

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

G. Edward Welmaker, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DENIA DAWKINS,

APPELLANT

APPELLATE CASE NO. 2012-212529.

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THIRD SUPPLEMENTAL RECORD ON APPEAL

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STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )

2011-GS-23-9676A, 9673A, 7990

PLAINTIFF, )

JULY 11, 2012

-VS- )

JUWAN DARNELL LOMAX, )

DEFENDANT. )

STATE OF SOUTH CAROLINA, )

PLAINTIFF )

2011-GS-23-8020, 8019, 8022, 8021

-VS- )

JULY 11, 2012

DE'NIA ZSIRITA ON 'JEAN  
DAWKINS, )

DEFENDANT )

SENTENCING HEARING

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

KATRYNA SALISBURY, ESQUIRE  
ATTORNEY FOR THE STATE

ROBERT IANUARIO, ESQUIRE  
CASS GORTON, ESQUIRE  
ATTORNEYS FOR THE DEFENDANTS

DANETTE P. HANKS  
CIRCUIT COURT REPORTER

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EXHIBITS

(NONE)

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1

July 11, 2012

2

(WHEREUPON, court convened with all parties present

3

and the following proceedings were had.)

4

THE COURT: This is the cases of State v.

5

Dawkins and State v. Lomax. We're here for a sentencing

6

after pretrial -- a pre-sentencing report was done by

7

Probation. It's been reviewed by the Court and certainly

8

each side has had an opportunity to review it. Is there

9

anything the State wishes to offer by way of sentencing

10

before I hear from the Defendants?

11

MS. SALISBURY: Very briefly, Your Honor. I

12

would note for the Court's information that I have not

13

been provided a copy of any pre-sentencing report. I

14

haven't had a chance to review it. I don't particularly

15

need it. I just wanted the Court to know that. I don't

16

have any specific knowledge about what Probation

17

recommended with respect to the sentencing of these

18

Defendants.

19

I would note for the Court's information that the

20

State's position on sentencing with respect to Mr. Lomax,

21

if the Court recalls, this trial was -- this case was

22

tried in two separate parts. These two Defendants were

23

tried first and the remaining fifth Defendant was tried

24

the next month after these two. And if the Court, again,

25

recollects how that happened, Mr. Lomax was not called to

1 testify in that case, and I wanted to share with the Court  
2 the precise reason that the State made that strategic  
3 decision. As the Court is aware, the State has the  
4 ability to monitor phone calls made at the Detention  
5 Center. And through the course of preparing for that  
6 second trial, the State learned both from those phone  
7 calls, as well as from the Co-Defendants that cooperated  
8 in the first trial and were scheduled and did cooperate in  
9 the second trial, that this Defendant, Mr. Lomax, was  
10 actively attempting to thwart the prosecution of the  
11 remaining fifth Defendant, and that's why Mr. Lomax was  
12 not called to testify in that second case, because it was  
13 the State's position he would actively assist the  
14 remaining Defendant in somehow obstructing the State's  
15 ability to prosecute that fifth Defendant.

16 With respect to Ms. Dawkins, I don't have any  
17 specific input. I do believe there is a matter that we  
18 have to address regarding Ms. Gorton's request for some  
19 material about actual jail phone calls that happened after  
20 the trial or perhaps during the course of these trials.  
21 And so I'll let Ms. Gorton address that with the Court and  
22 respond at the appropriate time. But with respect to the  
23 specific sentencing, I don't have any specific input. I  
24 would just remind the Court the nature of the crime, the  
25 fact that it was a staged effort to invade the home of Mr.

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1 Demetrius Benson and that Mr. Benson was in fact shot and  
2 robbed inside his apartment that night.

3 That's all I have on that issue.

4 THE COURT: Okay. Thank you, Ms. Salisbury.

5 All right. Mr. Ianuario, be glad to hear from you  
6 and certainly from Ms. Gorton, and your clients, as well,  
7 if there's anything they would like to say.

