUT I DIDN'T HEAR ABOUT OTHER
8 AGGRAVATING CIRCUMSTANCES SUCH AS INJURY TO THE
9 VICTIM, HOURS OF DARKNESS.

10 THE COURT: OH, YEAH, I'M SORRY, I'VE GOT --
11 THAT'S WHEN WE WERE CHANGING THE TAPE, WEREN'T WE?

12 SOLICITOR PASCOE: PROBABLY WAS, YES, SIR RIGHT
13 AROUND THERE, YES, SIR.

14 THE COURT: YEAH, I APOLOGIZE.

15 SOLICITOR PASCOE: IT'S MS HARRY DOT'S FAULT.

16 THE COURT: NO, NO, NO, IT'S MY FAULT, BUT I DID
17 NOT FINISH LISTING -- YOU'RE CORRECT ABOUT THAT.
18 OKAY. ALRIGHT. ANYTHING FROM THE DEFENDANTS?

19 MR. LACKEY: NO, SIR.

20 MS. ULLMAN: NO SIR.

21 MR. PALMER: NO, SIR, YOUR HONOR.

22 MR. MELLARD: NO, YOUR HONOR.

23 MR. KOGER: NO, YOUR HONOR.

24 THE COURT: OKAY. I'M GOING TO HAVE TO CALL THE
25 JURY BACK OUT HERE AND FINISH READING OVER THAT PART

1 OF THE BURGLARY CHARGE.

2 SOLICITOR PASCOE: AND JUST WHILE I'M THINKING
3 ABOUT IT, BEFORE THEY COME OUT, AND YOUR HONOR WAS
4 PROBABLY GOING TO DO THIS ANYWAY, I WOULD ASK THAT THE
5 ALTERNATE NOT BE EXCUSED, BECAUSE WE DON'T KNOW HOW
6 LONG THIS JURY MIGHT DELIBERATE. I WOULD ASK THAT SHE
7 JUST BE ISOLATED FROM THE OTHER JURORS IN CASE
8 SOMETHING HAPPENS, IF THAT'S OKAY.

9 THE COURT: OKAY. WELL, I'LL DO THAT.

10 OKAY, WOULD YOU BRING THE JURY BACK OUT. I'M
11 JUST GOING TO PICK UP WHERE I LEFT OFF ON THAT CHARGE,
12 I'M NOT GOING TO GO BACK OVER THE WHOLE CHARGE.

13 SOLICITOR PASCOE: YES, SIR, THAT'S FINE.

14 THE COURT: AND I'M NOT GOING TO SEND THE STUFF
15 BACK IN THERE UNTIL THEY FINISH EATING.

16 SOLICITOR PASCOE: YES, SIR. SO, YOU'RE JUST
17 GOING TO TELL THEM NOT TO DELIBERATE UNTIL THEY GET
18 THE EVIDENCE?

1 THE COURT: YES, I'LL LET THEM EAT AND THEN WE'LL
2 GET EVERYTHING BACK IN THERE.

3 OKAY, TELL, THEM TO COME ON OUT.

4 (Whereupon, the jury enters
5 the courtroom and the following
6 takes place in the presence
7 of the jury.)

8 THE COURT: ALRIGHT, LADIES AND GENTLEMEN, WHEN I
9 WAS DOING THE CHARGE ON BURGLARY, I THINK YOU MAY
10 RECALL, MS. WALKER HAD TO STOP AND CHANGE THE TAPE,
11 AND UNFORTUNATELY I DROPPED, I FORGOT TO FINISH
12 READING YOU ON THE CHARGES ABOUT CIRCUMSTANCES WITH
13 DIFFERENT EXAMPLES REGARDING BURGLARY, SO I'M GOING TO
14 FINISH THAT UP. AND THIS IS ON THE BURGLARY CHARGE.

15 FINALLY, THE STATE MUST PROVE BEYOND A REASONABLE
16 DOUBT THAT WHEN ENTERING OR WHILE IN THE DWELLING, OR
17 WHEN FLEEING THE DEFENDANT OR AN ACCOMPLICE CAUSE
18 PHYSICAL INJURY TO ANYONE NOT PARTICIPATING IN THE
19 CRIME OR WHEN ENTERING, WHILE IN THE DWELLING, OR WHEN
20 FLEEING THE DEFENDANT OR AN ACCOMPLICE USED OR
21 THREATENED TO USE A DANGEROUS OBJECT, OR WHEN
22 ENTERING, WHILE IN THE DWELLING, OR WHEN FLEEING THE
23 DEFENDANT OR AN ACCOMPLICE DISPLAYED WHAT WAS OR
24 APPEARED TO BE A KNIFE, PISTOL, REVOLVER, RIFLE, SHOT
25 GUN, MACHINE GUN OR OTHER FIREARM OR THE DEFENDANT OR

1 REMAINED IN THE DWELLING IN THE NIGHT TIME. NIGHT
2 TIME IS THE PERIOD BETWEEN SUNSET AND SUNRISE, DURING
3 WHICH THERE IS NOT ENOUGH DAYLIGHT TO RECOGNIZE A
4 PERSON'S FACE EXCEPT BY ARTIFICIAL LIGHT OR MOONLIGHT.

5 ALRIGHT. ALRIGHT, NOW, HAVING SAID, THAT I
6 UNDERSTAND YOUR LUNCH IS THERE. OKAY? I'M GOING TO
7 EXCUSE Y'ALL TO GO BACK INTO THE JURY ROOM. I WILL LET
8 YOU EAT YOUR LUNCH. WHEN Y'ALL ARE THROUGH EATING
9 YOUR LUNCH IF YOU WILL LET THE BAILIFF KNOW AND SHE
10 WILL LET ME KNOW, AND THEN I'LL SEND THE EVIDENCE BACK
11 IN THERE AND THE VERDICT FORMS AND TELL YOU TO BEGIN
12 YOUR DELIBERATIONS.

13 NOW, WHILE YOU ARE EATING LUNCH YOU ARE NOT TO
14 DISCUSS THIS CASE. OKAY? YOU CANNOT DISCUSS THE CASE.
15 YOU'VE NOW HEARD EVERYTHING, BUT YOU CANNOT DISCUSS
16 THIS CASE UNTIL I SEND THE VERDICT FORMS BACK IN THERE
17 ALONG WITH THE EVIDENCE AND TELL YOU TO BEGIN YOUR
18 DELIBERATIONS. OKAY? Y'ALL ARE NOW EXCUSED TO GO
19 BACK INTO THE JURY ROOM.

20 (Whereupon, the jury retires
21 to the jury room and the following
22 takes place out of the presence
23 of the jury.)

24 THE COURT: ALRIGHT, ANYTHING ELSE FROM THE
25 STATE?

1 SOLICITOR PASCOE: NO, YOUR HONOR.

2 THE COURT: OKAY. ANYTHING FROM ANY OF THE
3 DEFENDANTS?

4 MR. LACKEY: NO, YOUR HONOR.

5 MS. ULLMAN: NO, YOUR HONOR.

6 MR. PALMER: NO, YOUR HONOR.

7 MR. MELLARD: NO, SIR.

8 MR. KOGER: NO, SIR.

9 THE COURT: ALRIGHT, GENTLEMEN, IF Y'ALL WANT TO
10 GO AHEAD AND EAT LUNCH, AND LADIES, IF Y'ALL WANT TO
11 GO GET SOMETHING TO EAT, IT'S GOING TO BE A WHILE
12 BEFORE THE JURY FINISHES. AS SOON AS THEY TELL ME
13 THEY'RE THROUGH I WILL -- WELL, YOU KNOW WHAT, I NEED
14 FOR Y'ALL, BEFORE Y'ALL LEAVE, IF Y'ALL WILL SIT DOWN,
15 MAKE SURE WE'VE GOT ALL THE EVIDENCE STRAIGHT SO
16 THEY'LL BE READY TO GO BACK, YOU KNOW, WHENEVER THE
17 JURY TELLS ME THAT THEY'RE READY TO BEGIN THEIR
18 DELIBERATIONS.

19 SOLICITOR PASCOE: YES, SIR, AND WE DON'T HAVE TO
20 BE HERE TO DO THAT BECAUSE THE BAILIFFS WILL JUST DO
21 THAT?

22 THE COURT: YEAH, THE BAILIFFS ARE GOING TO TAKE
23 IT BACK THERE, BUT I WANT Y'ALL TO MAKE SURE IT'S ALL
24 HERE, AND I THINK THERE WAS ONLY ONE THAT ONLY MARKED
25 FOR IDENTIFICATION - OKAY, MS. HARRY DOT'S GOT THAT.

1 OKAY.

2 SOLICITOR PASCOE: YOUR HONOR, I WANT TO MAKE
3 SURE THAT THE BAILIFFS -- MAKE SURE THAT THE ALTERNATE
4 IS TAKEN OUT AND ISOLATED SOMEWHERE?

5 THE COURT: YEAR, BEFORE THEY BEGIN THEIR
6 DELIBERATIONS. WHAT I WANT YOU TO DO -- THEY CAN EAT,
7 SHE CAN, YEAH, WHENEVER THE EVIDENCE GOES BACK THERE
8 IF YOU WILL HAVE HER GO SIT IN THE, ISN'T THERE
9 ANOTHER ROOM? OKAY. IF YOU WILL DO THAT I'LL
10 APPRECIATE IT.

11 ALRIGHT, WE ARE IN RECESS. THANK Y'ALL.

12 (Recess)

13 (Whereupon, the jury begins
14 their deliberations at 3:15 p.m.)

15 (Whereupon, the jury sends in
16 a note at 5:00 p.m.)

17 COURT REPORTER: THIS WILL BE COURT'S FIVE.
18 (Court's Exhibit Five
19 marked and filed.)

20 THE COURT: ALRIGHT, MS. WALKER, ARE YOU READY?

21 COURT REPORTER: YES, SIR.

22 THE COURT: LADIES AND GENTLEMEN, THE JURY HAS
23 SENT A QUESTION OUT TO ME. IT SAYS, "MAY WE PLEASE
24 HAVE THE CHARGES OF LAW IN RELATION TO HAND OF ONE,
25 HAND OF ALL." SO, WHAT I WAS PLANNING ON DOING WAS

1 READING MY HAND OF ONE, HAND OF ALL CHARGE AGAIN TO
2 THEM EXACTLY AS I GAVE IT TO THEM LAST TIME.

3 ANY OBJECTION FROM THE STATE?

4 SOLICITOR PASCOE: NO, SIR.

5 THE COURT: ANY OBJECTION, MR. LACKEY?

6 MR. LACKEY: NO, SIR, YOUR HONOR.

7 THE COURT: OKAY. MS. ULLMAN?

8 MS. ULLMAN: I GUESS THE ONLY THING I WOULD ASK
9 IF YOU'RE GOING TO DO THAT IS MAYBE ALSO AGAIN CHARGE
10 THEM ON THE MERE PRESENCE.

11 THE COURT: I UNDERSTAND YOUR REQUEST BUT THEY
12 DIDN'T ASK FOR THAT.

13 MS. ULLMAN: YES, SIR.

14 THE COURT: OKAY. MR. PALMER?

15 MR. PALMER: OH, I WAS GOING TO SUGGEST THE
16 SAME, YOUR HONOR, BUT - - -

17 THE COURT: OKAY.

18 MR. PALMER: --- IF YOUR HONOR CONSIDERS THOSE
19 TWO SEPARATE CHARGES ...

20 THE COURT: YEAH, ACTUALLY, IN THE HAND OF ONE
21 CHARGE IT HAS, IT HAS, IT SAYS SOMETHING ABOUT
22 PRESENCE AT THE SCENE NOT BEING ENOUGH. SO, MY HAND
23 OF ONE CHARGE ALREADY HAS THAT IN THERE, SO I'M NOT
24 GOING TO -- IT SAYS, "HOWEVER, MERE PRESENCE AT THE
25 SCENE AT THE CRIME IS NOT SUFFICIENT TO CONVICT ONE AS

1 A PRINCIPAL ON THE THEORY OF AIDING AND ABETTING."

2 MR. PALMER: YES, SIR, THAT WILL BE FINE.

3 MS. ULLMAN: YES, SIR.

4 THE COURT: SO, YEAH, OKAY.

5 MR. MELLARD: YES, THAT WILL BE FINE.

6 MR. KOGER: NO OBJECTION, YOUR HONOR.

7 THE COURT: OKAY. ALRIGHT, IF YOU'LL BRING THE
8 JURY ON OUT. EVEN THOUGH THE ALTERNATE HAS NOT BEEN
9 PART OF THE DELIBERATIONS, SINCE I'M GOING TO MAKE A
10 CHARGE I'M GOING TO BRING HER BACK OUT HERE ALSO JUST
11 SO SHE'LL BE IN THE SAME POSITION Y'ALL ARE IN.

12 (Whereupon, the jury enters
13 the courtroom and the following
14 takes place in the presence
15 of the jury.)

16 THE COURT: ALRIGHT, LADIES AND GENTLEMEN, I HAD
17 THE REQUEST THAT Y'ALL WANTED THE CHARGE OF HAND OF
18 ONE, HAND OF ALL AGAIN. SO, I'M GOING TO READ THAT
19 CHARGE TO YOU AGAIN, AND THIS IS IT.

20 IF A CRIME IS COMMITTED BY TWO OR MORE PEOPLE WHO
21 ARE ACTING TOGETHER IN COMMITTING A CRIME THE ACT OF
22 ONE IS THE ACT OF ALL. A PERSON WHO JOINS WITH
23 ANOTHER TO COMMIT AN UNLAWFUL ACT IS CRIMINALLY
24 RESPONSIBLE FOR EVERYTHING DONE BY THE OTHER PERSON
25 WHICH HAPPENS AS A PROBABLE OR NATURAL CONSEQUENCE OF

1 THE ACTS DONE IN CARRYING OUT THE COMMON PLAN AND
2 PURPOSE. IF TWO OR MORE PEOPLE ARE TOGETHER, ACTING
3 TOGETHER, ASSISTING EACH OTHER IN COMMITTING THE
4 OFFENSE, THE ACT OF ONE IS THE ACT OF ALL, OR AS IS
5 SOMETIMES SAID, THE HAND OF ONE IS THE HAND OF ALL.
6 PRIOR KNOWLEDGE THAT A CRIME IS GOING TO BE COMMITTED
7 WITHOUT MORE IS NOT SUFFICIENT TO MAKE A PERSON GUILTY
8 OF THAT CRIME. MERE KNOWLEDGE THAT ANOTHER PERSON IS
9 GOING TO COMMIT A CRIME, EVEN IF THE DEFENDANT IS
10 PRESENT WHEN THE CRIME IS COMMITTED IS NOT SUFFICIENT
11 TO CONVICT THE DEFENDANT AS A PRINCIPAL. GUILT AS A
12 PRINCIPAL IS SHOWN BY ACTUAL OR CONSTRUCTIVE PRESENCE
13 AT THE SCENE AS A RESULT OF PRIOR ARRANGEMENT.
14 THEREFORE, A FINDING OF A PRIOR ARRANGED PLAN OR
15 COMMON SCHEME IS NECESSARY FOR A FINDING OF GUILT AS A
16 PRINCIPAL. THE STATE MUST PROVE BEYOND A REASONABLE
17 DOUBT BY COMPETENT EVIDENCE, THE THEORY OF, THE HAND
18 OF ONE IS THE HAND OF ALL. A PRINCIPAL IN A CRIME IS
19 ONE WHO EITHER ACTUALLY COMMITS THE CRIME OR WHO IS
20 PRESENT, AIDING, ABETTING OR ASSISTING IN COMMITTING
21 THE CRIME. WHEN A PERSON DOES AN ACT IN THE PRESENCE
22 OF AND WITH THE ASSISTANCE OF ANOTHER THE ACT IS DONE
23 BY BOTH. WHERE TWO OR MORE ACTING WITH A COMMON PLAN
24 OR INTENT ARE PRESENT AT THE COMMISSION OF A CRIME IT
25 DOESN'T MATTER WHO ACTUALLY COMMITS THE CRIME, ALL ARE

1 GUILTY. THE HAND OF ONE IS THE HAND OF ALL. PRESENT
2 AT THE COMMISSION OF A CRIME MEANS TO BE SUFFICIENTLY
3 NEAR TO AID AND ABET AND ASSIST IN THE COMMISSION OF
4 THE CRIME. HOWEVER, MERE PRESENCE AT THE SCENE OF A
5 CRIME IS NOT SUFFICIENT TO CONVICT ONE AS A PRINCIPAL
6 ON THE THEORY OF AIDING AND ABETTING. INTENT IS ALSO
7 A NECESSARY ELEMENT, FOR THERE MUST HAVE BEEN A COMMON
8 DESIGN OR INTENT TO COMMIT THE CRIME, AND THE CRIME
9 MUST HAVE BEEN COMMITTED PURSUANT THERETO WITH THE
10 PERSON AIDING AND ABETTING BY SOME OVERT ACT. INTENT
11 MEANS INTENDING THE RESULT WHICH ACTUALLY OCCURS, NOT
12 ACCIDENTALLY OR INVOLUNTARILY. INTENT MAY BE SHOWN BY
13 ACTS AND CONDUCT OF THE DEFENDANT AND OTHER
14 CIRCUMSTANCES FROM WHICH YOU MAY NATURALLY AND
15 REASONABLY INFER INTENT. THE STATE MUST PROVE THESE
16 ELEMENTS BEYOND A REASONABLE DOUBT.

17 ALRIGHT, LADIES AND -- YOU CAN'T ASK A QUESTION,
18 NO, MA'AM. I KNOW YOU'RE GETTING TO ASK SOMETHING,
19 YOU LOOKED LIKE YOU WERE. I'VE READ THE CHARGES TO
20 YOU. OKAY? NOW, IF Y'ALL HAVE ANOTHER QUESTION YOU
21 CAN GO BACK THERE AND IF YOU WANT TO REWORD THE
22 QUESTION. OKAY? SO, I'VE READ THE CHARGE TO YOU, AND
23 Y'ALL ARE NOW EXCUSED TO GO BACK AND RESUME YOUR
24 DELIBERATIONS.

25 AND IF YOU WILL KEEP THE ALTERNATE IN THE

1 SEPARATE ROOM. OKAY?

2 THANK Y'ALL.

3 (Whereupon, the jury retires
4 to the jury room and continues
5 their deliberations.)

6 THE COURT: AND THIS IS COURT'S EXHIBIT FIVE.

7 FROM THE FOREPERSON -- IT LOOKED LIKE SHE WAS
8 TRYING TO SAY SOMETHING, AND I DIDN'T -- SO, IF YOU
9 WANT TO SIT TIGHT AND LET'S SEE. BUT WE'LL BE IN
10 RECESS, TO SEE IF THERE IS ANOTHER QUESTION.

11 OH, AND WHILE WE'RE HERE I'M GOING TO MAKE
12 ANOTHER COURT'S EXHIBIT. WHILE WE WERE IN COURT THIS
13 WEEK, AND THIS IS JUST FOR THE COURT RECORD, THERE WAS
14 A -- ON TUESDAY, DECEMBER FOURTEENTH, THERE WAS
15 LOCATED AN UNFIRED TWENTY-TWO LONG RIFLE CARTRIDGE WAS
16 UNDER ONE OF THE BENCHES IN THE SECOND FLOOR
17 COURTROOM, AND THERE IS A REPORT THAT WAS FILED BY --
18 WHO IS THIS, KEN KINSEY? AND I'M JUST GOING TO HAVE A
19 -- JUST FOR THE RECORD, I'M JUST GOING TO HAVE A COPY
20 -- OH, THERE IT IS UP AT THE TOP, KENNY KINSEY, I'M
21 JUST MAKING THIS A COURT'S EXHIBIT SO IT WILL BE PART
22 OF THE RECORD, JUST TO SHOW, INDICATE WHAT WAS GOING
23 ON IN THE COURTROOM DURING THAT TIME. AND THIS WOULD
24 BE COURT'S EXHIBIT NUMBER SIX. OKAY? THAT'S A COPY.
25 AND IF ANYBODY NEEDS A COPY I'VE GOT A COPY FOR YOU.

1 THAT'S THE ORIGINAL, YOU CAN GIVE IT BACK TO HIM.

2 OKAY?

3 (Court's Exhibit Six
4 marked and filed.)

5 THE COURT: ALRIGHT, WE'RE IN RECESS UNTIL
6 SOMETHING ELSE HAPPENS. OKAY? THANK Y'ALL.

7 (Recess)

8 THE COURT: I HAVE BEEN TOLD THAT THE JURY HAS
9 REACHED A VERDICT.

10 MS. ULLMAN: YOUR HONOR, - - -

11 THE COURT: YES, MA'AM. MARK RAN DOWNSTAIRS, I
12 JUST TRIED TO CALL TO GET HIM.

13 THE COURT: OKAY. WELL, THEN, WE'LL -- OKAY,
14 WELL ...

15 MS. ULLMAN: IT CAN'T BE MORE THAN TWENTY SECONDS.

16 THE COURT: YEAH, YOU CAN ...

17 MS. ULLMAN: I'M SORRY.

18 THE COURT: OKAY. I HAVE BEEN TOLD THAT THE JURY
19 HAS REACHED A VERDICT, AND WE'VE HAD SOME DIFFERENT
20 SUGGESTIONS ABOUT HOW TO HANDLE THAT. I THINK THE
21 SHERIFF'S OFFICE IS CONCERNED A LITTLE BIT ABOUT
22 SECURITY AT THIS STAGE OF THE GAME, AND WHAT I THINK
23 WE WOULD LIKE TO DO IF THERE'S NO OBJECTION FROM THE
24 DEFENSE ATTORNEYS IS TO BRING OUT EACH DEFENDANT,
25 AFTER I BRING THE JURY OUT, BRING OUT A DEFENDANT AT A

1 TIME, AND THEN GO THROUGH WITH THAT DEFENDANT WHAT THE
2 VERDICT IS, AND WHATEVER WE NEED TO DO WITH THAT
3 DEFENDANT. ANY OBJECTION FROM YOU, MR. LACKEY?

4 MR. LACKEY: I DON'T BELIEVE SO, YOUR HONOR.

5 THE COURT: OKAY. MS. ULLMAN?

6 MS. ULLMAN: NO, SIR.

7 THE COURT: MR. PALMER.

8 MR. PALMER: NO OBJECTION.

9 MR. MELLARD: NO OBJECTION.

10 MR. KOGER: NONE, YOUR HONOR.

11 THE COURT: ALRIGHT. IS THE STATE READY?

12 SOLICITOR PASCOE: YES, SIR.

13 THE COURT: OKAY. ARE DEFENDANTS READY?

14 MR. LACKEY: YES, SIR.

15 THE COURT: OKAY. IF YOU WILL BRING OUT
16 CHRISTIAN, HE'S FIRST ON THE LIST. OKAY? AND BRING
17 THE JURY ON OUT. AND THEN WHAT I'M GOING TO HAVE HIM
18 GO BACK ONE AT A TIME, AND SO WE'LL JUST HAVE ONE
19 PERSON OUT HERE AT A TIME.

20 MR. LACKEY: WOULD YOU LIKE US TO STAND, YOUR
21 HONOR?

22 THE COURT: YOU CAN STAND RIGHT THERE. THAT WILL
23 BE FINE.

24 AND EVERYONE IN THE AUDIENCE, LET ME TELL YOU,
25 WE'RE GETTING READY TO ANNOUNCE THE VERDICTS, AND

1 WHATEVER THE VERDICT IS WE'RE NOT GOING TO HAVE ANY
2 OUTCRIES, NO TALKING, NO YELLING, NO, YOU KNOW,
3 NOTHING. AND IF YOU DON'T THINK YOU CAN SIT QUIETLY
4 YOU NEED TO EXIT THE COURTROOM NOW, BECAUSE IF I HAVE
5 ANY OUTBURSTS OR ANYTHING LIKE THAT YOU WILL BE DEALT
6 WITH. OKAY.

7 (Whereupon, the jury and
8 defendant Christian Coleman
9 enter the courtroom and
10 the following takes place
11 in the presence of the jury.)

12 THE COURT: ALRIGHT, LADIES AND GENTLEMEN OF THE
13 JURY, IT'S MY UNDERSTANDING THAT Y'ALL HAVE REACHED A
14 VERDICT, IS THAT TRUE, MADAM FORELADY?

15 JURY FORELADY: YES.

16 THE COURT: OKAY. AND YOUR VERDICT IS
17 UNANIMOUS?

18 JUROR FORELADY: YES.

19 THE COURT: AND YOUR VERDICT IS, REGARDING EACH
20 ONE OF THE DEFENDANTS AND EACH ONE OF THE CHARGES?

21 JUROR FORELADY: YES.

22 THE COURT: OKAY. NOW, MADAM FORELADY, WHAT
23 WE'RE GOING TO DO IS, WE'RE GOING TO DO EACH DEFENDANT
24 ONE AT A TIME. OKAY? SO, WHAT I'M GOING TO ASK YOU
25 TO DO IS, THE FIRST DEFENDANT THAT WE'RE GOING TO DEAL

1 WITH IS MR. CHRISTIAN COLEMAN. OKAY? SO, IF YOU
2 WOULD GET HIS VERDICT FORM OUT FOR ME, PLEASE, MA'AM,
3 AND IF YOU'LL GET READY. AND MADAM FORELADY, WITH
4 REGARD TO THE DEFENDANT, CHRISTIAN COLEMAN, THE JURY
5 HAS REACHED A UNANIMOUS VERDICT REGARDING ALL OF THE
6 CHARGES AGAINST MR. CHRISTIAN COLEMAN, IS THAT
7 CORRECT?

8 JURY FORELADY: YES, SIR.

9 THE COURT: OKAY. IF YOU WOULD HAND THAT VERDICT
10 FORM TO THE BAILIFF, PLEASE, MA'AM.

11 (Whereupon, the Court examines
12 the verdict forms.)

13 THE COURT: ALRIGHT, MADAM CLERK, IF YOU WOULD
14 PLEASE PUBLISH THE VERDICT.

15 VERDICT OF THE JURY

16 AS TO CHRISTIAN COLEMAN

17 CLERK: IN THE MATTER OF THE STATE VERSUS
18 CHRISTIAN COLEMAN, THE JURY UNANIMOUSLY FINDS THE
19 DEFENDANT AS TO THE CHARGE OF MURDER, GUILTY.

20 AS TO THE CHARGE OF BURGLARY IN THE FIRST DEGREE,
21 GUILT.

22 AS TO THE CHARGE OF ARMED ROBBERY, GUILTY.

23 THE COURT: AND ON THE BACK PAGE, IT WAS SIGNED
24 AND DATED BY THE FORELADY?

25 CLERK: KELLY WILLIAMS, DECEMBER SEVENTEENTH, TWO

1 THOUSAND TEN.

2 THE COURT: ALRIGHT. IS THAT THE DECISION OF THE
3 JURY?

4 JURY FORELADY: YES, SIR.

5 THE COURT: IS THAT STILL YOUR DECISION? IS THAT
6 A YES?

7 JURY FORELADY: YES, SIR.

8 THE COURT: OKAY. ALRIGHT, ANYTHING FROM THE
9 DEFENSE?

10 MR. LACKEY: NOT AT THIS TIME.

11 THE COURT: OKAY. THANK YOU, SIR. ALRIGHT, MR.
12 COLEMAN, YOU'RE EXCUSED TO GO BACK IN THE HOLDING CELL
13 FOR RIGHT NOW. OKAY? IF YOU'D BRING OUT MR. RALPH
14 COLEMAN.

15 (Whereupon, Christian Coleman
16 leaves the courtroom and Ralph
17 Coleman enters the courtroom.)

18 THE COURT: HAS THE JURY REACHED A VERDICT
19 REGARDING MR. RALPH COLEMAN?

20 JURY FORELADY: YES, SIR.

21 THE COURT: IS THAT VERDICT UNANIMOUS?

22 JURY FORELADY: YES, SIR.

23 THE COURT: AND THAT VERDICT IS REGARD TO ALL OF
24 THE CHARGES AGAINST MR. RALPH COLEMAN?

25 JURY FORELADY: YES, SIR.

1 THE COURT: OKAY. IF YOU'D PLEASE HAND THE
2 BAILIFF THE VERDICT FORM, PLEASE, MA'AM.

3 (Whereupon, the Court examines
4 the verdict.)

5 THE COURT: ALRIGHT, MADAM CLERK, IF YOU WILL
6 PUBLISH THE VERDICT FOR ME, PLEASE, MA'AM.

7 VERDICT OF THE JURY

8 AS TO RALPH COLEMAN

9 CLERK: IN THE MATTER OF STATE OF SOUTH CAROLINA
10 VERSUS RALPH BERNARD COLEMAN, THE JURY HAS UNANIMOUSLY
11 FOUND THE DEFENDANT AS TO THE CHARGE OF MURDER,
12 GUILTY.

13 AS TO THE CHARGE OF BURGLARY IN THE FIRST DEGREE,
14 GUILTY.

15 AS TO THE CHARGE OF ARMED ROBBERY, GUILTY.

16 AND IT WAS SIGNED BY KELLY WILLIAMS,
17 TWELVE/SEVENTEEN/TWO THOUSAND TEN.

18 THE COURT: THANK YOU, MA'AM. IS THAT THE
19 DECISION OF THE JURY?

20 JURY FORELADY: YES, SIR.

21 THE COURT: AND IS THAT STILL THE DECISION?

22 JURY FORELADY: YES, SIR.

23 THE COURT: OKAY. ALRIGHT, ANYTHING FROM THE
24 DEFENSE AT THIS TIME?

25 MS. ULLMAN: YOUR HONOR, I DO HAVE A POST TRIAL

1 MOTION BUT I DON'T KNOW IF YOU WANT ME TO ...

2 THE COURT: NO, WE'LL DO THE POST TRIAL MOTIONS
3 IN A MINUTE IF THAT'S OKAY.

4 MS. ULLMAN: YES, SIR.

5 THE COURT: OKAY. ALRIGHT, THANK YOU, MA'AM.

6 MS. ULLMAN: YOUR HONOR, COULD YOU POLL THE JURY?

7 THE COURT: YES, MA'AM. MADAM CLERK, IF YOU
8 WOULD POLL THE JURY FOR ME, PLEASE, MA'AM.

9 LADIES AND GENTLEMEN OF THE JURY, WHEN THEY
10 REQUEST THAT THE JURY BE POLLED, THE CLERK IS GOING TO
11 ASK EACH ONE OF YOU INDIVIDUALLY IF THIS IS STILL YOUR
12 VERDICT, AND YOU WILL NEED TO RESPOND WHEN SHE CALLS
13 YOUR NAME.

