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SC Court of Appeals

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

SUPPLEMENTAL RECORD ON APPEAL

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1 evaluate from birth. So everything I'm covering is an
2 evaluation of what is his entire life. So I can survive, but
3 I cannot say with 100% certainty.□

4 Q. I mean, the purpose of this hearing is to make an
5 effort to help the Court understand the kind of person he was
6 on the date of the incident.

7 A. Right.

8 Q. Is that right?

9 A. That's correct.

10 Q. And so, to some degree, you're helping Mr. Johnson
11 make arguments about the type of person he was then based on
12 the evaluation of him now.

13 A. I'm sorry. Can you repeat that?

14 Q. You're evaluating him now.

15 A. Right.

16 Q. And you're helping Mr. Johnson formulate his
17 arguments about the type of person he was in March of 2018.

18 A. Yes.

19 Q. And now he's mature, more mature than many of your
20 other clients.

21 A. What I have said is that he is more mature now than
22 he was then. I think I stated clearly that he had to conquer
23 more than many of his peers at a younger age. Because of
24 that, it's likely the reason for a lot of his disruptive,
25 resistance to -- because he had to grow up, so soon.

1 Q. We are here to talk about the factors that Aiken v.
2 Byars mentions, which they -- I believe we're referencing the
3 original Alabama case. But those are immaturity,
4 irresponsibility, impetuosity, and recklessness?

5 A. Correct.

6 Q. So you're essentially telling us that because he
7 became mature at an early age, that's why he acted out? Isn't
8 that something of the opposite of what we are getting at what
9 with Aiken v. Byars?

10 A. I'm saying that the driving force for some of his
11 behavior has to be looked at through a lens of factoring
12 everything that happened previously. In any given point, all
13 of us are just who we are from where we've come from.

14 I know it's a very generalized way of saying it, but
15 as far as maturity at that age, his behavior is immature, but
16 at some conscious level of functioning as far as it relates to
17 all the things he had been through. He had to grow up.

18 Maturity is not black and white like that. There
19 are different areas that you can be mature. He is mature as
20 it related to family, you know, mature enough to take on a
21 role to go care for his grandmother or his sibling, but not
22 mature in the ability to make adult decisions and use good
23 insight and judgement. That wasn't there the way it is now.

24 Q. You reviewed a good bit of the evidence that Mr.
25 Johnson had in his file that was presented at trial.

1 A. Everything that I reviewed, I listed. I'm sure
2 there was a lot more discovery.

3 Q. But not that -- you didn't review the transcript.

4 A. I did not.

5 Q. We don't even -- I mean, neither he nor I have it
6 yet.

7 A. No. I have not reviewed the transcript.

8 Q. So you're -- I take it then that not -- were you
9 aware that Mr. Johnson presented a similar argument as it
10 pertains specifically to the victim, Ms. Warren, about the
11 heat of passion?

12 And actually, let me rephrase that. I can't recall
13 whether it was specifically Mr. Johnson or his co-defendant's
14 counsel, Mr. Gibbs, but that the defense, since they worked
15 together, presented a similar heat-of-passion argument that
16 occurred.□

17 A. I found that out after, actually. So, like I said,
18 when I initially read the forensics report, the DNA report, I
19 contacted Mr. Johnson.

20 I asked him, am I reading this correctly? And I
21 actually -- I stated to him, this is two different shares. I
22 told him that, and that's when he informed me that he had made
23 that argument.

24 He told me that, but I --

25 Q. Did he inform you that I argued to the jury that we

1 know that there was another shooter who was never caught?

2 A. We did not discuss your argument.

3 Q. But it sounds like you came to the same conclusion I
4 did, that because of the firearms evidence and the way in
5 which Mr. Duckett and Mr. Johnson were shot in the same
6 manner, while -- at least Mr. Johnson, I believe, had a gun
7 right next to him; that that was likely a simultaneous
8 surprise attack.

9 A. Likely, but again, in what I reviewed it indicated
10 that the person -- the voice I identified as being there and
11 being the second shooter was someone else entirely that wasn't
12 charged in this case.

13 Q. And you're aware that the ballistics, the firearms
14 evidence, the shell casings found at the scene indicated that
15 more than one gun was used on Ms. Warren.

16 A. As it relates to the shell casings, I don't recall.
17 Like I said, it's been several weeks since I wrote it.

18 Q. I mean, it's somewhat academic, because we're not
19 here to disturb the verdict; is that correct?

20 A. No, of course not.

21 Q. These are just things that you learned through the
22 course -- because you were not engaged in assisting them
23 before trial, is that correct?

