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SC Court of Appeals

Volume II of II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYRASE AKIL COLLINS,

APPELLANT

APPELLATE CASE NO. 2024-001238

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1 pathologist can present her evidence to the
2 jury.

3 If we can into this, Mr. Evans, and the
4 pathologist, for some reason, is having
5 difficulty making her case, or presenting her
6 testimony to the jury with the absence of those
7 photographs --

8 MR. EVANS: We can do that.

9 THE COURT: -- then we will re-evaluate the
10 matter, if the pathologist is unable to
11 adequately inform the jury of her findings
12 without the use of those photographs. So unless
13 that issue comes up, I'm going to -- I would
14 reconsider, but for now I'm going to grant the
15 Defendant's request, but I'm going to take those
16 two photographs in each one of the deaths that
17 were contested, or --

18 MR. EVANS: Two for each gentlemen, and for
19 Ms. Warren?

20 THE COURT: Yes, yes, and more for Ms.
21 Wilson?

22 MR. EVANS: Warren.

23 THE COURT: Warren, I apologize, Ms.
24 Warren, okay. Do you understand my ruling, sir?

25 MR. EVANS: Yes, sir.

1 THE COURT: Not that you agree with it, but
2 you understand it?

3 MR. EVANS: Yes, sir, I do.

4 THE COURT: All right. Gentlemen, do you
5 follow me?

6 MR. JOHNSON: Yes, Your Honor.

7 THE COURT: Mr. Gibbes?

8 MR. GIBBES: Yes, we do, Your Honor.

9 THE COURT: All right. I understand that
10 the jury has taken a few final moments to
11 prepare their menu lunch selections for
12 tomorrow.

13 MR. EVANS: May I check on which of our --
14 I know --

15 THE COURT: Absolutely.

16 (Recess)

17 MR. EVANS: Judge, we're ready for the
18 jury.

19 THE COURT: All right. Gentlemen, one
20 other thing. My Law Clerk has supposed jury
21 instructions. I have not even had a chance to
22 look at them. Before we break for the day I
23 would like you two to kind of get a copy. He
24 may have emailed them to you, but I'd prefer to
25 have them in-hand. He also prepared some

1 verdict forms. I also want you to look at
2 those, because I know Mr. Evans has, but for the
3 benefit of the gentlemen, who have not tried a
4 case in front of me, what I do is in my charge
5 conference, tonight if there are things that
6 you've got a problem with, or additional charges
7 that you want, you need to email them to my Law
8 Clerk, do not email them to me. I mean you can,
9 but he's gonna be the one dealing with that, not
10 me, okay?

11 Now, when we meet tomorrow, we're gonna
12 meet first thing, 9:15 sharp. And what we will
13 do is, we will have a charge conference. And
14 what I will do at that point is, I will go
15 through and I will basically say, is there any
16 objection to my initial charge? No, yes. If
17 there is, then we'll make a decision there
18 whether or not I'm gonna exclude it, or I'm just
19 gonna go ahead and charge it, regardless of your
20 objection, and I'll go through each one. And
21 then we'll have an agreement on what those
22 charges are, and also, I will have you agree as
23 to the verdict form.

24 Now, again, if we can't come to an
25 agreement, then we will note that on the record,

1 but that's what we'll do tomorrow morning first
2 thing. I plan on bring the jury in, assuming we
3 finish everything today, I plan on bringing the
4 jury in probably at 9:45, because I think the
5 charge conference should probably take us no
6 more than 30 minutes, all right? Solicitor, is
7 that fine?

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

9 THE COURT: Mr. Gibbes?

10 MR. GIBBES: Yes, sir, Your Honor.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: That's fine.

13 THE COURT: All right, anything from the
14 State before we bring the jury in?

15 MR. EVANS: Not from the State.

16 THE COURT: Mr. Gibbes?

17 MR. GIBBES: No, sir.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: Nothing, sir.

20 THE COURT: All right, let's get the jury

21 BAILIFF: Yes, sir.

22 (Jury enters the courtroom.)

23 THE COURT: Ladies and gentlemen, welcome
24 back. We are ready to proceed. Solicitor, you
25 can call your next witness.

1 MR. EVANS: The State calls Aaron Stokes.

2 THE COURT: All right.

3 **

4 AARON STOKES,

5 BEING DULY SWORN TESTIFIED AS FOLLOWS:

6 ***

7 THE COURT: Hi, Mr. Stokes.

8 WITNESS: How you doing?

9 THE COURT: Doing great. Yes, sir.

10 MR. EVANS: thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. EVANS:

13 Q Good afternoon, Mr. Stokes.

14 A Good afternoon.

15 Q Would you please identify yourself, and
16 spell your last name for our Court Reporter,
17 sir?

18 A My name is Aaron Stokes, my last name is
19 spelled S-T-O-K-E-S.

20 Q And, Mr. Stokes, where do you live, sir?

21 A In Bluffton, South Carolina.

22 Q Did you used to live here in Hampton?

23 A Yes.

24 Q All right, were you living here in 2017
25 and 2018?

1 A Yes.

2 Q Do you know a Mr. Cameron Davis?

3 A I do.

4 Q How do you know him?

5 A He's my cousin.

6 Q All right. Did you ever purchase
7 anything from Cameron Davis?

8 A Yes.

9 Q What did you purchase from him?

10 A I believe it was a .9mm Glock.

11 Q Okay.

12 MR. EVANS: Beg the Court's indulgence.

13 BY MR. EVANS:

14 Q A firearm, a handgun --

15 A Yes.

16 Q -- is that right?

17 A Yes.

18 Q Okay. Do you remember approximately when
19 you made that purchase from him?

20 A No, I can't quite remember the exact
21 date.

22 Q Uh-huh. Did you create any kind of
23 record of that on paper, or anything like that?

24 A I believe we did, we did a receipt.

25 Q Okay. Just between the two of you

1 though? You didn't tell the government about
2 it, or any --

3 A No.

4 Q You didn't get it at the store?

5 A No.

6 Q All right.

7 MR. EVANS: May I approach the witness,
8 Your Honor?

9 THE COURT: Yes, sir.

10 BY MR. EVANS:

11 Q I'm passing you what's been previously
12 entered into evidence as State's Exhibit 249.
13 Have you ever seen this before?

14 A I have.

15 Q Okay, can you tell me what that name
16 there is?

17 A Cameron Dwayne Davis.

18 Q All right, that's the gentleman that
19 you've been discussing?

20 A Yes.

21 Q All right, and what does this say up
22 here?

23 A A Glock 23, .40 caliber.

24 Q Does that sound like the gun that you
25 purchased from him?

1 A Yes, sir.

2 Q And can you tell -- I know there's a
3 watermark there, but can you tell what that says
4 by purchase date?

5 A February 18th, 2017.

6 Q Okay. That's the Cameron Davis that you
7 bought the gun from?

8 A Yes.

9 Q Does that sound like the same gun that he
10 originally --

11 A Yes.

12 Q -- sold to you?

13 A It does.

14 Q Okay.

15 MR. EVANS: May I approach the witness,
16 Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. EVANS:

19 Q I'm gonna pass you what's been previously
20 entered into evidence as a part of State's
21 Exhibit 2, or State's Exhibit 1, I'm sorry. Do
22 you recognize this?

23 A I do.

24 Q What is this?

25 A A Glock, .40.

1 Q You can tell that this is the same?

2 A Yes.

3 Q How can you tell that?

4 A Because it has my initials and the date I
5 logged it in.

6 Q All right. When's the last time you saw
7 this gun?

8 A In 2017.

9 Q Do you remember what day in 2017?

10 A Could be around December, close to
11 Christmas time.

12 Q What happened around Christmas of 2017?

13 A I went and visited my parents, I came
14 back the next morning, and my girlfriend called
15 and told me there were two guns missing.

16 Q Did you inform law enforcement about
17 that?

18 A I did.

19 Q Okay, do you remember who the officer
20 was?

21 A I believe it was Casey.

22 Q With which agency?

23 A Hampton Police Department.

24 Q All right. You told him about it?

25 A Yes.

1 Q Did you ever hear any follow-up from
2 that?

3 A No.

4 Q All right. Did you ever hear about this
5 case that we're talking about here today?

6 A Yes.

7 Q All right. Are you involved in this
8 case?

9 A No, sir.

10 Q Did anybody tell you that this gun that
11 was stolen from you was involved in this case?

12 MR. GIBBES: Your Honor, objection.

13 MR. EVANS: I'll withdraw that.

14 THE COURT: Yeah, I'll sustain that.

15 BY MR. EVANS:

16 Q Did you know Frank Johnson?

17 A Yes.

18 Q Ghazi Duckett?

19 A Yes.

20 Q Lamekia Warren?

21 A No.

22 Q Okay. Did you kill Frank Johnson or
23 Ghazi --

24 A No.

25 Q -- Duckett?

1 A No, sir.

2 Q Did you kill Lamekia Warren?

3 A No, sir.

4 Q All right. Those are all the questions I
5 have Mr. Stokes, please answer any questions
6 these gentlemen may have.

7 THE COURT: Mr. Gibbes?

8 MR. GIBBES: No questions.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: No questions, Your Honor.

11 THE COURT: All right. Can he be released
12 from subpoena --

13 MR. EVANS: I would ask --

14 THE COURT: -- from the State?

15 MR. EVANS: Yes, sir.

16 THE COURT: Gentlemen?

17 MR. JOHNSON: No objection.

18 MR. GIBBES: No objection.

19 THE COURT: All right, have a great day,
20 sir, thanks for coming in.

21 WITNESS: You're welcome.

22 THE COURT: The State calls Sara Goodman.

23 **

24 SARA GOODMAN,

25 BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. EVANS:

Q Good afternoon.

A Hello.

Q Would you please identify yourself, and spell your last name for our Court Reporter?

A Yes, my name is Sara Goodman, G-O-O-D-M-A-N.

Q And what do you do for a living, Ms. Goodman?

A I work as a DNA Analyst at the Greenville County Department of Public Safety.

Q Okay, and how long have you been doing DNA work for Greenville?

A For about four months.

Q All right, and did you do it anywhere else, before you went there?

A Yes.

Q Okay, and for whom and for how long?

A I worked at the South Carolina Law Enforcement Division, commonly known as SLED, and I was there for approximately eight years.

Q All right. Are you doing the same kind of work at Greenville as you did at SLED?

1 A Yes.

2 Q Is that your hometown?

3 A No.

4 Q Okay. You just chose to go to the
5 Upstate?

6 A Yes.

7 Q All right. Tell us about the education,
8 training and experience that you have, that
9 allows you to do this kind of work, please.

10 A Sure. So I have a Bachelor of Science
11 degree in biology from Erskine College, as well
12 as a Masters of Science in forensic science from
13 Arcadia University in Pennsylvania. And then
14 upon my employment at SLED, I went through about
15 a year and a half training program with another
16 qualified analyst, which included a combination
17 of literature reading and written learning, as
18 well as laboratory practical learning. And at
19 the end of that training, I successfully
20 completed a series of constant -- competency
21 test, excuse me, to be qualified as a DNA
22 Analyst, and every year we are also required to
23 get at least eight hours of continuing education
24 in the field of DNA, and I am undergoing a
25 similar training program now at Greenville.

1 Q Okay. And how many times have you been
2 qualified as an expert in the courts in this
3 state or other states?

4 A 36 times.

5 Q 36 times in the field of DNA analysis?

6 A Yes.

7 MR. EVANS: Your Honor, the State would
8 tender Ms. Goodman as an expert in DNA analysis.

9 THE COURT: Mr. Gibbes?

10 MR. GIBBES: No objection.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: No objection, Your Honor.

13 THE COURT: All right, so I will deem the
14 witness an expert in the field of DNA analysis,
15 and she can give opinion testimony as a result
16 thereof.

17 MR. EVANS: Thank you, Judge, and I did
18 forget a few more foundation questions.

19 BY MR. EVANS:

20 Q Do you also do serology as a DNA Analyst?

21 A Yes, I'm also trained in serology.

22 Q Did you do some of that in this case?

23 A I did, yes.

24 Q Okay, and did you undergo the same sort
25 of training, and is that sort of standard for

1 SLED DNA analysts to also be trained in
2 serology?

3 A Yes, every analyst is trained in serology
4 as well.

5 Q Been qualified as an expert in serology
6 in prior cases?

7 A Yes, a few times.

8 MR. EVANS: And I apologize for taking two
9 bites of the apple, Judge, but I'll tender her
10 as an expert in serology as well, based on some
11 of these results?

12 THE COURT: Any objection?

13 MR. JOHNSON: No objection.

14 MR. GIBBES: No objection.

15 THE COURT: All right, she's going to be an
16 expert in the field of serology also. Thank
17 you.

18 MR. EVANS: Thank you, Your Honor, I
19 appreciate it.

20 BY MR. EVANS:

21 Q All right, Ms. Goodman, tell us how you
22 became involved in this case.

23 A So we at SLED received a request to mark
24 some DNA items in this case, and the case was
25 assigned to me, so I did the DNA analysis on

1 items in this case.

2 Q All right, and so as you and I have done
3 before, we're gonna need a little bit of crash
4 course in what DNA is, and how you do your work.
5 And I know we're gonna talk about two different
6 methods, but let's just start with the original,
7 the 2018 version first, if that's okay by you,
8 and we'll take up STRmix later; is that all
9 right?

10 A Yes.

11 Q Okay. Tell us what DNA is.

12 A So DNA is a chemical that's present in
13 your body in almost every single cell. You get
14 half of your DNA from your biological mother,
15 and half from your biological father. It
16 essentially just -- it makes up who you are, and
17 how your body functions, what you look like,
18 things like that. And with the exception of
19 identical twins, no two people have the exact
20 same DNA profile.

21 Q Okay, what are the some of the sources of
22 DNA that come into your lab in the course of
23 your work?

24 A So some common sources of DNA are body
25 fluids of blood, semen, saliva, sweat, as well

1 as touch DNA, which is the skin cells that you
2 leave behind when you touch or handle an item.

3 Q Okay, so is there a difference in the DNA
4 that comes from touch, versus blood, or sweat,
5 or saliva?

6 A There's not a difference, in terms of
7 what the DNA is, but there can be a difference
8 in the amount of DNA. Typically, body fluids
9 have a lot more DNA than just skin cells that
10 you might leave behind on something.

11 Q Do they require a different process, in
12 order to create the samples and the profiles
13 that you use?

14 A No, it would be the same process.

15 Q Okay. And how do you, under the previous
16 method, how do you create a profile, prepare one
17 profile to the other, take us through that part
18 of your work.

19 A So when we receive the evidence in our
20 lab, I will take the -- all the items for the
21 case into my custody, and one at a time open
22 each item and take a small sample from the item.
23 Once I've done that, I will take it through
24 several differences processes in our laboratory,
25 that just separate the DNA off of whatever item

1 it's on and purify it, and then tell us about
2 how much DNA we have there.

3 And from there we make many copies of the
4 DNA to a level that our instruments can detect,
5 and then we run it through a machine that
6 separates out the DNA that gives us our DNA
7 profiles. So we do that for every item of
8 evidence that we have a request on, as well as
9 for known standards, which are from a known
10 individual. And if we are able to use our
11 evidence profiles for comparison, then we will
12 compare them to all the known standards that we
13 have in the case, to try to determine whether or
14 not we can determine whether someone's DNA may
15 or may not be there.

16 Q So what's a quick definition of a known
17 standard?

18 A So it's typically either a blood sample
19 or a swab from the inside of someone's mouth,
20 and it just is a sample that we know came from a
21 certain individual.

22 Q Because you have a witness who is the
23 person that took it?

24 A Yes.

25 Q All right. And why do you need that to

1 do this kind of work?

2 A In terms of -- typically, for the most
3 part we are trying to do comparison between
4 evidence and people, to see whether or not a
5 certain person could be contributing DNA to an
6 item or a crime scene.

7 So it's important for us to have that
8 person's known standard, because, otherwise, we
9 don't know what their DNA profile is, and won't
10 be able to compare them to any of the evidence.

11 Q You're gonna try to compare one profile
12 against another?

13 A Yes.

14 Q So you need one that you know where it
15 came from to say?

16 A Yes.

17 Q Okay. And how -- in very layman's terms,
18 what is the process of actually doing that
19 comparison?

20 A So once we have all of our DNA profiles
21 from both the evidence and the known standards
22 that we've generated, we will do our own
23 analysis, based off of our training and
24 experience, to determine how many people there
25 are in that DNA profile, whether there's one or

1 more than one, which would be a mixture. And
2 then once we've determined that, we do our
3 interpretation, as far as is this profile able
4 to be used for comparison based off of our
5 standards and procedures; and if it is, then we
6 will look at the known DNA profiles from the
7 known standards, and do different analyses,
8 basically, and statistics to see whether or not
9 it would make sense that their DNA is in that
10 item or not.

11 Q Okay. And I know the newer method that
12 we're gonna get into a bit later, that has a
13 name. Is there a name for this, you know, I
14 don't want to say traditional, but the previous
15 method that you'all used? What would you refer
16 to that as?

17 A So as far as everything leading up to
18 generating the DNA profiles are still, and has
19 always been the same. What changed is how we
20 calculate our statistics. So when we make those
21 comparisons, if someone could be included in the
22 item, we calculate statistics to give a weight
23 to what that conclusion means, and essentially
24 help you understand like how much of their DNA
25 could be there or not.

1 So our original method that I used in this
2 case, is calculating probabilities. So kind of
3 like when you would say, if I flip a coin six
4 times, what are the chances that I would get a
5 heads two times? That's a probability. And
6 then later on we use a new program called
7 STRmix, that calculates a different type of
8 statistic.

9 Q Well, we're gonna give multiple sets of
10 results over the course of your testimony; is
11 that right?

12 A Yes.

13 Q Okay, we'll explain that when we get
14 there, but I appreciate you planting the seed,
15 okay? So I think we're ready to start getting
16 into some of your 2018 results. Do you feel
17 like we're ready? And let me first ask you, did
18 you receive a large number of pieces of
19 evidence, swabs and other things in --

20 A Yes.

21 Q -- this case?

22 A Yes, I believe it was close to 60 items.

23 Q Okay, and did you test all of those in
24 2018, all of them in 2021? How did that work?
25 Did you get some of them at one point and others

1 later?

2 A Yes. So I have three different reports
3 in this case. So some of that is me receiving
4 additional items later, after I had already done
5 one report, so I did a supplemental report, and
6 some of it is doing additional interpretation.

7 Q Did you receive certain known standards
8 later on in the process?

9 A Yes.

10 Q Okay, and did that necessitate an
11 additional report?

12 A Yes.

13 Q Okay. So I'm gonna ask you about certain
14 of these items that you tested, and I'm gonna
15 ask you to identify certain items that have not
16 yet come into evidence.

17 A Okay.

18 Q I think that's it, all right.

19 MR. EVANS: Beg the Court's indulgence.

20 May I approach the witness, Your Honor?

21 THE COURT: Yes, sir.

22 BY MR. EVANS:

23 Q Ms. Goodman, I'm gonna start by passing
24 you three items that have been previously
25 marked, but not yet admitted, as State's

1 Exhibits 50, 51 and 52. Do you recognize those
2 items?

3 A Yes.

4 Q What are those?

5 A These are some of the known standards,
6 some buccal swabs that I received in this case.

7 Q All right.

8 A Sorry.

9 Q That's okay, what are they?

10 A So they are a known blood spot from Frank
11 Johnson, which was State's Exhibit 50, 51 is a
12 blood spot from Lamekia Warren, and 52 is a
13 blood spot from Ghazi Duckett.

14 Q All right, and you received all those?

15 A Yes.

16 Q You don't go to the scene, or anything
17 like that, or to autopsies? You don't do that,
18 do you?

19 A No.

20 Q Okay, but is this your understanding of
21 known standards from the victims in this case?

22 A Yes.

23 Q All right.

24 MR. EVANS: May I approach the witness,
25 Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q All right, this, Ms. Goodman, has already
4 been entered as State's 3, 4, 5 and 6, so that
5 is already in evidence. Can you tell me what
6 that is?

7 A Yes, so these are some of the evidence
8 items that I received in the case. So item 3
9 would be a swab from the trigger of a Glock 23,
10 item 4 is a swab from the handle and grip of a
11 Glock 23, item 5 is a swab from the trigger of a
12 Glock 38, and item 6 is a swab from the handle
13 and grip of a Glock 38.

14 Q All right, and as I said, they're already
15 in evidence, but is this how you received them,
16 in a secured container such as this?

17 A Yes.

18 Q Well, not such as this, this actual
19 container; is that right?

20 A Yes, this actual container was sealed.

21 Q All right, and then did you open it up,
22 and then reseal it when you were done?

23 A I did.

24 Q All right. I'm gonna ask you to open it
25 up, and then our evidence numbers are the same

1 as the item numbers.

2 A Okay.

3 Q Will you please label the appropriate
4 item number to its respective evidence number?
5 Okay, I'm looking for where they got to.

6 A Okay.

7 Q Thank you, and all those item numbers are
8 the same as the exhibit numbers? Will you put
9 stickers on it for me?

10 A Yes.

11 Q I'm also passing you -- these are already
12 in evidence, State's Exhibit 2.2 and 2.7. Do you
13 recognize those?

14 A Yes, these are also swabs that I worked
15 in the case from a rifle.

16 Q All right. Now, you don't receive the
17 actual rifle in this case; is that right?

18 A That's correct, I just receive the swabs
19 from the rifle.

20 Q Those are provided to you by somebody
21 previously in the chain?

22 A Yes.

23 Q In this case, Courtney Thompson?

24 A Yes.

25 Q All right. Concerning the -- all right,

1 let's talk about the results in your report
2 dated April the 6th, 2018, beginning with item,
3 which is now Exhibit 2.2.

4 A Okay.

5 Q What did you find when you looked at item
6 2.2?

7 A So for item 2.2, which were swabs from
8 the remaining metal exterior of a rifle, my
9 results were that the DNA profile matches the
10 DNA profile of Frank Johnson; and the
11 probability of randomly selecting an unrelated
12 individual having a DNA profile matching this
13 item is approximately one in 29 nonillion.

14 Q And would you mind holding up
15 item/Exhibit 2.2?

16 A Yes.

17 Q All right.

18 A This item.

19 Q That's one of those swabs in the coin
20 envelope?

21 A Yes.

22 Q And that's Frank Johnson?

23 A Correct.

24 Q It being somebody else's is one in 29
25 nonillion?

1 A Yes.

2 Q How about some of the other swabs from
3 that rifle? Because you received a few more; is
4 that right?

5 A I did.

6 Q In April of 2018, were you able to
7 calculate anything else with any thick, thick
8 matched to known standard, like your result in
9 item 2.2?

10 A Only for item 2.7.

11 Q Let's talk about item 2.7.

12 A Okay. 2.7 was swabs from the exterior of
13 a magazine labeled B, that was packed with the
14 rifle. And my results for this item were that
15 the DNA profile is a mixture of at least three
16 individuals. A partial DNA profile of the major
17 contributor matches the DNA profile of Frank
18 Johnson; and the probability of randomly
19 selecting an unrelated individual having a DNA
20 profile matching he major contributor to the
21 mixture is, approximately, one in 160
22 quintillion.

23 Q All right. Now, let's talk about --
24 we're gonna have to talk a lot, of course, your
25 testimony about mixtures, so let's introduce

1 that concept. What does that mean?

2 MR. GIBBES: Excuse me, Your Honor.

3 THE COURT: Yes, sir.

4 MR. GIBBES: Could we approach, please?

5 THE COURT: Sure.

6 (Bench conference.)

7 THE COURT: All right, we'll proceed.

8 MR. EVANS: Thank you, Your Honor.

9 BY MR. EVANS:

10 Q Tell us what is a mixture in DNA in
11 layman's speak?

12 A So a mixture just means that there's DNA
13 from more than one person.

14 Q Okay. And under the old methods was it
15 harder to work with those?

16 A Sometimes it could be harder to interpret
17 them, yes.

18 Q So when you say that in item 2.7 you were
19 able to identify a major contributor?

20 A Yes.

21 Q And you were able to say that it matches
22 the known standard of Frank Johnson?

23 A That's correct.

24 Q What does that mean? What's a major
25 contributor?

1 A So a major contributor is just
2 contributing more DNA to that item than the
3 other contributor. So in this case there were
4 three, Frank Johnson being the major
5 contributor, means he was contributing the most
6 DNA out of those three people.

7 Q All right. And, again, the chances that
8 it was someone else was a major contributor were
9 what in the results?

10 A One in 160 quintillion.

11 Q And that was for item 2.7 swabs from the
12 exterior magazine labeled B?

13 A That's correct.

14 Q How about item 3? You have that up there
15 as well, right?

16 A Yes, that would be these.

17 Q What is item 3?

18 A Item 3 is a swab from the trigger of
19 Glock 23.

20 Q All right.

21 MR. EVANS: Beg the Court's indulgence.
22 May I approach the witness, Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. EVANS:

25 Q I'm going to pass you two items that have

1 been entered into evidence --

2 A Okay.

3 Q -- but I'm still gonna ask you, if you
4 can identify them? They are State's Exhibit 61
5 and State's 111.

6 A Okay.

7 Q What are those, ma'am?

8 A Exhibit 61 is buccal swabs from Tyrase
9 Collins, and 111 is buccal swabs from Lorenzo
10 Boles.

11 Q All right, and did you understand those
12 to be known standards of persons of interest in
13 this case?

14 A Yes.

15 Q Did you receive -- did you have Mr.
16 Boles' standard back in April of 2018, when you
17 were doing these results we're talking about
18 right now?

19 A No, that was not received or on my report
20 until June of 2021.

21 Q Okay, so we'll get into him later, but
22 did you have the other known standard from Mr.
23 Collins --

24 A Yes.

25 Q -- back in 2018?

1 A Yes.

2 Q All right. Did that come into play in
3 some of your analysis of these items that are
4 before you right now?

5 A Yes. Since I had that known standards,
6 in this original report I used that for
7 comparisons, if I could.

8 Q All right, now, tell us about your
9 results from item 3, and remind us what the
10 description of item 3 is.

11 A Okay. Item 3 is a swab from the trigger
12 of a Glock 23. My result is that the DNA
13 profile is a mixture of at least four
14 individuals. The partial DNA profile of the
15 major contributor matches the DNA profile of
16 Tyrase Collins. The probability of randomly
17 selecting an unrelated individual having a DNA
18 profile matching the major contributor is
19 approximately one in 3.4 septillion.

20 Q All right. You said a Glock 23?

21 A Yes.

22 Q Okay. And it's a mixture?

23 A It is.

24 Q But you, again, use that word major
25 contributor, so just one more time, remind us

1 what that means.

2 A So that just means that that person is
3 contributing the most DNA to that mixture.

4 Q And what does it mean when there's a
5 match in the old process?

6 A So a match means that the DNA profile
7 that we're comparing from the evidence is
8 essentially the same as a DNA profile from that
9 person.

10 Q All right, and what is a septillion?

11 A So a septillion is -- I guess to put it
12 in perspective, there's around 7 billion people
13 in the world. A billion has 9 zeros behind it,
14 and a septillion would have 24 zeros behind it.

15 Q Okay. That was for item 3 again?

16 A Yes.

17 Q Now, items 4, 5 and 6, were you able to
18 get any, I guess, noticeable results when you
19 tested these back in 2018?

20 A From all of those items I also developed
21 mixtures, but was not able to use them for
22 comparisons.

23 Q All right, but you held onto them? Yes
24 or no?

25 A Yes.

1 Q Okay. When you create a profile, is that
2 a physical thing, is it a computer file? How is
3 it stored?

4 A It's a computer file. So we do print
5 them out physically for our case files, but it's
6 stored on the computer, so once we've generated
7 that we keep it within the case records forever.

8 Q So you don't need to -- if, as in this
9 case, you have to do further analysis, you don't
10 need to get those items or the known standards
11 back in your physical presence at the lab?

12 A No.

13 Q Oh okay. Did you have any other results
14 in 2018 that were something other than what you
15 expected them to be, based on the descriptions I
16 guess? Maybe just run through some of those
17 victim results.

18 A So I had some swabs from a seat cushion
19 that was under the male mix victim Johnson.
20 That profile matched Frank Johnson. There were
21 swabs from the bedroom floor in between the
22 female victim and the bedroom door, and that
23 profile matched Ghazi Duckett.

24 And then there were swabs from a white in
25 color comforter near the female victim Warren,

1 and that matched the DNA profile of Lamekia
2 Warren.

3 Q Okay, so the known standard that you had
4 matched the description, and those results bore
5 out

6 A Yes.

7 Q Okay. Is that more or less it for the
8 April 6th, 2018 report? Am I missing anything?

9 A Yes, I think that we've gone through
10 everything.

11 Q All right. You had a second report in
12 this case; is that correct?

13 A Yes.

14 Q When was that?

15 A That's --

16 Q I know there's a date on the report, and
17 it probably takes more than one day to do this
18 work, but --

19 A The second report was published on May
20 4th of 2018.

21 Q All right, so not too long after your
22 first crack at this?

23 A No.

24 Q Okay. Did you have any new known
25 standards at that point?

1 A I did. I received buccal swabs from a
2 Rashina Collins.

3 Q Okay. Did you also have any from Mr.
4 Harris?

5 A Yes.

6 Q All right. I'm gonna turn your attention
7 in that report to item 71.1. Do you have that
8 handy?

9 A Yes.

10 Q And it'll be a sequence, so 71.1 and
11 71.2. What were those items?

12 A 71.1 was a cutting from the front
13 exterior of a hoodie, and 71.2 was a swab from
14 scraping the neck and cuffs of the hoodie.

15 Q All right. What was the results of item,
16 which is now Exhibit 71.1, cutting from the
17 front of the hoodie?

18 A Yes, so the DNA profile is a mixture of
19 at least two individuals. The DNA profile of
20 the major contributor matches the DNA profile of
21 Tyrase Collins. And the probability of randomly
22 selecting an unrelated individual having a DNA
23 profile matching the major contributor is,
24 approximately, one in 130 octillion.

25 Q All right. And we're still saying match

1 at this point?

2 A Yes.

3 Q Okay. So Tyrase Collins' known standard
4 that's in 71.1 is the shorthand of your analysis
5 from that one?

6 A Yes.

7 Q How about 71.2?

8 A So that was the swab from scraping the
9 neck and cuffs of the hoodie. The DNA profile
10 is a mixture of at least three individuals. The
11 partial DNA profile of the major component is
12 consistent with being a mixture of two
13 individuals.

14 Tyrase Collins is included as a possible
15 contributor to the major component. And the
16 probability of randomly selecting an unrelated
17 individual who could have contributed to the
18 major component is approximately one in 4.3
19 billion.

20 Q How about 71.3?

21 A So 71.3.1 in my report is a hair from the
22 hoodie and no human DNA was detected from the
23 hair.

24 Q Okay, and 71.4, did you analyze that as
25 well?

1 A Yes, that was a cutting from the exterior
2 front of the hoodie. The DNA profile is a
3 mixture of at least three individuals. The
4 partial DNA profile of the major component is
5 consistent with being a mixture of two
6 individuals. Tyrase Collins is included as a
7 possible contributor to the major component, and
8 the probability of randomly selecting an
9 unrelated individual who could have contributed
10 to the major component is approximately one in
11 1.6 trillion.

12 And the other known standards that I had in
13 this case were all excluded from the major
14 component.

15 Q All right. Okay. All right, Ms.
16 Goodman, did you receive some items starting
17 with 89, that you did not have back in April of
18 2018, when you did your analysis in May of 2018?

19 A I did.

20 Q Okay.

21 MR. EVANS: May I approach the witness,
22 Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. EVANS:

25 Q I'm gonna pass you some containers that

1 are marked as P and Q. Do you recognize those?

2 A Yeah, so container P contains my items 89
3 through 96, and container Q contains my items 97
4 through 104.

5 Q Any reason for the two containers, other
6 than just a lot of items?

7 A Yeah. Typically, if they're items from
8 the same area, or similar items, we package all
9 the envelopes together just to minimize the
10 amount of packaging.

11 Q Okay. And what was your understanding
12 from the prior investigation, you know, before
13 it came to you about what those items were and
14 where they came from?

15 A So they were items from a car, from
16 different areas of the car.

17 Q And did you use these in your analysis in
18 May of 2018?

19 A I did.

20 Q Were you able to develop profiles from
21 them?

22 A Yes.

23 Q All right, and are these the same -- are
24 there indications on there, markings made by you
25 to indicate that these are the same that you're

1 looking at here today that you had back in 2018?

2 A Yes, they're all labeled with my item
3 numbers and the item description, as well as my
4 initials.

5 Q All right, and did you seal them up after
6 you were through with them?

7 A I did.

8 Q Put them back in the chain of custody?

9 A Yes.

10 Q Okay.

11 MR. EVANS: Your Honor, the State will move
12 in some, but not all of these, items 91, 92, 96,
13 97 and 99 through 104 as the same exhibit
14 numbers.

15 THE COURT: All right.

16 MR. GIBBES: No objection.

17 MR. JOHNSON: No objection, Your Honor.

18 THE COURT: Yes, sir, admitted without
19 objection.

20 BY MR. EVANS:

21 Q And would you do the same thing as you
22 did before, just open them up, and affix the
23 appropriate exhibit number to the item?

24 A Okay.

25 Q I appreciate you're helping me with that.

1 Back in 2018 were you able to get any clear
2 results for items 89 through 94, or actually 95?

3 A So all of those items I developed DNA
4 profiles that were mixtures, but could not make
5 any comparisons.

6 Q Okay, and why was that in the case of
7 these particular items?

8 A So for all of them it was due to our
9 inability to calculate a statistic. So
10 essentially it didn't meet our standards to be
11 able to use it for a comparison to calculate a
12 statistic.

13 Q Okay, but you have a profile?

14 A Yes.

15 Q And that profile is saved in case you
16 need to use it later?

17 A Yes.

18 Q All right. Let's jump to item, which is
19 now Exhibit 96.

20 A Okay.

21 Q What were you able to determine about 96
22 in May of 2018 what the descriptor is.

23 A Yes, 96 was swabs from the rear driver's
24 door latch on the interior of the car. The DNA
25 profile is a mixture of at least two

1 individuals. The partial DNA profile of the
2 major contributor is from unidentified male
3 individual B. And then I could not do any
4 further interpretation on the rest.

5 Q So does that mean you had a clear result

6 A Yeah, so that means -- well, the major
7 contributor belonged to a male individual, but
8 not any of the known standards that I had.

9 Q You did not have a known standard for
10 identified male individual B at that time?

11 A Correct.

12 Q All right. How about item now Exhibit
13 97?

14 A That was swabs from the rear passenger
15 door armrest handle on the interior of the car.
16 The DNA profile is a mixture of at least three
17 individuals. The partial DNA profile of the
18 major contributor matches the DNA of Frank
19 Johnson. And the probability of randomly
20 selecting an unrelated individual having a DNA
21 profile matching the major contributor is,
22 approximately, one in 4.7 billion.

23 And then Tyrase Collins is included as a
24 possible minor contributor to the mixture, and
25 the probability of randomly selecting an

1 unrelated individual who could have contributed
2 to the minor is approximately one in 75.

3 Q All right, and did you have any
4 exclusions with 97 back in 2018?

5 A Yes. So Harris, Lamekia Warrant, Ghazi
6 Duckett and Rashina Collins were all excluded as
7 contributors.

8 Q All right. How about item -- and, again,
9 that's 97 from the rear passenger door's armrest
10 arm handle?

11 A Yes.

12 Q All right, how about item 99? And I
13 notice when you're getting into DNA, we've also
14 got -- it looks like a serology result with that
15 as well; is that right?

16 A Yes.

17 Q Can you tell us about that?

18 A So 99 was swabs from the rear passenger's
19 armrest from the interior of the car. For this
20 item presumptive testing for blood was positive.

21 Q Now, are you doing serology on it when it
22 gets to you, or are you going off of Mr.
23 Denizard's results in the field, when you're
24 talking about item 99 and the others in this
25 area?

1 A I am doing my own testing, so any
2 serology that I have in my report is testing
3 that I did.

4 Q Okay, so can you tell us about that
5 testing briefly, because you're doing, you know,
6 one before the other; is that right?

7 A Yes.

8 Q Okay.

9 A So if we're doing an serology tests, we
10 do that before we generate DNA profiles. So for
11 our blood test it's called Phenolphthalein, but,
12 essentially, it is a color change test. So we
13 will swab the item, apply the chemicals. If it
14 turns a bright pink color, that means that it's
15 presumptively positive for blood. If there's no
16 color change, it would be negative.

17 Q And you did that for item 99, as well as
18 several others I'm about to ask you about?

19 A Yes.

20 Q Okay, did you see what kind of results?

21 A The presumptive testing for blood was
22 positive.

23 Q Okay. For item 99?

24 A Yes.

25 Q So on the rear passenger's armrest?

1 A Yes.

2 Q All right. Then did you go onto do DNA
3 analysis for that same item, now Exhibit Number
4 99?

5 A I did.

6 Q And what were the results of that
7 testing?

8 A The DNA profile is a mixture of at least
9 individuals. The DNA profile of the major
10 contributor matches the DNA profile of Frank
11 Johnson; and the probability of selecting an
12 unrelated individual having a DNA profile
13 matching the major contributor is approximately
14 one in 29 nonillion.

15 Q All right, that was for Exhibit 99?

16 A Yes.

17 Q How about Exhibit 100?

18 A That was swabs from the rear passenger
19 window button from the interior of the car.
20 Again, presumptive testing for blood was
21 positive, and this was a mixture of at least
22 three individuals. The partial DNA profile of
23 the major contributor matches the DNA profile of
24 Frank Johnson. And, again, the probability of
25 randomly selecting an unrelated individual

1 having a DNA profile matching that major
2 contributor is 480 quintillion.

3 Q Now, when you're talking about -- and
4 that's item 100, Exhibit 100?

5 A Correct.

6 Q All right. When you're talking about
7 you've got a swab that presumptive for positive
8 blood, but it's also a mixture --

9 A Uh-huh.

10 Q -- are you able, as an expert in serology
11 and DNA, are you able to go into that profile
12 and determine -- into the mixture and say, this
13 part over here is blood, and this part over here
14 is touch, or I mean --

15 A No.

16 Q Okay. Why or why not?

17 A So for our analyses we can tell you
18 whether or not we are generating a DNA profile,
19 but we have no way of knowing what cells that
20 DNA has come from. So we can't tell you that
21 all of the DNA came from blood, or touch, or
22 whatever, we can just say that there is DNA
23 there, and whether or not someone may or may not
24 be contributing.

25 Q Okay. You can say that it came from

1 multiple sources?

2 A People, yes.

3 Q Of people, yes.

4 A Yes.

5 Q Yeah, but you can't say this person is
6 the blood, and this person is something else?

7 A That's correct.

8 Q Okay. And that's true for all of these
9 exhibits, obviously, right?

10 A Yes.

11 Q All right, how about 101?

12 A That was swabs from the rear passenger
13 door below the window. Presumptive testing for
14 blood was positive, and the DNA profile was a
15 mixture of at least three individuals. A
16 partial major contributor matches Frank Johnson,
17 and the probability of randomly selecting an
18 unrelated individual having a profile matching
19 that major is approximately one in 6 septillion.

20 Q All right, for Exhibit 101?

21 A Yes.

22 Q How about Exhibit 102?

23 A That was swabs from the rear passenger's
24 armrest handle on the interior of the car.
25 Presumptive testing for blood was positive, and

1 the DNA profile was a mixture of at least two
2 individuals. The major contributor matches the
3 DNA profile of Frank Johnson, and that
4 probability of having someone else matching the
5 major contributor is approximately one in 29
6 nonillion.

7 Q All right, that's 102. How about 103?

8 A That was swabs from the rear passenger's
9 door below the window on the interior of the
10 car. The DNA profile matches the DNA profile of
11 Frank Johnson, and the probability of someone
12 else matching that profile is one in 250
13 octillion.

14 Q That was 103?

15 A Yes.

16 Q All right, 104 is the last one for 2018.

17 A That was swabs from the rear passenger
18 door armrest near the window button on the
19 interior, and the partial DNA profile matches
20 the DNA profile of Frank Johnson. And then the
21 probability of randomly selecting another
22 individual that matches that item is
23 approximately one in 1.2 quintillion.

24 Q So in May of 2018 you've got Frank
25 Johnson's known standard appearing in at least

1 seven of these swabs, which you were informed
2 were from an automobile?

3 A Yes.

4 Q Okay. Now, we're gonna fast forward,
5 right? Okay, so tell us about STRmix, what it
6 is, and why we use that now, as opposed to your
7 old methods?

8 A So STRmix is a computer program that aids
9 us in our interpretation in calculating
10 statistics. And so it calculates a different
11 type of statistics called likelihood ratios.
12 So, essentially, for STRmix, if the DNA profile
13 was a puzzle that it's trying to solve, as far
14 as how many people are here, who is
15 contributing, what parts of the DNA do they
16 belong to a certain person versus another one.
17 The DNA profile is kind of like the picture you
18 have of the puzzle, you know what it's supposed
19 to look like. And so STRmix is taking that
20 picture and trying to break it down, and figure
21 out what pieces go into that puzzle to make up
22 that big picture.

23 So it's -- we'll do that analysis, and once
24 it has figured out where those pieces go, then
25 we will input the profiles from the known

1 standards, and it will compare those pieces of
2 the puzzle to the known standards to see if some
3 of those pieces could be from that person or
4 not. And so for STRmix it's a different type of
5 statistic that we're calculating the likelihood
6 ratio. And, essentially, it's comparing two
7 different explanations for where those -- what
8 those puzzle pieces could be, essentially.

9 So we're looking at two different
10 explanations. Typically, one will be one of the
11 known standards, or more than one are
12 contributing, versus if it was just other random
13 unrelated individuals in the population. And
14 then the result tells you which of those
15 explanations for the puzzle pieces would be more
16 likely.

17 Q So instead of -- it's the odds of
18 somebody else being this profile is one in
19 whatever.

20 A Uh-huh.

21 Q We express results in a different way
22 now?

23 A Yes, so it's, essentially, that statistic
24 that we calculated in the original version, it's
25 comparing two of those statistics. So it's

1 comparing whether that person could be
2 contributing, or whether another person could be
3 contributing, and then telling you which of
4 those probabilities is the more likely one.

5 Q Okay, so you're presenting a scenario in
6 a number, is that way of saying it?

7 A Essentially, yes.

8 Q Okay.

9 A Yeah.

10 Q It's either this, or it's this, and this
11 is more likely by how many times, is that kind
12 of how it works?

13 A Absolutely, yeah.

14 Q Okay. Now, why did SLED put this new
15 protocol in, and when did they do it?

16 A So SLED went online, or started using
17 STRmix in casework in September of 2018. And
18 the reasoning behind that is because STRmix and
19 the type of statistics that it calculates was
20 becoming widely accepted within the forensic DNA
21 community, as a way to be able to use more of
22 the DNA profile than we were able to before. So
23 because STRmix can, within its mathematical
24 calculations, can account for some of the DNA
25 profile that we beforehand weren't able to fully

1 use for comparisons, that aided us in our
2 interpretations further than our previous
3 methods.

4 Q Okay, is it better for mixes?

5 A Typically, yes. We can use it for
6 single-source, but it typically is more helpful
7 for mixtures.

8 Q So are some of these results, which you
9 had already done in 2018, are they going to be
10 affected, particularly, the mixtures that you
11 found earlier, and all you can say is that was a
12 mixture. Is STRmix gonna give a different
13 result, or --

14 A Yes.

15 Q -- a different way of looking at it?

16 A Some of them might be different. In
17 terms of some of them, I -- without original
18 methods were not able to use them to calculate
19 statistics. But with STRmix it did meet our
20 standards, because we can use more of that
21 information.

22 So some of them I will have a statistic,
23 some of them I'd had a statistic for the major,
24 but couldn't interpret the minor, and so for
25 STRmix I re-interpreted items that were

1 requested --

2 Q Okay.

3 A -- for me to reach.

4 Q And you don't regenerate profiles; is
5 that right?

6 A No.

7 Q Okay. Why or why not?

8 A Because we don't need to. So like I said
9 before, whenever we generate that DNA profile,
10 it is saved on our electronic copy of the case
11 file forever. And so none of that, the process
12 of generating that profile, even when we came
13 online with STRmix did not change at all, it's
14 just our interpretation, in terms of comparing
15 different profiles and calculating a statistic.

16 Q Okay. Now, when you did your STRmix
17 analysis in 2021 for this case, did you have any
18 new known standards at that point?

19 A I did. So I received additional known
20 standards from Lorenzo Boles and from Albert
21 Crittington, Jr.

22 Q All right, and you did not have those
23 back in 2018, so they were not reflected in the
24 2018 results?

25 A That's correct.

1 Q So did you have to generate profiles,
2 based off the known standards for those
3 gentlemen?

4 A Yes.

5 Q All right, including Mr. Boles?

6 A Yes.

7 Q All right. Okay.

8 THE COURT: I'll tell you what, let's take
9 a --

10 MR. EVANS: Yes, sir.

11 THE COURT: -- little break. I'm gonna let
12 you'all go back, take a stretch, and we'll get
13 you back in here in about ten minutes, okay?
14 Thank you. Don't talk about the case.

15 (Jury exits the courtroom.)

16 THE COURT: All right, I just noticed that
17 one of our jurors perhaps -- maybe had too big
18 of a lunch, and so wanted to give him an
19 opportunity to maybe stretch or grab a Coke, or
20 what have you. I don't normally like to do that
21 during the middle of an examination, but I
22 thought it was appropriate in this case. Let me
23 ask for the record, they're sworn in, correct?

24 CLERK: Yes, sir.

25 THE COURT: Yeah, I thought so. So to that

1 extent, Ms. Goodman, I'm happy for you to step
2 down, you just can't talk to the Solicitor about
3 your testimony, okay?

4 WITNESS: Okay.

5 THE COURT: All right, thank you. We'll be
6 at ease for about ten minutes.

7 (Recess)

8 **

9 **PROCEEDINGS CONTINUED**

10 Q Okay, so we're still presumptive positive
11 for blood. I'm not gonna go back through every
12 -- but a number of these items and exhibits?

13 A Yes, that wouldn't have changed.

14 Q That wouldn't have changed, all right.
15 How about item now Exhibit 102?

16 A That is swabs from the armrest handle of
17 the interior, with STRmix this was interpreted
18 as a mixture originating from two individuals.
19 The DNA profiles approximately 160 octillion
20 times more likely of Frank Johnson. An
21 unidentified individual contributor, there are
22 two unidentified individuals contributed, and
23 everyone else was excluded.

24 Q And that's swabs from the rear passenger
25 armrest handle interior?

1 A Yes.

2 Q Okay. That is 102. I'm gonna backtrack
3 just a moment, bear with me.

4 MR. EVANS: May I approach, Your Honor?

5 THE COURT: Yes.

6 BY MR. EVANS:

7 Q How about item 97?

8 A This -- that was swabs from the rear
9 passenger's door armrest handle on the interior.
10 With STRmix it was originate, excuse me,
11 interpreted as a mixture originating from two
12 individuals. The DNA profile is approximately
13 85 octillion times more likely if Frank Johnson
14 and an unidentified individual contributed, than
15 if two unidentified individuals contributed.
16 And the DNA profile is, approximately, 920
17 sextillion times more likely that Tyrase Collins
18 and an unidentified individual contributed
19 versus two other individuals, and then every
20 other standard was excluded.

21 Q 85 octillion times more likely to have
22 Frank Johnson?

23 A Yes, versus two others.

24 Q Versus two unknowns?

25 A Uh-huh.

1 Q 92 sextillion times more likely to have
2 Tyrase Collins?

3 A Yes.

4 Q How about proposition set two, and,
5 again, define what a proposition set two is for
6 us, please.

7 A Yes, so proposition set two is comparing
8 whether Frank Johnson and Tyrase Collins could
9 be contributing to that mixture together, or
10 whether it would be two unrelated, unidentified
11 individuals. So that result is the DNA profile
12 is approximately 440 sexdecillion times more
13 likely if Frank Johnson and Tyrase Collins
14 contributed to the mixture, than if two
15 unidentified, unrelated individuals contributed.

16 Q 440 sexdecillion times more likely that
17 the two of them are together in Exhibit 97 than
18 that neither of them are?

19 A Yes, if there were two other individuals,
20 yes.

21 Q How many zeros in sexdecillion?

22 A 51.

23 Q And I want to go back very quickly, and
24 then I'm gonna turn you over to -- Exhibit 3
25 from 2018, in 2021 you had a mixture of up to

1 five individuals; is that right?

2 A Yes.

3 Q But the 2018 results, those are still
4 valid?

5 A Yes.

6 Q Who is the major contributor to item
7 three?

8 A The major contributor matches the DNA
9 profile of Tyrase Collins.

10 Q And those are swabs from the Glock 23?

11 A Yes.

12 Q Thank you, Ms. Goodman, those are all the
13 questions that I have. Please answer any
14 questions these gentlemen may have.

15 THE COURT: All right, Mr. Johnson, do you
16 have any questions, sir?

17 MR. JOHNSON: Yes, sir.

18 THE COURT: Yes, sir.

19 **

20 **CROSS-EXAMINATION**

21 BY MR. JOHNSON:

22 Q Good afternoon, again.

23 A Good afternoon.

24 Q I'll start off with a couple of questions
25 for you.

1 A Okay.

2 Q Please explain to the jury about
3 longevity, as far as it relates to DNA. You
4 can't -- how long can DNA be left at a spot or
5 location?

6 A I can't really say for sure, it depends
7 on a lot of different factors, like
8 environmental conditions, heat can degrade DNA,
9 water can wash it away, you know, different --
10 so I can't ever really say exactly how long the
11 DNA has been there.

12 Q Could you say a year?

13 A It could be possible.

14 Q Two years?

15 A It's possible.

16 Q Three years?

17 A It could be possible.

18 Q Four years?

19 A It's possible, yes.

20 Q So you could go and I could touch this,
21 then someone could come back five years after me
22 and touch that same spot, you do a swab --

23 A Uh-huh.

24 Q -- and you would be saying one sextillion
25 of chance that my DNA from five years ago, and

1 another person's DNA from present time would be
2 the same result, correct?

3 A That could be a possibility that it would
4 still be there.

5 Q Okay. So when you give the jury your
6 explanation today about the results on these,
7 you're not saying that they were placed there at
8 the same time?

9 A No, not necessarily.

10 Q And you're not saying that my client, Mr.
11 Collins, placed Mr. Johnson's DNA there,
12 correct?

13 A Yes, I can't really determine when the
14 DNA got there.

15 Q So Mr. Johnson could have sat in that car
16 two years --

17 A Yes.

18 Q -- before Mr. Collins, my client, sat in
19 the car, and you would be telling the same
20 results you do now?

21 A That could be possible, yeah.

22 Q Okay. Let's talk about when you give
23 your results, let me find one example for you.
24 Let's go to the hoodie.

25 A Okay.

1 Q Do you have the results of that?

2 The hoodie, I'll hold it up to make sure it
3 matches the end results.

4 A Yes, that matches that right there.

5 Q Now, this is a hoodie that was found in
6 my client's bedroom in his trailer, not at this
7 crime scene.

8 A Okay.

9 Q Tell the jury your results from that.

10 A From which report?

11 Q Either one.

12 A Okay.

13 Q In 2018, or you can do the STRmix.

14 A Okay.

15 Q I think they're almost identical.

16 A Yes. So from the front exterior of the
17 hoodie, the major contributor matches Tyrase
18 Collins. From scrapings from the neck and cuffs
19 of the hoodie, it was a very strong likelihood
20 that Tyrase Collins and two unidentified
21 individuals contributed versus three
22 unidentified individuals.

23 Q All right. It didn't match any other
24 individuals that you was given what you call the
25 standards for?

1 A That's correct.

2 Q It didn't match any of those, right?

3 A It didn't.

4 Q There were nowhere on that hoodie
5 anywhere -- well, on the results that you
6 checked?

7 A Yes, they were all excluded from my
8 results.

9 Q The only one that it matched was Tyrase
10 Collins?

11 A Yes.

12 Q And because that's his hoodie, is that
13 unusual?

14 A It wouldn't be unlikely.

15 Q And when you check for stuff, you try to
16 find connections, right? Like between two
17 individuals, find another blood stain on there
18 for say somebody that was killed. If you found
19 on there it was Mr. Collins' jersey, you would
20 be in here saying that that person that was
21 killed was connected to that jersey as well? He
22 could have touched it, or been around it,
23 correct?

24 A Potentially. I'm mostly just saying what
25 DNA I found, and whether or not any of the known

1 standards could be contributing, not anything
2 about the circumstances.

3 Q So in this case, as it relates to a crime
4 that happened somewhere, where you have
5 standards from the three individuals that was
6 killed, that jersey would have no relevance at
7 all to this case, does it.