8 MS. GORTON: Judge, if I may, before we proceed  
9 to sentencing, due to the unusual circumstances that  
10 occurred at the end of the trial when you were called  
11 away, we never had the opportunity to go through our JNOV  
12 motions for a new trial. I didn't feel it was appropriate  
13 to do a JNOV in front of a judge who hadn't heard that.

14 THE COURT: All right.

15 MS. GORTON: I would like to just go through the  
16 motions and do that so that the future actions will be  
17 preserved for the record.

18 MR. IANUARIO: I would like to do the same, Your  
19 Honor.

20 THE COURT: I recall three months ago I had to  
21 leave for a family emergency while the jury was  
22 deliberating. I think Judge Verdin took the verdicts. So  
23 your motions for each of you are noted on the record and  
24 respectfully denied based upon what I heard in the trial.

25 All right. Anything else I need to take care of?

1 I'll be glad to hear from either one of you.

2 MS. GORTON: Well, I popped in on Mr. Ianuario's  
3 -- if we're going to talk about the sentencing, I have a  
4 number of things I'm going to want to talk about. But  
5 just in response to what Ms. Salisbury said, I would  
6 remind the Court, who presided over Mr. Young's trial, I  
7 believe, that Ms. Dawkins did come in and testify.

8 THE COURT: All right. You have the floor now.  
9 Anything else you want to ---

10 MS. GORTON: Judge, we have a number of things,  
11 and I'm not sure how you want to address it. We want to  
12 address the sentencing and we want to call a number of  
13 witnesses. There's a number of people who would like to  
14 speak with you and talk to you about this.

15 THE COURT: I'll be glad to hear from them if  
16 they'll just identify themselves and stand and make sure  
17 they speak loud enough for the court reporter to get their  
18 names. I'll be glad to hear from them.

19 MS. GORTON: Your Honor, who we have is Michael  
20 Hutchinson. Mr. Hutchinson, would you stand up? He is  
21 the stepfather of De'Nia Dawkins. Do you want me to go  
22 through the list first?

23 THE COURT: No, ma'am. I'll be glad to -- they  
24 may change their mind; I don't know. I'll be glad to hear  
25 from them. If you'll just tell me what you have to say,

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1 sir.

2 MR. HUTCHINSON: I'm not her blood relative.  
3 She's not my blood daughter. I got her when she was like  
4 seven years old. And now she is my daughter and I love  
5 her very much. I believe in her and she's a good young  
6 lady. I mean, I can testify to the fact that this had to  
7 be some sort of -- I don't understand what went wrong.  
8 But she loves that guy, the Defendant. There's a picture  
9 in my house right now in her own room taped to the back of  
10 the door, a picture of her and him. That's all I can --  
11 that's why I know there's some type of misunderstanding.  
12 My baby wouldn't do, you know, the things that they're  
13 saying that she did.

14 I just ask Your Honor to have mercy on her so that we  
15 can, you know, have some sort of life after and so that  
16 she can, you know, resume her life and maybe have a child  
17 one day and teach her to just, you know, not do anything  
18 she did and to get in trouble hanging around with the  
19 wrong people.

20 MS. GORTON: Can you talk to the Court about  
21 some of the work and the volunteer things and the things  
22 that De'Nia ---

23 MR. HUTCHINSON: Yes. Just last year De'Nia  
24 worked with Urban League. She volunteered there about six  
25 and a half months. She tutored kids. She tutored kids in

1 our old neighborhood. She does hair for girls that don't  
2 have money to get their hair done; charges them ten or  
3 fifteen dollars, whatever she's got just in products just  
4 so that other people can have good self-esteem. That's  
5 the type of person she is. That's the type of woman she  
6 is. She's just a good-hearted young lady that got caught  
7 up in the wrong thing at the wrong time.

8 MS. GORTON: There was some indication during  
9 the trial about her educational background. Can you tell  
10 the Judge a little bit about that.

11 MT. HUTCHINSON: Well, she went to college. She  
12 finished up two years of college. She came back to  
13 Greenville to go back to school there while we were  
14 getting pretty much just funding. And we were going to  
15 send her back when all this happened. And so she was  
16 actually wanting to become a prosecutor. She loves the  
17 law. She loves that. She loves that type of thing. She  
18 wants to put people in the right places. She just is a  
19 good-hearted, good-hearted girl. And I just hope and pray  
20 that we don't punish her for something -- a mistake, a  
21 mistake that just should not have been done. Obviously  
22 she was caught up in the wrong thing at the wrong time.