14 YES, MA'AM.

15 CLERK: KELLY WILLIAMS.

16 JUROR WILLIAMS: YES.

17 CLERK: DID YOU FIND THE DEFENDANT GUILTY?

18 JUROR WILLIAMS: I DID.

19 CLERK: DO YOU NOW STATE THAT THE DEFENDANT IS
20 STILL GUILTY?

21 JUROR WILLIAMS: I DO.

22 CLERK: CHARLES STRECKER, DID YOU, WAS THAT
23 CHOICE OF FINDING THE DEFENDANT GUILTY?

24 JUROR STRECKER: YES.

25 CLERK: IS THAT STILL YOUR DECISION?

1 JUROR STRECKER: YES.

2 CLERK: WAYNE LOVETTE.

3 JUROR LOVETTE: YES.

4 CLERK: DID YOU FIND THE DEFENDANT GUILTY?

5 JUROR LOVETTE: YES.

6 CLERK: IS THAT STILL YOUR DECISION?

7 JUROR LOVETTE: YES.

8 CLERK: TAMEKA JOHNSON.

9 JUROR JOHNSON: YES.

10 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON
11 ALL CHARGES?

12 JUROR JOHNSON: YES.

13 CLERK: IS THAT STILL YOUR DECISION?

14 JUROR JOHNSON: YES.

15 CLERK: INDIA JAMISON.

16 JUROR JAMISON: YES.

17 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
18 CHARGES?

19 JUROR JAMISON: YES.

20 CLERK: IS THAT STILL YOUR DECISION?

21 JUROR JAMISON: YES.

22 CLERK: JAMIE HEADDEN, DID YOU FIND THE DEFENDANT
23 GUILTY ON ALL CHARGES?

24 JUROR HEADDEN: YES.

25 CLERK: IS THAT STILL YOUR DECISION?

1 JUROR HEADDEN: YES.

2 CLERK: BRENDA HAYWARD.

3 THE COURT: NO, NO, SHE'S THE ALTERNATE.

4 CLERK: JEROME FRANKLIN.

5 JUROR FRANKLIN: YES.

6 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
7 CHARGES?

8 JUROR FRANKLIN: YES.

9 CLERK: IS THAT STILL YOUR DECISION?

10 JUROR FRANKLIN: YES.

11 CLERK: LORETTA COLTER.

12 JUROR COLTER: YES.

13 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
14 CHARGES?

15 JUROR COLTER: YES.

16 CLERK: IS THAT STILL YOUR DECISION?

17 JUROR COLTER: YES.

18 CLERK: MERLINDA BUTLER.

19 JUROR BUTLER: YES.

20 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
21 CHARGES?

22 JUROR BUTLER: YES.

23 CLERK: IS THAT STILL YOUR DECISION?

24 JUROR BUTLER: YES.

25 CLERK: OTIS BOYD.

1 JUROR BOYD: YES.

2 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
3 CHARGES?

4 JUROR BOYD: YES.

5 CLERK: IS THAT STILL YOUR DECISION?

6 JUROR BOYD: YES.

7 CLERK: SAMANTHA BENTON.

8 JUROR BENTON: YES.

9 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
10 CHARGES?

11 JUROR BENTON: YES.

12 CLERK: IS THAT STILL YOUR DECISION?

13 JUROR BENTON: YES.

14 CLERK: COURTNEY ASBERRY.

15 JUROR ASBERRY: YES.

16 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
17 CHARGES?

18 JUROR ASBERRY: YES.

19 CLERK: IS THAT STILL YOUR DECISION?

20 JUROR ASBERRY: YES.

21 THE COURT: ALRIGHT, THANK Y'ALL.

22 MS. ULLMAN: THANK YOU, JUDGE.

23 THE COURT: ANYTHING ELSE? ALRIGHT, MR. COLEMAN,
24 YOU'RE EXCUSED TO GO BACK TO THE HOLDING CELL FOR A
25 MINUTE.

1 IF YOU WOULD BRING OUT MR. WALTER LEE HARRIS.

2 (Whereupon, Ralph Coleman
3 leaves the courtroom and
4 Walter Lee Harris enters
5 the courtroom.)

6 THE COURT: ALRIGHT, MADAM FORELADY, HAS THE JURY
7 REACHED A DECISION REGARDING WALTER LEE HARRIS?

8 JURY FORELADY: YES, SIR.

9 THE COURT: OKAY. IS THE DECISION OF THE JURY
10 UNANIMOUS?

11 JURY FORELADY: YES, SIR.

12 THE COURT: OKAY. AND IT WAS UNANIMOUS REGARDING
13 ALL THREE OF THE CHARGES?

14 JURY FORELADY: YES, SIR.

15 THE COURT: OKAY. IF YOU'D HAND THE VERDICT FORM
16 TO THE BAILIFF, PLEASE, MA'AM.

17 (Whereupon, the Court examines
18 the verdict.)

19 THE COURT: ALRIGHT, MADAM CLERK, WOULD YOU
20 PUBLISH THE VERDICT FOR ME, PLEASE, MA'AM.

21 VERDICT OF THE JURY

22 AS TO WALTER LEE HARRIS

23 CLERK: IN THE MATTER OF THE STATE OF SOUTH
24 CAROLINA VERSUS WALTER LEE HARRIS, THE JURY HAS
25 UNANIMOUSLY FOUND THE DEFENDANT AS TO THE CHARGE OF

1 MURDER, GUILTY.

2 AS TO THE CHARGE OF BURGLARY IN THE FIRST DEGREE,
3 GUILTY.

4 AS TO THE CHARGE OF ARMED ROBBERY, GUILTY.

5 AND IT HAS BEEN SIGNED BY KELLY WILLIAMS,
6 TWELVE/SEVENTEEN/TWO THOUSAND TEN.

7 THE COURT: AND MADAM FORELADY, THAT IS THE
8 JURY'S VERDICT, IS THAT CORRECT?

9 JURY FORELADY: YES, SIR.

10 THE COURT: OKAY. ALRIGHT, ANYTHING FROM THE
11 DEFENDANT?

12 MR. PALMER: WE WOULD RESPECTFULLY ASK THAT THE
13 JURY BE POLLED, YOUR HONOR.

14 THE COURT: ALRIGHT, LADIES AND GENTLEMEN, YOU'RE
15 GOING TO BE POLLED AGAIN. OKAY?

16 CLERK: COURTNEY ASBERRY.

17 JUROR ASBERRY: YES.

18 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
19 CHARGES?

20 JUROR ASBERRY: YES.

21 CLERK: IS THAT STILL YOUR DECISION?

22 JUROR ASBERRY: YES.

23 CLERK: SAMANTHA BENTON.

24 JUROR BENTON: YES.

25 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL

1 CHARGES?

2 JUROR BENTON: YES.

3 CLERK: IS THAT STILL YOUR DECISION?

4 JUROR BENTON: YES.

5 CLERK: OTIS BOYD.

6 JUROR BOYD: YES.

7 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
8 CHARGES?

9 JUROR BOYD: YES.

10 CLERK: IS THAT STILL YOUR DECISION?

11 JUROR BOYD: YES.

12 CLERK: MERLINDA BUTLER.

13 JUROR BUTLER: YES.

14 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
15 CHARGES?

16 JUROR BUTLER: YES.

17 CLERK: IS THAT STILL YOUR DECISION?

18 JUROR BUTLER: YES.

19 CLERK: LORETTA COLTER.

20 JUROR COLTER: YES.

21 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
22 CHARGES?

23 JUROR COLTER: YES.

24 CLERK: IS THAT STILL YOUR DECISION?

25 JUROR COLTER: YES.

1 CLERK: JEROME FRANKLIN.

2 JUROR FRANKLIN: YES.

3 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
4 CHARGES?

5 JUROR FRANKLIN: YES.

6 CLERK: IS THAT STILL YOUR DECISION?

7 JUROR FRANKLIN: YES.

8 CLERK: JAMIE HEADDEN.

9 JUROR HEADDEN: YES.

10 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
11 CHARGES?

12 JUROR HEADDEN: YES.

13 CLERK: IS THAT STILL YOUR DECISION?

14 JUROR HEADDEN: YES.

15 CLERK: INDIA JAMISON.

16 JUROR JAMISON: YES.

17 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
18 CHARGES?

19 JUROR JAMISON: YES.

20 CLERK: IS THAT STILL YOUR DECISION?

21 JUROR JAMISON: YES.

22 CLERK: TAMEKA JOHNSON.

23 JUROR JOHNSON: YES.

24 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
25 CHARGES?

1 JUROR JOHNSON: YES.

2 CLERK: IS THAT STILL YOUR DECISION?

3 JUROR JOHNSON: YES.

4 CLERK: WAYNE LOVETTE.

5 JUROR LOVETTE: YES.

6 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
7 CHARGES?

8 JUROR LOVETTE: YES.

9 CLERK: IS THAT STILL YOUR DECISION?

10 JUROR LOVETTE: YES.

11 CLERK: CHARLES STRECKER.

12 JUROR STRECKER: YES.

13 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
14 CHARGES?

15 JUROR STRECKER: YES.

16 CLERK: IS THAT STILL YOUR DECISION?

17 JUROR STRECKER: YES.

18 CLERK: KELLY WILLIAMS.

19 JUROR WILLIAMS: YES.

20 CLERK: DID YOU FIND THE DEFENDANT ON ALL
21 CHARGES?

22 JUROR WILLIAMS: YES.

23 CLERK: IS THAT STILL YOUR DECISION?

24 JUROR WILLIAMS: YES.

25 THE COURT: ALRIGHT, THANK YOU, MA'AM.

1 ALRIGHT, THANK YOU, MR. HARRIS, YOU ARE EXCUSED
2 TO GO BACK INTO THE HOLDING CELL.

3 ALRIGHT, WOULD YOU CALL OUT DANNY RYANT, JUNIOR,
4 PLEASE.

5 (Whereupon, Walter Lee Harris
6 leaves the courtroom and Danny
7 Ryant, Jr., enters the courtroom.)

8 THE COURT: ALRIGHT, LADIES AND GENTLEMEN OF THE
9 JURY, HAVE YOU REACHED A DECISION REGARDING DANNY
10 RYANT, JUNIOR?

11 JURY FORELADY: YES.

12 THE COURT: IS THAT DECISION UNANIMOUS?

13 JURY FORELADY: YES, SIR.

14 THE COURT: AND THAT IS IN REGARD TO ALL OF THE
15 CHARGES FACING MR. RYANT?

16 JUROR FORELADY: YES, SIR.

17 THE COURT: OKAY. WOULD YOU PASS THE VERDICT
18 FORM OVER TO THE BAILIFF FOR ME, PLEASE, MA'AM.

19 (Whereupon, the Court examines
20 the verdict.)

21 THE COURT: ALRIGHT, MADAM CLERK, WOULD YOU
22 PUBLISH THE VERDICT FOR ME, PLEASE, MA'AM.

23 VERDICT OF THE JURY

24 AS TO DANNY RYANT, JR.

25 CLERK: IN THE MATTER OF STATE OF SOUTH CAROLINA

1 VERSUS DANNY RYANT, JUNIOR, THE JURY UNANIMOUSLY FINDS
2 THE DEFENDANT, AS TO THE CHARGE OF MURDER, GUILTY.

3 AS TO THE CHARGE OF BURGLARY IN THE FIRST DEGREE,
4 GUILTY.

5 AND AS TO THE CHARGE OF ARMED ROBBERY, GUILTY.

6 AND IT HAS BEEN SIGNED BY KELLY WILLIAMS,
7 TWELVE/SEVENTEEN/TWO THOUSAND TEN.

8 THE COURT: ALRIGHT, MADAM FORELADY, THAT IS
9 YOUR, THE JURY'S DECISION, AND IT IS UNANIMOUS, IS
10 THAT CORRECT?

11 JURY FORELADY: YES, SIR.

12 THE COURT: OKAY.

13 MR. MELLARD: WE WOULD ASK THAT THE JURY BE
14 POLLED ON ALL CHARGES, YOUR HONOR.

15 THE COURT: OKAY.

16 CLERK: KELLY WILLIAMS.

17 JUROR WILLIAMS: YES.

18 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
19 CHARGES?

20 JUROR WLLIAMS: YES.

21 CLERK: IS THAT STILL YOUR DECISION?

22 JUROR WILLIAMS: YES.

23 CLERK: CHARLES STRECKER.

24 JUROR STRECKER: YES.

25 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL

1 CHARGES?

2 JUROR STRECKER: YES.

3 CLERK: IS THAT STILL YOUR DECISION?

4 JUROR STRECKER: YES.

5 CLERK: WAYNE LOVETTE.

6 JUROR LOVETTE: YES.

7 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
8 CHARGES?

9 JUROR LOVETTE: YES.

10 CLERK: IS THAT STILL YOUR DECISION?

11 JUROR LOVETTE: YES.

12 CLERK: TAMEKA JOHNSON.

13 JUROR JOHNSON: YES.

14 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
15 CHARGES?

16 JUROR JOHNSON: YES.

17 CLERK: IS THAT STILL YOUR DECISION?

18 JUROR JOHNSON: YES.

19 CLERK: INDIA JAMISON.

20 JUROR JAMISON: YES.

21 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
22 CHARGES?

23 JUROR JAMISON: YES.

24 CLERK: IS THAT STILL YOUR DECISION?

25 JUROR JAMISON: YES.

1 CLERK: JAMIE HEADDEN.

2 JUROR HEADDEN: YES.

3 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
4 CHARGES?

5 JUROR HEADDEN: YES.

6 CLERK: IS THAT STILL YOUR DECISION?

7 JUROR HEADDEN: YES.

8 CLERK: JEROME FRANKLIN.

9 JUROR FRANKLIN: YES.

10 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
11 CHARGES?

12 JUROR FRANKLIN: YES.

13 CLERK: IS THAT STILL YOUR DECISION?

14 JUROR FRANKLIN: YES.

15 CLERK: LORETTA COLTER.

16 JUROR COLTER: YES.

17 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
18 CHARGES?

19 JUROR COLTER: YES.

20 CLERK: IS THAT STILL YOUR DECISION?

21 JUROR COLTER: YES.

22 CLERK: MERLINDA BUTLER.

23 JUROR BUTLER: YES.

24 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
25 CHARGES?

1 JUROR BUTLER: YES.

2 CLERK: IS THAT STILL YOUR DECISION?

3 JUROR BUTLER: YES.

4 CLERK: OTIS BOYD.

5 JUROR BOYD: YES.

6 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
7 CHARGES?

8 JUROR BOYD: YES.

9 CLERK: IS THAT STILL YOUR DECISION?

10 JUROR BOYD: YES.

11 CLERK: SAMANTHA BENTON.

12 JUROR BENTON: YES.

13 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
14 CHARGES?

15 JUROR BENTON: YES.

16 CLERK: IS THAT STILL YOUR DECISION?

17 JUROR BENTON: YES.

18 CLERK: COURTNEY ASBERRY.

19 JUROR ASBERRY: YES.

20 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
21 CHARGES?

22 JUROR ASBERRY: YES.

23 CLERK: IS THAT STILL YOUR DECISION?

24 JUROR ASBERRY: YES.

25 THE COURT: ALRIGHT, THANK YOU.

1 ALRIGHT, MR. RYANT.

2 ALRIGHT, IF YOU'LL BRING OUT MARIO SHIVERS,
3 PLEASE.

4 (Whereupon, Danny Ryant, Jr.,
5 leaves the courtroom and Mario
6 Shivers enters the courtroom.)

7 THE COURT: ALRIGHT, MADAM FORELADY, HAS THE JURY
8 REACHED A DECISION REGARDING MARIO SHIVERS?

9 JURY FORELADY: YES, SIR.

10 THE COURT: IS THAT DECISION UNANIMOUS?

11 JURY FORELADY: YES, SIR.

12 THE COURT: AND IT'S REGARDING ALL OF THE CHARGES
13 AGAINST HIM?

14 JURY FORELADY: YES, SIR.

15 THE COURT: OKAY. IF YOU WOULD HAND THE VERDICT
16 FORM TO THE BAILIFF, PLEASE, MA'AM. THANK YOU.

17 (Whereupon, the Court
18 examines the verdict.)

19 THE COURT: ALRIGHT, MADAM CLERK, IF YOU WOULD
20 PUBLISH THE VERDICT FOR ME, PLEASE.

21 VERDICT OF THE JURY

22 AS TO MARIO SHIVERS

23 CLERK: IN THE MATTER OF THE STATE OF SOUTH
24 CAROLINA VERSUS MARIO MONTEZ SHIVERS, THE JURY HAS
25 UNANIMOUSLY FOUND THE DEFENDANT AS TO THE CHARGE OF

1 MURDER GUILTY.

2 AS TO THE CHARGE OF BURGLARY IN THE FIRST DEGREE,
3 GUILTY.

4 AS TO THE CHARGE OF ARMED ROBBERY, GUILTY.

5 AND IT HAS BEEN SIGNED BY KELLY WILLIAMS,
6 TWELVE/SEVENTEEN/TWO THOUSAND TEN.

7 THE COURT: OKAY. THANK YOU, MA'AM.

8 ALRIGHT, MADAM FORELADY, THAT IS THE VERDICT OF
9 THE JURY?

10 JURY FORELADY: YES, SIR.

11 THE COURT: AND IT WAS A UNANIMOUS DECISION?

12 JURY FORELADY: YES, SIR.

13 THE COURT: OKAY. ANYTHING FROM THE DEFENDANT?

14 MS. KOGER: YES, YOUR HONOR, I'D LIKE THE JURY TO
15 BE POLLED.

16 THE COURT: OKAY. WOULD YOU PLEASE POLL THE JURY
17 FOR ME, MADAM CLERK.

18 CLERK: COURTNEY ASBERRY.

19 JUROR ASBERRY: YES.

20 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
21 CHARGES?

22 JUROR ASBERRY: YES.

23 CLERK: IS THAT STILL YOUR DECISION?

24 JUROR ASBERRY: YES.

25 CLERK: SAMANTHA BENTON.

1 JUROR BENTON: YES.

2 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
3 CHARGES?

4 JUROR BENTON: YES.

5 CLERK: IS THAT STILL YOUR DECISION?

6 JUROR BENTON: YES.

7 CLERK: OTIS BOYD.

8 JUROR BOYD: YES.

9 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
10 CHARGES?

11 JUROR BOYD: YES.

12 CLERK: IS THAT STILL YOUR DECISION?

13 JUROR BOYD: YES.

14 CLERK: MERLINDA BUTLER.

15 JUROR BUTLER: YES.

16 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
17 CHARGES?

18 JUROR BUTLER: YES.

19 CLERK: IS THAT STILL YOUR DECISION?

20 JUROR BUTLER: YES.

21 CLERK: LORETTA COLTER.

22 JUROR COLTER: YES.

23 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
24 CHARGES?

25 JUROR COLTER: YES.

1 CLERK: IS THAT STILL YOUR DECISION?

2 JUROR COLTER: YES.

3 CLERK: JEROME FRANKLIN.

4 JUROR FRANKLIN: YES.

5 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
6 CHARGES?

7 JUROR FRANKLIN: YES.

8 CLERK: IS THAT STILL YOUR DECISION?

9 JUROR FRANKLIN: YES.

10 CLERK: IS THAT STILL YOUR DECISION?

11 JUROR FRANKLIN: YES.

12 CLERK: JAMIE HEADDEN.

13 JUROR HEADDEN: YES.

14 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
15 CHARGES?

16 JUROR HEADDEN: YES.

17 CLERK: IS THAT STILL YOUR DECISION?

18 JUROR HEADDEN: YES.

19 CLERK: INDIA JAMISON.

20 JUROR JAMISON: YES.

21 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
22 CHARGES?

23 JUROR JAMISON: YES.

24 CLERK: IS THAT STILL YOUR DECISION?

25 JUROR JAMISON: YES.

1 CLERK: TAMEKA JOHNSON.

2 JUROR JOHNSON: YES.

3 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
4 CHARGES?

5 JUROR JOHNSON: YES.

6 CLERK: IS THAT STILL YOUR DECISION?

7 JUROR JOHNSON: YES.

8 CLERK: WAYNE LOVETTE.

9 JUROR LOVETTE: YES.

10 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
11 CHARGES?

12 JUROR LOVETTE: YES.

13 CLERK: IS THAT STILL YOUR DECISION?

14 JUROR LOVETTE: YES.

15 CLERK: CHARLES STRECKER.

16 JUROR STRECKER: YES.

17 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
18 CHARGES?

19 JUROR STRECKER: YES.

20 CLERK: IS THAT STILL YOUR DECISION?

21 JUROR STRECKER: YES.

22 CLERK: KELLY WILLIAMS.

23 JUROR WILLIAMS: YES.

24 CLERK: DID YOU FIND THE DEFENDANT GUILTY ON ALL
25 CHARGES?

1 JUROR WILLIAMS: YES.

2 CLERK: IS THAT STILL YOUR DECISION?

3 JUROR WILLIAMS: YES.

4 THE COURT: ALRIGHT, THANK YOU, MA'AM.

5 ALRIGHT, ANYTHING FROM THE STATE BEFORE I RELEASE
6 THE JURY?

7 SOLICITOR PASCOE: NO, YOUR HONOR, THANK YOU.

8 THE COURT: ANYTHING FROM THE DEFENDANTS BEFORE I
9 RELEASE THE JURY?

10 MS. ULLMAN: NO, SIR.

11 MR. PALMER: I'D JUST LIKE TO THANK THE JURY FOR
12 THEIR SERVICE, YOUR HONOR.

13 THE COURT: OKAY. I'M GOING TO DO THAT.

14 ALRIGHT, LADIES AND GENTLEMEN, IT'S BEEN A LONG
15 WEEK. I WANT TO TELL Y'ALL, AND THE ATTORNEYS
16 MENTIONED IT TO YOU IN THEIR CLOSINGS AND BEFORE WE
17 STARTED HOW MUCH THEY APPRECIATED YOUR SERVICE. THEY
18 STILL MEAN THAT, AND ONE OF THE THINGS I WANT TO THANK
19 YOU ABOUT, BUT ONE OF THE IMPORTANT THINGS I WANT TO
20 THANK YOU ABOUT DOING WAS SHOWING UP ON A TIMELY
21 FASHION, YOU KNOW, COMING TO WORK EVERY DAY. DURING
22 THE TRIAL I APPRECIATE ALL THE ATTENTION THAT YOU GAVE
23 TO EVERYBODY. Y'ALL, I KNOW MORE THAN ONE ATTORNEY
24 MENTIONED TO ME THAT Y'ALL WERE INTERESTED IN THE
25 TRIAL, AND I APPRECIATE YOU SHOWING YOUR INTEREST IN

1 THE TRIAL, AND I APPRECIATE YOU TAKING THE TIME TO BE,
2 TO DELIBERATE LIKE YOU DID. AND NOW, Y'ALL ARE FREE
3 TO GO. AND IF YOU REMEMBER, YOU DON'T HAVE TO SERVE
4 ANYMORE THIS YEAR, BUT YOU ALSO GET FOR THE NEXT TWO
5 YEARS, TOO, YOU GET THAT, YOU CAN CLAIM AN EXEMPTION
6 FOR THE NEXT TWO YEARS IF YOU NEED TO.

7 NOW, MADAM CLERK, MS. CLARK IS GOING TO STEP DOWN
8 AND GO OVER THERE BECAUSE I THINK SHE HAS YOUR CHECKS,
9 MILEAGE CHECKS AND EXCUSES AND ALL LIKE THAT SO YOU
10 CAN TELL AT WORK THAT YOU WERE REALLY THERE, AND I'LL
11 LET HER GIVE THOSE OUT TO YOU IN THE ROOM.

12 AGAIN, I WANT TO THANK Y'ALL FOR YOUR SERVICE,
13 AND I HOPE Y'ALL HAVE A MERRY CHRISTMAS AND A HAPPY
14 NEW YEAR. THANK YOU.

15 (Whereupon, the jury leaves
16 the courtroom.)

17 THE COURT: ALRIGHT, MR. LACKEY, ANYTHING FROM
18 THE DEFENDANT?

19 MR. LACKEY: YOUR HONOR, YOU NEED MY MOTION FOR
20 DIRECTED VERDICT.

21 THE COURT: OKAY.

22 MR. LACKEY: NOTHING NEW TO ADD IN THAT REGARD.

23 THE COURT: ALRIGHT, MS. ULLMAN.

24 MS. ULLMAN: YES, SIR. FIRST OFF, I OBVIOUSLY
25 RENEW ALL MOTIONS AND OBJECTIONS I HAVE MADE PRIOR TO,

1 DURING AND AFTER THIS TRIAL. I ALSO MAKE A MOTION FOR
2 A NEW TRIAL. I DON'T FEEL THAT THERE WAS EVIDENCE TO
3 SUPPORT THE CONVICTION AGAINST RALPH COLEMAN, SO I
4 WOULD ASK YOUR HONOR FOR A NEW TRIAL.

5 THE COURT: OKAY. MR. PALMER.

6 MR. PALMER: I LIKEWISE WOULD RENEW ALL MOTIONS
7 AND OBJECTIONS AND EXCEPTIONS FOR THE RECORD, YOUR
8 HONOR.

9 THE COURT: OKAY, AND THEY ARE PRESERVED, I HOPE.

10 MR. PALMER: AND I'D LIKEWISE MOVE FOR A NEW
11 TRIAL, ON THE SAME GROUNDS.

12 THE COURT: ALRIGHT. MR. MELLARD.

13 MR. MELLARD: YES, SIR, I WOULD RENEW MY MOTION
14 FOR A DIRECTED VERDICT, ALL MY OBJECTIONS. I WOULD
15 ALSO RENEW MY DUE PROCESS ARGUMENT, AND THE COURT'S
16 AWARE OF THAT.

17 THE COURT: YES, SIR.

18 MR. MELLARD: I JUST WANT TO MAKE SURE THAT
19 THAT'S PRESERVED FOR THE RECORD.

20 THE COURT: YES, SIR. I BELIEVE WE WERE TRYING
21 TO PRESERVE EVERYTHING.

22 MR. MELLARD: AND I WOULD JOIN IN THE MOTION FOR
23 A NEW TRIAL. I, TOO, DON'T BELIEVE THERE'S ENOUGH
24 EVIDENCE FOR A CONVICTION, YOUR HONOR.

25 THE COURT: OKAY. AND MR. KOGER?

1 MR. KOGER: YOUR HONOR, MAY IT PLEASE THE COURT.

2 THE COURT: YES, SIR.

3 MR. KOGER: I ASK THAT ALL MY EARLIER OBJECTIONS
4 AND DIRECTED VERDICT BE RENEWED, AND ALSO, I JOIN IN
5 WITH ATTORNEY ULLMAN AND ATTORNEY PALMER AND ATTORNEY
6 MELLARD AND FILE A MOTION FOR A NEW TRIAL BASED UPON
7 INSUFFICIENT EVIDENCE, AND ALSO THE DUE PROCESS MOTION
8 THAT WAS MADE BY MR. MELLARD, I'D LIKE TO RENEW THAT,
9 TOO.

10 THE COURT: OKAY. THANK YOU, SIR. AND WITH
11 REGARD TO THE DIRECTED VERDICT MOTIONS, I WILL STAND
12 BY MY EARLIER DECISION REGARDING THAT. REGARDING THE
13 DUE PROCESS ARGUMENTS, I HAVE ADDRESSED THOSE EARLIER.
14 MY DENIAL OF YOUR MOTION BASED ON THAT WILL BE
15 MAINTAINED. I NOTE YOUR OBJECTION SO THAT IS STILL
16 MAINTAINED FOR THE RECORD. AND I'M GOING TO DENY YOUR
17 MOTIONS FOR A NEW TRIAL. I BELIEVE THAT IT WAS, WE
18 HAD A REPRESENTATIVE JURY, AND I FEEL LIKE ALL THE
19 EVIDENCE WAS PLACED IN THE RECORD, YOU KNOW, IN A
20 PROPER FASHION, AND I FIND THAT THE DEFENDANTS, YOU
21 KNOW, CHOSE HOW THEY WISHED TO PROCEED WITH THIS, EVEN
22 THOUGH NOTING YOUR DUE PROCESS ARGUMENT THAT THEY WERE
23 FORCED TO TRY THIS CASE TOGETHER, BUT I AM GOING TO
24 DENY YOUR MOTION FOR A NEW TRIAL. OKAY?

25 ALRIGHT, WITH REGARD TO THE SENTENCING, IF Y'ALL

1 WANT TO GET A FEW MINUTES TO GET -- I DON'T KNOW IF
2 YOU HAVE ANYBODY THAT YOU WANT TO TALK ON YOUR BEHALF
3 OR ANYTHING LIKE THAT, BUT IF YOU HAVE THOSE I'LL GIVE
4 Y'ALL A FEW MINUTES TO DO THAT, AND THEN WE'LL GO
5 THROUGH THE SENTENCING IN THE ORDER IN WHICH WE'VE
6 DONE EVERYTHING ELSE. OKAY? BUT I'LL GIVE Y'ALL
7 ABOUT FIFTEEN MINUTES TO GET EVERYTHING READY AND THEN
8 WE'LL COME BACK AND DO THAT. OKAY? GET THE
9 SENTENCING SHEETS TO ME. WE'LL BE IN RECESS FOR ABOUT
10 FIFTEEN MINUTES.