8 A I can't really answer its relevancy.

9 Q Do you have any other -- anything that
10 connects this jersey to this murder?

11 A That's not really what my interpretation
12 is for.

13 Q From your exam, you're an expert,
14 correct?

15 A Yes.

16 Q Do you have any evidence from that jersey
17 that connects it to the crime?

18 A I --

19 Q You examined it.

20 A Yes, but I am not connecting things based
21 off of circumstances, I'm just telling you what
22 the DNA results are.

23 Q Okay. You answered it for me, thank you.
24 Now, in the same results, where you read,
25 according to the jersey, you said it's 1

1 trillion?

2 A 3.3 quadrillion.

3 Q Could you read the whole thing out? I
4 think you put something about unrelated.

5 A Yes, so 3.3 quadrillion times more likely
6 that Tyrase Collins and two unidentified,
7 unrelated individuals contributed, than if three
8 unidentified, unrelated individuals contributed.

9 Q You always say unrelated, what's the
10 importance of unrelated to your analysis?

11 A So the reason we say unrelated is for
12 this analysis we are assuming, or I guess not
13 assuming that no one could be related, but if
14 people are related, they tend to share some
15 amount of DNA, so the numbers could potentially
16 change.

17 So for our purposes, we're saying we're not
18 accounting for whether or not the other
19 contributors could be related to each other.

20 Q So in all your examinations, where you
21 give trillions of a chance that it was my
22 client's results, they're based on -- your
23 analyses are based on your examination of not
24 having anybody related, I guess, make sure I put
25 it right, anybody related to your examination,

1 as far as that?

2 A Yes, essentially, so it's that we would
3 get this number, assuming that none of the other
4 contributors are related. It doesn't mean that
5 they couldn't be, it just means that for this
6 number, that's what we're exhibiting. If Mr.
7 Collins' brother, not half-brother, but full-
8 brother, had touched that trigger guard, how
9 would it affect, and when you did your
10 examination without knowing it, you compared Mr.
11 Collins' standard to that trigger guard, would
12 it come back positive?

13 A I can't say for sure about having that
14 standard. It could, I can't say whether or not
15 it actually would.

16 Q Well, you being an expert, not me, people
17 who are brothers have similar DNA, correct?

18 A They typically share some amount of DNA,
19 it's not always the same amount that they share,
20 but --

21 Q I mean there'll be some difference --

22 A Yes.

23 Q -- but you could look at it and say these
24 people are related.

25 A Yes, for my purposes I can usually tell

1 that they're somewhat related.

2 Q But you would have to have the other
3 person to tell. So if you had DNA on the
4 trigger guard, you would need the other
5 brother's standard to basically tell you which
6 one touched that item, correct?

7 A The result for what I have, in terms of
8 whether or not they're included when it changed,
9 but it could be possible that the brother would
10 also be contributing.

11 Q Right. So if the brother touched that
12 trigger guard, and you took the exam from my
13 client, Mr. Collins, you could possibly be wrong
14 when you say that that was his DNA on that
15 trigger guard, because you're giving estimates,
16 right?

17 A Not really. So it's not just an
18 estimate. That that overall result would not
19 change, even if his brother would be
20 contributing together, but the overall result of
21 him contributing would still be --

22 Q Suppose you did not have --

23 THE COURT: Hold on, hold on.

24 MR. JOHNSON: I'm sorry.

25 THE COURT: I don't know if she was

1 finished with the question.

2 BY WITNESS:

3 A I was just gonna say the overall result
4 would still be the change, excuse me, the same,
5 just the number could change.

6 Q The number would change, right?

7 A It could.

8 Q So you don't know -- what I'm trying to
9 get to is that it's possible, under your
10 analysis, that if Mr. Collin's brother was the
11 actual person that touched that trigger, you
12 would still have a positive result, and you
13 could still be sitting here, if you didn't have
14 the brother's standards, you just have Mr.
15 Collins' standards, and you compared it to that
16 trigger guard, you could still get a positive
17 result? The numbers might change, but you still
18 said that there's a lesser number possibly that
19 that's Mr. Collins, my client, standards on that
20 trigger, right?

21 A I'm so sorry, I'm not sure what you're
22 asking.

23 Q Okay.

24 A Could you rephrase it?

25 Q If you compared the standard that you

1 have from Tyrase Collins --

2 A Uh-huh.

3 Q -- to the trigger guard --

4 A Uh-huh.

5 Q -- that was touched by his brother --

6 A Okay.

7 Q -- isn't it possible that you could say
8 that the DNA you got off that trigger guard was
9 touched by Tyrase?

10 A If his -- if Tyrase Collins' DNA profile
11 aligns with that profile, then, yes, I would say
12 that he could be contributing.

13 Q And his brother's profile aligns with
14 Tyrase Collin's profile, not completely, but a
15 substantial amount?

16 A I can't really say how much. I could be
17 similar, but it wouldn't be exactly the same
18 unless they're identical twins.

19 Q Right. And under your mathematical
20 calculations it would just reduce the percentage
21 of - the percentage would be the same?

22 A It could change, it could stay the same.
23 I can't say without doing the calculation.

24 Q Okay.

25 THE COURT: Hold on, yes, ma'am? You all

1 right?

2 JUROR: No, I'm not.

3 THE COURT: All right, well, hold on, let's
4 everybody go back to the jury room. You want to
5 stay right -- you don't feel well?

6 JUROR: Uh-uh.

7 THE COURT: All right, let's do this,
8 ladies and gentlemen, let's go back to the jury
9 room, and -- yes, ma'am, hold on one second. Do
10 you need EMS?

11 JUROR: No.

12 THE COURT: No?

13 JUROR: Just some cold water.

14 THE COURT: Some cold water? All right,
15 let's get her some.

16 Let's go back to the jury room. If you
17 want to stay there, while we get you some water,
18 go right ahead. All right, get her some cold
19 water.

20 Folks, go back to the jury room for a
21 minute.

22 Don't talk about the case please, thank
23 you.

24 (Jury exits the courtroom.)

25 THE COURT: Well, uh, we'll just be at ease

1 for a minute. Let's just give her a minute.

2 CLERK: Okay.

3 THE COURT: And if she doesn't feel like
4 she can continue, then I suggest we replace her
5 with an alternate.

6 THE COURT: Mr. Evans, Solicitor?

7 MR. EVANS: I think that's an accepted
8 agreement.

9 MR. GIBBES: I'm okay, I mean I was hoping
10 that she can, and, you know --

11 THE COURT: Well, I hope she does too, but
12 I don't want to -- yes, sir.

13 BAILIFF: She said she got real hot.

14 THE COURT: All right.

15 BAILIFF: And so I got her some cold water
16 and some ice in there.

17 THE COURT: All right, well, let's just
18 take a break for a few minutes. Solicitor and
19 counsel approach.

20 (Bench conference.)

21 THE COURT: You can step down, ma'am, you
22 can't talk to the Solicitor about your
23 testimony, okay?

24 WITNESS: Thank you.

25 THE COURT: All right.

1 (Recess)

2 **

3 PROCEEDINGS CONTINUED

4 BAILIFF: All rise, the Court's back in
5 session.

6 THE COURT: All right, you can be seated.
7 All right, let me get the -- do you want to me
8 bring that chair around, if she feels like she's
9 able to move forward, Solicitor?

10 MR. EVANS: I think that'll probably be the
11 best approach.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: Yes.

14 THE COURT: Do we know the juror's name?

15 MR. JOHNSON: Ms. Williams.

16 THE COURT: Ms. Williams?

17 MR. JOHNSON: Yes, sir.

18 THE COURT: Okay, see if Ms. Williams can
19 come see me, okay?

20 THE BAILIFF: Yes, sir.

21 THE COURT: Ms. Williams, let me ask you,
22 do you feel okay to move forward?

23 JUROR: Yeah, it's just too hot in here.

24 THE COURT: Well, we've turned them --
25 we've done everything we can to get it cooled

1 down, but we've got a little bit more we need to
2 do today. Are you gonna be able to stick it out
3 with us today?

4 JUROR: I can't.

5 THE COURT: Okay, great. Well, come on, if
6 you want to, you can have a seat, I'm gonna get
7 the jury. Anything before we bring the jury in?

8 MR. EVANS: No, sir.

9 THE COURT: All right, let's get the jury
10 in here.

11 (Jury enters the courtroom.)

12 THE COURT: All right, ladies and
13 gentlemen, we've got the air turned down I think
14 as best as we can, and it's working, but we've
15 got a little bit more to push forward for the
16 day, and I think everybody feels up to doing
17 that, so we're gonna try to do that.

18 So go ahead, Mr. Johnson.

19 MR. JOHNSON: Thank you.

20 BY MR. JOHNSON:

21 Q We already talked about the jersey. The
22 other item was a trigger guard, and certain
23 spots within the car. And as I stated before,
24 your findings are based on statistical analysis
25 and mathematician type stuff. I used to put M

1 in a box, and they said, "What does that mean?"
2 I said, "Magic," because I don't know what they
3 do with that, so we just called it magic, but
4 it's not an exact science, correct?

5 A As far as the statistics are calculating?

6 Q Correct.

7 A I would say that there is accurate
8 science, but as far as the numbers themselves
9 they could change slightly.

10 Q Correct. And analysis -- so you have to
11 have -- if all of the factors are being perfect,
12 then it could be perfect, but if one thing gets
13 thrown off. As I said, the difference between
14 my client's DNA and his brother's DNA it could
15 throw off your analysis of the result that you
16 find, correct?

17 A It could potentially change some of the
18 numbers, the overall result of whether or not
19 they're included or excluded for it to change.

20 Q But don't you think it would be important
21 if his brother was located at his house, where
22 these items were found, with his brother's, be
23 important to helping you make a decision about
24 whether that standard belonged to my client or
25 his brother?

1 A Not necessarily, because unless they're
2 identical twins, the fact of whether or not
3 someone is included would it change? Like the
4 actual statistic I calculate might change, and
5 the brother could also be contributing, but
6 unless they're identical twins it wouldn't be --
7 like it could be that brother is the
8 contributor.

9 Q But how would you know if you didn't have
10 the brother's standard?

11 A Because if they're not identical twins,
12 they won't have the exact same standard profile.
13 So like I said, the brother could be
14 contributing, but it won't change the overall
15 results of what I have.

16 Q Okay. So in your STRmix --

17 A Yes.

18 Q -- they just used STRmix now, instead of
19 the old standard, correct?

20 A Yes, blood test.

21 Q And the reason that they use the STRmix,
22 because STRmix is the better -- gets better
23 results?

24 A It can use more of the data than we're
25 able to report.

1 Q Right. So SRTmix is better?

2 A It's not necessarily better or worse,
3 it's just you use more information.

4 Q All right, as it relates to my client in
5 the STRmix results, you did not find his DNA on
6 the trigger guard, correct?

7 A I'm sorry, is your question --

8 Q On Mr. Collins.

9 A Mr. Collins?

10 Q Tyrase Collins, he was one of the people
11 that was excluded.

12 A From which item was that?

13 Q Let me get my -- I think it's 7 -- let me
14 get it right. The trigger guard would be 2.1,
15 2.3.

16 A So those items -- for 2.3 I couldn't make
17 any comparison, so I can't say whether or not he
18 is contributing.

19 Q Right.

20 A And, again, 2.1 I just couldn't make a
21 comparison, so I can't say whether or not he is
22 contributing.

23 Q Correct, so you have no evidence
24 connecting my client to this crime in your
25 STRmix results?

1 A I can't really say whether or not he's
2 connected to any of these items, sir.

3 Q Okay, okay, okay. All right. Then on
4 STRmix items 100, 101, 102, 103 and 104 you have
5 a list of people that is excluded from being in
6 that mix, right

7 A Yes.

8 Q You mentioned two or three people, but
9 you left one person out, when you was telling
10 the jury who was excluded. Do you see an
11 important person's name on that list that I
12 would want the jury to know?

13 A I don't --

14 Q Tyrase Collin, I'll tell you.

15 A Right, I just said that everyone except
16 Frank Johnson was excluded.

17 Q I know, but you -- like I said, I just
18 want you to tell the jury and use his name. You
19 used his name when you found him positive, use
20 it --

21 A Yes.

22 Q -- when he's not there.

23 A Tyrase Collins --

24 Q Say Tyrase Collins.

25 A -- is excluded.

1 Q Tyrase Collins?

2 A Yes, he is excluded.

3 Q So he's not on any of those lists, right?

4 A Not the ones that you listed.

5 Q And you checked and he was excluded?

6 A Yes.

7 Q And you found Frank Johnson as being on
8 those things, didn't you?

9 A Yes.

10 Q Okay. Then the other one is the door
11 handles, 92, 97 and 99.

12 A Uh-huh.

13 Q You found his DNA on that, correct?

14 A 92 has 450,000 times more likely it's
15 Tyrase Collins than to individuals.

16 Q Okay, and what is that item?

17 A That is swabs from the passenger door
18 handle.

19 Q So if a person was to get in the backseat
20 of a car and touch that on numerous times, his
21 DNA would probably be there, correct?

22 A It could be, yes.

23 Q And that doesn't mean that his DNA was
24 put on there the same time Frank Johnson's DNA
25 was put on there, does it?

1 A Not necessarily, no.

2 Q And it wouldn't be unusual if he got in
3 the backseat to ride in the car, correct?

4 A It wouldn't be unusual, no.

5 MR. JOHNSON: One second, Your Honor.

6 THE COURT: Uh-huh, yes, sir.

7 BY MR. JOHNSON:

8 Q And, in fact, -- let me see if I can get
9 my numbers right on that one, again. 2.1, 2.3,
10 especially 2.3 I think, or 2.1, the trigger
11 guard.

12 A 2.1 was swabs from the --

13 Q Oh.

14 A -- trigger guard of the weapon.

15 Q The one I'm looking for I guess would be
16 number 5. That's the --

17 A Yes, from the trigger guard -- or from
18 the trigger of Glock 38.

19 Q Right, that's the Glock, right?

20 A A Glock 38, yes.

21 Q And you found Mr. Johnson's previously on
22 that, correct?

23 A Yes, sir, it's 170 billion times more
24 likely, if he and three individuals were
25 contributing rather than four other individuals.

1 Q See if I missed anything, I think I'm
2 through.

3 MR. JOHNSON: I have no other questions,
4 Your Honor.

5 THE COURT: All right. Mr. Gibbes?

6 MR. GIBBES: No questions, Your Honor.

7 THE COURT: Solicitor?

8 MR. EVANS: Thank you, Your Honor.

9 * * *

10	REDIRECT-EXAMINATION

11 BY MR. EVANS:

12 Q Mr. Johnson asked you some questions
13 about some of the SLED sub-items, right, when
14 we're dealing with the decimals; is that what
15 you call them?

16 A Yes.

17 Q Okay. And he was talking about trigger
18 guard 2.3 and some of the others in that
19 sequence?

20 A Yes, 2.3 is actually swabs from the grip
21 of the rifle.

22 Q Okay. And when you're talking about a
23 SLED sub-item, the first number in the sub-item
24 was does that relate to?

25 A So we would call that the parent item, so

1 in this case the rifle would be the parent item,
2 and all the sub-items came from either the rifle
3 or what it was packaged with.

4 Q Okay, so item 2, which is not Exhibit 2
5 that I'm holding in my left hand, that's the
6 parent item for 2.3?

7 A Yes.

8 Q Okay. And all the other sub-items too?

9 A Yes.

10 Q Okay. He was asking you about how long
11 touch DNA can stay on a surface; do you remember
12 that line of questioning?

13 A Yes.

14 Q With regard to a number of the swabs that
15 were presented to you?

16 A Uh-huh.

17 Q Because, again, you don't go to the
18 scene; is that right?

19 A I do not.

20 Q You don't review the entire case file; is
21 that right?

22 A We typically read the incident report,
23 but in terms of anyone else's case file, no.

24 Q Okay, you don't go to interviews?

25 A No.

1 Q So you don't know the full scope of the
2 case that this jury has heard this week?

3 A No, I don't.

4 Q All right, but the ones in the 90s, they
5 were presented to you as being from a car?

6 A Yes.

7 Q Okay. And you had presumptive positive
8 blood results on a number of those swabs?

9 A I did, yes.

10 Q Is that correct?

11 A Yes.

12 Q Were those item 95? No, I'm sorry, I'm
13 sorry, I got it wrong, item 96. No, that's not
14 that one either.

15 A I believe 98 --

16 Q There we go.

17 A -- is where the presumptive blood test --

18 Q And that's where the presumptive positive
19 blood starts with item 98?

20 A Yes.

21 Q Did you have any with 99?

22 A Yes.

23 Q Do you have it with item 100?

24 A Yes.

25 Q Do you have it in item 101?

1 A Yes.

2 Q And 102?

3 A Yes.

4 Q And are a number of those also very
5 strong support for Frank Johnson?

6 A Yes.

7 Q And I think you touched on this earlier,
8 but can you distinguish between DNA profiles of
9 siblings, so long as they're not identical
10 twins?

11 A Yes.

12 Q All right, what about cousins?

13 A Yes. So their DNA might be somewhat
14 similar. They might share some of the
15 characteristics. If they're twins, they won't
16 be exactly the same, so we would be able to
17 distinguish somewhat --

18 Q Unless there's an identical twin, every
19 person has their own unique DNA profile?

20 A Yes.

21 Q Okay. And you identified a major
22 contributor on the swabs of the Glock 23 in
23 2018?

24 A I'm sorry, could you repeat the number?

25 Q Sure, item 3.

1 A Yes, a major contributor of that match,
2 Tyrase Collins.

3 Q And I know it's not the same phraseology
4 as STRmix, but I mean colloquially could we say
5 that that's very strong support, 3.4 sextillion
6 I think, is that the number? 3.4 sextillion -
7 one in 3.4 sextillion?

8 A Yes. So that, again, would be 24 zeros.

9 Q All right, and there are how many people
10 roughly on earth?

11 A 7 billion, which is nine zeros behind
12 that.

13 Q Okay. So if you were asked to compare a
14 sibling of Mr. Collins with item now Exhibit 3,
15 you testified on cross-examination that it could
16 affect those results?

17 A Yes, it could affect the number, but the
18 overall results of whether or not Tyrase Collins
19 was contributing to that shouldn't change
20 significantly.

21 Q Would it affect your opinion that he was
22 the major contributor to that swab?

23 A Most likely not, no.

24 Q Impossible to say without having the --

25 A Yes.

1 Q Mr. Johnson was asking you if Mr. Collins
2 had been excluded from a number of items using
3 STRmix; is that correct?

4 A Yes.

5 Q All right. Which, if any of those items
6 in your STRmix report, he was asking about the
7 item 2 sub-items.

8 A Uh-huh.

9 Q Is he excluded from this?

10 A No. No, because some of the item 2, some
11 items I couldn't make any comparison, so I can't
12 say whether or not any of the known standards
13 are there.

14 Q That's not the same as an exclusion, is
15 it?

16 A It is not. It just means I can't even
17 tell whether they're excluded or included.

18 Q And the end result?

19 A Essentially, yes.

20 Q Okay.

21 How about item 2.7, the very one we started
22 with when we got into STRmix?

23 A He is -- his result was one million times
24 more likely it's Tyrase Collins than to
25 individuals who contributed, the three other

1 individuals.

2 Q And that 2.7 was marked as a swab from a
3 magazine?

4 A Uh-huh. Yes, the magazine.

5 Q All right, thank you.

6 Ms. Goodman, those are all the questions I
7 have at this time.

8 THE COURT: All right. Anything else, Mr.
9 Johnson? Hold on, Mr. Johnson, anything else?

10 MR. JOHNSON: Nothing else.

11 THE COURT: All right, Mr. Gibbes?

12 MR. GIBBES: Just a quick follow-up
13 question.

14 **

15 **CROSS-EXAMINATION**

16 BY MR. GIBBES:

17 Q Ms. Goodman, I want to make sure I heard
18 you right. Did you say you don't go to the
19 scene?

20 A I do not.

21 Q Okay, but you analyze evidence from the
22 scene --

23 A It was submitted for analysis, yes.

24 Q Okay, was there any evidence submitted to
25 you with all the casings, and all the things the

1 Solicitor referenced, was any of that evidence
2 submitted to you for DNA process?

3 A I would have to have my information about
4 where the items were collected.

5 Q That's no problem, just while you're
6 looking at your notes, because I know we're
7 talking a lot about the vehicle and [REDACTED].
8 We're talking about all these other places where
9 the --

10 A Right.

11 Q -- actual murders never took place, and I
12 think it's important for the jury to know, since
13 you're the DNA analyst, what, you know, evidence
14 from the actual scene did you analyze, if any at
15 all?

16 A I'm sorry, I'm not really sure what's
17 from the scene and what's not. I don't have
18 that in my notes with me.

19 Q Okay, but none of the evidence that's
20 been presented to you this afternoon is related
21 from the actual scene, correct?

22 A I am not sure. I'm not sure where any of
23 the -- I'm not sure where they were collected
24 from, because I don't really know what was
25 considered the scene. I wasn't at the crime

1 scene, and I don't have their notes with me.

2 Q Okay, well, the car was not at the murder
3 scene.

4 A Okay.

5 Q Okay. What other evidence did you
6 analyze from the State?

7 A There were swabs from different firearms.

8 Q And we can stop right there. Where were
9 those firearms located?

10 A I do not have that information where they
11 were collected.

12 Q Of course, not at the scene, correct?

13 A I am not sure.

14 Q Okay.

15 MR. GIBBES: No further questions.

16 THE COURT: All right, anything else,
17 Solicitor?

18 MR. EVANS: No, Your Honor.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: Nothing, Your Honor.

21 THE COURT: All right, thank you so much,
22 ma'am.

23 WITNESS: Thank you.

24 THE COURT: All right, Solicitor, you can
25 call your next witness.

1 MR. EVANS: Thank you, Your Honor. Before
2 we do that, I think now would be an appropriate
3 time for -- we have a stipulation that we agreed
4 to, and I'm gonna ask the Court to admit it as
5 State's Exhibit --

6 THE COURT: All right.

7 MR. EVANS: -- 106. Would you like me to
8 publish that, or would you like to publish that?

9 THE COURT: I'll publish that. Ladies and
10 gentlemen, a stipulation, basically, is an
11 agreement between the parties, and so to that
12 extent they are going to -- I'm gonna have the
13 Solicitor now publish that agreement to you, all
14 right?

15 MR. EVANS: Thank you, Your Honor. The
16 State and the Defendants, Tyrase Collins and
17 Lorenzo Boles, by and through their undersigned
18 attorneys do hereby stipulate to the following
19 facts, that the remains examined by Dr. Cynthia
20 Schandl were those of Frankie Johnson, Jr.,
21 Ghazi A. Duckett, and Lamekia M. Warren, signed
22 by myself, Mr. Johnson and Mr. Gibbs.

23 THE COURT: All right, we'll make that a
24 Court's exhibit. Thank you very much.

25 MR. EVANS: I ask for it to be in as

1 State's Exhibit 106, but if you --

2 THE COURT: That's fine.

3 MR. EVANS: Okay.

4 THE COURT: Any objection to that
5 gentlemen?

6 MR. JOHNSON: No, sir.

7 MR. GIBBES: No, Your Honor.

8 THE COURT: All right, great, thank you.

9 MR. EVANS: The State calls Dr. Cynthia
10 Schandl.

11 THE COURT: Okay.

12 **

13 CYNTHIA SCHANDL, M.D.

14 BEING DULY SWORN TESTIFIED AS FOLLOWS:

15 ***

16 DIRECT EXAMINATION

17 BY MR. EVANS:

18 Q Good afternoon.

19 A Hi.

20 Q Would you please identify yourself, and
21 spell your last name for our Court Reporter?

22 A Yes, I'm Cynthia Anna Schandl, S-C-H-A-N-
23 D-L.

24 Q Schandl, and I just butchered your name
25 when I called you in here, okay, so I apologize,

1 it's pronounced Schandl?

2 A That's correct.

3 Q All right. Dr. Schandl, what do you do
4 for a living?

5 A I'm an anatomic pathologist, a clinical
6 pathologist, a forensic pathologist, and a
7 molecular genetic pathologist. I'm a professor
8 with tenure at the Medical University of South
9 Carolina.

10 Q And what is pathology generally, and what
11 is forensic pathology specifically?

12 A Pathology is the study of disease, so
13 it's a medical specialty, so I'm a medical
14 doctor. And so forensic pathology is a
15 subspecialty in pathology, so it's where we're
16 studying disease, which includes injuries, of
17 course, in those cases where there may be some
18 kind of a legal implication, so that's the
19 forensic part.

20 So a study of disease and injury, where
21 there might be an implication.

22 Q All right, and how long have you been
23 doing this line of work?

24 A I've been doing forensic pathology cases
25 since 1999.

1 Q Have you ever been qualified as an expert
2 in forensic pathology with the courts of the
3 State?

4 A Yes, I have.

5 Q Approximately, how many times?

6 A More than a hundred.

7 Q Okay.

8 MR. EVANS: Your Honor, the State would
9 tender Dr. Schandl as an expert in the field of
10 forensic pathology.

11 THE COURT: Any objection, gentlemen?

12 MR. JOHNSON: No objection.

13 MR. GIBBES: No objection.

14 THE COURT: All right. Go back to the jury
15 room, please don't talk about the case.

16 (Jury exits the courtroom.)

17 THE COURT: All right, so we'll just stay
18 at ease for a few minutes, and you can step
19 down, you just can't talk about the case, okay?

20 (Jury enters the courtroom.)

21 THE COURT: All right, let me see the
22 lawyers in my chamber.

23 MR. EVANS: Yes, sir.

24 (Recess)

25 BAILIFF: All rise.

1 THE COURT: All right, I want to go back on
2 the record. I'm going to go ahead and remove
3 this witness from the jury panel, and I will --

4 MR. EVANS: The juror?

5 THE COURT: The juror.

6 MR. EVANS: Not a witness.

7 THE COURT: A witness? Oh okay, not the
8 Doctor, I'm gonna go ahead and remove this juror
9 from the panel. And, in fact, I want to get her
10 removed from the jury room as soon as possible,
11 so I'm gonna go ahead and have the Bailiff
12 escort her to another room.

13 If she needs to wait on a ride, or if she
14 needs help, but I need her to go to another
15 room, and at this point I don't want any of the
16 other jurors to have a lot of contact with her,
17 because I don't know what's wrong with her, and
18 so we need to get her separated from the jury
19 pool, okay?

20 BAILIFF: The lady --

21 THE COURT: I'm sorry?

22 BAILIFF: The lady sitting beside her is a
23 nurse, and she told me that that girl said she
24 was a diabetic, I don't know if --

25 THE COURT: Okay, well, I'm not -- what I

1 want is, I don't want -- I want Ms. Williams
2 separated from the jury.

3 BAILIFF: Right.

4 THE COURT: She's got to be out of the jury
5 room --

6 BAILIFF: Yes, sir.

7 THE COURT: -- and someplace else. If she
8 needs somebody to come get her, or if she needs
9 EMS, we'll accommodate her. I want you to take
10 care of that.

11 BAILIFF: Yes, sir.

12 THE COURT: But I do not want her with the
13 jury, because I just don't know what her
14 situation is. And as soon as we get finished
15 here, then we'll bring the jury back in, all
16 right? Before we do that, we'll pick an
17 alternate.

18 So we need her separated from the jury.
19 Any objection to that, Solicitor?

20 MR. EVANS: No, sir.

21 THE COURT: Mr. Gibbes?

22 MR. GIBBES: Yes, Your Honor, I'd just put
23 my objection on the record.

24 THE COURT: Go ahead.

25 MR. GIBBES: You know, like I said, I

1 certainly understand where Your Honor is coming
2 from.

3 THE COURT: Your objection is what, sir?

4 MR. GIBBES: That I would prefer to have
5 the juror continue to serve, but I certainly
6 understand Your Honor's ruling.

7 THE COURT: You understand the juror just
8 vomited; is that right?

9 MR. GIBBES: I do, Your Honor.

10 THE COURT: You still want her here,
11 despite the fact that she just vomited in front
12 of the jury panel?

13 MR. GIBBES: Well, respectfully, Your
14 Honor, I think you just asked -- the question
15 was, you know, my opinion, and like I said --

16 THE COURT: Do you think she's able to
17 continue to serve?

18 MR. GIBBES: Your Honor, I think the
19 passion of how she wanted to serve, I think
20 those are the type of people we need in this
21 jury box for a very serious, you know, trial.
22 And I, you know, say as a second string running
23 back at the Citadel, I know how it is when you
24 are not expecting to go into the game. Sometime
25 you're not paying attention, and so I'm just not

1 the biggest fan of alternates. And for that
2 reason, you know, I just wanted to respectfully,
3 you know, state my position.

4 THE COURT: All right.

5 MR. GIBBES: I understand the Judge's
6 position.

7 THE COURT: Yes, sir, and I certainly
8 understand that. Anything else?

9 MR. EVANS: I have nothing.

10 THE COURT: I understand that, okay, so
11 we're going to discharge her from the panel, and
12 you've got the record protected. Thank you.

13 BAILIFF: The juror she's got her own car
14 here, and she says she can drive home.

15 THE COURT: Yeah. All right.

16 BAILIFF: Do you want me to bring her in?

17 THE COURT: Can you bring her in here?

18 BAILIFF: Yes, sir.

19 THE COURT: And I'm going to thank her for
20 her service.

21 (Juror enters courtroom.)

22 THE COURT: Ms. Williams, thank you so much
23 for your service, but what I'm gonna do at this
24 point, I'm gonna discharge you from the panel
25 and replace you with an alternate. I hope you

1 feel better.

2 I'm sorry it's been so hot in here, and I
3 know you've paid attention, and I know you hate
4 to leave, but I'm gonna go ahead and discharge
5 you at this time, okay?

6 JUROR: Thank you.

7 THE COURT: And you're finished for the
8 week, and you're good for three years, okay?

9 JUROR: Okay.

10 THE COURT: Have a great holiday, okay?

11 JUROR: You too.

12 THE COURT: Yes, ma'am. All right, we'll
13 be at east for just a few more minutes.

14 (Recess)

15 THE COURT: Can I get my Clerk back in
16 here, and I think our names are actually still
17 in the cup. So what we'll do is, we'll shake
18 those names up, and pull one of those names out,
19 and then they will become a juror. Any
20 objection to that process from the State?

21 MR. EVANS: No, sir.

22 MR. GIBBES: No, sir.

23 THE COURT: Mr. Gibbes, as it relates to
24 that process?

25 MR. GIBBES: No objections from me hereon

1 out.

2 THE COURT: Noted, Mr. Gibbs, you're doing
3 your job, sir. I don't have a problem with
4 that. All right, Mr. Johnson, any objections?

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: All right, let's see if we can
7 get Ms. Nettles, and we'll pick an alternate.
8 All right, so we've got a cup, and the cup still
9 has four names in it, Ms. Nettles?

10 CLERK: Yes, sir.

11 THE COURT: Any objection to the Clerk
12 pulling the name out?

13 MR. EVANS: No, Your Honor.

14 MR. GIBBS: No, Your Honor.

15 THE COURT: Mr. Johnson, any objection?

16 MR. JOHNSON: No objection, Your Honor.

17 THE COURT: All right, don't look in there.

18 CLERK: I'm not.

19 THE COURT: I'm just teasing.

20 CLERK: I'm not looking.

21 THE COURT: All right, who we got?

22 CLERK: Lynn Corbin.

23 THE COURT: L-Y-N-N, Corbin?

24 CLERK: Yes, sir, she would be juror number
25 42.

1 THE COURT: All right, so anything further
2 from the State before we bring the jury back in?

3 MR. EVANS: No, Your Honor.

4 THE COURT: Mr. Gibbes?

5 MR. GIBBES: No, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: No, Your Honor.

8 THE COURT: All right, I'm just gonna tell
9 them that I discharged a juror, that certainly
10 she was trying to battle through the day, and we
11 appreciate that, but thought it'd be best to go
12 ahead and send her home, and that Ms. Corbin now
13 is going to be the 12th juror, okay? All right,
14 let's get them in, and allow them, the folks
15 that are on that side, can certainly walk around
16 that way, and so we can just go ahead and
17 continue.

18 BAILIFF: Yes, sir.

19 CLERK: Judge, make that an exhibit? Okay.

20 THE COURT: Yes, make that an exhibit.
21 We're going to make that a Court's exhibit.

22 COURT REPORTER: Yes, sir, Court's Exhibit
23 5.

24 THE COURT: Thank you.

25 (Court's Exhibit 5 was admitted into

1 evidence.)

2 (Jury enters the courtroom.)

3 THE COURT: All right, Mr. Chairman, Mr.
4 Foreman, and ladies and gentlemen, you can be
5 seated. Mr. Foreman, ladies and gentlemen, I'll
6 tell you, Ms. Williams still wanted to stay and
7 participate, that's how bad she wanted to be a
8 juror, and certainly was paying attention all
9 day, or all week, and despite not feeling well
10 this afternoon.

11 And so to that extent though I thought it
12 was gonna be best to go ahead and relieve her,
13 and tell her that she has fulfilled her
14 obligations to her County, and to this
15 community, and that she was good for three
16 years. At some point, I'm gonna be able to tell
17 you'all that, okay, but I went ahead and decided
18 it best to release her at this time. And so now
19 through a great long standing right of passage,
20 that is dumping the alternates names in a
21 Styrofoam cup, shaking it up and pulling one
22 out, the winner is Ms. Lynn Corbin. Ms. Corbin?
23 All right, you are now one of the 12 jurors,
24 okay? And so I just wanted to let you know
25 that.

1 And so I think at this point we are ready
2 to proceed. Before I go any further, any
3 objection, or anything that I may have left out
4 in comments --

5 MR. EVANS: No, sir.

6 THE COURT: -- I made to the jury from the
7 State?

8 MR. EVANS: No, sir.

9 THE COURT: Mr. Gibbes?

10 MR. GIBBES: No, Your Honor.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: I have nothing, Your Honor.

13 THE COURT: All right, let's go right
14 ahead.

15 MR. EVANS: Thank you.

16 BY MR. EVANS:

17 Q Doctor, I'm gonna try to pick up the
18 pace, because you've been very patient, and
19 these folks, obviously, have had a very long
20 day.

21 A Absolutely.

22 Q Okay. Did you, in 2018, have occasion to
23 conduct autopsies on the victims in FA18244, 245
24 and 246?

25 A Yes, sir.

1 Q And the FA number that I gave you, what's
2 that?

3 A That's the way we number our forensic
4 autopsy cases, and they're just, you know,
5 marked number 1 from the beginning of the year,
6 and then just 1, 2, 3, 4, 5.

7 Q Okay. And were those Ghazi Duckett,
8 Frankie Johnson, Jr. and Lamekia Warren,
9 respectively?

10 A Yes, sir, that is correct.

11 Q All right. And when you do an autopsy,
12 what do you do, just generally?

13 A Absolutely. So the individual who has
14 died, the County Coroner will tell my office,
15 the Forensic Pathology Division, the
16 circumstances surrounding the death, and then
17 the Coroner will also bring those individuals,
18 in this case, those three individuals from the
19 scene to -- down to Charleston, South Carolina.
20 And then as soon as is practical, the forensic
21 pathologist will perform an autopsy. So we'll
22 bring the bodies from the morgue up into the
23 autopsy room, and then the autopsy will consist
24 of many different medical and surgical
25 procedures, including an examination of the

1 body, radiology, we'll take samples for
2 toxicology. We'll, of course, do what is
3 typically considered the autopsy, which is the
4 line incision and look inside of the body, look
5 at each and every organ, look for any kinds of
6 injuries as well.

7 And then at the end of the day we will
8 write a report, which is what all this good
9 stuff is here, based upon all of our findings,
10 and provide that back to the Coroner. The idea
11 of doing these autopsies is to determine both
12 the cause of death, so what was it that killed
13 the individual? And then also the manner of
14 death. The manners are determined based upon
15 state rules. So in our state we have five to
16 choose from. We have undetermined, natural,
17 suicide, homicide and I'm missing one, accident.
18 Did I say accident?

19 Q Not yet.

20 A Accident, yes. So we have those five to
21 choose from. So the autopsy is meant to
22 determine both of those things, the cause of
23 death and the manner, each of those five things
24 that you can choose from.

25 Q All right, and you did that with each of

1 these three individuals

2 A That's correct.

3 Q Can we start with Mr. Duckett? I think
4 he's at page 244, 18244.

5 A We absolutely may.

6 Q All right. Did you document your
7 examination of Mr. Duckett's remains with an x-
8 ray and a diagram?

9 A Yes. Yes, so when there are gunshot
10 wounds involved, which involves all three of
11 these deceased, or dead individuals, we will
12 routinely do x-rays. That is to assure that we
13 are able to identify that there are or are not
14 projectiles or bullets that are in the body,
15 which then comes my responsibility to retrieve
16 those from the body, so that they can then be
17 transferred to law enforcement as evidence, so
18 that's one of the things that we do.

19 Q Okay. And how about the diagram, what's
20 that?

21 A Yes, absolutely. So one of the way that
22 I will look at the injuries is, to also diagram
23 them on a piece of paper, that has a flat person
24 facing one way, and then the other way, so that
25 both -- I will be able to draw those things that

1 might lead to identifying features, such as
2 tattoos, and scars, and how tall are they, and
3 those sorts of things? But then also whether or
4 not I see injuries, an approximation of where I
5 see those injuries. And so, yes, absolutely,
6 diagrams are very useful as well.

7 MR. EVANS: May I approach the witness,
8 Your Honor?

9 THE COURT: Yes, sir

10 BY MR. EVANS:

11 Q I'm gonna pass you what's been previously
12 marked though not entered yet as State's Exhibit
13 270 and 271. Can you tell me what those are,
14 ma'am?

15 A Yes, I can. So what we have here,
16 State's 270 is an x-ray of the person's head,
17 and then State's 271 is a diagram of a person's
18 head.

19 Q All right. Do these appear to be the
20 diagrams from Mr. Duckett's autopsy?

21 A Yes, they do.

22 Q All right, and would it help you in your
23 testimony today to have those entered into
24 evidence, and be able to refer to them in front
25 of the jury?

1 A Yes, it would

2 MR. EVANS: Your Honor, the State would
3 move these documents into evidence as State's
4 270 and 271.

5 THE COURT: All right, any objection?

6 MR. GIBBES: No objection.

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: All right, moved without
9 objection.

10 (State's Exhibits 270 - 271 were admitted
11 into evidence.)

12 BY MR. EVANS:

13 Q And we're gonna publish, Doctor, using
14 the screen here. Can you see that okay?

15 A I can.

16 Q Let me make sure the jury can. How's
17 that? Still okay for you, Doctor?

18 A Okay, thank you, yes.

19 Q And we'll go through this process for all
20 three, but the first two I don't think will take
21 terribly long.

22 A Very good.

23 Q What do we have here in State's Exhibit
24 270?

25 A Okay, so this is an x-ray, and what we

1 call a lateral x-ray, so from one side to the
2 other of this individual's head. You can see
3 the name up here, so that tells us that is that
4 individual, Ghazi Duckett. And so what we're
5 seeing here, well, is the skull.

6 You can see that there's a little fragment,
7 so that is a fragment of the bullet, and then
8 you can see sort of an outline of where one of
9 the defects in the skull is what the bullet
10 created as it traveled through the head. And
11 then these lines coming out here are fracture
12 lines that resulted from that bullet as it
13 passed through Mr. Duckett's head.

14 Q All right, and so did he have an entrance
15 as well as an exit wound?

16 A Yes. So when we're talking about gunshot
17 wounds, this man has two gunshot wounds, but one
18 is an entrance, and one is an exit. So one
19 bullet made both of those gunshot wounds coming
20 in and then going out.

21 Q All right, and then moving to Exhibit
22 271, is this the diagram that you referenced?

23 A Yes, this is the diagram that I
24 referenced. And so in this diagram what we're
25 showing is once you -- so you shave the hair a

1 ways, so you can see the outline of the defect,
2 or the gunshot wound on the skin. And this is a
3 drawing of what I saw on the entrance wound,
4 which we just called A, because we just kind of
5 go from A to B to C to D.

6 And then on the other side of his head, on
7 the right side of his head, this is what the
8 exit wounds sort of looked like from my drawing.
9 So what you're seeing here is that the bullet
10 entered Mr. Duckett's head around this area, and
11 exited right around over here.

12 Q Is there anything, other than the fact
13 that he had been shot in the head, is there
14 anything remarkable about Mr. Duckett?

15 A What an odd question.

16 Q Okay.

17 A I mean as far as injuries go, that was
18 the only injury --

19 Q I guess that's a better way to put it.

20 A Yes, yes.

21 Q Okay.

22 A That is true.

23 Q No other contributing factors to his
24 death?

25 A That is true to say.

1 Q During the course of your autopsy of all
2 these individuals, did you help with the
3 collection of any physical evidence, like blood
4 stain evidence?

5 A Yes, absolutely. So part of -- again,
6 it's a very detailed process. And one of the
7 things that we do collect are little drops of
8 blood on paper, and those drops of blood on
9 paper can then be used to look at the DNA. And
10 so that's certainly one of the things that we
11 will also pass along as evidence.

12 Q I'm gonna pass you what's been previously
13 marked as State's Exhibit 52. I know you
14 haven't seen it in this condition before, but
15 can you tell what's inside that envelope, based
16 on the description?

17 A Well, based on the description I can.
18 So, again, this is when I would have given the
19 little blood circle to law enforcement, that
20 would have been way before this, because now
21 we've got sort of the downstream --

22 Q Sure.

23 A -- stuff. So what it says though is,
24 Hampton County Sheriff's Office, Evidence
25 Locker, and then it's got somebody's number on

1 it, L1804391.

2 Q Okay.

3 A Oh good question. Victim Ghazi Duckett
4 collected at MUSC-Charleston, there's how we
5 connect it.

6 MR. EVANS: Your Honor, the State would
7 move this into evidence as State's Exhibit 52.

8 MR. GIBBES: No objection.

9 MR. JOHNSON: No objection, Your Honor.

10 THE COURT: All right, moved without
11 objection.

12 MR. EVANS: All right.

13 (State's Exhibit 52 was admitted into
14 evidence.).

15 BY MR. EVANS:

16 Q Okay, let's move on. I think it'll be
17 more efficient if you start talking about Mr.
18 Johnson. You did an autopsy on Frankie Johnson
19 as well?

20 A Frankie Johnson, Jr. I think.

21 Q Junior.

22 A Yes.

23 Q Okay, and that was FA18245?

24 A I did, that's correct.

25 Q And did you create an x-ray and a diagram

1 for him as well?

2 A Yes.

3 Q I'm going to pass you a few more
4 documents, and ask you if these are the x-rays
5 and diagram of Mr. Johnson?

6 A Yes, they are.

7 Q All right, and they've been previously
8 marked as State's Exhibits 265 and 267. Would
9 these assist you in your testimony concerning
10 his autopsy?

11 A Yes, sir.

12 MR. EVANS: Your Honor, the State would
13 move these into evidence as 265 and 267.

14 THE COURT: Okay, any objection?

15 MR. GIBBES: No objection.

16 MR. JOHNSON: No objection, Your Honor.

17 THE COURT: All right, moved without
18 objection.

19 (State's Exhibits 265 - 267 were admitted
20 into evidence.)

21 BY MR. EVANS:

22 Q And we'll publish these up here as well.
23 Tell us what you see.

24 A All right, so you're seeing something
25 very similar. So this is, again, a lateral x-

1 ray of a head, and this one is Frank Johnson,
2 that's how we had his name when submitted to us.
3 And so what you're seeing here is another
4 fragment of the bullet, and then, again, you can
5 kind of see that round outline that would
6 represent one of the entrance or the exit wound,
7 and then fracture lines radiating out from that
8 area.

9 Q Similar injury as Mr. Duckett?

10 A It is similar, yes.

11 Q All right.

12 A You can also see here though that there
13 are little tiny fragments over here, which is
14 over on the right side of the face, which will
15 make sense in a moment.

16 Q Uh-huh. And let's go to the diagram.

17 A All right, so this particular gunshot
18 wound started in a similar place, but it went
19 more forward, and the exit wound was here in the
20 face.

21 So that here is what the entrance looked
22 like, and I'm drawing the exit to look like.

23 Q All right, and similar as with Mr.
24 Duckett. Was this a survivable injury?

25 A No, no, this was not survivable. This,

1 again, it'd go through his brain, and different
2 parts of the brain that are vital for survival.

3 Q Were there any other injuries to Mr.
4 Johnson?

5 A No.

6 Q All right, I'm gonna pass you another
7 document that's been previously marked as
8 State's Exhibit 56, and this will be a little
9 easier for you to see. Can you tell us what
10 that is?

11 A Yes, I can. So this is indeed from our
12 autopsy office, so there's our autopsy number,
13 this is our little envelope. And inside this
14 envelope it's marked to have a jacket fragment
15 from Mr. Johnson, FA18345.

16 Q And did you turn that into the Coroner?

17 A That would have gone back to law
18 enforcement.

19 Q Eventually to law enforcement, okay.

20 A Correct.

21 Q You sent it off for other people to --

22 A That's correct. So I retrieved these
23 items as evidence, and then transferred them.

24 MR. EVANS: Your Honor, the State would
25 move the fragment contents of the envelope in as

1 State's Exhibit 56.

2 THE COURT: No objection?

3 MR. JOHNSON: No objection.

4 MR. GIBBES: No objection, Your Honor.

5 MR. EVANS: All right.

6 THE COURT: All right, entered without
7 objection.

8 (State's Exhibit 56 was admitted into
9 evidence.)

10 BY MR. EVANS:

11 Q And as before, I'm gonna pass you State's
12 Exhibit 50, and after opening it up, are you
13 able to read any of that descriptor?

14 A Yes. This is, again, Hampton County
15 Sheriff's Office, victim Frank Johnson,
16 collected at MUSC-Charleston, containing known
17 blood spot, there we go.

18 Q All right.

19 As with Mr. Duckett, you collected a spot
20 of what you knew was his blood, to pass it along
21 to law enforcement?

22 A That's correct. Again, you can use that
23 to look for DNA, and compare it to other things.

24 MR. EVANS: Your Honor, the State would
25 move this SLED bag and its contents in as

1 State's Exhibit 50.

2 THE COURT: Any objection?

3 MR. JOHNSON: No objection, Your Honor.

4 MR. GIBBES: No objection, Your Honor.

5 THE COURT: Admitted without objection.

6 MR. EVANS: Thank you, Your Honor.

7 (State's Exhibit 50 was admitted into
8 evidence.)

9 BY MR. EVANS:

10 Q So let's go to Ms. Warren.

11 A May I get my notes?

12 Q Yes.

13 A This is a little bit more --

14 Q If you want to return to the stand.

15 MR. EVANS: May I approach the witness,
16 Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. EVANS:

19 Q Did you also have the occasion to perform
20 an autopsy on Lamekia Warren?

21 A Yes, sir.

22 Q And is she FA18246; is that right?

23 A That is correct.

24 Q Okay. Would you take a look at the
25 documents in that folder that I've handed to

1 you?

2 A Okay, in this folder there are multiple
3 x-rays, and then multiple photographs of
4 bullets, and then a copy -- a representation of
5 the body diagram.

6 Q Okay, and do these correspond with the
7 autopsy performed on Ms. Warren?

8 A Yes, I do.

9 Q All right. The photographs, do they
10 fairly and accurately depict the way that the x-
11 rays and the projectiles appeared when you
12 viewed them?

13 A Yes, they do.

14 Q All right, and the diagram, is that based
15 on your own observations and notetaking?

16 A That is correct.

17 MR. EVANS: Your Honor, the State would
18 move all these documents in at this time. I'll
19 publish the numbers; I don't think I did that
20 just yet.

21 THE COURT: All right.

22 MR. EVANS: They are State's 272, 273 --
23 I'm sorry, Madam Court Reporter, I'll slow down.
24 272, 273, 274, 275, 276, 277, 278, 279, 280,
25 286, 287, 288, 289, 290, 291 and 292.

1 THE COURT: All right, any objections?

2 MR. GIBBES: No objection.

3 MR. JOHNSON: No objection, Your Honor.

4 THE COURT: All right, moved without
5 objection, yes, sir.

6 (State's Exhibits 272-280, 286-292 were
7 admitted into evidence.)

8 BY MR. EVANS:

9 Q And we are gonna publish these once again
10 on the screen. If you want to step down -- I am
11 going to ask you to step down when we get into
12 the diagrams, so it's up to you, if you --

13 A Yeah, I may as well.

14 Q May as well, all right. All right, so
15 272.

16 A So --

17 Q Go ahead.

18 A Yeah. So we're gonna go through a series
19 of x-rays. So in this case there were many
20 gunshot wounds. In fact, there were 66 holes in
21 her body, and throughout my procedure I
22 determined that there were 35 gunshot wounds.
23 Now keeping in mind that some of those are going
24 through and through, and some of those are
25 resulting in us finding a bullet and retrieving

1 a bullet.

2 So these are the x-rays that we took prior
3 to dissection to see where those projectiles,
4 those bullets might be, to assure that we would
5 be able to retrieve them. So this one, what
6 we're looking at is, this is the -- her left
7 hip, so her -- this is her pelvis, and then her
8 femur going down here, and you can see some
9 bullet fragments here on the left.

10 Q Okay, and Exhibit 273?

11 A This is her left arm. You can see some
12 sort of fluffy stuff here, that's where one of
13 the gunshots wounds was that went through and
14 through, and then here you can see a bullet that
15 we did retrieve. And this gunshot wound did
16 lead to a fracture of the humerus, to the left
17 upper arm bone.

18 Q That projectile, did you make mention of
19 that?

20 A Yes, we did.

21 Q And preserved it for evidence?

22 A That is correct.

23 Q All right, we'll get into that with the
24 photos. State's 274?

25 A This we're seeing again the left arm.

1 This happens to be a bullet that was behind the
2 clavicle on the right-hand side from a gunshot
3 wound to the neck.

4 Q All right.

5 A And, yes, we did retrieve this bullet.

6 Q Okay, State's 275?

7 A This is her right shoulder and arm, and
8 so you can see that this is the same bullet that
9 we saw in the previous one, and then you can see
10 three more here, plus one here. And you can
11 also appreciate that there is a fracture of this
12 upper arm bone. This humerus on the right-hand
13 side as well.

14 Q State's 276.

15 A This is the right lower leg, so this
16 would be the shin bone, and then this is the
17 smaller bone, the side of the tibia, and you can
18 see that there was a fracture of this bone, and
19 this was a through and through gunshot wound.

20 Q State's Exhibit 277?

21 A This is her right foot. There were
22 fractures to her heel bone, her calcaneus, that
23 bone right on her heel that were associated,
24 again, with a through-and-through gunshot wound
25 here?

1 Q State's Exhibit 278?

2 A We are now seeing just a different view
3 of the one that went into her neck and behind
4 her clavicle, and one of the ones in the right
5 shoulder.

6 Q State's Exhibit 279?

7 A This is the left leg, which was also
8 affected by multiple gunshot wounds, and you can
9 see some fragments in the leg.

10 Q State's Exhibit 280?

11 A This is the right pelvis and femur.
12 Again, there were gunshot wounds in this area,
13 but we didn't see anything that looked like it
14 could be retrieved.

15 Q Okay. And that should be the last of the
16 x-rays. Let's take a look at State's Exhibit
17 286.

18 A So as was mentioned, each one of those
19 bullet fragments that you saw that was found
20 were retrieved. And then what I do when I pull
21 those -- when I retrieve them from the body is,
22 number them, and so they're just numbered in the
23 order that I am finding them in the body. And
24 then, you know, label them, give them a number,
25 and then photograph them and measure them, to

1 make sure that we have the right projectiles for
2 each one.

3 Q Okay, so you're documenting with a photo
4 that what you are physically collecting, and
5 sending it back?

6 A That is correct.

7 Q Okay. State's Exhibit 287?

8 A So this is our fragment shot -- our
9 bullet number two, and, again, pictures to
10 demonstrate what it looks like.

11 Q State's Exhibit 288?

12 A Bullet number 3.

13 Q 289?

14 A Bullet number 4.

15 Q 290?

16 A Bullet number 5.

17 Q And all these so far -- I mean you're
18 obviously indicating different numbers, but
19 these are the distinct bullets that you removed
20 from her person?

21 A That is correct, so these are all of the
22 bullets that were removed --

23 Q Yes.

24 A -- that we found during the course of the
25 autopsy.

1 Q All right, so 291, so there's one more;
2 is that it?

3 A That is correct.

4 Q All right, and you said you collected
5 those physically, and sent them out to law
6 enforcement?

7 A That's correct.

8 Q All right.

9 A Yes.

10 Q All right. I'm cutting open an envelope,
11 which has been previously marked, but not
12 entered as State's Exhibits 62 through 67.

13 MR. EVANS: Do you guys want to take a
14 look?

15 MR. JOHNSON: Yeah.

16 BY MR. EVANS:

17 Q Doctor, can you take a look at this, and
18 tell me is it the same bullets that you saw in
19 those photographs?

20 A Absolutely. Okay, so these are little
21 containers that we put our bullets in, and you
22 can see them wandering around in here. And
23 each of these does have the appropriate label
24 from our autopsy room, and they're each called
25 number 1, bullet number 2 through bullet number

1 6. These are indeed those same bullets.