23 THE COURT: Thank you, sir.

24 MS. GORTON: Mr. Allen. Your Honor, this is  
25 Carl Allen.

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1                   THE COURT: Yes, sir, Mr. Allen.

2                   MR. ALLEN: Judge, if it please the Court, I  
3 stand before you knowing De'Nia all of her life; knowing  
4 her mother, as well, for multiple years, long duration. I  
5 had the opportunity to interact with De'Nia. She's not a  
6 stranger. She's not someone who I had the opportunity to  
7 observe just on the periphery, but beneath the surface,  
8 Judge, from her elementary start in school. She moved to  
9 Marty Street, in that community, which is the community  
10 that we originated from, as well.

11                  And what we observed, Your Honor, I can tell you  
12 that, of course, this situation does surprise all of us  
13 when it comes to De'Nia and all of the folk in the  
14 community, because it is, as the Court has observed within  
15 the pre-sentence report, it is something out of character  
16 where there's no warnings as it relates to her prior  
17 history. There appeared to be a shoplifting would be the  
18 only thing, at Sears. The situations that -- you watch a  
19 car go from zero to sixty on the commercials. She went  
20 from zero to sixty in terms of the seriousness and the  
21 nature of offenses for which she found herself before you  
22 all.

23                  Judge, that is out of character for her. The things  
24 we had observed and we know her and we're in a position to  
25 tell the court quite candidly and honestly of that. What

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1 I also want to indicate to the Court is that in my  
2 observations of her, interactions, whether it be car-  
3 pooling to elementary school, whether it be on the trips  
4 that went to Myrtle Beach and things of that nature, she  
5 is kind-hearted. And the thing most compelling about her,  
6 she was always the smallest kid in the group and was a  
7 follower, not someone who will take the lead. And we  
8 can't help but think that perhaps, Your Honor, that as we  
9 review these facts I understand that there's some dispute,  
10 but the smallest kid involved in this and not being a  
11 leader of a type, you wonder how she -- character-wise,  
12 how she got from that zero to sixty point.

13 Judge, what we respectfully request of the Court is  
14 that you take into consideration our knowledge of her,  
15 knowing her genuinely, our knowledge of giving you the  
16 make-up of the child that grew up, her involvement in the  
17 community, as you heard about the Urban League, as you  
18 heard about helping some of the least of these; that's the  
19 nature of her heart. How she got involved with and fell  
20 in love with this young man and at that point the  
21 introduction into all of the things that went along with  
22 it, I'm saying to the Court that I think it was more of a  
23 situation -- isolated situation for De'Nia. She is a  
24 salvageable young lady. She is not a person of ill-will.  
25 You know, I think she's learned her lesson.

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1           As you look in the report, of course, Your Honor,  
2   from law enforcement's input, you know, it does not  
3   surprise me in subsection G about their request or them  
4   indicating the minimum type of sentence. Judge, the  
5   minimum sentence in this appears to be one that's going to  
6   be way harsh, but we understand -- we just want the Court  
7   to be as merciful for her as possible to show her as much  
8   mercy. I think you'll have a salvageable person once she  
9   gets out. But I want the Court to know that it's  
10  isolated. We've known her all of her life. We've seen  
11  her grow up from a little child to where she is now. Her  
12  siblings are doing great. That's the character that she  
13  had. And this isolated incident has put her in a very  
14  serious situation. Thank you, Your Honor.

15           THE COURT: Thank you, Mr. Allen.

16           MS. GORTON: Thank you. Your Honor, and on that  
17  note, I would ask her sibling, Marquis Dawkins, to stand.  
18  I think he also wanted to speak with you.