11 (Recess)

12 THE COURT: ALRIGHT, AGAIN, LADIES AND GENTLEMEN,
13 LET ME REMIND EVERYBODY IN THE AUDIENCE THAT THERE
14 WILL BE NO OUTBURSTS DURING THE SENTENCING PHASE OF
15 THIS TRIAL.

16 ALRIGHT, MR. LACKEY, REPRESENTING CHRISTIAN
17 COLEMAN.

18 MR. LACKEY: YES, SIR, YOUR HONOR.

19 THE COURT: OKAY.

20 MR. LACKEY: I'LL BRING MY CLIENT UP, BUT I
21 BELIEVE HIS FIANCÉ` AND THE MOTHER OF HIS CHILD WALKED
22 OUT A LITTLE WHILE AGO, AND I'M JUST REQUESTING IF SHE
23 COULD COME BACK IN FOR THE SENTENCING PHASE.

24 THE COURT: DIDN'T SHE ...

25 MR. LACKEY: I'M NOT SURE.

1 THE COURT: WASN'T SHE ESCORTED OUT BECAUSE SHE

2 ...

3 DEPUTY: SHE LEFT OUT IN THE MIDDLE OF THE
4 GUILTY. AND SHE LEFT OUT ON HER OWN BEFORE ...

5 THE COURT: OKAY, SO YOU THINK SHE'S COMPOSED
6 ENOUGH TO COME BACK IN?

7 DEPUTY: WELL, EVERYONE THAT WALKED OUT LIKE
8 THAT, YOUR HONOR, WE MADE THEM STAY OUTSIDE.

9 THE COURT: OKAY.

10 DEPUTY: SO, I DON'T KNOW, IT'S UP TO YOU NOW IF
11 YOU WANT TO LET THEM COME IN.

12 THE COURT: IS SHE THE ONLY PERSON YOU HAVE?

13 MR. LACKEY: YES, SIR, YOUR HONOR.

14 THE COURT: OKAY. WELL, SINCE THAT'S THE ONLY
15 PERSON HE HAS TO STAND WITH HIM I WILL LET HER COME
16 IN, BUT YOU REMIND HER, ANY OUTBURSTS AND SHE'S BACK
17 OUT AT ANYTIME. OKAY?

18 DEPUTY: YES, SIR.

19 THE COURT: AND NOBODY ELSE THAT'S HAD AN
20 OUTBURST IS ALLOWED BACK IN. OKAY?

21 MR. LACKEY: THANK YOU, YOUR HONOR.

22 THE COURT: YES, SIR.

23 SOLICITOR PASCOE: CAN I GIVE YOU, PASS THESE
24 SENTENCING SHEETS UP, YOUR HONOR?

25 THE COURT: OH, YEAH, IF YOU DON'T MIND. THANK

1 YOU.

2 SOLICITOR PASCOE: LET ME MAKE SURE I'VE GOT ALL
3 OF THEM. THESE ARE CHRISTIAN COLEMAN'S, YES, SIR.

4 THE COURT: OKAY. AND DO Y'ALL HAVE -- ALRIGHT.
5 OKAY, MR. COLEMAN, HOW ARE YOU SIR?

6 DEFENDANT CHRISTIAN COLEMAN: HOW YOU DOING?

7 THE COURT: I'M DOING ALRIGHT, SIR. MR. COLEMAN,
8 LET'S SEE -- SOLICITOR PASCOE, LET ME MAKE SURE -- THE
9 ARMED ROBBERY CARRIES A MINIMUM OF TEN?

10 SOLICITOR PASCOE: TEN TO THIRTY, YOUR HONOR,
11 YES, SIR.

12 THE COURT: AND THE BURGLARY, ONE, AND THE
13 MURDER, THE MAXIMUM IS LIFE?

14 SOLICITOR PASCOE: YES, SIR.

15 THE COURT: OKAY. ALRIGHT, LET ME HEAR FROM YOU.

16 MR. LACKEY: THANK YOU, YOUR HONOR. OF COURSE,
17 MY CLIENT, CHRISTIAN COLEMAN, IS TWENTY-ONE YEARS OF
18 AGE. STANDING WITH US HERE IS LASHEKA PAGE, THE
19 MOTHER OF HIS CHILD AND FIANCÉ`. YOUR HONOR, JUST
20 BRIEFLY, MY CLIENT ATTENDED O-W THEN, FOR A WHILE,
21 THEN WENT TO THE ALTERNATIVE SCHOOL HERE IN
22 ORANGEBURG. HE WAS ESSENTIALLY RAISED BY HIS FOSTER
23 MOTHER, MS. CHERRY CHRISTY, WHO DOES LIVE AT THAT
24 WOODBINE ADDRESS. HIS MOTHER WAS, HIS REAL MOTHER
25 ACTUALLY WAS OUT OF THE PICTURE BECAUSE OF A DRUG

1 ADDICTION. HE IS, DOES HAVE OTHER BROTHERS, AND
2 YOUNGER BROTHER, SHAWN COLEMAN, AS WELL, WHO HE HAS
3 NOT SEEN IN QUITE A WHILE. HE BASICALLY, OF COURSE,
4 HAS HIS OTHER BROTHER, RALPH. HE'S HAD AN EXTREMELY
5 ROUGH UPBRINGING AND ROUGH LIFE WITH LITTLE OR NO
6 FAMILY, AND NOW WITH THIS, OF COURSE, HIS OLDER
7 BROTHER IS IN THE SAME SITUATION, TOO. HE DID, OF
8 COURSE, WAS TRYING TO MAKE HIS WAY WITH THE CHILD AND
9 SUCH BEFOREHAND, AND THEN, OF COURSE, HE'S HERE BEFORE
10 YOU AFTER THIS WEEK LONG TRIAL.

11 I GUESS JUST ADDRESSING BRIEFLY THE FACTS OF THIS
12 CASE, I THINK IT SHOWS THAT MR. CHRISTIAN COLEMAN WAS
13 NOT A RING LEADER HERE. I THINK IT'S SOMETHING THAT, A
14 SITUATION THAT HE KIND OF FELL INTO, AND NOW HE'S IN
15 THE POSITION OF HAVING TO STAND BEFORE YOU IN THIS
16 SENTENCING. WE WOULD JUST ASK AT THIS TIME THAT THE
17 COURT HAVE MERCY ON MR. COLEMAN.

18 THE COURT: ALRIGHT, THANK YOU, SIR.

19 MR. LACKEY: ANYTHING FROM YOU, SOLICITOR?

20 SOLICITOR PASCOE: VERY BRIEFLY, YOUR HONOR, MR.
21 CHRISTIAN COLEMAN'S ONLY CONVICTIONS ARE AN
22 ADJUDICATION IN FAMILY COURT IN TWO THOUSAND AND THREE
23 FOR CONTEMPT OF COURT. I THINK THAT WAS FOR A STATUS
24 OFFENSE OF NOT GOING TO SCHOOL. ALSO, YOUR HONOR,
25 WHEN YOUR HONOR FEELS IT'S APPROPRIATE I THINK MS.

1 PRINGLE AT SOME TIME WOULD LIKE TO ADDRESS THE COURT.

2 THE COURT: YES, SIR, OKAY, IF SHE WOULD LIKE TO
3 DO IT NOW.

4 SOLICITOR PASCOE: THANK YOU. THIS IS CHARLES
5 PRINGLE'S MOTHER, YOUR HONOR.

6 THE COURT: HEY, MS. PRINGLE. AND MS. PRINGLE, I
7 KNOW YOU'VE BEEN HERE ALL WEEK, AND I KNOW IT'S BEEN
8 TOUGH TO LISTEN TO ALL OF THIS.

9 MRS. PRINGLE: YES, SIR.

10 THE COURT: YES, MA'AM. LET ME HEAR FROM YOU.

11 MRS. PRINGLE: JUDGE DICKSON, WE JUST WANT TO, MY
12 HUSBAND AND I, WE JUST WANT TO THANK YOU, THANK THE
13 COURT. WE WANT TO THANK ORANGEBURG COUNTY, AND
14 CERTAINLY, OUR PRAYERS HAVE BEEN ANSWERED. SO, WE
15 HAVE NO OTHER REQUEST, AND WE CERTAINLY LEAVE
16 SENTENCING IN YOUR HANDS.

17 THE COURT: OKAY. THANK YOU, MRS. PRINGLE.

18 MRS. PRINGLE: THANK YOU.

19 THE COURT: OKAY. MR. COLEMAN, YOU KNOW, THIS IS
20 THE TOUGHEST PART OF MY JOB WHEN I HAVE TO SENTENCE
21 YOUNG MEN THAT SHOULD HAVE MADE OTHER DECISION, AND
22 NOW YOU'RE GOING TO BE RESPONSIBLE FOR THE DECISIONS
23 THAT YOU MADE.

24 DEFENDANT CHRISTIAN COLEMAN: YES, SIR.

25 THE COURT: OKAY.

SENTENCE BY THE COURT OF CHRISTIAN COLEMAN

ALRIGHT, REGARDING THE ARMED ROBBERY CHARGE,
INDICTMENT NUMBER 2010-802, THE SENTENCE OF THIS COURT
IS YOU ARE COMMITTED TO THE STATE DEPARTMENT OF
CORRECTIONS FOR A PERIOD OF THIRTY YEARS.

REGARDING BURGLARY IN THE FIRST DEGREE,
INDICTMENT NUMBER 2010-803, AND THE MURDER CHARGE,
2010-805, THE SENTENCE OF THE COURT IN EACH ONE OF
THESE CHARGES IS THAT YOU'RE COMMITTED TO THE STATE
DEPARTMENT OF CORRECTIONS FOR A PERIOD OF FORTY-FIVE
YEARS.

THE SENTENCES ARE CONCURRENT, AND YOU WILL GET
CREDIT FOR TIME SERVED.

THANK YOU, SIR.

(Whereupon, Christian Coleman
leaves the courtroom and
Ralph Coleman enters the
courtroom.)

THE COURT: MS. ULLMAN.

MS. ULLMAN: YOUR HONOR, I UNFORTUNATELY, AM ALSO
IN THE SAME POSITION. MR. COLEMAN'S FIANCÉ', WHO IS
THE ONLY PERSON HERE FOR HIM, STEPPED OUT WHEN HE,
WHEN THE VERDICT WAS BEING READ AND SHE DID NOT MAKE
ANY SORT OF SCENE OR ANYTHING.

THE COURT: SHE'S THE ONLY PERSON HERE FOR HIM?

1 MS. ULLMAN: THE ONLY PERSON, AND SHE'S STANDING
2 OUTSIDE.

3 THE COURT: ALRIGHT. DEPUTY ASBERRY, I'M SORRY,
4 MR. RALPH COLEMAN HAS HIS FIANCÉ`, IF YOU WILL REMIND
5 HER, THAT'S THE ONLY PERSON HE HAS TO STAND WITH HIM,
6 SO IF YOU'LL REMIND HER THERE WILL BE NO OUTBURST OR
7 SHE WILL BE REMOVED.

8 MS. ULLMAN: AGAIN, YOUR HONOR, I THINK IT WAS AN
9 OUTBURST WHEN LAKESHA WALKED OUT. I DON'T THINK IT
10 WILL BE AN ISSUE.

11 THE COURT: OKAY. ALRIGHT, MS. ULLMAN, WHAT
12 WOULD YOU LIKE TO TELL ME?

13 MS. ULLMAN: MR. COLEMAN IS TWENTY-TWO YEARS OLD.
14 PART OF WHAT I'VE GOT TO SAY YOU'VE KIND OF ALREADY
15 HEARD. HE'S THE OLDEST OF THREE BROTHERS. HE WAS
16 RAISED BY A FOSTER MOTHER ALONG WITH HIS SIBLINGS. HE
17 CERTAINLY WAS RAISED IN A ROUGH LIFE, HIS PARENTS HAD
18 DRUG ADDICTIONS, HE ENDED UP IN FOSTER CARE. YOUR
19 HONOR, I DO BELIEVE HE DOES HAVE A JUVENILE
20 ADJUDICATION FOR A TRUANCY, AND THEN I DO ACTUALLY
21 THINK HE HAS A SIMPLE ASSAULT FROM QUITE A FEW YEARS
22 WHEN HE WAS A YOUNG KID. HE HAS NO PRIOR RECORD OTHER
23 THAN THAT. YOUR HONOR, IN SPEAKING WITH HIS FIANCÉ`
24 SHE TELLS ME THAT HE'S QUIET PERSON, HE'S A HOME
25 PERSON, HE'S A FAMILY MAN. THEY HAVE TWO CHILDREN,

1 SHE HAS A CHILD OF HER OWN THAT HE ACTUALLY HELPS
2 RAISE AND TAKES CARE OF. HER CHILD IS THE OLDEST OF
3 THE CHILDREN. HE HAD BEEN WORKING BUT RECENTLY HE HAD
4 QUIT WORKING TO STAY HOME. HIS FOSTER MOTHER, MS.
5 CHRISTIE, THAT WE HEARD OF, SHE HAD SOME MAJOR SURGERY
6 DONE TO HER LEG, SHE CANNOT GET AROUND, SHE'S IN A
7 WHEEL CHAIR, HE HAD BEEN HELPING TAKE CARE OF HER
8 BEFORE THIS INCIDENT, AND HIS FIANCÉ` WAS ALSO LIVING
9 WITH HIM AT HIS FOSTER MOTHER'S, I THINK THEY CALL HER
10 GRANDMA, BUT AT THAT HOME. HE WAS HELPING TAKE CARE
11 OF HER. UNFORTUNATELY, ABOUT THE WEEK BEFORE THIS
12 TRIAL STARTED MS. MOORE, HIS FIANCÉ`, FOUND OUT THAT
13 SHE HAS CANCER. SHE WAS ACTUALLY SUPPOSED TO START
14 CHEMOTHERAPY THIS WEEK BUT SHE FOREWENT THAT AND PLANS
15 TO START HOPEFULLY NEXT WEEK, OBVIOUSLY SO SHE COULD
16 BE HERE TO SUPPORT MR. COLEMAN. MR. COLEMAN MAINTAINS
17 HIS INNOCENCE, AND WHILE I SAY THAT I WILL NOTE,
18 ACCEPTING, WHILE ACCEPTING THE VERDICT, I MEAN, HE'S
19 ACCEPTING THIS AND HE'S STANDING HERE BEFORE. YOUR
20 HONOR, IN THE EVIDENCE THAT CAME OUT, TAKING IT FOR
21 WHAT IT IS, HE WAS NOT THE PERSON WHO CAME UP WITH
22 THIS IDEA, HE WAS NOT THE PERSON WHO BROUGHT THE GUNS
23 ALONG. THE PLANNING, ACCORDING TO WHAT CAME OUT IN
24 THE TESTIMONY, MAY HAVE STARTED AT MS. CHRISTIE'S
25 HOUSE BUT IT CERTAINLY HAS NEVER BEEN PRESENTED THAT

1 IT WAS MR. COLEMAN'S IDEA, THAT HE MADE ANY OF THESE
2 PHONE CALLS TO WRAP THESE PEOPLE TOGETHER, BROUGHT ANY
3 OF THE WEAPONS. SO, I WOULD ASK YOU TO CONSIDER ALL
4 OF THAT, CONSIDER THAT THIS WAS COMPLETELY OUT OF
5 CHARACTER AND TO HAVE MERCY ON HIM. AND I BELIEVE
6 THAT I'VE SAID EVERYTHING THAT I NEEDED TO SAY.

7 THE COURT: OKAY.

8 SOLICITOR PASCOE: YOUR HONOR, I HAVE MR.
9 SORENSON GETTING MR. COLEMAN'S RAP SHEET JUST IN CASE
10 I WROTE IT DOWN WRONG, BUT ACCORDING TO THE
11 INFORMATION I HAD AND WHAT I WROTE DOWN WAS THAT, IT'S
12 A JUVENILE ADJUDICATION, A NINETEEN NINETY-FOUR
13 TRUANCY, TWO THOUSAND, CONTEMPT OF COURT, TWO THOUSAND
14 ONE, SIMPLE ASSAULT, TWO THOUSAND AND FOUR CONTEMPT OF
15 COURT, PROBABLY FOR TRUANCY. BUT THEN AS AN ADULT
16 I'VE GOT TWO THOUSAND AND EIGHT BURGLARY, THIRD,
17 CONVICTION, POSSESSION OF A STOLEN MOTOR VEHICLE
18 CONVICTION, FAILURE TO STOP FOR A BLUE LIGHT, AND
19 INTIMIDATION OF A WITNESS OR A COURT HOUSE OFFICIAL,
20 AND ALSO A POINTING AND PRESENTING OF A FIREARM.

21 MS. ULLMAN: YOUR HONOR, I WOULD - - -

22 SOLICITOR PASCOE: AND I SEE HE'S SHAKING HIS
23 HEAD. I'LL GET HIS RAP SHEET AND CHECK IT. THAT WAS -
24 - -

25 MS. ULLMAN: --- I ACTUALLY REPRESENTED MR.

1 COLEMAN BEFORE ON A CASE THAT WAS DISMISSED, AND IN
2 THAT I NEVER LEARNED OF ANY OF THIS, AND IN THIS
3 SITUATION I'VE NEVER RECEIVE A RAP SHEET THAT SAID ANY
4 OF THAT, YOUR HONOR. THE ONLY INFORMATION THAT I
5 WOULD SAY, AND FROM MY KNOWLEDGE PREVIOUSLY OF MR.
6 COLEMAN, LIKE I SAID, I REPRESENTED HIM AND WHEN WE
7 GOT THE CHARGE DISMISSED HE CERTAINLY WAS NOT GUILTY
8 OF THAT, IS THIS JUVENILE TRUANCY ISSUE AND THE
9 CONTEMPT OF COURTS ARE TRUANCY RELATED.

10 SOLICITOR PASCOE: IT'S NOT HIM, YOUR HONOR. MR.
11 SORENSON CHECKED AND IT'S NOT HIM.

12 MS. ULLMAN: I DIDN'T THINK SO.

13 THE COURT: OKAY. ALRIGHT.

14 SOLICITOR PASCOE: I WILL JUST ADD, THOUGH, THAT
15 IT'S THE STATE'S POSITION THAT MR. COLEMAN AND MR.
16 SHIVERS WERE INVOLVED IN THIS AT THE INCEPTION, AND
17 ONE OF THE REASONS CHRISTOPHER COLEMAN GOT IN TROUBLE,
18 HE'S IN THIS BECAUSE HE'S A FOLLOWER OF HIS OLDER
19 BROTHER, RALPH COLEMAN.

20 THE COURT: ALRIGHT.

21 SENTENCE BY THE COURT OF RALPH COLEMAN

22 RALPH COLEMAN, THE SENTENCE OF THIS COURT IS,
23 REGARDING INDICTMENT NUMBER 2010-811, THE ARMED
24 ROBBERY, THE SENTENCE OF THIS COURT IS THAT YOU'RE
25 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A

1 PERIOD OF THIRTY YEARS.

2 REGARDING THE INDICTMENTS NUMBER 2010-808 AND
3 2010-810, WHICH IS THE BURGLARY, FIRST DEGREE AND THE
4 MURDER, THE SENTENCE OF THIS COURT IS THAT YOU'RE
5 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
6 PERIOD OF FORTY-FIVE YEARS.

7 THESE SENTENCES ARE CONCURRENT AND I'LL GIVE YOU
8 CREDIT FOR YOUR TIME SERVED.

9 MS. ULLMAN: THANK YOU, YOUR HONOR.

10 SOLICITOR PASCOE: THANK YOU, YOUR HONOR.

11 THE COURT: THANK YOU.

12 (Whereupon, Ralph Coleman
13 leaves the courtroom and
14 Walter Lee Harris enters
15 the courtroom.)

16 SOLICITOR PASCOE: THESE ARE WALTER HARRIS'S.

17 THE COURT: OH, THANK YOU, SIR.

18 COURT REPORTER: WALTER HARRIS?

19 THE COURT: WALTER LEE HARRIS. MS. WALKER, THIS
20 IS WALTER LEE HARRIS.

21 COURT REPORTER: YES, SIR.

22 THE COURT: MR. PALMER

23 MR. PALMER: THANK YOU, YOUR HONOR, MAY IT PLEASE
24 THE COURT.

25 THE COURT: YES, SIR.

1 MR. PALMER: OBVIOUSLY, THE JURY HAS SPOKEN, YOUR
2 HONOR. MR. HARRIS HAD SOME FAMILY MEMBERS HERE BUT AT
3 HIS REQUEST THEY'VE BEEN EXCUSED FROM THE COURTROOM.
4 I'D JUST LIKE TO SAY A FEW WORDS ABOUT MY CLIENT, YOUR
5 HONOR, HE'S TWENTY-ONE YEARS OLD, AND I DON'T BELIEVE
6 THAT THEY'RE GOING TO HAVE ANY KIND OF RECORD EXCEPT
7 MAYBE A JUVENILE INFRACTION THAT WAS RESOLVED IN
8 FAMILY COURT. I MIGHT BE MISTAKEN BUT I BELIEVE
9 THAT'S IT. BUT, YOUR HONOR, I THINK THE IMPORTANT
10 INFORMATION IS THAT, YOU KNOW, OBVIOUSLY, THE JURY HAS
11 CONVICTED MR. HARRIS, BUT IT WAS OBVIOUS FROM THE
12 TESTIMONY IN THE STATE'S CASE THAT, TWO THINGS, YOUR
13 HONOR, MR., -- OR ACTUALLY MORE THAN THAT. MR. HARRIS
14 WAS INCLUDED IN THIS CHAIN OF EVENTS RELATIVELY LATE
15 IN THE GAME. THERE CERTAINLY IS NO ALLEGATION OR
16 PROOF THAT HE WAS ANY KIND OF MASTER MIND OR, IN THE
17 INITIAL PLANNING STAGES. AND EVEN MORE IMPORTANTLY,
18 YOUR HONOR, THERE'S EVIDENCE THAT AT SOME POINT HE
19 TRIED TO EXTRACT HIMSELF, GAVE UP HIS WEAPON, AND
20 TRIED TO EXTRACT HIMSELF FROM THIS GROUP. WHY HE
21 CONTINUED, I DON'T KNOW IF WE'LL EVER KNOW THAT, BUT
22 CERTAINLY, AT THE MOMENT OF TRUTH THE EVIDENCE IS THAT
23 HE DID NOT HAVE A WEAPON, HE WAS AN ACCOMPLICE. AND
24 YOUR HONOR, WHAT DIDN'T COME OUT BECAUSE HE EXERCISED
25 HIS RIGHT OF NOT SELF INCRIMINATION IS, HE WAS THE

1 FIRST ONE TO PROVIDE A STATEMENT IN THIS CASE, YOUR
2 HONOR, TO LAW ENFORCEMENT. AND IN FACT, HE PROVIDED
3 THREE SEPARATE STATEMENTS. AND I WOULD SUBMIT, YOUR
4 HONOR, THAT THOSE STATEMENTS AND THE INFORMATION THAT
5 THIS MAN PROVIDED GREATLY ASSISTED LAW ENFORCEMENT IN
6 MAKING THIS CASE AGAINST THE REST OF THE DEFENDANTS.
7 AND I'M SIMPLY ASKING THAT YOUR HONOR CONSIDER THAT
8 MR. HARRIS CAN BE DISTINGUISHED FROM THE REST OF THESE
9 DEFENDANTS FOR THOSE REASONS, AND I BELIEVE THAT HE IS
10 DUE YOUR HONOR'S UTMOST CONSIDERATION FOR THOSE
11 REASONS. THANK YOU.

12 THE COURT: OKAY. THANK YOU, SIR. MR. PASCOE.

13 SOLICITOR PASCOE: YES, SIR, I AGREE WITH
14 EVERYTHING MR. PALMER SAID, YOUR HONOR, AS FAR AS MR.
15 HARRIS DID GIVE STATEMENTS TO THE POLICE, AND HIS ONLY
16 CONVICTION IS AN ADJUDICATION IN TWO THOUSAND AND FOR
17 BURGLARY IN THE THIRD DEGREE.

18 THE COURT: OKAY. THAT'S GOING TO, IT HELPS YOU
19 OUT SOME, YOU KNOW.

20 SENTENCE BY THE COURT OF WALTER LEE HARRIS

21 THE SENTENCE OF THIS COURT REGARDING INDICTMENT
22 NUMBER 2010-814, THE ARMED ROBBERY, THE SENTENCE OF
23 THIS COURT IS, YOU'RE COMMITTED TO THE STATE
24 DEPARTMENT OF CORRECTIONS FOR A PERIOD OF THIRTY
25 YEARS.

1 REGARDING INDICTMENTS NUMBER 2010-813 AND 812,
2 BURGLARY IN THE FIRST DEGREE AND MURDER, THE SENTENCE
3 OF THIS COURT IS, YOU'RE COMMITTED TO THE STATE
4 DEPARTMENT OF CORRECTIONS FOR A PERIOD OF THIRTY-FIVE
5 YEARS.

6 THESE SENTENCES ARE CONCURRENT, AND I WILL GIVE
7 YOU CREDIT FOR TIME SERVED.

8 OKAY. THANK YOU, SIR.

9 MR. PALMER: THANK YOU, YOUR HONOR.

10 SOLICITOR PASCOE: THANK YOU, YOUR HONOR.

11 THE COURT: YES, SIR.

12 (Whereupon, Walter Lee Harris
13 leaves the courtroom and
14 Danny Ryant, Jr., enters
15 the courtroom.)

16 SOLICITOR PASCOE: HERE'S DANNY RYANT, YOUR
17 HONOR.

18 THE COURT: OKAY. YOU ARE HIS?

19 BROTHER OF DEFENDANT RYANT: BROTHER.

20 THE COURT: OKAY. HOW ARE YOU DOING, SIR?

21 BROTHER OF DEFENDANT RYANT: ALRIGHT.

22 THE COURT: ALRIGHT, MS. WALKER, THIS IS DANNY
23 RYANT, JUNIOR.

24 ALRIGHT, LET ME HEAR FROM YOU, MR. MELLARD.

25 MR. MELLARD: YES, SIR. MR. RYANT IS TWENTY

1 YEARS OLD. HE HAS FAMILY HERE, HIS MOM IS HERE, HIS
2 SISTER IS HERE. AS YOU CAN SEE, HIS BROTHER IS HERE.
3 HIS FAMILY HAS INFORMED ME THAT HE HAS ALWAYS BEEN A
4 VERY HELPFUL PERSON. HE, IF THEY NEED HELP HE'S
5 ALWAYS THERE FOR THEM. HE DOES WHAT HE CAN DO TO BE
6 PART OF THIS FAMILY. SO, HE DOES HAVE THE SUPPORT OF
7 FAMILY, YOUR HONOR.

8 THE COURT: YES, SIR.

9 MR. MELLARD: HE HAS ONE CHILD. THE FAMILY SAYS
10 HE'S A VERY GOOD FATHER. OBVIOUSLY, HE MAINTAINS HIS
11 INNOCENCE, BUT I WOULD ASK THE COURT TO NOTE THAT THE
12 EVIDENCE PRESENTED HERE SHOWED THAT HE WAS NOT
13 INVOLVED IN THE PLANNING IN ANY WAY, THAT HE WAS NOT
14 INVOLVED IN FURNISHING ANY FIREARMS IN ANY WAY, THAT
15 HIS INVOLVEMENT WITH THE GROUP WAS PROBABLY NO MORE
16 THAN FIVE MINUTES BEFORE THE CRIME OCCURRED. AND
17 THERE'S AN ALLEGATION THAT HE HAD AN SKS. IF THAT'S
18 TRUE THEN HE EITHER FIRED ONE SHOT OR FOUR, NOT THE
19 BULK OF WHAT THE EVIDENCE WAS.

20 SO, YOUR HONOR, IT'S OUR POSITION THAT HE WAS
21 NOT, HE WAS NOT A PLANNER, HE WAS NOT A PERSON WHO
22 PROVIDED THE FIREARMS, AND THAT HE GOT PICKED UP MERE
23 MINUTES BEFORE THIS HAPPENED. SO, HE WAS NOT PART OF
24 ANY, ANY PLAN.

25 WE WOULD SUBMIT THAT HE SHOULD NOT BE GIVEN THE

1 SAME SENTENCE AS THE PEOPLE WHO PLANNED THIS THING,
2 HE SHOULD NOT BE GIVEN THE SAME SENTENCE AS THE
3 PEOPLE WHO PROVIDED THE FIREARMS AND WENT IN, YOUR
4 HONOR. SO, WE WOULD JUST ASK FOR THE MERCY OF THIS
5 COURT.

6 THE COURT: OKAY. ALRIGHT, MR. PASCOE.

7 SOLICITOR PASCOE: YOUR HONOR, MR. RYANT, THE
8 ONLY THING HE HAS IS AN ADJUDICATION IN FAMILY COURT
9 FOR TRUANCY, I DIDN'T EVEN WRITE DOWN THE YEAR. AND
10 AGAIN, I'D HAVE TO AGREE WITH MR. MELLARD IN ONE
11 REGARDS, MR. RYANT MADE A HORRIBLE DECISION, TWENTY
12 MINUTES, HE WAS WITH THEM FOR NO MORE THAN TWENTY
13 MINUTES, AND THAT'S WHAT GOT HIM INVOLVED IN THIS
14 ARMED ROBBERY AND MURDER.