2 Q All right, it's got your signature and
3 your MUSC indicators?

4 A Yes, that is correct.

5 MR. EVANS: Your Honor, the State would
6 move these bullets into evidence as State's
7 Exhibit 62 through 67.

8 THE COURT: Any objection?

9 MR. GIBBES: No objection.

10 MR. JOHNSON: No objection.

11 THE COURT: All right, admitted without
12 objection.

13 (State's Exhibits 62 - 67 were admitted
14 into evidence.)

15 MR. EVANS: And I'll label those, Judge, if
16 it's all right, and I'll pass you them after
17 she's done.

18 THE COURT: Yes, sir. There's no objection
19 to that, is there gentlemen?

20 MR. GIBBES: No objection.

21 MR. JOHNSON: No objection.

22 BY MR. EVANS:

23 Q One more physical exhibit, Doctor, the
24 same as before. Did you collect a blood
25 standard from the victims?

1 A Yes, sir.

2 Q All right, is this a good blood standard
3 that's been previously marked as State's Exhibit
4 51?

5 A This one is, again, Hampton County
6 Sheriff's Office, containing known blood spot
7 from victim, Lamekia Warrant, collected at MUSC-
8 Charleston, yes, sir.

9 Q All right.

10 MR. EVANS: Your Honor, the State would
11 move this into evidence as State's Exhibit 51.

12 THE COURT: All right, any objection?

13 MR. GIBBES: No objection.

14 MR. JOHNSON: No objection.

15 THE COURT: All right, no objection, then
16 it will be admitted without objection. Thank
17 you.

18 (State's Exhibit 51 was admitted into
19 evidence.)

20 BY MR. EVANS:

21 Q And we moved this in already, Doctor, is
22 that correct, State's 292?

23 A I believe so.

24 Q All right. Does that appear to be the
25 diagram that you did?

1 A Yes.

2 Q All right. Does this appear to be a
3 larger version of that same diagram?

4 A Yes, sir.

5 Q Would this assist you in your testimony
6 today?

7 A Yes, that should help.

8 Q Doctor, if you don't mind using this
9 diagram, just walk us through a little bit --

10 A All right.

11 Q -- of what you found in this woman?

12 A Absolutely. So what we're looking at
13 here are clearly just a flat representation of
14 this individual. Each one of these letters, or
15 series of letters represents a defect in the
16 skin.

17 So as I mentioned, there were 66 defects in
18 the skin, which took us through the alphabet
19 two, almost three times. So that's why
20 sometimes you'll see, you know, a triple E, or a
21 triple D. We started at A, B, C, D, E, F, G,
22 all the way through the alphabet, and back at
23 AA, BB, CC, so that's how these are lettered.
24 And so what I did was, basically, just start
25 here, and work my way all the way around and up

1 and down, until there were no more.

2 Q You can't say which order any of these
3 injuries occurred in?

4 A No, you can't. So the only place on the
5 body, where you might be able to do that is, if
6 you're shot in the head.

7 So if you're shot once in the head, and it
8 makes the -- as you saw in those x-rays, that
9 those radiating fractures occurred. Well, if
10 you're shot a second time, the second radiating
11 fracture is gonna stop when it hits the first
12 radiating fracture, so that's one way you can
13 tell, but not on soft tissue, and not in the
14 body itself. You can't tell which one came
15 first.

16 Q But can you distinguish between an
17 entrance and an exit wound?

18 A In most cases you can distinguish, based
19 upon the -- what it looks like. So as a bullet
20 goes into a body, the entrance wound is at least
21 classically going to be quite circular. It
22 looks like there will be some skin actually
23 missing from it, whereas, when it's coming back
24 out, the skin kind of opens up. So those exit
25 wounds often you can pull them back together,

1 whereas, the entrance wounds they just seem --
2 there's no way to put them back together, it's
3 like a hole.

4 So that's definitely one way that you can
5 tell, in most cases, which one is your entrance,
6 and which one is your exit.

7 Q And what did you find? Let's go as
8 quickly as we can, please.

9 A Absolutely. So we'll sort of look at
10 this by areas of the body. So you remember the
11 one that was to the neck, and that ended up with
12 a bullet behind the clavicle, so that's one that
13 was to the neck, and we did retrieve a bullet.
14 In the torso, so we're talking about this area
15 here.

16 We had 10 to the chest and abdomen, so ten
17 gunshot wounds to the chest and abdomen. From
18 those 10 there was perforation of the heart and
19 the lung, with leading around the heart and into
20 the space around the lung. And then if we move
21 to the left arm, this arm here you can see this
22 was a through and through, and then this one was
23 the one that broke that humerus, and we did
24 recover a bullet from there.

25 If we move onto the right arm, you can see

1 there were quite a few gunshot wounds there. I
2 counted nine, and, again, we did have a fracture
3 of that upper arm, the humerus. There were
4 several bullets that were right in this area,
5 and it was difficult to determine exactly which
6 gunshot they went with, but as you remember,
7 that one x-ray with the several bullets in this
8 area, those are all from this area here on her
9 body. If we move onto the left leg here, there
10 were six gunshot wounds to the left leg. And
11 then, finally, to the right leg there were seven
12 gunshot wounds to the right leg.

13 Q Okay. You said that there were -- I
14 think you used number 66 different actual
15 wounds, and you were able to determine 35
16 gunshots?

17 A Right.

18 Q -- what those numbers were.

19 A So what we're looking at here, so we know
20 that six of the gunshot wounds went into the
21 body, and we were able to retrieve a bullet. So
22 then you're also looking at, well, how many do
23 we have that have entrances and exits. And so
24 each one of those are put together, and here's
25 my little thing I can show you, but -- so, for

1 example, with the left arm, A went to B. And so
2 that's one gunshot wound, but two defects to the
3 skin.

4 Now, sometimes it can go in the body and
5 out the body, and into the body, so your count
6 isn't always going to be even, because sometimes
7 you'll have a grazed wound, sometimes you'll
8 have an entrance and then an exit, and then a
9 re-entrance. So those kinds of things are what
10 make it -- end up being -- but, yeah, so it's
11 all very well diagramed here.

12 Q Did you find any re-entries then with Ms.
13 Warren, where in, out and then in a different
14 part of the body?

15 A Yes, yes, and just because of the number
16 of gunshot wounds that I must tell you, so, for
17 example, if this -- see this wound is through
18 and through, right? So what if that arm was
19 here, or here, or here? Well, there's certainly
20 a possibility that that same bullet also is
21 represented in the rest of the diagram, because
22 I can't tell you where her arm was when the
23 bullet went through it. So these numbers are
24 based upon my best ability to put them together,
25 as far as this is an entrance, this is an exit,

1 and these go together.

2 I can go as far as telling you that, again,
3 for example, in that case that that bullet
4 didn't continue to travel to some other part of
5 her body.

6 Q So the science allows you to determine a
7 number of distinct gunshot wounds, based on
8 entrances, but not the number of gunshots; is
9 that what you're saying?

10 A That's correct.

11 Q Okay.

12 A They don't have to match up. Just
13 because, for a bad example, that one gunshot
14 could have made four holes, right, or,
15 theoretically, even more.

16 Q And with the number as high as Ms.
17 Warren's, are you able to say, oh, this is the
18 mortal injury, versus that's a survival one? I
19 mean is it --

20 A Right.

21 Q -- even possible with this number?

22 A Well, it's not possible, but I can
23 suppose that the gunshot wound that we're
24 calling M here in the middle that came out
25 through MM here on the back, was one of the

1 causes, if not one of the main causes, simply
2 because that's the one that did hit her heart
3 and her lung; but considering the amount of soft
4 tissue trauma all over her body, any one of
5 those, or any proof of those could have been
6 fatal.

7 Q I see.

8 MR. EVANS: Beg the Court's indulgence.

9 BY MR. EVANS:

10 Q All right, Doctor, I'll ask you to return
11 to the stand, and then we'll wrap up with you.
12 Doctor, you defined these terms earlier for us,
13 when you were introducing your whole field, but
14 do you have an opinion, to a reasonable degree
15 of medical certainty, as to the cause and manner
16 of death of Mr. Duckett?

17 Actually, just for all three.

18 A Yes, sir. And what I'll do is actually
19 read it, so that I am not misquoting myself.
20 Mr. Ghazi Duckett FA18244, cause of death,
21 gunshot wound to the head, manner of death,
22 homicide.

23 Q And for Mr. Johnson?

24 A Mr. Frankie Johnson, Jr., FA18245, cause
25 of death, gunshot wound to the head, manner of

1 death, homicide.

2 Q And for Ms. Warren?

3 A Ms. Lamekia Warren, FA18246, cause of
4 death, multiple gunshot wounds to the neck,
5 torso and extremities, manner of death,
6 homicide.

7 Q Doctor, those are all the questions that
8 I have. Please answer any questions these
9 gentlemen may have.

10 A Thank you, sir.

11 THE COURT: Do you have any questions?

12 MR. GIBBES: No questions.

13 MR. JOHNSON: No questions.

14 THE COURT: All right, I need counsel to
15 approach for one second, please.

16 (Bench conference.)

17 BY MR. EVANS:

18 Q Doctor, I'm just gonna ask you a few
19 quick questions.

20 A Yes, sir.

21 Q We were talking before we broke about
22 your qualifications.

23 A Yes, sir.

24 Q You've been doing this for a very long
25 time?

1 A Yes, sir.

2 Q And you've been trained in forensic
3 pathology, and testified as an expert before?

4 A Yes, sir.

5 Q And how many times, approximately, have
6 you testified in forensic pathology?

7 A More than a hundred.

8 MR. EVANS: Your Honor, the State would
9 tender Dr. Schandl as an expert in the field of
10 forensic pathology.

11 THE COURT: Any objection?

12 MR. JOHNSON: No objection.

13 MR. GIBBES: No objection.

14 THE COURT: All right, then I will qualify
15 her as an expert in the field of forensic
16 pathology.

17 I'm just not sure if we did that before Ms.
18 Williams got sick, so I wanted to go ahead and
19 cover that, so --

20 MR. EVANS: And I appreciate the Court
21 bringing that to my attention, but I do not have
22 any additional questions.

23 THE COURT: She is, in fact, an expert, all
24 right? Anything else?

25 MR. JOHNSON: No, Your Honor.

1 MR. GIBBES: I have nothing.

2 THE COURT: Doctor, thank you so much,
3 appreciate your trip down.

4 WITNESS: Thank you, sir.

5 MR. EVANS: Beg the Court's indulgence?

6 THE COURT: Yes, sir.

7 MR. EVANS: Your Honor, the State rests.

8 **

9 **STATE RESTS**

10 THE COURT: All right, the State rests.
11 Ladies and gentlemen, the State has rested their
12 case, and so at this time it would be an
13 appropriate time for us to adjourn for the day.
14 I'm gonna ask that you be back at 10 o'clock
15 tomorrow morning.

16 There's several matters, we got a little
17 slowed up here this afternoon, but there's
18 several matters that I'm gonna have to take up
19 with the parties, and so we'll do that first
20 thing, so, hopefully, we'll be able to move
21 straight into what's going to apply to you guys
22 tomorrow morning.

23 So I'll see you all at 10 o'clock, and
24 please don't talk about the case.

25 Have a great evening. I appreciate

1 everybody being here.

2 (At 6:11 p.m. the proceedings were
3 continued until the following day without
4 interruption.

5 **

6 END OF VOLUME III

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1 PROCEEDINGS CONTINUED

2 **

3 FRIDAY, NOVEMBER 10, 2023

4 HAMPTON, SOUTH CAROLINA

5 **

6 (The following proceedings were held in open
7 court. All parties were present.)

8 THE COURT: Good morning, folks. Thanks for
9 being here today. I appreciate you working
10 through a holiday. Certainly, that is what our
11 jury unanimously wanted to do.

12 At this point, I think the State has
13 presented all of its evidence. As a result, I
14 am happy to entertain any motions.

15 Mr. Gibbes, do you have any motions that
16 you want to make on behalf of Mr. Boles, sir?

17 MR. GIBBES: Yes, Your Honor.

18 THE COURT: I am happy to hear from you
19 sir,

20 MR. GIBBES: Your Honor, I would like to
21 make a motion for a directed verdict. I didn't
22 know, because the way the charge was set up,
23 Your Honor. Would you like me to go first?

24 THE COURT: I don't really care.

25 Mr. Johnson, do you want to go first?

1 MR. JOHNSON: I will go last.

2 THE COURT: I am happy to hear from you.
3 Go right ahead.

4 MR. GIBBES: Your Honor, we would like to
5 make a move for directed verdict. The State,
6 they have not put forth any evidence, Your
7 Honor, in regard to the elements for accessory
8 before the fact.
9 There was no evidence whatsoever that my client
10 advised, encouraged, suggested, or even wanted
11 anybody to be murdered. That is one of the
12 first elements with regard to accessory bedroom.
13 There is no evidence whatsoever that my client
14 advised, urged, or assisted in any way with
15 regard to these murders.

16 On the other charges, Your Honor, that
17 has been put forth against my client. In
18 addition to that, Your Honor, as Your Honor well
19 knows, there is evidence that was actually put
20 up by the State with regard to -- to suggest
21 that my client was actually at the scene of the
22 murder.

23 They went through extensive testimony, I
24 believe the witness -- the mother of the victim,
25 she testified that on the night of the murder,

1 she saw my client's vehicle going in the
2 direction of [REDACTED] Lane, your Honor.

3 In viewing that evidence in the light
4 favorable to the State, that puts my client at
5 the scene.

6 Your Honor, for these reasons and more,
7 we believe that -- for multiple reasons there is
8 no evidence whatsoever that my client advised,
9 counseled, assisted in any way in these murders,
10 nor -- there is evidence that he -- they are
11 suggesting that he was actually at the scene.

12 For these reasons, Your Honor, we would
13 respectfully request that these charges be
14 dismissed

15 THE COURT: I take it you don't have
16 anything to add to his arguments as it relates
17 to Mr. Boles, Mr. Johnson?

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: Solicitor, let me hear from
20 you, sir. I understand the charge that I would
21 be reading to the jury -- we haven't had a
22 charge conference yet. I suspect that the
23 charge that I propose is straight from my charge
24 book and perhaps a modification of whatever
25 statute. In order to prove the crimes, the

1 State must prove beyond a reasonable doubt,
2 Solicitor, that the defendant advised, agreed,
3 urged, counseled, hired, or in some way aided or
4 abetted another person to commit a crime and
5 that the defendant was not present when the
6 crime was committed.

7 Is that the charge?

8 MR. EVANS: Yes, sir. We are not in the
9 charge conference, but I have no quarrel with --

10 THE COURT: We're not in the charge
11 conference. I am just asking you to help me
12 outline your argument.

13 MR. EVANS: The short answer is yes.

14 THE COURT: Go ahead. I am happy to hear
15 from you.

16 MR. EVANS: Thank you, Your Honor.

17 Mr. Gibbes points out correctly that at
18 this you are supposed to take the evidence in
19 the light most favorable to the nonmoving party.

20 THE COURT: Yes, sir.

21 MR. EVANS: What I disagree with him
22 about -- he is trying to say take the evidence
23 of Mr. Boles being at the scene, as if that is
24 what I am trying to prove.

25 I understand that absence from the scene

1 is an element in South Carolina law for
2 accessory before the fact. Your Honor, there
3 has been no testimony of Mr. Boles' presence at
4 the scene. We are talking about his vehicle.

5 THE COURT: Would you agree with the
6 Solicitor that there has been zero evidence that
7 Mr. Boles himself was at the scene?

8 MR. GIBBES: Your Honor, I think they
9 showed the video with my client, 30 hours after
10 the actual murders in the vehicle. They
11 provided the testimony with regard to the DNA.
12 There was evidence that on multiple occasions
13 that he was seen going to the scene and coming
14 from the scene in the direction of the scene.

15 Our position is that there is some
16 evidence, Your Honor, with regard to that
17 matter.

18 THE COURT: All right.

19 Go ahead.

20 MR. EVANS: Thank you, Your Honor. There
21 was no witness that testified that they could
22 identify the driver of the vehicle or any
23 passengers in the vehicle, only the vehicle
24 itself. I would submit at this stage if I could
25 indict a vehicle -- and you were permitted to

1 direct a verdict of convictions, which of course
2 is impossible under the law. There is proof
3 beyond a reasonable doubt that this vehicle was
4 involved in this murder. Full stop. No
5 questions.

6 THE COURT: Go ahead.

7 MR. EVANS: Mr. Johnson's blood is
8 present in Mr. Boles' car.

9 THE COURT: Right.

10 MR. EVANS: Period. I would submit that
11 that is going to be proven beyond a reasonable
12 doubt. That is one of the many stars in the
13 constellation. There is no question, I think,
14 at this stage of the proceedings that this
15 vehicle was involved in this offense.

16 Mr. Gibes talked about me putting in --
17 the State -- putting in a security camera video
18 as if that is us trying to prove that he was at
19 [REDACTED].

20 THE COURT: I agree with you, Solicitor.
21 I agree with you to this extent. As I look at
22 this evidence and as I look at it in the light
23 most favorable to you, Sir, I submit there is no
24 evidence that shows that the defendant was
25 present.

1 One of the elements here was that the
2 defendant was no present when the offense was
3 committed.

4 There has been no evidence that shows he
5 was present.

6 MR. EVANS: Yes, sir.

7 THE COURT: I agree with you, there.
8 That is what you are saying. There is no
9 evidence of that. Is that correct?

10 MR. EVANS: Yes, sir.

11 THE COURT: I am with you there.

12 MR. EVANS: As far as advisement -- all
13 these elements that he listed, these are not and
14 elements. These are or elements.

15 THE COURT: I am with you.

16 MR. EVANS: There is no question, Judge,
17 at this stage of the proceedings that this
18 vehicle was involved; that Mr. Boles operates,
19 controls this vehicle. This vehicle served as
20 assistance in this offense.

21 We put up some DNA to show that his DNA
22 is present in the car back seat. If his DNA was
23 present in the front seat, the driver's side, he
24 may very well have been indicted for murder
25 rather than accessory before the fact. There is

1 his DNA on the magazine.

2 THE COURT: There was some evidence to
3 indicate that Mr. Boles had some control over
4 the vehicle, not necessarily that night, but
5 that is his vehicle. Not his vehicle but you
6 have evidence of people saying he drove it all
7 the time or his brother did. His brother was in
8 Texas. Maybe his mom drove it, but it was
9 mainly his vehicle.

10 Are you arguing that the vehicle that was
11 involved was intricately involved in this crime.
12 As a result of the vehicle's involvement, Mr.
13 Boles having substantial connections with the
14 vehicle, that that gives rise to some evidence
15 of his aiding in this matter?

16 That is your argument?

17 MR. EVANS: That's my argument. We also
18 have him fleeing, Judge. Consciousness of
19 guilt. Fleeing from [REDACTED] on March 26th.

20 Mr. Solomon's testimony was not quite as
21 a direct link as perhaps we might have expected.
22 Mr. Gibbs in his cross-examination of Mr. Clapp
23 asked some questions that implied that indeed it
24 was Mr. Boles fleeing. He was found in
25 Savannah, Georgi, and he was in the area of [REDACTED]

1 [REDACTED] just minutes before the search warrant was
2 executed, and many people were seen fleeing from
3 the scene.

4 There is some evidence -- light most
5 favorable to the nonmoving party at this stage
6 to send it to the jury that he has conscious of
7 guilt. He is fleeing from the [REDACTED] scene
8 the day following the murder. Judge, I started
9 to argue, and I want to correct myself. I was
10 about to say that there is evidence of Mr.
11 Boles' DNA on the magazine from the Draco. I
12 was getting him confused with Mr. Collins. It
13 was Mr. Collins and Mr. Johnson on that
14 magazine, not Mr. Boles.

15 I want to make it very clear for you and
16 the record that I am not arguing that.

17 THE COURT: Is that your argument?

18 MR. EVANS: Yes, sir. That is the gist
19 of it.

20 THE COURT: Mr. Gibbes, what else, sir?

21 MR. GIBBES: Again, we just haven't
22 gotten off the first element. There is no
23 evidence whatsoever that my client gave anyone
24 any guns, any keys to a vehicle that was not
25 registered in his name. That he wanted anyone

1 to be shot or robbed. There is absolutely no
2 evidence. Absolutely none. All we are dealing
3 with is pure speculation.

4 As Your Honor knows, in State v. Arnold,
5 the Supreme Court says that if all they are
6 putting forth is mere speculation, directed
7 verdict is the appropriate ruling.

8 Your Honor, that is the first element.
9 Again, I know that Your Honor proposed jury
10 charge for accessory before the fact. It lists
11 two of the elements. It does not include the
12 third element, which includes that the principal
13 committed the crime. There is no evidence
14 whatsoever that my client advised, suggested,
15 encouraged, or even directed a principal to
16 commit any murders or robberies on his behalf.
17 That is the third element that is essential to
18 this whole case for accessory before the fact.

19 So Your Honor, our position, in addition
20 to the first element, which we have not gotten
21 past, which there is absolutely no evidence. No
22 one, no statements, no one testified that there
23 is any evidence that Lorenzo Boles even wanted
24 these individuals killed, even wanted these
25 individuals robbed.

1 THE COURT: Mr. Gibbes, sir, with all due
2 respect, I am going to deny your motion. Let me
3 tell you what my reasoning is as it relates to
4 it. I am looking for the existence of any
5 evidence at this point. I have to look at the
6 light most favorable to the nonmoving party.

7 When I looked at the charge -- we haven't
8 had a charge conference, but I don't see
9 anything wrong with the charge that I have
10 provided.

11 In order to prove the crime, the State
12 must prove beyond a reasonable doubt that the
13 defendant -- that is another issue and something
14 you could certainly argue as it relates to the
15 high standard of reasonable doubt or whether
16 it's enough evidence. That's another matter.

17 What it says here, sir, as I read it,
18 they have to prove that the defendant advised,
19 agreed, urged, counseled, hired or in some way
20 aided.

21 What I think, sir, when I look at this,
22 there is evidence that he in some way aided.
23 When I look down, aid means to promote -- to
24 help promote the course of or accomplishment to
25 give support or to give assistance to.

1 When I look at the evidence in the light
2 most favorable to the State, the evidence could
3 be viewed to show that he allowed the use of a
4 vehicle to which he had substantial control
5 over. And as a result, I believe that that
6 could be considered giving support to or to give
7 assistance to. And clearly they have got to --
8 and that the defendant was not present. I don't
9 know that that there is any evidence that he was
10 present at the scene.

11 So I'm gonna adopt the arguments of the
12 Solicitor, incorporate those into the statements
13 that I have just made, and so for that reason, I
14 will respectfully deny your motion.

15 MR. GIBBES: Thank you, Your Honor.

16 THE COURT: Yes, sir.

17 MR. GIBBES: I have one --

18 THE COURT: Yes, sir, go right ahead.

19 MR. GIBBES: Of course, I respectfully --

20 THE COURT: Sure, go ahead.

21 MR. GIBBES: -- appreciate, Your Honor,
22 providing his ruling. I would just have to
23 state for the record that we have not had the
24 charge conference yet, and he got to the
25 elements, it includes three elements, which

1 includes the third element, a principal who
2 committed the crime. That's the third and
3 important element that, otherwise, who was he
4 encouraging? Who was he advising? Who was he
5 aiding, if there is not a third element of an
6 actual principal who has committed the crime.

7 So, again, I you know, respect Your Honor's
8 ruling, but I just would like to note for the
9 record that the third element was not included
10 in there.

11 THE COURT: Well, I think that -- and I
12 appreciate that, but I think the third element
13 in this case, I think there's evidence that the
14 jury can conclude that the Defendant Collins was
15 involved in this matter, and to that extent, I
16 think his DNA was found in the car also.

17 Was his DNA, Collins' DNA, found in the
18 car?

19 MR. EVANS: Yes, sir.

20 THE COURT: And the car was at his house,
21 and the car, as I said, I think the evidence
22 shows that there was, certainly, there was
23 evidence that it was involved in this, and I
24 think from all of those circumstances, there's
25 enough circumstantial evidence; and when I say

1 enough, and, again, I'm looking for the
2 existence, sir, for those three pieces.

3 I think you've adequately protected the
4 record, and that would be my ruling, all right?

5 MR. GIBBES: Yes, sir, thank you.

6 THE COURT: Thank you.

7 All right, let me hear from you, Mr.
8 Johnson. I know you probably have some motions
9 that you'd like to make, sir.

10 MR. JOHNSON: Yes, I do, Your Honor.

11 THE COURT: Go right ahead.

12 MR. JOHNSON: I probably will make my
13 motions one charge at a time.

14 THE COURT: Absolutely.

15 MR. JOHNSON: As related to the possession
16 of a weapon during a violent crime, there's
17 opposition, such as you've heard before, there's
18 no evidence that my client possessed a weapon
19 during the violent crime. At best, the State's
20 evidence indicates that he might have touched
21 the weapon, but there was no evidence that the
22 crime happened at a particular location, the
23 trailer, I mean [REDACTED].

24 THE COURT: Yes, sir.

25 MR. JOHNSON: There's no evidence that my

1 client was ever at Priscilla. There's no
2 evidence my client was in a car that was at
3 [REDACTED]. There's evidence of the DNA that the
4 Court referred to, just to say that at some
5 point my client was in a car, which the State's
6 own witness states that he hasn't been in that
7 car for years. Therefore, that requires a jury
8 to make determinations, requires a jury to
9 speculate, and as stated by counsel here.

10 The State is required to show that.
11 There's no showing of no evidence, that there's-
12 - the State put up a DNA, the person that
13 collected DNA, he stated that he collected DNA
14 all over the scene. There's no DNA evidence
15 connecting my client, even at the scene. All
16 DNA is where my client lives, where you would
17 expect to find DNA related to my client. The
18 DNA is in a car that my client rides in, in the
19 back seat, where you would expect him to sit.
20 There's no evidence that he, for instance, these
21 are location specific crimes. They're crimes of
22 possessing a deadly weapon during a violent
23 crime, had to have happened at Priscilla's.

24 The State has no evidence that there was
25 any evidence connecting my client to that

1 location at any time, no witnesses, no one.
2 Therefore, on the possession of a weapon during
3 a violent crime, we submit to the Court, that
4 the only way to find my client guilty, would be
5 to speculate, which the jury is not allowed to
6 do. Next charge is armed robbery. The State,
7 in the charge, I mean in their indictment, which
8 the State said that my client, Tyrase Akil
9 Collins, while at [REDACTED] Lane, must,
10 again, location specific. The State did not put
11 up any evidence that my client was at [REDACTED]
12 [REDACTED] Lane. They have no evidence of how he
13 got there, no evidence of anybody seeing him
14 there.

15 As a matter of fact, there was evidence
16 that somebody else was there, given by the
17 State. Once again, there's no evidence of even
18 getting to the other evidence. If they can't
19 prove that my client was at that scene,
20 everything else is moved. That there is no
21 evidence given by the State that my client was
22 ever at [REDACTED]. As it relates to the
23 murder charge, before we even go any further
24 there, they have to prove he's at [REDACTED].

25 There's no evidence he was there, no DNA

1 evidence, no nothing. The only DNA evidence
2 they have, what they stated yesterday, were 3
3 things, which was a gun, which they also give
4 conflict in evidence that the trigger guard,
5 that the initial evidence by DNA, I think was
6 the first test that they did, they admitted that
7 there was some evidence of DNA on the trigger.
8 The second evidence given by the State, said
9 that my client was not even attached to that
10 trigger, on that evidence, but once again, Your
11 Honor, I could argue those cases, but it's all
12 moot, if they can't prove he was at the scene,
13 and there's no evidence he was at the scene.

14 And I think that's sufficient enough for a
15 directed verdict, because everything else calls
16 for the jury to have to speculate, and I rest
17 this on those issues.

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

19 MR. EVANS: Thank you, Your Honor. I think
20 this -- I appreciate Mr. Johnson's spirited
21 arguments, but I think they're a significant
22 mischaracterization of the evidence. First, as
23 regards to PWDVC offense, there is utterly no
24 reason not send this to the -- I mean I think
25 we're kind of taking it backwards, but that is

1 the lowest indictment number, and that's the
2 first one he argued, but there's no way to
3 commit these crimes without the possession of a
4 firearm. It's just scientifically impossible.
5 You can't pick up one of these bullets and throw
6 it.

7 So as far as I'm aware, there's no case
8 that requires us -- I mean we've charged this
9 statute many times, where the murder weapon is
10 not recovered, and in this case, we have one of
11 the two murder weapons recovered, and with Mr.
12 Collins' DNA on the trigger. So I'm gonna
13 bounce -- I know he went charge-by-charge, I
14 have to bounce around a little bit, because he
15 says that his client was excluded in 2021 from
16 the swab, which is Exhibit 3, when it was run
17 through STRmix. That is a mischaracterization
18 completely, of Ms. Goodman's testimony.

19 She testified that in 2018, using the
20 previous protocols, the -- let me get the
21 language right, that the major contributor
22 matches the profile of Tyrase Collins. The
23 probability of randomly selecting an unrelated
24 individual having a profile matching a major
25 contributor is one in 3.4 septillion. She said

1 that that result remains valid. What happens
2 with STRmix, is that it finds that the mixture
3 is larger than previously determined, and it
4 can't offer -- it can't compute a calculation in
5 the manner in which they express these new --
6 it's a totally new language of results, Judge,
7 and I've had -- I think this is my third case
8 with it. I'm not sure how many you've had, or
9 Mr. Johnson's had before, but it takes some
10 getting used to, and when you're dealing with a
11 case that has both, it's particularly vexing, I
12 understand that.

13 He'll be able to argue some of this
14 evidence in his favor, as I argue it in my
15 favor. That's what we have juries for, but
16 there's no question that there is a scientific
17 expert opinion, DNA connection, between Mr.
18 Collins, his touch DNA, the major contributor on
19 the trigger guard of Exhibit 1, which as we
20 know, is one of the murder weapons, as testified
21 to by Ms. Eichenmiller, full stop.

22 THE COURT: All right, so your argument is
23 that, obviously, this is a circumstantial case?

24 MR. EVANS: Yes.

25 THE COURT: And that the Defendant,

1 Collins' DNA was found on one of the murder
2 weapons --

3 MR. EVANS: Yes, sir.

4 THE COURT: -- and that murder weapon was
5 found --

6 MR. EVANS: In his room.

7 THE COURT: -- in his room, I understand
8 all about that, in his room, the next day?

9 MR. EVANS: That is correct.

10 THE COURT: And so --

11 MR. EVANS: That was 29 hours later, and I
12 understand Mr. Johnson will argue --

13 THE COURT: Of course.

14 MR. EVANS: -- it was his home, and they
15 stored it.

16 THE COURT: Hold on one second.

17 MR. EVANS: Yes, sir.

18 THE COURT: No, no, and I just want to make
19 sure, that I'm -- I'm not trying to cut you off
20 at all, Solicitor. I just want to make sure
21 that I understand.

22 MR. EVANS: Yes, sir.

23 THE COURT: That I get it right.

24 MR. EVANS: Yes, sir.

25 THE COURT: And that is what your argument

1 is, as it relates to placing him at the crime,
2 is when you put -- is that what you're saying?

3 MR. EVANS: That's one of my arguments.

4 THE COURT: All right, go ahead then. I
5 didn't mean to cut you off.

6 MR. EVANS: It's okay, Judge. We also have
7 Exhibit 2.7. That's a swab from the magazine,
8 which was attached to the Draco. The Draco is
9 not a murder weapon. I understand from Mr.
10 Gibbes' opening, and some of his cross, that
11 they were concerned that we might be trying to
12 scare them into thinking it was the murder
13 weapon.

14 I'm gonna make very clear in my closing,
15 should we get there, that it's not a murder
16 weapon, it's a spoil of war. It's what they
17 went there to get, but it came from Frankie
18 Johnson, because his blood is found on all the
19 swabs from that weapon, every single one. I
20 should clarify, not the interior of the
21 magazine, or the live rounds, but every exterior
22 swab has Frankie Johnson's presumptive positive
23 testing for blood and DNA. The magazine, swabs
24 from the exterior magazine, labeled B, that's
25 Exhibit 2.7. That swab is 1 billion times more

1 likely than not to contain Mr. Collins' DNA.
2 Turning to Exhibit 79, and actually I got that
3 backwards, 97, swabs from the rear passenger's
4 door armrest of the Dodge Charger. That's a
5 mixture of 2, no more than 2 DNA profiles,
6 Judge. It is 920 sextillion times more likely
7 that Mr. Collins' DNA is one of the 2 in the
8 mix. It is 85 octillion times more likely that
9 Mr. Johnson's DNA is in that mix, and when
10 STRmix puts them together, it's 440 sexdecillion
11 times more likely that the mix is the 2 of them,
12 one of our victim's, and 1 of our Defendants,
13 then that it's neither of them. The reason the
14 blood is on the Draco is because it was near Mr.
15 Johnson when he was shot.

16 That's why the scene photos, which Your
17 Honor allowed us to put in, in black and white,
18 were so important, because his blood is
19 everywhere. We have his blood showing up with
20 the presumptive positive testing that Mr.
21 Denizard did. Some of that blood comes out as a
22 mist, as we've heard about in other cases, that
23 doesn't show up red, because it's so fine.
24 That's why we do the testing, and it pops up
25 blue or violet, when they affix those chemicals

1 to it.

2 THE COURT: All right.

3 MR. EVANS: We have photos of that. We
4 have results for that. Mr. Johnson's blood is
5 mixed in with Mr. Collins' blood. I understand
6 that Mr. Johnson, Mr. Charlie Johnson, not Mr.
7 Frankie Johnson, is going to argue that touch
8 DNA can stay on a surface for a long time. Of
9 course, he's free to argue that, we can't say
10 that the science tells us that that's not what
11 it is, but it's arguable either way, Judge, and,
12 again, that's why we have juries.

13 THE COURT: All right, anything else, Mr.
14 Johnson?

15 MR. JOHNSON: Once again, Your Honor, my
16 argument is, there's no evidence that he was at
17 the scene of the crime. That the State cannot
18 argue, if he's not at the scene of the crime,
19 Your Honor, he can't commit a crime. In the
20 State's argument to you just now, he just argued
21 that there's evidence of DNA on an item that was
22 found at my client's house, where he lives.
23 There's probability of transfer DNA, secondary
24 DNA --

25 THE COURT: Right.

1 MR. JOHNSON: -- which still requires a
2 jury to speculate, but the State still has to
3 prove that he was at [REDACTED], but there is no
4 evidence, and the State admits, there is no
5 evidence --

6 THE COURT: There's no direct evidence.

7 MR. JOHNSON: There's no indirect evidence,
8 Your Honor.

9 THE COURT: Well, I mean, there could be.
10 What else do you want to tell me? Because
11 I --

12 MR. JOHNSON: Your Honor, like I said, if
13 the State can't prove that he was at Perscilla,
14 the other evidence is moved.

15 THE COURT: All right. All right. Mr.
16 Johnson, a lot of what I'm gonna tell you is
17 substantially similar to what I've told Mr.
18 Gibbes, and I certainly understand, and I
19 appreciate your argument, but, again, I'm
20 looking for the existence of evidence; and, sir,
21 I do believe that evidence exists,
22 circumstantial evidence should exist, that would
23 allow a jury to conclude, possibly, beyond a
24 reasonable doubt, that he was in fact there, and
25 he did in fact commit these crimes.

1 I think that the evidence is outlined by
2 the Solicitor. I think that the fact that, that
3 his DNA is in the evidence, that they've
4 produced evidence. I'm not passing any
5 judgement on the strength of the evidence. It's
6 not my job, and that's not the issue of this
7 Court.

8 You've given me --you've provided me a lot
9 of information, Mr. Johnson, which I believe
10 goes to the strength of the evidence, or the
11 lack of evidence, but at this point, I'm charged
12 with looking at the existence of evidence, and I
13 believe that evidence exists, based on what's
14 been provided, that a jury could conclude, based
15 upon the evidence, that the evidence was amongst
16 other things, that your client's DNA was found
17 on one of the murder weapons, that it was the
18 very next day, that it was in his bedroom, at
19 his home, at [REDACTED] Street, or Avenue.

20 MR. EVANS: Street.

21 THE COURT: And I think that's enough, sir,
22 to allow this matter. Now, there's other
23 evidence that the Solicitor's gotten into, that
24 he says that they provided, but I just think
25 that -- I think based on those facts alone, I'm

1 gonna adopt his arguments, incorporate those
2 into what I've just said, but I believe there is
3 enough for the case to go forward.

4 Again, I think that the strength, I agree
5 with you, it's -- but I'm not looking to the
6 strength of evidence, or whether the evidence
7 contradicts itself. I'm looking does any
8 evidence exist, and I think evidence does exist
9 at this point, and so with all due respect, sir,
10 I'm gonna deny the motion, all right?

11 MR. GIBBES: Yes, sir.

12 THE COURT: All right, gentlemen, I believe
13 that now would be the appropriate time to advise
14 your clients of their rights to testify, or not
15 testify. Would that be appropriate, sir? Mr.
16 Gibbes?

17 MR. GIBBES: I'm gonna be trying the same
18 question, but he --

19 THE COURT: Sure, but there's --

20 MR. GIBBES: So he doesn't want to testify.

21 THE COURT: Right, and so -- and I probably
22 thought that, but. as you know, Mr. Gibbes,
23 there's a colloquy that I need to go through
24 with him concerning his right to testify, and so
25 what I'd like to do is to go through that now.

1 I think now would be the appropriate time for me
2 to discuss with him, place him under oath, and
3 then go through this, as it relates to his
4 rights to testify. Is -- I believe now would be
5 the appropriate time, Mr. Gibbes?

6 MR. GIBBES: Yes, Your Honor.

7 THE COURT: Okay.

8 MR. GIBBES: If Your Honor would like to do
9 that.

10 BY THE COURT:

11 Q Yeah, well, what I'd like to do is, I'd
12 like to go ahead and, Mr. Boles, could you stand
13 up for me, please?

14 A Sure.

15 Q Would you raise your right hand? Mr.
16 Boles, do you swear to tell the truth, the whole
17 truth, and nothing but the truth, so help you
18 God?

19 A Yes.

20 Q All right, thank you, Mr. Boles. You can
21 sit down, Mr. Boles. All right, would you state
22 your name for me, sir?

23 A Lorenzo Boles.

24 Q All right, and, Mr. Boles, you've got to
25 speak up. I'm sorry, I'm a little hard of

We've all been working on those, and now are in a position to move forward with the case. So, Mr. Gibbes, yes, sir.

MR. GIBBES: The defense rests, Your Honor.

DEFENSE RESTS

THE COURT: All right. The defense, Mr. Boles, has rested, and so let me ask you, Mr. Johnson, happy to hear from you, sir.

MR. JOHNSON: Your Honor, on behalf of Mr. Collins, the defense rests.

THE COURT: All right, the defense has rested. All right, ladies and gentlemen, one second. All right, folks, you have heard all of the evidence in this case, and it's now time for the attorneys in the case to make their closing arguments to you.

Now, the arguments of the attorneys, I've said this before, and I'll say it again, they are not evidence in the case. They're statements and arguments are meant to help you, ladies and gentlemen, understand the evidence, and apply the law to the evidence. You should disregard any remark, statement, or argument, which is not supported by the evidence presented

1 during the trial, or the law that I will explain
2 to you after the arguments, all right.
3 Solicitor, yes, sir.

4 MR. EVANS: Thank you, Your Honor. May it
5 please the Court?

6 THE COURT: Yes, sir. Good morning.

7 **

8 **CLOSING ARGUMENT BY MR. EVANS**

9 MR. EVANS: Good morning, Mr. Gibbes,
10 ladies and gentlemen of the jury, I know it's
11 been a long week. Yesterday, in particular, a
12 long day, a stressful day. Thank you upfront
13 for doing exactly what I asked you'all
14 Wednesday, paying close attention, taking it all
15 in, withholding decision, being fair to Mr.
16 Boles, and Mr. Collins, and to the State of
17 South Carolina.

18 I told you that at the end of the case, I
19 would have a chance to speak with you, and put
20 all those puzzle pieces together, and, boy, did
21 you get a lot of puzzle pieces. You must of
22 heard me say, "Now the State moves such and such
23 into evidence", 100 times, and we have well over
24 100 reasons, a lot of puzzle pieces, a lot of
25 testimony, a lot of names.

1 Now it's time for us to put all those
2 puzzle pieces together. When we're done, you're
3 gonna see Lorenzo Boles, guilty of accessory
4 before the fact to armed robbery of Frankie
5 Johnson, the murder of Frankie Johnson. I just
6 want to make sure I clarify, because you look
7 for the fact of the armed robbery of Frankie
8 Johnson, accessory before the fact to murder of
9 Frankie Johnson.

10 Accessory before the fact to the murder of
11 Ghazi Duckett, and accessory before the fact to
12 the murder of Lamekia Warren. Not of the
13 murders themselves, he's an accessory. So let's
14 talk about that. I'm confident you're also
15 going to find that Mr. Collins is guilty of the
16 armed robbery of Frankie Johnson, of the murder
17 of Frankie Johnson, of the murder of Ghazi
18 Duckett, of the murder of Lamekia Warren, and of
19 possession of a weapon during a violent crime.
20 Now, let's talk about the burden of proof.
21 We're gonna, I'm gonna introduce a few of these
22 concepts.

23 Now, the Judge is going to define these
24 concepts, these legal doctrines for you. That's
25 his charge on the law. He is the judge of the

1 law, as you are the judge of the facts. I'm
2 merely an advocate. What I think the Judge is
3 going to tell you, is that proof beyond a
4 reasonable doubt, does not mean an impossible
5 doubt, does not mean all doubt. It's proof that
6 leaves you firmly convinced. He's going to tell
7 you that you have to assess each of those
8 charges.

9 You've got a lot of work ahead of you. I
10 won't sugar coat it, and again, I thank you for
11 being here on holiday, but you're going to have
12 to assess all those charges, one-by-one. He's
13 going to tell you that if you have proof, which
14 leaves you firmly convinced of the Defendant's
15 guilt, and each charge, one-by-one, that's proof
16 beyond a reasonable doubt.

17 If on the other hand, you have doubts which
18 cause you to hesitate acts, then you must find
19 the defendants not guilty, but. again, you have
20 to assess each charge on it's own, all right?
21 That's what you're gonna do back in the jury
22 room. He's gonna talk to you ab out credibility
23 of witnesses. Credibility just means
24 believability. So you're going to evaluate each
25 one of the witnesses that testified. Were they

1 believable? Did they have some reason to make
2 up what they were saying, or were they telling
3 the truth? He's going to talk to you about the
4 difference between direct and circumstantial
5 evidence. Direct evidence just means something
6 that a person sees, or hears, maybe, not in this
7 case, maybe smells, or tastes, or touches.
8 Something you've observed in your own senses,
9 that's direct evidence, evidence that comes from
10 the memory, or personal witness. Circumstantial
11 evidence is evidence which gives you rise to a
12 sequence.

13 Let me give you an example. This doesn't
14 happen around here, Hampton County, very often,
15 but let's just say we were trying this case in
16 Boston, okay. You might go to bed tonight, or
17 last night, no snow on the ground outside. You
18 wake up in the morning, you see a foot of snow
19 on the ground.

20 Well, you didn't see the snow fall, you
21 didn't hear it, taste it, touch it, or smell it,
22 but you know that it snowed overnight. Why?
23 Because there's snow on the ground. That
24 circumstance, that's circumstantial evidence,
25 that lets you know that it snowed overnight,

1 even though you didn't see it. It's a fact that
2 can rise to a series of other conclusions, okay.
3 The law makes no distinction between the value,
4 the weight, of direct versus circumstantial
5 evidence. Now, in ordinary conversation you
6 might hear somebody on TV, or maybe chatting
7 with your friends maybe, well that's just
8 circumstantial. That might be how we talk
9 outside of this courtroom, but the law makes no
10 distinction, and you heard a lot of
11 circumstantial evidence in this case.

12 We're gonna go through that, all right? So
13 what are we charging them with? What do you
14 have to decide? You have to decide whether
15 Tyrase Collins was responsible for the murders
16 of these 3 people, for the armed robbery of
17 Frankie Johnson, you have to decide, and of
18 possessing a weapon during the commission of
19 those crimes.

20 Let's just get that one right out of the
21 way. That's the easiest decision you have to
22 make all day. Okay? As the Judge is going to
23 tell you, it's going to be on the verdict form,
24 if you don't find him guilty of any of the
25 murders, or the armed robbery, Mr. Collins, then

1 you don't even take up the gun question, because
2 he has to be convicted of a violent crime, in
3 order to be guilty of possession of a weapon
4 during a violent crime, but this is live TV, and
5 You can't commit a murder of shooting somebody
6 through the head without possessing a firearm,
7 all right? So that's one. We've got a lot of
8 work ahead of us.

9 So let's talk about what we know. First
10 things first, was this a murder? We know this.
11 we know that Frankie Johnson, Ghazi Duckett, and
12 Lamekia Warren were murdered, and it might sound
13 strange, because we already know they're dead,
14 but the Judge is going to define each of these
15 charges for you, and he's going to tell you what
16 the elements of the charges are here.

17 All right, the elements are just like parts
18 of a math equation. This, plus this, plus this,
19 equals this, okay? Murder is defined in the
20 law, as the unlawful killing of another person
21 with malice aforethought. Malice, he's gonna
22 define that for you as well. That means hatred,
23 or ill-will, bad intent. These gentlemen, to
24 their credit, acknowledged in their opening
25 statements that this a murder case.

1 This is not some kind of self-defense, some
2 kind of accident. This is not a what happened.
3 This is a who did it. This is malice right
4 here. Shooting someone in the head, executing
5 them while they're playing video games in their
6 home, that's malice. This is malice, shooting
7 someone in their bed, before dawn, in their
8 home, over, and over and over again, that's
9 malice. We don't have a photo of Mr. Duckett,
10 simply because he was taken away, in noble
11 efforts to try to save him, but he was executed
12 as well, shot in the head.

13 This is a murder, pre-murderous attack.
14 Malice is not an issue. It is in a lot of
15 cases, so we've got that out of the way. This
16 is a murder case. What else do we know? The
17 Dodge Charger was seen coming and going from the
18 area of the incident, [REDACTED], San Ridge
19 area in Varnville.

20 This distinctive car with front-facing
21 tags, not something you see very often in South
22 Carolina. Texas, Virginia, New Jersey, that
23 wouldn't mean much, but around here, that is
24 incredibly distinctive. We have multiple
25 witnesses who saw this video. That's Ms.

1 Fields, you might say, "Well, that's the
2 victim's mother. She could have made that up."
3 Maybe, but let's talk about another lead
4 concept, corroboration. She's corroborated by
5 Michael Smith, Assistant Chief in Varnville PD.
6 Law enforcement, yes, but he doesn't have a
7 personal dog in the fight, so to speak. It's
8 not even his agency's case.

9 Veteran, not a veteran like Veteran's Day,
10 but veteran law enforcement, all right, a highly
11 credible witness, and his testimony that he saw
12 this vehicle leaving the area minutes, mere
13 minutes, after these murders occurred, that
14 corroborates her story, and we know this.

15 And what else do we know about this? We
16 know that it's Lorenzo Boles' car, he drives it
17 regularly. There was no testimony he was
18 driving it that night to and from the murder
19 scene, and that's actually important, because
20 he's charged as an accessory, and you have to
21 find that he was not present, but he had control
22 over his car. We had testimony that this man,
23 Gregg Collins, that's his brother, but he drives
24 it.

25 We know he was driving it the next day,

1 because that receipt led Mr. Clapp to Dollar
2 General. While Mr. Boles was driving the red
3 Charger, he made a purchase just minutes before
4 the search warrant was executed at [REDACTED]
5 Street, where they found what? The same Dodge
6 Charger. Several people were seen fleeing the
7 area. I'm not sure if Mr. Boles was one of them
8 from the direct evidence, but he was in the
9 area. He was at Dollar General with his car,
10 just minutes, and minutes before, the execution
11 of the search warrant, and they found him in
12 Savannah, Georgia.

13 Now, was he running from a warrant, or an
14 animal at large, or was he running because he
15 knew about his part in these horrible deaths?
16 What else do we know about [REDACTED]? Tyrase
17 Collins lives there, lived there. It's
18 indicated with documents with his name on them.
19 In his room, we have direct evidence. We know
20 from Viola Collins, it's his house, it's his
21 room. What'd they find in there? 3 guns, 2
22 handguns, 1 larger. This is State's Exhibit 1,
23 he had a box with all his guns in it.

24 A Glock 23, .40 caliber, serial number
25 ZCSN899, found in this bag in his room. State's

1 Exhibit 115, it's secured in the box, so I'll
2 hold it this way, a Glock 38, .45 caliber,
3 different size rounds, found in the same bag in
4 his room. State's Exhibit 2, a Draco, a big
5 scary one. Now, I want to make clear this is
6 not the murder weapon. This is a trophy. This
7 is what they went there to get, because it's
8 big, scary, it's heavy, it's cool. It comes
9 loaded, a large clip -- that clip in there for
10 obvious reasons, and, of course, you can see,
11 because these are gonna go back with you to the
12 jury room, they're all safe and secure, all
13 right? Why is it cool? That's what it fires.
14 3 guns found.

15 What do we know about those guns? That
16 this is what they robbed Frankie. What is
17 robbery? Robbery is taking something of value
18 from someone else, by force. Armed robbery is
19 using a weapon as that force. How do we know
20 they took this from Frankie? 2.1, 2, 3, 4, 2.7,
21 2.8. They swabbed all over this gun, from this
22 magazine. They found blood here, here in this
23 area, here on the trigger, and trigger guard,
24 they found it on the upper metal, they found it
25 on the wood, they found it on the barrel.

1 Blood, all over a gun, as elaborate, as
2 impressive as this.

3 If you've got this gun, you own it, you
4 think you're leaving your blood all over it?
5 That blood came from the bullet that went into
6 his head, and then they took it from him. Blood
7 on this magazine too, not inside. There were
8 these swabs. What else did they find in these
9 swabs? Not only is it blood, it's DNA, it's
10 Frankie's blood, Mr. Johnson.

11 They took it from him. We also know about
12 paperwork that it was Frankie's gun. This is
13 more -- this paperwork is circumstantial
14 evidence, but the testimony of Rasheeda was
15 direct evidence, the fact that it was in
16 Frankie's possession. Why? Because she bought
17 it for him February 13th, 2018, and she gave it
18 to him, and around a month and 12 days later he
19 was gone. He got a cool little gun, pretty
20 neat, might be something somebody wants.

21 What do we know about State's Exhibit 115?
22 Glock 38, serial number VHH952. You can compare
23 the serial number. This gentleman, Samuel
24 Sheppard, testified to you that he gave that gun
25 to Ghazi Duckett. He wasn't sure of the date,

1 he ballparked it, but it was within a few
2 months. He said either late 2017, or early 2018
3 is when he loaned it to Mr. Duckett, and he had
4 seen it in Mr. Duckett's possession, in his own
5 custody, on another occasion between the loan
6 and Mr. Duckett's death. And this gun was found
7 and Tyrase Colins.

8 Going back to number 1, this is a murder
9 weapon. You heard expert testimony, from
10 Michelle Eichenmiller, because what do they do?
11 They do apples-to-apples, that's right. They
12 have to get casings that they fired at a lab,
13 that they can compare against casings that are
14 found at the scene. Cartridge casings 8, 9, 10,
15 11, 12, 13, 14, 15, 20, and 21, correspond to
16 markers 2, 3, 4, 5, 6, those go for 8 through
17 12, right? We had slightly different numbers.
18 We tried to match them up for you.

19 We put these stickers up, so that you'all
20 could understand which gun fired these shells,
21 yellow, I think you'll find the numbers match.
22 Shells fired by this weapon. Murder weapon,
23 now, is it the only murder weapon? We're gonna
24 get into that. 7, 8, 9, Exhibit 1 is
25 responsible for those as well, all the way up to

1 13, 14, 15, 20 and 28 all over here. What do we
2 know about this right here? A trigger, of
3 Exhibit 1, again, you're gonna have this in the
4 jury room.

5 You can see what Mr. Clapp wrote on it,
6 when he took this swab, created a chain of
7 custody, secure, so that experts could analyze
8 it later. What does it say? Trigger, Glock 23.
9 This is a Glock 23. This is a Glock 38.
10 Trigger, Glock 23, Exhibit 1. Swab is Exhibit
11 3. What did we learn from Sara Goodman
12 yesterday? When she took that swab, and
13 analyzed it for DNA, remember, she had a known
14 standard for all the people. She got some of
15 them early, some of them later, but when she
16 analyzed it in a report dated April 6th, 2018,
17 she had Mr. Collins' known DNA standard.

18 She found that Mr. Collins was the major
19 contributor to the trigger of this gun that
20 fired 8, 9, 10. These are Exhibit numbers, not
21 the number of shots. Exhibits 8, 9, 10, 11, 12,
22 13, 14, 15, 20. She brought us some more
23 pictures of all the shells they fired. On the
24 probability, randomly selecting an unrelated
25 individual, with a matching profile in this swab

1 being someone other than Tyrase Collins, is 1 to
2 3.4 septillion.