19           THE COURT: Yes, sir. If you would state your  
20  name, please, for the record.

21           MR. DAWKINS: Marquis Dawkins.

22           THE COURT: All right, sir.

23           MR. DAWKINS: My sister -- this is something  
24  that's out of character. Out of everybody here, I can  
25  safely say I've known her for her whole life. I'm seven

1 years apart from her. The only time I've ever been away  
2 from my sister is when I was in the Air Force and that's  
3 the hardest time I've ever been through. We've been two  
4 peas in a pod. We were raised in a house where everything  
5 we needed we had, from my parents, my grandparents.  
6 Raised in church since we were young. And seeing her now  
7 like this has weakened me and my family knowing that  
8 something like this is happening. De'Nia is not this  
9 person that we know of. She is the complete opposite as  
10 far as community work, as far as school. She's a loving  
11 aunt to my three year old daughter and my eight year old  
12 stepdaughter and my fifteen year old stepdaughter. She  
13 has tutored my stepdaughter when it came to problems in  
14 school, math and reading. She's just the type of person  
15 that even when -- she's younger than me, but when I needed  
16 somebody to talk to, she was always there for me, and vice  
17 versa. And this is something that nobody likes to see.  
18 And I just ask that you have mercy on her. And that God  
19 sees all things as possible.

20 THE COURT: Thank you, Mr. Dawkins.

21 MS. GORTON: Judge, we also have Lavinia  
22 Robinson. She's a pastor and she's here to speak with the  
23 Court.

24 THE COURT: Yes, ma'am. If you'd state your  
25 name, please.

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*Sentencing Hearing*

1 MS. ROBINSON: I'm Pastor Lavinia Robinson. I'm  
2 the Tree of Life Baptist AME -- Tree of Life AME Baptist  
3 Church. And when I heard this, my mind could not  
4 correlate the things that I was hearing because it did not  
5 fit her character. I was assistant pastor at the church  
6 that she was going to before I became pastor of the church  
7 I am now. And De'Nia was always one of the kids that we  
8 could call upon and she was ready to participate. When I  
9 became pastor at the church I am now, we had a block party  
10 and we had a lot of things going on. I called De'Nia, I  
11 said, De'Nia, I want you to do a praise dance. And she  
12 said, oh, I'll be glad to. She got a bunch of her friends  
13 together and some of the girls there at our church and she  
14 did it.

15 I still can't absorb what was going on. I don't know  
16 the young man. I do know some of his people. And I'm  
17 sure he probably got out there and got with some of the  
18 wrong people, too. We are always -- our judgment makes us  
19 who we are. We have to be able to observe what's going  
20 on. Not only -- we make bad friends. When in fact, most  
21 of the time we only have one real good friend. We have a  
22 lot of acquaintances. And young people have to learn the  
23 difference between friends and acquaintances. Friends  
24 will stick with you no matter what's going on.  
25 Acquaintances, when things get rough, they get going.

1           But I've known De'Nia for a long time. I've known  
2 her mother. I've known her grandmother for a long, long  
3 time. I've known all her family, and it's just not like  
4 De'Nia. I don't want to get churchy, but I want you to  
5 look at the facts, look at the character, and judge her as  
6 God is going to judge us. But this young lady is part of  
7 my heart. When I heard this, I said, no, I don't believe  
8 it. I wasn't there to see it. And I just do not believe  
9 it. I still can't believe it. I still can't believe it.  
10 Now that I'm here hearing all of this, it's just not  
11 registering in my mind. I would hate to be in your shoes  
12 to try to judge this young lady, but I know that that's  
13 what you have to do.

14           But remember mercy, remember grace for both of these  
15 young people. They've got a lot of living to do. And I  
16 pray that some lessons have been learned by them because  
17 their families are good people. I know this family is  
18 good people. And we can just be influenced by things that  
19 hurt us. Very, very strong influences. I'm not going to  
20 start preaching. Don't worry, Your Honor, this is your  
21 court. But if you come to Tree of Life, I'll preach to  
22 you. But I just want you to remember mercy and grace,  
23 which we all need in these terrible times.