15 THE COURT: ALRIGHT.

16 DEFENDANT RYANT: I AIN'T PARTICIPATED IN THESE
17 CRIME, SIR, I WAS IN THE AREA, I AIN'T SHOT NOBODY,
18 SIR.

19 COURT REPORTER: I'M SORRY.

20 DEFENDANT RYANT: I WAS IN THE AREA, I AIN'T SHOT
21 NOBODY, SIR.

22 SOLICITOR PASCOE: AND LIKE I SAID, WE GOT - - -

23 DEFENDANT RYANT: ALL I WANTED TO DO WAS ENJOY MY
24 MOTHER, I WAS IN THE CLUB. I JUST GOT IMPLICATED IN
25 THIS, BUT I AIN'T TOOK NO PART, LIKE, NO PART IN

1 NOTHING. I WAS JUST AROUND, BUT I AGREE WITH THE
2 COURT, AND I'VE JUST GOT TO ACCEPT IT.

3 THE COURT: MR. PASCOE, THE ONLY THING YOU SAID
4 IS, YOU AGREED THAT IT WAS A BAD DECISION, IS THAT
5 CORRECT?

6 SOLICITOR PASCOE: YES, SIR, TWENTY MINUTES. HE
7 WAS GONE FOR TWENTY MINUTES AND THAT GOT HIM INVOLVED
8 IN THIS MURDER. AND AS MR. MELLARD SAID, THE EVIDENCE
9 IS, HE HAD ONE OF THE SKSES.

10 DEFENDANT RYANT: THAT'S NOT TRUE, SIR.

11 THE COURT: OKAY.

12 SOLICITOR PASCOE: AND CAN I SAY ONE THING? THE
13 REASON I MENTIONED ABOUT THE SKSES IS, AND THAT'S AN
14 EVIL THING, BUT THE PEOPLE THAT HAD THE PISTOLS, RALPH
15 AND CHRIS COLEMAN, FIRED AT THAT VICTIM AT POINT BLANK
16 RANGE WHEN HE WAS LYING ON THE GROUND NINETEEN, A
17 TOTAL OF NINETEEN SHOTS. AND THAT'S WHY I'M
18 DIFFERENTIATING BETWEEN WHO HAD THE RIFLE AND THE
19 PISTOLS.

20 THE COURT: SO, YOU WOULD SAY A DIFFERENTIATED
21 SENTENCE WOULD BE APPROPRIATE?

22 SOLICITOR PASCOE: YES, SIR, YES, SIR.

23 THE COURT: OKAY.

24 SOLICITOR PASCOE: ABSOLUTELY, FROM MR. RALPH
25 COLEMAN, CHRIS COLEMAN, AND WALTER HARRIS. THERE'S NO

1 QUESTION, THE STATE'S OPINION, THEY'RE THE THREE
2 WORST, -- NOT WALTER HARRIS, -- MARIO SHIVERS, MARIO
3 SHIVERS.

4 THE COURT: ALRIGHT, SIR.

5 SENTENCE BY THE COURT OF DANNY RYANT, JR.

6 ALRIGHT, MR. RYANT, REGARDING INDICTMENT NUMBER
7 2010-819, THE ARMED ROBBERY, THE SENTENCE OF THIS
8 COURT IS YOU'RE COMMITTED TO THE STATE DEPARTMENT OF
9 CORRECTIONS FOR A PERIOD OF THIRTY YEARS.

10 REGARDING INDICTMENTS NUMBER 2010-818 AND 817,
11 THIS WAS THE BURGLARY IN THE FIRST DEGREE AND THE
12 MURDER, THE SENTENCE OF THIS IS COURT IS YOU'RE
13 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
14 PERIOD OF FORTY YEARS.

15 THESE SENTENCES ARE CONCURRENT, AND I'LL GIVE YOU
16 CREDIT FOR YOUR TIME SERVED.

17 OKAY.

18 MR. MELLARD: THANK YOU, YOUR HONOR.

19 THE COURT: THANK YOU.

20 (Whereupon, Danny Ryant, Jr.,
21 leaves the courtroom and
22 Mario Shivers enters
23 the courtroom.)

24 THE COURT: ALRIGHT, MR. KOGER AND MR. SHIVERS.

25 ALRIGHT, MR. KOGER.

1 MR. KOGER: YOUR HONOR, MAY IT PLEASE THE COURT.

2 THE COURT: YES, SIR.

3 MR. KOGER: I'M HERE, OF COURSE, ON BEHALF OF
4 MARIO SHIVERS, WHO WAS ONE OF THE DEFENDANTS IN THE
5 TRIAL HERE THIS WEEK. AS YOU CAN SEE, YOUR HONOR,
6 MR. SHIVERS HAS SIGNIFICANT FAMILY SUPPORT HERE. THIS
7 IS HIS MOTHER, CAROLYN BUSBY -- I'M SORRY, CAROLYN
8 BROWN, HIS FATHER, REGGIE SHIVERS. THIS IS THE MOTHER
9 OF HIS CHILD, DANIELLE MONROE. THIS IS THE PERSON
10 THAT HE STAYED WITH FOR THE LAST YEAR, MS. HOWLE, AND
11 HIS BROTHER, KENDRAE, IN THE BACK.

12 THE COURT: OKAY. THANK YOU.

13 MR. KOGER: BASICALLY, WE WANTED TO POINT OUT
14 THAT MR. SHIVERS CAME FROM A SUPPORTIVE FAMILY. FROM
15 OUR CONVERSATIONS WITH MS. BROWN, THE MOTHER, SHE IS
16 CURRENTLY EMPLOYED A PALMETTO RICHLAND AS A
17 HOUSEKEEPER AND HAS HAD SIGNIFICANT EMPLOYMENT IN THE
18 PAST. MARIO IS JUST ONE OF FIVE CHILDREN. HIS OLDEST
19 BROTHER WORKS AT HOME DEPOT AND DISTRIBUTION CENTER IN
20 CAYCE. HIS OTHER SISTER IS IN THE UNITED STATES ARMY
21 AND HAS BEEN THERE ON ACTIVE DUTY FOR TWO YEARS.
22 KENDRAE IS HERE TODAY IN THE BACK, AND ERIC, HIS
23 YOUNGEST BROTHER, IS A STUDENT AT EDISTO.

24 BEFORE MR. SHIVERS FOUND HIMSELF IN THIS
25 PREDICAMENT HE ACTUALLY WAS GAINFULLY EMPLOYED AND HE

1 WAS LAID OFF JUST BEFORE THIS HAPPENED, HE WAS
2 GAINFULLY EMPLOYED IN CONSTRUCTION AT THE NEW AQUATIC
3 CENTER ON THE OLD ST. MATTHEWS ROAD.

4 FROM TALKING WITH HIS FAMILY AND TALKING WITH
5 PEOPLE THAT HE'S BEEN INVOLVED WITH, THEY BASICALLY
6 SAID THAT MR. SHIVERS IS A GOOD PERSON. AND, OF
7 COURSE, YOU KNOW, HE FOUND HIMSELF IN A VERY
8 DIFFICULTY SITUATION. MY CONVERSATIONS WITH HIM OVER
9 AT THE DETENTION CENTER, HE WAS ALWAYS VERY
10 RESPECTFUL, AND SEEMED THAT IF HE HAD MADE SOME
11 DIFFERENT CHOICES THEN, OF COURSE, HE WOULD END UP AT
12 A DIFFERENT PLACE.

13 WE'D JUST ASK THAT YOUR TAKE INTO CONSIDERATION
14 THAT HE IS TWENTY-TWO YEARS OF AGE. I KNOW YOUR HONOR
15 HAS TO BALANCE THAT WE HAD A DEATH HERE, AND THE
16 STATE'S INTEREST MUST BE BALANCED WITH THE INTEREST OF
17 THE DEFENSE. AS STATED, HE HAS A SON FOUR YEARS OF
18 AGE, AND WE'D JUST ASK THAT YOU COULD CONSIDER SOME
19 TYPE AMOUNT OF TIME THAT HE WILL BE ABLE TO GET OUT TO
20 BE A PRODUCTIVE MEMBER OF SOCIETY AND TO, I GUESS, AT
21 THAT POINT TO RE-ESTABLISH A RELATIONSHIP WITH HIS
22 SON.

23 THE COURT: THANK YOU, SIR. MR. PASCOE.

24 SOLICITOR PASCOE: YOUR HONOR, HE'S GOT
25 ADJUDICATIONS IN FAMILY COURT, TWO THOUSAND AND TWO

1 MALICIOUS INJURY, AND TWO THOUSAND AND THREE, ASSAULT
2 AND BATTERY OF A HIGH AND AGGRAVATED NATURE.

3 THE COURT: THAT WAS IN FAMILY COURT?

4 SOLICITOR PASCOE: YES, SIR, THOSE WERE
5 ADJUDICATIONS IN FAMILY COURT. IT'S THE STATE'S
6 POSITION THAT FROM THE RECORD THE EVIDENCE IN THIS
7 CASE, MR. SHIVERS PLANNED THIS ROBBERY, MR. SHIVERS
8 OWNED THREE OF THE WEAPONS THAT WERE USED IN THIS
9 MURDER AND BURGLARY, AND HE SHOULD BE HELD ACCOUNTABLE
10 FOR THAT.

11 SENTENCE BY THE COURT OF MARIO MONTEZ SHIVERS

12 WITH REGARD TO 2010-824, THE ARMED ROBBERY
13 CHARGE, THE SENTENCE OF THIS COURT, MR. SHIVERS, IS
14 THAT YOU ARE COMMITTED TO THE STATE DEPARTMENT OF
15 CORRECTIONS FOR A PERIOD OF THIRTY YEARS.

16 WITH REGARD TO INDICTMENTS NUMBER 2010-822 AND
17 2010-823, THE BURGLARY IN THE FIRST DEGREE AND THE
18 MURDER, THE SENTENCE OF THIS COURT, MR. SHIVERS, IS
19 THAT YOU ARE COMMITTED TO THE STATE DEPARTMENT OF
20 CORRECTIONS FOR A PERIOD OF FIFTY YEARS.

21 THESE SENTENCES ARE CONCURRENT. I WILL GIVE YOU
22 CREDIT FOR TIME SERVED.

23 THANK YOU.

24 MR. KOGER: THANK YOU, YOUR HONOR.

25 THE COURT: APPRECIATE IT.

1 ALRIGHT, IF YOU'LL LET THE PEOPLE IN THE AUDIENCE
2 LEAVE, YOU CAN DIRECT THEM OUT AS YOU WANT TO DIRECT
3 THEM OUT. OKAY?

4 SOLICITOR PASCOE: THANK YOU, JUDGE.

5 THE COURT: THANK YOU.

CERTIFICATE

I, THE UNDERSIGNED, MRS. HARRY A. WALKER, OF ROWESVILLE, SOUTH CAROLINA, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE TENTH THROUGH SEVENTEENTH DAYS OF DECEMBER, 2010.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

DATE: MARCH 2, 2010


(MRS.) HARRY A. WALKER

COUNTY: ORANGEBURG DATE: DECEMBER 13, 2010

VOIR DIRE (PAGE 1 OF 3)

Judge: EDGAR DICKSON

Pl./State: State/Pl's.Atty:
STATE OF SOUTH CAROLINA DAVID PASCOE & DON SORENSON

Defendant: Defense Atty:
CHRISTIAN COLEMAN RICHARD LACKEY
RALPH BERNARD COLEMAN JILLIAN ULLMAN & MARK WISE
WALTER LEE HARRIS SCOTT PALMER
DANNY RYANT, JR. DOUGLAS MELLARD
MARIO MONTEZ SHIVERS JOSHUA KOGER

Court Reporter: (Mrs.) Harry A. Walker

Juror No.	Name	Race	Sex	Pl.	Def.	Accept
77	JAMIE HEADDEN	W	M			X
169	CHARLES STRECKER	W	M			X
94	INDIA JAMISON	B	F			X
11	JANICE BOGLIN	B	F		X	
38	GUY CROUT	W	M		X	
198	AUSIA WINE	B	F	X		
193	KELLY WILLIAMS	W	F			X
97	DELORIS JEFFERSON	B	F	X		
66	JOSEPH GRIFFIN	W	M		X	
112	LORETTA LADSON	B	F		X	
98	EMMA JEFFERSON	B	F	X		
160	TAMMY SEAWRIGHT	B	F	X		
110	WANDA KITTRELL	W	F		X	
78	THOMASENIA HICKS	B	F		X	
84	SUSAN HUGHES	W	F		X	

COUNTY: ORANGEBURGDATE: DECEMBER 13, 2010VOIR DIRE (PAGE 2 OF 3)Judge: EDGAR DICKSON

Pl./State:

State/Pl's.Atty:

STATE OF SOUTH CAROLINADAVID PASCOE & DON SORENSON

Defendant:

Defense Atty:

CHRISTIAN COLEMANRICHARD LACKEYRALPH BERNARD COLEMANJILLIAN ULLMAN & MARK WISEWALTER LEE HARRISSCOTT PALMERDANNY RYANT, JR.DOUGLAS MELLARDMARIO MONTEZ SHIVERSJOSHUA KOGERCourt Reporter: (Mrs.) Harry A. Walker

Juror No.	Name	Race	Sex	Strikes:			Def.	Accept
				Pl.				
166	ALVIN SMOAK	W	M				X	
48	JEROME FRANKLIN	B	M					X
14	OTIS BOYD	B	M					X
114	CLAREY LIVINGSTON	B	M		X			
7	LADSON BEACH	W	M		X			
131	CANNETTE MOORER	B	F		X			
3	VIVIAN BAIR	W	F				X	
92	HATTIE JAMES	B	F		X			
141	JERRY POOR	W	M				X	
93	KIA JAMES	B	F					X
152	DAVID ROBERTS	W	M				X	
2	COURTNEY ASBERRY	B	F					X
23	MERLINDA BUTLER	B	F					X
123	ALLEN MILLER	W	M				X	

COUNTY: ORANGEBURGDATE: DECEMBER 13, 2010VOIR DIRE (PAGE 3 OF 3)Judge: EDGAR DICKSONPl./State:
STATE OF SOUTH CAROLINAState/Pl's.Atty:
DAVID PASCOE & DON SORENSONDefendant:
CHRISTIAN COLEMAN
RALPH BERNARD COLEMAN
WALTER LEE HARRIS
DANNY RYANT, JR.
MARIO MONTEZ SHIVERSDefense Atty:
RICHARD LACKEY
JILLIAN ULLMAN & MARK WISE
SCOTT PALMER
DOUGLAS MELLARD
JOSHUA KOGERCourt Reporter: (Mrs.) Harry A. Walker

Juror No.	Name	Race	Sex	Strikes:			Def.	Accept
				Pl.				
34	LORETTA COLTER	B	F					X
9	SAMANTHA BENTON	W	F					X
176	ELLIS THIGPEN	W	M				X	
103	TAMEKA JOHNSON	B	F					X
ALTERNATE NO. 1								
165	LEON SMITH	B	M				X	
115	WAYNE LOVETTE	W	M					X
ALTERNATE NO. 2								
76	BRENDA HAYWARD	B	F					X

WITNESSES

James Shumpert

Orangeburg County Sheriff

2010002741

ARREST WARRANT NUMBER
M213381

Arrested: March 22, 2010

ACTION OF GRAND JURY
TRUE BILL

Mary Beth W. Brown
Date **MAY 12 2010**

Foreperson of Grand Jury
Date: May 12, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS38-0011

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

May 10, 2010 TERM

**THE STATE
vs.**

Danny Ryant Jr.

Indictment for

MURDER

SC Code: 16-3-10

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
VIRGINIA B. CLARK
CLERK OF COURT
ORANGEBURG, SC

2010 MAY 12 A 11:17

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2010GS38-0817

At a Court of General Sessions, convened on May 12, 2010 the Grand Jurors of
Orangeburg County present upon their oath:

MURDER

That in Orangeburg County on or about March 12, 2010, with malice
aforethought, the defendant, Danny Ryant Jr. did kill one Charles Pringle by
means of shooting the victim. The victim did die as a proximate result thereof.
This offense being in violation of the Common Law and Section 16-3-10, of the
South Carolina Code of Laws, as amended.

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



Donald N. Sorenson, Solicitor

WITNESSES

James Shumpert

Orangeburg County Sheriff

2010002741

ARREST WARRANT NUMBER
M213390

Arrested: March 22, 2010

ACTION OF GRAND JURY
TRUE BILL

Mary Beth W. Brown
MAY 12 2010

Foreperson of Grand Jury
Date: May 12, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS38-0818

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

May 10, 2010 TERM

THE STATE
vs.

Danny Ryant Jr.

Indictment for

BURGLARY FIRST DEGREE

Winnifred B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

SC Code: 16-11-311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
VICTORIA B. CLARK
CLERK OF COURT
ORANGEBURG, SC
2010 MAY 12 AM 11:16

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2010GS38-0818

At a Court of General Sessions, convened on May 12, 2010 the Grand Jurors of Orangeburg County present upon their oath:

BURGLARY - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about March 12, 2010, the Defendant, Danny Ryant Jr, did willfully and unlawfully enter a dwelling, [REDACTED] [REDACTED] Orangeburg, SC, belonging to Charles Pringle, without consent and with the intent to commit a crime therein, and the defendant or another participant was armed with a deadly weapon and/or caused physical injury to a non-participant and/or used or threatened the use of a dangerous instrument and/or the offense occurred in the nighttime. This offense being in violation of the Common Law and Section 16-11-311, of the South Carolina Code of Laws, as amended.

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


Donald N. Sorenson, Solicitor

WITNESSES

James Shumpert

Orangeburg County Sheriff

2010002741

ARREST WARRANT NUMBER
M213391

Arrested: March 22, 2010

ACTION OF GRAND JURY
TRUE BILL

Mary Beth W. Brown
MAY 12 2010

Date

Foreperson of Grand Jury

Date: May 12, 2010

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010GS38-0819

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

May 10, 2010 TERM

THE STATE
vs.

Danny Ryant Jr.

Indictment for

ARMED ROBBERY

ATTEST: TRUE COPY

Winnys B. Clark
CLERK OF COURT

ORANGEBURG COUNTY, SOUTH CAROLINA

SC Code: 16-11-330(A)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WINNIE B. CLARK
CLERK OF COURT
ORANGEBURG COUNTY, SC
2010 MAY 12 AM 11:15

1133

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

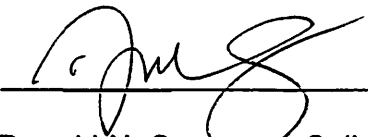
INDICTMENT
2010GS38-0819

At a Court of General Sessions, convened on May 10, 2010 the Grand Jurors of Orangeburg County present upon their oath:

ARMED ROBBERY

That on or about March 12, 2010, in Orangeburg County, the defendant, Danny Ryant Jr. did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim, Charles Pringle, with the intent to permanently deprive the victim of possession of the goods or monies. Such weapon or alleged weapon described as a handgun. This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

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


Donald N. Sorensen, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

STATE VS. Danny Ryant Jr.

AKA:

Race: B Sex: M Age: 20

DOB: SS#:

Address:

Orangeburg, SC 29115

DL#: SID#:

CDL: Yes ☐ No ☐ CMV: Yes ☐ No ☐ Hazmat: Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was:

TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC § 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sorenson, Donald N.

SC Bar# 9512

Danny Ryant Jr.

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: on 12/17/10☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Dept. of Corrections☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1)(Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

§ 44-53-450(C) (Conditional Discharge)

3% to County (if paid in installments)

TOTAL

\$	
\$	
\$100	\$ 100.00
\$100	\$
\$12	\$
\$25	\$
\$500	\$
\$25	\$ 25.00
\$150	\$
\$50	\$
\$40/ea	\$
\$5	\$ 5.00
\$350	\$
\$	\$ 3.90
\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

IN THE COURT OF GENERAL SESSIONS 1135

INDICTMENT/CASE#: 2010GS38-0817

A/W#: M213381

Date of Offense: 3/12/2010

S.C. Code § 16-3-10

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ Beginning \$ paid to Public Defender FundOther: ☐ Conditional Discharge § 44-53-450(C) requires \$350 be paid to the Clerk prior to disposition.☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.PRESIDING JUDGE Judge Code: 2153Sentence Date: December 17, 2010

SCCA/217 (06/2010)

1136
STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg
STATE Danny Ryant Jr.
AKA: _____
Race: B Sex: M Age: 20
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
Orangeburg, SC 29115
DL#: _____ SID#: _____

CDL: Yes ☐ No ☐ CMV: Yes ☐ No ☐ Hazmat: Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was:

TO: Burglary - First Degree

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sorenson, Donald N.

9512
SC Bar#

Danny Ryant Jr.

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: on 12/17/10

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Dept. of Corrections

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

**Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65
(Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.**

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1)(Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

§ 44-53-450(C) (Conditional Discharge) \$350 \$ _____

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Sp. Millard
Clerk of Court/ Deputy Clerk

Court Reporter: Harry Dot Walker

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS38-0818

A/W#: M213390

Date of Offense: 3/12/2010

S.C. Code § 16-11-311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Conditional Discharge § 44-53-450(C) requires \$350 be
paid to the Clerk prior to disposition.

☐ Appointed PD or appointed other counsel, § 47.12
requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: 2153

Sentence Date: December 17, 2010

SCCA/217 (06/2010)

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

STATE VS. Danny Ryant Jr.

AKA:

Race: B Sex: M Age: 20

DOB: SS#:

Address:

Orangeburg, SC 29115

DL#: SID#:

CDL: Yes ☐ No ☐ CMV: Yes ☐ No ☐ Hazmat: Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was:

TO: Armed Robbery

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sorenson, Donald N.

SC Bar# 9512

Danny Ryant Jr.

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 0-12/17/10☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Dept. of Corrections☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1)(Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

§ 44-53-450(C) (Conditional Discharge) \$350 \$

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS38-0819

A/W#: M213391

Date of Offense: 3/12/2010

S.C. Code § 16-11-330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ Beginning

\$ paid to Public Defender Fund

Other:

☐ Conditional Discharge § 44-53-450(C) requires \$350 be paid to the Clerk prior to disposition.☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

SCCA/217 (06/2010)

STATE OF SOUTH CAROLINA)

County of ORANGEBURG)DANNY RYANT, JR. #344191)

Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT

2015-CP-38-01257

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

FILED FOR RECORD
WINNIE B. CLARK
2015 OCT 13 PM 12:29
CLERK OF COURT
ORANGEBURG, SC

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention MCCORMICK CORRECTIONAL INSTITUTION, 386 REDEMPTION WAY,
MCCORMICK, SOUTH CAROLINA 29899
2. Name and location of Court which imposed sentence ORANGEBURG COUNTY COURT OF
GENERAL SESSIONS, ORANGEBURG, SOUTH CAROLINA
3. Name(s) of co-defendant(s) (if any) WALTER HARRIS, MARIO SHIVERS, RALPH
COLEMAN, PATRICK TYLER AND CHRISTIAN COLEMAN
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2010-GS-38-0818 - BURGLARY - FIRST DEGREE
 - (b) 2010-GS-38-0818 - MURDER

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 12/17/10 - SENTENCED TO 30-YEARS FOR ARMED ROBBERY
- (b) 12/17/10 - SENTENCED TO 40-YEARS FOR MURDER
- (c) 12/17/10 - SENTENCED TO 40-YEARS FOR BURGLARY - FIRST DEGREE
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty XXXXXXXXXXXXXXXX
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES, I APPEALED THE CONVICTIONS AND SENTENCES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. SOUTH CAROLINA COURT OF APPEALS
- ii. SOUTH CAROLINA SUPREME COURT
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. COURT OF APPEALS "AFFIRMED" THE CONVICTIONS AND SENTENCES
- ii. S.C. SUPREME COURT - CERTIORARI DISMISSED AS IMPROVIDENTLY GRANTED.
- iii. AFTER BEING GRANTED A REHEARING.
- (c) the date of each such result:
- i. DECEMBER 5, 2012 - CONVICTION WAS CONFIRMED - CERTIORARI WAS
- ii. DISMISSED ON JANUARY 28, 2015 AS IMPROVIDENTLY GRANTED.
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. UNPUBLISHED OPINION No.: 2012-UP-617 CERTIORARI DISMISSED AS
- ii. IMPROVIDENTLY GRANTED.
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: SEE ATTACHED MEMORANDUM
- (a) _____
- (b) SEE ATTACHED MEMORANDUM
- (c) SEE ATTACHED MEMORANDUM
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) I HAVE A RECOUNTING STATEMENT FROM PATRICK TYLER
- (b) SEE ATTACHED MEMORANDUM
- (c) SEE ATTACHED MEMORANDUM
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. PETITION FOR REHEARING
- ii. PETITION FOR WRIT OF CERTIORARI
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. THE SOUTH CAROLINA SUPREME COURT
- ii. SOUTH CAROLINA COURT OF APPEALS
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. PETITION FOR REHEARING WAS DENIED - WRIT OF
- ii. CERTIORARI WAS GRANTED - WRIT OF CERTIORARI WAS DENIED
- iii. AS IMPROVIDENTLY GRANTED.
- iv.

(d) the date of each such disposition:

- i.
- ii.
- iii.
- iv.

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii.
- iii.
- iv.

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii.
- iii.

(b) the proceedings in which each ground was raised:

- i.
- ii.
- iii.

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) EXCLUSIVELY PCR ISSUES

(b) "

(c) "

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? NO

(b) your trial, if any? YES

(c) your sentencing? YES

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

YES

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. DOUGLAS MELLARD - ORANGEBURG PUBLIC DEFENDERS OFFICE

KATHERINE HUDGINS - DIVISION OF APPELLATE DEFENSE, 130

ii. LADY ST., SUITE 401 - COLUMBIA, SC 29201

iii.

(b) the proceedings at which each such attorney represented you:

i. DOUGLAS MELLARD - TRIAL

KATHERINE HUDGINS - APPEAL

ii.

iii.

19. State clearly the relief you seek in filing this application:
 CONVICTIONS AND SENTENCES VACATED OR REVERSED AND REMANDED
 FOR A NEW TRIAL.

20. Are you now under sentence from any other court that you have not challenged?
 No

STATE OF SOUTH CAROLINA)
 County of McCORMICK)

VERIFICATION

I, DANNY RYANT, JR. #344191, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Danny Ryant, Jr.

SWORN to and subscribed before me this 3rd
 day of August, 2015.
Michael Carmine Michael Carmine (L.S.)
 Notary Public

My Commission Expires: July 9, 2015

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, DANNY RYANT, JR. #344191, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this

3rd day of August, 2015.

Notary Public

My Commission Expires: July 9, 2015

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Orangeburg

VS
Patrick Jerrell Tyler

AKA:

Race: B Sex: M Age: 17

DOB: SS#:

Address:
Orangeburg, SC 29115

DL#: SID#:

CDL: Yes ☐ No ☐ CMV: Yes ☐ No ☐ Hazmat: Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was:

TO: Voluntary Manslaughter

in violation of § 16-3-50 of the S.C. Code of Laws, bearing CDR Code #

0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Sprenson, Donald N. 9512 SC Bar# Patrick Jerrell Tyler Attorney for Defendant 3229 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 3/14/11
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Dept. of Corrections
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS Recipient:
*Fine:
14-1-200 (Assessments 107.5 %) \$
§ 14-1-211(A) (1)(Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
§ 44-53-450(C) (Conditional Discharge) \$350 \$
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

Clerk of Court Deputy Clerk
Court Reporter: Harry Dot Walker

IN THE COURT OF GENERAL SESSIONS

1145

INDICTMENT/CASE#: 2010GS38-0797

A/W#: M213382

Date of Offense: 3/12/2010

S.C. Code § 16-3-10

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

ATTEST: TRUE COPY

Obtain GED ☐ CLERK OF COURT
Attend Voc. Rehab. ☐
May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive, weekly/monthly

pmts. of \$ Beginning \$ paid to Public Defender FundOther: Dependant shall not be housednote but co-dependantsDependant shall remain at CDC for 10 day☐ Conditional Discharge § 44-53-450(C) requires \$350 be

paid to the Clerk prior to disposition.

☐ Appointed PD or appointed other counsel, § 47.12

requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE Judge Code: 2153Sentence Date: March 14, 2011

SCCA/217 (06/2010)

STATE OF SOUTH CAROLINA

COUNTY OF **1146**

Orangeburg

STATE

VS
Patrick Jerrell Tyler

AKA:

Race: **B** Sex: **M** Age: **17**

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]
Orangeburg, SC 29115

DL#: _____ SID#: _____

CDL: Yes ☐ No ☐ CMV: Yes ☐ No ☐ Hazmat: Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was:

TO: **Voluntary Manslaughter**in violation of § **16-3-50** of the S.C. Code of Laws, bearing CDR Code #**0217**☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(Defendant initial)

The plea is: ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Sorenson, Donald N.

9512
SC Bar#

Patrick Jerrell Tyler

Attorney for Defendant

3229
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of **15** days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: **3/14/11**☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Dept. of Corrections☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65
(Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:

14-1-200 (Assessments 107.5 %)	\$	
14-1-211(A)(1)(Conv. Surcharge)	\$100	\$ 100.00
14-1-211(A)(2) (DUI Surcharge)	\$100	\$
56-5-2995 (DUI Assessment)	\$12	\$
56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
33.7, 1B TP (Drug Court Surcharge)	\$150	\$
50-21-114 (BUI Breath Test Fee)	\$50	\$
56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

Marion Edgemond
Clerk of Court Deputy Clerk

Court Reporter: *Harry Dot Walker*

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: **2010GS38-0797**A/W#: **M213382**Date of Offense: **3/12/2010**S.C. Code § **16-3-10**CDR Code #: **0116**

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

ATTEST: TRUE COPY

Winnifred Clark
days/hours/ability Service Employment

Obtain GED ☐ **CLERK OF COURT**Attend Voc. Rehab. **ORANGEBURG COUNTY SC**

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning _____

\$ _____ paid to Public Defender Fund

Other: *Defendant shall not be housed
with his co-defendants**Defendant shall remain at CDC for 10 days*☐ Conditional Discharge § 44-53-450(C) requires \$350 be
paid to the Clerk prior to disposition.☐ Appointed PD or appointed other counsel, § 47.12
requires \$500 be paid to Clerk during probation.PRESIDING JUDGE *Edgar*Judge Code: **2153**Sentence Date: **March 14, 2011**

SCCA/217 (06/2010)

(I'm writing this statement in concern of my co-defendants
& my case on (3-12-10))

I want this statement to be used for all my co-defendants, I just want to come and tell the truth about the crime. I was the one that had the three guns that you didn't get. I was the one that shot the victim with the (3k3). When all this took place and we got lock up for the crime I was the youngest out of everyone. The police, solicitor and my lawyer took that in consideration and lead me in what to say. I told lies on my co-defendants so that I won't go to jail but the whole time I was the one killed the victim. Everything that I said on the stand was lies. I was told to do that or else go to jail & get life. I never was in to nothing with the law until that day so I done what I was told what to do which I would like to correct in this statement. I just want to let all party's know what really happen. Any hearings my co-defendants that's coming up I would come on the stand the court that I was the one who shot or killed the victim & hide the three weapons that killed the victim.