3 That's 3.4 septillion for you there on the
4 bottom of the screen. That's what it looks like
5 as an actual number, not a word. And Mr.
6 Johnson, the victim, not the attorney, he made
7 some arguments for Ms. Goodman, or he asked her
8 a few questions I should say, and I expect he'll
9 bring those back up in his argument about how
10 they didn't have DNA, couldn't match it, change
11 the numbers. Yes, she said it could change the
12 numbers, but it would not change who is a major
13 contributor.

14 She can distinguish between profiles of
15 siblings, so long as they are identical twins,
16 that they are not, sorry, that they are not
17 identical twins. No evidence that this is
18 Tyrase's identical twin. In fact, we saw the
19 sign in a video, so you could take another look
20 at it, and be sure that that's the case, but in
21 any event, it would not change who is the major
22 contributor on this trigger, not the stock, not
23 the grip, not the barrel, the trigger of the
24 murder weapon, a murder weapon, because what
25 else do we know? There was another murder

1 weapon.

2 You notice all the guns right up here
3 before you. This Glock is not the second murder
4 weapon, the caliber is different. All the
5 casings collected at [REDACTED] the .40
6 caliber, described as .45's. This is another
7 trophy, okay, but what can Ms. Eichenmiller do
8 if she has cartridge casing, even without the
9 gun? You can create the test casings. She can
10 compare them against one another.

11 What did she tell you the expert opinion
12 about Exhibits 7, 16, 19, 22, 23, 24, 25, and
13 26? Which is for reference, are markers 1, by
14 Mr. Johnson, 10 to 13, 16, 17, 24, 5, and 6,
15 which they didn't get placards down for. She
16 told you that all of those cartridge casings
17 were fired by one gun, which was not State's
18 Exhibit 1, all by the same gun.

19 What else? She looked at State's Exhibit
20 70, one Exhibit, multiple items. We try and
21 keep the items and the Exhibits matching, but
22 these are sealed up together, so we had to count
23 it as all one. These are the casing that Mr.
24 Clapp found. Where? Outside [REDACTED], where
25 Tyrase Collins lived, and they were fired by the

1 same gun, not near there, out there in the world
2 somewhere, the same gun fired Exhibit 7, 16, 17,
3 18, 19, 22, 23, 24, 25, 26, the same gun.

4 Now, did Tyrase fire that? We don't know.
5 Let's talk for a moment about what your job is.
6 Your job, as jurors, is not to decide whether
7 this was a perfect investigation. It wasn't,
8 because there's no such thing. Your job is not
9 to determine whether all the people responsible
10 for this heinous act are here in this courtroom,
11 awaiting your judgment, very likely, they're
12 not.

13 We know that multiple cars came away from
14 the scene. We know that multiple voices were
15 heard. We heard other names mentioned. Their
16 guilt or innocence does not bear on Mr. Collins
17 or Mr. Boles' guilt or innocence. Your job is
18 to evaluate the evidence against these two. If
19 Mr. Collins participated in these heinous acts,
20 he is responsible for all of them. What else do
21 we know? Again, these are things that we know,
22 not things we're arguing.

23 We know that Frank Johnson's blood is in
24 Lorenzo Boles' car. It's all over the back
25 passenger seat area. Presumptive positive

1 results for blood from Exhibits 99, 100, 101,
2 102, 103, and 104. It didn't come back for what
3 you can see with the naked eye, some of it,
4 right? It shows up, remember about the
5 presumptive positive tests, they spray it down
6 with these chemicals and it pops up, a little
7 violet, an indicator of blood. And where did
8 these swabs go next? Those initials here, SGG,
9 belong to Sara Goodman, and she learned Frankie
10 Johnson's DNA is all over this area, where
11 there's also blood.

12 Now, she can't look into a profile, and
13 separate molecule-by-molecule, and say this
14 DNA's definitely from blood, versus this DNA's
15 definitely from touch, all right? This is part
16 of your job, is to make logical connections. If
17 there's presumptive positive blood everywhere,
18 and they're sure of it, there is an excellent
19 chance that the DNA is from the blood.

20 This, again, he let out an awful amount of
21 blood, and some of it wasn't visible to the
22 naked eye, which we've seen these LCV photos,
23 right? Murder is messy. When you shoot someone
24 in the head, blood comes out. Blood gets
25 everywhere. It got all over this gun, which was

1 not in these photos, because it was already
2 gone.

3 They took these photos on the morning of
4 the 25th. They found this gun the next day,
5 right? It had blood all over it. Where do you
6 think the blood came from? How do you think the
7 blood got in the car that was found at the same
8 house with this gun? Because the killer took it
9 with him. He might not have even realized he
10 was doing it. It's early morning, it's dark,
11 some of his blood is more like a mist, might
12 even say a fountain, but it comes with you when
13 you leave.

14 Let's talk, in particular, about item 97.
15 This is a DNA swab from this area, and the
16 description, I want to get it exactly right,
17 rear passenger's door rest arm handle depicted
18 in that photo, which is in evidence, interpreted
19 as a mix, not 5, not 10, not even a 3, a mix of
20 2, 2 profiles. Remember, they express the
21 results differently. It's not a 1 in X number
22 of chance anymore. A new way of phrasing
23 results, likelihood ratios.

24 I know it was tough to listen to Sara, it
25 was her job. She's, obviously, extremely

1 intelligent. This is hard stuff to wrap your
2 head around for the first time, but it's talking
3 about probability. What is more likely than
4 not? So when you're looking at a mix like this,
5 the first comparison is, say it's a mix of 2,
6 what are the chances that Frank Johnson is in
7 the mix with somebody else against, the other
8 scenario, what are the chances that 2 people we
9 don't know are in that mix? It is 85 octillion
10 times more likely than not, that Frank Johnson
11 is in the mix, in item 97.

12 Next step, take another person of interest,
13 you have to know the standard. Tyrase Collins,
14 let's take a look at the mix between is it him
15 and another person, versus is it 20 other
16 persons. It is 920 sextillion times more likely
17 that Tyrase is in the mix, than that he is not.
18 Last step, remember, we don't always reach
19 these. She didn't testify about all of them,
20 because sometimes if you have very weak support,
21 like 2 or 3 times more likely, and they say,
22 "Well, put more emphasis on the big one", but
23 here we've got 2 big numbers.

24 All right, we had a mix of 2. The third
25 scenario, comparing a mix of Tyrase and Frankie,

1 against a mix of 2 unknowns, is 440 sexdecillion
2 times more likely that it's both of them, than
3 that it's not. What in the world is 440
4 sexdecillion? It's 4.4 with the zeros to the
5 third power times more likely than not. This
6 is, she's not allowed to say this, all right?
7 She expresses in terms of probabilities.

8 I'm arguing to you based on that evidence,
9 this is a mix of the victim, Frankie Johnson,
10 and the Defendant, Tyrase Collins, and the car
11 seen leaving the scene found in the same
12 property, the same home, that Tyrase lived in,
13 where the murder weapon was found, where Ghazi's
14 gun was found, where the trophy, the Draco, was
15 found. He put that mix in there when he closed
16 the door, grabbed it, and closed it, that's what
17 the handle is. Let's talk about some other
18 evidence. Mr. Johnson did not contest, on that
19 weight, this is his client's hoodie.

20 We know it's got his DNA. We also know
21 it's presumptive positive, also found in his
22 home, coming from a hoodie, so positive,
23 presumptive positive for blood 0.14 positive for
24 blood -- positive, very strong support for Mr.
25 Collins' DNA. We also know Mr. Boles, he had

1 some DNA in the car, but it's his car, we know
2 that. It's his known standard.

3 We need this to get these numbers, because
4 they have to have something to compare it to,
5 whether they know where it came from. No
6 question, that this was properly obtained by law
7 enforcement from Mr. Collins, this is his DNA,
8 Item/Exhibit Number 61. Now, I expect these
9 gentlemen are gonna raise a lot of other names
10 that you've heard already through the course of
11 this trial. One of those names is gonna be
12 Albert Crittington, and, yes, there is very
13 strong support for Albert Crittington, again,
14 this evidence is supported.

15 There's also strong support for 2,000 times
16 more likely for who? For Tyrase Collins.
17 Again, on this trophy. In fact, from Mr. Frank
18 Johnson. We got testimony in on cross-
19 examination about someone in which Albert
20 Crittington is seen hoisting this gun in the air
21 in celebration. It's a trophy. There's very
22 strong support that Mr. Collins had this same
23 gun as well. The gun found in his home that
24 came from the murder scene, but, again, it is
25 not your job here today to decide, did Albert

1 Crittington commit this murder?

2 Did Mr. Harris commit this murder? Did
3 Rasheeda Collins commit this murder? She was
4 there too. Multiple voices, multiple cars,
5 multiple guns. This was about action, but your
6 job is to evaluate the evidence against Tyrase
7 Collins and Lorenzo Boles for different charges.
8 You can consider the evidence against these
9 other people, but if we had brought charges
10 against them in front of you today, you
11 essentially heard the case.

12 No Albert Crittington DNA on State's
13 Exhibit 2, only one man named, it's a mix, yes,
14 but the main major contributor. These results
15 are still valid. STRmix makes them a little
16 tricky.

17 Mr. Johnson may try to argue that this
18 point is excluded, but remember what did I ask
19 Ms. Goodman? Does STRmix change the validity of
20 the original results? No, it does not. The lab
21 says it needs more of the DNA. It does not
22 change the fact that he is a match, and a major
23 contributor, is what remains. You know what
24 would be nice?

25 If we didn't have to put these physical

1 exhibits before you, ask the experts to testify
2 to you, and force you to do this hard work. It
3 is going to be hard in that jury room, making
4 these connections. It would be nice if we had a
5 witness who could sit on that stand, and tell
6 you, "I know what happened, because I saw it
7 with my own two eyes". We don't have that. We
8 don't have that, because they're dead. We have
9 an ear witness, who was hiding, you'all all know
10 that. How did she describe this sheet?

11 I am all the way back in the closet, and
12 the witnesses told you where the bodies were
13 positioned, approximately. Frankie, roughly,
14 here, Lamekia here, Ghazi around here, before he
15 was taken. She's hiding all the way back here.
16 Is it strange that she wasn't alarmed by the
17 sound of gunfire at first? Yes. She said
18 that's what happens out there. Remember, this
19 is a hard-to-find place.

20 I mean we're in a little town, but this is
21 out of town, okay? So she wasn't alarmed at
22 first. She heard multiple voices, and she
23 almost came out, and so we almost had that
24 eyewitness, except she wouldn't have been an
25 eyewitness, if she'd come past that sheet.

1 She would have been the fourth victim.
2 What she testified to, you saw her break, you
3 saw the power of her memories. Her seeing her
4 boyfriend shot in the head, the brutality of
5 seeing these - this is a marker showing that
6 shots went through the door. They're firing
7 from all over those first couple of minutes.
8 Remember the shells don't necessarily land
9 precisely where they're fired from. It's a
10 ballpark, but it can depend on a variety of
11 things. Shooting from above into bedroom 1,
12 from the other room. Shooting shots so
13 powerful, they're going through the floor after
14 they've gone through Lamekia, through the walls,
15 outside, more going outside, through the whole
16 house.

17 That's what these bullets do to the home,
18 to the walls. Imagine what they did to Lamekia,
19 what they did to Frankie, when they shot him one
20 time, executed him, not survivable, shot Ghazi,
21 one time, executed him, un-survivable, through
22 his brain. And then they turned on her, and
23 they shot her, they shot her, and they shot her,
24 over and over and over again. They told you
25 that, because one shot can cause multiple

1 wounds. She can't tell you which one killed
2 her, exactly, but they did though, and then they
3 kept doing it, over, and over, and over again,
4 as they dropped shells from both those guns all
5 over bedroom 1. That's malice. That's murder.
6 That's what Tyrase Collins did, and he did it
7 with the help of Lorenzo Boles, in that car.
8 They brought trophies of blood evidence back to
9 his house. Lorenzo helped him by being in that
10 car, and Tyrase went over and them, and they
11 lost their lives for that. That's robbery,
12 that's murder, that's murder, that's murder.
13 Find him guilty.

14 THE COURT: All right, thank you,
15 Solicitor.

16 THE COURT: If you'all want to get up and
17 take a stretch while they do that. I tell you
18 what, I'm gonna send you back to the jury room
19 for just a moment. Do not talk about the case,
20 until we here the closing arguments, and my
21 instructions charged on the law. Don't speak of
22 it, all right. Thank you.

23 (Jury exits the courtroom.)

24 THE COURT: All right, we'll be at ease for
25 a few moments.

1 (Recess)

2 BAILIFF: All rise.

3 **

4 PROCEEDINGS CONTINUED

5 THE COURT: All right, I want to go back on
6 the record. I have provided a verdict form in
7 Mr. Boles' case. It's 2 pages long, and I've
8 shown it to the State, and I've shown it to Mr.
9 Gibbes, but I understand that there is no
10 objection.

11 It's basically 4 questions, not guilty, and
12 guilty, as it relates to the accessory before
13 the fact of murder of Frank Johnson, accessory
14 before the fact of murder of Ghazi Duckett,
15 accessory before the fact to felony murder of
16 Lamekia Warren, and then the last question would
17 be, basically accessory before the fact of armed
18 robbery of Frank Johnson Jr., guilty, or not
19 guilty. You'all have seen these. Any
20 objections from the State?

21 MR. EVANS: Not from the State, Your Honor.

22 THE COURT: Mr. Gibbes?

23 MR. GIBBES: No objection, Your Honor.

24 THE COURT: All right. That's the form
25 that I would use. And also I've provided the

1 verdict form on Tyrase Collins, and basically
2 going through, there are 5 questions.

3 The jury finds the murder of Frank Johnson
4 Jr. guilty, or not guilty, Mr. Duckett, guilty,
5 or not guilty, not guilty, or guilty, Lamekia
6 Warren, not guilty, and guilty, and then Frank
7 Johnson Jr. on the armed robbery charge, not
8 guilty, and guilty, and then, of course, in
9 bold, if the answer is not guilty to 1 through
10 4, the answer to question 5 must be not guilty.
11 Any objection from the State?

12 MR. EVANS: Not from the State.

13 MR. GIBBES: No objection, Your Honor.

14 THE COURT: Thank you very much. Those are
15 the forms you'all can use it. You ready to
16 bring the jury back in? Mr. Johnson, are you
17 ready?

18 MR. JOHNSON: I'm ready, Your Honor.

19 THE COURT: All right, Mr. Gibbes, you
20 ready?

21 MR. GIBBES: Yes, Your Honor.

22 THE COURT: Solicitor, I know you're ready.

23 MR. EVANS: The State's ready.

24 BAILIFF: Bringing in the jury.

25 THE COURT: All right, that'd be great.

1 All right, I had a feeling they haven't had time
2 to cycle through the bathroom yet.

3 MR. EVANS: Your Honor, may I?

4 THE COURT: Of course.

5 MR. EVANS: Thank you.

6 (Jury enters the courtroom.)

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 **

11 **CLOSING ARGUMENT BY MR. JOHNSON**

12 MR. JOHNSON: Good afternoon, I want to
13 start off by thanking you for being here all
14 week. It took a lot of time and effort to be
15 here, and I was watching carefully, and you'all
16 seem to be attentive, and watching what's going
17 on. I'm not gonna spend a lot of time going
18 over everything item-by-item, because you was
19 here. You watched it, just as I did.

20 The only thing I tried to do was to show
21 you all of the evidence. You see this is not -
22 - a criminal case is not a case about win or
23 lose, you know, team A beat team B, prosecution
24 beat the defense, defense beat prosecution.
25 That young man that I represent, life is on the

1 line. This is for real. This is not a game.
2 This case has already been going on for 5
3 years. That man was 3 months away from
4 graduating with honors. Since then he's been
5 charged with a murder. Now, you wasn't there,
6 I wasn't there, the only way that you can
7 decide what went on, is to look at the facts,
8 but to be given some of the facts, and not all
9 of the facts, that's not right either. That's
10 why I'm here.

11 The prosecution is gonna show you facts
12 that favors what he is trying to prove, that my
13 client did it, and if I wasn't here, and wasn't
14 serious about what I'm doing, you wouldn't get
15 all the facts. People say all the time, "Well,
16 he got off on a technicality." I want you to
17 think about this. The State has police, the
18 chief, they have DNA experts, they've got
19 psychiatrists, the FBI, SLED, all of these
20 people to prove that young man guilty.

21 All that young man has is me, and with all
22 those things that they have, if they can't
23 convict that young man, what's wrong with that?
24 That means that they did not prove he did it.
25 So don't think about this, listen, this family,

1 they've lost 3 people, they're dead. Does it
2 make it fair that you unjustly send somebody
3 else to jail, so that this family can get some
4 peace? This family shouldn't feel peace,
5 unless they get the right person. That young
6 lady that was on the stand, that was afraid to
7 testify, she wasn't afraid of this young man.
8 She's afraid of the person out there that did
9 it, that she told me he did it. He's still out
10 there walking around, and we're in here for the
11 last week, for the last five years, trying to
12 convict an innocent person, and this is why I
13 say this, let's go over the facts.

14 The first witness was the lady from, I
15 think it was the 911 dispatch. Remember she
16 came in and said she couldn't even identify
17 whether the tapes were the actual tapes. She
18 couldn't even tell you the time. Think how
19 important that would be, to know what time
20 somebody called. They don't have that. They
21 put the tape up. The young lady said, called,
22 and was identifying what was going on. Don't
23 you think it would be important to know the
24 exact time? Did they take it seriously?

25 The second witness was an actual young lady

1 that was present at the scene, Ms. Williams.
2 She was the one hiding in the closet. She told
3 you the person that she heard, and that she
4 identified. It was not my client. The police
5 tells you that because he say he didn't do it,
6 they let him go.

7 Think about that, a person identified a
8 person that was in the house, that killed a
9 person, and he's out here walking around these
10 streets to this day, and they said they closed
11 the case, but that young man, who was in
12 school, making an honest living, is sitting
13 over here fighting for his life. This is what
14 you gotta think about. It ain't about winning.
15 It ain't about sending somebody away. It's
16 about sending the right person away. That's
17 what this about.

18 You represent the community you live in,
19 that's why you was elected. Do you want your
20 community to be like that? Michael Smith, the
21 third person, he was an officer. He said he
22 saw a car, a red car, around 5:00, 5:45. Well,
23 he got a notice that somebody was killed at
24 5:00, around 5:30, 5:45.

25 Remember, the mother of the victim said

1 that she saw the car pass her sometime around
2 5:15, 5:30, going there. Now, he gets a call
3 at 5:30 saying somebody was dead. If she saw
4 that car, those people was dead already. So
5 how can that car kill somebody, whoever was in
6 the car, which we don't even know who was in
7 the car. These things matter, that's why times
8 matter, but we don't have exact evidence,
9 because nobody took the time to write down
10 details, but they still want you to convict
11 him.

12 Stacy Loadholt, the investigator, remember
13 when I asked him if he had any evidence that my
14 client was at the scene? He tried to change,
15 or tried to word it in such a way, that he
16 couldn't say it. I mean why is it hard to tell
17 the truth? They have no evidence. There is no
18 -- all this DNA evidence, but there's no
19 evidence that put my client at the scene. If
20 you're not at the scene, how can you kill
21 somebody? No evidence. Every evidence, every
22 piece of DNA they got, was at my client's
23 house, or in the yard, of my client's yard,
24 where his DNA would be.

25 Remember they went to the house, and the

1 police kind of give you pieces. First, it was
2 were there 2 people in the yard, but remember
3 when the Chief came? He said it was 10 to 13
4 people in the yard, but we don't know, because
5 they won't give you all the evidence, because
6 see, it doesn't help the evidence to tell you
7 how many people was there, when you trying to
8 convict one person.

9 The person that ran in the house, in my
10 client's bedroom, up under his bed, where the
11 guns was found, was not my client. It was Mr.
12 Crittington, who the police admits that they
13 have a picture of him, standing there holding
14 the long gun, and the murder weapon, and the
15 only way he could've got the long gun, and the
16 murder weapon, when half of the people were
17 dead, but my client is guilty?

18 At the beginning of the case I told, you'd
19 get the opportunity to do something you rarely,
20 seldom, get to do. You get to use your own
21 mind and think for yourself. Solicitor is
22 trying to tell you what you can't do. I'm
23 telling you, you the jury, you can do whatever
24 you want to do, following the Judge's
25 instructions.

1 I'm not trying to stop you from thinking.
2 If after everything that I've shown you during
3 the trial, and you still think my client is
4 guilty, convict him, because I've done all I
5 can do, but I believe that if you look at the
6 evidence, in a light more favorable to my
7 client. I'm not asking you to release him,
8 because under the law, he's already innocent.
9 I'm asking you not to find him guilty, because
10 they haven't proved it.

11 There's no -- you've seen those smoke and
12 mirrors, there's no three-card monte, as my co-
13 counsel mentioned, none of that happened. All
14 I want to do is for you to have all the facts.
15 I made sure you got all the facts, then you
16 make the decision, but do not make it with
17 this.

18 This is for real. That young man's life is
19 on the line. Hold the police accountable to do
20 their job. Go find the person, who they know
21 did it, do the background, do the search. I
22 used to be a prosecutor myself, and my main
23 argument with the police was, 99 percent of the
24 time they're gonna get the right person. I
25 mean I grew up in a small community, now

1 Dorchester County, and when something go wrong,
2 you know the area to go to, to find out what
3 you want to find. We all know about that.

4 We just don't know who did it, but we kind
5 of know the area to go to. So the police went
6 there, got all these people, and they did a
7 net, they just pick up everybody, then they
8 arrest somebody. Then they go back and get the
9 evidence to prove that person did it. That
10 ain't how it's supposed to go.

11 You're supposed to take your time, collect
12 evidence, and possibly look at evidence, and
13 then determine who did it, then go arrest that
14 person, but we do stuff backwards, because, you
15 know, we want to be fast now. That's why
16 people get high all the time, because see you
17 can get high on crack in 2 seconds, but to get
18 that same high by going to school, and getting
19 a degree in America, having children, it takes
20 time, and nobody wants to wait.

21 Everybody wants to sign off everything but
22 can't do it. It don't work like that. And
23 when we work fast we make mistakes, and when we
24 make mistakes, we hurt people. All I ask you
25 to do is take your time. look at the evidence,

1 make your own decision. Do not worry about,
2 "Oh, I got to go this afternoon".

3 That boy's life is on the line. Take this
4 very serious. I'm not asking you to make up
5 anything, but I'm sure if you look at the
6 evidence that I saw in this trial, there's no
7 way he's guilty. It's just that simple.
8 There's no need for me to cool any pull any
9 stuff off. They took a hoodie.

10 Now, you want to talk about profiling? You
11 go into a person's house, he's got all his
12 clothes in there, and the only thing you grab
13 is a hoodie. Think about this, a hoodie, and
14 then you find stuff on it that look like blood,
15 which turned out to be his own, my client's
16 blood, of a hoodie that he owned in his house,
17 in his closet, and now they got this in
18 evidence that he supposedly is guilty of some
19 crime.

20 What is the crime? He owns a hoodie?
21 There's no other evidence on him connected to
22 the crime. Why is a hoodie in evidence? They
23 done cut it up into little pieces, took little
24 spots out of it, found my client's blood on it,
25 my client's DNA on it, on a hoodie that was in

1 his closet, and they got this in evidence that
2 he killed somebody 6 miles down the street, and
3 he has enough nerve to pick it up, and put it
4 in here, and tell you that it's evidence.

5 That's what profiling is. You go down,
6 somebody got a hood on, somebody got a hoodie,
7 you grab the person with the hoodie.

8 It doesn't matter, the person with a
9 hoodie. It matters, you have their hoodies.
10 The gun, he talks about the gun that got DNA on
11 it. Remember there's different types of DNA.
12 You have pictures. Look at the pictures.
13 There's no blood in those pictures.

14 Look at the long rifle that he was picking
15 up with his hand just now. You talk about
16 blood all over it. Where's the blood on it?
17 Blood all over the place. Well, assuming
18 there's blood all over the place, and it could
19 go all the way back to my client's house and be
20 found, why can't my client's DNA be found at
21 the scene of the crime? There's no DNA
22 evidence of my client at that house, none.
23 There's nothing to say that my client ever set
24 foot in that house where the murder happened,
25 nothing. All of this supposed DNA. There's so

1 much, it can get all over the car, all in my
2 client's house, but where's his DNA at the
3 place where it happened?

4 You cannot be charged and found guilty of
5 killing someone where you've never been, and
6 let's be realistic about this, this poor young
7 lady, she was shot 32 times. That's personal.
8 That's somebody she know, that's an ex-
9 boyfriend, ex-girlfriend, somebody she knew,
10 killed her.

11 My client didn't know her. My client went
12 to school with her. You can't find anybody
13 that say that my client had anything harsh, or
14 bad to say, about anybody, they testify to
15 that. That was personal. Whoever went there,
16 they didn't go there to kill the young men.
17 They went there to kill her.

18 THE COURT: All right, she's got to leave
19 the courtroom. Hold on one second. Hold on
20 one second, Mr. Johnson.

21 Ladies and gentlemen, go ahead. Hold on
22 one second. Hold on one second, Mr. Johnson.
23 Ladies and gentlemen, hold on one second, I
24 think we -- Mr. Johnson, please continue, sir.

25 MR. JOHNSON: Ladies and gentlemen, there's

1 a lot of hurt and pain in this courtroom, and
2 there deserves to be. These people lost a
3 loved one. Three people have been killed.

4 My client is sitting her for the last 5
5 years, accused of shooting someone. Since
6 we're speaking the truth, the only reason my
7 client was arrested and charged is because they
8 wanted him to tell on somebody else. They
9 thought that they could charge him, and because
10 he was around all of these people, that he
11 would slip and tell, and when he didn't tell,
12 he's the only one left, because they were too
13 lazy to go back and get the people that did it.
14 I could go on and on, but it's not useful.

15 It's your turn to do the right thing for
16 him. This family wants someone convicted, I
17 understand, I respect that, but it does not --
18 it serves no one, to convict anybody just to
19 convict. And if you look at this evidence, as
20 it pertains to this trial, heard what this
21 officer said, what he did and didn't do, who
22 did what, and look at the evidence, there's no
23 way, in my belief, that you could find my
24 client guilty. Thank you.

25 THE COURT: All right, thank you, Mr.

1 Johnson.

2 Mr. Gibbes?

3 **

4 **CLOSING ARGUMENT BY MR. GIBBES**

5 MR. GIBBES: Good afternoon, ladies and
6 gentlemen. You know, when we started earlier
7 this week, I told you that you would have an
8 opportunity to put the power in your hands and
9 see how this case is gonna go. Now, these are
10 very, very, very, serious charges that we're
11 dealing with, very serious charges, but I want
12 you all to understand something. Throughout
13 this whole week, did it ever occur to any one
14 of you, why have we waited 5 years to present
15 this?

16 It's the State's fault, it's their fault.
17 They went through all of this evidence, DNA
18 analyst, and individuals coming back and forth
19 and testifying, Exhibit A, Exhibit Z, this gun
20 shell, this casing. Then, you forget where we
21 at, where we at in the case. They're talking
22 about evidence, or calling it evidence, that
23 was never at the scene.

24 Ladies and gentlemen, this is nothing but a
25 travesty for this family. That's the sad part.

1 That's the sad part, and we understand the
2 emotions. We understand the emotions. You
3 cannot be a man, and I say this as a father of
4 a daughter who was born a few days before this
5 actual incident, and husband. You cannot be a
6 man, and not feel some sort of passion, when
7 you see a woman go out of the courtroom and cry
8 like that.

9 It makes you want blood. It makes you want
10 revenge. That's not the job here. That's the
11 State's goal. That's their goal, to present
12 evidence, show big, elaborate guns, that was
13 never used in a crime. They are charging my
14 client with accessory before the fact to
15 committing a murder. Who did he help? Who did
16 he encourage? Who did he aid? Nobody knows.
17 We spent 5 days. Nobody knows.

18 They spent 5 years. Nobody knows, but they
19 got all these big guns put right here, put it
20 right there. Take all the evidence, put it in
21 the bag. Hopefully somebody gets the emotional
22 appeal and say somebody has to go to jail.
23 Just take him. Let's take him. Take him to
24 jail. This is nothing but a three-card monte
25 to trick, to confuse, and take advantage of the

1 people, Hampton County, specifically, the 12
2 jurors in these seats, to have you think, well,
3 we've got DNA, we've got evidence here.

4 Well, let's talk about the DNA. They
5 literally -- the poor lady had to be rushed out
6 of here yesterday, because she had to take her
7 medication of some sort. They literally went
8 back and forth about DNA, and DNA on this
9 person, on a vehicle that even they themselves
10 said my client drives, that's the evidence?
11 And listen to what they're saying, the DNA,
12 Frank Johnson -- positive for blood. What does
13 that mean? It's a presumption, it's an
14 assumption, it's not blood. This is Hampton
15 County, we had to pull two jury pools just to
16 get you'all here. Why? Because everybody is
17 related, everybody knows each other. This
18 vehicle, everybody is in and out of the
19 vehicle.

20 You think Frank Johnson was never in his
21 vehicle before for his DNA. They told you
22 about transfer DNA. She didn't mention that to
23 you'all initially. They went into detail about
24 transfer DNA. I can shake your hand, you can
25 go to a car, open the door, my DNA is on the

1 car that I never touched. This is actually
2 scary. This is scary, because you can be right
3 there, why? Because somebody who's emotional,
4 "I thought I saw his car speed past me. It was
5 going so fast it rocked my car. I was coming
6 back from a club." She said it was 6:00 a.m.

7 The officer himself said the murder was
8 already committed at 5:45. Well, guess what?
9 Who speeds to go commit a crime? In Hampton
10 County who speeds to go commit a crime?
11 There's no evidence of any fingerprints or DNA,
12 that my client ever gave anyone any bullets, or
13 all of those casings they found at the scene.
14 They even said it was a messy scene.

15 There were some hitmen that did this?
16 Where's the DNA? Where's my client's DNA? For
17 someone who believed they saw his vehicle
18 heading in that direction, and coming from that
19 direction. Oh, that's pretty convenient,
20 because if that's the case, guess what, you can
21 charge him for accessory before the fact, put
22 it in front of 12 people and have them think,
23 hey, was accessory before the fact.

24 You honestly probably don't even really
25 know. It's intentional. What did the

1 prosecutor himself say? "Oh, we charged him
2 for that intentionally. It's intentional we
3 didn't want him back at the scene." Oh, but
4 you're presenting evidence that he's going to
5 the scene? He said that, not me. He looked at
6 you'all, and said, "Well, it's intentional that
7 we said that he was at the scene, because if we
8 placed him at the scene, he could be charged
9 with accessory before the fact.

10 They presented all this evidence, yet we
11 saw nobody drives his vehicle but him. Nobody
12 drives his vehicle except for Lorenzo Boles.
13 We saw him going, and we saw him coming. This
14 is insulting to the family, to you, and it is
15 scary to everyone -- it should be scary to
16 everyone on this jury. Why? Because someone
17 can sit here in Hampton County after everything
18 that's nationally going on here around the
19 world, and how people who live in Hampton
20 County, and look you in your face and say,
21 "Hey, you know, it was intentional we didn't do
22 that."

23 Well, why are you saying his car's gone?
24 And why are you specifically saying that nobody
25 drive the vehicle but him. The Solicitor

1 himself cross-examined his -- re-examined his
2 own witness, and said, "Yeah, but the brother
3 was out of town, right, he's in Texas?" He
4 asked Mr. Fields that. Nobody else can drive
5 the vehicle, so he's at the scene. You can't
6 have your cake and eat it too, but I guess in
7 Hampton County they think you can.

8 Five years and this is what they're present
9 to you'all. I told you accessory before the
10 fact. Accessory before the fact. Who is the
11 principal? Who is the person that he helped,
12 aided, assisted in any way? Who got on the
13 stand -- what we should call the stage, because
14 this was theatrical. Who got on the stand and
15 said, "Yes, Lorenzo Boles told so and so that
16 he wanted this people killed, he wanted these
17 people robbed?" How do we know it's a robbery?
18 Over a \$700 gun that we don't even know that's
19 there? They said themselves this was personal,
20 this was personal.

21 You see this with all the holes in there?
22 It's personal. Not for a \$700 gun that we
23 don't even know was there, but must charge
24 people, to see if they'll start telling, and
25 that's how we make our case. Well, you can't

1 tell anything, if you don't know anything. And
2 you can't convict somebody with accessory
3 before the fact, if, if there is no agreement.
4 Nobody sat on that stage and said -- we don't
5 know the motive. Let's be honest, we don't
6 know why we're here. We've got some people
7 that died, but we don't know why. We don't
8 even know who killed them.

9 Guess what? They specifically set the cars
10 in that manner so you won't know. They don't
11 want to say. I'm not saying that they know who
12 the person is, but they don't want to say,
13 because there's no evidence to say my client
14 assisted, directed, aided and helped this
15 principal commit a crime, but he's charged with
16 accessory before the fact.

17 And as I close, ladies and gentlemen, I'll
18 remind you that the Solicitor, himself, with as
19 much as respect that I have for this young man,
20 he is a great lawyer, and I think you'all can
21 agree to that; but he looked at you'll in your
22 eyes today, and said, "It was intentional," but
23 he's the only one that drives the car. The
24 vehicle was his.

25 Ladies and gentlemen, truly, thank you for

1 spending time with us this week. And I'm
2 confident that you'll do the right thing, and
3 find that my client, Lorenzo Boles, is not
4 guilty on any of the charges made against him.
5 Thank you, ladies and gentlemen.

6 THE COURT: All right, ladies and
7 gentlemen, stretch for one minute, then I'm
8 gonna read you my charge on the law, okay?

9 **

10 **JURY CHARGE**

11 THE COURT: All right, ladies and
12 gentlemen, Mr. Foreman, it is now duty as a
13 trial judge, under the Constitution of the State
14 to charge and instruct you to the law applicable
15 to the case. It's your duty, as jurors, to
16 accept and apply the law, ladies and gentlemen,
17 now as I state it to you.

18 Furthermore, it is your exclusive duty to
19 decide all issues of fact of this case, and to
20 determine the effect, the value, and the weight
21 of the evidence. Both the State and the
22 Defendants have a right to expect that you will
23 carefully consider and evaluate the evidence,
24 and apply the laws of this case to it, so that
25 in the end both the State of South Carolina and

1 Defendants will receive a fair and impartial
2 trial. I want you to understand, folks, that
3 when I use the word Defendant, I'm referring to
4 Mr. Tyrase Collins and I am referring to Mr.
5 Lorenzo Boles.

6 Furthermore, it's important to understand
7 that the State charges Tyrase Collins with the
8 offenses known as possession of a weapon during
9 the commission of a violent crime, armed
10 robbery, the murder of Frank Johnson, Jr., the
11 murder of Ghazi A. Duckett, and the murder of
12 Lamekia M. Warren.

13 Ladies and gentlemen, the State of South
14 Carolina charges Mr. Lorenzo Boles with the
15 offenses known as accessory before the facts of
16 a felony, the armed robbery of Frank Johnson,
17 Jr., and accessory before the fact to a felony
18 to wit the murder of Frank Johnson, Jr.,
19 accessory before the fact to a felony to wit the
20 murder of Ghazi Duckett, and accessory before
21 the fact to a felony to wit the murder of
22 Lamekia M. Warren.

23 To the charges, ladies and gentlemen, the
24 Defendants have entered a plea of not guilty.
25 And this plea places the burden of proof on the

1 State, ladies and gentlemen, to prove guilt of
2 the Defendants to you, the jury, beyond a
3 reasonable doubt. Now, folks, I want to remind
4 you that the fact that the Defendants were
5 arrested, charged and indicted in this case is
6 not evidence in this case, and cannot be
7 considered by you, as evidence of guilt in this
8 case, nor does it create any presumption or
9 inference of guilt.

10 The indictment, again, is simply the formal
11 written instrument that contains a charge made
12 against the Defendant, it's the formal document,
13 which brings this matter before the Court. Now,
14 I want to make sure you understand, ladies and
15 gentlemen, the indictments in the case allege
16 several different offenses for the Defendant.
17 For Mr. Collins the indictment allege possession
18 of a weapon during a violent crime, armed
19 robbery of Frank Johnson, Jr., murder of Frank
20 Johnson, Jr., murder of Ghazi Duckett, and
21 murder of Lamekia M. Warran.

22 The charges, as it relates to Mr. Boles
23 are, accessory before the fact to a felony to
24 wit the armed robbery of Frank Johnson, Jr.,
25 accessory before the fact to a felony to wit the

1 murder of Frank Johnson, Jr., accessory before
2 the fact, ladies and gentlemen, to a felony to
3 wit the murder of Ghazi Duckett, and, finally,
4 ladies and gentlemen, accessory before the fact
5 to a felony to wit the murder of Lamekia M.
6 Warren.

7 Now, I want you to know, folks, that each
8 indictment charges a separate and distinct
9 offense. You must decide each indictment
10 separately on the evidence and the law
11 applicable to it uninfluenced by your decision
12 to any other indictment.

13 Now, during the trial, I know I talked
14 about this earlier in the week, during the trial
15 you and I have had separate duties to perform.
16 As Trial Judge, it's my responsibility to
17 preside over the trial, and I also have the duty
18 to rule upon the admissibility of evidence
19 offered during the process of the trial.

20 And in that regard, you are only to
21 consider the competent evidence before you, and
22 you are to disregard from your mind any
23 testimony ordered stricken from the record in
24 this case during the progress of the case, if
25 there was any, and you are to consider only the

1 testimony which has been presented from the
2 witness stand, together with any exhibits
3 admitted into the record of this case, any
4 stipulations of counsel that were made. Now,
5 furthermore, I have the additional duty to
6 charge you on the applicable law of the case,
7 and in that regard, I'm the sole judge of the
8 law in the case. It's your duty to accept and
9 apply the law as I state it to you.

10 If you have any preconceived ideas, as to
11 what the law is, or what it ought to be, and it
12 doesn't agree with what I tell you, ladies and
13 gentlemen, you're obligated under your oath to
14 abandon these preconceptions, because you are
15 sworn to accept the law as I present it to you.

16 Now, ladies and gentlemen, in this trial
17 you are the sole and exclusive judge of the
18 fact, and I'm the judge of the law. Do not
19 infer that I have an opinion about any of the
20 facts in this case from anything that I've said
21 during the course of the trial, in ruling on the
22 admissibility evidence or otherwise, or from
23 anything that I say during the course of this
24 charge to you.

25 In this regard, the law simply does not

1 allow me to have an opinion about the facts. As
2 jurors, it's your duty alone, folks, to
3 determine the effect, the value and the weight
4 of the evidence presented during the course of
5 this trial.

6 Now, to determine what the facts in this
7 case, are you must judge the credibility, which
8 simply means the believability of the witnesses
9 and the value and weight to be given to their
10 testimony. You alone must decide the force,
11 ladies and gentlemen, the effect of the
12 testimony.

13 And in making this decision, there are many
14 things that you may and should take into
15 consideration, such as the appearance and manner
16 of the witness on the witness stand, a
17 characteristic often referred to as the demeanor
18 of the witness. Was the witness forthright?
19 Was the witness hesitant? Was the witness'
20 testimony consistent, or did it contain
21 discrepancies?

22 What was the ability of the witness to know
23 the facts about which he or she testified? Did
24 the witness have cause or reason to be biased
25 and prejudiced in favor of the testimony he or

1 she gave? Was the testimony of the witness
2 corroborated, or made stronger by other
3 evidence, or was it made weaker or impeached by
4 other such testimony and evidence? Now, as
5 jurors, I want you to understand something, you
6 have the right to believe a small portion of a
7 witness' testimony, and disregard the larger
8 portion, or vice versa.

9 You may believe all of a witness' testimony
10 or none. You may believe the testimony of a
11 single witness against that of many witnesses,
12 or the other way around.

13 In exercising your mental processes in
14 attempting, ladies and gentlemen, to decide the
15 verdict, the law simply requires that you
16 exercise, folks, your good judgment, your common
17 sense, your sense of logic, and your reason and
18 experiences in life. You then apply those
19 attributes, folks, to the evidence and the law
20 as I state it to you, and thus arrive at a
21 verdict.

22 Now, ladies and gentlemen, we talked about
23 this a little bit, but it's important, and I
24 want to go over it again. The rules of evidence
25 normally do not allow a witness to testify to

1 opinions or conclusions. An exception to this
2 rule exists for witnesses we call expert
3 witnesses. A witness, who by education,
4 experience has become an expert in some art,
5 science, profession or calling, may state
6 opinions to relevant and material, in which the
7 witness claims to be an expert, and may also
8 state the reasons for the opinion.

9 Now, folks, you should consider any expert
10 opinion received in evidence in this case like
11 any other evidence. That is, you give it the
12 weight you think it deserves, you decide, ladies
13 and gentlemen, if the opinion of the expert
14 witness is not based on sufficient education or
15 experience, or if you conclude that the reasons
16 given in support of the opinion are not sound,
17 or that the opinion is outweighed by other
18 evidence. You may disagree with the opinion in
19 its entirety. An expert witness' testimony is
20 given no greater weight than that of any other
21 witness, simply because the witness is an
22 expert.

23 Further, you are not required to accept an
24 expert's opinion, even though it may not be
25 contradicted.

1 Now, this came up during the trial, and I
2 want you to know this, a person who has a past
3 criminal record is competent, I repeat, is
4 competent to testify during a trial. A past
5 record does not affect the ability of that
6 witness to testify. The past record may only be
7 considered by you, if at all, in determining the
8 witness' believability.

9 Now, I want you to understand this, it is
10 vital to understand it, in fact, that the
11 Defendants in this case are presumed, under the
12 law, to be innocent of these charges.

13 The Defendants have no obligation to prove
14 their innocence. It's a fundamental rule of our
15 law that Defendants, irrespective of the
16 seriousness of the charges against them, are
17 always presumed innocent of the crimes for which
18 they are charged, unless and until their guilt
19 has been proven by evidence that satisfies you,
20 the jury, beyond a reasonable doubt. The
21 presumption of innocence is not a mere legal
22 theory, or a legal phrase.

23 The presumption of innocence is very
24 important, and you need to understand, folks,
25 that this presumption accompanies the Defendants

1 from the time of their arrest and appearance in
2 this Court and continues with the Defendants
3 even after you retire to the jury room to
4 deliberate. In other words, the Defendants
5 receive the benefit of the presumption of
6 innocence until the very end of the trial, when
7 you, the jury, will deliberate upon the
8 evidence, and decide whether the State has
9 proven their guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, what is a
11 reasonable doubt in the law? A reasonable doubt
12 is the kind of doubt that would cause a
13 reasonable person to hesitate to act. Proof
14 beyond a reasonable doubt is proof that leaves
15 you, the jury, firmly convinced of the
16 Defendants' guilt.

17 Now, folks, there are few things in this
18 world that we know with absolute certainty. So
19 even in criminal cases, the law does not require
20 proof that overcomes every possible doubt.
21 However, if based upon your consideration of the
22 evidence, you're firmly convinced that the
23 Defendants are guilty of his crimes charged, you
24 must find him guilty.

25 If on the other hand, you think there is a

1 real possibility the Defendants are not guilty,
2 you must give them the benefit of the doubt and
3 find him not guilty. Jurors, please understand
4 that reasonable doubt may arise from evidence
5 that has been presented in the case, or from
6 lack of evidence in the case. It's your
7 responsibility, ladies and gentlemen, to
8 determine whether or not reasonable doubt
9 exists, as to the guilt of the Defendants.

10 I charge you, ladies and gentlemen, that
11 the Defendants are entitled to every reasonable
12 doubt arising in the whole case. If upon any
13 issues, ladies and gentlemen, of fact essential
14 to conviction and a verdict of guilty, you have
15 a reasonable doubt as to how that issue should
16 be resolved, it would be your duty to resolve
17 that reasonable doubt in favor of the
18 Defendants.

19 Thus, in summary, it's important to
20 understand that the Defendants are not required
21 to prove their innocence, instead, ladies and
22 gentlemen, the State is required by law to prove
23 every essential element of the offenses charged
24 against these Defendants, by evidence which
25 satisfies you, ladies and gentlemen, of their

1 guilt beyond a reasonable doubt. Only then can
2 you convict the Defendants and find them guilty.

3 Now, I want you to know this, there are two
4 types of evidence that is generally presented
5 during a trial, direct evidence and
6 circumstantial evidence. Direct evidence
7 directly proves the existence of a fact, it does
8 not require deduction.

9 Circumstantial evidence is a chain of facts
10 and circumstances indicating the existence of a
11 fact. Crimes may be proven by circumstantial
12 evidence. The law makes no distinction between
13 the weight or the value to be given to either
14 direct or circumstantial evidence; however
15 slight, the State relies on circumstantial
16 evidence, all of the circumstances must be
17 consistent with each other, and when taken
18 together point conclusively to the guilt of the
19 accused beyond a reasonable doubt.

20 If the circumstances show the Defendants'
21 behavior are suspicious, the proof has failed.
22 The State has the burden of proving the
23 Defendants' guilt beyond a reasonable doubt, and
24 this burden rests with the State, regardless of
25 whether the State relies on direct evidence,

1 circumstantial evidence, or some combination of
2 the two.

3 Now, ladies and gentlemen, in order to
4 establish criminal liability, criminal intent is
5 required. Intent must be proven by the State
6 beyond a reasonable doubt. Criminal intent is
7 always a matter to be determined by the jury
8 from the circumstances surrounding the
9 situation.

10 Now, I want you folks to know that there's
11 no way to prove intent to a mathematical
12 certainty. There is no way medical science can
13 dissect a person's brain and determine what the
14 person had in mind. So the law says that
15 criminal intent must be inferred from the
16 circumstances shown to have existed.

17 This is how you make a determination of
18 whether or not the element requiring intent was
19 present. It is not necessary to establish
20 intent by direct and positive evidence, but
21 intent may be established by inference in the
22 same way as any other fact, by taking into
23 consideration the acts of the parties, and all
24 the facts and circumstances of the case.
25 Criminal intent is a mental state, a conscious

1 wrongdoing, and it's up to you, ladies and
2 gentlemen, to determine what the Defendants
3 intended to do, based on the circumstances shown
4 to have existed.

5 Now, I want you to know that mere presence
6 at the scene is not sufficient to prove someone
7 guilty of a crime.

8 A Defendant's presence, where a crime is
9 being committed, or a mere association with a
10 person who commits a crime does not make a
11 defendant an accomplice or an aider and imbedder
12 of the person committing the crime. The burden
13 is on the State to prove every element of the
14 crime charged.

15 If you find after reviewing all of the
16 evidence, the State has proved that the
17 Defendant was only present at the scene of the
18 crime, then they have not proved beyond a
19 reasonable doubt any other participation in the
20 crime, then you must find the Defendant not
21 guilty. The law is a proof of the Defendant at
22 the scene is not sufficient to find someone
23 guilty.

24 I also want you to know this, I instruct
25 and I emphasize the fact that the Defendants in

1 this case did not testify, and that is not a
2 factor to be considered by you in any way in
3 your deliberations, okay? I'm gonna read that
4 again, I want you to know, I instruct you and
5 emphasize the fact that the Defendants did not
6 testify is not a fact to be considered by you in
7 any way in your deliberations, and in your
8 consideration on the question of guilt or
9 innocence of the Defendants.

10 It must not be considered by you in any
11 manner whatsoever. The Defendants have the
12 constitutional right to remain silent, and the
13 assertion of this right must not be considered
14 by you in your deliberations. I repeat, under
15 your oath, you are to draw no conclusion
16 whatsoever from the fact that the Defendants in
17 this case did not testify.

18 The fact that these Defendants did not
19 testify should not even be discussed in the jury
20 room. The burden of proof, as I have stated to
21 you, is on the State, and the Defendants are not
22 required to prove their innocence. The burden
23 of proof remains on the State to prove guilt
24 beyond a reasonable doubt.

25 Now, folks, I want you to know the

1 Defendant, Tyrase Collins, was charged with
2 murder. The State must prove beyond a
3 reasonable doubt that the Defendant killed
4 another person with malice aforethought. Malice
5 is hatred, ill-will, or hostility towards
6 another person. It is the intentional doing of
7 a wrongful act without just cause or excuse, and
8 with an intent to inflict an injury, or under
9 the circumstances, that the law will infer evil
10 intent.

11 Malice aforethought does not require that
12 malice exists for any particular time before the
13 act is committed, but malice must exist in the
14 mind of the defendant just before and at the
15 time the act is committed. Therefore, there
16 must be a combination of the previous evil act
17 and the previous evil intent and the act.
18 Malice aforethought may be expressed or
19 inferred.

20 These terms expressed and inferred do not
21 mean different kinds of malice, but merely the
22 manner in which malice may be shown to exist,
23 either by direct evidence or by inference from
24 the facts and circumstances which are proven.
25 Expressed malice is shown when a person speaks

1 words which express hatred or ill-will for
2 another, or when the person prepared beforehand
3 to do the act which was later accomplished, for
4 example, lying in wait for a person, or any
5 other act of preparation going to show that the
6 deed was within the defendant's mind would be
7 expressed malice.

8 Malice may be inferred from conduct showing
9 a total disregard for human life.

10 Defendant, Tyrase Collins is charged with armed
11 robbery. In order to prove this defense, the
12 State must first prove beyond a reasonable doubt
13 that to personal property or residence of
14 another.

15 Property is in the presence of another person,
16 if it is within the person's reach, inspection,
17 observation or control, so that the person
18 could, if not overcome with violence, or
19 prevented by fear or keep possession of the
20 property. The State must also prove beyond a
21 reasonable doubt that the Defendant carried away
22 the property intending to permanently deprive
23 the owner of the property, and to keep the
24 property from the defendant's own use, for the
25 defendant's own use, excuse me.

1 The slightest removal of the property, or the
2 complete possession of the property, even for an
3 instant by the defendant is sufficient to show a
4 taking and carrying away of the property. The
5 taking and carrying away of the property must
6 have been done with violence, or by putting the
7 owner of the property in fear of violence. And,
8 finally, the State must prove beyond a
9 reasonable doubt that the Defendant was armed
10 with a deadly weapon during the robbery.

11 A deadly weapon is any article, instrument or
12 substance, which is likely to cause death or
13 great bodily harm. Whether an instrument has
14 been used as a deadly weapon, depends on the
15 facts and circumstances of each case.

16 The following are examples of instruments, which
17 may be deadly weapons, a pistol, a shotgun, a
18 rifle, a dirk, a dagger, knife, a slingshot,
19 metal knuckles, a razor, gasoline, a firebomb, a
20 Molotov cocktail and lighter fluid.

21 Ladies and gentlemen, a gun may be a deadly
22 weapon, even if it is not operated.

23 Now, I want you to know that the Defendant,
24 Tyrase Collins is also charged with possession
25 of a weapon during the commission of a violent

1 crime. The State must prove beyond a reasonable
2 doubt that the Defendant was in possession of a
3 firearm, or visibly displayed what appeared to
4 be a firearm during the commission of a violent
5 crime. A firearm means any machine gun,
6 automatic rifle, revolver, pistol or any other
7 weapon which will or is designed or may be
8 converted to expel a projectile.

9 In order to find the Defendants guilty of
10 possession of a weapon, or the Defendant, excuse
11 me, guilty of possession of a weapon during the
12 commission of a violent crime, you must first
13 find the Defendant guilty of committing a
14 violent crime. Ladies and gentlemen, I instruct
15 you that murder and armed robbery are violent
16 crimes.

17 The State must prove beyond a reasonable
18 doubt that the weapon further advanced or helped
19 the commission of the crime.

20 Now, Mr. Boles, ladies and gentlemen, is
21 charged with accessory before the fact of murder
22 and armed robbery. Accessory before the fact
23 requires a showing that the accused either, one,
24 was either advised and agreed, urged or in some
25 way aided or abetted some other person to commit

1 the offense, two, was not present when the
2 offense was committed, and, three, that some
3 principal committed the crime.

4 The State must prove each of these elements
5 beyond a reasonable doubt. To be found guilty
6 of accessory before the fact, the State must
7 also prove beyond a reasonable doubt that
8 Defendant, Boles, knew a crime was going to be
9 committed by some principal. It's not enough
10 for the State to prove that Defendant Boles in
11 the commission of the crime, instead the State
12 must prove Defendant, Boles, acted with criminal
13 intent. Aid means to help, promote the course
14 or accomplishment of, to give support to, or
15 give assistance to. Abet means to encourage or
16 appear to favor or support.

17 Now, I want you to know a couple other
18 things. I charge you that there are two
19 Defendants in this case, Mr. Tyrase Collins,
20 who, again, is charged with possession of a
21 weapon during a violent crime, the armed robbery
22 of Frank Johnson, the murder of Frank Johnson,
23 Jr., the murder of Ghazi Duckett, Jr., and the
24 murder of Lamekia Warren.