24           Thank you very much.

25           THE COURT: Thank you, Pastor Robinson.

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1 MS. GORTON: Judge, I guess that leaves my  
2 argument. I now would ask you to follow the  
3 recommendation of Probation, fifteen year minimum  
4 mandatory. She's twenty-one years old. That puts her at  
5 thirty-six. When you're talking about somebody who has  
6 been so involved in children, so involved in family, to go  
7 above that, you take away her ability to have a family in  
8 the future. And I would ask you to follow the  
9 recommendation. I would ask you to consider that she did  
10 come and testify against Raymond Young, which was a  
11 terrifying experience for her. You were well aware, based  
12 on what Ms. Salisbury told you, that Mr. Young was still  
13 exercising his power from the jail. You're aware that  
14 people were still involved in trying to save him. And she  
15 came and she testified. And I would ask you to take that  
16 into account.

17 THE COURT: Thank you, Ms. Gorton.

18 Mr. Ianuario.

19 MR. IANUARIO: First off, Your Honor, I've not  
20 received a copy of the recommendation from Probation. I  
21 would ask if I can just see that for a brief moment and  
22 then proceed.

23 THE COURT: Ms. Gorton, did you get a copy?

24 MS. GORTON: I got a copy of mine, Your Honor,  
25 but mine only pertained to ---

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1 THE COURT: Yeah. But I'm just wondering why  
2 the others didn't get a copy.

3 MR. IANUARIO: If I may, just one moment, Your  
4 Honor. I'm ready, Your Honor.

5 THE COURT: All right, sir, be glad to hear from  
6 you and your client and anyone else that would like to  
7 address the Court.

8 MR. IANUARIO: Just like we had with De'Nia, we  
9 also have some members from Juwan's family and members of  
10 the community that would like to speak. I'd like to ask  
11 you to just hear them out. The first is Lena Dillard, his  
12 mother.

13 THE COURT: If you'd stand and please state your  
14 name for the record.

15 MS. DILLARD: My name is Lena Dillard.

16 THE COURT: All right, Ms. Dillard.

17 MS. DILLARD: I am Juwan's -- Your Honor, I am  
18 the mother of Juwan Lomax. Your Honor, I -- well, when I  
19 was pregnant with Juwan, Juwan was -- he was -- our pastor  
20 had prophesied over me and she said, that child that  
21 you're carrying is a gifted child. Your Honor, when he  
22 was five years old, all he wanted for Christmas was music  
23 instruments. Other kids would want a football or anything  
24 else. But all he wanted was instruments. And he was  
25 singing in the choir in church. He was playing the --

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1 he's been playing the drums, Your Honor. He sings. He do  
2 his own music. And some of his people that he was singing  
3 with are here that he was working in the studio with.

4 I ask that the Court would have mercy on him. He has  
5 his sister here. It's just the two of them. It's been  
6 just a little bit hard for us, but -- because I've never  
7 had to go through anything like this. I was married and I  
8 divorced in 2000. But as a single mother, I tried to do  
9 the best that I could in raising him. Your Honor, we  
10 can't choose the people that we be with, but I tried to  
11 always be there and tried to see -- tried to do what -- I  
12 tried to see where he was going and what he was doing.  
13 Your Honor, I would send him to school and wish the best  
14 for him. He was trying to get his GED. He had got signed  
15 on with a music recording, Universal. His managers, they  
16 were here the last time we was here in Court. They  
17 couldn't be here today due to, I guess, the gas prices.  
18 But Your Honor, my child that I raised, along with his  
19 sister and my grandkids, I ask that the Court would have  
20 mercy on him, where he would finish his education and go  
21 on with his music and do what God would have him to do.  
22 Not man, but what God would have him to do. Your Honor, I  
23 ask that the Court would see mercy on him today. Thank  
24 you.

25 THE COURT: Thank you, Ms. Dillard.

1 MR. IANUARIO: Would anyone else like to speak  
2 for him?

3 THE COURT: Yes, sir, state your name for the  
4 record, please.

5 MR. DILLARD: My name is Demetrius Tyrone  
6 Dillard.

7 This is my nephew, my sister's son. I watched him  
8 grow up. He's a good kid. He made a bad choice. I made  
9 bad choices myself. I did time myself. But through the  
10 grace and mercy of God, my mother and my family, it  
11 changed me. It changed me. So I know it's possible. It  
12 changed me overnight. It's not about me, but I want to  
13 share a little bit. I did time; I made some bad choices.  
14 Now I'm on my own; I own my own barbershop. So I know  
15 what God can do and loved one can help.