Patrick Tyler

Sworn to before me
this 5th day of February, 2014

Muscha Michel

9/3/2014

FILED FOR RECORD
MINNIEA.B. CLARK
2015 OCT 13 P 12:29
CLERK OF COURT
ORANGEBURG, SC

1148

DANNY RYANT #344191

McCI F-2 ~~A~~ SIDE
386 REDEMPTION WAY
McCORMICK, SOUTH CAROLINA 29899

DATE: 8/1/15

THE HONORABLE WANNITA B. CLARK
CLERK OFF COURT - ORANGEBURG COUNTY
P.O. Box 9000
ORANGEBURG, S.C. 29116-9000

RE: DANNY RYANT, APPLICANT V. STATE OF SOUTH CAROLINA, RESPONDENT
ORIGINAL PCR APPLICATION AND MEMORANDUM OF LAW IN SUPPORT

DEAR CLERK:

ENCLOSED PLEASE FIND THE "ORIGINAL" POST-CONVICTION RELIEF (PCR)
APPLICATION AND MEMORANDUM OF LAW IN SUPPORT OF SAME, FOR FILING WITH YOUR
OFFICE IN REFERENCE TO THE ABOVE ENTITLED MATTER.

I HAVE INCLUDED A SELF-ADDRESSED ENVELOPE FOR YOUR CONVENIENCE IN
RETURNING TO ME CLOCK-STAMPED COPIES OF THESE DOCUMENTS FOR MY RECORDS. PLEASE
ALSO PROVIDE ME WITH A DOCKET NUMBER.

THANK YOU FOR YOUR ASSISTANCE IN THIS VERY IMPORTANT MATTER.

SINCERELY, *Danny Ryant*, #344191

CC: PERSONAL FILE

FILED FOR RECORD
WANNITA B. CLARK
CLERK OF COURT
ORANGEBURG, SC
AUG 01 13 P 10 29

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

DANNY RYANT, #344191,)
APPLICANT,)
vs.)
STATE OF SOUTH CAROLINA,)
RESPONDENT.)

CASE No.: _____

**MEMORANDUM OF LAW
IN SUPPORT OF APPLICATION
FOR POST-CONVICTION RELIEF**

COMES NOW, THE APPLICANT, ABOVE NAMED, WHO PRESENTS THIS
MEMORANDUM OF LAW IN SUPPORT OF APPLICATION FOR POST-CONVICTION
RELIEF (PCR) AND WOULD SHOW THE FOLLOWING UNTO THE HONORABLE
COURT.

FILED FOR RECORD
MINNIE B. CLARK
2015 OCT 13 PM 12:29
CLERK OF COURT
ORANGEBURG, SC

STATEMENT OF THE CASE

AN ORANGEBURG COUNTY GRAND JURY INDICTED APPLICANT, DANNY RYANT, JR. IN MAY, 2010 FOR MURDER, ARMED ROBBERY, BURGLARY-FIRST DEGREE, KIDNAPPING AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME.

APPLICANT, ALONG WITH FOUR CO-DEFENDANTS, STOOD TRIAL ON THE CHARGES OF MURDER, ARMED ROBBERY AND BURGLARY-FIRST DEGREE ON DECEMBER 13-17TH, BEFORE A JURY. APPLICANT WAS REPRESENTED BY DOUGLAS MELLARD, ESQUIRE. THE SIXTH DEFENDANT NAMED IN THE CRIME, PATRICK TYLER, TESTIFIED AT TRIAL. THE HONORABLE JUDGE DICKSON PRESIDED. THE JURY CONVICTED APPLICANT AS CHARGED. JUDGE DICKSON SENTENCED APPLICANT TO THIRTY (30) YEARS IMPRISONMENT FOR ARMED ROBBERY AND CONCURRENT TERMS OF FORTY (40) YEARS IMPRISONMENT ON BOTH THE MURDER AND BURGLARY-FIRST DEGREE CONVICTIONS.

APPLICANT FILED A TIMELY NOTICE OF APPEAL DATED DECEMBER 20, 2010 (SEE EXHIBIT 1). APPELLATE DEFENSE KATHERINE H. HUDGINS FILED AND SERVED A COPY OF THE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER IN THE ABOVE REFERENCED CASE UPON ONE DONALD J. ZELENKA, ESQUIRE, AT THE 12TH DAY OF OCTOBER, 2011, (SEE EXHIBIT 2). RESPONDENT MELODY J. BROWN FILED THE INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER ON APPELLANT ON THE 5TH DAY OF MARCH, 2012 (SEE EXHIBIT 3). APPLICANT RECEIVED THE INITIAL BRIEF OF RESPONDENT BY MAIL DATED MARCH 8, 2012 FROM APPELLANT DEFENSE KATHERINE H. HUDGINS. THE APPLICANT'S CASE, APPELLATE CASE No. 2011-182946, UNPUBLISHED OPINION No. 2012-UP-647 WAS SUBMITTED OCTOBER 1, 2012 - FILED DECEMBER 5,

2012.

THE COURT OF APPEALS AFFIRMED THE CONVICTION AND SENTENCE. PURSUANT TO RULE 220(B), SCACR. APPELLATE DEFENDER KATHERINE H. HUDGINS FILED A PETITION FOR REHEARING THAT APPLICANT RECEIVED VIA MAIL DATED DECEMBER 20, 2012 (SEE APPENDIX EXHIBIT - 4) PG. 4-8. THE S.C. COURT OF APPEALS ISSUED THEIR ORDER DENYING THE APPLICANT'S PETITION FOR REHEARING, THAT DOCUMENT IS DATED, STAMPED AND FILED JANUARY 25, 2013 (SEE APPENDIX EXHIBIT - 4, PG. 10). APPELLATE DEFENDER FILED AND SERVED A PETITION FOR WRIT OF CERTIORARI SIGNED, DATED AND NOTARIZED MARCH 27, 2013. ATTORNEYS FOR RESPONDENT FILED A RETURN TO PETITION FOR WRIT OF CERTIORARI THAT WAS SIGNED AND DATED APRIL 26, 2013. APPLICANT RECEIVED A COPY OF THE S.C. SUPREME COURT'S ORDER GRANTING PETITION FOR WRIT OF CERTIORARI BY LETTER DATED APRIL 23, 2014.

THE STATE NEVER SENT ME THEIR RETURN TO THE PETITION FOR WRIT OF CERTIORARI. I RECEIVED IT A YEAR LATE VIA APPELLATE DEFENSE WITH THE COURT'S ORDERS. APPELLATE DEFENDER KATHERINE H. HUDGINS FILED THE BRIEF OF PETITIONER DATED MAY 16, 2014. APPELLATE DEFENDER ALSO FILED AN ADDITIONAL BRIEF OF PETITIONER WITH A CORRECTIVE COVER THAT CONSISTED OF ONLY ONE (1) ARGUMENT INSTEAD OF THE INITIAL TWO (2) ARGUMENTS FOR UNEXPLAINED REASONS, DATED MAY 20, 2014. RESPONDENT FILED A BRIEF FOR RESPONDENT DATED JUNE 16, 2014. BOTH BRIEFS WERE FILED THEN ON JANUARY 15, 2015, THE CASE WAS ARGUED THROUGH ORAL ARGUMENTS BEFORE THE SOUTH CAROLINA SUPREME COURT. THE COURT LATER DECIDED NOT TO REVERSE THE FINDINGS OF THE SOUTH CAROLINA COURT OF APPEALS AFFIRMING

APPLICANT'S CONVICTION. DISMISSING THE PETITION FOR WRIT OF CERTIORARI AS IMPROVIDENTLY GRANTED, HEARD JANUARY 13, 2015 - FILED JANUARY 28, 2015. THAT COMPLETED APPLICANT'S DIRECT APPEAL PROCESS. THIS APPLICATION FOR POST-CONVICTION RELIEF FOLLOWS.

ARGUMENT

THE APPLICANT DISCOVERED AFTER HIS TRIAL THAT HE WAS DENIED A FUNDAMENTAL RIGHT TO A FAIR TRIAL BY HIS TRIAL JUDGE'S PLEA NEGOTIATION WITH HIS "ALLEGED" CO-DEFENDANT.

OUR SUPREME COURT HAS HELD THAT A DEFENDANT SHOULD BE ENTITLED TO A REVIEW OF HIS CONVICTION WHEN THE JUDICIAL SYSTEM HAS SIMPLY FAILED HIM AND WHERE TO CONTINUE HIS INCARCERATION WITHOUT A REVIEW OF THE MERITS OF HIS CLAIM WOULD AMOUNT TO A GROSS MISCARRIAGE OF JUSTICE. AICE V. STATE, 409 S.E.2d 392 (1990); SEE ALSO BUTLER V. STATE, 397 S.E.2d 87 (1990), SPECIFICALLY RECOGNIZING THAT A TRIAL JUDGE'S MISCONDUCT DURING TRIAL PROCEEDING COULD AMOUNT TO A DENIAL OF FUNDAMENTAL RIGHT TO A FAIR TRIAL TO ENTITLE HIM TO RELIEF NOT WITHSTANDING ANY PROCEDURAL BAR.) BY A SIMILAR REASONING, THE APPLICANT CONTENTS THAT DURING HIS TRIAL, HIS ALLEGED CO-DEFENDANT, PATRICK TYLER, TESTIFIED THAT PER HIS PLEA AGREEMENT, HE WAS TESTIFYING AGAINST APPLICANT IN EXCHANGE FOR A REDUCTION OF HIS MURDER CHARGE TO VOLUNTARY MANSLAUGHTER. TRANSC. PG. 336, LINE -22, TRANSC. PG. 337, LINE 25, TRANSC. PG. 348, LINE 23, TRANSC. PG. 351, LINES 9-22.

FOLLOWING APPLICANT'S TRIAL AND CONVICTIONS ON DECEMBER 17, 2010, APPLICANT WAS PROVIDED A COPY OF PATRICK TYLER'S COMMITMENT

ORDER WHICH INDEED SHOWED THAT HE (TYLER) DID IN FACT PLEAD GUILTY TO VOLUNTARY MANSLAUGHTER WITHOUT ANY RECOMMENDATION OR NEGOTIATION FOR HIS MANSLAUGHTER PLEA FROM THE SOLICITOR'S OFFICE. (SEE COPY OF TYLER'S COMMITMENT ORDER ATTACHED HERE AS EXHIBIT - ~~A~~. TURNING TO THE STANDARD OF JUDICIAL REVIEW OF (TYLER'S) PLEA AGREEMENT, BOTH THE STATE, U.S. SUPREME COURT AND RULES OF ABA STANDARDS HAVE CONDEMNED THE PRACTICE OF A TRIAL JUDGE'S DIRECT RECOMMENDATION AND NEGOTIATION OF A PLEA AGREEMENT WITH A CRIMINAL DEFENDANT INDEPENDENT OF ANY PARTICIPATION BY THE ADVOCATE FOR EITHER THE STATE OR DEFENDANT'S COUNSEL. (SEE E.G., CROSS V. STATE, 240 S.E.2d 514 (S.C. 1977); SEE ALSO HARDEN V. STATE, 277 S.E.2d 692 (S.C. 1981)(FOR THE ABA STANDARD 14-33 RESPONSIBILITY OF THE JUDGE IN PLEA NEGOTIATIONS). HERE, AS EVIDENCE BY (TYLER'S) COMMITMENT ORDER AND RECANTING STATEMENT (SEE EXHIBIT - 6), ONE MUST INESCAPINGLY CONCLUDE THAT, ABSENT ANY RECOMMENDATION OR NEGOTIATION OF THE PLEA AGREEMENT WAS NEGOTIATED EXCLUSIVELY BETWEEN THE JUDGE AND TYLER. AND IN SO FAR AS THE SAME JUDGE PRESIDED AT HIS TRIAL, APPLICANT CONTENDS THAT HE WAS DENIED A FUNDAMENTAL RIGHT TO A FAIR TRIAL. FURTHERMORE, APPLICANT CONTENDS THAT THE TRIAL JUDGE'S ILLEGAL NEGOTIATION OF TYLER'S PLEA AGREEMENT IS EVIDENCE BY HIS ACCEPTANCE OF TYLER'S GUILTY PLEA TO A LESSER INCLUDED OFFENSE OF VOLUNTARY MANSLAUGHTER WITHOUT A SIGNED WAIVER OF THE INDICTMENT FOR PRESENTATION OF THIS CHARGE TO THE GRAND JURY IN VIOLATION OF S.C. STATUTORY LAW. (SEE §17-23-30-40). (ALSO, SEE STATE V. BROWN, SUPRA, WHERE THE COURTS HELD THAT THE TRIAL COURTS ERRED

IN EXCLUDING EVIDENCE OF A WITNESS'S POSSIBLE PUNISHMENT BECAUSE IT WOULD ALLOW THE JURY TO LEARN OF BROWN'S OWN POTENTIAL SENTENCE, IF CONVICTED. THE WITNESS ADMITTED, ON DIRECT EXAMINATION, SHE TESTIFIED IN EXCHANGE FOR BEING CHARGED WITH ONLY ONE COUNT OF CONSPIRACY FOR WHICH SHE COULD FACE A MAXIMUM SENTENCE OF SEVEN AND ONE HALF YEARS (7½). ON CROSS-EXAMINATION, THE TRIAL JUDGE PRECLUDED THE DEFENSE FROM ASKING THE WITNESS THE MAXIMUM PUNISHMENT SHE FACED IF FOUND GUILTY OF TRAFFICKING IN COCAINE, THE CRIME INITIALLY CHARGED AGAINST HER. THEY FOUND BROWN WAS UNFAIRLY PREJUDICED BECAUSE THE WITNESS WAS PERMITTED TO AVOID A MANDATORY SENTENCE OF MORE THAN THREE TIMES THE DURATION SHE WOULD FACE ON HER PLEA TO CONSPIRACY WAS CRITICAL EVIDENCE OF POTENTIAL BIAS THAT APPELLANT SHOULD HAVE BEEN ABLE TO PRESENT TO THE JURY. ID., 303 S.C. AT 17, 399 S.E.2D 549. BECAUSE OF THE ERROR OF LAW AND UNFAIR PREJUDICE TO BROWN, THE COURTS HELD THE DENIAL OF MEANINGFUL CROSS-EXAMINATION OUTWEIGHTED THE STATE'S INTEREST IN EXCLUDING THE EVIDENCE. ID., 303 S.C. 172, 399 S.E.2D 594.

THE CASE SUBJUDICE IS DISTINCTIVE BECAUSE THE CO-DEFENDANT WITNESS WAS CHARGED WITH THE SAME CRIMES AS PETITIONER BUT HAD NEITHER AGREED TO A PLEA BARGAIN NOR PLED GUILTY. PETITIONER ASSERTS THE STATE SHOULD NOT BE ABLE TO RELY ON THIS DISTINCTION TO EXCLUDE THIS EVIDENCE BECAUSE THE ABSENCE OF THE AGREEMENT, IF ANYTHING, SUGGESTS THE WITNESS WILL TESTIFY MORE FAVORABLY TO THE STATE'S POSITION. APPLICANT ARGUES (TYLER) WOULD REASONABLY HAVE FELT THE QUALITY OF HIS COOPERATION WOULD DETERMINE THE DEGREE OF

BENEFIT HE WOULD LATER RECEIVE. (SEE BOONE V. PADERICK, 541 F.2D 447, 451 (4TH CIR. 1976). A PROMISE TO RECOMMEND LENIENCY (WITHOUT ASSURANCE OF IT) MAY BE INTERPRETED BY THE PROMISE AS CONTINGENT UPON THE QUALITY OF THE EVIDENCE PRODUCED; THE MORE UNCERTAIN *333 THE AGREEMENT, THE MORE GREATER THE INCENTIVE TO MAKE THE TESTIMONY MORE PLEASING TO THE PROMISOR. DURING CROSS-EXAMINATION (TYLER) ADMITTED HE WAS TELLING THE POLICE WHAT THEY WANTED TO HEAR). (SEE TRANSC. PG. 413, LINES 7-9); ALSO (SEE TRANSC. PG. 368) WHERE TYLER ADMITS TO MAKING UP THE STATEMENT. BEING FURTHER PROVED AND CONTRADICTED BY HIS RECASTING STATEMENT. (see exhibit-B).

FINALLY, IN ADDRESSING SUCH AN ERROR BY THE JUDGE IN APPLICANT'S CASE, THE SUPREME COURT HAS HELD THAT TRIAL ERROR IS ERROR THAT OCCURED DURING THE PRESENTATION OF THE CASE TO THE JURY AND WHICH MAY THEREFORE BE QUANTITATIVELY ASSESSED IN THE CONTEXT OF OTHER EVIDENCE PRESENTED IN ORDER TO DETERMINE WHETHER IT'S ADMISSION WAS HARMLESS BEYOND A REASONABLE DOUBT.

IN CONTRAST, STRUCTURAL DEFECTS (SUCH AS A BIAS JUDGE) AFFECT THE FUNDAMENTAL FRAMEWORK WITHIN WHICH A CRIMINAL TRIAL CANNOT RELIABLY SERVE ITS FUNCTION AS A VEHICLE FOR DETERMINATION OF GUILT OR INNOCENCE, AND NO CRIMINAL PUNISHMENT CAN BE REGARDED AS FUNDAMENTALLY FAIR. ARIZONA V. FULMINATE, 111 S.Ct. 1246, 1246-65 (1991).

APPLICANT WAS DENIED THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL. BY COUNSEL'S FAILURE TO OBJECT TO PROSECUTOR'S STATEMENTS AND INTRODUCTION OF PHOTOGRAPHS REGARDING AN UNCALLED

WITNESS, WHICH PRESENTED THE JURY WITH TESTIMONY AS IF HE HAD TAKEN THE STAND HIMSELF.

APPLICANT CONTENDS THAT THE PROSECUTOR STATED IN HIS OPENING ARGUMENTS TO THE JURY AS FOLLOWS: PROSECUTOR PASCOE: YOU'RE ALSO GOING TO HEAR FROM A YOUNG MAN BY THE NAME OF "RONNIE WASHINGTON". HE'S GOING TO ALSO IDENTIFY THE FIVE (5) OF THEM AS BEING THE INDIVIDUALS HE PICKED UP THAT NIGHT ALONG WITH (MR. TYLER) AND ULTIMATELY TOOK THE OVER TO THAT APARTMENT FOR THE PURPOSE OF GOING TO OR SO HE THOUGHT TO BUY SOME MARIJUANA, AND HOW WHEN HE ENDED UP TAKING THEM AND DROPPING THEM OFF THAT NIGHT. TRANSC. PG. 163, LINE 14-22. AT THE CLOSE OF THE STATE'S CASE THE WITNESS/DEFENDANT (RONNIE WASHINGTON) WAS NEVER ARRESTED AND PRODUCED TO TESTIFY EVEN AFTER GIVING A WRITTEN "DEFENDANT'S" STATEMENT. VIOLATING MY RIGHTS UNDER THE SIXTH (6TH) AMENDMENT'S CONFRONTATION CLAUSE BY NOT ALLOWING ME TO FACE MY ACCUSER AND ATTEMPT TO IMPEACH HIM (RONNIE WASHINGTON) THROUGH EXAMINATION.

"THE SIXTH (6TH) AMENDMENT RIGHTS TO NOTICE, CONFRONTATION AND COMPULSORY PROCESS GUARANTEE THAT A CRIMINAL CHARGE MAY BE ANSWERED THROUGH THE CALLING AND INTERROGATION OF FAVORABLE WITNESSES, THE CROSS-EXAMINATION OF ADVERSE WITNESSES AND THE ORDERLY INTRODUCTION OF EVIDENCE. STATE V. GRAHAM, 314 S.C. 383-385, 444 S.E.2d 525-527 (1994)(QUOTING) STATE V. SCHMIDT, 288 S.C. 301-303, 342 S.E.2d 401-402 (1986). THE SIXTH (6TH) AMENDMENT IS APPLICABLE TO THE STATES THROUGH THE FOURTEENTH (14TH) AMENDMENT. [2] (SEE POINTER V. TEXAS, 380 U.S. 400, 85 S.Ct. 1065. *33 A DEFENDANT HAS THE RIGHT TO CROSS-EXAMINE A

WITNESS CONCERNING BIAS UNDER THE CONFRONTATION CLAUSE. DAVIS V. ALASKA, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed. 347 (1974); STATE V. BROWN, 303 S.C. 69, 399 S.E.2d 593 (1991). "ON

CROSS-EXAMINATION ANY FACT MAY BE ELICITED WHICH TENDS TO SHOW INTEREST, BIAS OR PARTIALITY OF THE WITNESS". STATE V. BREWINGTON 267 S.C. 97-101, 266 S.E.2d 249-250 (1976); (QUOTING 98 C.J.S WITNESSES :560 A (1957)); SEE RULE 608(A), SCRE ("BIAS, PREJUDICE OR ANY MOTIVE TO MISREPRESENT MAY BE SHOWN TO IMPEACH THE WITNESS EITHER BY EXAMINATION OF THE WITNESS OR BY EVIDENCE OTHERWISE ADDUCED").

A CRIMINAL DEFENDANT MAY SHOW VIOLATION OF THE CONFRONTATION CLAUSE "BY SHOWING THAT HE WAS PROHIBITED FROM ENGAGING IN OTHERWISE APPROPRIATE CROSS-EXAMINATION DESIGNED TO SHOW A PROTOTYPICAL FORM OF BIAS ON THE PART OF THE WITNESS, AND THEREBY TO EXPOSE TO THE JUROR THE FACTS FROM WHICH JURORS...COULD APPROPRIATELY DRAW INFERENCES RELATING TO THE RELIABILITY OF THE WITNESS." DELAWARE V. VAN ARSDALL, 475 U.S. 637-680 (106 S.Ct. 1431-1436 (89 L.Ed.2d 674-684 (1986)). THE TRIAL JUDGE RETAINS DISCRETION TO IMPOSE REASONABLE LIMITS ON THE SCOPE OF THE CROSS-EXAMINATION. STATE V. SHERRARD, 303 S.C. 172, 399 S.E.2d 595 (1991); ACCORD DELAWARE V. VAN ARSDALL, SUPRA, BEFORE A TRIAL JUDGE MAY LIMIT A CRIMINAL DEFENDANT'S RIGHT TO ENGAGE IN CROSS-EXAMINATION TO SHOW BIAS ON THE PART OF THE WITNESS, THE RECORD MUST CLEARLY SHOW THE CROSS-EXAMINATION IS INAPPROPRIATE. (SEE STATE V. GRAHAM, SUPRA. IF THE DEFENDANT ESTABLISHES HE WAS PREJUDICED BY THE LIMITATION, IT IS REVERSIBLE ERROR. STATE V.

BROWN, SUPRA. (SEE RONNIE WASHINGTON' DEFENDANT STATEMENT)(SEE PROSECUTOR'S WITNESS DOCKET). ALSO SEE STATE V. MIZZELL, 563 S.E.2d 315, 349 S.C. 326 (2002).

DURING COUNSEL ULLMAN'S, ATTORNEY FOR APPLICANT'S CO-DEFENDANT, CLOSING ARGUMENTS; SHE QUESTIONED THE PROSECUTION ON THIS SUBJECT STATING WHY WOULD THE PROSECUTOR PROMISE THAT THIS WITNESS WOULD COME AND TESTIFY AND THEN NOT PRODUCE THE WITNESS. TRANSC. PG. 972, LINE 5, TRANSC. PG. 973. IN REPLY TO THE COMMENTS CONCERNING THE UNCALLED WITNESS THE PROSECUTOR'S RESPONSE WAS AS FOLLOWS: RONNIE WASHINGTON? WELL LET'S TALK ABOUT RONNIE WASHINGTON. WHERE IS HE? WHY ISN'T HE CHARGED WITH MURDER YET? SOMEONE SAID IN THEIR CLOSING ARGUMENTS, I ASSUME IT BECAUSE THE PROSECUTION IN THEIR DEFENSE OF MAYBE MERE PRESENCE. WELL I APPRECIATE THEIR INDIGNATION TOWARDS THE "GET AWAY DRIVER", RONNIE WASHINGTON. IT PROVES THAT THE DEFENDANTS ARE GUILTY. I APPRECIATE THAT. BUT LET'S TALK ABOUT RONNIE. IT'S NOT REASONABLE; HE CAME FORTH AS YOU HEARD TWO WEEK AGO, WHILE WE WERE GETTING READY FOR TRIAL, RONNIE WASHINGTON GOES TO THE SHERIFF'S OFFICE, THIS CAME OUT, AND ADMITTED, I WAS THE GET AWAY DRIVER. HOW DOES THAT HELP THEM? AND WE'LL TALK MORE ABOUT THAT IN A MINUTE. I WAS THE GET AWAY DRIVER AND I'M FRIENDS WITH CHRIS COLEMAN, JUST LIKE PATRICK TYLER TOLD YOU ON THE WITNESS STAND. HOW DOES THAT HELP THEM? BUT HOW IS IT REASONABLE FOR RONNIE WASHINGTON TO DRIVE SIX (6) INDIVIDUALS ARMED WITH SKS'S ARMED WITH PISTOLS DUCT TAPE, AS PATRICK TYLER TOLD YOU TALKING ABOUT

THE ROBBERY IN THE CAR, HOW COULD IT BE REASONABLE FOR RONNIE WASHINGTON NOT TO KNOW WHAT'S GOING TO HAPPEN? I SUBMIT, IT'S NOT. WELL, WHAT DOES THAT MEAN? IT MEANS A THEY SAID, HE NEEDS TO BE CHARGED WITH A CRIME. HOW CAN I ETHNICALLY CALL A WITNESS IF I'M ABOUT TO CHARGE HIM WITH A CRIME, I CAN'T. THAT'S WHY RONNIE WASHINGTON IS NOT HERE. THAT'S THE TRUTH. WELL, HOW CAN RONNIE WASHINGTON IN ANYWAY HELP THEM? NOT AT ALL. IT KILLS THEM. HE CORROBORATES PATRICK TYLER FROM THE TESTIMONY YOU GOT TO HEAR ABOUT RONNIE WASHINGTON. HE WAS THE GET AWAY DRIVER, THAT'S THE ONLY EVIDENCE IN THIS CASE, HE'S FRIEND WITH CHRISTOPHER COLEMAN, AND HE DROVE A SUV, A JEEP TYPE CAR, AN EXPLORER". (EMPHASIS ADDED)(TRANSC. PG. 1018, LINE 4, TRANSC. PG 1019, LINE 12.

TRUTH BE TOLD, PATRICK TYLER NEVER TESTIFIED TO THE VEHICLE BEING AN "EXPLORER" THE PROSECUTION TESTIFIED TO THIS. MOREOVER, PROSECUTION EVEN ADDED INTO EVIDENCE A PHOTO OF A GREEN EXPLORER (SEE EXHIBIT) ALLEGEDLY OWNED AND DRIVEN BY ONE RONNIE WASHINGTON ACCOMPANIED BY NO DMV RECORDS OR TESTIMONY FROM RONNIE WASHINGTON VERIFYING HE IS INDEED THE OWNER AND/OR DRIVER OF THE VEHICLE AND *Verify* THE VEHICLE WAS INDEED THE GET AWAY VEHICLE.

COUNSEL FAILED TO OBJECT TO THE HEARSAY TESTIMONY ON BEHALF OF THE PROSECUTION ALSO FAILING TO OBJECT TO THE INADMISSIBLE EVIDENCE BEING THE PHOTOS OF THE GREEN EXPLORER. APPLICANT THUS CONTENDS THAT AS THE SOLICITOR FAILED TO PRODUCE THIS WITNESS, HIS STATEMENTS DURING OPENING AND CLOSING ARGUMENTS MADE TO THE JURY REGARDING THE UNCALLED WITNESS'S OUT OF COURT STATEMENTS PRESENTED THE JURY WITH TESTIMONY THAT WAS HIGHLY PREJUDICIAL

BEYOND A REASONABLE DOUBT FROM THE SOLICITOR AS IF HE HAD TAKEN THE STAND HIMSELF WHICH UNFAIRLY PREJUDICED MY FUNDAMENTAL RIGHT TO A FAIR TRIAL. FURTHERMORE, EVEN IF COUNSEL DID OBJECTED AND REQUEST THE JUDGE TO CLEAR THE MATTER WITH THE JURY NO CURATIVE RULE OR INSTRUCTIONS COULD HAVE REDEEMED THE INTEGRITY OF THE TRIAL PROCEEDINGS. DUE TO THE DAMAGE ALREADY DONE AND THE SIZE THEREOF. (SEE E.G. STATE V. COLEMAN, 389 S.E.2d 659 (S.C. 1990)). THEREFORE, BASED ON THE SOLICITOR'S STATEMENTS TO THE JURY IN THIS INSTANCE AND HIS FAILURE TO PRODUCE SUCH WITNESS, APPLICANT CONTENDS THAT HIS COUNSEL'S FAILURE TO OBJECT TO THE SOLICITOR'S STATEMENTS REGARDING THE UNCALLED WITNESS WAS A CLEAR SHOW OF INEFFECTIVE ASSISTANCE OF COUNSEL THAT WAS PER SE PREJUDICIAL BEYOND A REASONABLE DOUBT VIOLATING HIS RIGHTS TO DUE PROCESS OF LAW AND EFFECTIVE ASSISTANCE OF COUNSEL. (SEE STRICKLAND V. WASHINGTON, 104 S.Ct. 2052 (1984)).