25 And Mr. Boles, who is charged with

1 accessory before the fact of a felony to wit the
2 armed robbery of Frank Johnson, Jr., accessory
3 before the fact of a felony to wit the murder of
4 Frank Johnson, Jr., accessory before the fact a
5 felony to wit the murder of Ghazi Duckett, and
6 accessory before the fact of a felony to wit the
7 murder of Lamekia Warren.

8 The case of each Defendant, ladies and
9 gentlemen, and the evidence, and the law
10 concerning that defendant should be considered
11 separately and individually. Your verdict does
12 not have to be the same for both Defendants.
13 The fact that you may find one Defendant guilty
14 or not guilty should not control your verdict as
15 to the other Defendant.

16 Where more than one person is charged with
17 a crime, if the evidence warrants it, you may
18 convict one and acquit the other, or you may
19 acquit both, or you may convict both. It will
20 depend on your view of the testimony and the
21 evidence. You must take each Defendant and
22 consider the evidence against that Defendant,
23 and my instructions to you on the law, and you
24 will write a separate verdict of guilty or not
25 guilty for each Defendant.

1 Ladies and gentlemen, I've got a few more
2 remarks for you, okay, before you begin your
3 deliberations. And I want you to clearly
4 understand that you are not partisans or
5 advocates for the State of South Carolina or the
6 Defendants. It is your duty, by your joint
7 deliberations, to determine the facts in this
8 case, giving the Defendants the benefit of every
9 reasonable doubt on each and every issue.

10 Then to the facts that you determine to be
11 true, ladies and gentlemen, you should take and
12 apply the law which has been given to you by
13 this Court, and thus arrive at a verdict in the
14 case.

15 Thus when you have accomplished these
16 responsibilities, you will have satisfied your
17 oath, ladies and gentlemen, as jurors, and you
18 will have discharged your duty to this Court.
19 Once you retire to the jury room, the Bailiff
20 will give you the verdict forms, or give the
21 verdict forms to the Foreperson. When you, the
22 jury, arrive at your verdict, as to the offenses
23 charged in this case, the Foreperson will select
24 the verdict as to that offense on the verdict
25 form. If the State's failed to prove guilt of

1 the Defendants beyond a reasonable doubt, your
2 verdict will be not guilty.

3 Likewise, if the State has proven the guilt
4 of the Defendants beyond a reasonable doubt,
5 your verdict will be guilty. Once a decision
6 has been made the Foreperson will check
7 whichever choice is the verdict of the jury, as
8 to the offenses charged.

9 The verdict that you render in this case
10 must be the verdict of each and every juror. It
11 must be your unanimous verdict. All 12 jurors
12 must agree on the verdict, which you authorize
13 the Foreperson to write for the jury. Ladies
14 and gentlemen, I want you to further understand
15 that the order in which the choices appear on
16 the verdict form are not suggestive of any
17 verdict on the part of the Court.

18 A verdict in this case is to be determined
19 by you, ladies and gentlemen, the jury, and not
20 the Court. Furthermore, ladies and gentlemen,
21 please understand that even though I will give
22 the verdict form to the Foreperson, it's not his
23 verdict alone, it's the verdict of all 12 of
24 you, and, again, your verdict must be unanimous.

25 You must consider the instructions that

1 I've given you as a whole, and not follow some
2 and ignore others.

3 Now, in just one minute I'm gonna ask that
4 you retire to the jury room, but when you do, I
5 do not want you to begin your deliberations
6 until you are told to do so. The law requires
7 that I consult with the attorneys, to make sure
8 that I haven't left anything out of those
9 instructions.

10 And after I've checked with the attorneys,
11 then the Bailiff will bring you the verdict form
12 and instruct you to begin your deliberations.
13 Also, should you have any questions during your
14 deliberations, you must put them in writing and
15 send them to me by the Bailiff.

16 The Court Bailiff will be placed
17 immediately outside the jury room during
18 deliberations. If you have a question, please
19 do not write a breakdown of your vote on the
20 paper that you give the Bailiff. Don't ever
21 write down the breakdown of your vote, okay?

22 So if you have a question, just don't
23 include that, you certainly can write down what
24 the question is. Once you've reached a verdict,
25 please knock on the jury room door, and the

1 Bailiff will advise the Court that you've
2 reached a verdict, and we will return you to the
3 courtroom as promptly as possible, okay? And so
4 what I also want to do is take one second, and
5 show you this form. I've got two separate
6 verdict forms, okay? And I've got one verdict
7 form right here. Basically, what it does is,
8 this is the verdict form concerning Mr. Boles,
9 all right?

10 Ladies and gentlemen, this is gonna go back
11 with you, but I just want to go over it a little
12 bit if you have questions. So, for instance,
13 "We, the jury, in the above-captioned case on
14 the charge of accessory before the fact of a
15 felony, that is the murder of Frank Johnson,
16 Jr.," you find the Defendant not guilty, guilty,
17 and so the Foreperson shall check one, all
18 right, but whatever the jury decides he will
19 check one.

20 Then you go to two, or whatever order you
21 want to do, quite frankly, as it relates to Mr.
22 Boles, actually, that's up to you, so then
23 question two, "We, the jury, in the above-
24 captioned charge with accessory before the fact
25 to a felony with the murder of Ghazi Duckett, we

1 find the Defendant not guilty, guilty."

2 Again, "We, the jury, in the above-
3 captioned case on the charge with accessory
4 before the fact of a felony with the murder of
5 Lamekia Warren, not guilty, guilty," you'll
6 check. And then, finally, "We the jury in the
7 above-captioned charge with accessory before the
8 fact of a felony, the armed robbery of Frank
9 Johnson, Jr., not guilty or guilty." And then
10 I'd ask the Foreperson to sign his name here,
11 okay?

12 Now, as it relates to Mr. Collins, again,
13 "We, the jury, in the above-captioned in the
14 murder of Frank Johnson, Jr., we find the
15 Defendant," and it would be not guilty or
16 guilty.

17 And, again, as to the murder of Ghazi
18 Duckett, not guilty or guilty. As to the murder
19 of Lamekia M. Warran, not guilty or guilty.
20 Finally, as to the armed robbery of Frank
21 Johnson, Jr., not guilty or guilty. Now, one
22 change here, right here in bold, in the event
23 you answer not guilty to questions one through
24 four, okay? So if one through four are not
25 guilty, then I would instruct you that the

1 answer five must be not guilty, okay?

2 So if one through four is not guilty, five
3 is, "We, the jury, in the above-captioned charge
4 of possession of a weapon during the commission
5 of a violent crime find the Defendant guilty, or
6 not guilty." But, again, if you find him not
7 guilty of one through four, you must find him
8 not guilty of number five, okay?

9 So I'm gonna send this back to you, along
10 with other evidence that will come back to you
11 in just a moment, but I'm gonna ask that you go
12 and retire to the jury room.

13 Do not begin discussing the case yet,
14 because I've got to make sure I haven't left
15 anything out. And if that's the case, then
16 we'll get everything back to you, and then the
17 Bailiff will tell you you can begin your
18 deliberations, okay?

19 So please do not talk about the case until
20 you hear from the Bailiffs.

21 (Jury exits the courtroom.)

22 THE COURT: Exceptions, problems, any
23 possible omissions, as it relates to the jury
24 charges I have prepared and read to the jury
25 from the State?

1 MR. EVANS: Not from the State.

2 THE COURT: Mr. Gibbes?

3 MR. GIBBES: No, sir.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: I have nothing, Your Honor.

6 THE COURT: All right, and then any
7 objection as it relates to the language that I
8 provided them concerning instructions on the
9 verdict form from the State?

10 MR. EVANS: Not from the State.

11 THE COURT: Mr. Gibbes?

12 MR. GIBBES: No, Your Honor.

13 THE COURT: Mr. Johnson?

14 MR. JOHNSON: No, your Honor.

15 THE COURT: What I would like to do is a
16 couple of housekeeping matters. Number one, I'm
17 assuming that when we get ready to send the
18 verdict form back, or whatever evidence that you
19 want to go back, number one, I want you'all to
20 have agreed as to what's going back, okay?

21 So I want my counsel to make sure that
22 whatever's going back, everybody agrees that
23 those are what's in evidence, and they get what
24 they're supposed to get.

25 When that goes back, the verdict forms will

1 go back with it. At that point I'm assuming
2 that what we want to do is, we want to basically
3 pull the two alternates -- okay, we've got three
4 alternates?

5 CLERK: Three alternates.

6 MR. EVANS: Three.

7 THE COURT: We've got three alternates
8 left. I think what our law requires us to do at
9 this point is for me to remove them from the
10 panel, and thank them, and then excuse them. Is
11 that your understanding, Solicitor?

12 MR. EVANS: Yes, sir, once we agree on the
13 evidence, yes, sir.

14 THE COURT: All right. Once you've agreed
15 on the evidence. Will that be satisfactory, Mr.
16 Gibbes?

17 MR. GIBBES: Yes, Your Honor.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: That's fine, Your Honor.

20 THE COURT: All right, so why don't you
21 gentlemen spend a few minutes and let's make
22 sure we've got what's gonna go back.

23 Defense, Mr. Gibbes, are you satisfied with
24 what's going back?

25 MR. GIBBES: Yes, Your Honor.

1 MR. JOHNSON: I'm satisfied, Your Honor.

2 THE COURT: All right, great, so then we
3 can tell the Bailiff to --

4 MR. EVANS: I'd say first bring the
5 alternates, then on his way back he can take the
6 exhibits.

7 THE COURT: What I want to do is, I want
8 him to pull the three alternates out, and at the
9 same time he pulls them out, he can hand them
10 that and tell them to continue deliberations,
11 okay?

12 BAILIFF: Okay.

13 THE COURT: They need to bring everything
14 they've got, food, and all that good stuff.
15 Thank you, Ms. Nettles.

16 (Alternate jurors enter the courtroom.)

17 THE COURT: Folks, the good news is, you're
18 finished, you can leave, you can grab whatever
19 you want and go. The bad news is, you sit here
20 all week, you participate, all three of you were
21 involved, listening,

22 and as interested in this matter as any
23 other jurors. The problem is that the law only
24 allows 12 jurors in the jury room, and the law
25 also describes that I must discharge the

1 alternate jurors when the case begins the
2 deliberation.

3 I can't tell you how -- I hope it's been an
4 educational experience. We deal with important
5 matters up here at court, and it's important to
6 the State, it's important to the defense, and
7 like I said, I hope you take this with you, and
8 I promise we're not up here goofing around about
9 keeping you waiting.

10 Being here and honoring your summons is
11 something you do for your community. Nobody
12 makes you live in Hampton, I mean truly, you
13 live here, this is your home, this is where you
14 want to be, and serving on a jury is a real
15 service to your community and to your fellow
16 citizens, and so I just want to thank you.

17 I know -- and I don't know if it's a huge
18 steak dinner that they've got back there, but I
19 can't even let you eat it with the jurors, with
20 the jury, but if you'all want to take it with
21 you, eat it somewhere else here in the
22 courthouse.

23 I appreciate you spending this holiday with
24 us, and it means a lot to me, it means a lot to
25 the lawyers that are involved in this case, and

1 to everybody here. You're good to go for three
2 years, okay, that's all. That's all? Three
3 years, and of course that doesn't count for
4 federal court, magistrates court, or city court.
5 So it doesn't count for those, but it only
6 counts for circuit court, criminal, and civil
7 here, which would be -- which is big court here
8 at the courthouse for three years. So thank you
9 so much.

10 I'm gonna discharge you at this time. I
11 would ask one other thing. Throughout the week
12 I told you, please don't talk about the case.
13 What I will tell you is this. Now that this
14 matter is almost concluded, you can talk about
15 it. If you want to talk to somebody about the
16 case, great, whatever you want to do. If you
17 don't want to talk to somebody about the case,
18 and they come up to you and want to talk about
19 the case, and they won't leave you alone, I
20 don't think that's gonna happen, but if it did,
21 you call her, she calls me, they don't bother
22 with you, okay.

23 All right, so if you want to talk about the
24 case, you can. I would ask, however, if you
25 could wait until the jury reaches their verdict.

1 The other thing I want to let you know is this,
2 if you want to stick around and see what they
3 do, happy to have you, okay, and that would be
4 you just go back and sit in the gallery,
5 whatever you want to do. Sometimes jurors want
6 to stick around because they're curious, but if
7 you want to stick around you may, and if you
8 want to do that, they will show you where to
9 sit. Those of you that are ready to get out of
10 here, I understand that too. Thank you so much.
11 You'all have a good rest of your Friday.

12 If you need a work excuse, you can stop by
13 my office downstairs. There's somebody there
14 that's already got the form for us.

15 THE COURT: All right, we'll be at ease
16 then.

17 MR. EVANS: Thank you, Your Honor.

18 (Recess)

19 **

20 **PROCEEDINGS CONTINUED**

21 THE COURT: Folks, we've got a question
22 from the jury. It says, "Jury requests the
23 large poster of the yellow/green," it looks like
24 shell, but shell was scratched through,
25 "casings," or actually, "bullet casing

1 dispersion picture," okay? And so that's the
2 question.

3 What I'm gonna do is, I'm gonna hand this
4 down, I'm gonna make this a Court's exhibit, but
5 I am going to hand this down. I want each of
6 you to come up and review this and make sure
7 I've read that correctly.

8 MR. EVANS: Yes.

9 THE COURT: All right, and so I'm not sure,
10 what's that gonna be?

11 COURT REPORTER: 6.

12 THE COURT: 6.

13 MR. EVANS: Judge, this was a
14 demonstrative. I initially entered it as an
15 exhibit, then with the defense counsel's
16 agreement, converted the document in its
17 unaltered form, we printed out the 8 1/2x11
18 version, and made that an actual exhibit, they
19 have that. The poster then became converted
20 back to demonstrative, as I originally intended,
21 and that was before Ms. Eichenmiller's
22 testimony. So, no, in its current form it is
23 not an exhibit, which has been entered into
24 evidence, as a demonstrative exhibit.

25 THE COURT: That's what I thought. Would

1 you gentlemen agree that it is a demonstrative
2 exhibit, the exhibit as it exists with green and
3 yellow stickers?

4 MR. EVANS: Yes, sir.

5 THE COURT: Would you agree with that's
6 admitted not as evidence, but right now, as
7 we're discussing, it's a demonstrative exhibit?

8 MR. GIBBES: Yes, Your Honor.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: Yes.

11 THE COURT: All right, so what's your
12 position, Solicitor?

13 MR. EVANS: Judge, I don't think it would
14 be inappropriate for them to review it again,
15 since they've done so during closing, but I do
16 think it would be appropriate to take it back to
17 the jury.

18 THE COURT: What do you say? I mean I
19 don't know why they're concerned, or why they
20 want it, or who knows which way it could cut,
21 but what do you say, Mr. Gibbes?

22 MR. GIBBES: Your Honor, I'll agree that
23 the Solicitor is correct in regards to not going
24 back to them, but I have a further problem with
25 that --

1 THE COURT: I would agree with the fact
2 that it shouldn't go back, it's not in evidence.

3 I can't ask them why they need it, that's
4 invading the province of the jury, so the
5 question is, I think we all could agree that
6 it's not in evidence, and as a result, and the
7 Foreman has the dots on it, it's not in
8 evidence, so I would agree it's not appropriate
9 to go back.

10 The issue is, because it's demonstrative,
11 and was used in reference to the closing, it is
12 appropriate for them to look at. In other
13 words, come out here and look at the exhibit
14 without anything being said and go back in, that
15 I guess is the issue. What do you say?

16 MR. JOHNSON: I would say no.

17 THE COURT: All right. All right, let them
18 come out and look at it. I don't think it was
19 entered into evidence.

20 About bringing in the jury but just to
21 allow them to see it. I don't think that's
22 appropriate. I don't know why they'd want it.
23 I'm certainly not going to inquire why they want
24 it, and so -- can I see that statement again,
25 please?

1 Would it be appropriate to refer to that as
2 the yellow and green dots? Were they dots?
3 What do you call those things?

4 MR. EVANS: They're stickers, Judge.

5 THE COURT: Okay, how about I just refer to
6 the yellow/green stickers.

7 MR. EVANS: Certainly. And they were --
8 technically, they were placed on two
9 demonstratives, and those demonstratives have,
10 obviously, if you're asking how to reference
11 them for the record --

12 THE court: What I'm gonna do is, if it's
13 okay, I think I'll just put the posters with the
14 yellow/green, because that's what they referred
15 to it, yellow/green --

16 MR. EVANS: Yes, sir.

17 THE COURT: -- stickers. Were not entered
18 into evidence -- how about I'll put, "Were used
19 as a demonstrative exhibit."

20 MR. EVANS: Or perhaps aid, because the
21 word exhibit might confuse them, and make them
22 think, well, if it's an exhibit why is it not
23 here?

24 THE COURT: How about, "The posters with
25 the yellow/green stickers as a demonstrative

1 aid, therefore, the Court is unable to provide
2 it to you."

3 MR. EVANS: That suits me, Judge.

4 THE COURT: Mr. Gibbes?

5 MR. GIBBES: Yes, Your Honor.

6 THE COURT: All right.

7 MR. JOHNSON: I agree, Your Honor.

8 THE COURT: All right.

9 To make sure I've done everything I can do.
10 You know on those things I always make sure
11 everybody gets on board --

12 MR. EVANS: Yes, sir.

13 THE COURT: -- or at least have an
14 opportunity to. All right, why don't you guys
15 take a look at this. All right so that note,
16 State?

17 MR. EVANS: Yes, sir.

18 THE COURT: Mr. Gibbes?

19 MR. GIBBES: Oh, yes, sir.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: That's fine, Your Honor.

22 THE COURT: So what we'll do is make a copy
23 of that. I want to mark that. I'll give the
24 jury the copy, the original we'll mark and put
25 as a Court's exhibit; is that satisfactory?

1 MR. EVANS: Yes, Your Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: Yes, Your Honor.

4 THE COURT: Mr. Gibbes?

5 MR. GIBBES: Yes, Your Honor.

6 THE COURT: All right, great, we're gonna
7 mark it yellow as an exhibit. Now, where's my
8 Bailiff?

9 (Court's Exhibit 6 was admitted into
10 evidence.)

11 CLERK: He's at the doorway.

12 THE COURT: All right, just go ahead, if
13 you would give him that, and you can give that
14 to the jury, okay?

15 BAILIFF: Yes, sir.

16 THE COURT: All right.

17 (Recess)

18 BAILIFF: All rise.

19 THE COURT: All right, you may be seated.

20 Folks, I'm informed that the jury has
21 reached a verdict, so I believe we're ready to
22 receive the verdict. Now, that having been
23 said, I want everyone in this courtroom to know
24 that there's gonna be folks who are happy,
25 there's gonna be some folks who are upset, but I

1 understand that; but I will tell regardless of
2 where the verdict falls, I want everyone in the
3 courtroom to know that I'm not gonna tolerate
4 outbursts, I'm not gonna tolerate any type of
5 emotion, because it's just not -- right now, in
6 this courtroom, that's not the place for it. I
7 want everyone to know that I have the ability to
8 hold any person who's disruptive of the court in
9 immediate contempt, which also potentially means
10 immediate penalties associated with that
11 contempt, and so I want to say that. Is there
12 anybody that can't, or don't -- questions,
13 whether they can keep their emotions intact? I
14 want to tell them they need to leave the
15 courtroom right now.

16 I see no one's leaving, so I've given
17 everybody that warning. Anything before we
18 bring the jury in to receive the verdict from
19 the State?

20 MR. EVANS: Not from the State, Your Honor.

21 THE COURT: Mr. Gibbes?

22 MR. GIBBES: No, Your Honor.

23 THE COURT: Mr. Johnson?

24 MR. JOHNSON: I have nothing, Your Honor.

25 THE COURT: All right, let's bring the jury

1 in, please.

2

**

3

READING OF THE VERDICT

4

5

THE COURT: I heard we have reached a
verdict.

6

(Jury enters the courtroom.)

7

MR. FOREPERSON: Yes, sir.

8

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THE COURT: All right, if you could hand
that to the Bailiff, who will hand it to me.
Thank you, sir. All right folks, I'm gonna hand
the verdict form to the Clerk, and I would ask
that the Clerk please publish the verdict. The
Defendants please rise.

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THE CLERK: The State of South Carolina,
County of Hampton v. Tyrase Collins, Indictment
Number 2018GS25130 through 134, we, the jury, in
the above-captioned case on the charge of murder
of Frank Johnson Jr. find the Defendant guilty.
Number 2, we, the jury, in the above-captioned
case on the murder of Mr. Duckett, I don't know
how to say the first name.

22

THE COURT: Ghazi.

23

24

25

THE CLERK: Ghazi Duckett, we find the
Defendant guilty. We, the jury, in the above-
captioned case on the charge of murder of

1 Lamekia Warren, we find the Defendant guilty.

2 We, the jury, in the above-captioned case
3 on the charge of armed robbery of Frank Johnson
4 Jr., we find the Defendant guilty.

5 We, the jury, in the above-captioned case
6 on the charge of possession of a weapon during
7 the commission of a violent crime, find the
8 Defendant guilty, signed by the Foreperson,
9 Conrad Grant.

10 THE COURT: All right, thank you.

11 THE CLERK: The State of South Carolina,
12 County of Hampton v. Lorenzo Boles in Indictment
13 Numbers 2018GS25215, 216, 218, and 219, we, the
14 jury, in the above-captioned case on the charge
15 of accessory before the fact of the felony, the
16 murder of Frank Johnson Jr., find the Defendant
17 guilty.

18 We, the jury, in the above-captioned case
19 on the charge of accessory before the fact for
20 the murder of Ghazi Duckett find the Defendant
21 guilty.

22 We, the jury, in the above- captioned case
23 on the charge of accessory before the fact of a
24 felony, the murder of Lamekia Warren, find the
25 Defendant guilty.

1 We, the jury, in the above-captioned case
2 on the charge of accessory before the fact of
3 the felony of the armed robbery of Frank Johnson
4 Jr., find the Defendant guilty.

5 Signed by the Foreperson, Conrad Grant.

6 THE COURT: All right, thank you, Madam
7 Clerk. All right, gentlemen, you can be seated.
8 Let me ask you this, before I will discharge the
9 jury, Mr. Gibbes do you have any motions or any
10 matters that need to be taken up before I
11 discharge the Jury, sir?

12 MR. GIBBES: No, Your Honor. I think we
13 already reserved our motions previously.

14 THE COURT: All right, counsel approach.
15 (Bench conference.)

16 THE COURT: All right, Mr. Gibbes, as it
17 relates to your client, sir, do you have any
18 motions, or anything that you would like me to
19 address before I discharge the Jury?

20 MR. GIBBES: Well, Your Honor, at this
21 point I'd poll the jury.

22 THE COURT: You want to poll the jury?

23 MR. GIBBES: Yes, sir.

24 THE COURT: Okay, Madam Clerk, I'd ask if
25 you'd please poll the Jury, as it relates to the

1 Defendant, Lorenzo Boles, if you would poll them
2 in Mr. Boles' case, please.

3 THE CLERK: Okay. When I call your name if
4 you would stand, and I'm gonna ask you 2
5 questions. You'll need to answer each question.
6 Conrad Grant, was this your verdict?

7 MR. GRANT: Yes.

8 THE CLERK: And is it still your verdict?

9 MR. GRANT: Yes.

10 THE CLERK: Charles Sanders, was this your
11 verdict?

12 MR. SANDERS: Yes.

13 THE CLERK: And is it still your verdict?

14 MR. SANDERS: Yes.

15 THE CLERK: Montoya Daniels, was this your
16 verdict?

17 MR. DANIELS: Yes.

18 THE CLERK: And is it still your verdict?

19 MR. DANIELS: Yes.

20 THE CLERK: Jerry Rucker, was this your
21 verdict?

22 MR. RUCKER: Yes.

23 THE CLERK: And is it still your verdict?

24 MR. RUCKER: Yes.

25 THE CLERK: D.S. Deloache, was this your

1 verdict?

2 MS. DELOACHE: Yes.

3 THE CLERK: And is it still your verdict?

4 MS. DELOACHE: Yes.

5 THE CLERK: Michelle Robinson, was this
6 your verdict?

7 MS. ROBINSON: Yes.

8 THE CLERK: And is it still your verdict?

9 MS. ROBINSON: Yes.

10 THE CLERK: Cindy Williams, was this your
11 verdict?

12 MS. WILLIAMS: Yes.

13 THE CLERK: And is it still your verdict?

14 MS. WILLIAMS: Yes.

15 THE CLERK: Kelvin Fennell, was this your
16 verdict?

17 MR. FENNELL: Yes.

18 THE CLERK: And is it still your verdict?

19 MR. FENNELL: Yes.

20 THE CLERK: Donald Lewis, was this your
21 verdict?

22 MR. LEWIS: Yes.

23 THE CLERK: And is it still your verdict?

24 MR. LEWIS: Yes.

25 THE CLERK: Nile Elmquist, is this your

1 verdict?

2 MR. ELMQUIST: Yes.

3 THE CLERK: And is it still your verdict?

4 MR. ELMQUIST: Yes.

5 THE CLERK: Lynn Corbin, was this your
6 verdict?

7 MS. CORBIN: Yes.

8 THE CLERK: And is it still your verdict?

9 MS. CORBIN: Yes.

10 THE CLERK: Fay Gerald, was this your
11 verdict?

12 MS. GERALD: Yes.

13 THE CLERK: And is it still your verdict?

14 MS. GERALD: Yes.

15 THE COURT: Thank you, Madam Clerk.

16 Mr. Gibbes, anything further?

17 MR. GIBBES: No, Your Honor.

18 THE COURT: Thank you. All right, Mr.
19 Johnson, anything before the Court would release
20 the jury, sir?

21 MR. JOHNSON: Yes, as I said before, the
22 jury be polled.

23 THE COURT: Yes, sir. All right, Madam
24 Clerk, if you could please poll the jury in
25 regards to Mr. Tyrase Collins please.

1 Thank you.

2 THE CLERK: Okay. Mr. Grant, is this your
3 verdict?

4 MR. GRANT: Yes.

5 THE CLERK: And is it still your verdict?

6 MR. GRANT: Yes.

7 THE CLERK: Charles Sanders, is this your
8 verdict?

9 MR. SANDERS: Yes.

10 THE CLERK: And is it still your verdict?

11 MR. SANDERS: Yes.

12 THE CLERK: Montoya Daniels, is this your
13 verdict?

14 MR. DANIELS: Yes.

15 THE CLERK: And is it still your verdict?

16 MR. DANIELS: Yes.

17 THE CLERK: Jerry Rucker, is this your
18 verdict?

19 MR. RUCKER: Yes.

20 THE CLERK: And is it still your verdict?

21 MR. RUCKER: Yes.

22 THE CLERK: D.S. Deloache, is this your
23 verdict?

24 MS. DELOACHE: Yes.

25 THE CLERK: And is it still your verdict?

1 MS. DELOACHE: Yes.

2 THE CLERK: Michelle Robinson, is this your
3 verdict?

4 MS. ROBINSON: Yes.

5 THE CLERK: And is it still your verdict?

6 MS. ROBINSON: Yes.

7 THE CLERK: Cindy Williams, is this your
8 verdict?

9 MS. WILLIAMS: Yes.

10 THE CLERK: And is it still your verdict?

11 MS. WILLIAMS: Yes.

12 THE CLERK: Kelvin Fennell, is this your
13 verdict?

14 MR. FENNEL: Yes.

15 THE CLERK: And is it still your verdict?

16 MR. FENNEL: Yes.

17 THE CLERK: Donald Lewis, is this your
18 verdict?

19 MR. LEWIS: Yes.

20 THE CLERK: And is it still your verdict?

21 MR. LEWIS: Yes.

22 THE CLERK: Nile Elmquist, is this your
23 verdict?

24 MR. ELMQUIST: Yes.

25 THE CLERK: And is it still your verdict?

1 MR. ELMQUIST: Yes.

2 THE CLERK: Glenn Corbin, is this your
3 verdict?

4 MS. CORBIN: Yes.

5 THE CLERK: And is it still your verdict?

6 MS. CORBIN: Yes.

7 THE CLERK: And Faye Gerald, is this your
8 verdict?

9 MS. GERALD: Yes.

10 THE CLERK: And is it still your verdict?

11 MS. GERALD: Yes.

12 THE COURT: All right, anything else, Mr.
13 Johnson?

14 MR. JOHNSON: Not at this time.

15 THE COURT: Well, as it relates to the jury
16 though, anything else concerning the jury, sir?

17 MR. JOHNSON: Not anything for the jury

18 THE COURT: All right. Ladies and
19 gentlemen, thank you for your service this week.
20 We deal with very important matters up here, and
21 I hope this has been an educational experience,
22 and I promise you when we're keeping you a
23 little late, or getting started late, it's not
24 because we're in here goofing off.

25 We're trying to do what we need to do, so

1 that we can move forward with the cases and be
2 as conscious of your time as we can. I hope you
3 enjoyed your lunch. My hamburger was actually
4 pretty darn good, and I thank Ms. Nettles for
5 that.

6 Folks, the service that you provided to
7 your County, your citizens, this week, you know,
8 can be compensated with a small check, which
9 you're gonna be getting from the County.

10 All I can tell you is, this is where you
11 choose to live. You make this your home, and
12 this is part of the duty, serving on a jury.
13 It's something that you've got to do, and you've
14 honored your summons, and I appreciate you being
15 here. The good news is this, you're good for 3
16 years. For three years, you don't have to come
17 back into this courtroom. You don't have to
18 come back for jury duty, and you served in
19 court. However, that doesn't include
20 magistrates court, city court, or federal court.
21 They may still get you, but we're not gonna get
22 you here for at least 3 more years, so you're
23 good there.

24 What I want to tell you is gonna happen now
25 is this. There are gonna be some motions that

1 are heard, and then I expect that we probably
2 will go to directly into sentencing, perhaps
3 after those motions, and so to that extent, I
4 will tell you this, if you are ready to get out
5 of here, I don't blame you.

6 You've been here all week, or most all
7 week. If you want to stick around, you
8 certainly can, and the Bailiff will show you
9 where you can go back in, and come back into the
10 gallery. Whatever you want to do, it's up to
11 you, it doesn't matter to me. I know sometimes
12 folks are interested in what happens next, and
13 if you want to stick around you can. If you
14 don't, I certainly understand you're ready to go
15 home and negatively start the weekend an hour or
16 two early, okay.

17 So finally, I told you all week don't talk
18 about the case. How many times have I said it?
19 Don't talk about the case. You want to talk
20 about the case now, you can. You don't want to
21 talk about the case, that's fine too. That's up
22 to you, and if anybody says, hey, they want to
23 talk about the case, and you don't want to talk
24 about the case, if they bother you or persist,
25 and I don't think they will, I say this in every

1 trial, I don't think they will, but if they do,
2 you just call the Clerk, she calls me. I
3 promise you they will abide, okay.

4 So with that having been said, I thank you
5 so much. I'm discharging you. You have
6 fulfilled your oath to this Court, your duty to
7 this Court, and I thank you for your time this
8 week, and I hope you have a good rest of your
9 Veterans Day, and a good weekend. Thank you so
10 much.

11 And we've got some work excuses there.

12 THE CLERK: It doesn't have your end time
13 for this afternoon, so if you'all will just fill
14 that in. I trust you to put the right box.

15 THE COURT: All right. We are going to be
16 at ease for about 5 minutes.

17 (Jury exits the courtroom.)

18 THE COURT: All right, we'll be at ease for
19 about five minutes.

20 (Recess)

21 **

22 PROCEEDINGS CONTINUED

23 **

24 SENTENCING HEARING

25 THE COURT: All right, are there any post-

1 trial motions from the State?

2 MR. EVANS: Not from the State.

3 THE COURT: Mr. Gibbes, post-trial motions,
4 sir?

5 MR. GIBBES: Yes, Your Honor, I just wanted
6 to renew.

7 THE COURT: All right, go ahead.

8 MR. GIBBES: I move for a directed verdict,
9 Your Honor.

10 THE COURT: All right. And, again,
11 respectfully, sir, for the same reasons that I
12 denied those motions earlier, I would again deny
13 those motions for the same reason. Mr. Johnson,
14 anything you want to tell me, a post-trial
15 motion, sir?

16 MR. JOHNSON: Your Honor, as I said, I
17 renew my trial motions, directed verdict
18 notwithstanding the verdict, I still believe
19 that there was insufficient evidence to go
20 forward, that this case did not prove location
21 and we ask the Court to grant our motion.

22 THE COURT: All right, well, in each case
23 as it relates to that, I would submit, you know,
24 that we kind of thoroughly patched over these
25 issues, when I entertained your motions before

1 the case went to the jury, and again, sir, I
2 think that there was sufficient evidence to send
3 the case to the jury, and I outlined my reasons
4 for that, and, quite frankly, I think that the
5 jury took the evidence, weighed the evidence.
6 It's clear that they gave deliberate and careful
7 consideration to this case.

8 The jurors deliberated for the biggest part
9 of, I would imagine, two plus hours. They asked
10 for a particular exhibit, so they were thinking
11 about things. We weren't able to provide them
12 that as we discussed, and I believe it was
13 appropriate that they didn't have it, because it
14 wasn't admitted into evidence, but I just don't
15 see anything that was -- I think that they
16 considered it.

17 I think they spent time considering it. It
18 appears to me, based on the request they
19 delivered, and in their deliberations based upon
20 the information they received, and so for those
21 reasons, I think the evidence was there, that
22 they believed that the State proved their case
23 beyond a reasonable doubt, and I think the
24 evidence was there for them to do that.

25 So with all due respect, I would deny your

1 post-trial motion. Let me ask you something,
2 and, I'm sorry, Solicitor, I don't mean to
3 exclude you, is there anything you want to add
4 to the response of those motions, the motions
5 that were made by, anything that you want to add
6 or put on the record?

7 MR. EVANS: No, sir.

8 THE COURT: Okay, and I didn't mean to
9 exclude you, sir. I just need to make sure.
10 All right, let me ask you something, Mr.
11 Johnson. At the time that this offense was
12 committed, sir, was your client under the age of
13 18?

14 MR. JOHNSON: Yes, he was, Your Honor. He
15 was 17.

16 THE COURT: All right, as a result of that
17 Solicitor, with the Aiken and Miller cases,
18 don't I have to look at and evaluate different
19 criteria, if I'm gonna to entertain a life
20 without the possibility of parole sentence, sir?

21 MR. EVANS: Well, he was not eligible for
22 life without the possibility of parole, Your
23 Honor. He does not have a prior record, and we
24 didn't notice any before that.

25 He is eligible for life, not life without

1 the possibility of parole, but I think I
2 understand Your Honor's larger point.

3 THE COURT: Are you saying I don't have the
4 ability to sentence him to life? When I
5 sentence to life, that means life, correct?

6 MR. EVANS: Yes, sir, but when you use that
7 specific phrase, in which it removes Your
8 Honor's discretion, based on a prior most
9 serious offense, or two prior serious offenses.

10 THE COURT: Okay, yeah.

11 MR. EVANS: I apologize. I'm not talking
12 about that.

13 MR. EVANS: I apologize.

14 THE COURT: Yes, sir.

15 MR. EVANS: Yes, sir. Okay, well that's --
16 when I hear without possibility of parole,
17 that's what comes to mind.

18 THE COURT: No, what I'm referring to, sir,
19 is that if I'm looking at a life sentence, I
20 believe that under the Miller and Aiken
21 decision, are there certain criteria that I have
22 to look at?

23 MR. EVANS: I believe you're right Judge,
24 because I'm not prepared for this issue today,
25 because I was focused --

1 THE COURT: All right.

2 MR. EVANS: --on obviously the trial. I
3 would say that if Your Honor is comfortable with
4 deferring sentencing for Mr. Collins, that would
5 be entirely appropriate. The State would have
6 no issue with that. I'm sure that we can
7 schedule an appropriate time.

8 THE COURT: Mr. Johnson, I think that there
9 may be some additional consideration set forth
10 in the Supreme Court, which I think is the Aiken
11 case, and I think the State's interpretation of
12 the Miller case, and so what I want to do is,
13 because your client was under the age of 18 at
14 the time, I think there are some additional
15 considerations that I've got to give if I
16 entertain, assuming I'm gonna entertain a life
17 sentence, and so to that extent, because in
18 South Carolina, of course, in this situation
19 life means life, and so I think that what I'm
20 gonna do, I'm going to, I'm not going to
21 sentence your client today, sir.

22 What I'd like to do is to have a couple of
23 things. Number one, I would like to give each
24 of you the opportunity to review those two
25 cases, and any additional case log that may need

1 to be brought to my attention as I look at and
2 evaluate sentencing. Because also, some of
3 those criteria, I think they take some
4 additional time, sir, as it relates to
5 information that you may need to gather to
6 provide to this Court.

7 So there may be some information I think --

8 MR. EVANS: I think that mitigation is
9 particularly important.

10 THE COURT: -- the big deal I think in
11 some of those case log deals with mitigation,
12 and so what I want to do is, I want to make sure
13 that we have a record of the mitigation, and
14 that I give you an opportunity to put that
15 mitigation together, sir. Okay.

16 MR. EVANS: I understand.

17 THE COURT: So what I want to do, sir, is
18 I'm going to -- your client, basically, I'm just
19 going to defer sentencing, and what I'd like to
20 do is to probably give each of you, do you think
21 two weeks would be enough?

22 Well, let's do this, why don't you look
23 into it, and we'll get back together with a
24 status conference, and we'll decide perhaps get
25 a little bit of a map, as to what we need to do.

1 MR. EVANS: He's facing mandatory minimum
2 of 30 years regardless Judge, I understand
3 everybody wants a result, but I think we could
4 leave it open-ended, so I appreciate the Court's
5 patience.

6 THE COURT: Yeah, I'm --

7 MR. EVANS: Mr. Clapp and I are in trial
8 next month in Allendale.

9 THE COURT: I'm gonna work with you'all as
10 it relates to postponing the sentence. I'm not
11 trying to kick the can around the room.

12 MR. EVANS: Understood.

13 THE COURT: It's just because Mr. Collins
14 was under the age of 18 at the time. I want to
15 make sure that we get this right, and so I would
16 rather go and give you an opportunity to make
17 sure we've got it right, and that any
18 information concerning mitigation in his case,
19 specifically, because he's under the age of 18,
20 sir, at the time, I want to get that done.

21 Now, what we will do of course, is we will
22 make certain, a) that the hearing, when there is
23 a sentencing, it will be in open court, it will
24 be with much month notice, and so everybody will
25 be aware of when that sentencing is gonna take

1 place, but I'm not comfortable doing it today,
2 as it relates to Mr. Collins, because of his
3 age. All right, so have we got that square,
4 Solicitor?

5 MR. EVANS: Yes, sir, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: Yes, Your Honor.

8 THE COURT: All right. I am able to move
9 forward in Mr. Boles sentencing today, and so
10 let me hear from the Solicitor on that.

11 MR. EVANS: Just one moment Judge. I did
12 have a typo on one of his sentences. I just
13 want to make sure I fix it. May I approach,
14 Your Honor?

15 THE COURT: Yes, sir.

16 MR. EVANS: All right, Your Honor. I'm not
17 going to belabor our proceedings here today.
18 The victim's family has -- they're the most
19 important folks, and they have informed me that
20 they do not wish to, I'll double check.

21 Have you changed your mind? They've
22 informed me that they do not need to address the
23 Court at this time. They understand how closely
24 Your Honor paid attention to the evidence, as do
25 I. I don't think anything I could say right

1 now, other than getting a directive, which I
2 will in a moment, would do a better job than the
3 actual evidence did.

4 Mr. Boles does have a prior criminal record
5 beginning in 2001, sale to possession by a
6 certain person for a stolen pistol, he served
7 three years suspended and 2 years probation in
8 that case. In 2005 he was convicted of assault
9 and battery of aggravated nature.

10 Also in 2005, simple possession of
11 controlled substances, schedule 1-5, first
12 offense.

13 2015, possession of cocaine, first offense.
14 Judge, that's all the convictions that I am--

15 THE COURT: I'm sorry Solicitor. Could you
16 give me those convictions again? I apologize.

17 MR. EVANS: Yes, sir. It's okay. I beg
18 the Court's indulgence.

19 THE COURT: That's all right.

20 MR. EVANS: I'll look back. While I'm
21 pulling it up, I'll let the Court know that Mr.
22 Boles is in federal custody at the moment for a
23 pending matter.

24 I've already advised the assistant U.S.
25 Attorney -- our contact person with that office.

1 I don't know if she's directly over his
2 prosecution or not, but it's Ms. Henderson, who
3 I'm sure you're familiar with, Judge.

4 THE COURT: Sure.

5 MR. EVANS: I've advised her on the verdict
6 today. She's just asked to learn what the
7 sentence is, which I'll inform her later. So
8 she's the expert on those sort of issues, about
9 where he'll be serving.

10 I imagine most likely his SCDC time will
11 begin, but he will be serving it still under
12 federal custody until he faces those charges.

13 THE COURT: Right. What was that record
14 again?

15 MR. EVANS: Yes, sir. I'm sorry. I was
16 trying to double-check.

17 THE COURT: It's okay.

18 MR. EVANS: I'll look back. All right,
19 Your Honor, beginning in 2001, sale to
20 possession of by a certain person a pistol.
21 That may have been a possession by a minor of a
22 pistol, but stolen gun is all under the same
23 statute, so the rap sheet doesn't make quite
24 clear, but in any event, received three years,
25 three years suspended to two years probation for

1 possession of a gun in 2001.

2 THE COURT: Okay.

3 MR. EVANS: Then, in 2005 he was convicted
4 of assault and battery of a high and aggravated
5 nature. Received another probationary sentence,
6 as well as possession of other controlled
7 substances, schedule 1-5, first offense, and in
8 2015 possession of cocaine, first offense.

9 THE COURT: All right, thank you.

10 MR. EVANS: Thank you, Your Honor.

11 THE COURT: All right, we've had the
12 Foreperson escape without signing the
13 indictments, so we'll have to chase him down,
14 and all he will do is, of course, write guilty,
15 and sign his name.

16 All right, what else? Anything else,
17 Solicitor?

18 MR. EVANS: No, sir.

19 THE COURT: All right, Mr. Gibbes. Let me
20 hear from you, sir. I'd be happy to.

21 MR. GIBBES: Your Honor, we heard the
22 record. Your Honor, we have no objection to
23 attest the record, the prior record of my
24 client. We just would, you know, just
25 respectfully submit to the Judge that, you know,

1 Mr. Boles, his mom who is present, she has
2 stepped out.

3 Your Honor, obviously, you know our
4 position on the directed verdict, and we respect
5 your position. We just would ask that Your
6 Honor would have consideration and seek a
7 sentence that would not be as excessive, Your
8 Honor.

9 THE COURT: All right, and your client's
10 39.

11 MR. GIBBES: Correct.

12 THE COURT: Is that correct, right? Is
13 this a 85 percenter?

14 MR. EVANS: Judge, accessory before the
15 fact, the penalty is the same as for the
16 substantive offense.

17 THE COURT: So is it day-per-day?

18 MR. EVANS: Yes, sir, at least as to the
19 mandatory minimum, and for murder I believe it
20 is life for each sentence. So the one
21 distinction, and I know I've reflected it on the
22 sentencing sheet, but I don't remember the
23 indictment number. He does have one where the
24 range is 10 to 30 years.

25 THE COURT: All right, we'll be at ease for

1 a moment.

2 MR. EVANS: Yes, sir.

3 (Recess)

4 THE COURT: All right, you can be seated.

5 All right, in case number 2018-GS-2500-215,
6 that's the State v. Lorenzo Boles, on the charge
7 of accessory before the fact to a felony, sir,
8 I'm going to sentence you to the Department of
9 Corrections for a term of 45 years, and that's
10 gonna run concurrent with the other sentences
11 that I'm passing judgment on.

12 I'm gonna give you credit for any time
13 served.

14 MR. EVANS: With the charge which was
15 maximum is 30 years.

16 THE COURT: I will give him 30 years on
17 that.

18 MR. EVANS: Very good, sir.

19 THE COURT: Yes, sir. All right, in case
20 number 2018-GS-2500-216, that's the accessory
21 before the fact of felony, again, sir, I'm going
22 to sentence you to the term of 45 years at the
23 Department of Corrections, running everything
24 concurrent, giving you credit for your time
25 served.

1 Sir, in the case of 2018 -- that's
2 accessory before the fact, and this is the 10 to
3 30 years, so I'm going to assume, Solicitor,
4 this is the armed robbery charge?

5 MR. EVANS: Yes, sir, I checked the
6 indictment.

7 THE COURT: So what the sentence for you,
8 sir, to the State Department of Corrections for
9 a period of 30 years, running everything
10 concurrent, and giving you credit for time
11 served.

12 And, finally, sir, in 2018-GS-2500-219,
13 sir, I'm going to sentence you on accessory
14 before the fact, I'm going to sentence you, sir,
15 to the State Department of Corrections for a
16 period of 45 years, running that concurrent, and
17 giving you credit for all of your time served.

18 All right, I believe that should bring this
19 matter to a conclusion. Anything further from
20 the State?

21 MR. EVANS: Not from the State.

22 THE COURT: We will sentence Mr. Collins'
23 case later?

24 MR. EVANS: Yes, sir.

25 THE COURT: All right.

1 Anything further, Mr. Gibbes?

2 MR. GIBBES: No, Your Honor, thank you.

3 THE COURT: Sir?

4 MR. JOHNSON: I have nothing.

5 THE COURT: All right.

6 Thank you very much.

7 This will conclude this matter for today's
8 purposes.

9 (At 6:04 p.m. the proceedings were
10 concluded.)

11 **

12 END OF VOLUME IV

13 **

14

15

16

17

STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS COURT
2018-GS-25-00130, -134

COUNTY OF HAMPTON

State of South Carolina

vs.

TRANSCRIPT OF HEARING
Hearing I

Tyrase Akil Collins,

Defendant.

May 23, 2024
Hampton, South Carolina

B E F O R E:

The Honorable ROBERT J. BONDS, Judge Presiding

Kymerlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
Post Office Box 8091
Beaufort, South Carolina 29903

A P P E A R A N C E S

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1 PROCEEDINGS

2 THURSDAY, MAY 23, 2024

3 HAMPTON, SOUTH CAROLINA

4 ***

5 (The following proceedings were held in open court.

6 All parties were present.)

7 ***

8 THE COURT: Good morning.

9 We are here on the State v. Tyrase Collins.

10 Originally this was before the Court for a sentencing hearing.

11 I know that this trial took place several months ago. The
12 jury returned a guilty verdict, and sentencing was deferred at
13 that point, due to the fact that given, among other things,
14 the age of Mr. Collins at the time that the crimes that were
15 committed.16 We were here today originally to move forward, as I
17 understand it, with the sentencing hearing. In the meantime,
18 I believe, Counsel, you have filed a motion. We talked about
19 briefly about the motion in chambers.20 I was going to allow you to come out and at least
21 put your motion on the record.22 What motion have you filed, sir, and let me hear
23 from you are briefly on that.24 MR. JOHNSON: Your Honor, during the the process of
25 discovery and interviewing people for the mitigation case, we

1 came across new evidence that we were not aware of related to
2 a member of the jury that we feel indicates the possibility of
3 bias or irregularities in the case, and we filed a motion for
4 a mistrial.

5 THE COURT: All right.

6 I believe that you had indicated in chambers that
7 that it was your preference to have the motion for a mistrial
8 heard before the actual sentencing hearing.

9 Is that correct, Mr. Johnson?

10 MR. JOHNSON: That's correct, Your Honor. My
11 understanding and the reading of the law is that prior to
12 sentencing, a motion for mistrial could be heard. If the
13 mistrial was granted, it was my belief that the sentencing
14 would be moot. So therefore, as an order of judicial
15 convenience, a mistrial should be heard first.

16 THE COURT: All right.

17 Mr. Evans, let me hear from you, sir.

18 MR. EVANS: Good morning, Your Honor. As we
19 discussed in chambers, I think that you can safely preserve
20 Mr. Collins' rights whether it's categorized as a motion for a
21 mistrial or a motion for a new trial based on after-discovered
22 evidence. The verdict has been in place since November.

23 We are here today to deal with sentencing. I
24 understand that allegations have arisen during the preparation
25 of their mitigation evidence.

1 Again, as we discussed in chambers, I think that the
2 basis of these allegations really necessitate -- whether you
3 plan to take live testimony or not -- and I think the cases
4 indicate you have flexibility, discretion in that decision.

5 All the cases that I have read in an effort to be
6 ready for today, in case we did go forward on that motion,
7 indicate that the trial transcript, specifically the voir dire
8 components, are critical.

9 My understanding from the court reporter who is
10 looking right at me right now is that the transcript is
11 substantially ready but not proofed. However, none of us,
12 neither party nor the Court actually have in hand and
13 available to prepare or either to review live today in this
14 hearing.

15 So the State's position is that sentencing should
16 proceed as planned, and Your Honor should rule that Mr.
17 Collins' motion is preserved; that he have the ability return
18 on a future date in front of Your Honor, as the trial judge of
19 course, for a more completion of those allegations.

20 THE COURT: All right. The sentencing hearing today
21 has been scheduled for some period of time. I am not going to
22 postpone that hearing or this hearing.

23 Mr. Johnson, your motion was made more recently. I
24 certainly understand why. I am not saying that there was
25 anything not appropriate in when you brought this matter to

1 the Court's attention. With regard to your motion, I think
2 that is fine.

3 As far as this Court is concerned, sir, we are going
4 to move forward today. I will continue your motion.

5 Sir, you are not -- and it's not my intention to in
6 any way to prejudice you from bringing that matter back to me
7 for consideration. I don't really care. I don't think the
8 State cares either how this is broached, how your motion is
9 captioned, how my ruling today might change that.

10 I am not in any way going to come back and say --
11 nor is the State -- that you have to now address this matter
12 on appeal. It's a matter you can bring back to this Court
13 and/or before me.

14 Is that your understanding, Solicitor?

15 MR. EVANS: That is my understanding.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: That's fine as well.

18 Your Honor, the only question I have for the Court
19 is, should I have to file another motion for mistrial, or
20 should we discuss it the three of us?

21 When would be an appropriate time to come back?

22 THE COURT: If your motion has been filed, I don't
23 think you have to file another motion. To that extent, the
24 Court would accept your motion unless you need to file some
25 type of supplement as you see fit. That is up to you.

1 As far as I am concerned, filing another motion is
2 not going to be necessary. What will happen is, if you
3 gentleman can coordinate with my clerk, we can arrive at a
4 time so that the mater can be heard.

5 MR. JOHNSON: Thank you, Your Honor.

6 THE COURT: All right. I know that Mr. Grant is
7 here. Mr. Grant. There he is.

8 Mr. Grant, your service is still continuing. I
9 apologize for that. You served your week, and I know that you
10 were subpoenaed to be here.

11 Mr. Grant, what I will tell you is that I am going
12 to release you from the subpoena that was served on you. You
13 are free to go today. I believe that this matter, this
14 particular issue, this motion, will be revisited. Your
15 appearance may be necessary at that hearing. If it is, you
16 will receive notice from the Court via another subpoena.

17 In the meantime, sir, I appreciate your being here.
18 As you know, throughout this we have been dealing with very
19 important matters to the State and to the defense on this
20 case.

21 I will release you at this time. Thank you very
22 much. Have a great Memorial Day.

23 All right, Mr. Grant?

24 MR. GRANT: Thank you, sir.

25 MR. JOHNSON Your Honor --

1 THE COURT: Yes, sir.

2 MR. JOHNSON: Just to clear up something. I also
3 had a subpoena for Christopher Williams. I don't know if you
4 want to put on the record that that subpoena is also released.

5 THE COURT: Yes. If he has a subpoena -- I
6 understand that perhaps he is upstairs and has some other
7 criminal matters going on, perhaps even as we speak.

8 MR. EVANS: That's correct.

9 THE COURT: So I will release him from any subpoena.
10 If he is in the custody of any law enforcement agencies, they
11 do not have to worry about getting him here to this courtroom.

12 All right.

13 MR. EVANS: Thank you, Your Honor.

14 THE COURT: We also discussed one other thing in the
15 back in chambers; that was the issue concerning the mitigation
16 specialist.

17 Is that you, ma'am?

18 MS. JOHNSON Yes, sir.

19 THE COURT: I received a letter earlier this week
20 from Indigent Defense upset with the manner in which the
21 services of the mitigation specialist was presented to
22 Indigent Defense.

23 what I want to do is this: I think at the end of
24 the day, we're going to have a hearing.

25 what I would like to do is see if we can get

1 Mr. Young. I would like to see if we can get Mr. Young -- if
2 he is available to have a hearing perhaps later today as it
3 relates to -- he wants to have a hearing. If he is available,
4 I would like to go ahead and have that hearing.

5 I don't think it's going to take long. I am going
6 to tell him why I did what I did in ordering this. I don't
7 anticipate a problem. I just don't think that that is going
8 to be the case because of the way things have, in this case,
9 have come together.