16 Juwan is a fine young man. He made bad choices. I  
17 called him several times. I tried to encourage him. And  
18 I'm still going to encourage him, regardless of what  
19 decision that's been made. But I pray that you have mercy  
20 upon both of these young people. They made bad choices.  
21 But that don't make who they are. They did what they did,  
22 but that don't make who they are. That ain't who they  
23 are. And I hate that they made that decision.

24 Judge, and the lawyers and whatnot, if y'all can just  
25 have mercy upon these young people. I know that change

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1 can come about because I am the one that it took place in.  
2 So if y'all would please have mercy upon him. But Juwan  
3 and Ms. Dawkins, I love y'all. And y'all just keep your  
4 head up, because God's going to make a way of out of this.  
5 It will happen. Thank you, Your Honor.

6 THE COURT: Thank you, Mr. Dillard.

7 MR. IANUARIO: And another representative from  
8 the Urban League to speak on Juwan's behalf.

9 MS. BASS: Good morning, Your Honor. My name is  
10 Barbara Bass with the Urban League. Juwan actually made  
11 steps and efforts to enroll in the program. Coming into  
12 the program is not necessarily an easy process and very  
13 in-depth. It requires you to go through testing; so much  
14 documentation to kind of prove your eligibility. And he  
15 held fast through all of that. Because at times we go  
16 back and we say, we need additional information; he did  
17 that. Coming into the program, one of the things we  
18 recognized is that he needed to work on his basic skills  
19 before we could really move forward in his plan, helping  
20 him get his GED. And so he had to put in some effort into  
21 working on those math and those reading skills. And I'd  
22 love to say he did that. And you know, we had some  
23 conversations about the need to do so and he was moving  
24 forward toward self-correction. Because in the program,  
25 we hold self-accountability as really important, because

1 it's really not what we do there. And I would like to say  
2 that the Urban League stands open and committed to working  
3 with him because even throughout this whole process, we  
4 have not closed his case. And the goal was for him to  
5 first show that he's really committed by working on those  
6 skills and when he's able to show, demonstrated, through  
7 an objective assessment that he's really showed some  
8 improvement, that we're going to help him in terms of GED  
9 classes, get his GED, involving the school. Also help him  
10 be able to define his career goals and help him find  
11 employment.

12 THE COURT: Thank you, ma'am.

13 MR. IANUARIO: Anyone else like to speak on  
14 Juwan's behalf?

15 THE COURT: Your name, please. If you would  
16 state your name.

17 MS. DILLARD: Kamica Dillard.

18 THE COURT: All right, Mr. Dillard.

19 MS. DILLARD: I am Juwan's second oldest cousin.  
20 I have watched my cousin evolve from a little boy into a  
21 grown man. I've watched his changes from him not being  
22 able to take responsibility for things that he has done,  
23 to taking responsibility. My only request is that the  
24 Court will have mercy on him. I've watched him just  
25 become who he is, the musical talent within him. I've

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1 watched him through school. I've watched all his life.  
2 And I am very proud of my cousin. I'm not proud of the  
3 decisions that he has made, but I'm very proud to see him  
4 changing, even the minor steps of him getting into Urban  
5 League to show the Court today that he was willing to  
6 change. So I ask that the Court will have mercy on him.

7 THE COURT: Thank you, Ms. Dillard.

8 Yes, ma'am.

9 MS. GORTON: I'm sorry, Judge. We had asked  
10 some representatives of the Urban League to come and speak  
11 on De'Nia's behalf. I wasn't aware that she was here. I  
12 would just ask that she be recalled to speak to De'Nia.