RESPECTFULLY SUBMITTED,

THIS 1st DAY OF August, 2015

Danny Ryant, Jr. #344191
 DANNY RYANT, JR. #344191
 MCCI F-5 B-SIDE
 386 REDEMPTION WAY
 MCCORMICK, SC 29899
 APPLICANT, PRO-SE

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Danny Ryant, Jr., #344191

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

2015-CP-38-01257

RETURN

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed October 13, 2015, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Orangeburg County. Applicant was indicted at the May 2010 term of the Court of General Sessions for Orangeburg County for murder (2010-GS-38-0817), first-degree burglary (2010-GS-38-0818), and armed robbery (2010-38-0819). Applicant was represented at trial by Douglas Mellard, Esquire. On December 10, 2010, Applicant was found guilty of all charges before the Honorable Edgar W. Dickson. On December 17, 2010, Judge Dickson sentenced Applicant to forty (40) years imprisonment for first-degree burglary, forty (40) years imprisonment for murder, and thirty (30) years for armed robbery, to be served concurrently.

A notice of appeal was filed and an appeal was perfected by Katherine Hudgins, Esquire, of the Office of Indigent Defense, Appellate Division. The South Carolina Court of Appeals affirmed the Applicant's conviction. State v. Danny Ryant, Jr., Op. No. 2012-UP-647 (filed December 5, 2012). The South Carolina Supreme Court granted writ of certiorari and after

review, dismissed certiorari as improvidently granted. State v. Danny Ryant, Op. No. 2015-MO-004 (filed January 28, 2015). The Remittitur was issued on February 3, 2015.

Attached herewith and incorporated by reference are the records of the Orangeburg County Clerk of Court regarding the subject conviction(s), the transcript from Applicant's trial, and Applicant's records for the Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

Applicant must specify any claims he intends to raise at the PCR hearing. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Applicant was denied the right to effective assistance of counsel. By counsel's failure to object to prosecutor's statements and introduction of photographs regarding an uncalled witness, which presented the jury with testimony as if he had taken the stand himself."
 - b. "Counsel failed to object to the hearsay testimony on behalf of the prosecution also failing to object to the inadmissible evidence being the photos of the green Explorer."
 - c. "Applicant contends that his counsel's failure to object to the solicitor's statements regarding the uncalled witness was a clear show of ineffective assistance of counsel that was per se prejudicial beyond a reasonable doubt violating his prejudicial law and effective assistance of counsel."

2. Denial of Due Process

- a. "The Applicant discovered after his trial that he was denied a fundamental right to a fair trial by his trial judge's plea negotiation with his "alleged" co-defendant."
- b. "Applicant contends that the trial judge's illegal negotiation of Tyler's plea agreement is evidenced by his acceptance of Tyler's guilty plea to a lesser included offense of voluntary manslaughter without a signed waiver of the indictment for presentation of this charge to the grand jury."

III.

Applicant's claim is an allegation of ineffective assistance of plea counsel. Respondent contends that Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove trial counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, trial counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also alleges due process violations. Part of these allegations, listed under Section II as 2(b), appear to be merely recitations of his grounds for ineffective assistance of counsel. Therefore, Respondent submits these allegations are without merit and incorporates its response in Part III, supra.

Applicant does specifically allege in Section II, under 2(a), that the trial's inordinate delay was a due process violation. Respondent submits such claims are likewise without merit. A due process violation only occurs "when a defendant in a criminal trial is denied the fundamental fairness essential to the concept of justice." State v. Hornsby, 326 S.C. 121, 129, 484 S.E.2d 869, 873 (1997) (citing 21 Am.Jur.2d, Criminal Law § 640 (1981)). Respondent submits the record fully demonstrates Applicant's trial procedures fully complied with the requirements of

due process. Accordingly, Respondent submits this allegation should be dismissed pursuant to Rule 12(b)(6), SCRCRCP.

V.

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

VI.

WHEREFORE, having made its Return, Respondent requests that a hearing be held solely on the claims of ineffective assistance of counsel.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZEULA
Assistant Deputy Attorney General

JUSTIN HUNTER
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

July 21st, 2016

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Danny Ryant, Jr., #344191

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

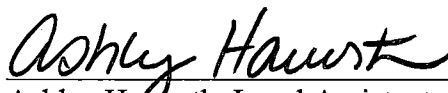
2015-CP-38-1257

AFFIDAVIT OF SERVICE BY MAIL

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

Mr. Jonathan D. Waller, Esquire
Giese Law Firm
1315 Blanding Street
Columbia, SC 29201

DATED this 21th day of July, 2016.



Ashley Haworth, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	IN THE FIRST CIRCUIT
	)	COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	)	2015-CP-38-01257

DANNY RYANT,	)	
PETITIONER,	)	
	)	
VS.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
RESPONDANT.)	)	

August 12, 2024
St. George, South Carolina

B E F O R E:

THE HONORABLE KRISTI F. CURTIS, JUDGE

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

JONATHAN D. WALLER, ESQ.
Attorney for the Petitioner

DANIELLE DIXON, Assistant Attorney General
Attorney for the State

MELISSA R. SINGLETARY
Official Court Reporter
Transcribed by:
BONNIE M. BRITT
Official Court Reporter

1		<u>I N D E X</u>			
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	DANNY RYANT				
4	Mr. Waller	10			
5	Ms. Dixon		32		
6	DOUGLAS MELLARD				
7	Mr. Waller	37			
8	Ms. Dixon		47		
9	DONALD SORENSON				
10	Mr. Waller				
11	Ms. Dixon	52			
12	CERTIFICATE OF REPORTER	57			
13					
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1	<u>E X H I B I T S</u>			
2	<u>No.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
3	A-1	Statement -----	4	30
4	A-2	Statement-----	4	30
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1 (The following hearing was held on August 12, 2024.)
2 (Applicant's Exhibits one and two were marked for
3 identification.)

4 MR. WALLER: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MS. DIXON: May it please the court?

7 THE COURT: Yes.

8 MS. DIXON: I'm Danielle Dixon, Assistant Attorney
9 General for the State of South Carolina. This is the case
10 of Danny Ryant v. State, docket number 2015-CP-38-1257.
11 Mr. Ryant is currently serving an aggregate 40-year sentence
12 in -- let's see, he was indicted in 2010 by the Orangeburg
13 County Grand Jury for murder, first degree burglary and
14 armed robbery. Those are indictment numbers 2010-GS-38-817,
15 818, and 819.

16 These charges arose from a home invasion and the fatal
17 shooting of Charles Pringle that occurred on March 12, 2010.
18 On December 10th through 17th of that year, Mr. Ryant
19 proceeded to a jury trial before the Honorable Edgar Dixon.
20 He was tried with four co-defendants, Christian Coleman,
21 Ralph Coleman, Walter Lee Harris, and Mario Shivers. And
22 during that trial, a fifth co-defendant, Patrick Tyler,
23 testified against them on behalf of the state.

24 They were all convicted as indicted. And Mr. Ryant was
25 sentenced concurrently to 40 years for murder; 40 years for

1 burglary first; and 30 years for armed robbery. He filed a
2 notice of appeal which was perfected by appellate defender,
3 Kathrine Hudgins. She argued on appeal that the trial court
4 erred in denying his motion to sever and finding he was not
5 entitled to criminal records of the prospective jurors that
6 had been gathered by the solicitor's office.

7 The Court of Appeals affirmed on the merits. He filed
8 a petition for re-hearing which was denied. He filed a
9 petition for cert that was, initially, granted and later
10 dismissed as improvidently granted. The remitter for that
11 -- well, after that was remitted, he timely filed this PCR
12 application on October 13, 2015.

13 It's our understanding -- and, Your Honor, just for the
14 record, this has been set for hearing multiple times and
15 continued multiple times. I think a lot of that has had to
16 do -- and I think Mr. Waller could give you more background
17 with -- they have a recanting witness statement from
18 Mr. Tyler, and there's been some efforts, I guess, to try to
19 precure him. So there's been several continuances in this
20 case. I think most of them having to do with that issue.

21 And my understanding today -- and I'll let Mr. Waller,
22 kind of, articulate better what their grounds are. But the
23 issues are going to relate to Mr. Tyler's recanting
24 statements as well as some alleged hearsay testimony
25 involving a Ronnie Washington who was someone the police

1 talked to that was driving the vehicle on the day of the
2 home invasion.

3 THE COURT: Okay. Mr. Waller?

4 MR. WALLER: That's correct, Your Honor. Certainly, I
5 don't want to waive any issues that were alleged in
6 Mr. Ryant's application. The two main issues we have, Your
7 Honor, is there's two affidavits that have been written by
8 Patrick Tyler who was the testifying co-defendant -- and,
9 Judge, he, actually -- he came to court, I believe, it was
10 either late 2016 or early 2017. Judge Hood was presiding;
11 indicated that he wanted to recant his statement; Judge
12 Hood, as he was supposed to, you know, shut down any sort of
13 testimony; ordered he be appointed a lawyer.

14 I think that with the fact that this is an Orangeburg
15 case and we are in this courthouse in Dorchester, it got --
16 that order got, kind of, lost in the shuffle. Mr. Tyler
17 came back to court again, also, in 2017 in front of Judge
18 Harrington. It was the same situation; did not get into any
19 of the facts, but did indicate what his intention was.
20 Judge Harrington ordered that he be appointed counsel. The
21 appointment was never made, again. So we're back again in
22 2017 in front of Judge Goodstein who appointed R. Aiken to
23 represent Mr. Tyler. Mr. Tyler was subpoenaed numerous
24 times. He failed to appear; refused to appear.

25 Later on, as we got later in the process, in response

1 to that, I filed a petition for a rule to show cause and a
2 rule to show cause order -- two of them, actually, were
3 issued for not complying with the subpoena. Judge, he was
4 released from the department of corrections in September --
5 I believe September of 2022; and we have been unable to
6 locate him since that time. The notice of -- the rule to
7 show cause hearing was previously scheduled, you know, to go
8 at the same time as this hearing. I believe two different
9 times the Department of Probation and Parole was copied and
10 provided a copy to those as well. But he is -- we believe,
11 he's somewhere in the Charlotte area. So that's -- that's a
12 lot of the delays, but that is why he is not here today as
13 well. We're going to, certainly, get into the issues -- I
14 know Ms. Dixon will have something to say about the
15 affidavits.

16 Your Honor, the other main issue we have is there was
17 -- he wasn't a co-defendant, because he was never charged;
18 but there was the purported getaway driver in this case was
19 a gentleman by the name of Ronnie Washington who was
20 interviewed and gave a statement to law enforcement; was
21 never called to testify; his -- basically, the entire
22 contents of his statement came in through other witnesses.
23 And so that, I believe, is our other main issue.

24 THE COURT: Okay. I understand that your client did
25 get a significant sentence in this case. You've talked with

1 him about the possible consequences of his going forward
2 with a PCR hearing today?

3 MR. WALLER: I have, Your Honor. It's probably been
4 quite some time. I think I've represented him since this
5 case started. So it's been a long time.

6 THE COURT: Sure.

7 MR. WALLER: But he did understand when we talked about
8 it, and I believe he still does -- that this case is, kind
9 of, like a light switch. It's either -- if he goes back and
10 we're successful, he could go have a new trial and get re-
11 tried. And he did not get the maximum, obviously; and so
12 he, potentially, faces more time if we're successful here
13 today.

14 THE COURT: So, Mr. Ryant, let me just get you to raise
15 your right hand. Do you swear or affirm the testimony
16 you're about to give the court is the truth, the whole
17 truth, nothing but the truth, so help you God?

18 MR. RYANT: Yes, Your Honor.

19 THE COURT: I just want to go over this with you,
20 because a PCR action is different from a trial when you're
21 getting tried in criminal court. It's different from an
22 appeal. In a PCR action, there are one of two things that I
23 can do. I can affirm your conviction, or I can grant the
24 PCR and send you back to square one.

25 If you're successful here today and I grant the PCR,

1 it's as if the trial never happened. That means the state
2 can still try you for murder which carries up to life
3 imprisonment; they can still try you for burglary in the
4 first degree which carries up to life in prison; and they
5 can still try you for the burglary which I think carries --
6 I mean, armed robbery which, I think, carries 10 to 30.

7 I understand 40 years is a significant sentence which
8 you ended up getting. But you understand there's no
9 guarantee if you went back for a re-trial that you wouldn't
10 get more time than what you got for this?

11 MR. RYANT: Yes, Your Honor, I understand.

12 THE COURT: So Judge Dixon also gave you concurrent
13 sentences. So you understand he gave you the 40, the 40,
14 the 30 to all be served together? He did not have to do
15 that. He could give you consecutive sentences where you
16 serve all of one sentence, and then you serve the second
17 sentence; then you serve the third sentence. And, of
18 course, two of these three carry the possibility of life;
19 and you understand that?

20 MR. RYANT: Yes, Your Honor.

21 THE COURT: So -- and you've discussed that before
22 today with Mr. Waller?

23 MR. RYANT: Yes, ma'am.

24 THE COURT: And knowing that, you still want to go
25 forward today with your application?

1 MR. RYANT: Yes, Your Honor, I do.

2 THE COURT: Okay. I just wanted to make sure we're all
3 on the same page with that. You can have a seat.

4 Okay. Mr. Waller, I'll let you go forward.

5 MR. WALLER: Thank you, Your Honor. I will call Danny
6 Ryant.

7 THE COURT: Mr. Ryant, you're going to come -- this is
8 the witness stand on this side. You're going to come right
9 over here, sir.

10 And I think we do have a chair up here at the front for
11 SCDC. You can come sit up here.

12 You are still under oath, Mr. Ryant. I'm not going to
13 swear you again since we just swore you.

14 DANNY RYANT, being previously sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WALLER:

18 Q. All right. Good morning, Mr. Ryant. How are you today?

19 A. I'm all right. Thank you.

20 Q. I know this has been a long time coming. How long ago,
21 if you recall, were you first arrested on these charges?

22 A. 2010.

23 Q. Okay.

24 A. March.

25 Q. All right. Is that -- that's something you're going to

1 have a pretty strong recollection of still to this day?

2 A. Yes, sir.

3 Q. Okay. All right. When you were first arrested, what
4 were the charges that you were charged with?

5 A. Well, before I was arrested, I was informed, like, while
6 I was still out on the streets, that I was being sought by
7 Lieutenant Jamie Shumpert -- at the time he was a
8 lieutenant. And I guess, he went by my grandmother's house
9 and my sister's house, and said that he was inquiring about
10 me. So I, voluntarily, went and turned myself in for
11 questioning; informed him that I didn't know what he was
12 talking about; I ain't had nothing to do with whatever he
13 was talking about. And I wanted to know why was he
14 harassing my grandmother.

15 Q. Okay.

16 A. And shortly after that, I was sent over to the
17 Orangeburg County jail; and I went into a holding cell. And
18 I thought I was arrested. They wouldn't dress me out. They
19 said, You're not arrested. You're just being held for
20 questioning. You'll be released in a couple of hours.

21 And that day, like, three or four hours later, they
22 came and they got me out of the holding cell, and told me
23 that I was being booked. I didn't know what I was being
24 charged with until the following day, I believe. No. It
25 was a Friday, I believe, when that took place. So the

1 weekend went by, and then the following Monday, I went in
2 front of the -- for a bond hearing. And that's when I was
3 charged with five charges: Murder, burglary first,
4 kidnapping, armed robbery, and a weapon.

5 Q. Okay. When you -- you said you went in front of -- for
6 a bond hearing. Did you have an attorney at that point or?

7 A. No, sir.

8 Q. Okay. So you did not have an attorney for a bond
9 hearing. Were you -- did you, actually, have the bond
10 hearing or were you denied bond or how ---

11 A. I was denied bond.

12 Q. Okay.

13 A. And it was referred to a higher court.

14 Q. Okay. At what point in that process were you appointed
15 a lawyer?

16 A. After the initial bond hearing, you know, I signed the
17 paperwork for, I believe, it was an attorney; and he
18 discussed the attorney and I believe a preliminary hearing.

19 Q. Okay. You were appointed a lawyer; right? You didn't
20 hire someone?

21 A. A few weeks later; right.

22 Q. Okay. When did you figure out -- when did you learn
23 that other people had been charged with the same -- that you
24 had co-defendants?

25 A. Uh-huh.

1 Q. When did you learn that?

2 A. I learned, maybe, a day or two after I was charged. I
3 started, you know -- it was like jail talk. Oh, this person
4 was just brought in; locked up under your case; or this guy
5 was just charged with the same stuff you're charged with.

6 Q. Okay.

7 A. So I never really knew if who -- whoever was charged,
8 like, if it was true or not, because it was just, like,
9 going around the jail. But they had all of us, like, in
10 different places so we couldn't really see each other. I
11 couldn't really talk to anybody there that was charged. So
12 it was, like, a day or two after I was charged; that's when
13 I found out.

14 Q. Okay. And when you got appointed a lawyer, did you find
15 out for sure that other people had been charged?

16 A. Yes.

17 Q. Okay. Who was -- who was appointed to represent you?

18 A. Douglas Mellard.

19 Q. Okay. Was he the first lawyer you had? He was with you
20 the whole time?

21 A. Yes, he was.

22 Q. Okay. Do you know through your conversations with him
23 if you were charged with the same offenses as your co-
24 defendants or some people had different ones; or what did
25 that conversation go like?

1 A. Yeah. He was very clear on the fact that all of us was
2 charged with the same five charges.

3 Q. Okay. All right. And about how long -- I think you
4 testified it was March of 2010; is that right?

5 A. March; yeah.

6 Q. Okay. About how long after that, were you able to first
7 meet with Mr. Mellard?

8 A. I believe it was, like, initially -- initially, I
9 believe I was meeting with my investigator more so than
10 Douglas Mellard. But it was between, like, four and six
11 months later that I was, actually, you know, having lawyer
12 visits ---

13 Q. Okay.

14 A. --- and discussing the charges and stuff.

15 Q. Okay. When you first met with Mr. Mellard -- if you
16 recall, because I know it's been a very long time -- what
17 did y'all talk about? Did you have any discovery or were
18 you just, kind of, talking in general?

19 A. He had some discovery. I didn't get a chance to look at
20 all of the discovery right then and there. But he was just
21 explaining to me, like, this is the seriousness of these
22 charges. This is -- they're saying -- this person is saying
23 this; this person is saying that. But I was adamant. I
24 was, like, there is no way somebody is telling me this and I
25 know that's not true.

1 Q. Okay.

2 A. And you telling me there's a surviving victim. So I'm
3 sure the surviving victim is going to say the same thing I'm
4 saying; I was never there. So ---

5 Q. Okay.

6 A. It's not my duty to get them to believe what I'm telling
7 you was the truth. I'm just thinking, like -- I was young
8 at the time. I'm thinking, Okay, if this is a victim that
9 survived, she is going to prove that I wasn't there. So we
10 had that conversation, and I went back to the jail,
11 basically. Had a few more visits from the investigator,
12 Daniel McDaniel. He came back and forth to see me several
13 times; asked me did I have anybody I wanted him to
14 interview, or anything like that; or any evidence I needed
15 him to look into.

16 So I gave him a few people, basically, based on what
17 Douglas Mellard had told me one of the witnesses supposedly
18 said. I was, like, well, you go to this witness and you ask
19 her about her statement or whatever she's saying. My
20 investigator, Daniel McDaniel, he followed up on that. And
21 he went and questioned the witness, Moneak Busby, who stated
22 that she seen somebody.

23 Q. Let me stop you for just a second. I don't mean to
24 interrupt you. What time in the process was this if you
25 remember?

1 A. This was in the beginning stages, like, three to four
2 months into me being in the county jail and charged.

3 Q. Okay. Did you -- at that point, did you have all of the
4 discovery?

5 A. No.

6 Q. Okay. At that point, was it known that Patrick Tyler
7 was going to testify against the other co-defendants?

8 A. No, sir.

9 Q. Okay. All right. So back to where you were. You
10 provided Danny McDaniel -- he's an investigator for the
11 public defender's office; is that right?

12 A. He was, yes.

13 Q. All right. So you provided the public defender's office
14 with some information on some things you thought would help
15 your defense?

16 A. Right.

17 Q. Okay. And you gave, particularly, a name of a witness
18 who you thought would help you?

19 A. It was a particular witness. Her name was Moneak
20 Shuler. But I think she was married; so her name was, like,
21 Moneak Shuler Busby. In my motion of discovery, basically,
22 she stated she seen -- she seen somebody come and pick me up
23 from a club. And I told my investigator, That's a lie. I
24 know she's lying. And this is somebody you need to follow
25 up on; because I know her, personally. She will do anything

1 if she's expecting something.

2 He went; he questioned her. He came back and told me
3 and Mr. Mellard that he went and questioned Moneak Busby,
4 and she stated that she was lying; she ain't want nothing to
5 do with the situation.

6 MS. DIXON: Object to hearsay.

7 MR. WALLER: I will interject and ask a different way.

8 THE COURT: So the hearsay objection is sustained.

9 BY MR. WALLER:

10 Q. Mr. Ryant, you cannot testify to what someone else said.
11 So if I ask you a question, just know that you can't testify
12 to what another person said. That testimony would have to
13 come from them directly.

14 A. I can't testify to what was said to me?

15 Q. Not in this situation.

16 THE COURT: There's limited exceptions. You can't
17 testify as to an out-of-court statement that somebody else
18 made that you're using to show that that's -- what they said
19 is the truth.

20 THE WITNESS: Okay.

21 THE COURT: And there's exceptions to that, but that's
22 the definition of hearsay.

23 BY MR. WALLER:

24 Q. But, essentially, you provided Mr. McDaniel some
25 information on a witness who you thought would help your

1 case?

2 A. Yes.

3 Q. Okay. All right. What -- did you provide him any other
4 information; any other witnesses?

5 A. I can't recall. I remember she was, like, the main one.

6 Q. Okay. All right. So at what point were you able to
7 review all of the discovery with Mr. Mellard or
8 Mr. McDaniel? Because I would imagine it came in in pieces.
9 There was some forensic testing done. Did you ever have a
10 chance to talk about that?

11 A. Yes.

12 Q. Okay. There were -- I don't believe they were related
13 to you, but there were some line-ups done?

14 A. Yes.

15 Q. Were you able to see those and talk to Mr. Mellard about
16 those?

17 A. Yes.

18 Q. Okay. And then at some point -- when did it become
19 known that Patrick Tyler was going to testify against...

20 A. Around the pre-trial stage, I believe.

21 Q. Okay.

22 A. So it was, like, seven, eight months into me being in
23 Orangeburg County jail.

24 Q. Okay. Did he give a written statement, or how did y'all
25 find out that he was going to testify?

1 A. They started bringing us over for, like, these little
2 pre-trial hearings. And they was having, like, issues
3 because of, I guess, stuff that was happening in the jail on
4 another part of the jail. I was isolated from everybody at
5 the time. So I didn't have, like, first-hand knowledge of
6 anything that was going on until I get over to the
7 courthouse for those hearings. And they was, like, we here
8 because of this; this person is here. And then it was a
9 time when Patrick Tyler was moved from the Orangeburg County
10 jail, and moved to Bamberg. And I thought that was weird.
11 So it started going around, like, you know, they do that
12 when people are about to testify. I'm, like, okay.

13 And Douglas and I -- they brought me over to the
14 courthouse for a hearing; and he informed me that he was
15 going to testify. And I was, like, Okay. And he told me,
16 basically, like, this will be some of the things that he's
17 saying, you know. And I stated, Okay, I stand on what I
18 said. It don't matter what he's saying. The surviving
19 victim is going to be here to trump what he's saying.
20 But...

21 Q. Okay. Let me ask you about one other witness or one
22 other individual. When did you -- when did you learn of the
23 name "Ronnie Washington"?

24 A. During the same time when Mr. Mellard informed me about
25 Patrick Tyler; during the pre-trial stages is when I heard

1 of Ronnie Washington.

2 Q. Okay. To the best of your knowledge, was Ronnie
3 Washington ever charged in this case?

4 A. No.

5 Q. Okay. Did he testify at the trial?

6 A. No, sir.

7 Q. Okay. What did you and Mr. Mellard -- what did y'all
8 talk about -- about Mr. Washington?

9 A. He told me that investigators went and interviewed the
10 possible -- the supposed driver of the vehicle that had
11 supposedly went to the location, and drove the getaway car
12 -- it was a truck. That showed up in our motion to
13 discovery.

14 Q. Okay. Is that all the information that y'all had?

15 A. He, basically, was, like, Ronnie -- Ronnie never said
16 that he really knew me. He said -- he was, basically,
17 telling me what Ronnie was saying his relationship was
18 pertaining to, like, my other co-defendants or whatever;
19 because he didn't know me.

20 Q. Okay. As y'all got, kind of, towards the end, as you're
21 getting closer to December, at what point did you and
22 Mr. Mellard start, actually, preparing for how a trial was
23 going to go?

24 A. During the pre-trial stages, like, it was really hard
25 for me. It was really confusing, because I didn't

1 understand, like, the functions and the goings on and how
2 this felt like, you know. It was hard to face. So it was a
3 time where I had refused to go to the courthouse for one of
4 the proceedings. And they sent a message telling me what --
5 tell Ms. Dixon he needed you in court. And, basically, he
6 called for a meeting -- Mr. Mellard. He was telling me the
7 importance of being there, you know, like, just, They need
8 you in the court; this is what the judge said. And I
9 discussed my frustrations with him, and, you know, my
10 confusion. Because I wasn't really being told, like, the
11 right way to go about things; and how to really, you know,
12 understand things to my understanding. So during the pre-
13 trial stages that's a long time.

14 Q. Okay. When y'all -- when you, finally, got to court,
15 December 10th, I believe is the day the trial started; what
16 was your understanding of what your defense was going to be?

17 A. I ain't had -- I ain't had no defense. I was trying to
18 get with Mr. Mellard on a defense, and he was, like, This is
19 what they offering you. They offering you a open plea, 15
20 to life; but they want you to testify on your co-defendants.
21 And I'm, like, how I'm going to testify to something I don't
22 know? If I'm telling you I wasn't there; the surviving
23 victim telling you I wasn't there; how can I testify and put
24 myself there? So I was, like, No, I refuse to do that.

25 And he was, like, Well, this is what they offering you.

1 They don't believe you. And they going to -- this trial
2 going to move forward. So he left. I was in a room waiting
3 on him to come back. He came back with Peggy Himes. And I
4 know Peggy, personally; because when I was a kid or
5 whatever, she did some truancy charge for me when I was a
6 kid. So Peggy came in and was, like, sitting down, like, I
7 guess, trying to convince me, like, that was the thing to
8 do. Like, Oh, you know, this will be beneficial in your
9 situation.

10 I told her the same thing. I refuse to testify about
11 something that I don't know about. And so that, kind of,
12 rubbed me the wrong way. So we ended the meeting. I went
13 back to the county jail. And the next time they called me
14 over, that's when I stated to -- they took me in front of
15 Judge Dixon; and I informed him of what took place. And I
16 told him, like, I don't want to go forward with this lawyer,
17 because he's asking me to testify to some things I don't
18 know about. Like, I'm not going to put myself where I was
19 or try to railroad somebody else for my benefit when I know
20 it's not true. So we had a little riff raff with that.

21 Judge Dixon, kind of, spoke to me and let me know what
22 he was going to do; and how it would proceed if I refused to
23 go forward. So it, kind of, got to the point where, like,
24 my back was against the wall. So I had to go forward. So I
25 just went forward with it. And that's when the trial

1 started, I believe, the following week.

2 Q. Okay. During the trial, were you and Mr. Mellard able
3 to -- during breaks or in the evenings, were y'all able to
4 talk and were you able to ask him any questions?

5 A. Excuse me?

6 Q. During -- once the trial got started, during breaks or
7 in the evenings after the trial, were you able to talk to
8 Mr. Mellard and ask him any questions or provide him any
9 notes or anything like that?

10 A. Most of the notes and the conversations that we had was
11 had, like, in the courtroom; because, like, how they had us
12 set up, like, the prosecutor would have been over where you
13 was; and they had this one big desk over to this side where
14 they would sit. And then, like, five of us was sitting
15 behind the lawyers; and they was all at one big conference
16 table. So it really wasn't extensive time for me and my
17 lawyer to really discuss anything; because we was, like,
18 sitting in the open court.

19 And he would, like, lean back and tell me, This what we
20 doing; this what they speaking about today or whatever. And
21 I then I was, like, Okay, I understand this; understand
22 that. And then I tell him what I want to tell him, and
23 we'll go straight into court.

24 Q. Okay. So you weren't sitting next to him; you were
25 sitting behind him?

1 A. Behind him.

2 Q. Okay.

3 A. I was sitting next to the co-defendants.

4 Q. And that was because there was limited space?

5 A. Yeah. It was five of us on one bench.

6 Q. Okay. And that trial took place in, I guess, the big
7 courtroom in Orangeburg; is that right?

8 A. Yes, sir.

9 Q. All right. Mr. Ryant, you testified earlier about
10 providing Mr. McDaniel and Mr. Mellard some information
11 regarding a witness. Did you provide them any other
12 information or any -- ask them to do anything else that they
13 didn't follow up on?