10 So we will try to get that done today. If not
11 today, I am available anytime. We can do it virtually. I am
12 available almost all of next week. I have an open calendar.
13 So we will have that done.

14 To my mitigation specialist, if you want to attend
15 that hearing, you can. If it's done virtually, we can give
16 you log-in links so that you can attend that. Okay?

17 MS. KING-CROSBY: Thank you.

18 THE COURT: What I would like to do now at this
19 time -- I would like to proceed -- I believe that it would be
20 appropriate for me to hear from the State as it relates to its
21 case or the information that the State wants to present to the
22 Court concerning sentencing. At the conclusion, then I would
23 hear from the defense.

24 MR. EVANS: Yes, sir.

25 It has been about six months since we tried the



1 give any information at all. Basically, she was just giving
2 the location where this shooting, these two executions and the
3 slaughter of Ms. Warren took place.

4 Law enforcement raced to the scene. On the way
5 there, they saw a very distinctive red Dodge Charger with a
6 Texas tag. Immediately, the Hampton County law enforcement
7 agencies, especially Mr. Clapp sitting behind me -- this was
8 his case -- knew that that was the vehicle associated with
9 Mr. Lorenzo Boles; knew that Mr. Tyrase Collins was an
10 associate of Mr. Lorenzo Boles.

11 when they got to the scene, they found obviously the
12 three victims long gone.

13 He began investigating the following day, about 36
14 hours later. A search warrant was executed. That was --
15 again, I apologize Judge. I knew the address during the
16 trial. That was more in town. When the search warrant was
17 executed, a number of individuals were found, along with a
18 number of firearms as well as the red Dodge Charger.

19 SLED crime scene processed the red Dodge Charger and
20 found DNA which connected, in very strong terms, Mr. Collins
21 and the victims at the scene. It was a mixture with some of
22 the strongest support numbers that I have heard in my time as
23 an assistant solicitor working with DNA evidence.

24 That was the primary evidence against Mr. Collins.
25 Of course, firearms, some of which were taken from the scene.

1 They were not used in the shooting but taken. That was the
2 basis of the armed robbery, including one referred to by most
3 as a Draco. That was presented at trial.

4 We had ballistics evidence, Judge, which showed the
5 manner in which these three folks were killed.

6 Mr. Collins was arrested a short time later. We
7 also had testimony, Judge, which indicated how the particular,
8 how the distinctive gun reached the victim's possession.

9 So the gun taken clearly from the victim's home was
10 found in the defendant's home. The DNA linked this particular
11 defendant very closely to the murders themselves.

12 Judge, this was an absolutely brutal killing of
13 three folks who did nothing to deserve what they got. As I
14 said, the two men were executed and most likely at the same
15 time given that they each suffered only a single gunshot. I
16 will pull up the autopsy so that I get the numbers right of
17 Ms. Warren.

18 Beg the Court's indulgence.

19 THE COURT: Take your time.

20 MR. EVANS: Your Honor, Ms. Warren was shot 35
21 times.

22 Obviously, we are here today. We have already
23 sentenced Mr. Boles. Aiken v. Byars, I think correctly,
24 certainly interpreted the U.S. Supreme Court case
25 which led to it was Miller.

1 THE COURT: The Miller case. Yes, sir.

2 MR. EVANS: Miller v. Alabama. Than was concerning
3 mandatory life without parole sentences. As applied to
4 juveniles, I think that our Supreme Court correctly said, we
5 don't have that scheme in this state, but the holding by the
6 U.S. Supreme Court was so clear that they ruled in Aiken v.
7 Byars that it is entirely appropriate and now necessary under
8 South Carolina law for any juvenile subject to a possible life
9 sentence to have his age considered closely and carefully by
10 the Trial Court before passing sentence.

11 But in no way, shape, or form -- it is crystal clear
12 in the Aiken v. Byars opinion -- did our State Supreme Court
13 hold that a life sentence is unconstitutional, under either
14 the U.S. Supreme Court, which they couldn't hold, or our State
15 constitution.

16 It said that there are certainly times in which a
17 life sentence is appropriate. The State's position is that
18 this is one of those times.

19 Mr. Collins was 77 days away from his 18th birthday
20 on the date of this incident. Seventy-eight days later -- 77.
21 If this incident had occurred on his 18th birthday, we
22 wouldn't be having this hearing. We would have sentenced him
23 immediately after trial, just as you did with Mr. Boles, in
24 which you gave him 45 years on all charges concurrent.

25 Mr. Boles was charged as and convicted of being an

1 accessory. Mr. Collins was charged as and was convicted of
2 being a principal offender in this gruesome triple murder and
3 armed robbery.

4 If it had been 77 days later, we would have
5 proceeded immediately with the sentencing, and I would ask you
6 for exactly what I am asking now. It's the State's position
7 that at 18 years minus 77 days, Mr. Collins knew exactly what
8 he was doing and exactly how wrong it was.

9 The three people who died that day had long lives in
10 front of them as well. Mr. Collins has a long sentence in
11 front of him no matter what you sentence him to because he is
12 subject to the mandatory minimum of 30 years for each of the
13 murders.

14 who knows whether our victims, Ms. Warren
15 Mr. Duckett, or Mr. Johnson would have made it all those 30
16 years. No one can say, but he robbed them of the chance.

17 You sentenced Mr. Boles to 45 years. I understand
18 if you want to give him hope. I do understand that. I am not
19 the solicitor who would say that a life sentence is necessary
20 or appropriate in every single murder case. I might have
21 believed that before I went to law school. I don't believe
22 that today.

23 I have not asked for a life sentence in every murder
24 case that I have prevailed in, but I haven't had a lot where
25 three people were killed, two executed and one slaughtered,

1 with 35 shots.

2 The families are here. They don't wish to address
3 the court. They have asked me to convey their wishes for life
4 sentences. Obviously, you can't do that with the armed
5 robbery or the PWDC. That's not really the issue here.

6 Judge, I think if you want to give him hope, it
7 would be a travesty of justice if you gave him the same or
8 less than Mr. Boles.

9 I would ask you to consider that to be a four. I
10 certainly respect the work of Ms. King. I think it's
11 appropriate. I think that is what we are supposed to be doing
12 here; considering all the factors that came into play.

13 I don't agree with at least one aspect of it, which
14 is her citation of Mr. Crittington. I suppose we are going to
15 get into that as they present their position. For now, the
16 State's position, Judge, is that life sentences are
17 appropriate.

18 If you are not inclined to sentence him to life
19 sentences in the three murders, I would ask in the alternative
20 that you sentence him -- absolutely, if it's a finite term of
21 years, to no less -- to more than Mr. Boles received.

22 I realize Mr. Boles has a criminal record and
23 Mr. Collins does not. That is the not the only star in the
24 constellation of what you have to consider today.

25 Thank you, Your Honor.

1 THE COURT: All right. Thank you.

2 Mr. Johnson, sir, before I hear from you, I want to
3 make sure that I mentioned this; that is that as you aware,
4 Alabama v. Miller in the United States Supreme Court that is
5 further clarified in Aiken v. Byars, our South Carolina
6 Supreme Court.

7 At the sentencing hearing, factors that must be
8 considered including, sir:

9 "One, the chronological age of the offender.

10 "The hallmark features of youth, including
11 immaturity, impetuousness, and failure to appreciate the risks
12 and consequences.

13 "Two, the family and home environment that
14 surrounded the offender.

15 "Three, the circumstances of the homicide offense,
16 including the extent of the offender's participation in the
17 conduct and how familial and peer pressures may have affected
18 him.

19 "Four, the incompetencies associated with youth."

20 And then it goes into examples. "The offender's
21 inability to deal with police officers or prosecutors or
22 inability or incapacity to assist his own attorney.

23 "Five, the possibility of rehabilitation."

24 I don't think I have pointed out anything that you
25 are not already aware of.

1 Sir, I am willing to hear anything you want to
2 provide to me. Specifically, I want to make sure that I hear
3 information on those hallmark matters that are addressed in
4 the Court.

5 How you want to present your case or information to
6 me is up to you. If you want to call witnesses, if you just
7 want to incorporate -- whatever you want to do. I do want to
8 make certain that we address those issues amongst whatever
9 others you want.

10 All right, sir?

11 MR. JOHNSON: I have it circled already, Your Honor.

12 THE COURT: Thank you very much.

13 MR. JOHNSON: Thank you, Your Honor.

14 If it please the Court, at this time I would like to
15 call mitigation expert Katie King to the stand.

16 THE COURT:

17 All right. I am going to have her testify from
18 there. If you want to move, Mr. Evans, so you can see her as
19 she is testifying or if you need to move, you just feel free.

20 MR. EVANS: Thank you, Your Honor.

21 THE COURT: Mr. Johnson, however you want to examine
22 her, that is fine with the Court.

23

24

25

KATIE KING CROSBY,

1 being duly sworn testified as follows:

2 DIRECT EXAMINATION

3 BY MR. JOHNSON:

4 Q. Ms. King, state your name for the record.

5 A. Katie King-Crosby.

6 Q. Because of where you are, ma'am, make sure you speak
7 up so everyone can hear you.

8 You are considered a mitigation expert, correct?

9 A. Yes.

10 Q. Please tell the Court your qualifications for your
11 job.

12 A. Absolutely. I have a Bachelor's in psychology and a
13 Master's degree in criminology with special focus in forensic
14 psychology as well as serial murder. I have been trained
15 under a world-known criminologist and have had the experience
16 of working with one of the best criminal defense attorneys in
17 Houston during an internship after graduate school.

18 I started my career in Houston and have been
19 appointed to over 50 capital cases. Many of those cases
20 involved juveniles who have been certified and are being tried
21 in adult courts.

22 I am particularly well-versed in evaluating a
23 juvenile defendant, assessing mitigating factors as it relates
24 to the defendant personally as well as it relates to the
25 offense.

1 Q. How many years have you been participating in this?

2 A. I have been doing this for 15 years.

3 MR. JOHNSON: Your Honor, I will offer Ms. King as
4 an expert in mitigation.

5 THE COURT: Any objection?

6 MR. EVANS: No.

7 THE COURT: That is fine. I will recognize her as a
8 mitigation expert and declare her as an expert in that field.
9 She certainly can give opinion testimony. Thank you.

10 BY MR. JOHNSON:

11 Q. Do you have the date that you were originally
12 retained?

13 A. I was originally contacted in the case in December
14 by a mutual colleague. I was appointed on the case at the end
15 of January. I think it was January '23 that Judge Bonds
16 signed the order for mitigation.

17 Q. In your process, you interviewed individuals, did
18 some research, and you prepared a report; is that correct?

19 A. Yes.

20 Q. Do you have that report here with you today?

21 A. Yes.

22 Q. That is the original report that you have?

23 A. It is.

24 MR. JOHNSON: Your Honor, I have a copy of the
25 original copy that I would like to admit for the record.

1 THE COURT: Is that the same thing that you have
2 already forwarded to me and to Mr. Evans?

3 MR. JOHNSON: Correct.

4 THE COURT: Any objection entering this report as
5 Defendant's 1 for purposes of this hearing?

6 MR. EVANS: No objection.

7 (Defendant's Exhibit 1 admitted into
8 evidence.)

9 BY MR. JOHNSON:

10 Q. Is that your complete report?

11 A. Yes.

12 Q. As the judge stated before, we are required to go
13 over certain areas of the law as it relates to a minor.

14 Have you covered all the areas within your report?

15 A. Yes.

16 MR. JOHNSON: Your Honor, I would like to ask her
17 specifically about each area.

18 THE COURT: Why don't we do this.

19 Let her tell me a little bit about what -- kind of
20 in general what she started looking at, what she did. How she
21 then, I guess, worked towards formulating her report and then
22 her findings and perhaps her findings concerning these
23 specific issues sort of in a chronological way.

24 would that be okay?

25 THE WITNESS: That is fine.

1 THE COURT: Is that all right?

2 MR. JOHNSON: That's fine, Your Honor.

3 THE COURT: If she goes through that in that
4 fashion, then I think if there are any other questions you
5 want to ask, Mr. Johnson, you certainly could.

6 Is that all right, Mr. Johnson? It's your show.

7 MR. JOHNSON: I have no problem with it.

8 THE COURT: Yes, ma'am.

9 MS. KING-CROSBY: Your Honor, would you like me to
10 address the process in general or specifically as it relates
11 to Mr. Collins?

12 THE COURT: How about a little of both?

13 Yes, ma'am.

14 THE WITNESS: Okay.

15 After I am appointed to a case, I always go and
16 interview the defendant first. In this case I came to Hampton
17 County, Hampton, Varnville, and met with Mr. Collins.

18 I tell my clients, we are just going to go over some
19 basic information. Part of not delving into anything too
20 serious is it's a chance to for me to talk with my client.
21 It's also an opportunity for me to be watching nonverbal cues
22 to evaluate them for behavior and personality.

23 These are things that I have learned through various
24 training techniques over the years. It's always not in what a
25 client is saying, but it can also be what they are not saying.

1 In my initial interview, I found Mr. Collins to be
2 very pleasant. His temperament was very good.

3 He has, I would say, fair insight and judgment. I
4 think he probably has a lot more now than had I initially
5 interviewed him six years ago.

6 I know certainly that I was not anywhere near the
7 person at 17 that I became at 25. These are all things that I
8 factor in and I did with him in assessing who he is now with
9 how he might have been several years ago.

10 After meeting with him, I then met with his mother.
11 I set up an interview with his sisters. I like to do this
12 because getting family background is incredibly beneficial in
13 any case. You will learn the most about somebody in learning
14 where they come from.

15 I always want to speak to several family members
16 because everyone's perspective is going to be different.

17 And there is also value in learning various details.
18 Particularly with juveniles, I want to make sure that I am
19 interviewing several members of the family because had I not,
20 there is crucial information that relates to his personal
21 history that I would not have gathered had I only interviewed
22 mom or only interviewed his sister. That is always very
23 important, and I did that in this case as well.

24 After those initials interviews and gathering the
25 initial pertinent information as it relates to family

1 background and social history, I then will begin to form a
2 list of records that will be useful in reviewing.

3 In this case for the defendant his school history
4 records would be important, his detention center records, and
5 his employment records are important.

6 He was relatively young, so that was as much as I
7 was going to be able to do to get more of a sense of who he
8 was. It's always important to have resources outside of just
9 what my client and the family are telling me.

10 I always make it part of my process to get as many
11 records as I can to review. Then in addition to that, I
12 always review as much discovery as I can, whether that is
13 given to me by my investigator or defense counsel.

14 I make it a point to look at all of that
15 documentation and review it thoroughly so that it provides me
16 a point of view where I can assess how the defendant got to
17 where we are and the offense itself -- the role they played.

18 So putting all of that together so I can make a
19 recommendation to this Court that brings it all together.

20 There were multiple records and documents that were
21 reviewed. And after I do that, I will make a determination
22 about what documentation I want to include for the Court once
23 that thorough process has been completed.

24 I found in this case most of the supplemental
25 documentation that proved to be useful was mitigating factors

1 as it related the offense.

2 His personal mitigation is important. The
3 documentation wasn't necessary because it's pretty
4 self-explanatory. That covers my general process and then
5 what I have done in the case.

6 Lastly, I will form my evaluation, and I will
7 formulate a number of mitigation factors. Obviously, every
8 defendant is different. In this case, the things that I found
9 to be particularly important and that held the most weight for
10 me is the fact that the defendant was raised in a
11 single-parent household.

12 He did not grow up with an active father figure in
13 the house. It could be said that he really didn't grow up
14 with an abundance of parental supervision.

15 His mother because of limited work opportunities
16 literally had to travel Hilton Head.

17 She would get up at 5:45 in the morning and leave
18 and be gone all day and not come home until 7:00 or 8:00 at
19 night. This is how he spent the majority of his youth and
20 childhood who was essentially raised by his older siblings.

21 His grandparents did live next too. His grandfather
22 did live next door, but grandparents as we see in psychology
23 do not provide the same type of stability that you will get
24 from a mother and a father.

25 So in this case, those are factors that no doubt

1 impacted his development.

2 He was very bright from a young age. He made very
3 good grades. He actually graduated or had the option to
4 graduate early, but he decided to stay in school. He wanted
5 to walk with his peers.

6 Had he taken the choice to graduate early, he would
7 not have probably been still living in Varnville when this
8 happened.

9 He had plans. He wanted to be a game warden. He
10 grew up outdoors hunting and raising animals. It was his
11 passion and dream that he was going to move to Columbia where
12 his sisters were and start the process of trying to become a
13 game warden. That is what his dream was.

14 I found out that his mother moved to
15 Ridgeville sometime between his freshman and sophomore year.
16 So at 15 he finds himself in a house where he is being looked
17 over or cared for by his older teenage brother who was not
18 initially not even a grown adult at that point.

19 From speaking to his sisters, we know that he has
20 several cousins and older family members and friends of theirs
21 that were not the greatest of influences. There is no denying
22 that.

23 The neighborhood in which he grew up in is very
24 close to the local government and project housing. Those
25 environmental factors are not -- you can't deny that they

1 exist and the impact on which they are going to have on an
2 individual when you spend 15, 16, 17 years growing up and
3 seeing the type of activities that we know takes place in
4 those neighborhoods.

5 This is not something that a defendant can help. He
6 cannot help where he lives and where his house is. So I
7 identify these external and internal factors that were
8 continuing to play a role in his development.

9 I also stated in my report and would like it to be
10 noted that it has been documented widely over the past decade
11 and has consistently been proven over and over that the male
12 brain is not fully developed until the age of 25.

13 You can have many psychologists in here that
14 specialize in childhood development, which was the area I did
15 advanced studies in, in my graduate psychology studies that
16 would tell you right now at the age of 23, almost 24, it's
17 quite probable that he still has another year or so to go
18 until he has full awareness of his cognitive and executive
19 functioning.

20 These are the types of things that that really need
21 to be heavily considered in criminal cases with a defendant of
22 this age.

23 Not looking at those, you are really doing a
24 disservice. I guarantee you a person who he is six years ago
25 is not the same person that he is day. He is not the same

1 person at 16.

2 so he is making choices on a daily basis as a
3 teenager to just survive. He is living without parents. His
4 sisters have moved to Columbia. His brother takes him to
5 school. He is probably making every meal and doing what he
6 needs to do and biding his time until he graduates from high
7 school.

8 I did verify that he did finish. He graduated from
9 Wade Hampton High School. Good academic standing, made good
10 grades, and then he found himself in the present situation.

11 Personally, he is young. He has his whole life in
12 front of him. He doesn't suffer with any kind of
13 psychological -- no health conditions. He has been blessed
14 with good health. Unfortunately, not all of his siblings
15 were. He grew up with a severely disabled older brother who
16 was born with a birth defect that for the first ten years of
17 his life placed a significant strain in the household.

18 His brother was in and out of the hospital. The
19 effects of having a sibling with a disability can have
20 detrimental effects that often do not appear until later on.

21 What happens is the sibling will adopt this whole
22 idea of having to be perfect or not cause any problems. To
23 some of that that I covered briefly, what I was able to gather
24 from his family, everything they were telling me about who he
25 is fits perfectly with what role he would take on in the

1 family given the fact that you have a very, very sick sibling.

2 It's not mentioned hear, it's not outlined, but it
3 should be noted that in addition to that kind of psychological
4 stress with a combination of the environmental stressors, on
5 top of that he was having to watch the grandmother, maternal
6 grandmother that he knew and loved -- she got dementia. He
7 had to watch her slowly decline.

8 He was dealing with all of these things at the same
9 time. He then saw and witnessed the death of his cousin. The
10 effects of grief and trauma -- that alone would be something
11 that would cause impairment in judgment for many years. That
12 is just another factor.

13 Despite all of these hardships, when he got out on
14 bond, he went to Columbia and stayed with his sisters. He was
15 steadfast and sought out employment. He got a full-time job
16 and worked hard to pay his bills and contribute and become a
17 productive member of society.

18 He did those things. That should mean that he has
19 the ability to demonstrate work ethic. He has the skill set
20 to be employed, pay taxes, have the ability to be financially
21 responsible. Those are not things that I always see in my
22 younger defendants.

23 A lot of times they don't have that skill set, and
24 he does. I think that is important to note.

25 As it relates to the offense, the mitigation in this

1 case is unlike anything I have ever seen, and that is saying a
2 lot.

3 I saw a case this morning, a young girl, a
4 15-year-old in Louisiana raped, shot, and set on fire by her
5 parents. She is still alive.

6 If I was appointed to a case like that, I would
7 think to myself, that is the kind of crime that warrants a
8 life sentence. I would tell the attorney I am working with,
9 you don't want to hear me saying this, but that is what my
10 recommendation would be. That little girl didn't even pass
11 away.

12 We have a terrible situation here; that three lives
13 were lost. I have a very hard time -- that I would make any
14 kind of recommendation in that range based on all of the
15 personal mitigation in combination with the mitigation as it
16 relates to the offense.

17 I thoroughly reviewed the DNA evidence in the
18 forensic lab reports. I read them over and over and over
19 again. I would say more than 90 percent of the report had
20 absolutely nothing to do with Mr. Collins.

21 I conferred with defense counsel on this to make
22 sure I was reading the report correctly. I know multiple
23 weapons were confiscated and evaluated, and the majority of
24 them had nothing to do with this offense, and the ones that
25 did implicated the other defendant. The probability was not

1 what I would consider concretely linking Mr. Collins directly
2 to this crime.

3 The part of it I really want to focus on in
4 mitigation as it relates to the offense. It's my expert
5 opinion as it relates to the shooters, when you have a victim
6 that was shot 35 times, that is undoubtedly personal and a
7 crime of passion. It is my belief that whoever shot
8 Mrs. Warren was not the same person who shot the two male
9 victims.

10 The two male victims were shot in the same way, the
11 same manner, injury wound; exit wound, very slightly just
12 because that is going to happen.

13 Again, I have never seen a case like that, where
14 there would not be two different shooters. That is mitigation
15 as it relates to the offense and fatalities.

16 The other things that came from interviewing my
17 client was that he disclosed to me that he knew the jury
18 foreman. He told me he didn't realize that he did, but
19 eventually at some point he knew he did.

20 He told me that, and I explained to him that that
21 would absolutely be something that I would have to bring up.

22 Moving forward through the family interviews and
23 follow-up with the family, I was able to verify that in all
24 likelihood, Mr. Grant does not only personally know the
25 Collins family; he is related to the Collins family.

1 He was also related to one of the victims in this
2 case, and that information not having been disclosed is
3 something that I had to bring attention to, so I felt it
4 further warranted investigations into that and conducted
5 interviews with Ms. Boles, Mr. Ricky Barnes.

6 I got a written statement from Mr. Christopher
7 Williams, who would like to make a further public statement.

8 And it was my conclusion that that should have been
9 disclosed earlier, so that's why I included that in my report.

10 In addition to that, during this whole
11 investigation, I learned that Mr. Crittington was initially a
12 person of interest. And without getting too far into it,
13 essentially after he was taken into custody, Mr. Crittington
14 then wrote letters to Mr. Collins.

15 In the letters he states, this is crazy because
16 you're really innocent.

17 So I have provided copies of those letters. We have
18 the originals here.

19 And lastly, as it does relate to information
20 corroborating that the defendant knew the jury foreman, we
21 were able to go back and review his movement from the GPS
22 monitor while on bond. We did find that he was placed at
23 White Pine Street on the night of May 14, 2023, for over an
24 hour.

25 And that was months before the trial took place.

1 This is when Mr. Collins alleges that he was attending a party
2 that Mr. Grant threw.

3 So those were all details that I wanted to include.
4 It's up to the Court to weigh those and their significance and
5 how the Court used the circumstantial evidence and how should
6 that factor into finding an appropriate sentence for this
7 defendant.

8 THE COURT: All right. Let me ask you this.

9 What about the possibility of rehabilitation?
10 That's one of the things that is discussed specifically. I
11 think you talked about the chronological age of the offender
12 and the hallmark of youth. You have talked about that and
13 addressed that.

14 You've talked about the family and home environment,
15 certainly.

16 You've talked about the circumstances of the
17 homicide, including the extent of the offender's participation
18 and conduct.

19 Do you have any comments about familial -- family or
20 peer pressure that may have affected him? Family, I guess,
21 really as it relates to this incident. You talked generally
22 about some of the family and peer pressure where he was
23 growing up near certain areas, but I didn't know if you
24 addressed or if there's any question specifically concerning
25 or surrounding this matter.

1 Then again, I did hear you tell me that you don't --
2 he did have and appeared to have the ability to assist his
3 attorneys in his defense.

4 I think that you did indicate to me that you thought
5 he did have that, but can you give me some comment, and
6 follow-up on those few questions I've got?

7 MS. KING-CROSBY: Sure.

8 THE COURT: If you wouldn't mind, we will review the
9 first question.

10 All right. well, one of them, it talks about the
11 defendant's participation in the conduct and how familial or
12 peer pressures may have affected him. And so I think that's
13 kind of directing at the event and not -- you gave me some
14 general information about peer pressure and the family
15 environment. I'm with you on that, but do you have any
16 opinions or do you have anything to tell me about how peer
17 pressure may have affected him, and I think maybe more toward
18 this event.

19 MS. KING-CROSBY: Sure, sure. Let me preface it
20 with saying that in almost every case that I see with a
21 juvenile defendant around the age 15 to 17 that gets certified
22 and tried as an adult, it is almost always a situation where
23 there are multiple co-defendants, 15, 18, 25, whatever.

24 Unfortunately, it is usually the youngest one that
25 the case lands on my desk. For reasons why.

1 Mr. Collins because of his personal situation and
2 the way he grew up, he -- and he was adamant about finishing
3 high school and graduating.

4 I'm sure at that time he only felt like his choice
5 was to live in the house he knew his whole life and continue
6 attending school.

7 Family members have stated -- and it's no secret to
8 any of us -- that he was residing with older family members
9 and friends that were involved in various illegal activities.
10 He was exposed to that, likely, if not on a daily basis.

11 His mother had left and he didn't have a father. So
12 he's taking care of this himself. The age -- at that age, he
13 doesn't have the authority over the situation, nor does he
14 have the executive functioning to say, this is not a good
15 situation, and it's in my best interest to go and stay
16 somewhere else.

17 Particularly because -- it factors in here,
18 particularly because of the bond that he had with his older
19 brother due to his brother being so sick as a child. He took
20 that role on. It's my belief that even though he knew and was
21 aware of his brother's bad behavior, illegal behavior,
22 criminal behavior, whatever you want to call it, he has
23 psychologically taking on that role of caregiver. So he's
24 going to stay close to his brother.

25 It's almost like a trauma bond because he's going

1 through something that most of us don't go through, at least
2 not to that extent.

3 So growing up daily with a brother with a colostomy
4 bag, being picked on on the school bus, he's going to be
5 protective of his brother.

6 So even as he gets older and they become their own
7 men, he's going to feel like he needs to stay nearby. Mom and
8 dad weren't there. The grandparents were getting older and
9 more sick, and everybody's kind of gone and had their own
10 lives.

11 Their sisters have gone to Columbia. So I probably
12 think that he's staying around, he's going to school every
13 day, and he's not thinking to himself, I need to get out of
14 this situation. This is going to get me in trouble.

15 Fifteen-year-olds, sixteen-year-olds,
16 seventeen-year-olds don't think like that. They don't have
17 that kind of cognitive functioning.

18 As far as peer pressure, it's hard for me to
19 directly answer that and assess that because of the way he is
20 now. I don't know how he was six years ago. I think now he
21 would certainly approach a situation like that differently.

22 I feel relatively certain in conducting my initial
23 psychological screening that he absolutely possesses more
24 insight and judgment. That's evidenced just in how he handled
25 the situation while out on bond. So I think as he's gotten

1 older, you can safely say that he's acquired these skills
2 naturally to make better decisions as it relates to his future
3 and not being affected so much by those internal and external
4 stressors as he was before just because of the living
5 environment.

THE COURT: All right. So let me ask
6 you this. What about the inability to deal with the police
7 officers? Do you think that would be hand-in-hand with what
8 you're telling me about what he has observed with the living
9 arrangements and environment to deal with police officers?

10 MS. KING-CROSBY: To deal with police officers?

11 THE COURT: Yeah. Is there, I mean, in other words,
12 one of the things he talks about is -- giving an example, you
13 know, the incompetence associated with youth, for example, the
14 inability to deal with police officers. I guess maybe
15 that's -- he was talking to get his statement perhaps, but how
16 would his upbringing, if at all, affect his ability to
17 interact with law enforcement?

18 MS. KING-CROSBY: Well, I think that -- and I'm glad
19 you asked that. I think that you have to -- you have to
20 understand that at that time, he's angry. You know, he may
21 not know it, but he's angry about the situation.

22 He's not going to realize it. He may not even
23 realize that now, but he's going to years later when he thinks
24 back about it. He's angry his mom has left and gone to
25 Ridgeville. He's angry that, you know, he's still a child,

1 and he's had to take care of himself when he's still supposed
2 to have mom and dad around.

3 So I think that any ability to interact with police
4 officers or just like any defiance, I've read things that may
5 have happened at school and write-ups.

6 It was all I identified or understood -- it's all
7 associated with conduct that's going to be reflective of a
8 teenager, of somebody his age.

9 I would fully expect him to have been defiant,
10 rebellious or, you know -- but that is not who he is now. It's
11 something that I think with the proper environment and being
12 around the right peers and realizing that he has agency over
13 himself, he can make his own decisions because he's an adult
14 now.

15 I think he can do that. whereas before, he didn't
16 have control over the situation.

17 So you see in a lot of minors, teenagers,
18 adolescents -- that that's the only way that they can really
19 fight back or stand up for themselves is be, you know, say, I
20 don't want to cooperate, or I'm going to untuck my shirt at
21 school or disobey the rules.

22 But that's not who he is now. That's reflective on
23 where I would -- that's what I would attribute to age, but
24 most importantly, maturity.

25 He possesses a maturity now that he did not then.

1 And I would attribute some of that to that.

2 THE COURT: All right. And so let me ask you about
3 possibility of rehabilitation.

4 You may have touched on that indirectly when you
5 told me that he graduated high school; that he had the ability
6 to graduate high school early and elected not to for a whole
7 bunch of different reasons, but he certainly had the intellect
8 to go and do work.

9 You told me that in Columbia he had some goals as it
10 related to employment. So what about -- can you speak more
11 directly toward the possibility of rehabilitation, please.

12 MS. KING-CROSBY: Sure. I think that if you - and
13 that's why I said it's applicable. Those are options. I
14 think that he would be a great candidate for that simply based
15 on the fact that he doesn't have a prior record. He had never
16 been in trouble before.

17 He did well in school. All of the things that would
18 make a person a good candidate, he's not losing his place.
19 He's ahead of his peers already, because like I said, I can
20 tell just from initially assessing him that he's already
21 gained a lot more insight and judgment and executive
22 functioning that he didn't have those years ago.

23 He's going to only continue to gain those skills in
24 the next year, you know, 14 months until he hits the age of
25 25.

1 So I think we're going to just continue to see
2 improvement. I'd say should he get an opportunity like that
3 though and then not do what he's supposed to do, then it falls
4 directly on him.

5 But I think he's absolutely somebody that should be
6 given a chance and have that consideration based on everything
7 that I've seen.

8 THE COURT: All right.

9 Mr. Johnson, that's some of the questions -- I
10 didn't mean to hijack your witness, sir, but if there's other
11 things that you want to ask her, I want you to go ahead, and
12 then I'll give Mr. Evans a chance if he wants to present any
13 cross-examination.

14 Go right ahead.

15 MR. JOHNSON: Thank you, Your Honor.

16 BY MR. JOHNSON:

17 Q. I want to ask you a question concerning -- in your
18 observation of Tyrase, I guess you can only refer to him as he
19 is now, but maturity-wise, what would you base it on? How
20 would you see his maturity?

21 A. I think there's still work to be done. Like I
22 said, I think that he's going to continue to improve in that
23 area. But for his age and everything that he's been through,
24 he was mature beyond his years. That's why I think, you know,
25 you see some of the behavior that he did as a teenager, and

1 that's defiance.

2 He had to become mature really early on because of
3 the environmental factors.

4 So growing up, I think he was probably above his
5 peers.

6 Now I think he's where he should be and only has,
7 you know, room to improve and grow.

8 Q. And so would you say then that the maturity was
9 basically based on that he had to take care of himself?

10 A. It was based on a multitude of factors, but that
11 would definitely be included, yes.

12 Q. Then what effect would, as you said in your
13 review -- what effect would it have on his senior or older
14 family members, such as his brothers?

15 Mr. Ball, which was his uncle, the other individuals
16 in that household -- what effect?

17 would he be in a position to tell them no?

18 A. He would be, because any of us have free will. We
19 are in a position to say no. The likelihood of him saying no
20 is, you know, it's all relative. At that time, it was not
21 likely. More or less, I see him as the type that's just not
22 going to say anything at all.

23 Q. In your investigation, did you find him being
24 exposed to anyone outside of that environment that would have
25 an affect on him?

1 A. Negative affect?

2 Q. Positive affect.

3 A. Potentially. He's mentioned an uncle and his
4 grandfather before his death, but without me having been able
5 to -- because his grandfather is deceased. Without me being
6 able to interview him, I don't feel comfortable making a
7 statement about that specifically.

8 But it seems to me overall that besides one uncle,
9 he really did not have any kind of role model or basis for
10 establishing who he's supposed to be and what type of man he's
11 supposed to become.

12 He's going to have to figure that out a lot on his
13 own, and that's going to be an uphill battle. It is for
14 anybody at all, but when you factor in as much as he's been
15 through, it's going to be more of an uphill battle for him.

16 I think he's got the skills to climb that mountain
17 if he wants to. He definitely possesses the determination.
18 He's got that.

19 Q. Do you feel that he is a good candidate for
20 rehabilitation?

21 A. I do.

22 Q. What do you base that on?

23 A. Based on all the factors that I've presented here
24 today for the Court.

25 MR. JOHNSON: Your Honor, I have nothing else to ask

1 her. I'll address the Court later.

2 THE COURT: Do you have any questions?

3 MR. EVANS: Yes, sir, your Honor.

4 THE COURT: Hold on. Let me ask one other thing
5 before you do, Mr. Evans, if you don't mind.

6 Alcohol and drugs. I haven't heard anything about
7 that. So let me ask you, do you have any comment as to what,
8 if any, effect alcohol and drugs -- has he experienced alcohol
9 or drug use?

10 what, if any, alcohol and/or drug use, he had been
11 exposed to. I haven't heard any of that. So I know in the
12 Miller case, there were some issues about that.

13 So talk to me. I just don't know.

14 MS. KING-CROSBY: So it's my understanding that
15 there is no familial history for drug and alcohol problems in
16 the family.

17 I talked to his mom, and from what I can see, I
18 don't think she drinks at all. His sisters the ones in the
19 medical field. They work full-time at Columbia in medical
20 insurance.

21 One of them actually works for the Bureau of
22 Prisons. They have full-time jobs and raise their two kids.
23 In been interviewing him, he states no drug use and alcohol
24 use. There's no indication of it anywhere in the records. In
25 reviewing all the drug testing with his employment in past

1 random drug screenings, he does not present as somebody that's
2 going to struggle with any kind of addiction-type issues.

3 I don't see that.

4 THE COURT: That's really what -- I really want to
5 know if there's any abuse that you were able to detect.
6 Because amongst other things, you're contacting employers.
7 You're looking at school records. You're gathering from
8 different sources. So that's really what I want to make sure.
9 You don't see any exposure to or use or abuse Mr. Collins or
10 exposure to use or abuse.

11 MS. KING-CROSBY: The drug use and exposure that he
12 had and grew up with was in the neighborhood and then later on
13 as a teenager. I'm sure he witnessed and saw drug use from
14 peers, and I think maybe his brother who smoke marijuana and
15 other things. He's since passed away.

16 To my knowledge, the only person in his family that
17 had drug use was his brother. No one else -- and his sisters
18 do not live that kind of lifestyle. Genetically, it does not
19 appear to me that he comes from a family that would be
20 genetically predispositioned to addiction. I don't see that
21 as a coping skill for him.

22 When things get hard, I don't think he's the type of
23 person that's going to go to a bottle or drugs. All right.
24 Yes, sir.

25 MR. JOHNSON: Your Honor, I do have the originals of

1 some of the things that have been referred to. You want me to
2 make that part of the record now or do you want to do it
3 later?

4 THE COURT: Whatever you want to do, Mr. Johnson. I
5 don't think the solicitor minds. Whatever she's referred to
6 that you want to make a part of the record, that would be
7 appropriate.

8 MR. JOHNSON: This is a copy of the original letters
9 that she referred to in her records.

10 Mr. Crittington -- and that's the picture that I
11 will refer to later of him with the murder weapons and stuff.

12 THE COURT: Okay. No problem.

13 MR. JOHNSON: I just want to make a part of the
14 record.

15 THE COURT: Sure. Any objection?

16 MR. EVANS: No objection.

17 THE COURT: I guess it would be Defense Exhibits 2,
18 3, 4, and 5.

19 (Defendant's Exhibits 2 - 5 were admitted into
20 evidence).

21 MR. JOHNSON: Thank you.

22 Your Honor, for the record, the two letters are
23 Exhibits 2 and 3 and the pictures are 4 and 5.

24 THE COURT: On another matter -- let me ask you
25 gentlemen. Mr. Young has indicated that he could be available

1 today at 2:00 to basically go and, I guess, have his motion
2 heard.

3 would y'all -- well, I don't think this hearing is
4 going to take until 2:00.

5 Are y'all available? If not, would you rather just
6 reschedule it and do it virtually next week? You pick your
7 flavor.

8 MR. EVANS: I'm certainly amenable, Judge.

9 MR. JOHNSON: I agree, Your Honor, if it can keep me
10 from coming back, we can do it.

11 THE COURT: Then why don't we go ahead and do it,
12 and we'll tell him 2:00. We can take a lunch and then come
13 back, and we'll let him put his -- make his motion. Then we
14 might as well go ahead and knock that out.

15 MR. JOHNSON: That'll be fine.

16 THE COURT: All right, great.

17 He won't be in a suit. He apologizes because he
18 didn't know. I reached out to him today, this morning

19 Is that okay if he is not in a suit, Mr. Evans?

20 MR. EVANS: That's certainly okay with the State.

21 THE COURT: Is that okay if he is not going to have
22 a suit on?

23 MS. KING-CROSBY: I think we will live.

24 Mr. Evans, do you have any cross-examination of
25 this witness?

1 MR. EVANS: Yes, Your Honor. I will keep it brief.

2 THE COURT: Take your time.

3 ***

4 CROSS-EXAMINATION

5 BY MR. EVANS:

6 Q. Ms. King, thank you for being here in person and for
7 helping the defense with preparation of their arguments. I
8 take it by your testimony that you were familiar with the
9 results of Ms. Warren's autopsy?

10 A. Yes, I reviewed the autopsy report, but I didn't
11 review the coroner's report.

12 Q. Okay. I only ask you because your section marked
13 records and documents reviewed in the case that you reviewed
14 the Duckett and Johnson autopsies, but not the Warren. Then
15 you testified in some detail about it.

16 A. I'm sorry.

17 Q. No. It's okay. I just wanted to clarify.

18 A. I will review my report.

19 Yes. So I remember. Initially when Mr. Johnson had
20 sent discovery, some of the documents that I reviewed, Ms.
21 Warren's autopsy was not included. Afterwards, I let him know
22 -- we had a Zoom call, and we went over it in detail.

23 Q. You are clearly familiar of the findings of it.

24 A. I forgot to go back in and add it.

25 Q. You cleared it up. You also reviewed the movement

1 reports that were submitted to Mr. Johnson last spring as I
2 prepared a motion to revoke his bond. You saw those?

3 A. I did. We discussed that.

4 Q. So you were aware of his movements the two nights
5 before his original trial date on June 5th of last year?

6 A. I'm not -- I don't know all of the details
7 surrounding it. I know that it was enough to go back into the
8 courtroom and have hearing about it, but I don't know the
9 details.

10 Q. Would it surprise you to learn that he was out until
11 3:00 in the morning the night before his trial date?

12 A. No.

13 Q. You said -- this is your full-time line of work?

14 A. Yes.

15 Q. And so you have a number of other clients charged
16 with, I assume, a variety of offenses, up to and including
17 murders.

18 A. I have four other capital murders right now. Three
19 of them are juveniles that have been certified and being tried
20 as adults.

21 Q. And you're aware -- are you based -- I thought I saw
22 that you're based in Charleston?

23 A. I am in Charleston.

24 Q. Okay. And I take it you work both within and out of
25 the state?

1 A. Yes.

2 Q. So you're aware, then, that a person within a year
3 of majority who is charged with a felony A, B, or C in this
4 state is legally not a juvenile.

5 obviously, for these purposes he is, but for what
6 court he's tried in, he automatically an adult. You're aware
7 of that statute?

8 A. Yes.

9 Q. And I take it that -- you mentioned that many of
10 your other clients can't do things like enroll in a benefits
11 program, pay their taxes. I forget all the examples you
12 cited, but a lot of the financial responsibility things that
13 adults have to or more often choose to comply with in society.

14 Did I get this sort of line of testimony right?

15 A. That he possesses a skill set that's better than
16 some of his peers?

17 Q. Yes.

18 Does that not suggest that he's more mature than
19 many of your other clients?

20 A. That's the skill set he possesses now.

21 Q. And obviously you can't take a time machine back to
22 2018 and evaluate him at the time of the incident.

23 A. No, but I don't think he had that skill set then.

24 Q. But all you can evaluate is no?

25 A. Correct. In any case, I've got to go back and

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2018GS2500130-00134

State of South Carolina,)
)
 Plaintiff,)
)
vs.)
)
Tyrase A. Collins,)
)
 Defendant.)
-----)

TRANSCRIPT OF HEARING

July 22, 2024
Hampton, South Carolina

B E F O R E:

The Honorable Robert Bonds, Judge Presiding

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

2 * * * * *

3 THE COURT: All right, Mr. Johnson, I think
4 we're here today, first, on your motion, sir.

5 MR. JOHNSON: That's correct, Your Honor.

6 THE COURT: I'm happy to hear from you.

7 MR. JOHNSON: Your Honor, at this time I'd
8 like to call - well, do you want me to go back over
9 the motion ---

10 THE COURT: Yeah.

11 MR. JOHNSON: -- or do you just want to ---

12 THE COURT: Yes, sir, for the record, how
13 about just tell us what that motion is, and then I'm
14 happy to hear from you from there.

15 MR. JOHNSON: All right. Your Honor, as
16 the Court is aware, I guess this was back in
17 November, we had a murder trial in which my client
18 was involved ---

19 THE COURT: Yes, sir.

20 MR. JOHNSON: -- Tyrase Collins. As a
21 result of that trial, my client was found guilty by
22 a jury. Prior to sentencing, the Court determined
23 that because of age at the time of the charge, that
24 the Court requested a mitigation hearing be held.
25 And the Court furnished a mitigation specialist that

1 we hired. In the mitigation specialist examination
2 my client became aware of information related to the
3 Foreman of the jury, Mr. Conrad Grant, which
4 indicated that there was some indication that he
5 might have been biased towards either one of the
6 Defendants, or both the Defendants. And during that
7 investigation I became aware of information that, if
8 I was aware of at the time prior to trial, I would
9 not have picked him for the -- for the -- to be on
10 the -- to be on the jury. Therefore, I filed a
11 motion for a mistrial hearing, and request that a
12 new trial be held based on information found
13 concerning Mr. Conrad Grant possibly -- and his bias
14 towards at least one Defendant, if not both
15 Defendants in the case.

16 THE COURT: All right. And so are you
17 ready to move forward with your presentation, sir?

18 MR. JOHNSON: Yes, Your Honor.

19 THE COURT: All right.

20 Let me ask you this, Solicitor, you've
21 heard the recap that Mr. Johnson has given me. Is
22 there anything that you want to bring to the Court's
23 attention before we would go ahead and hear from Mr.
24 Johnson on this motion, sir?

25 MR. EVANS: Not at this time, Judge.

1 THE COURT All right, Mr. Johnson, yes,
2 sir.

3 MR. JOHNSON: Okay. Your Honor, at this
4 time I'd like to call Mr. Conrad Grant to the stand.

5 THE COURT: All right.

6 * * * * *

7 Conrad Grant, Jr.

8 having been duly sworn,

9 testifies as follows:

10 * * * * *

11 THE COURT: Hey, Mr. Grant, good morning.

12 Yes, sir, your witness, Mr. Johnson.

13 MR. JOHNSON: Thank you, Your Honor, may it

14 **DIRECT EXAMINATION**

15 BY MR. JOHNSON:

16 Q. Mr. -- Mr. Grant, would you please
17 state your full name?

18 A. Conrad Grant, Jr.

19 Q. Mr. Grant, were -- were you on the jury
20 of State vs. Tyrase Collins ---

21 A. Yes.

22 Q. -- back in November ---

23 A. Yes, sir, I was.

24 Q. -- of last year? And you were the
25 Foreman of the jury at that time?

1 A. Yes.

2 Q. Will you please tell the Court your
3 address?

4 A. [REDACTED] Hampton, South
5 Carolina.

6 Q. And how long have you lived there?

7 A. About 24 years now.

8 Q. Okay. Now, Mr. Grant, you're not
9 married now, are you?

10 A. No.

11 Q. But you was married before; is that
12 correct?

13 A. Yes.

14 Q. How many years were you married?

15 A. Umm ---

16 THE COURT: Approximately. Do you remember
17 approximately how many years you were married?

18 WITNESS CONTINUES:

19 A. I believe about 30.

20 Q. About 30 some years?

21 A. Yeah.

22 Q. And what was your wife's name?

23 A. Debbie Grant.

24 Q. Okay, and you recently became divorced;
25 is that correct?

1 A. Yes.

2 Q. How long ago was that?

3 A. Three or four years ago.

4 Q. Okay. What church do you go to?

5 A. Huspah Missionary Baptist.

6 Q. Would you say that again? I didn't ---

7 A. Huspah Missionary Baptist.

8 Q. Okay. And how long have you been going
9 to that particular church?

10 A. Probably about -- about 40 years.

11 Q. Forty years, okay. Now, do you know a
12 Juanita Boles?

13 A. Yes.

14 Q. How long have you known her?

15 A. Probably about, what, nine, ten years,
16 something like that that I know of her.

17 Q. At least nine or ten years?

18 A. Yeah.

19 Q. Okay.

20 A. I think, I could be wrong.

21 Q. And you know that you are related --
22 well, I guess you're related -- your wife is related
23 to them. What, y'all go to the same church?

24 A. Yeah.

25 Q. And -- and your wife is related to her;

1 is that correct?

2 MR. EVANS: I -- I realize this is not a
3 jury trial, but I'm going to object to the leading
4 on direct.

5 THE COURT: All right, I'm -- I'm going to
6 give him a little ---

7 MR. EVANS: A little ---

8 THE COURT: -- leeway ---

9 MR. EVANS: I understand.

10 THE COURT: -- but I understand, I'm going
11 to overrule your objection. Go right ahead, sir.

12 MR. EVANS: Okay.

13 BY MR. JOHNSON:

14 Q. How long -- okay.

15 THE COURT: So he's known -- you -- you've
16 known Ms. Boles for perhaps nine or ten years?

17 THE WITNESS: Something like that.

18 MR. JOHNSON: Okay, that's good.

19 THE COURT: All right, and how -- how have
20 you known her?

21 THE WITNESS: Through church.

22 THE COURT: Through church?

23 THE WITNESS: Uh-huh.

24 MR. JOHNSON: Through church, okay.

25 THE COURT: All right, and so are you a

1 regular member, or ---

2 THE WITNESS: Yeah.

3 THE COURT: -- how often do you go to
4 church there?

5 THE WITNESS: Basically, every Sunday.

6 THE COURT: Basically, every Sunday? Okay.
7 Go ahead.

8 MR. JOHNSON: All right, thank you.

9 BY MR. JOHNSON:

10 Q. Now -- and you're familiar with her
11 family that you met there at the church, correct?

12 A. That I met -- her family?

13 Q. Right.

14 A. I'm familiar with her granddaughter,
15 when she was coming to church, one of her grandsons,
16 but other than that, no, nobody else.

17 Q. Now, during -- during the -- sometime
18 in your past, I -- I became aware that you might
19 have had a drug problem; is that correct?

20 A. Yes, I did.

21 Q. How long did that last?

22 A. I can't really say.

23 Q. Well, we became -- I became aware that
24 Mr. Boles, which is -- which was the Defendant in
25 the case ---

1 A. Uh-huh.

2 Q. -- which is the son of Juanita Boles.

3 MR. EVANS: Objection.

4 MR. JOHNSON: Okay.

5 THE COURT: To the leading?

6 MR. EVANS: Yeah.

7 THE COURT: All right.

8 MR. EVANS: He's testifying.

9 THE COURT: I'll -- I'll note an ongoing
10 objection to the leading. Go ahead.

11 BY MR. JOHNSON:

12 Q. We became -- I became aware that --
13 okay, but let me ask you a question, during your
14 drug uses ---

15 A. Uh-huh.

16 Q. -- do you remember buying drugs from
17 Mr. Boles?

18 A. No. No.

19 Q. Are you saying you didn't, or you don't
20 know?

21 A. I said I didn't.

22 Q. Okay. The next question, you were
23 aware of the question that we asked you when you
24 were being qualified as a juror; is that correct?
25 When the Judge asked you questions prior to you

1 being picked for the jury, ---

2 A. Uh-huh.

3 Q. -- do you remember that?

4 A. Uh-huh.

5 Q. Do you remember when the Judge listed a
6 list of witnesses that might appear before the
7 Court?

8 A. I don't remember that.

9 Q. Well, during that, the Judge mentioned
10 that one of the witnesses could have been -- that --
11 that the Judge asked you, "Do you know anybody that
12 might have been related to Mr. Boles,"

13 A. Uh-huh.

14 Q. -- or one of the witnesses, which would
15 have been Juanita Boles?

16 A. Uh-huh.

17 Q. Why did -- did you not remember -- why
18 didn't you make the Court ---

19 A. Well, at ---

20 Q. -- of that?

21 A. -- at this particular time, Juanita
22 wasn't here, and her son I don't know. Now, if she
23 was here, at that time, at least she could have
24 spoke up and said something, nobody did that. I
25 don't know -- I don't know these young people.

1 Q. Okay.

2 A. I don't know them. How can I say
3 something, and I don't even know who the person is.

4 Q. Now -- now, since you've been
5 recovered, or in recovery, from your drug addiction,
6 do -- have -- do you remember a Christopher
7 Williams?

8 A. No. Chris who? Chris, yes, I know
9 Chris.

10 Q. Okay, he's here today?

11 A. Yes, sir, I know him.

12 Q. You know him?

13 A. Yes.

14 THE COURT: Well, have him stand.

15 MR. JOHNSON: Would you please stand?

16 BY WITNESS:

17 A. Yeah, I know him.

18 Q. You know him?

19 A. Yeah, I know him.

20 Q. Okay. Now, do -- do you remember ever
21 buying any drugs when he was present?

22 A. Yeah, I bought some drugs from him.

23 Q. Okay.

24 A. From Chris, yeah.

25 Q. Okay. Do you not remember Mr. Boles

1 being there with you ---

2 A. No.

3 Q. -- with him?

4 A. No, no, no, no, no.

5 Q. So it's your testimony today that you
6 do not know -- you do not know Mr. Boles who was a
7 defendant in the case?

8 A. Exactly.

9 Q. That you did not know -- did -- did you
10 know that your wife was related to the victim in the
11 case?

12 A. No, I didn't know that.

13 Q. So you never heard the victim's name
14 before?

15 A. No. No.

16 Q. Okay. And you did not know that your
17 wife was related to Mr. Boles as well, after 30
18 years?

19 A. I mean there's a lot of people in her
20 family I don't know.

21 Q. Okay.

22 A. There's a lot of them she don't know.

23 MR. JOHNSON: I have no other questions,
24 Your Honor.

25 THE COURT: Cross-examination?

1 CROSS-EXAMINATION

2 BY MR. EVANS:

3 Q. Mr. Grant, do you recall the -- the
4 proceedings when you came here last November for
5 jury duty?

6 A. Uh-huh, yes.

7 Q. Do you recall being ---

8 BY THE COURT:

9 Q. Hey, Mr. Boles, when you're responding,
10 if you'll just answer like yes, or no, or however
11 you want to answer the question, but not uh-huh, or
12 uh-uh, just ---

13 A. All right.

14 Q. -- for the record, okay? Thank you,
15 sir.

16 BY MR. EVANS:

17 Q. Do you remember being put under oath?

18 A. Yes.

19 Q. Do you -- did you answer all the
20 questions truthfully understanding that you could be
21 persecuted for perjury if you didn't?