13 THE COURT: If you have anything you wish to add  
14 to ---

15 MS. WEST: Well, actually, De'Nia came to Urban  
16 League via -- being referred to complete community  
17 service. And I'm the coordinator for the Urban League for  
18 that. So she came to the Urban League and we assigned her  
19 to -- at the time to Urban League -- Urban Achievers  
20 Program to work with after-school kids, primarily  
21 elementary aged school kids. I do know that she  
22 successfully completed her community service and that the  
23 relationship was such with the Director that as she  
24 continued to work with De'Nia that actually I think they  
25 offered her a part-time job.

1 Now, beyond that -- and I think everything that I  
2 saw and knew of her ended on a positive note. But I'm not  
3 the person that worked directly with her, but I can attest  
4 to those things.

5 THE COURT: Okay. Thank you. Mr. Ianuario,  
6 anything you want to state to me?

7 MR. IANUARIO: Your Honor, I'd personally just  
8 like to point out he's wearing red because there's a  
9 housing issue due to the nature of the case and  
10 circumstances surrounding it. He has not been a difficult  
11 inmate in any way, shape or form. If you also look  
12 carefully, he's got a bible in the front seat -- in the  
13 front pocket of his uniform here.

14 I've spoken with Juwan several times in the past few  
15 months and I understand that he's been found guilty of  
16 what he's done and he has a sentence ahead of him. But if  
17 the purpose of sentencing is rehabilitation, I don't think  
18 we need to go above and beyond the mandatory minimum in  
19 order to do that. He comes from a wonderful family with  
20 no history of any sort of issue. No history of law  
21 breaking. You know, they're educated. Ms. Dillard has  
22 been a wonderful mother and tries to provide what's best  
23 for her children. Juwan was on the track of a wonderful  
24 and bright future; and unfortunately, like De'Nai's father  
25 said, in a few short months things just went crazy. He

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1 got caught up with a bad group and unfortunately made some  
2 decisions which led to us being here today. I believe  
3 that just simply by watching the conduct of Juwan here  
4 today, and his family, that we can really show remorse for  
5 the actions that have taken place.

6 And again, I'd like to remind you that he was not a  
7 gunman. His job was to simply wait in the vehicle. He  
8 didn't know everything that was going to take place and he  
9 didn't understand everything that was going on. I'd just  
10 simply ask when it comes time to determine his sentence,  
11 again, I believe the minimum -- mandatory minimum would  
12 serve the needs of the State and rehabilitate Juwan. And  
13 I'd really like to see him get out while he's young enough  
14 to have a career ahead of him, a life, a future. He  
15 hasn't had children yet. He's played by the rules by all  
16 accounts, except for this instance. And I just hope and  
17 pray that the Court would allow him to have some semblance  
18 of a life left by giving him the mandatory minimum and  
19 nothing more. Thank you, Your Honor,

20 THE COURT: Thank you, Mr. Ianuario.

21 These are difficult cases when you have young people  
22 with such potential, such family support. We celebrated  
23 our independence and our freedom a week ago today. Now  
24 I'm tasked with the responsibility of depriving two young  
25 people full of potential of their freedom. But let me

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1 remind you that there's so many folks walking around the  
2 streets who are in prisons in different causes. Perhaps,  
3 as your uncle expressed, there's a lot of folks behind  
4 bars that find real freedom. I hope y'all are able to do  
5 that during the course of your incarceration.

6 Okay. This is the case of De'Nia Dawkins, case  
7 number 2011-GS-23-8022, the sentence of the Court is the  
8 Defendant be committed to the State Department of  
9 Corrections for a period of fifteen years. Case 8019 and  
10 8020, fifteen year sentences concurrent. 8021, a five  
11 year sentence to be concurrent.

12 On Mr. Lomax, case 2011-GS-23-9676A, the sentence is  
13 a fifteen year term of confinement to the South Carolina  
14 Department of Corrections. 7991, 9673A, fifteen year  
15 sentences concurrent. Case 7990, a five year sentence  
16 concurrent.