14 A. Yes.

15 Q. Okay. What did you ask them to do?

16 A. I asked Daniel McDaniel to interview my aunt. I had a
17 aunt that was with me the night that the situation occurred.
18 We was in a club on the corner of Stilton and Goff. It was
19 a club called "Corner Pocket." I was at a party. I had a
20 aunt that worked the bar. But I had another aunt that was
21 on the dance floor with me; but she ended up passing away
22 after I got convicted. They never called my aunt. They
23 never interviewed my aunt. They only interviewed, I
24 believe, like, the club owner; Moneak Busby; and a lady
25 named Yvonne.

1 Q. Okay. Was there any other information that you provided
2 to Mr. McDaniel or Mr. Mellard that they did not follow up
3 on?

4 A. You mean before or during the trial?

5 Q. Before the trial?

6 A. Before the trial. I believe the only thing I informed
7 them of and asked them to follow up on that they didn't was
8 interviewing my mom, who was also present at the party, and
9 my aunt.

10 Q. Okay. Was that to try to build an alibi defense?

11 A. Yeah. It was just, basically, like, these people can
12 attest to me not being in one place when I was here. Like,
13 it was a party; it was, like, a full house. So you could
14 have interviewed anybody in there. And everybody said the
15 same thing except Moneak Busby. That's why I sent Daniel
16 McDaniel to question her about her statement.

17 Q. Okay. Judge Dixon asked you about this when you spoke
18 with him. Did you and Mr. Mellard have a chance to discuss
19 a defendant's right to testify or not testify?

20 A. Yes, we did.

21 Q. And, ultimately, you did not testify; is that right?

22 A. No, I didn't.

23 Q. Mr. Ryant, I'm going to show you what has been marked as
24 Applicant's Exhibit one and Applicant's Exhibit two.

25 MR. WALLER: Your Honor, may I approach the witness?

1 THE COURT: You may.

2 BY MR. WALLER:

3 Q. And ask if you've seen these before?

4 A. Yes, sir. I've seen these before.

5 Q. Okay. We discussed Patrick Tyler earlier today. Are
6 you aware or have you been made aware that he has, at some
7 point, recanted his testimony; or said he was not telling
8 the truth during his testimony?

9 A. Yes. He said that during the trial and he said that
10 during, like, the PCR stage or whatever.

11 Q. Okay.

12 A. But he, honestly, said that on the record during the
13 trial, I was lying about this but now I'm telling the truth.

14 Q. Okay.

15 A. So he said that several times.

16 Q. Are those two documents, statements saying the same
17 thing from Patrick Tyler?

18 A. Yes, sir.

19 MR. WALLER: Your Honor, I would offer those as
20 Applicant's one and two.

21 MS. DIXON: Your Honor, the state would object, first
22 of all, based on hearsay as to both of them. I don't think
23 that they've fully established that he's an unavailable
24 witness. And then as to Exhibit two which is dated
25 February 5, 2014, we would also object on the basis of

1 authenticity. It does not have -- it's, kind of, ambiguous.
2 It has sworn to before me this 5th day of February and then
3 it has a signature with the date, but nothing about the
4 expiration of any kind of commission or anything to indicate
5 that anyone signing this is a notary. So we would say that
6 it's not self-authenticated.

7 THE COURT: Do you want to respond?

8 MR. WALLER: Your Honor, I was under the impression
9 that that was a notary's signature. Certainly, if the court
10 deems that it is not, then I understand the objection.
11 Judge, I would argue that Mr. Tyler is a non-available
12 witness for a number of reasons. Judge, Rule 804-8-2, I
13 believe, is the evidence rule; and what it says is that if a
14 witness persistent refusing to testify concerning the
15 subject matter of the declarant's statement despite an order
16 of the court to do so.

17 Judge, we -- not only has he been subpoenaed numerous
18 times, there has been two rule to show cause orders. There
19 have been multiple transport orders while he was still in
20 SCDC. Judge, and I'm, certainly, happy to provide the court
21 with copies of all of that. He was served with subpoenas
22 and the rule to show cause before he was released from SCDC.
23 So he was well aware and refused to attend.

24 Your Honor, since his release, I've been unable to
25 locate him, including enlisting or providing copies to the

1 Department of Probation and Parole. I believe, he's still
2 supposed to be monitored. And so he is -- I would contend
3 that he is unavailable. And I'm happy to hand up additional
4 supporting documentation to that effect.

5 THE COURT: Sure.

6 MR. WALLER: Bear with me, Your Honor. There's
7 numerous copies here.

8 THE COURT: So the Exhibit two is a statement from
9 February 5, 2014. And Exhibit one is from what date?

10 MR. WALLER: Your Honor, it is from October 6, 2021.
11 And I would note that he was represented by Mr. Aiken at
12 that time when he provided that statement.

13 THE COURT: And is that one sworn and notarized?

14 MR. WALLER: It is, Your Honor.

15 (The judge reviews the documents.)

16 (The attorneys confer.)

17 THE COURT: It looks like a lot of these are in the
18 record already.

19 MR. WALLER: Most of them are, Your Honor.

20 THE COURT: Ms. Dixon, do you want to be heard as to
21 whether or not Mr. Tyler is an unavailable witness within
22 the meaning of Rule 804?

23 MS. DIXON: Well, I guess, the last thing I would say
24 -- and I do -- you know, I can concede that they have made
25 efforts in the past. I haven't seen any efforts this time

1 around. It is the state's understanding that he is under
2 some sort of community supervision program and has an agent.
3 So I think finding him shouldn't be that difficult. And
4 this hearing -- this roster came out, what, four weeks ago?
5 Five weeks ago? And I haven't seen any indication that he's
6 been subpoenaed to attend today. So I would just say for
7 that reason that they haven't met that showing.

8 THE COURT: Anything else?

9 MR. WALLER: Your Honor, I think there's been two rules
10 to show cause issued. After failing to appear at the first
11 hearing, I would imagine a bench warrant would have been
12 issued by Judge Taylor. I'm not certain of that. But, Your
13 Honor, I don't know what else -- I don't know what else I
14 can do if there's not a rule to show cause and a court
15 order, you know, ordering you to appear. And we've been
16 unable to locate him since.

17 I would also note, I guess, it's my understanding that
18 at least one of these affidavits was admitted in one of the
19 co-defendant's cases.

20 MS. DIXON: Over objection, just for the record.

21 THE COURT: I'm sorry?

22 MS. DIXON: I said, Over objection, just for the
23 record.

24 THE COURT: So I'm going to admit for the purpose of
25 this hearing. I'm going to review, kind of, the history of

1 attempts to get him here before I, ultimately, decide
2 whether I'm going to consider that in my ruling. But I'm
3 going to allow them in for purposes of this hearing, since
4 we don't have a jury; it's just me.

5 MR. WALLER: Judge, I also think it's to some extent a
6 statement against interest as well. And the reason he was
7 appointed a lawyer is because he's admitted to perjury. So
8 I think there's another exception that could apply in that
9 scenario.

10 THE COURT: Okay. Again, I'm going to allow it in for
11 this hearing.

12 (Applicant's Exhibit Numbers one and two, received into
13 evidence.)

14 MR. WALLER: Thank you, Your Honor.

15 BY MR. WALLER:

16 Q. All right. Mr. Ryant, I've asked you all the questions
17 that I have for you. Is there anything that I have failed
18 to ask you about your -- Mr. Mellard's representation of you
19 that you think the court needs to be aware? Just his
20 representation.

21 A. For the most part, if -- my biggest thing was the way
22 that he presented the fact that I should testify. But if I
23 would have known how things were going to go -- if I would
24 have known any better, I would have had testified on my own
25 behalf and defended myself in front of the jury. Because

1 you know, like the way he -- as him, as my lawyer, the way
2 he presented me was that I'd testify -- they wanted me to
3 testify on my co-defendants. But he could have just said,
4 You should go and testify on your own behalf, and be heard
5 on your behalf; if you're saying that you wasn't present or
6 whatever the case may be, then, that's what you need to go
7 up there and say in front of these people; not present it to
8 me as if I should go in there and start saying what I needed
9 to say, I guess, clear myself off and throw somebody else
10 under the bus; I would have testified on my own behalf.

11 The other thing would be the situation with Ronnie
12 Washington. Basically, the fact that, you know, they was
13 testifying through James Shumpert -- Lieutenant Shumpert of
14 what Ronnie was going to say and what he was going to come
15 say. The prosecutors promising the court that they was
16 going to present Ronnie Washington saying that he was the
17 driver of the vehicle. They get a picture of the truck into
18 evidence, and I wasn't able to, like, question him. I
19 wasn't able to cross-examine him or anything.

20 So I feel like, as my lawyer, when they didn't present
21 him when I wasn't able to testify -- I mean, cross-examine
22 him as a -- based upon the facts; I feel like he just
23 should've had moved for, like, a mistrial or it should have
24 been brought up at the end of the trial the fact that they
25 had brought all this evidence out of what he was going to

1 say and what he's not going to say. It was like a bunch of
2 hearsay on that end. And they didn't do anything about it.
3 They just allowed it to stay how it was. Because why is he
4 not here if he was, supposedly, the getaway driver? And he
5 was the person that could have helped my situation, like, if
6 he was the driver of the vehicle. If I could prove that I
7 was never in your vehicle, then I could have cleared myself;
8 but, like, he was never present so we was never able to get
9 anything from him.

10 Q. Okay. Thank you, Mr. Ryant. Please answer any
11 questions Ms. Dixon has.

12 A. No problem.

13 MS. DIXON: May it please the Court?

14 THE COURT: Yes.

15 CROSS-EXAMINATION

16 BY MS. DIXON:

17 Q. Mr. Ryant, how are you today?

18 A. I'm good. How about yourself?

19 Q. Good. Thank you. I think you testified on direct that
20 when you first went to law enforcement, you were put in a
21 holding tank; and they told you you weren't arrested, but
22 you were in this holding tank for a long time before you got
23 booked; is that correct?

24 A. Yes, ma'am.

25 Q. And do you recall -- did you make any statements?

1 A. No, ma'am.

2 Q. Did the state produce any statements against you that
3 you made at trial?

4 A. That I what?

5 Q. Let me rephrase that. Did the state introduce any
6 statements at trial that you made to law enforcement?

7 A. No, ma'am.

8 Q. No. So nothing was entered at trial that you may have
9 said to law enforcement?

10 A. No, ma'am.

11 Q. Okay. And then going on, you did, in fact, meet with
12 your lawyer, I think you testified on direct?

13 A. Yes, ma'am. Several times.

14 Q. Several times. Okay. And reviewed discovery?

15 A. Yes.

16 Q. He told you about the witness statements?

17 A. Yes, ma'am.

18 Q. And you met with an investigator?

19 A. Several times.

20 Q. Several times. And that investigator went to talk to
21 Moneak Busby at your request?

22 A. Yes, ma'am.

23 Q. And do you recall the state calling her to testify at
24 your trial?

25 A. Yes.

1 Q. So she did, in fact, testify at trial?

2 A. She did.

3 Q. And let's see, I think you testified on direct that your
4 lawyer told you that Tyler would be testifying against you;
5 is that correct?

6 A. Yes, ma'am.

7 Q. That he told you what Tyler would say -- Mr. Tyler would
8 say?

9 A. Yes.

10 Q. And then, in terms of Ronnie Washington, he informed you
11 that the state had that evidence as well?

12 A. Yes.

13 Q. And then going -- talking just a moment about Ronnie
14 Washington. Did you know him?

15 A. No.

16 Q. Did he know you?

17 A. No, not to my knowledge.

18 Q. Not to your knowledge. Did he identify you to police?

19 A. No, ma'am.

20 Q. Did he say to the police that Mr. Ryant was in the
21 vehicle with us?

22 A. I don't know. They never would brought him to say
23 anything.

24 Q. Gotcha. Okay. Well, was there any testimony at trial
25 that he told police that you were with them that night?

1 A. No.

2 Q. No?

3 A. Not that I know of. The only thing that they said was
4 they went by his house and questioned him.

5 Q. Uh-huh.

6 A. They took a picture of the vehicle. He said -- he told
7 them that he was the driver of the vehicle.

8 Q. Okay. So from your understanding, that's, basically,
9 what the state had, is he drove the vehicle?

10 A. That's what they said, yeah.

11 Q. But he didn't say, Danny Ryant was in the vehicle with
12 me?

13 A. Not that I know of. He never showed up. He didn't say
14 anything.

15 Q. And, certainly, that didn't come out at trial; correct?
16 That Mr. Washington said, Danny Ryant was with me?

17 A. No. I don't recall that.

18 Q. You don't recall that. And, of course, the record would
19 be the best evidence of what was at trial; correct?

20 A. Yes, ma'am.

21 Q. And then you said -- I think you said on direct, the
22 surviving victim said you were not there. And I just want
23 to clarify that a little bit. Did you know her?

24 A. No.

25 Q. Did she know you?

1 A. No.

2 Q. Do you recall her testimony?

3 A. Yes.

4 Q. During her testimony, did she say explicitly, Danny
5 Ryant was not there?

6 A. I mean, she picked people out of line-up, and she said
7 she never saw me.

8 Q. Okay. So just to clarify for the record, she didn't
9 identify you?

10 A. You can't miss me.

11 Q. Okay. Okay. How many people did she identify? Do you
12 remember?

13 A. I believe, like, three people.

14 Q. Three. Okay. Okay. And the last one, let's see. You
15 said that you asked your attorney to interview your mom and
16 your aunt?

17 A. Yes, ma'am.

18 Q. And are they here today?

19 A. No, ma'am.

20 Q. Okay.

21 MS. DIXON: Nothing further.

22 THE COURT: Any redirect?

23 MR. WALLER: Nothing further, Your Honor.

24 THE COURT: Okay. Thank you, sir. You can step down.

25 THE WITNESS: Yes, Your Honor. Thank you.

1 (The witness leaves the stand.)

2 MR. WALLER: Your Honor, the applicant would call
3 Douglas Mellard.

4 THE CLERK: Please raise your right hand and state your
5 full name for the record.

6 MR. MELLARD: Robert Douglas Simmons Mellard.

7 THE CLERK: Do you solemnly swear or affirm that you
8 will tell the truth, the whole truth, and nothing but the
9 truth, so help you God?

10 MR. MELLARD: I do.

11 THE CLERK: Thank you. You may be seated.

12 THE COURT: And your last name is Mellard,
13 M-e-l-l-a-r-d?

14 MR. MELLARD: Yes, ma'am.

15 DOUGLAS MELLARD, being first duly sworn,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. WALLER:

19 Q. Good morning, Mr. Mellard. How are you today?

20 A. I'm doing good.

21 Q. All right, Mr. Mellard. I know it's been a long time
22 since this trial. But if you could, what was -- what was
23 your understanding of the allegations against the six
24 defendants?

25 A. Briefly, they were alleged to have gone to a drug

1 dealer's house; broke into the house. I think, they tied
2 him up; shot him, I think, 27 times or so. Don't quote me
3 on that one. There was a witness that was in the house.
4 They didn't do anything to the witness. And then they left.

5 Q. Okay. Ultimately, Mr. Ryant and several others were
6 arrested. What -- kind of, walk us through, if you can,
7 when you met with Mr. Ryant and what your potential defenses
8 you were trying to develop were?

9 A. The case happened, I think, in March. And I got
10 assigned to the case soon after that. And then the first
11 thing I do when I get a serious case is I send the defendant
12 a letter; and it lays out the charges and the elements of
13 the charges and that kind of stuff. Like the hands of one,
14 hands of all, murder, that kind of stuff. And then, I met
15 with him first in April of 2010, that would be the next
16 month.

17 The defense was -- and I think that's what my closing
18 was at trial -- that nothing tied him to the case. Nothing.
19 There was no evidence tying him to the case. The problem we
20 had was Patrick Tyler, the co-defendant; and that's what
21 tied him.

22 Q. Okay. Tell me, if you can, what was it like trying a
23 case with five co-defendants? I mean, how did you have to
24 change your strategy for that?

25 A. Okay. I'm under oath; right?

1 Q. You are.

2 A. So I'm going to be honest here. I don't believe that
3 five-person trials are necessarily -- and I don't want to
4 get myself in trouble for this, but I don't necessarily
5 think that it's the best situation for a defendant. I think
6 it's, actually, the worst situation for a defendant. For
7 example, if I try a regular murder case, I get ten strikes.
8 If you try a murder case with five co-defendants, you get
9 four strikes. You get 20 and then you divide them among the
10 people.

11 So one of the problems, I think, that was going on in
12 this case was when trying a case against the state, pretty
13 sure about what the state's going to argue. You, kind of,
14 know where they're going. And you can, kind of, make a
15 determination whether or not you want to do -- put in
16 evidence; or whether you want to do last closing. In this
17 particular case, there was a defendant that put in evidence.
18 I think I objected to it; but he put in evidence
19 nonetheless. And so then, therefore, we all lost the right
20 to last argue.

21 So it's hard to try a five-person murder case as a
22 defendant. If you're the solicitor, it's, probably, kind
23 of, fun. But if you're a defendant, it's not the most
24 enjoyable thing.

25 Q. How did it work logistically? Did you ask questions in

1 the same order? How was that determined?

2 A. It was alphabetical. What they did was they took the --
3 the judge took the defendants, and they put them in
4 alphabetical order. I think we were -- they had two tables.
5 They had a regular table, and then they brought in a -- I'd
6 call it like a kiddie table at Christmas time or something.
7 But that was -- we needed two tables to, kind of, have
8 enough room. So the defendants were placed in alphabetical
9 order; and their attorneys, that's how they went.

10 Q. I think you were fourth in that order; is that correct?

11 A. I believe that's correct.

12 Q. All right. When were y'all made aware that Patrick
13 Tyler was going to testify?

14 A. I, honestly, can't tell you. I will tell you that I was
15 concerned throughout this that he wasn't going to be the
16 only co-defendant that testified. I believe there was
17 another fella by the name of Harris, maybe -- Walter Harris,
18 I think. I think he might have given three statements or
19 so. I think I was, kind of, concerned he might testify.
20 But I can't tell you the date that I knew Patrick was going
21 to testify.

22 Q. Okay. In this case there would have been -- you
23 mentioned the number of gunshots -- there would have been
24 forensic testing, obviously?

25 A. Right.

1 Q. There were some line-ups done?

2 A. Correct.

3 Q. Were you able to go over all of that with Mr. Ryant?

4 A. I believe so.

5 Q. Did any of that evidence that you saw, did any of it
6 directly implicate Mr. Ryant?

7 A. Not to my knowledge. I'm trying to think of what my
8 closing was. But I think in my closing, I went through all
9 of the witnesses and, basically, said nothing ties him to
10 the crime.

11 Q. Okay.

12 A. Except for Patrick Tyler, of course.

13 Q. Okay. How about the name "Ronnie Washington"? When did
14 you first hear that name?

15 A. Probably, pretty close to trial. Again, I don't know;
16 but I think it was probably closer to trial.

17 Q. Okay. Let me hand you a big stack of books here.

18 MR. WALLER: Your Honor, may I approach the witness?

19 THE COURT: Yes.

20 MR. WALLER: Now, we're going to hope those page
21 numbers match up, Your Honor. I apologize. I have,
22 apparently, two different versions of the transcript; and so
23 I was frantically trying to match up my page numbers this
24 morning.

25 BY MR. WALLER:

1 Q. So Mr. Mellard, if my question or a page I direct you to
2 doesn't make any sense, then we will figure that out. All
3 right. Just going through a little bit, you made a motion,
4 obviously, to sever Mr. Ryant's trial?

5 A. I believe so; yeah.

6 Q. Do you recall one of the pre-trial motions you made?

7 A. I don't. I know we were all making motions. I would
8 make a motion, and then everybody would join in my motion.
9 And then, somebody else would make a motion, and we'd all
10 join in their motion. So I can't tell you who made what
11 motion.

12 Q. Okay. All right. If I can get you to turn to page 167.

13 A. One? Two?

14 Q. It should be in one.

15 A. Okay.

16 Q. This is the state's opening.

17 A. Okay.

18 Q. Beginning on line 14, it should -- your version should
19 read: You're also going to hear from a young man by the
20 name of Ronnie Washington.

21 A. No. Mine on page 167?

22 Q. One sixty-three.

23 A. One sixty-three. Okay. Yeah.

24 Q. Okay. At that point, had y'all been -- was Ronnie
25 Washington on a witness list?

1 A. He was. He was on a witness list.

2 Q. Okay. And he was never charged in this case at all;
3 right?

4 A. That's correct.

5 Q. Okay. Did you have a statement or anything from him?

6 A. I think we did, but I can't tell you -- but I think we
7 did, though.

8 Q. Okay. Was it a written statement? Was it officer's
9 notes from an interview?

10 A. That, I don't know. What I have in my notes is -- and I
11 don't even know if I'm going to be able to find it. But
12 something that the secretary told me. Statement from Ronnie
13 Washington. That's all we have here. A statement from
14 Ronnie Washington.

15 Q. Okay.

16 A. Oh, and that was on December 1, 2010.

17 Q. Okay. Actually, I apologize. Let me back up a little
18 bit. Mr. Ryant testified that he provided you with some
19 names or Danny McDaniel with some names of some witnesses he
20 wanted -- he thought might be able to help his defense?

21 A. That's correct.

22 Q. Were y'all able to interview those people?

23 A. Here's who we spoke to: We spoke to Makeeba Monroe;
24 Nicole Monroe; Shirly Monroe; LaShawn Monroe; James
25 Williams. And we attempted to contact Crystal Monroe, but

1 she missed two appointments.

2 Q. Okay.

3 A. Oh, and Moneak Busby, too.

4 Q. Okay. If I can get you to turn to page 310.

5 A. Okay.

6 Q. That's not right. I apologize. Let me just ask it this
7 way: If -- during the testimony -- it was, actually, cross-
8 examination of Patrick Tyler, there was some discussion of
9 Ronnie Washington; and discussion of things he might have
10 said. There's not an objection from you. Was there a
11 strategy behind not objecting?

12 MS. DIXON: Your Honor, can we get a more specific page
13 before we ask him why he didn't object?

14 MR. WALLER: We can, Your Honor. I apologize. I'm
15 trying to find my place here.

16 (The attorneys confer.)

17 BY MR. WALLER:

18 Q. If I can get you to turn to the second volume.

19 A. Okay.

20 Q. And the page we're looking for is 735.

21 A. Okay.

22 Q. Is there a -- this is -- a line-up is offered through
23 Lieutenant Shumpert as opposed to the witness in State's
24 Number 79. Was there a strategic reason for not objecting
25 to that exhibit?

1 A. Probably, because I didn't care. It -- if we're looking
2 at 79, I think, if we're reading this, it was a line-up that
3 picked Christian Coleman out of. Is that correct?

4 Q. That's correct.

5 A. Yeah, I mean, that's -- here's the thing. When you're
6 trying five people, there's supposed to be five separate
7 trials going on at the same time. And so just because some
8 things are important to one defendant which are not
9 important to another defendant. What I was trying to keep
10 out was stuff that was going to hurt my client. And if it
11 was going to hurt somebody else, that's -- you know, that's
12 their problem. And I hate to say it like that, but it's
13 just how you got to be.

14 Q. I understand. All right. Let me get you to turn to the
15 very beginning of that -- of the third volume.

16 A. Okay.

17 Q. And the beginning on page 775.

18 A. Okay.

19 Q. From 775 down to -- really, through 777 or about halfway
20 through 777. Lieutenant Shumpert, kind of, goes through his
21 notes about his interview with Ronnie Washington. There is
22 an objection by Ms. Ulman that was not joined by you or
23 anyone else. Was there a strategic reason for not joining
24 in the objection which was sustained?

25 A. No. I mean, I don't think it hurt my client. So, I

1 mean, that's why I didn't do it.

2 Q. Okay.

3 A. I was -- I was -- throughout this, my process was
4 getting to my closing. I had written my closing ahead of
5 time. And my closing, like I said before, was nobody points
6 to him in this, other than Patrick Tyler. And that's what I
7 was going for, because I thought that was our best chance.

8 Q. Okay. In the state's closing -- if I can get you to
9 turn to page 1012.

10 A. Okay.

11 Q. On 1012 and then again on 1018, the state makes numerous
12 mentions about Ronnie Washington, and him being the getaway
13 driver and his involvement. Was there a strategic reason
14 for not objecting to those comments?

15 A. The only thing I can think of is that I didn't think it
16 was going to hurt our case, so I didn't object.

17 Q. Okay. If, essentially, Ronnie Washington's testimony
18 came in through another witness, was there any need for the
19 state to call him?

20 A. I don't ---

21 MS. DIXON: Object to speculation.

22 THE COURT: I'm going to allow the question. Go ahead.

23 THE WITNESS: Say it again.

24 BY MR. WALLER:

25 Q. If his entire statement that he gave to law enforcement

1 came in through another witness, whether law enforcement or
2 someone else, was there any need for the state to, actually,
3 call him as a witness at that point?

4 A. I mean, that would be up to the state. As far as my
5 view, I just don't think he hurt the case against my client.

6 Q. Okay.

7 MR. WALLER: Beg the court's indulgence, please.

8 BY MR. WALLER:

9 Q. Thank you, Mr. Mellard.

10 MR. WALLER: I have nothing further.

11 MS. DIXON: Just briefly, Your Honor. May it please
12 the court?

13 CROSS-EXAMINATION

14 BY MS. DIXON:

15 Q. Mr. Mellard, how are you today?

16 A. I'm doing good.

17 Q. Doing good? Do you recall about how many times you met
18 with Mr. Ryant or, maybe, even just an approximation?

19 A. Hold on. Twelve or so.

20 Q. Twelve or so? Did you believe that was sufficient time
21 to meet with him?

22 A. I did. Like I say, we got the case in March. We tried
23 it in December. It was about once a month.

24 Q. About once a month. Okay. Did you have time to explain
25 to him the charges and the evidence the state had?

1 A. Yes, ma'am.

2 Q. Did you have any concerns with his ability to understand
3 your conversations?

4 A. No, ma'am.

5 Q. And then, in terms of the evidence, itself, I think you
6 testified on direct that Patrick Tyler was really the only
7 thing tying him to this crime; is that correct?

8 A. That's true.

9 Q. And then, let's see, were there any plea negotiations or
10 any offers from the state?

11 A. There was. Right before trial, I spoke with the
12 solicitor. And what I told Mr. Ryant was that if he pled to
13 voluntary manslaughter, obviously, there's no deals; but I'm
14 pretty sure we could get 15.

15 Q. Fifteen. And what was his response to that?

16 A. What he told me was -- hold on a second; I wrote it
17 down. He said that he did not want to take that deal. He
18 thought he would get somewhere around ten; that's what the
19 co-defendants were telling him.

20 Q. That he would get ten years?

21 A. Uh-huh.

22 Q. Okay. And then in terms of investigating any type of
23 defense, were there any witnesses that he wanted you to
24 call?

25 A. We had put in an alibi defense.

1 Q. Uh-huh.

2 A. And towards the end of the case -- we were getting ready
3 for trial -- he told us that he did not want us to proceed
4 with the alibi defense; didn't want to put his family
5 through that; and didn't have any witnesses we were going to
6 call.

7 Q. Okay. So he told you he no longer wanted to call his
8 family?

9 A. Yeah. He said that he didn't want to -- basically, he
10 told me he did not want to -- oh, here we go. Does not want
11 to put up alibi defense; says he doesn't want to put his
12 family through the stress of trial that would subject them
13 to ridicule if they testified for him.

14 Q. Okay. And I believe you testified on direct exam about
15 some of the problems you see with a joint trial. Do you
16 recall making a motion to sever?

17 A. I think I did.

18 Q. You think you did? And, of course, the record would
19 reflect that?

20 A. The record would reflect it.

21 Q. Okay. And then in terms of Mr. Tyler, himself -- and I
22 believe, he alleges in one of the affidavits that he was the
23 one -- the trigger man, I guess, for lack of a better word.
24 Do you recall how many guns the state's ballistic -- or not
25 ballistic, but firearms expert...

1 A. I don't.

2 Q. You don't recall? Okay. That's ---

3 A. I think there were multiple, but I don't...

4 Q. More than one?

5 A. More than one.

6 Q. Is that to your recollection? And then in terms of
7 Mr. Tyler, himself, in your experience, if you had tried to,
8 I guess, meet with him prior to trial -- do you know if he
9 was represented by counsel?

10 A. I think he was represented by Carl Grant, I think. I
11 cannot imagine he would not have been represented by
12 somebody.

13 Q. And in your experience, would that lawyer have,
14 generally, allowed you to speak to him?

15 A. I doubt very seriously.

16 Q. So what you had, I guess, was the witness statements;
17 correct?

18 A. Correct.

19 Q. Did you review those?

20 A. We did.

21 Q. And then, I know you talked about some of the problems
22 with a joint trial, but, I guess, at trial, itself, and the
23 record will reflect this; but Mr. Tyler was, actually,
24 cross-examined by five different lawyers; correct?

25 A. We all took a shot at him.

1 Q. And did y'all cross-examine him about deals with the
2 state?

3 A. Yes, we did.

4 Q. And the fact that his statements had changed?

5 A. I believe so; yes.

6 Q. And then in terms of Mr. Washington, do you -- and I
7 think you said on direct that he was on the witness list?

8 A. He was.

9 Q. Do you recall did he ever have any kind of statement
10 that implicated Mr. Ryant?

11 A. I don't think so. Again, I'm -- whatever the statements
12 say, they say; but to my knowledge, I don't think so.

13 Q. And would you agree that nothing came out at trial that
14 indicated that Ronnie Washington had identified Mr. Ryant as
15 being there that evening?