22 A. Yes.

23 Q. Okay. You were never asked about
24 knowing Juanita Boles, were you?

25 A. No.

1 Q. And you did not know Mr. Lorenzo Boles?

2 A. No, I didn't.

3 Q. Have you had a chance to look at him
4 while he was in the courtroom here with you?

5 A. Yes, sir.

6 Q. All right.

7 A. Yes.

8 Q. And you did not know Mr. Tyrase
9 Collins?

10 A. No.

11 Q. You don't know any members of his
12 family?

13 A. No.

14 Q. You heard the name Lamekia Warren; is
15 that correct?

16 A. Lamekia?

17 Q. Lamekia, the female victim in the case?

18 A. No.

19 Q. You did not hear her name during jury
20 selection?

21 A. No, not that I can remember.

22 Q. Okay, but you heard it several times
23 through the trial?

24 A. I may have.

25 Q. Okay, and she was the victim -- one of

1 the three victims who was murdered; isn't that
2 right?

3 A. Yes.

4 Q. All right. You're not aware of any
5 connection that you have to her personally?

6 A. No.

7 Q. You're not a close personal friend of
8 hers ---

9 A. No.

10 Q. -- or members of her family?

11 A. No.

12 Q. You're not a ---

13 THE COURT: And what was her name again; is
14 that Ms. Warren?

15 MR. EVANS: Yes, sir, Lamekia.

16 THE COURT: Okay, thank you. Go ahead, I'm
17 sorry.

18 BY MR. EVANS:

19 Q. You're not a close personal friend of
20 hers or ---

21 A. No.

22 Q. -- a member of her family?

23 A. No.

24 Q. You're not a business associate of
25 hers?

1 A. No.

2 Q. Was there any reason, as far as you
3 know, that you could not afford the Defendants,
4 Tyrase Collins and Lorenzo Boles, a fair and
5 impartial trial?

6 A. No, there's no reason.

7 Q. You're acknowledging with Mr. Johnson
8 now that you do know Mr. Boles' mother, right? I
9 believe that's Juanita?

10 A. Yes.

11 Q. But you did not know the connection
12 between her and Mr. Boles and ---

13 A. No, I didn't.

14 Q. -- Mr. Collins ---

15 A. No, I didn't.

16 Q. -- on that day, the day of jury
17 selection?

18 A. No, I didn't.

19 Q. Did you learn about it at any point?
20 May I rephrase? You did not learn about that at any
21 point during the trial before a ---

22 A. No.

23 Q. -- verdict, did you?

24 A. No.

25 Q. Did you ever go into the jury room

1 during deliberations and tell the -- tell the other
2 jurors that you knew these people, and that that was
3 why you should convict them?

4 A. No.

5 MR. JOHNSON: Your Honor, objection, that's
6 -- the relevance of it.

7 MR. EVANS: I think that's ---

8 THE COURT: I'm -- I'm going to overrule
9 that objection.

10 MR. EVANS: That's the heart of this case.

11 THE COURT: I'll -- I'll overrule the
12 objection.

13 MR. EVANS: Thank you, Your Honor.

14 BY MR. EVANS:

15 Q. The answer was no?

16 A. No.

17 Q. You acted as a fair and impartial juror
18 during the trial of this case ---

19 A. Yes, I did.

20 Q. -- the week of November, uh, I think it
21 was 7th or so of last year?

22 A. Yes, I did.

23 MR. EVANS: Beg the Court's indulgence.

24 BY MR. EVANS:

25 Q. Now, you testified on direct that you

1 -- you did have a drug problem?

2 A. Yes.

3 MR. EVANS: Apologies, Your Honor.

4 BY MR. EVANS:

5 Q. But that's in the past?

6 A. Yes.

7 Q. Congratulations.

8 A. Thank you.

9 Q. All right, but one of the people that
10 you purchased drugs from in the past was Christopher
11 Williams?

12 A. Yes.

13 Q. Okay, you're -- you're agreeing with
14 Mr. Johnson on that? That's true?

15 A. Yeah.

16 Q. All right, but you testified that you
17 did not purchase drugs from Lorenzo Boles?

18 A. No, I did not.

19 Q. Did not, and that ---

20 A. Did not.

21 Q. It just didn't happen?

22 A. No.

23 Q. All right. When did you, ballpark,
24 manage to kick your habit?

25 A. Back in 2013.

1 Q. So it's been a while?

2 A. Uh-huh.

3 Q. How long ---

4 A. Yes. Yes.

5 Q. And you were married to -- to Mrs.

6 Grant for 30 years, more or less?

7 A. Yes.

8 Q. How long has it been since y'all ended
9 your marriage?

10 A. I think about three or four years or
11 so.

12 Q. Three or four years?

13 A. Yes.

14 Q. Before the trial, how long had it been
15 since you had spoken to her?

16 A. Since I had spoken to her?

17 Q. Uh-huh, to your ex-wife.

18 A. Well, every other day or whatever.

19 Q. Okay. But you're -- you testified on
20 direct that there are members of her family that you
21 never met?

22 A. Exactly.

23 Q. And there's even members of her family
24 that she's never met?

25 A. Yes.

1 Q. Do you know these folks here?

2 A. No.

3 MR. EVANS: Thank you, Your Honor, those
4 are all the questions I have.

5 THE COURT: Solicitor, ---

6 MR. EVANS: Yes, sir.

7 THE COURT: -- Mr. Ghazi Duckette was one
8 of the victims in the case, correct?

9 MR. EVANS: That's correct, yes, Your
10 Honor.

11 THE COURT: All right. Ask him about what
12 relationship, or if he knows Ghazi Duckette, and I
13 forget, but there was one other victim in this case,
14 and I apologize, ---

15 MR. EVANS: Okay.

16 THE COURT: -- the name escapes me.

17 MR. JOHNSON: I think it was Johnson, Your
18 Honor, Frank Johnson.

19 BY MR. EVANS:

20 Q. Mr. Grant, do you recall being asked
21 about the names Frank Johnson, Jr. or Ghazi Duckette
22 during jury selection in this case?

23 A. Yes.

24 Q. Okay, do you -- did you have any
25 connection to either of them?

1 A. No.

2 Q. You didn't know them? Never heard of
3 their names before?

4 A. Never.

5 Q. Never met them?

6 A. Nope.

7 Q. Okay.

8 THE COURT: Solicitor, thank you.

9 MR. EVANS: Thank you, Your Honor.

10 MR. JOHNSON: Your Honor, can I do follow-
11 up?

12 THE COURT: Yes, sir, go ahead

13 **REDIRECT EXAMINATION**

14 BY MR. JOHNSON:

15 Q. Mr. Grant, your address is [REDACTED]
16 [REDACTED]?

17 A. [REDACTED].

18 Q. Okay. Back on November -- back on ---

19 MR. EVANS: Objection, this is beyond the
20 scope of cross.

21 THE COURT: I -- I understand that
22 Solicitor, and it may be beyond the scope of cross,
23 but I -- I'm going to allow it. This -- this matter
24 is too -- this matter has got to be flushed out, and
25 I think it's -- it may be relevant, I'm going to

1 allow it. Go ahead.

2 BY MR. JOHNSON:

3 Q. On May the 14th of 2023, do you
4 remember having a party at your house?

5 A. May the 14th?

6 Q. Of 2023. Would have been last -- last
7 -- not this May, but May of last year.

8 A. No, I don't remember having a party at
9 that address.

10 Q. You don't remember my client being at
11 your house for approximately over an hour ---

12 A. No.

13 Q. -- at 2 o'clock -- almost 3:00 a.m. in
14 the morning?

15 A. Uh-uh, no, no.

16 Q. And leaving at 3:59 ---

17 A. No.

18 Q. -- that morning?

19 A. No. He might have been at the house
20 beside mine, but not at mine, no. No. No.

21 Q. And once again you -- you're saying
22 that you're not related to Ms. Juanita Boles?

23 A. Not that I know of.

24 Q. Okay.

25 MR. JOHNSON: I have no further questions,

1 Your Honor.

2 THE COURT: All right. Anything else?

3 MR. EVANS: Yes, sir.

4 THE COURT: Okay

5 **RE CROSS-EXAMINATION**

6 BY MR. EVANS:

7 Q. Mr. Grant, if you don't mind my asking,
8 how old are you?

9 A. Huh?

10 Q. How old are you, sir?

11 A. Sixty-two.

12 Q. Sixty-two? Are you regularly in the
13 habit of hosting parties at your home ---

14 A. No.

15 Q. -- from 2:00 to 4:00 in the morning?

16 A. No, no, no, no, no, no. I've got -- I
17 live with an old lady who is about to turn 90 years
18 old.

19 Q. Okay.

20 A. What in the world -- what? I mean the
21 people next door, when they had their block party, I
22 mean she can't handle the noise. Uh-uh, no.

23 MR. EVANS: That's all I have. That's all
24 I have.

25 THE COURT: Anything else, Mr. Johnson?

1 MR. JOHNSON: I have nothing else for this
2 witness.

3 THE COURT: All right, let me ask you, do
4 you gentleman -- can he be excused? Is he here as a
5 result of a subpoena?

6 MR. EVANS: He is here under Mr. Johnson's
7 subpoena, so ---

8 THE COURT: May he be excused?

9 MR. JOHNSON: Your Honor, just to be safe I
10 have some ---

11 THE COURT: All right.

12 MR. JOHNSON: -- some more witnesses to put
13 up. I don't know if the Court may have some other
14 questions, so I'd hate to let him go, and then
15 we'd ---

16 THE COURT: All right.

17 MR. JOHNSON: -- be in the same situation.

18 THE COURT: You can just go have a seat.
19 As soon as I can release you, I will. Thank you so
20 much.

21 Mr. Johnson, yes, sir, you can call your
22 next witness.

23 MR. JOHNSON: I'd call Juanita Boles.

24 * * * * *

25 Juanita Boles,

1 having been duly sworn,
2 testifies as follows:

3 * * * * *

4 DIRECT EXAMINATION

5 BY MR. JOHNSON:

6 Q. Good -- good morning, Ms. Boles.

7 A. Good morning.

8 Q. Ms. Boles, would you please state your
9 full name?

10 A. Juanita C. Boles.

11 Q. And your address?

12 A. P.O. Box 892, Hampton, South Carolina.

13 Q. Are you related to Tyrase Collins?

14 A. My nephew.

15 Q. And -- and Mr. Boles that was in ---

16 A. My son.

17 Q. That was your son?

18 A. Yes, sir.

19 Q. He was the co -- co-defendant in the
20 case, correct?

21 A. Yes.

22 Q. Okay. Do you know Mr. Conrad Grant?

23 A. Yes, sir.

24 Q. How long have you known him?

25 A. Twenty years.

1 Q. Twenty years?

2 A. Uh-huh.

3 Q. How -- how -- how well do you know him?

4 A. Well, we go to church together, and we
5 go to programs together, and I used to deliver food
6 to his mother.

7 Q. You used to deliver food to his mother?

8 A. Yes.

9 Q. So he's known you all those years?

10 A. Uh-huh.

11 BY THE COURT: Yes?

12 BY THE WITNESS:

13 A. Yes.

14 Q. Thank you. Okay, was -- you heard him
15 say that he did not know your son. Do you have
16 information to the Court to the contrary to that?

17 A. Yes.

18 Q. Could -- would you please ---

19 A. Everybody at the church knows my son.

20 Q. Well, that's fine, but how do you know
21 Mr. Boles ---

22 A. Because ---

23 Q. -- I mean Mr. Grant specifically knew
24 your son?

25 A. Because he told me he had sold drugs to

1 him, and I told him don't do that.

2 Q. Your son told you that?

3 A. Yes.

4 Q. That he used to sell drugs to ---

5 A. Yes.

6 Q. -- Mr. Grant?

7 A. Yes.

8 Q. Do you ever see Mr. Grant and your son
9 talk at church or anywhere?

10 A. My son didn't come to church.

11 Q. He didn't come to church? Okay. Do you
12 ever see Mr. Grant mingle with your son outside the
13 church?

14 A. No, sir.

15 Q. But your son said he knew Mr. Grant
16 personally?

17 A. Yes.

18 Q. Okay. Now, Mr. Grant knew that he's --
19 you said that Mr. Grant's related to you?

20 A. Yes. His mama and my father was first
21 cousins.

22 Q. Were first cousins?

23 A. Yes, sir.

24 Q. And he -- and he knows that?

25 A. Yes, because he was only present when

1 his mother told ---

2 MR. EVANS: Objection.

3 THE COURT: What's your objection?

4 MR. EVANS: Calls for speculation, and the
5 answer is speculative.

6 THE COURT: I'm going to sustain -- hold
7 on, I'm going to sustain that objection.

8 MR. JOHNSON: Thank you, Your Honor.

9 THE COURT: Go ahead.

10 BY MR. JOHNSON:

11 Q. Of your own personal knowledge, do you
12 have knowledge that he knows that you're cousins?

13 A. Yes.

14 Q. How do you know that?

15 A. Because we talk in church, and I call
16 him cousin, and he call me cousin.

17 Q. He call you cousin?

18 A. Yes.

19 Q. Okay. And once again, how long have you
20 known him?

21 A. Twenty years.

22 Q. Okay. Now, when he had a -- were you
23 aware he had a drug problem?

24 A. Yes.

25 Q. Did you have any conversations with him

1 about the drug problem?

2 A. No, sir.

3 Q. Okay, so your only relationship is that
4 he's your cousin, you went to church ---

5 A. Yes.

6 Q. -- and he knows that he's your cousin?

7 A. Yes.

8 Q. He knew that -- your son was ---

9 A. Yes.

10 Q. -- Mr. Boles, the co-Defendant in this
11 case?

12 A. Yes.

13 Q. Is there any doubt in your mind?

14 A. No, I know.

15 MR. JOHNSON: I don't have any further
16 questions.

17 **CROSS-EXAMINATION**

18 BY MR. EVANS:

19 Q. Ms. Boles, you testified that you are
20 Tyrase's aunt?

21 A. Yes.

22 Q. And also that you are Lorenzo Boles'
23 mother?

24 A. Yes.

25 Q. All right. You love your son?

1 A. Yes, I love him but I wouldn't lie for
2 him.

3 Q. Do you love your nephew?

4 A. Yes, and I wouldn't lie for him.

5 Q. Okay. You don't have a way of looking
6 into Mr. Grant's mind or his memories, do you?

7 A. No, I don't.

8 Q. And you've testified that you never saw
9 Mr. Grant and your son mingle or associate with each
10 other outside of church?

11 A. No, I don't, 'cause my son don't come to
12 church.

13 Q. Your son doesn't come to church?

14 A. No.

15 Q. Okay, but everybody at church knows your
16 son?

17 A. Yes, because when this incident
18 happened, everybody at the church was talking about
19 it.

20 Q. But you did not testify that you ever
21 heard Mr. Grant talking about him?

22 A. He probably did, I wouldn't know.

23 Q. Did you ever -- you don't know. Thank
24 you, Ms. Boles, those are all the questions I have.

25 THE COURT: Anything else?

1 MR. JOHNSON: Just one follow-up.

2 REDIRECT EXAMINATION

3 BY MR. JOHNSON:

4 Q. When everyone was at church talking
5 about it, was Mr. Grant present?

6 A. Yes.

7 Q. And he heard ---

8 A. Yes.

9 Q. -- what every ---

10 A. Because my pastor prayed for him.

11 Q. Your pastor prayed for him at church?

12 A. Yes, prayed for me. I got up and he
13 prayed.

14 Q. And -- and Mr. Grant was present at that
15 time?

16 A. Yes.

17 Q. And he prayed too?

18 A. The pastor prayed.

19 Q. I'm talking about -- but he prayed with
20 the pastor? Mr. Grant?

21 A. I don't know, only thing he kept passing
22 around.

23 Q. No other questions.

24 THE COURT: Okay.

25 RECROSS-EXAMINATION

1 BY MR. EVANS:

2 Q. This was after the incident?

3 A. Yes, this was when it first happened in
4 2000 whatever year it happened.

5 Q. Okay. More than four years before the
6 trial?

7 A. Yes.

8 Q. Quite a long time.

9 A. Yes.

10 MR. EVANS: That's all, Your Honor.

11 THE COURT: Anything else?

12 MR. JOHNSON: I have no other questions,
13 Your Honor.

14 THE COURT: Thank you so much, ma'am. You
15 can call your next witness.

16 MR. JOHNSON: Your Honor, I call
17 Christopher Williams.

18 THE COURT: All right.

19 * * * * *

20 Christopher Williams,
21 having been duly sworn,
22 testifies as follows:

23 * * * * *

24 DIRECT EXAMINATION

25 BY MR. JOHNSON:

1 Q. Mr. -- Mr. Williams, would you please
2 state your full name?

3 A. Christopher Williams.

4 Q. You're going to have to speak up a
5 little bit, okay?

6 A. Oh, Christopher Williams.

7 Q. Okay. What's your address?

8 A. I'm originally at [REDACTED] now [REDACTED]
9 [REDACTED].

10 Q. How long have you lived there in
11 Hampton?

12 A. On [REDACTED], I'm 41, so I stayed there
13 about 32 years of my life.

14 Q. About 32 years?

15 A. Yes, sir.

16 Q. Do you know Mr. Conrad Grant?

17 A. Yes, sir.

18 Q. How do you know him?

19 A. We stay in the same neighborhood, he's
20 one street over.

21 Q. One street over?

22 A. Yes, sir.

23 Q. Okay, now, Mr. Grant testified that --
24 that he knows you because you used to sell drugs to
25 him, correct?

1 A. Correct.

2 Q. Did you know Mr. Lorenzo Boles?

3 A. Yes, sir.

4 Q. How do you know him?

5 A. Me and him went to school ever since
6 primary. He was my -- one of my best friends ever
7 since we was in kindergarten.

8 Q. Did you ever have occasion to be present
9 when Mr. Boles and Mr. Conrad was present at the
10 same time?

11 A. Yes.

12 Q. I mean Mr. Grant?

13 A. Yes, sir. Yes, a few occasions, yes,
14 sir.

15 Q. When you say a few occasions, would it
16 have been more than three, four, five?

17 A. It could -- Lorenzo -- once we got to
18 14, 15-years-old, Lorenzo used to come to our
19 neighborhood every day after school. We used to
20 walk home together, so, yes, it's pretty much.

21 Q. Of your own personal knowledge, did you
22 know that Mr. Grant knew Lorenzo?

23 A. Yes, sir, without a doubt he knew Mr.
24 Boles.

25 Q. How do you know that?

1 A. Because I was living there, and we had
2 conversations together with him.

3 Q. And you were present when they had
4 conversations together?

5 A. Yes, sir.

6 Q. Were you present when Mr. -- when
7 Lorenzo sold Mr. Boles drugs?

8 A. This day Mr. Grant didn't ask -- Mr. ---
9 he really didn't ask Mr. Boles, he asked me ---

10 Q. Uh-huh.

11 A. -- and I didn't have anything, so I told
12 Mr. Boles to take it to him.

13 Q. Okay, and you saw Mr. Boles take it to
14 Mr. Grant?

15 A. Yes.

16 Q. Did Mr. Grant act like he didn't know
17 Mr. Boles?

18 A. He don't talk. He just get it and go
19 about his business.

20 Q. Okay. But Mr. -- but Mr. Grant did know
21 Mr. Boles?

22 A. Yes.

23 Q. And you saw that, and then you're aware
24 of that, correct?

25 A. Yes.

1 Q. My other questions are, during that time
2 period did Mr. Grant show any anger towards you, or
3 anything, after you cleaned the stuff up?

4 A. He had no tolerance for everyone who was
5 in the street life. You know, he called the cops on
6 me and Mr. Boles one day, this was 2013 -- no, 12,
7 2012. We had used the music blasting loud one day
8 and next I know, the cops are at my back door.

9 Q. So he had some animosity ---

10 A. Yes.

11 Q. -- towards Mr. Boles?

12 A. Once he straightened up he didn't have
13 time for nobody who had ever been in that lifestyle.

14 Q. And he was somewhat biased towards you?

15 A. Yes.

16 Q. Had that been consistent since he
17 cleaned himself up?

18 A. Yes, until we got a little more respect,
19 and then he chilled out, once we got a little bit
20 more respect, respected his mother and them, yes.

21 Q. But when he said that he does not know
22 Mr. Boles -- I mean Mr. Boles, of your own personal
23 knowledge, is that true?

24 A. No, that's false.

25 MR. JOHNSON: I have no other questions.

1 THE COURT: Solicitor?

2 CROSS-EXAMINATION

3 BY MR. EVANS:

4 Q. Mr. Williams, you were convicted of
5 criminal domestic violence high and aggravated in
6 2012; is that correct?

7 A. Yes.

8 Q. You were convicted of possession of less
9 than a gram of methamphetamine or cocaine base in
10 2014?

11 A. Yes.

12 Q. And you were convicted of the same in
13 2019; is that correct?

14 A. Yes.

15 Q. And you're a drug dealer?

16 A. Former drug dealer.

17 Q. Former?

18 A. Yes.

19 Q. All right. You were asked some
20 questions about an incident in which you allege that
21 Mr. Grant asked you to sell him drugs, you didn't
22 have any, and you referred him to Mr. Boles; is that
23 correct?

24 A. Correct.

25 Q. I didn't hear you say when that

1 occurred.

2 A. It had to have been maybe around --
3 about two years after my brother died, maybe 2009.

4 Q. In 2009. Fifteen years ago?

5 A. Yes.

6 Q. Okay. You have a very clear memory of
7 that incident.

8 A. Uh-huh.

9 Q. Was it in '09?

10 THE COURT: Is that yes?

11 BY THE WITNESS:

12 A. Yes.

13 Q. Was it an unusual drug transaction for
14 you?

15 A. No, it -- it was -- the reason I
16 remember it is because he was so consistent, you
17 know, 'cause back then it was consistent with Mr.
18 Wright -- Mr. Grant, you know.

19 Q. And it was consistent that he would
20 purchase drugs from you?

21 A. Yes, sir.

22 Q. Okay, but it was not consistent that he
23 would purchase them from Mr. Boles?

24 A. But back then, yeah, because I'm giving
25 my money to somebody else, and so, yes, that was

1 rare, so that's why I remember it.

2 Q. All right. And you say that he called
3 the cops on you in 2012 for a noise complaint?

4 A. Yes.

5 Q. Who was your drug supplier back in 2009?

6 MR. JOHNSON: Your Honor, objection.

7 THE COURT: That's sustained. I'm going to
8 sustain that objection.

9 MR. EVANS: Thank you, Your Honor, Those
10 are all the questions I have for Mr. Williams.

11 THE COURT: Anything else?

12 MR. JOHNSON: I have nothing else, Your
13 Honor.

14 THE COURT: Thank you so much, Mr.
15 Williams. All right, yes, sir, you can call your
16 next witness.

17 MR. JOHNSON: Your Honor, I call Tyrase
18 Collins.

19 THE COURT: All right. Mr. Collins, come
20 around.

21 * * * * *

22 Tyrase Collins,

23 having been duly sworn,

24 testifies as follows:

25 * * * * *

1 THE COURT: Yes, sir.

2 MR. JOHNSON: Thank you.

3 DIRECT EXAMINATION

4 BY MR. JOHNSON:

5 Q. Tyrase, would you please state your full
6 name?

7 A. Tyrase Collins.

8 Q. And you were the Defendant in this
9 particular case, correct?

10 A. Yes, sir.

11 Q. Now, back on -- during the time that you
12 was out on bond, you had an ankle bracelet; is that
13 correct ---

14 A. Yes, sir.

15 Q. -- or an ankle restraint that was
16 ordered by the Court?

17 A. Yes, sir.

18 Q. And it was a tracking device on it; is
19 that correct?

20 A. Yes, sir.

21 Q. And you -- and you went over the -- the
22 movement records that we have here; is that correct?

23 A. Yes, sir.

24 Q. Back on May the 14th of 2023, of last
25 year, at approximately 3:59:31 a.m. do you remember

1 seeing -- well, at 2:57 a.m. do you remember seeing
2 that in the tracking records?

3 A. Yes, sir.

4 Q. Apparently, you were at [REDACTED],
5 which is, apparently, right across the street from
6 Mr. Grant's house for approximately one hour and
7 three minutes.

8 A. Yes, sir.

9 Q. Do you remember that?

10 A. Yes, sir.

11 Q. Do you remember why you was there that
12 night?

13 A. Yes, sir.

14 Q. Please tell the Court.

15 A. I had rode with my cousin -- see we had
16 went to this party early on, and later on we went to
17 the address, 'cause he said he had to meet somebody.

18 Q. And did you see him go -- did he go into
19 102, or did he go across the street into 105, Mr.
20 Grant's house?

21 A. He went across the street to the house
22 while I sat outside.

23 Q. And you stayed outside?

24 A. Yeah, I stayed outside.

25 Q. So you never met Mr. Grant?

1 A. No, I never met him, but -- except like
2 early on at church. I went to the same church they
3 went to. He was a Sunday School teacher.

4 Q. And were you aware -- and you saw -- so
5 you -- so you went to that same church?

6 A. Yes, sir, I went to the same church.

7 Q. That Mr. Grant did?

8 A. Yes, sir.

9 Q. And he knew you?

10 A. Yes, he was a Sunday School teacher.

11 Q. He was your Sunday School teacher?

12 A. Yeah, he was one of the Sunday School
13 teachers.

14 Q. And when he said that he doesn't know
15 you, do you know for a fact that he does?

16 A. I mean like you say, I don't know if he
17 remembered me or not, but I -- I wasn't made aware
18 until later on of who he was either.

19 Q. Okay. Now, do you know the reason why
20 you went there that night?

21 A. I'm pretty sure my cousin went to sell
22 him some drugs or something, that's what he was into
23 -- that's what he was into.

24 Q. Your cousin?

25 A. Yeah.

1 Q. But you stayed in the car?

2 A. Yeah, I stayed in the car.

3 MR. JOHNSON: I have no other questions.

4 THE COURT: Anything, Solicitor?

5 **CROSS-EXAMINATION**

6 BY MR. EVANS:

7 Q. Mr. Collins, when you went to the party
8 in May, that was in violation of your bond; isn't
9 that right?

10 A. Yes, sir.

11 Q. So you were disobeying a Court order?

12 A. I mean at that time I -- I wasn't on
13 strict house arrest at that time.

14 Q. You weren't on strict house arrest?

15 A. No.

16 Q. You weren't supposed to be at home at
17 night in Columbia?

18 MR. JOHNSON: Your Honor, objection, again,
19 the relevance of it. We had a hearing on this
20 already.

21 THE COURT: Well, I'm -- I'm -- I'll tell
22 you, I'm going to overrule, but I've given you a lot
23 of latitude as it relates to your questions,
24 counsel, earlier, I think I have. And I'm going to
25 -- I'm going to allow this because it potentially

1 involved what was going on that night, and I think
2 that's relevant, so I'm going to allow it.

3 MR. EVANS: And -- and I won't linger on it
4 too much, Your Honor.

5 THE COURT: Yeah, I don't know that there's
6 a whole lot to go on that as to where you're going,
7 but let's get it done, yes, sir.

8 BY MR. EVANS:

9 Q. I'd like an answer to my question then,
10 Mr. Collins.

11 A. Yes, sir, I was violating it.

12 Q. All right. And you went to a meeting
13 with your cousin?

14 A. Yes, sir.

15 Q. But you stayed outside -- you -- or you
16 stayed in -- in a car, I take it?

17 A. Yes, sir.

18 Q. All right. You never saw Mr. Grant that
19 night?

20 A. No, I never saw him that night.

21 Q. So you don't know who your cousin met?

22 A. I mean I'm pretty sure he didn't go
23 there to meet his 90-year-old mama, like he said.

24 Q. You don't know who your cousin met is my
25 question; is that a yes or a no?

1 A. Yes, sir, I know who he met.

2 Q. How do you know if you stayed in the
3 car?

4 A. 'Cause I know who he -- I mean I didn't
5 see who he met, but I know who he went there for.

6 Q. Did you pay attention during jury
7 selection?

8 A. Yes, sir, I paid attention.

9 Q. So what did you think when you saw Mr.
10 Grant?

11 A. That he looked familiar, but I didn't
12 know for sure if I knew him.

13 Q. You -- did you bring this up to your
14 lawyer, Mr. Johnson?

15 A. He said if I didn't know for sure if I
16 knew him, we couldn't do nothing about it.

17 Q. But you saw Mr. Johnson exercise
18 peremptory strikes?

19 A. Yes, sir.

20 Q. Okay. So you can actually strike people
21 without saying what the reason is, ---

22 A. Yes, sir.

23 Q. -- isn't that right?

24 A. Yes, sir.

25 Q. So did you take it that it would be to

1 your advantage to have Mr. Grant on the jury?

2 A. No, sir, I didn't -- I -- we didn't have
3 anymore strikes.

4 Q. You didn't have anymore strikes?

5 A. I thought we used -- I think he used all
6 ten or whatever.

7 Q. That's your testimony?

8 A. If I'm not mistaken.

9 Q. Did you have an opportunity to review
10 the list of potential jurors before trial?

11 A. No, I didn't see it until the day of
12 jury selection.

13 Q. All right. When was the last time you
14 attended Sunday School?

15 A. It had to been -- it had to been like
16 2014.

17 Q. Okay.

18 A. That's probably the last time I went to
19 church.

20 Q. So approximately nine years before the
21 trial ---

22 A. Yeah.

23 Q. -- when you were approximately eight
24 years old?

25 A. No, I was 14.

1 Q. You're 14 in 2014, that's right, I'm
2 sorry, my -- my math was wrong, you were 17 when the
3 incident occurred; is that correct?

4 A. Yes, sir.

5 Q. All right, and that's why we've -- we've
6 had these delayed proceedings. How old are you now?

7 A. Twenty-four.

8 Q. Twenty-four. Twenty-four in '24, so,
9 yeah. Nevertheless, more than five years before the
10 incident was the last time you attended Sunday
11 School ---

12 A. Yes, sir.

13 Q. -- to the best of your knowledge?

14 MR. EVANS: Those are all the questions I
15 have for Mr. Collins. Thank you, Your Honor.

16 THE COURT: Anything else?

17 MR. JOHNSON: I have nothing else, Your
18 Honor.

19 THE COURT: All right, thank you so much,
20 Mr. Collins.

21 MR. JOHNSON: Your Honor, I have no other
22 witnesses.

23 THE COURT: All right. Are there any
24 witnesses that you want to call?

25 MR. EVANS: I'd like to call Melissa

1 Daughtry, Your Honor.

2 THE COURT: All right.

3 * * * * *

4 Melissa Daughtry

5 having been duly sworn,

6 testifies as follows:

7 * * * * *

8 MR. EVANS: Yes, sir.

9 THE COURT: Yes, sir.

10 MR. EVANS: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. EVANS:

13 Q. Ms. Daughtry, would you please identify
14 yourself, and spell your last name for our court
15 reporter, since it's a different court reporter than
16 we had in the trial.

17 A. My name Melissa Daughtry. That's my
18 maiden name, but my married name is Melissa Bills
19 (Ph) ---

20 Q. I'm sorry, I keep calling you Daughtry,
21 because that what Ms. ---.

22 A. I'd rather be called that.

23 Q. All right, okay.

24 A. I've been separated for some years.

25 Q. Fair enough, I'll stick with Daughtry,

1 if that's okay.

2 A. Thank you, sir.

3 Q. All right. How are you related to
4 Lamekia Warren?

5 A. That's my daughter.

6 Q. That's your daughter?

7 A. Yes.

8 Q. So you obviously knew her very well.

9 A. Yes, sir.

10 Q. Do you know this man, Conrad Grant?

11 A. I've never seen him a day in my life,
12 and if I did, I don't even know him.

13 Q. Well, you've never seen him a day in
14 your life? You were here during the trial, weren't
15 you?

16 A. During the trial ---

17 Q. Okay.

18 A. -- when I'd first seen him. Then I
19 really didn't see him during the trial. I really
20 didn't pay no attention to him.

21 Q. All right, well, there's a big video
22 board sitting in between your seat and the jury box,
23 wasn't there?

24 A. I was in and out, it was emotional for
25 me.

1 Q. Sure. Are you familiar with his ex-
2 wife, Mrs. Grant?

3 A. No.

4 Q. I think her first name was Debbie, have
5 you ever met her before?

6 A. No.

7 Q. Okay.

8 A. No.

9 Q. Do you know ---

10 A. They say that we kin to them, we can be,
11 but we don't know. There's a lot of family members
12 that we've got, we don't know, we were young.

13 Q. Yeah, that's a -- that's an interesting
14 point, how often does it happen where you meet
15 somebody and discover that you're related to them,
16 having not met them before?

17 MR. JOHNSON: Your Honor, objection.

18 THE COURT: Hold -- hold -- hold on, I'm
19 sorry?

20 MR. JOHNSON: I have an objection to -- to
21 the form of the question, it's not -- not relevant
22 to what we're here for.

23 THE COURT: Well, I'm going to overrule
24 that, but also please allow her to finish her
25 question ---

1 MR. EVANS: Yes, sir.

2 THE COURT: -- before you ask another one.
3 And please allow him to finish his question before
4 you answer.

5 WITNESS: Okay.

6 THE COURT: Okay? Thank you.

7 BY MR. EVANS:

8 Q. Have you ever met anybody in Hampton
9 County, or anywhere, and discovered that even though
10 it's the first time you met them, that you're
11 related to them?

12 A. Once we get to talking.

13 Q. Once you get to talking.

14 A. Uh-huh.

15 Q. All right. Has it happened more than
16 once?

17 A. It happened Saturday.

18 Q. It happened Saturday -- this past
19 Saturday?

20 A. Yeah, on my -- on my daddy's side
21 though. There's a lot of family was there we
22 haven't met, we don't know.

23 Q. Okay. But your testimony today is
24 you're not aware of any connection ---

25 A. No, no.

1 Q. -- between your family -- how about the
2 other side of Lamekia's family, any connection that
3 you know of there between them and Mr. Grant?

4 A. No, sir, definitely not.

5 Q. Okay.

6 MR. EVANS: Those are all the questions I
7 have.

8 THE COURT: Mr. Johnson, do you have
9 anything

10 MR. JOHNSON: I have nothing, Your Honor.

11 THE COURT: All right, thank you, Ms.
12 Daughtry.

13 WITNESS: Thank you.

14 MR. EVANS: I think I'd like to call Mr.
15 Grant.

16 THE COURT: Mr. Grant, you're going to
17 recall or ---

18 MR. EVANS: Yes, sir, with the Court's
19 permission of course.

20 THE COURT: All right.

21 MR. JOHNSON: I have no objection, Your
22 Honor.

23 THE COURT: All right, that's fine.

24 Mr. Grant, come on up. I'll remind you
25 you're still under oath, okay, sir?

1 Conrad Grant, having previously been sworn,
2 testifies as follows:

3 RECALL DIRECT EXAMINATION

4 BY MR. EVANS:

5 Q. Thank you for -- for staying with us
6 and coming back up, Mr. Grant. Did you -- did you
7 have any concerns with some of the testimony you've
8 heard since your testimony?

9 A. Uh-huh, I do.

10 Q. All right, what about Ms. Boles? She
11 testified, I believe, that everybody at the church,
12 the Huspah Baptist Church, knew her son. Did you
13 know her son?

14 A. No.

15 Q. Do you ---

16 A. I didn't know her son.

17 Q. Do you recall a -- a prayer for her son
18 after he was arrested after the incident that led to
19 the trial? Do you recall any of that?

20 A. I can't recall it.

21 Q. Did you ever associate with Lorenzo
22 Boles outside of church or in church?

23 A. No.

24 Q. No? Do you recall Mr. Williams'
25 testimony from a few minutes ago?

1 A. Yeah.

2 Q. And you -- you acknowledged on your own
3 testimony that you purchased drugs from him?

4 A. Yes.

5 Q. Okay. Do you recall the incident in
6 2009, the sale of drugs from Mr. Boles that he was
7 talking about?

8 A. No. At that time I had a lot going on
9 in my family, a lot of death, and there's a lot of
10 stuff I just don't recall.

11 Q. That wasn't on -- how about the noise
12 complaints in 2012 that he talked about?

13 A. My God, 2012, no. If I've called police
14 on anybody, it was people next to me. The one in
15 front of me was 106 White Pine. The one beside me
16 was probably the one they talking about.

17 Q. Okay. Have you ever called a noise
18 complaint on somebody because you didn't like them,
19 because you had a problem with them ---

20 A. No.

21 Q. -- other than the noise itself?

22 A. No, the only time I called was for the
23 noise itself.

24 Q. Okay. Do you recall ever calling a
25 noise complaint on Lorenzo Boles specifically?

1 A. I don't even know him.

2 Q. Did you purchase drugs from anybody in
3 May of last year, 2023?

4 A. No.

5 Q. Did you meet anybody in the early
6 morning hours?

7 A. No.

8 Q. Do you have any idea what Mr. Collins
9 was talking about when he alleged that his cousin
10 went to your house at that hour?

11 A. Well, it sound like to me he's going by
12 what somebody told him, 'cause I don't know what the
13 heck he's talking about.

14 Q. Okay. Were you asleep?

15 A. Yeah.

16 MR. EVANS: That's all I have, Your Honor.

17 THE COURT: Anything else, Mr. Johnson?

18 MR. JOHNSON: I have no questions for him.

19 THE COURT: Thank you very much.

20 MR. EVANS: I have no further witnesses for
21 the State, Your Honor.

22 THE COURT: All right, hold on one second.
23 Yes, sir? Yes, sir, Mr. Johnson?

24 MR. JOHNSON: Well, I just wanted to
25 address the Court.

1 THE COURT: Okay, I want to make sure, so
2 are testimony on both sides through?

3 MR. EVANS: I'm going to check with my
4 investigator, but I think so.

5 THE COURT: All right.

6 MR. JOHNSON: I believe so, Your Honor.

7 THE COURT: All right, then I'm going to
8 hear from y'all in just a second, okay? I was just
9 passing words of wisdom on ---

10 MR. EVANS: It's all ---

11 THE COURT: -- to my Clerk. That's what I
12 try to do sometimes, so give me one minute and I'll
13 hear your argument, okay?

14 MR. JOHNSON: The only other thing, Your
15 Honor, I ask that the mitigation report that was
16 done by the mitigation specialist, it's already a
17 part of the record because it was submitted before,
18 I ask that the - the statements and stuff in that
19 and evidence that she mentioned be part of the
20 record for the Court to consider.

21 MR. EVANS: I -- I have no objection
22 generally, but I do -- I suppose I do object to Ms.
23 Boles' affidavit, since she testified. I don't
24 think we need to duplicate.

25 THE COURT: Best evidence being the

1 testimony as opposed to ---

2 MR. EVANS: Yes, sir.

3 THE COURT: I would agree there.

4 MR. JOHNSON: I have no objection.

5 MR. EVANS: But there was, of course, there
6 was a second affidavit, obviously.

7 THE COURT: All right, so we'll let that
8 report in. I think that's part of the record.

9 MR. EVANS: Yes, sir, you've already
10 reviewed it. Certainly I can try to ---

11 THE COURT: Thoroughly. We'll --
12 everything except the affidavit -- that one
13 affidavit. Give me one second.

14 MR. EVANS: Okay.

15 THE COURT: Counsel, I'm happy to hear from
16 you, yes, sir.

17 MR. JOHNSON: Thank you, Your Honor.

18 **CLOSING ARGUMENTS FROM MR. JOHNSON**

19 Your Honor, the mitigation report is when I
20 became aware of the possible bias of the jury. I
21 contacted the individual. I understand that -- that
22 Mr. Grant has stated that he doesn't remember him.
23 I'd ask the Court to consider the facts that were
24 presented to the Court, such as that he does not
25 deny -- he agrees that he was a member of that

1 church for over ten years. He agrees that he knows
2 the mother of Mr. Boles. He agrees that he -- he
3 was aware of the murder that happened. There's
4 evidence -- he agrees that he knows Mr. Christopher
5 Williams. He agrees that he bought drugs from Mr.
6 Christopher Williams. I submit that there's nothing
7 that's been presented to the Court that indicate
8 that Mr. Williams is lying to the Court or
9 falsifying his statement to the Court when he came
10 forward and testified. I understand that it's Mr.
11 Grant's testimony that he doesn't remember.
12 According to the recent case, Your Honor, which I
13 guess we discussed earlier, State v. Rowell, the
14 Court must determine whether a jury withholding
15 suggest bias. I submit that if -- short of Mr.
16 Grant denying the issues, if the issues are what my
17 witnesses indicated, that would indicate that there
18 is bias for the Court to consider. The second
19 requirement was that the nature of the information
20 withheld, rather than the nature of the jury's state
21 of mind is what's deposited in this case. So it
22 doesn't require -- Mr. Grant's state of mind is not
23 an issue here, it's about the facts that Mr. -- that
24 Mr. Grant bought drugs from Mr. Williams, and that
25 Mr. Williams' testimony also bought drugs from Mr.

1 Boles. The testimony that Mr. Grant was related to
2 Mrs. Boles, as well as he knew the family, which
3 would also indicate bias. And as a result, Your
4 Honor, if there's not a for cause -- if -- if the
5 Court was not able, based on that information, to
6 disqualify Mr. Grant for cause, it would have been
7 reasonable that if I was aware of that, that I would
8 have dismissed him using my inventory to challenge.
9 It was incorrectly stated about my client that there
10 was no challenges. However, the Court record
11 clearly shows that Mr. Grant was a third person
12 picked on the jury. It's on page 122 of the
13 transcript, lines -- line one to line nine of the
14 transcript.

15 THE COURT: Do you want to make the
16 transcript part of the exhibit ---

17 MR. JOHNSON Yes, I do.

18 THE COURT: -- in this matter?

19 MR. JOHNSON: Yes, I would.

20 THE COURT: Have you got any objection to
21 that?

22 MR. EVANS: Certainly not.

23 THE COURT: It dawned on me we hadn't done
24 that, and I think that is something that needs to be
25 done, and certainly something you would like, and so

1 we'll go ahead and do that.

2 MR. EVANS: Yes, sir.

3 THE COURT: We'll get the transcript and
4 make that an exhibit. Yes, ma'am. Go ahead.

5 (Defendant's Exhibit Number 1, Transcript,
6 is marked and entered without objection.)

7 MR. JOHNSON: Once again, as I said, on
8 page 122, page one through -- line one through nine
9 shows that Mr. Boles was picked, his number was 104.
10 It also indicates that Mr. Boles -- I mean -- not
11 Mr. Boles, Mr. Grant was picked. And at that time
12 he was the third individual picked for the jury,
13 meaning that I still had a number of my strikes that
14 was available to me to use. And I submit to the
15 Court that knowing these facts about Mr. Grant, I
16 would have used one of those strikes if not for
17 cause. Therefore, I ask the Court to consider the
18 evidence I presented to the Court. In the recent
19 case submitted by Supreme Court, it's states that
20 his state of mind is not an issue. It's only the
21 relevance of the evidence, which I think there's
22 significant evidence to indicate there's a
23 possibility that Mr. Grant might not be telling the
24 truth to the Court, and that in a light most -- in
25 the -- and to error I think should be an error

1 should be in favor of my client more so than the
2 State, because my client is looking at a possible
3 life sentence in this case, and we'd ask you to
4 consider that.

5 THE COURT: All right, thank you. Yes,
6 sir?

7 MR. EVANS: Thank you, Your Honor. May I
8 first -- I've got quite -- Your Honor has generously
9 sent us a number of citations that you thought could
10 be important through your law clerk, including the
11 Rollins case handed down just last week, but I do
12 have ---

13 THE COURT: I do have to show you
14 gentlemen, you need to read your advance -- I know
15 you all do, but I know a lot of lawyers don't read
16 advance sheets. I know I was -- if I had not
17 stumbled on this case when I read it, when it came
18 out Wednesday, how ironic that that was the first
19 case, so ---

20 MR. EVANS: I will freely -- I will freely
21 admit to Your Honor that I have not seen it by the
22 time that your law clerk so generously sent it to
23 us, but I do have a number of other cases that
24 I'll --

25 THE COURT: Yes, sir.

1 MR. EVANS: -- be referring to, if I may
2 approach?

3 CLOSING ARGUMENTS BY MR. EVANS

4 The first issue as I see it, Judge, I
5 understand that Mr. Johnson is arguing that, and he
6 has consistently argued, that they only became aware
7 of these issues during the mitigation process; but,
8 Your Honor, the first -- the first point that I'd
9 like to note is that, as a general matter, and I'm
10 not making an accusation per se, but it is important
11 for the Court to keep in mind that you're not
12 supposed to raise issues that you've been -- that
13 you are aware of after the verdict. A defendant may
14 not reserve vices in his trial of which he has
15 notice taking his chances of a favorable verdict in
16 case of disappointment, use the error to retain
17 another trial. The general principle that a party
18 cannot take chances of a successful issue reserving
19 vices of a trial of which he has notice for use in
20 case of disappointment is universally recognized and
21 obviously just at State v. Burnette from 1954.

22 And, Your Honor, I think it's important to
23 keep in mind the unique schedule of this trial, as
24 well as the unique nature of the jury panel, which
25 was assembled in this courtroom. As Your Honor is

1 aware, you had an unmissable appointment in Columbia
2 on Tuesday of that week, and so you informed us I
3 think perhaps the week prior, but certainly no later
4 than Monday morning, of the fact that we were going
5 to have to proceed with jury selection only on
6 Monday and begin -- swear the jury on Wednesday and
7 open. That gave these gentlemen, Judge, even though
8 700 -- is that right, Madam Clerk, 700
9 approximately?

10 CLERK: Yes.

11 MR. EVANS: In the neighborhood? Many more
12 than the usual 175, which the Clerk summons for a
13 typical criminal trial here in Hampton County. Only
14 to the public nature of the allegation and fact that
15 there were multiple defendants, approximately 700
16 people were summoned, that's 3.8 percent, Judge, of
17 the Hampton County population -- raw population, not
18 even age of majority population. So everyone was on
19 notice that a huge number of people were going to be
20 here. Now, it's not my business to say that Mr.
21 Johnson and Mr. Gibbs should have reviewed all 700
22 names with their clients' families, but they
23 certainly could have, and they certainly had all day
24 Tuesday before the jury was sworn to double check
25 the 18 who were selected for any possibility of

1 bias. They could have raised that issue to you
2 then. We'd be in a much different posture because
3 as the cases know, it's -- it's very different for a
4 Judge -- certainly, before a jury's even sworn, but
5 in any event before a verdict to consider these type
6 of issues versus today when, as the Rollins case
7 acknowledged, the public has an interest in the
8 finality of verdicts.

9 Moving on, Judge, though, because I know
10 you're going to even though I would ask you, as a
11 formality to first and foremost find that the issue
12 was not raised timely; but moving onto the merits,
13 of course, as you acknowledged, the burden is on Mr.
14 Collins. I'm going to argue, Judge, that the cases
15 -- and even though we have a new test, we have a new
16 procedure as laid out by Rollins, it doesn't -- it
17 overrules Woods insofar as the test is concerned,
18 but it doesn't overrule all of the other language in
19 -- in these variety of cases, And I think that many
20 of the situations are persuasive, but, of course,
21 the Court consistently says that each case is
22 unique, and that this -- these matters are largely
23 discretionary to the trial court, but I think the
24 prior examples can give you -- can give you
25 assistance in rendering a decision. The cases do

1 not require a jury composed of 100 percent of jurors
2 who don't know any of the Defendants' witnesses,
3 victims or their families. That is impossible to
4 guarantee anywhere, let alone a county of 18,000
5 people, the sixth smallest county in this state.
6 What is required is an unbiased jury, and the
7 opportunity to -- to find a jury that can render a
8 fair and impartial trial. Mr. Collins nor Mr.
9 Boles, they did not ask for Your Honor to ask a voir
10 dire question concerning members of the Defendants'
11 families. They asked you -- they essentially asked
12 for the standard questions, Judge. You -- you did
13 ask if any member of the jury panel was related by
14 marriage, connected by blood, friends with, or have
15 any business relationship with either of the
16 Defendants, Tyrase Collins or Lorenzo Boles. You
17 asked the same question, any member of the jury
18 panel friends, business associates, related by blood
19 or marriage, have any type of relationship with the
20 victims in this matter, Frank Johnson, Ghazi
21 Duckett, or Lamekia Warren. Nothing that's been
22 alleged here today, and certainly nothing that came
23 from Mr. Grant's own testimony indicates -- and I
24 realize we're under a different test now, it's --
25 it's not so much the nature of the -- of the -- of

1 what he said, and whether it was an intentional
2 concealment or an unintentional, but nothing
3 indicates that he did anything other than tell the
4 truth in his answers to the Court. There's been no
5 showing that he is a noncredible witness today. He
6 had a drug problem, he's over it. He -- he
7 testified to that, that embarrassing fact of his own
8 freewill here today, which is not easy to do.

9 Beg the Court's indulgence.

10 Judge, as I said, even though Rowell sets
11 out a new test, I still think some of the older
12 cases are -- are very important for you to consider.
13 State v. Kelly, 1998, that's a case in which a juror
14 did not volunteer the fact that he had a death
15 penalty case, which this is not, could have been,
16 but we did not notice Mr. Collins for that, so that
17 wasn't before the Court; but the juror in Kelly did
18 not acknowledge during voir dire that eight years
19 prior to the incident he had traveled from Winthrop
20 to Columbia to witness an execution in order to
21 raise social awareness. The trial court found that
22 he had not concealed any information because it
23 wasn't in the voir dire. Mr. -- in our case here
24 today Mr. Johnson asked Mr. Grant whether he had
25 heard the name Juanita Boles during the voir dire.

1 That name wasn't asked at all as a potential
2 witness. So he -- I -- and I'm not saying he did it
3 intentionally, but that was certainly a misleading
4 question, and I'd ask the Court to not consider that
5 or the answer, because she was not listed as a
6 potential witness, that's in the transcript. I just
7 did a word search of it myself to make sure on the
8 PDF version, but her name was not listed as a
9 witness, that was not raised, period. Turning back
10 to some of the older cases, State v. Covington, a
11 juror approached the defense attorney after the
12 trial, and said some jurors knew the Defendant
13 beforehand, and brought up prejudicial information
14 about the Defendant's violent past with his wife,
15 the victim. A second juror said -- had gave a
16 consistent affidavit to learning about the
17 Defendant's marriage problems with the victim. The
18 Supreme Court said that the affidavits were enough
19 to require hearing the merits. We now know that
20 that's absolutely required. Eleven jurors testified
21 at the hearing, and nine out of the 11 said that
22 that issue didn't come up in the jury room during
23 deliberations. I asked Mr. Grant, and I got an
24 objection, but I think it's completely relevant
25 whether or not he gave the Defendant the fair and

1 impartial trial. He said that he did. He said he
2 didn't know anything about any connection. If he
3 doesn't know, and he's credible, how can he be
4 biased? State v. Woods is obviously overruled in
5 terms of the important factors. Beg the Court's
6 indulgence. Judge, here's -- here's a case out of
7 our own circuit, this is Smith v. State from 2007 in
8 Colleton County. The defendant alleged during the
9 PCR proceedings that one of the jurors knew him from
10 them both being in the Colleton County jail at the
11 same time leading up to trial. The juror was in
12 there on a -- some kind of short-term misdemeanor,
13 and the defendant was obviously awaiting trial on a
14 serious charge. The juror in the hearing testified
15 that he never spoke to the defendant, that he did
16 remember him from the jail, that he did not tell the
17 trial judge, even that he admitted to the other
18 jurors that he'd been in the jail with the
19 defendant; but he told the other jurors during
20 deliberations that the defendant was accused of
21 murder, but he's got to be proven before he's
22 convicted, and he said he had no pre-existing bias
23 against the defendant. The defense trial counsel
24 said that if they would have known all this, they
25 probably would have struck the juror. The defendant

1 claimed the juror's presence on the jury was a per
2 se violation of due process, it was held here, it
3 was reasonable for juror Walling to remain silent,
4 when asked in voir dire whether any member of the
5 jury pool was related by blood or marriage, or a
6 close personal friend of the defendant. Because --
7 and, again, this was under the Woods, the old test,
8 but based on Juror Walling's testimony at the
9 hearing, we believe that he did not intentionally
10 conceal the existence of his prior relationship with
11 the defendant.

12 State v. Tucker is a Court of Appeals case
13 in 2018, Judge. The Court asked if any panel
14 members had a close personal or social relationship
15 with any of the State's witnesses. Nobody answered
16 out as to witnesses Brewer or Jones. Later the
17 defendant presented an affidavit by witness Jones,
18 which said that Juror A was her friend and talked to
19 her at work after the trial, etcetera. That was
20 corroborated with social media screenshots. The
21 Court of Appeals held, "Ample evidence supports the
22 trial judge's finding Juror A worked at a local
23 hospital with Jones. Did not conceal a close,
24 personal or social relationship with her. The
25 screenshots show Jones is just one of 347 people

1 Juror A follows, and one of 605 that follow her,
2 hardly an intimate circle. This suggests that the
3 relationship confined to sporadic contact at work
4 and belies closeness. Trial judge," and I think
5 this -- this particular statement, Judge, is
6 certainly not overruled by -- but it's still very
7 important. "The trial judge does not have to take
8 the allegations as true and is free to gage their
9 reliability."