17 Wish the very best for both of you and your families.

18 We'll take a brief recess before we have our jury  
19 come back.

20 MS. GORTON: Judge, I had a couple more motions.  
21 Do we need to ---

22 THE COURT: I thought those had already been  
23 heard. We've got a jury waiting. I thought those were --  
24 do they need to be heard by me or can they be heard  
25 Friday? I've got revocations. I thought these were

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1 scheduled a month or so ago. I thought they had already  
2 been heard.

3 MS. GORTON: It was the jail calls that was  
4 scheduled a month ago and the trial was still pending and  
5 I understood that Ms. Salisbury did not want those things  
6 being released while Mr. Raymond Young was still pending  
7 trial. I knew we had this coming so I said we could just  
8 continue it. I think by agreement we did that.

9 THE COURT: Is there anything that needs to be  
10 heard by a judge? I know Judge -- I guess Judge Miller  
11 will be hearing motions Friday.

12 MS. SALISBURY: Judge, the only motion that I've  
13 received is a post-trial motion to compel. Obviously, I  
14 take issue with even the mechanism by which the motion to  
15 compel even exists after trial. But it was scheduled on  
16 the docket and I believe that after this Court order,  
17 whichever Court it was -- in front of whom it was  
18 scheduled directed that it be handled at the sentencing  
19 hearing.

20 MS. GORTON: I also had a motion to exceed fees.  
21 Frankly, Judge, I don't care whether you hear it or  
22 another judge hears it.

23 THE COURT: Well, I don't want to belabor  
24 whatever motions you have, but I do have a jury waiting on  
25 me. I told them I'd be brief. We need to get the trial

1 going. Can you come back this afternoon or Friday we  
2 could try to hear it.

3 MS. GORTON: You tell me when and I'll be here.

4 THE COURT: How many motions are there?

5 MS. GORTON: Just the two, the motion to compel  
6 and the motion to exceed the fees.

7 THE COURT: I don't know that I ever saw  
8 anything except that one motion to compel. I don't know  
9 where the others are. If you can give me copies of them.  
10 If y'all can't work those out, then check with us. If the  
11 jury is out deliberating, I'll be glad to hear them.

12 MS. GORTON: I don't think she can do anything  
13 on the motion to exceed fees.

14 THE COURT: Well, on the other one to compel.  
15 If y'all can work those out. I can hear that without an  
16 argument. If you'll just submit it to me I'll be glad to  
17 review it.

18 MS. GORTON: Okay.

19 THE COURT: Okay. Let's take a ten minute break  
20 and then we'll have our jury in.

21

22 (END OF REQUESTED TRANSCRIPT OF RECORD)

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1

## CERTIFICATE OF REPORTER

2

3 I, the undersigned Danette P. Hanks, Official Court  
4 Reporter for the Thirteenth Judicial Circuit of the State  
5 of South Carolina, do hereby certify that the foregoing is  
6 a true, accurate, and complete transcript of record of all  
7 the proceedings had and evidence introduced in the  
8 trial/hearing of the captioned case, relative to appeal,  
9 in the Circuit Court for Greenville County, South  
10 Carolina, on the 11th day of July, 2012.

11 This transcript may contain quoted material. Such  
12 material is reproduced as read by the speaker.

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

15

September 14, 2012

16

17

18



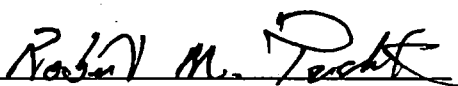
19

Circuit Court Reporter

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Third Supplemental 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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 15, 2013

  
Robert M. Pachak  
Appellate Defender

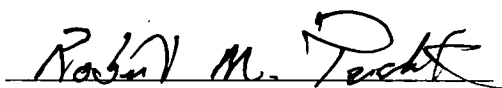
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ATTORNEY FOR APPELLANT

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ATTORNEY FOR APPELLANT

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SC Court of Appeals

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DENIA DAWKINS,

APPELLANT

APPELLATE CASE NO. 2012-212529

CERTIFICATE OF SERVICE

I certify that a true copy of the Third Supplemental Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 15th day of November, 2013.

*Brandon Hall*

Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 15th day of November, 2013.

*[Signature]* (L.S.)

Notary Public for South Carolina  
My Commission Expires: July 24, 2022.