16 A. I think that's correct.

17 Q. You would agree that ---

18 A. I would agree.

19 Q. --- that he did not -- that did not come out?

20 A. I would agree. Yes.

21 Q. Thank you.

22 MS. DIXON: Nothing further.

23 THE COURT: All right. Redirect?

24 MR. WALLER: Nothing further, Your Honor.

25 THE COURT: Thank you, sir. You can step down.

1 (The witness leaves the stand.)

2 MR. WALLER: Nothing further from the applicant, Your
3 Honor.

4 (Pause)

5 MS. DIXON: The state would call Mr. Sorenson.

6 THE CLERK: Please raise your right hand, and state
7 your full name for the record.

8 MR. SORENSON: Donald Sorenson.

9 THE CLERK: Do you solemnly swear to tell the truth,
10 the whole truth, and nothing but the truth, so help you God?

11 MR. SORENSON: I do.

12 THE CLERK: Please be seated.

13 DONALD SORENSON, being first duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. DIXON:

17 Q. Mr. Sorenson, how are you today?

18 A. I'm good.

19 Q. And what was your role in this case?

20 A. I was one of the prosecutors on it.

21 Q. One of the prosecutors. And we've heard a lot today or
22 a little bit today about Ronnie Washington. Was he on your
23 witness list?

24 A. He was.

25 Q. Okay. And do you recall if he ever made any statements

1 implicating Mr. Ryant as being...

2 A. I don't believe so. But I have also not had an
3 opportunity to review his statement again in quite a while.

4 Q. Do you recall whether anything at trial came out that
5 Ronnie Washington had implicated Mr. Ryant?

6 A. I don't believe so.

7 Q. Okay. And then in terms of, I believe, Mr. Tyler in one
8 of his affidavits is alleging he was the trigger man. Have
9 you had a chance to review the testimony of your expert; and
10 do you recall how many guns your expert believed were used
11 at this crime?

12 A. Yeah. I believe, it was at least four.

13 Q. At least four.

14 MS. DIXON: One moment, Your Honor.

15 Nothing further.

16 MR. WALLER: I have no questions for this witness, Your
17 Honor.

18 THE COURT: Thank you, Mr. Sorenson.

19 (The witness leaves the stand.)

20 MS. DIXON: Nothing further from the state, Your Honor.

21 THE COURT: Okay. Anything from either side in
22 closing?

23 MR. WALLER: Just briefly, Your Honor. Before I do
24 that, I know you ruled that Exhibit two was admitted. Was
25 it for Exhibit one as well?

1 THE COURT: Yes.

2 MR. WALLER: Okay. Thank you, Your Honor. I just
3 wanted to clarify that. Judge, I would just -- I think,
4 obviously, those speak for themselves.

5 As it relates to the hearsay both in the actual
6 testimony as well as the closing arguments, I would just ask
7 the court to consider two cases. The first one is Smith v.
8 State. That's 689 S.E.2d 642; that's a 2010 case. And
9 then, Your Honor, Vail v. State, 738 S.E.2d 503; that's a
10 2013 case. Basically, when counsel fails to object to
11 hearsay; it's later repeated and emphasized in closing
12 arguments, that can be used -- that, kind of, doubles the
13 prejudice against a defendant.

14 So I would just ask Your Honor to consider those two
15 cases along with the closing argument of the state. I
16 believe the actual language was -- in the closing argument
17 was at page 1018 of the transcript. And then, obviously,
18 Your Honor, the statements of Mr. Tyler. We ask you
19 consider those as well.

20 MS. DIXON: And, Your Honor, we would just submit under
21 Strickland v. Washington, they have not met their burden of
22 proof. We do not -- first of all, have not established --
23 they have not established any deficiency by trial counsel.
24 Trial counsel testified he, you know, had reviewed Tyler's
25 statements before trial. And I think the transcript speaks

1 for itself in terms of the cross-examination of Mr. Tyler.
2 I'm not sure what more counsel could have done in that
3 regard. Of course, Mr. Tyler testified for the state, but
4 that's -- you know, counsel did everything he could to
5 prepare for that and cross-examine him on that.

6 In terms of the Ronnie Washington issue, I believe he
7 testified he didn't see anything really problematic about
8 any of this alleged hearsay testimony from Ronnie
9 Washington; nothing that really implicated his client which
10 would be a valid reason for not objecting, especially, in a
11 jury trial. It's one of those things, you know, if it
12 doesn't matter, it doesn't matter.

13 And we would submit as to prejudice, that they have not
14 met their burden on either prong. Of course, if Your Honor
15 decides the affidavits are admissible, you can, then, give
16 them whatever weight Your Honor decides that the recanting
17 witness affidavit post-trial -- I think one, four years
18 later, and one, seven years later -- what weight you should
19 give that. And then in terms of Ronnie Washington, there's
20 nothing in there that implicates Mr. Ryant or connects
21 Mr. Ryant to the crime from anything that Mr. Washington
22 allegedly said. So we would submit they haven't met their
23 burden of proving deficiency or prejudice.

24 THE COURT: Okay.

25 MR. WALLER: Nothing further. Thank you, Your Honor.

1 THE COURT: All right. I'm going to take a careful
2 look at the transcript and the materials before I give you
3 all my ruling.

4 MS. DIXON: Thank you.

5 MR. WALLER: Thank you, Your Honor.

6 --- END OF TRANSCRIPT OF RECORD ---

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1 CERTIFICATE OF REPORTER

2 I, the undersigned BONNIE M. BRITT, Official Court
3 Reporter for the Ninth Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all the
6 proceedings had and evidence introduced in the trial of the
7 captioned case, relative to appeal, in the Circuit Court for
8 Dorchester County, South Carolina, on the 12th day of
9 August 2024, taken down by MELISSA R. SINGLETARY, Official
10 Court Reporter; and transcribed by myself.

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

13 August 23, 2025
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18 Official Court Reporter
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AFFIDAVIT OF FACT

P-T PERSONALLY appeared before me, Patrick Tyler, who is giving this Affidavit of their own free will and accord, states the following:

P-T I have been advised by my attorney not to talk to any representative of Ralph Coleman. I have
P-T told my attorney that I want to talk to Mr. Ralph Coleman's investigator. My attorney has
P-T advised me that this could have consequences, but I am choosing to speak to Mr. Coleman's
P-T investigator because it is the right thing to do.

P-T Ralph Coleman was not involved in the robbery and murder that I have been convicted of. It was
P-T me and Walter Harris that went in to purchase the weed. Ralph Coleman was not with us at that
P-T time, nor was he armed. Ralph Coleman did not have Walter Harris's gun, nor was he with us.

P-T Walter Harris never gave Ralph Coleman his gun. Ralph Coleman was not with me when we
P-T were about to leave the victims house. Ralph Coleman did not pull out a gun because he was not
P-T there. The person that pulled out the gun on the female, was not Ralph Coleman because he was
P-T not there. It was actually me, Patrick Tyler, who pulled the gun out on the female. The persons in
P-T the house with me, Patrick Tyler, was Little Chris, Mario, and Walter Harris. Danny Ryant and
P-T Ralph Coleman were not in the house. Mario and Chris had a SKS rifle. Walter Harris did have a
P-T gun at the apartment. Walter Harris did not give or let Ralph Coleman use his, Walter Harris's,
P-T gun. Mario Shivers and Ralph Coleman did not plan this robbery; unlike I stated in my
P-T testimony. The statement that I gave investigator Shumpert was not a true statement. I told
P-T investigator Shumpert that Pete, Little M, Poke, and Ralph Coleman did have guns. That is not a
P-T true and accurate statement. Poke and Ralph Coleman did not have guns. The reason I gave my
P-T testimony and statement in this case is because I was given a more favorable sentence for my



P.T. testimony. Ralph Coleman and I did not walk into the apartment together. Ralph Coleman was
 P.T. never there in the apartment.

P.T. Again, I have been advised by my attorney not to give statements to anyone. I am only doing this
 P.T. because I feel this is the right thing to do.

I WOULD ATTEST THAT:

- a. I have read this Affidavit in its entirety, and I have freely and voluntarily entered into this Affidavit;
- b. I have not been promised anything nor have I been coerced into signing this Affidavit;
- c. I am not now, nor was I at this time of signing, under any duress;
- d. I am not now, nor was I at the time of signing, under the influence of any drugs or alcohol;

FURTHER SAYETH THE AFFIANT NOT

Patrick Tyler

SWORN to before me this 6 day of

Oct. 2021.
Glenn H. Bradmore

Notary Public for South Carolina

My Commission Expires: 11/24/30

(EXHIBIT - 9)
 (I'm writing this statement in concern of my co-defendants
 & my case on (3-12-10))

I want this statement to be used for all my co-defendants, I just want to come and tell the truth about the crime. I was the one that had the three guns that you didn't get. I was the one that shot the victim with the (3k3). When all this took place and we got back up for the crime I was the youngest out of everyone. The police, detective and my lawyer took that in consideration and lead me in what to say. I told lies on my co-defendants so that I would go to jail but the whole time I was the one killed the victim. Everything that I said on the stand was lies. I was told to do that or else go to trial & get life. I never was in to nothing with the law until that day so I done what I was told what to do which I would like to correct in this statement. I just want to let all party's know what really happen. Any hearings my co-defendants that's coming up I would come on off the court that I was the one who shot or killed the victim & hide the three weapons that killed the victim.

Patrick Tyler

Sworn to before me
 this 5th day of February, 2014

Muscha Michel

9/3/2014

FILED FOR RECORD
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 2015 OCT 13 P 12:29
 CLERK OF COURT
 ORANGEBURG, SC



STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Danny Ryant, Jr., #344191,

Applicant,

v.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

Case No. 2015-CP-38-01257

ORDER OF DISMISSAL

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COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
ORANGEBURG, SOUTH CAROLINA

This matter is before the Court by way of an application for post-conviction relief filed by Danny Ryant, Jr. (Applicant) on October 13, 2015. On August 12, 2024, an evidentiary hearing convened before the Honorable Kristi Curtis.¹ Applicant was present and represented by Jonathan Waller, Esquire. Assistant Attorney General Danielle Dixon represented Respondent. Applicant testified at the hearing and called as a witness trial counsel Douglas Mellard, Esquire. Additionally, Applicant proffered two affidavits from Patrick Tyler purportedly recanting his trial testimony. The State called former Assistant Solicitor Donald N. Sorenson. Following a thorough review of the records before this Court and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies and dismisses this application with prejudice.

¹ This hearing was previously continued on October 16, 2016; on March 22, 2018, to appoint an attorney for purported recanting witness Patrick Tyler; on July 16, 2018, because an attorney had not yet been appointed for Tyler; on February 8, 2022, after counsel for Applicant objected to the hearing proceeding virtually due to the COVID pandemic; on June 6, 2022, after Tyler refused to be transported by the South Carolina Department of Corrections for the hearing; on January 25, 2023, due to the unavailability of a necessary witness for the State; on May 9, 2023, due to the unavailability of necessary witnesses for the State; and on September 5, 2023, due to the unavailability of a necessary witness for the State.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an aggregate forty-year sentence. In May 2010, the Orangeburg County Grand Jury indicted Applicant for murder (2010-GS-38-0817), armed robbery (2010-GS-38-0819), and first-degree burglary. (2010-GS-38-0818). These charges arose from a home invasion that resulted in the fatal shooting of Charles Pringle on March 12, 2012. Ashley Parsley, a surviving victim, later identified co-defendants Ralph Coleman and Walter Harris (“Pete”) from lineups.

On December 10-17, 2010, Applicant proceeded to a jury trial with four co-defendants before the Honorable Edgar Dickson. Douglas Mellard, Esquire, represented Applicant. Solicitor David M. Pascoe and Assistant Solicitor Donald N. Sorenson prosecuted the case. At trial, Patrick Tyler—a fifth co-defendant—testified for the State and implicated Applicant in the home invasion. The jury convicted Applicant as indicted, and Judge Dickson sentenced him concurrently to forty years each for murder and burglary, and thirty years for armed robbery.

Applicant filed a timely notice of appeal, which was perfected by Appellate Defender Kathrine Hudgins. On appeal, Applicant argued the trial court erred in (1) denying his motion to sever and (2) finding he was not entitled to the criminal records checks the State had compiled on prospective jurors. The South Carolina Court of Appeals affirmed on the merits. State v. Ryant, Op. No. 2012-UP-647 (Dec. 5, 2012). Applicant filed a petition for writ of certiorari to the Supreme Court, which was initially granted but later dismissed as improvidently granted. The remittitur was sent February 3, 2015.

CURRENT APPLICATION

On October 13, 2015, Applicant timely filed this application alleging:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to object to prosecutor's statements and introduction of photographs regarding an uncalled witness, which presented the jury with testimony as if the witness had taken the stand himself.
 - b. Counsel failed to object to the hearsay testimony on behalf of the prosecution also failing to object to the inadmissible evidence being the photos of the green Explorer.
 - c. Counsel failure to object to the solicitor's statements regarding the uncalled witness was pre se prejudicial.
2. "Denial of Due Process"
 - a. Applicant discovered after his trial that he was denied a fundamental right to a fair trial by his trial judge's plea negotiation with his alleged co-defendant;
 - b. The trial judge's illegal negotiation of Tyler's plea agreement is evidenced by his acceptance of Tyler's guilty plea to a lesser included offense of voluntary manslaughter without a signed waiver of the indictment for presentation of this charge to the grand jury.

At the hearing, Applicant proceeded only on issues related to (1) affidavits of Patrick Tyler allegedly recanting his trial testimony and (2) trial counsel's failure to object to hearsay testimony about Ronnie Washington, the getaway driver. This Court finds Applicant failed to present testimony or evidence to support his remaining allegations and thus waived those claims.²

² This Court likewise finds Applicant did not present any credible evidence that the trial judge entered into an illegal plea negotiation with Tyler; that claim is thus denied.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Orangeburg County Clerk of Court records of the underlying convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudiced applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

Patrick Tyler

Applicant first contends Patrick Tyler signed two affidavits recanting his trial testimony. This Court frames this an allegation that Applicant is entitled to a new trial based on after-discovered evidence and finds Applicant did not prove this ground.³

In order to warrant the granting of a new trial on the ground of after-discovered evidence, the movant must show the evidence (1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely cumulative or impeaching.

State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011) *“Recantation of testimony ordinarily is unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial.”* Id.

At the PCR hearing, Applicant entered an affidavit of Patrick Tyler dated February 5, 2014, attesting:

I want this statement to be used for all my co-defendants. I just want to come and tell the truth about the time. I was the one that had the three guns that y'all didn't get. I was the one that shot the victim with the (SKS). When all this took place and we got lock up of the crime I was the youngest out of everyone. The police, solicitor and my lawyer took that in consideration and lead me in what to say. I told lies on my co-defendants so that I won't go to jail but the whole time I was the one killed the victim. Everything that I said on the stand was lies. I was told to do that, or else go to jail & get life. I never was in to nothing with the law until that day. So I done what I was told what to do which I would like to correct in this statement. I just want to let all party's know what really happen. Any hearing my codefendants that's coming up I would come and tell the court that I was the one who shot and killed the victim & hide the three weapons that killed the victim.

³ To the extent this is an allegation of ineffective assistance of counsel, this Court finds credible trial counsel's testimony that Tyler's attorney probably would not have allowed him to speak to Tyler. It is very common for an attorney to not allow a client to speak to a co-defendant's attorney. In light of this, counsel was not deficient for not interviewing Tyler or procuring similar affidavits before trial.

The other affidavit, prepared by a private investigator for co-defendant Ralph Coleman and notarized October 6, 2021, primarily addressed Coleman. Pertinent to this case, however, Tyler averred:

It was actually me, Patrick Tyler, who pulled the gun out on the female. The persons in the house with me, Patrick Tyler, was Little Chris, Mario, and Walter Harris. Danny Ryant and Ralph Coleman were not in the house. Mario and Chris had a SKS rifle. Walter Harris did have a gun at the apartment. Walter Harris did not give or let Ralph Coleman use his, Walter Harris's gun. Mario Shivers and Ralph Coleman did not plan this robbery; unlike I stated in my testimony. The statement that I gave investigator Shumpert was not a true statement. I told investigator Shumpert that Pete, Little M, Poke,⁴ and Ralph Coleman did have guns. This is not a true and accurate statement. The reason I gave my testimony and statement in this case is because I was given a more favorable sentence for my testimony. Ralph Coleman and I did not walk into the apartment together. Ralph Coleman was never there in the apartment.

This Court finds the foregoing recanting affidavits NOT credible—especially here where Tyler refused to attend the PCR hearing and offer such testimony, notwithstanding his affidavit stating, “Any hearing my codefendant that’s coming up I would come and tell the court that I was the one who shot and killed the victim & hide the three weapons that killed the victim.”⁵ In fact, while Tyler was still incarcerated with the South Carolina Department of Corrections, he refused to be transported to a previously-scheduled hearing in this case—prompting Applicant to request a continuance. Based on Tyler’s refusal to attend the PCR hearing to offer this testimony, this

⁴ At trial, Tyler testified Applicant’s nickname was Poke. (Tr. 300).

⁵ Counsel for Applicant filed a Rule to Show Cause against Tyler based on his refusal to be transported after being served the subpoena. On August 31, 2023, Judge Taylor issued a Rule to Show Cause.

Court finds the affidavits NOT credible.⁶ This Court further finds that based on Tyler's refusal to be involved in this PCR hearing, it is not reasonably probable he would attend any subsequently-scheduled trial to offer different testimony. Applicant thus has not met his burden of showing he is entitled to a new trial based on Tyler's alleged recantation.

Even if he did appear and testify consistent with his notarized statement, the statement that he was the sole shooter is not credible given the other evidence presented at trial that all six co-defendants came into the victim's home, multiple different firearms were used to shoot the victim 24 times, and witness Ashley Parsley heard "a lot" of gunfire. Finally, the affidavits are merely impeaching and do not set forth a sufficient basis for a new trial, especially here where Tyler was extensively cross-examined by five defense attorneys regarding inconsistent statements he made to law enforcement and any benefit he hoped to receive by testifying. (Tr. 343-69, 384-424, 433-41). Applicant has not met his burden of proof in this regard, and this claim is denied.

Ronnie Washington

Applicant contends counsel was ineffective for not objecting to hearsay testimony about Ronnie Washington, the getaway driver. Applicant did not prove this ground.

During opening argument, the solicitor stated,

You're also going to hear from a young man by the name of Ronnie Washington. He's going to also identify the five of them as being the individuals that he picked up that night along with Mr. Tyler and ultimately took them over to that apartment for the purpose of going to, he thought to go buy some marijuana, and how when they came running he'll tell you where he ended up taking them and dropping them off that night.

⁶ Tyler's repeated assertions in the second affidavit that co-defendant Ralph Coleman was not present at the home invasion contradicts not only Tyler's trial testimony but the surviving victim's identification of Coleman as the shooter from a photographic lineup. Based on these blatant contradictions, this Court finds the recanting affidavits not creditable.

(Tr. 163). However, the State never called Washington as a witness.⁷

During Tyler's testimony, the following exchange occurred:

Q. Now, you testified you knew Chris back then, but did you know who Chris's friend was, the driver?

A. No sir.

Q. Had you ever seen him before?

A. No, sir.

Q. Do you remember anyone saying his name?

A. No, sir.

Q. Did you ever know anyone by the name of Ronnie Washington back then?

A. No, sir.

Q. Can you just describe him for the jury, what he looked like as best you can remember?

A. Heavy set, had an afro I think, and light skin.

Q. And he was the driver of the vehicle?

A. Yes, sir.

Q. Okay. Did you ever really get a good look at him?

A. No, sir.

(Tr. 309-10). During Lieutenant James Shumpert's direct examination, the following exchange occurred:

Q. Let me ask you, what was the first time you came into physical contact with a young man by the name of Ronnie Washington?

A. Two weeks ago, I believe it probably would be November Thirtieth.

Q. And did you take a statement from him at that time?

A. I did.

Q. Let me show you State's exhibits number twenty, twenty-eight and twenty-nine. Have you seen those photographs before?

A. Yes, sir.

Q. And whose, whose Ford Explorer, who does that Ford Explorer belong to?

A. Ronnie Washington.

Q. And who was driving this back on March the twelfth of two thousand and ten?

A. Ronnie Washington.

Q. Now, has Mr. Washington at this time been charged with anything, Lieutenant?

⁷ The pretrial discussions indicate the State had notified the defendants of Washington's statement to law enforcement and named him as a potential witness at trial. (Tr. 22, 25, 27-30).

A. Not at this time.

Q. And is that something the sheriff's office is still evaluating?

A. We are.

Q. And yet again, he just came to your attention two weeks ago?

A. Two weeks ago.

(Tr. 724-25). The following exchange occurred during Christian Coleman's cross-examination of Lieutenant Shumpert:

Q. Did you, did you have any supplemental report as far as, I think you testified when you found the unknown driver did you make a supplemental report on that?

A. No, I just took a statement from him because, like I said, I hadn't even got a chance to interview, I mean, finish investigating that part of the investigation.

Q. Okay. So you took a statement from him?

A. That's all I did, took a statement from him, correct.

Q. And what was his name?

A. Ronnie Washington.

Q. Okay. So, you took the statement from him, *did he admit to being the driver in the statement?*

A. Yes, he did.

Q. So you charged him at that time?

A. No, I did not.

Q. And why is that?

A. Well, he said that he was the driver, from what he told me that, he states that—

[Co-defendant's counsel]: Objection, your Honor, he's getting into what Ronnie Washington said in his statement and he's certainly not here for me to cross-examine him.

The Court: The objection is sustained.

Q. Okay. But you didn't arrest him?

A. Not yet.

Q. Not yet?

A. Not yet.

Q. Not from two weeks ago?

A. Two weeks ago, correct.

Q. And did he, didn't he, or *did he say he knew my client?*

A. Yes, sir.

Q. And how did he know my client [Christian Coleman]?

A. He said they used to work together at Burger King.

Q. Uh-huh.

A. And I think they went to school together, but he used to run errands for him.

Q. Okay. As far as, as far as the arrest or non-arrest, from your experience as a law enforcement officer you didn't feel at the time that you could charge him with any charge?

A. Well, it's a matter of—well, I don't go by what I feel. Do I think he probably participated in it? Yes. But can I prove it? At this time I can't. And that's why it's still a further investigation.

Q. Okay. So—

A. The statement I took from him is not enough to place him under arrest at this time, I've got to continue my investigation, I've been in court all week, so....

Q. But that was two weeks ago?

A. Two weeks, correct.

Q. November thirtieth, is that correct?

A. Yes, sir.

Q. Did you consult the solicitor's office about making that arrest?

A. I told them that I talked to the driver of the vehicle, if that's what you're asking me.

Q. Did y'all talk about a possible arrest?

A. I was more focused on this case. I—like I told them, I would continue the investigation. I went out on my own and conducted another lineup, took it to Mr. Tyler, and he couldn't pick him out. So, I didn't have enough to go seek probable cause to get an arrest at this time.

Q. So you said you were more focused on this case, but he's part of this case, is he not?

A. Yes, now he is.

(Tr. 774-77, emphasis added). Later, counsel for co-defendant Ralph Coleman cross-examined

Lieutenant Shumpert as follows:

Q. Lieutenant, Mr. Lackey asked you if you arrested Ronnie Washington, and you said you hadn't?

A. Correct.

Q. But you would agree with me, wouldn't you, that if you believed everything Patrick Tyler said, he was guilty of this crime, he was a part of this whole crime?

A. Yes.

Q. If you believed Patrick Tyler?

A. Correct.

Q. Okay. When you spoke to Patrick Tyler initially, did he tell you the things about Ronnie Washington that he testified to in this trial? Did he tell you that information?

A. I'm not sure what you're asking, but—

Q. Okay.

A. —if it's the way you're asking me, he didn't tell me nothing about Ronnie Washington because he said he didn't know the driver.

Q. Okay. But let me be more specific.

A. Okay.

Q. If you—he obviously, then, it's your testimony that he didn't tell you that when they were in the car that they were talking about the robbery, he didn't tell you that, did he?

A. No, he didn't.

Q. Okay. He didn't tell you that Ronnie Washington drove them there?

A. He said an unknown driver drove them there.

Q. Okay. He didn't tell you that on the way there that discussions were taking place in the car about what was going to happen at the robbery, he didn't tell you that, did he?

A. No.

Q. Okay. I may have asked you this, he didn't tell you that there were guns in the car when he talked to you and wrote that statement, he didn't tell you that there were guns in the car?

A. Not at the time, no, he did not.

Q. Okay. And he didn't—

A. But he did also say that he had, they needed another strap, so by him saying another strap, and them going to pick up Walter Harris I assumed there were guns already in the car.

Q. Well, here's the point. You heard him testify to the guns being in the car earlier this week, right?

A. Yes.

Q. Okay. Alright. So, if you believed that what he said is true, wouldn't you arrest Ronnie Washington?

A. Not at this time. Like I stated earlier, when I learned of Mr. Washington I showed him a photo lineup of him, and he wasn't able to pick him out. And so, nobody else really have came forward and said, yeah, this is the guy that was with us. So, like I said, it's a further investigation still going on at this time.

(Tr. 798-801).

During closing argument, the solicitor made the following references to Ronnie Washington:

The worst of Orangeburg County was when Patrick Tyer, Mario Shivers, and Ralph Coleman got together at Ralph Coleman's family's home on Woodbine and decided to commit an armed robbery of Charles Pringle, who Mario Shivers knew. Chris Coleman shows up with his buddy, Ronnie Washington. They've got a ride now, they're involved in it. They go and pick up Walter

Harris who has a forty caliber hand gun, a black pistol. Walter Harris goes inside, scopes it out, they then go to the Corner Pocket which is about a half a mile from the victim's home, and they pick up Danny Ryant.

(Tr. 1012-13).

Assertions like, Where is Ronnie Washington? Well, let's talk about Ronnie Washington. Where is he? Why isn't he charged with murder yet? Someone said in their closing statement, I assume it's because the prosecution in their defense of maybe mere presence. Well, I appreciate their indignation towards the get away driver, Ronnie Washington, it proves that the Defendants are guilty. I appreciate that. But let's talk about Ronnie. It is not reasonable, he came forth, as you heard, two weeks ago, while we were getting ready for this trial, Ronnie Washington goes to the sheriff's office, this came out, and admitted, I was the get away driver, and I'm friends with Chris Coleman, just like Patrick Tyler told you on the witness stand. How does that help them? But how is it reasonable for Ronnie Washington to drive those six individuals armed with SKS's, armed with pistols, duct tape, as Patrick Tyler told you, talking about the robbery in the car, how would it be reasonable for Ronnie Washington not to know what's going to happen? I submit, it's not. Well, what does that mean? It means, as they said, he needs to be charged. How can I ethically call a witness if I'm about to charge him with a crime? I can't. That's why Ronnie Washington is not here. That's the truth. Well, how can Ronnie Washington in any way help them? Not at all. It kills them. He corroborates Patrick Tyler from the testimony you got to hear about Ronnie Washington. He was the get away driver, that's the only evidence in this case, he's friends with Christopher Coleman, and he drove an SUV, a Jeep type car, an Explorer. And they accurately point out the law with regard to Ronnie Washington, I really appreciated that again. You do not have to be the gunman, you do not even have to go in the house to be guilty of murder, armed robbery, and burglary, that's exactly right.

(Tr. 1018-19).⁸

⁸ At the PCR hearing, counsel also questioned Mellard about why he didn't object to Lieutenant Shumpert's testimony that Patrick Tyler identified Christian Coleman from a lineup (Tr. 735); Mellard credibly testified his primary objection was to keep out information that would hurt Applicant—not the co-defendants. This Court finds counsel articulated a valid reason for not objecting and was not deficient. Further, co-defendant Ralph Coleman *did* object to this testimony.

This Court finds Applicant did not prove counsel was ineffective for not objecting to testimony about Washington. The trial transcript reflects the State initially identified Washington as a potential witness, and this Court finds credible Mellard's and Sorenson's PCR testimony that Washington was on the State's witness list. Thus, there was no basis for counsel to object to the State's mention of Washington during opening argument. See Strickland, 466 U.S. at 689 ("A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to **evaluate the conduct from counsel's perspective at the time.**" (emphasis added)).

When questioned at the PCR hearing about the foregoing testimony related to Washington, Mellard credibly testified Washington did not identify or implicate Applicant as a participant or pick him out of a lineup, and he thus did not believe testimony about Washington was damaging to Applicant's case. This Court agrees with counsel's assessment and finds counsel articulated a valid reason for not objecting. At most, the testimony established Washington (1) drove the vehicle and (2) knew Christopher Coleman. The name of the getaway driver was not material to Applicant's guilt or innocence—especially here where the driver never implicated Applicant. Counsel thus was not deficient for failing to object. Further, Applicant has not articulated any legal objection to this testimony other than hearsay.⁹ This Court finds the only hearsay above—that Washington drove the vehicle and knew Coleman from work and school—was not material to Applicant's guilt or innocence. Because this testimony was not material to Applicant's guilt or

(Tr. 733-35). Applicant has not articulated a different legal objection that would have reasonably excluded this testimony and thus did not meet his burden of deficiency or prejudice in this regard.

⁹ Applicant likewise did not articulate any valid legal objection to the State's closing argument and thus did not meet his burden in this regard.

innocence, counsel was not deficient for failing to object based on hearsay. Applicant has not set forth any other valid, legal objection counsel should have raised and thus has not shown deficiency.

Finally, it is not reasonably probable the outcome would have been different had counsel objected. In other words, if counsel had successfully excluded testimony that Washington (1) gave a statement, (2) drove the vehicle, and (3) knew Coleman, it is not reasonably likely the outcome of Applicant's trial would have been different. Applicant thus did not prove this ground.

CONCLUSION

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 7th day of May, 2025.

Kristi Curtis

KRISTI CURTIS
Presiding Judge
First Judicial Circuit

Columbia, South Carolina