10 The last case I'm going to argue to Your
11 Honor, State v. Eubanks from 2022. This was a CSC
12 with a minor case in Laurens County. The first
13 juror selected was chosen as the Foreman. He
14 informed the Court after opening statements that he
15 realized his ex-wife was related to members of the
16 victim's father's family. He had been divorced
17 approximately 11 years, but he had recently sold one
18 of the family member's house, being a realtor by
19 trade. He told the Judge it would not affect his
20 ability to be fair and impartial, and the Court kept
21 him on the jury. After the trial, the defendant
22 learned that that same juror had become Facebook
23 friends with -- with an officer assigned to the case
24 who didn't testify, and with a different witness'
25 grandmother. The Judge denied the new trial motion

1 without having the juror testify. Obviously, under
2 Rollins that would not be permissible anymore, but
3 the Judge found that being a Facebook friend does
4 not automatically rise to the level of a close,
5 business or social relationship. He also
6 specifically found that the friendship date with the
7 officer came after the trial, and that the
8 relationship with the grandmother was discoverable
9 prior to the trial, and that, quote, "It would be
10 difficult to empanel a jury with absolutely no ties
11 to any witnesses because Laurens County is an
12 interconnected community." As Your Honor is aware,
13 Laurens County is obviously many times, I think at
14 least three times, the population of Hampton County.
15 That's why I say the cases do not require an
16 absolute wall of -- of lack of knowledge between a
17 juror and a defendant, a witness, or a victim. That
18 being said, Mr. Grant's testimony today very
19 credibly, very effectively establishes that he did
20 not know these men. He acknowledges knowing the co-
21 Defendant, Lorenzo Boles' mother, but, again, that
22 question was not part of the voir dire. He wasn't
23 asked whether he knows Juanita Boles. They -- Mr.
24 Johnson -- I'm quite glad that he acknowledged that
25 his client got it wrong insofar as the number of

1 strikes remaining, but we now have a discrepancy
2 between the two of them as to whether Mr. Johnson
3 was aware of the possible connection between his
4 client and Mr. Grant. His client says that he told
5 his lawyer about it. Mr. Johnson says he didn't
6 know about it until the mitigation research was
7 ongoing. So only one of those two things can be
8 true, Judge. We have the victim's own mother, the
9 person -- the only person in this room who knew
10 Lamekia Warrant from the day she was born until the
11 day she died. If this man's wife was related to Ms.
12 Warren in such a manner that he -- he could not give
13 both sides a fair trial, who would be in a better
14 position to know that than her? Your Honor, you are
15 the finder of fact in this hearing, just as the jury
16 was in the trial. You have to evaluate the
17 credibility of the people who testified. Ms. Boles,
18 I completely sympathize with her and her dilemma,
19 but if there's anybody biased in this case, it's
20 obviously the mother of one of the co-Defendants,
21 and the aunt of the other. Now, her -- her son,
22 because he's already filed his appeal is not part of
23 this motion, but we all recognize that a motion will
24 be filed, depending on what Your Honor's ruling is
25 in this motion concerning her son, so she has a

1 decided interest in the outcome today. Mr. Williams
2 is -- is entirely unreliable, going to his prior
3 criminal record. The incident that he talked about
4 is alleged to have been in 2009, one transaction,
5 that's all he can say, and there's no corroboration
6 of that incident, none, and it's supposed to have
7 taken place 14 years before the trial in this
8 matter. And this man is suppose -- assuming it's
9 true, which I am not, assuming it's true, he's
10 supposed to remember from a time when he was
11 addicted to drugs, a single transaction 14 years
12 later. And Mr. Collins, of course, has more
13 interest in this hearing than anybody, Judge, and
14 he's -- he's admitted to the Court that he was
15 disobeying Court orders at the time of this alleged
16 party. He admitted that he didn't -- he didn't see
17 Mr. Grant on that night, the -- the -- the famous
18 night in May of 2023 that so much of this rests on.
19 He admitted that he never actually saw his cousin
20 meet Mr. Grant. They were just in the area. And he
21 says that he knew him, and he recognized him from
22 being a Sunday School teacher, but he hadn't been to
23 Sunday School since 2009. I may -- I think I got
24 that wrong, sorry, 2014. The trial took place in
25 2023. Your Honor, this is a small County, there's

1 18,000 people here. One in 25 Hamptonians were
2 summoned for jury duty this particular term. They
3 were on notice that there was a possibility of
4 connections, they did nothing about it. Mr. Grant
5 was the ninth name actually called, the third juror
6 selected. I struck one, Mr. Boles struck three, and
7 Mr. Collins struck two before we reached Mr. Grant's
8 name. Both -- both Defendants had every opportunity
9 to strike him. The only conclusion I can draw is
10 either that these connections are not true, that
11 nobody was -- or that nobody was aware of them, or
12 that the Defendants believed that they had an ace up
13 their sleeve. They have to show Your Honor both
14 bias, they can't do that, and prejudice. It's not
15 -- it's not an either or, and they have the burden.

16 Respectfully, Your Honor, I submit to you
17 that Mr. Grant has testified credibly that he didn't
18 know of any connection whatsoever at the time of
19 jury selection between himself and the two co-
20 Defendants or the victim, Ms. Warren. They have not
21 met their burden. A fair trial isn't only for a
22 defendant, it's for the State as well, and the
23 public has an interest as Rollin -- Rowell, excuse
24 me, I don't know if I said Rollins earlier, but as
25 Rowell just recently acknowledged, the public has an

1 interest in the finality of verdicts. This verdict
2 was rendered fairly. Your Honor conducted voir dire
3 in an appropriate, methodical fashion, in which
4 every possible opportunity was given for issues to
5 come out. We had well -- more than enough jurors,
6 many times more. We got a fair and impartial juror
7 -- jury. Two individuals actually were excused,
8 Juror Number 69 and Number 278, I don't recall the
9 reasons, but -- but this trial was conducted
10 correctly and appropriately, they were given their
11 day. They were given a fair trial by a jury of
12 their peers, an impartial jury. I'd ask you to
13 leave that verdict undisturbed.

14 THE COURT: All right. Yes, sir?

15 MR. JOHNSON: Your Honor, the State kind of
16 -- you're sitting here listening to the State. They
17 actually proved my point, Your Honor. The State
18 brought up correctly that Hampton County is the
19 sixth smallest state of 18,000 people. The Court
20 would then have to agree -- well, I ask the Court to
21 -- to consider that Mr. Grant stated that he went to
22 a church here for ten years, taught Sunday School,
23 knew -- knew my client's aunt for over ten years,
24 was married to his wife for 30 years, lived in this
25 area all this year and he did not know Mr. Boles or

1 my client, or any relationship they had to people he
2 knew, that is a stretch. Because the reason that we
3 had two jurors, Your Honor, because this area is so
4 small, everybody knew everybody. In order to elicit
5 Mr. Grant, he had to be the only person in this
6 whole County that didn't know about this case. The
7 State brought it up a minute ago, he kept talking
8 about how small this County is, and that's correct.
9 Mr. Grant has stated that he went to church with
10 these people for ten years, he taught my client
11 Sunday School. I don't care if it was nine years
12 ago, ten years ago, he was still in a constant
13 relationship with the mother and everyone, and he
14 said nothing, nothing. And the Court would have to
15 admit, or I'll ask the Court to consider that if it
16 is true of what we are alleging, therefore, one, Mr.
17 Grant knew or should -- or -- or knew that he was
18 related to my client, or related to Ms. -- the co-
19 Defendant in this case, which I submit to the Court
20 there's no way I would know about that. The co-
21 Defendant and his attorney has no requirement to
22 share any information with me about any relationship
23 with the jury. I would not have known about it, the
24 reason I did not find out about it until we got to
25 mitigation. Now, for whatever reason the co-

1 Defendant decided not to bring that issue up, I have
2 no control over that. I'm here on behalf of my
3 client, not for the co-Defendant. The State can
4 bring that issue up with the co-Defendant at some
5 other time. As it relates to Mr. Grant, I have --
6 Mr. Grant admitted that he bought from Mr. Williams.
7 He remembered that from 14 years ago, 15 years ago,
8 so it can't be his memory. There's nothing that Mr.
9 Christopher Williams said that would dispute it. I
10 ask the Court that on the Rowells, the recent case
11 that was just, I guess two weeks ago, Your Honor,
12 two or three weeks ago, the Court clearly states
13 that -- that we can choose a better path is to
14 simplify the inquiry. If the jury claims the jury
15 has withheld material information responsive to a
16 voir dire question, the trial court must determine,
17 preferably after a hearing, whether the jury is
18 withholding suggests bias. This would typically
19 turn on the nature of their information whether than
20 the nature of the jury's state of mind and not
21 disclosing it. As a matter of fact, they even made
22 a little sharp thing that said the nature of the fox
23 disguised matters little to the chicken, Your Honor.
24 Which means that it's not about his state of mind at
25 the time, just about what he did not disclose. What

1 he did not disclose is that he was related to the
2 co-Defendant. He did not disclose that he purchased
3 drugs at some time from the co-Defendant. All of
4 that information would have been pertinent to me in
5 representing my client and being used in jury
6 selection. While it was agreed that it might not
7 have been -- not sufficient enough for a -- for
8 cause for the jury -- for my -- for him to be
9 dismissed, it was definitely pertinent for me to use
10 for -- for one of my strikes, which I still had
11 strikes available at the time he was picked. So I
12 submit to the Court that credibility does matter
13 here. And the size of this state -- I mean the size
14 of this County does matter, and it is believable,
15 quite a stretch, that he would not know or even have
16 any relationship -- have no awareness of the
17 possibility -- as a matter of fact, Your Honor, as I
18 thought about it, one of the jury members, prior to
19 the Court carrying the first question from -- from
20 the trial started, came out and told the Court that
21 he went to school ---

22 THE COURT: Right.

23 MR. JOHNSON: -- with my client.

24 THE COURT: I remember that.

25 MR. JOHNSON: And he said he was removed

1 because of that, while this -- while Mr. Grant was
2 the Foreman of that jury. He still didn't bring it
3 up. I suggest to the Court, Your Honor, that
4 considering those things in the light most favorable
5 to my client, that -- that the issue here is clear,
6 and that we ask that a mistrial be granted, and a
7 new trial be given my client.

8 THE COURT: All right. Thank you. All
9 right, sir, with all due respect, I'm going to deny
10 your motion. State v. Rowell has now basically
11 provided us with a new test. That if said juror
12 untruthfully answers or fails to answer a material
13 voir dire question, the juror's bias may not be
14 presumed. A new trial may be ordered only when
15 prejudice is proven by showing the concealed
16 information reveals a potential for bias and would
17 have made a difference in the moving party's use of
18 a peremptory strike or resulted in a successful
19 challenge for cause. I certainly understand your --
20 the information you provided me as it relates to a
21 challenge for cause or certainly a peremptory
22 strike, and this may have been information that you
23 had, it could have made a difference whether you
24 used a strike.

25 Now, I know that the Solicitor initially

1 brought up as what I would call sort of a -- a
2 precursor, the fact that, in essence, your own --
3 your own client testified that he knew he knew this
4 guy from somewhere, or recognized him, and it looked
5 like certainly that's an issue that could have been
6 flushed out more, and that certainly you had the
7 opportunity to do that, but for any number of
8 reasons it may not have been -- may not have been
9 done, but I really am not going to -- my decision is
10 not based on that. I'm not basing my decision on --
11 on that. What I'm making my decision on is,
12 basically, this hearing today, and in Rowell it goes
13 onto state that this is going to be a fact intensive
14 inquiry, and the Court's job today, my job, is to
15 determine whether the Defendant has proven prejudice
16 by demonstrating the withheld information suggested
17 potential for bias, and then, again, if so, it would
18 support a challenge for cause, or would have been a
19 material matter as it relates to its consideration
20 of using a peremptory strike. What I will say is
21 that I think that the defense has failed to prove
22 prejudice by demonstrating the withheld information
23 suggests potential bias.

24 Mr. Grant was a truthful, straightforward,
25 believable witness, and quite frankly has been here

1 on three different occasions, and his jury service
2 -- I'm sure he never realized he's going to be
3 signed up to have to be appearing in court three
4 different times many, many months after this trial.
5 He answered questions in a straightforward fashion.
6 He -- he fully admitted and didn't shy away from a
7 past that I know he's not proud of but has done his
8 best to -- to rehabilitate and move forward. I
9 think that he has gone to church for years and is a
10 regular attender and may know Ms. Boles, or know of
11 her, maybe even be some relationship, perhaps
12 through marriage, but when you go to -- when you go
13 to church, even in a small church, in a small
14 community, I consider where I live in Walterboro a
15 small community, a small church, I mean you go for
16 years, and you make -- maybe you recognize somebody,
17 maybe you don't, maybe you recognize their kids,
18 maybe you don't, but the testimony that he's
19 provided I believe is -- is credible. He's
20 indicated he's -- that he didn't consider himself to
21 be related to these individuals, that he didn't know
22 these individuals, he didn't know Lorenzo Boles, he
23 didn't know Tyrase Collins, didn't know Lamekia
24 Warren, the victim, didn't know the victim Ghazi
25 Duckett, and didn't know the victim Frank Johnson,

1 Jr. There's nothing that I found in his testimony
2 that provides me with any hesitation other than to
3 find that the information that he failed to provide,
4 I just don't think it demonstrates potential bias in
5 this matter. When I look at the testimony -- the
6 remaining testimony, Ms. Boles, certainly Ms. Boles
7 has a bias here, and it wouldn't be normal. We're
8 talking about her son who was a co-Defendant, and
9 we're talking about her nephew, and I think it's
10 only natural that she's got an interest in this --
11 in this matter. And quite frankly, I think that a
12 lot of her testimony is believable, but a lot of it
13 is -- was based on assumptions and not conversations
14 that she actually had with our juror. She may have
15 seen them in church. She may have been there, he
16 may have been there when a prayer was going on, but
17 what she recognized and I don't -- I didn't -- I
18 just didn't -- I don't -- there was nothing about
19 what he may have said, what he may have done,
20 observations that she made of him, and also she
21 testified I believe that her son didn't attend
22 church on a regular basis. Mr. Williams had some
23 real credibility issues. He's an admitted reformed
24 drug dealer, and at one point he indicated that he
25 remembered this, because it was -- it was regular,

1 and then on another he said he remembered him
2 because this was an irregular, unusual, situation.
3 So to me he was just kind of -- swam all over the
4 place. And, again, his connection with the juror
5 was, literally, by his own admission, I mean 2009
6 that he's saying that he -- he sold drugs to the
7 juror. And I mean that's -- that relationship and
8 contact is so remote, and, again, I don't think any
9 of his testimony goes to addressing the issues about
10 bias. It doesn't show that's the issue, the bias,
11 and, you know, I just -- I don't see it. I mean,
12 again, you've got to prove prejudice by
13 demonstrating the withheld information suggested
14 potential bias, and I just don't -- I don't see it.
15 And Mr. Collins certainly has got an interest in it,
16 and I understand that. You know, I think there's
17 some confusion. I -- I don't know if, you know,
18 when you go to church, you've got people who are the
19 Deacons, and you've got people who are on this
20 board, and you've got people who are Sunday School
21 teachers. I don't know if he was his Sunday School
22 teacher or a Sunday School teacher. When I got to
23 church, man, you know every Sunday School teacher.
24 You may know your Sunday School -- you may know who
25 is a Sunday School teacher, that don't mean you're

1 in the class, but, yeah, I don't -- if he was his
2 teacher, he then got back up on the stand and said
3 he didn't remember him, and, again, by Mr. Collins'
4 own admission, we're talking about something that
5 happened several years earlier. And so I look at
6 all of the testimony that's been presented when I
7 evaluate the witnesses, the credibility, the
8 interest that they have in this matter, what I've
9 got to say is that I believe that the defense has
10 failed to prove prejudice by demonstrating the
11 withheld information suggested potential bias. And
12 so that will be my ruling as it relates to your
13 motion. All right, sir?

14 MR. JOHNSON: Thank you, Your Honor.

15 THE COURT: Yes, sir.

16 MR. EVANS: Thank you, Your Honor.

17 THE COURT: All right, what I want to do
18 now is to go ahead and move into sentencing.

19 **SENTENCING**

20 You know this was a case that we heard I
21 guess in November many months ago, and I know that
22 the sentencing has been a long time coming. And
23 it's something that the Defendant, the Defendant's
24 family, the victim, the victim's family have all
25 wanted -- looking forward to is probably the wrong

1 thing to say, but, again, trying to bring resolution
2 to this matter. And so we had the mitigation report
3 that was prepared, and made a record when we had a
4 hearing in -- the -- the mitigation specialist name
5 escapes me.

6 MR. JOHNSON: Katie King.

7 THE COURT: Ms. King, a very thorough
8 report that I reviewed, that we've made a record in
9 a prior hearing. And so what I want to do at this
10 time is, as I impose a sentence today, I want to
11 confirm for the record that I've reviewed both the
12 Miller case and the Aiken v. Byers case, 7056 S.E.
13 2nd 572. And I'm going to read and go into this,
14 because quite frankly the elements in the matters
15 that I've got to touch on I think require that in
16 this case. In the Aiken v. Byers, the Court
17 acknowledged that Miller established a framework, or
18 articulated factors that the sentencing court must
19 include. And, of course, the reason we're here
20 today and reviewing these factors is because of the
21 fact -- it's due to the fact that Mr. Collins was 17
22 years old when these crimes were committed, and as a
23 result, the Court orders that I evaluate and look at
24 these factors. The five factors are the
25 chronological age of the offender, and the hallmark

1 feature of youth, including immaturity, impetuosity,
2 and the failure to appreciate the risk and
3 consequences of the action. Two, family
4 requirements that surround the offender. Three, the
5 circumstances of the homicide, including the extent
6 of the offender's participation and the conduct, and
7 how familiar and peer pressures may had affected
8 them. The incompetencies associated with youth, for
9 example, the inability to deal with law enforcement,
10 or assist his lawyer in this matter. And then,
11 five, the possibility of rehabilitation. Now, I've
12 heard arguments of counsel, I've reviewed statutes,
13 case law, a note from the -- and I've reviewed Katie
14 King's mitigation report. The Defendant was less
15 than 90 days as I calculate it from his 18th
16 birthday at the time that he committed these heinous
17 acts. He was convicted of the murders of three
18 individuals, two via headshots that what can only be
19 described as point-blank range execution type of
20 hit. The remaining individual was shot, I believe,
21 close to 35 times. This was not a spontaneous
22 killing. This killing had to have been planned. No
23 hallmark feature of youth can erase the plan. Three
24 people were killed, and this cannot be attributed to
25 or mitigated by the failure of the 17-year-old not

1 to appreciate the risk and consequences of the act.
2 The Court acknowledges the concerns that were
3 discussed regarding his upbringing. No father
4 figure, a mother who worked to provide for the
5 family, the special needs brother that he often took
6 care of, and a mother that left him to often raise
7 himself, and who did not -- quite frankly didn't
8 speak on his behalf at the sentencing or at the
9 hearing he had. Now, the Court acknowledges that
10 those -- acknowledges those concerns play a role in
11 all of the factors that the Court is asked to
12 consider. I think that kind of permeates almost all
13 of this situation. The circumstances of this
14 homicide were beyond brutal, and the Court would
15 concede that the exact level of the offender's
16 participation is unknown, primarily, because this
17 was a circumstantial evidence case. The mitigation
18 specialist provided the Court with information about
19 his family and peers, and she opined the Defendant
20 was not a leader in the crime, and the Court accepts
21 that may in fact be the case. I've not -- I don't
22 know that the evidence is there that he was the
23 leader of this -- of this situation. And I take
24 that into consideration as I look at this, and I
25 take that into consideration the fact that, you

1 know, his exact nature of involvement in the crime
2 perhaps, again, is unknown in a sense that there's
3 no direct evidence, but certainly circumstantial
4 evidence existed, circumstantial evidence to the
5 point the jury concluded of his guilt beyond a
6 reasonable doubt. Concerning interpretations of
7 certainty of youth, the mitigation specialist
8 indicated that he is a high school graduate, and had
9 an academic foundation that would allow him to
10 further his education. In fact, he had enough
11 credits to graduate early, as I recollect her saying
12 in the report. This convinces the Court that he had
13 the ability to assist his attorney in the defense of
14 the case and was competent to deal with and
15 understand the charges that he was -- all aspects of
16 the charge -- charges that he was facing. And it's
17 unfortunate that, you know, he wanted to stay and
18 graduate, and I can certainly understand that, him
19 wanting to do that, but wonder where we'd be if he
20 would have just gone and not stayed and graduated,
21 taken that diploma and moved on and wouldn't have
22 been there that -- that year. Maybe he wouldn't
23 have been living in Hampton or could have been up in
24 Columbia with some relatives or friends up there
25 working and -- and doing and certainly as the

1 mitigation specialist indicated was doing better and
2 was employed.

3 And, finally, regarding rehabilitation, the
4 mitigation specialist outlined that he had the tools
5 necessary to be a productive member of society, the
6 education and ability to continue his education,
7 work ethic. And this Court would acknowledge that
8 there is, in fact, and I believe there is a chance
9 or a possibility of rehabilitation that it exists.
10 And so when taking all of these matters into
11 account, this Court concludes that Mr. Collins was
12 almost 18 when he murdered three individuals. He
13 willingly -- willingly participated in the murders.
14 This was a conscious decision that involved some
15 degree of planning on his part. He had a high
16 school education and was capable of furthering his
17 education. He is someone who knew what was going
18 on, knew what was about to happen, and someone who
19 was aware of his consequences -- aware of the
20 consequences. And for those reasons this Court
21 believes that in this case that the appropriate
22 sentence, having considered all of these factors,
23 the appropriate sentence in this matter is life
24 without parole.

25 Do you have the sentencing sheet, sir?

1 MR. EVANS: Yes, sir, may I approach?

2 THE COURT: All right. All right, 2018-GS-
3 25-00132, that's State vs. Tyrase Collins, for the
4 offense of murder, sir, I'm going to sentence you to
5 the South Carolina Department of Corrections for a
6 term of life without possibility of parole. In
7 2018-GS-25-00133, sir, that's State v. Tyrase
8 Collins, again, on the count of murder, I will
9 sentence you to life without the possibility of
10 parole. And in 2018-GS-25-00134, sir, that's also
11 State v. Tyrase Collins, I'm going to sentence you
12 to life without parole. On the 2018-GS-25-00131,
13 that's armed robbery, sir, I'm going to sentence you
14 to 30 years. And to the offense of 2018-GS-25-
15 00130, sir, I'm going to sentence you to -- that's
16 possession of a weapon during a violent crime, I'm
17 going to sentence you, sir, to five years. I'm
18 going to run all these charges consecutive. Thank
19 you.

20 MR. EVANS: Thank you, Your Honor.

21 MR. JOHNSON: Your Honor, did you say
22 consecutive?

23 THE COURT: Consecutive, yes, sir. All
24 right, thank you.

25 MR. JOHNSON: Thank you, Your Honor.

1 THE COURT: All right, well, hold on one
2 second, have you right there, we'll be at ease for
3 about five minutes.

4 (Whereupon, the hearing was concluded.)

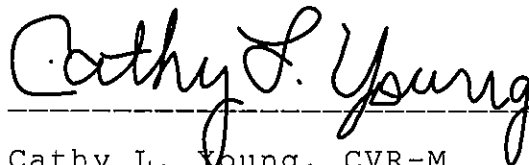
5 - - -END OF TRANSCRIPT- - -

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CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for Hampton
County, South Carolina, on the 22nd day of July,
2024.

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



Cathy L. Young, CVR-M

Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
State of South Carolina,)

vs.)
Tyrase Akil Collins,)
Defendant.)

IN THE GENERAL SESSIONS COURT
FOURTEENTH JUDICIAL CIRCUIT
INDICTMENT NO.:
2018GS2500130; 131; 132; 133; 134
2018GS2500114; 115; 116; 117

NOTICE OF MOTION AND MOTION FILED
FOR
MISTRIAL

AM/PM

MAY 14 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

TO: REED A. EVANS, SOLICITOR, FOURTEENTH JUDICIAL CIRCUIT:

YOU WILL PLEASE TAKE NOTICE that Charlie Jay Johnson, Jr., Esquire, counsel, for the above-named Defendant, will move before this Honorable Court within ten (10) days from the service hereof or as soon as this matter can be heard for a MISTRIAL before the Honorable Robert Bonds.

The basis of said motions being the recent new discovery of evidences of a conflict of interest between a member of the jury and the Defendants in this case.

RESPECTFULLY SUBMITTED,

s/Charlie Jay Johnson, Jr
CHARLIE JAY JOHNSON JR,
ATTORNEY AT LAW LLC
POST OFFICE BOX C3
BISHOPVILLE, SC 29010
(803) 673-9197
ATTORNEY FOR DEFENDANT

Bishopville, South Carolina
May 14, 2024

18-103-7, 8, 9, 10, 11

18-102-11, 12, 13, 14

Dismissed 11-2023

918
STATE OF SOUTH CAROLINA
COUNTY OF

2010-45-25-00130-134
Case # 2018-GS-25-00215, -219

EXHIBITS

PAGE 1 OF 1

Plaintiff(s) State

vs. Defendant(s) LYDIA COLLINS / LORENZO BOLES

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

1	mitigation report	1
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Court Reporter Kymberlee Williams Trial Judge E Bonds

Clerk of Court Myranda A. Hebbles

Date 5/23/24

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

§ IN THE COURT OF GENERAL SESSIONS
§ FOR THE 14th JUDICIAL CIRCUIT
§

STATE OF SOUTH CAROLINA

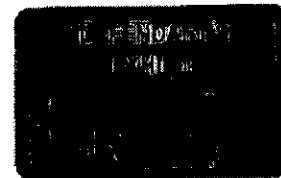
§ CASE NO.: 2018GS2500114-00117
§

VS.

§ MITIGATION REPORT
§

TYRASE AKIL COLLINS

§



Defendant	Age	DOB	SS#
Tyrase Collins	23		

Attorney	Case Number	Court	Judge
Charlie Johnson	2018GS2500114-00117	General Sessions	The Honorable Robert J. Bonds

Report Prepared for: The Honorable Robert J. Bonds
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Report Prepared by: Katie King
Mitigation Specialist
Superior Legal Services
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Fax: 843.302.8332
katieanneking@ymail.com

Date: May 15, 2024

Sentence Date: May 23, 2024

Report Summary includes information from:

- 1.) Interview with Defendant
- 2.) Interview with Defendant's Mother: Viola Collins
- 3.) Interviews with Defendant's Sisters: Shaneta Collins and Sharmaine Collins
- 4.) Interview with Defendant's Aunt: Juanita Boles
- 5.) Interview with Defendant's Uncle: Ricky Collins
- 6.) Historical Information provided by Defendant's Family

Records and Documents Reviewed:**1.) Offense Related Material Provided by Defense Counsel:**

- Arrest Report
- Incident Report
- Defendant SCMDV Record
- Discovery Checklist
- Hampton Police Department Investigation Supplemental Report
- SLED Miranda Rights for Albert Crittington
- SLED Voluntary Witness Statements
 - i. Albert Crittington
 - ii. Melvin Harris
 - iii. Rayanna Harris
 - iv. Dineesha Harris
 - v. Aamid Duckett
 - vi. Lisa Grant
- SLED Interview Memorandums
 - i. Marcus Morris
 - ii. Tanashaia Breyona King
- SLED Polygraph Report
 - i. Rasheeda Collins
- SLED Forensic Services Laboratory Report
- SLED Supplemental DNA Report
- MUSC Preliminary and Final Autopsy Reports
 - i. Ghazi Duckett
 - ii. Frankie Johnson
- AXIS Forensic Toxicology Reports
 - i. Ghazi Duckett
 - ii. Frankie Johnson

2.) Movement Reports for Defendant (Monitoring Device)

- 04/24/2023-05/24/2023
- 05/24/2023-06/23/2023

3.) Letters from Albert Crittington to Defendant

- April 27, 2018
- May 14, 2018

4.) Records:

- Detention Centers
 - i. Hampton County
 - ii. Bamberg County
 - iii. Allendale County
- School

- i. Wade Hampton High School
- Employment
 - i. House of Raeford

Supplemental Documentation:

- Letter from Albert Crittington to Defendant
 - May 14, 2018
- Movement Reports from GPS Tracking Device
- Affidavits of Witnesses
 - Juanita Boles
 - Ricky Collins
 - Christopher Williams
- Letters of Support
 - Shaneta Collins
 - Sharmaine Collins

I. Personal Identifiers

Tyrase Akil Collins is a 23 year old black male. He is 6'0" and weighs 270 lbs. He has brown eyes and black hair. Tyrase has four tattoos that include a snake, Chinese symbols, a dove showcasing his deceased brother's name and the Holy Trinity. He does not report any significant scars.

II. Social History**A. Family Background**

Tyrase Akil Collins was born [REDACTED] in Allendale, South Carolina to Viola Collins and Sylvester Hicks. His biological parents were not married and do not share any other children. Viola is the daughter of Ella B. Collins and Germain Davis. Her father was born and raised in Varnville, South Carolina. Her mother was originally from Georgia. Ella and Germain were never married. Viola is the youngest of eleven siblings on her mother's side.

Viola Collins has five other children. Tyrase has three older sisters; Shaneta Collins, Sharmaine Collins and Toquita Mims. His younger sister, Tyshana Leverette, lives in Varnville, South Carolina and attends Wade Hampton High School. Tyrase had one older brother, Hassan Collins, who is deceased.

Tyrase has never had a relationship with his father. He was born out of wedlock and although Sylvester lives nearby, he is married and has four other children. Tyrase stated he does not know his paternal grandparents. He is closest to his maternal family and grew up surrounded by his siblings, grandparents, aunts, uncles and cousins. His maternal grandfather lived next door. He stated that he has always maintained a small circle and prefers to stay to himself.

His grandmother passed away in December of 2023 due to complications associated with dementia. Ella reportedly had seventeen children. Tyrase said he knows eleven of his mother's siblings. It is his understanding that several of them have passed away. His mother is the youngest sibling.

B. Marital History

The defendant has never been married and does not have any children.

C. Education

The defendant graduated from Wade Hampton High School in 2018. He previously attended Varnville Elementary, Hampton Elementary and North District Middle School.

D. Address History

Tyrase has lived in and around the Varnville area since he was born. He moved to Columbia after he posted bond. When he relocated to Columbia, he lived with his older sister before he and his girlfriend moved into their own apartment.

E. Employment

Tyrase worked for the House of Raeford as a machine operator. He worked there from March 5, 2021 to March 7, 2022. He worked as a full time employee on an hourly wage. After 60 days, he received a pay increase. He did not enjoy working at the House of Raeford and on May 26, 2022 accepted an employment offer from Aspire Bakeries. Tyrase worked as a Machine Operator Tech for Aspire Bakeries until November of 2023. His employment ended due to the outcome of his trial.

III. Medical History

A. Physical Health

The defendant reported he is in good physical health.

i. Current Psychological

The defendant does not have a history of or a current psychological diagnosis for any mental health related issues.

B. Substance Abuse History and Treatment

The defendant does not have a history of severe alcohol, drug use or dependency and reported he has never been treated for a substance abuse problem.

IV. Criminal History

The defendant has no prior criminal history.

V. Evaluation

Mitigating Factors:

1. Age

- The defendant is 23 years old. He is very young and he was a minor at the time the offense occurred.

2. Familial Support

- His older sisters, Shaneta and Sharmaine Collins, are the defendant's primary source of support.

- Additionally, he has an extensive network of supportive friends, neighbors, colleagues and former coworkers.

3. Education

- The defendant is a high school graduate and possesses an academic foundation which would allow him to further his education if afforded the opportunity.

4. Possesses Skill Set to be Gainfully Employed

- The defendant has all the necessary skills to apply for and complete a thorough interview process.
- He demonstrated these abilities when he secured positions with two well established companies while he was on bond.

5. Demonstrates Work Ethic

- The defendant worked full time at the House of Raeford and Aspire Bakeries.
- He sought employment with Aspire Bakeries after working for the House of Raeford for one year.

6. Demonstrates the Ability to be Financially Responsible

- The defendant worked for companies that offered benefits including healthcare and life insurance.
- He participated in both employee benefits programs and paid for his personal healthcare coverage and a small life insurance premium which was deducted from his paycheck.
- Although he was not a home owner, he was able to secure his own residence with his girlfriend. He was responsible for helping with the rent and utilities as well as his monthly living expenses.
- The defendant's sister stated that her brother offered to contribute financially while living in her home.

7. Testimonials of Personal Character

- Generosity of Spirit
 - The defendant has consistently demonstrated his ability and natural inclination to care for others.
 - As a child, he often watched over and cared for his older brother who suffered from Hirschsprung's disease.
 - As an older sibling, he babysat and looked out for his younger sister, Tyshana.
 - As the defendant entered his teenage years, his grandmother's dementia progressed and Tyrase helped to take care of her until her passing.
 - As an adult, the defendant became more active in the lives of his nieces and nephews and has been identified as playing a "major role" in their lives.
 - During childhood and adolescence, he cared for and loved many animals.

- He was known to take in and adopt stray dogs. He loved raising puppies and caring for them.
- His mother stated that he had all kinds of animals including chickens that he cared for and tended to.
- Pleasant, Inquisitive and Caring
 - This is how the defendant is known and described by many of his family members.
- Loving Son, Brother and Uncle

8. Raised in a Single Parent Household

- The defendant was raised by a single mother.
- Single parent households are notoriously known with yielding outcomes such as poverty, emotional and behavioral issues, lower grades, higher dropout rate, less effective parenting and a lack of social support.
- Fortunately, the defendant was not affected by all the aforementioned challenges but he was affected by several.
- Poverty, emotional and behavioral issues and less effective parenting are all applicable in this case.
- While he did not grow up in a household where his basic needs were not met such a food, water and electricity, he did live in a lower socioeconomic area.
- Moreover, his mother was physically absent much of his childhood due to lack of nearby employment opportunities and thus having to travel daily for work. This undoubtedly fostered an environment in which there was less effective parenting.

9. Grew Up in a Fatherless Home and Does Not Have an Active Father Figure

10. Psychological Effects of Having a Disabled Sibling

- The defendant's older brother, Hassan Collins, was born with a congenital disease known as Hirschsprung's disease that prevents nerves from developing properly in the intestines.
- In addition to having Hirschsprung's disease, Hassan suffered from partial deafness.
- Because of the many complications from Hirschsprung's, the hearing loss went undetected for many years which only complicated matters further.
- Due to the nature and severity of these two disabilities, the frequency with which the Hassan needed medical care and hospitalizations was much higher than that of an average child. The disabilities also resulted in developmental delays. These delays were physical but also educational.
- Due to these delays, the age gap between Hassan and Tyrase lessened and they grew much closer because they were in the same grade and were matched in physical appearance despite their 18 month age difference.

- Hassan had a colostomy bag through grade school. He was often ridiculed because of it and due to the unfortunate stench associated with being forced to live with such a medical device.
- Research on the effects that disabilities have on the individual and the caregiver are more well-known and widely documented. However, there are many others who are significantly impacted by living with a family member whom suffers with a disability especially a sibling.
- It should be noted that psychological effects can be positive and negative and this is a situation in which both likely applied.
- Positive consequences include an increased capacity for things such as empathy, tolerance and the ability to recognize and accept differences and resiliency.
- Other potential feelings which yield more negative experiences are isolation and an increased need to be "perfect" to in order to make up for the inadequacies of the "sick" child. This ultimately leads to negative consequences for the "well" child down the road.

11. Adolescent Behavior Attributable to Lack of Parental Supervision, Involvement and Neglect

- A review of the defendant's school records and associated conduct are reflective of a teenager who was raised in this kind of environment.

12. Negative Affects Due to Lack of Parental Supervision Throughout Childhood and Adolescence

- The defendant was and continues to be negatively affected by psychological ramifications which have impacted his development. Ultimately, these ramifications have manifested through underdeveloped insight and judgement.
- The male brain is not fully developed until the age of 25. This places at risk adolescent males in situations that lead to a higher likelihood of involvement with the criminal justice system
- Without proper parental guidance and supervision, adolescent males face more challenges in combination with other environmental factors such as living in a fatherless home and a home with a predominately absent mother.
- The defendant's mother moved to Ridgeville when he was a sophomore in high school and left him in the care of his older teenage brother.

13. Neighborhood and Environmental Stressors Throughout Childhood

- The defendant was raised in a low income neighborhood. The street he grew up on is next to the area's local government and project housing.

14. Exposure to Violence as a Result of Internal and External Environmental Stressors

15. No Major Bond Revocations

16. No Prior Record or Criminal Convictions**17. Consideration for Time Served**

- The defendant was booked into the county jail on April 19, 2018 and was released on bond February 10, 2021.
- He served 1,028 days in jail.
- The defendant was on house arrest as a condition of his bond with the exception for work. He served 1,003 days under house arrest.
- Following trial, the defendant has been held at the Hampton County Detention Center and served an additional 226 days.
- We ask the Court to consider time served in the county jail as well as days of house arrest for a total of 2,257 days.

18. Candidate for Sentencing Alternatives Based on Various Factors (if applicable)

- The defendant has demonstrated an ability to be disciplined when he is surrounded by supportive peers and family. This has been seen through work ethic, professional development, academic success and his dedication to serving others.
- The defendant has demonstrated he has the ability to be compliant by following the requests of his attorney and this mitigation specialist.
- The defendant was minor when the offense occurred.

Request for Additional Factors to be Considered at Sentencing:

The defendant accepts that a jury of his peers delivered a guilty verdict for the instant offense and he is aware of the potential sentencing outcome over which this Court has full authority. After the guilty verdict was returned, the defendant was remanded to the Hampton County Detention Center where he has been awaiting sentencing. Since the trial, the defendant has not had any disciplinary actions. He has cooperated with the State of South Carolina.

However, there are relevant facts which aid mitigation related to the offense and we request the Court consider these facts at sentencing regarding the offense conduct. There is evidence of relational strain that existed between the defendant, his deceased brother, his co-defendant and numerous others which includes a member of the jury. Evidence of these relational strains were ongoing and may have potentially resulted in bias that existed before *voir dire*. The following facts have been identified through the course of the mitigation investigation and are noted as follows:

- **Albert Crittington Admitted that the Defendant was Innocent**

- Albert Crittington was arrested and initially a person of interest in this case after he was found at the Crews Street residence with Hassan Collins and Lorenzo Boles.

- According to the law enforcement investigative report, Crittington was apprehended immediately after running into the residence.
 - At the time, Crittington had active arrest warrants for other unrelated violent offenses which included shooting his uncle multiple times.
 - Crittington was interviewed multiple times by the Varnville Police Department and SLED regarding this offense.
 - Crittington wrote two letters to the defendant while he was held at the Juvenile Detention Center in Columbia. The first letter was written on April 27, 2018.
 - In the letter, Crittington tells the defendant that the police are questioning him about the offense particularly as it relates to who was in the car.
 - He then goes on to talk about unrelated charges that have to do with him shooting his uncle.
 - He alleges the police are telling him "y'all" are putting everything on him but maintains he is "straight" and his lips are sealed.
 - He refers to two other people "Big Kuh" and "Ren" but says that he is not talking.
 - He tells the defendant to "just go home" and stay out of trouble.
 - He says he is waiting on his bond reduction.
 - Crittington ends the letter to the defendant by saying "stand 10 toes real niggas won' fold, no matter what" but then writes he believes "Vert" is "ratting."
 - Crittington wrote a second letter to the defendant on May 14, 2018.
 - In this letter, he writes "it's crazy because you really innocent."
 - *Please see the supplemental document attached to this report to review a copy of the original letter.*
- **Movement Reports from the Defendant's GPS Monitor Show the Defendant at the Jury Foreman's Home Prior to Trial**
- The jury foreman was Conrad Grant. Mr. Grant lived at 105 White Pine Street, Hampton, South Carolina 29924.
 - The defendant has made statements to his attorney and this mitigation specialist that claim Mr. Grant not only knew the codefendant but the defendant as well.
 - The defendant recalled he had been to Mr. Grant's home and said this could be verified because he was wearing his tracking device at the time he attended an alleged party at Grants' home.
 - Upon review of the GPS monitoring device history, it was verified that the defendant was at or on the street where Mr. Conrad resided for an extended period of time a few months before the trial.
 - *Please see Page 19 of the attached movement report which corroborates the defendant's statements. The report places the defendant, Tyrase Collins, at 102 White Pine on May 14, 2023 from 2:57AM to 3:59AM.*
 - *It should be noted that 102 and 105 White Pine are directly across the street from each other and if the defendant was parked on the street or outside during the*

party the exact location may have registered as a slight variation dependent upon the monitoring device's radius range.

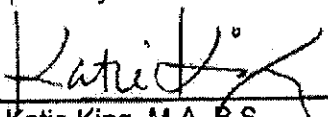
- **Witnesses Have Signed Sworn Affidavits Which Confirm that the Jury Foreman Knew the Codefendant for Years Prior to the Trial**

- Juanita Boles, Ricky Collins and Christopher Williams have all made sworn statements indicating that Conrad Grant personally knew the codefendant in this case.
- It has also been established that Mr. Grant knew several members of the Collins family including the defendant's aunt and uncle and is kin to the family.
- Furthermore, Conrad Grant was married to Debbie Grant from 1982 to 2020. Debbie Grant was a cousin of Lamekia Warren (the female victim in this case). Thus, the foreman was related to one of the victims at the time the offense occurred.
- *Please refer to the supplemental documentation to review each individual witness statement for further details.*

Recommendations:

- The Court imposes a sentence appropriate based on age. The defendant was a minor at the time of the offense and significantly younger than his codefendant.
- The Court renders a sentence reflective of the defendant's lack of prior record.
- The Court grants consideration for time served both in county jail and through the ankle monitoring system while on bond.
- The Court imposes a sentence which acknowledges the defendant's demonstration of compliance and respect for the justice system since a guilty verdict was returned.
- The Court imposes a sentence that is punitive but not excessive.
- The Court considers that the defendant was found guilty on circumstantial evidence and appropriately weighs any significance that may bear leniency in the defendant's favor.
- The Court gives any and all consideration which it deems appropriate to the defendant for potential sentencing alternatives based on the additional mitigating factors identified in this report.

Respectfully Submitted,

By: 
 Katie King, M.A., B.S.
 Mitigation Specialist
 Superior Legal Services
 May 15, 2024

WITNESSES

Marty Clapp, HCSO

DOCKET NO. 2018-GS-25-00132

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

June Term 2018

THE STATE

vs.

Tyrase Akil Collins

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0118

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

ARREST WARRANT NUMBER

2018A2510300009

Date of Arrest: April 18, 2018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUN 08 2018

VERDICT

Foreperson of Petit Jury
Date: 11-0-23
INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT
2018-GS-25-00132

At a Court of General Sessions, convened on June 8, 2018, the Grand Jurors of Hampton County present upon their oath:

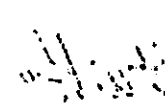
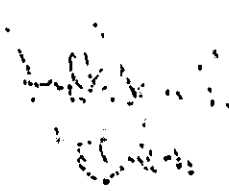
Murder

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Tyrase Akil Collins, did, with malice aforethought, kill and murder Frank Johnson, Jr., and Frank Johnson, Jr., did die in Hampton County as a proximate result of Tyrase Akil Collins' actions, to wit: the defendant or another person present with the defendant did shoot the victim with a firearm; all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina, (1976) as amended.

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



Solicitor

WITNESSES

Marty Clapp, HCSO

DOCKET NO. 2018-GS-25-00133

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

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

June Term 2018

Defendant

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

ARREST WARRANT NUMBER

2018A2510300010

Date of Arrest: April 18, 2018

THE STATE

vs.

Tyrase Akil Collins

ACTION OF GRAND JURY

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

TRUE BILL

Foreperson of Grand Jury

Date: JUN 08 2018

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date: 11-0-13

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

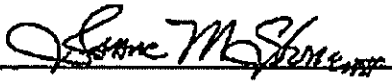
2018-GS-25-00133

At a Court of General Sessions, convened on June 8, 2018, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Tyrase Akil Collins, did, with malice aforethought, kill and murder Ghazi A. Duckett and that Ghazi A. Duckett did die in Hampton County as a proximate result of Tyrase Akil Collins' actions, to wit: the defendant or someone present with the defendant did shoot the victim with a firearm; all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina, (1976), as amended.

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



Solicitor
TRUE BILL

[Handwritten initials]

[Handwritten initials]

WITNESSES

Marty Clapp, HCSO

DOCKET NO. 2018-GS-25-00134

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

June Term 2018

THE STATE

vs.

Tyrase Akil Collins

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

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

ARREST WARRANT NUMBER

2018A2510300011

Date of Arrest: April 18, 2018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury JUN 08 2018

Date:

VERDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018-GS-25-00134

At a Court of General Sessions, convened on June 8, 2018, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Tyrase Akil Collins, did, with malice aforethought, kill and murder Lamekia M. Warren and Lamekia M. Warren did die in Hampton County as a proximate result of Tyrase Akil Collins' actions, to wit: the Defendant or someone present with him did shoot the victim with a firearm; all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina, (1976) as amended.

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



Solicitor
LAMEKIA M. WARREN

936

WITNESSES

Marty Clapp, HCSO

DOCKET NO. 2018-GS-25-00131

The State of South Carolina
County of Hampton

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

Defendant

COURT OF GENERAL SESSIONS

June Term 2018

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

ARREST WARRANT NUMBER

2018A2510300008

Date of Arrest: April 18, 2018

THE STATE

vs.

Tyrase Akil Collins

ACTION OF GRAND JURY

Indictment For

Robbery - Armed or Alleging Armed
With Deadly Weapon

SC Code: 16-11-330(A)

CDR Code: 0139

TRUE BILL

Foreperson of Grand Jury

Date:

JUN 08 2018

Defendant

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT
2018-GS-25-00131

At a Court of General Sessions, convened on June 8, 2018, the Grand Jurors of Hampton County present upon their oath:

Robbery - Armed or Alleging Armed With Deadly Weapon

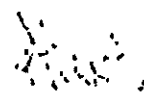
That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Tyrase Akil Collins, while at 148 Priscilla Lane, did commit robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, that he was 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, did take and carry away goods and/or monies from the person or immediate presence of Frank Johnson, Jr., and or Ghazi A. Duckelt with the intent to permanently deprive the victim(s) of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

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

TRUE BILL



Solicitor





WITNESSES

Marty Clapp, HCSO

DOCKET NO. 2018-GS-25-00130

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

The State of South Carolina
County of Hampton

Defendant

COURT OF GENERAL SESSIONS

June Term 2018

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

ARREST WARRANT NUMBER

2018A2510300007

Date of Arrest: April 18, 2018

THE STATE

vs.

Tyrase Akil Collins

ACTION OF GRAND JURY

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

TRUE BILL

Foreperson of Grand Jury

Date:

JUN 08 2018

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

11-10-23

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

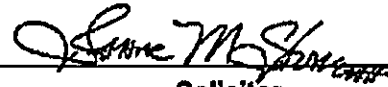
INDICTMENT
2018-GS-25-00130

At a Court of General Sessions, convened on June 8, 2018, the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Commission of a Violent Crime

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Tyrase Akil Collins, did possess a firearm, visibly displayed what appeared to be a firearm, during the commission of a violent crime, to wit: murder, and or armed robbery, and Tyrase Akil Collins was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60; all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina, (1976) as amended.

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



Solicitor

LAURENCE B. SHAW

Handwritten notes:
Noted

Handwritten notes:
Tyrase Akil Collins
6/8/18

Thirty years to life

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Tyrase Akil Collins

AKA:

Race: Black Sex: Male Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500132A/W#: 2018A2510300009Date of Offense: March 25, 2018S.C. Code §: 16-3-10CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initial/s)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A. Evans 79925
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 1.5 w/o parole days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-66 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

JUL 22 2024

MYLINDA D NETTLES
 CLERK OF COURT
 HAMPTON COUNTY, SC

STATE VS. Tyrase Akil CollinsINDICTMENT/CASE#: 2018GS2500132

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§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)

§58-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$
	\$
\$100	\$ 100
\$100	\$ 100
\$12	\$ 12
\$25	\$ 25
\$25	\$ 25
\$150	\$ 150
\$41	\$ 41
\$50	\$ 50
\$40/ea	\$ 40
TBD	\$ 3.75
TOTAL	\$ 128.75

Clerk of Court/Deputy Clerk: My Linda D Nettles
Court Reporter: Sharon HarcourtPresiding Judge: R. J.Judge Code: 712224 2770Sentence Date: 7/22/24

FILED

AM/PM 2

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

Thirty years to life

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Tyrase Akil Collins

AKA:

Race: Black Sex: Male Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500133AW#: 2018A2510300010Date of Offense: March 25, 2018S.C. Code §: 16-3-10CDR Code #: 0118

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A Evans 79925
Solicitor SC Bar # Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of life w/o Parole days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC, days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 18-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
AM/PM

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Tyrase Akil CollinsINDICTMENT/CASE#: 2018GS2500133

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling☐ Completion of GED☐ Random Drug/Alcohol Testing☐ Attend Voc. Rehab. Or Job Corp☐ No Contact with Victim☐ Domestic Violence Intervention Program☐ Mental Health Counseling☐ May serve W/E
beginning: _____☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§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)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2842(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$
	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2842(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	TBD
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD
TOTAL	\$ 128.75

Clerk of Court/Deputy Clerk:
Court Reporter:

Myisha D. Hardy
Sharon Hardon

Presiding Judge:

Judge Code:

Sentence Date:

Rally Ball
2770
7/22/24

SCCA/217 (07/2021)

FILED

AM/PM 2 of 2

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

Thirty years to life

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Tyrase Akil Collins

AKA:

Race: Black Sex: Male Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500134A/W#: 2018A2510300011Date of Offense: March 25, 2018S.C. Code §: 16-3-10CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed Q. Evans 79925
Solicitor SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of life w/o Parole days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-50, § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition. AM/PM

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Tyrase Akil CollinsINDICTMENT/CASE#: 2018GS2500134

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

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

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

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

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

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

§14-1-212 (Law Enforce. Funding) \$25 \$ _____ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§34-11-70(b)and(c), and 34-11-80(c)and(d) (Admin Fraud Check Court Costs) \$41 \$ _____

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

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

3% to County (if paid in installments) TBD \$ _____ 3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500 \$ _____

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____

TOTAL \$ _____ 128.75

Clerk of Court/Deputy Clerk: Myinda D. Nettles
 Court Reporter: Sharon Henderson

Presiding Judge: [Signature]

Judge Code: 21-10

Sentence Date: 7/22/24

FILED

AM/PM

Page 2 of 2

JUL 22 2024

MYLINDA D NETTLES
 CLERK OF COURT
 HAMPTON COUNTY SC

Five years

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Tyrase Akil Collins

AKA:

Race: Black Sex: Male Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500130A/W#: 2018A2510300007Date of Offense: March 25, 2018S.C. Code §: 16-23-490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession of a Weapon During Commission of a Violent CrimeIn violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s Initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed R. Evans

78925

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDCC. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED

AM/PM

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Tyrase Akil CollinsINDICTMENT/CASE#: 2018GS2500130

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2985 (DUI Assessment)

§56-1-288 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$
	\$
	\$
	\$ 100
	\$ 100
	\$
	\$ 12
	\$ 25
	\$ 25
	\$ 150
	\$ 41
	\$ 50
	\$ 40/ea
	TBD
	\$ 3.75
	\$ 500
	TBD
	\$
TOTAL	\$ 128.75

Clerk of Court/Deputy Clerk: My Linda D Nettles
Court Reporter: Sharon HandsonPresiding Judge: [Signature]Judge Code: 2110Sentence Date: 7/22/24

FILED

AM/PM

Page 2 of 2

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

Ten to thirty years

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Tyrase Akil Collins

AKA:

Race: Black Sex: Male Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500131A/W#: 2018A2510300008Date of Offense: March 25, 2018S.C. Code §: 16-11-330(A)CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Armed RobberyIn 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 ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives
 Presentment to Grand Jury. [REDACTED] (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A. Evans 79925
 Solicitor SC Bar # Defendant

Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 days/months/~~years~~/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition. AM/PM

JUL 22 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Tyrase Akil CollinsINDICTMENT/CASE#: 2018GS2500131

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fines:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§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)

§56-1-288 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$
	\$
	\$
	\$ 100
	\$ 100
	\$ 12
	\$ 25
	\$ 25
	\$ 150
	\$ 41
	\$ 50
	\$ 40/ea
	TBD
	\$ 3.75
	\$ 500
	TBD
	\$
TOTAL	\$ 128.75

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

FILED
AM/PM

SCCA/217 (07/2021)

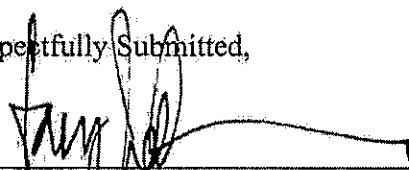
JUL 2 2 2024 of 2

MYLINDA D NEILS
CLERK OF COURT
HAMPTON COUNTY, SC

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Gary H. Johnson
Appellate Defender
SC Bar #8898

RECEIVED

Jan 28 2026

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 28th day of January, 2026.