24 A. No. I mean, I do have a -- I have a comment related
25 to -- not as the facts, but it's your belief that perhaps

1 there were two people that shot Ms. Warren. The shell casings
2 indicated that she may have been shot by two people.

3 Q. You developed some -- you learned about some
4 statements, a letter, in fact, that Mr. Albert Crittington had
5 provided, had sent to Mr. Collins?

6 A. Yes.

7 Q. But you didn't interview Mr. Crittington?

8 A. I wanted to, but I was not able to.

9 Q. You note in your report that he has a history of his
10 own problems, his own criminal charges, at the time.

11 A. Yes.

12 Q. But I guess it's your argument that his letter was
13 credible, even though he himself is also a dangerous person.

14 A. Well, I think just because somebody's a dangerous
15 person -- the credibility -- I don't know that I can comment
16 on that.

17 Q. And you're aware, of course, that that's the source
18 that you got it from, that the defense had all these items at
19 the time of trial.

20 A. I found out the defense had the letter after my
21 initial interview with my client. We discussed it.

22 Q. You got it from Mr. Johnson though?

23 A. The letter was provided to me from Mr. Johnson, yes.

24 Q. And the photographs which he has handed up to the
25 Court today?

1 A. Yes.

2 Q. You also learned something about the foreman of the
3 jury through interviewing various members of Mr. Collins'
4 family?

5 A. Yes.

6 Q. But you would agree, I think you were in here for
7 the judge's earlier -- I won't call it ruling per se, but
8 decision that those issues would be held off for another day.

9 A. Yes.

10 Q. And you would agree with me, I take it, that that
11 may be an issue that is worth exploring at a later time in a
12 different hearing, but it doesn't really have much to do with
13 those Aiken v. Byars factors?

14 A. Correct. It's mitigating in its own sets, but not
15 as it relates to the case law that we are talking about now.

16 Q. Those are all the questions I have.

17 THE COURT: Anything else concerning this witness?

18 MR. JOHNSON: Yes, Your Honor.

19 I think she has another comment.

20 MS. KING-CROSBY: It's really quite brief.

21 THE COURT: Sure.

22 MS. KING-CROSBY: As it relates to maturity. I hate
23 to keep going on about this. I want to point out and give a
24 concrete example of what I mean by emotional maturity, sexual
25 maturity, all of those things.

1 I at the time of interviewing my client, his peers,
2 and brothers. They were much more sexually mature and
3 advanced in areas of that type of behavior than my client was.

4 So I just wanted to give a better different
5 maturity. and showing the differences of what I mean by that.

6 THE COURT: All right. Thank you.

7 Anything else from this witness, Mr. Johnson?

8 Anything, any redirect or re-cross?

9 MR. JOHNSON: I have no more questions, Your Honor.

10 MR. EVANS: No, Your Honor.

11 THE COURT: All right, great. Thank you.

12 Mr. Johnson, I'm happy if you want to call --
13 however you want to proceed?

14 Do you have other witnesses, or do you just want to
15 have people address the Court? whatever you want to do.

16 MR. JOHNSON: I just need to check with his mother
17 and family and see if any of them would like to address the
18 Court, and then I have something to address the Court with.

19 THE COURT: Absolutely. Take your time.

20 MR. JOHNSON: Your Honor, his mother does not, but
21 his sister is here, and I think she would just like to address
22 the Court.

23 THE COURT: Oh, sure. That's fine.

24 You can stand up right there, ma'am.

25 Can you state your name for the record.

1 MS. COLLINS: My name is Shanika (phonetic) Collins.

2 THE COURT: Yes, ma'am, Ms. Collins. Go right
3 ahead. I am happy to hear from you.

4 MS. COLLINS: This is my younger brother. Honestly,
5 I feel like it was a mixture of environmental and just the
6 simple fact that -- Tyrase was a really good kid. And
7 honestly, I wanted him to graduate early, since he did have
8 that option. But he did want to stay here, so he could have
9 graduated with his class.

10 But honestly, I feel like if he did graduate early,
11 we wouldn't even be here. At least his name wouldn't be
12 involved in it.

13 I feel like a lot of outside factors and a lot of
14 other family members that he was around played a role in just
15 his name getting called, period.

16 My brother is a good kid. I know that this isn't
17 him. That's it.

18 THE COURT: All right.

19 Thank you for being here, ma'am.

20 MR. JOHNSON: Your Honor?

21 Yes, sir. Hold on one second.

22 Go right ahead. Yes, sir.

23 MR. JOHNSON: Your Honor, well, I guess just in
24 closing, I just want to go over some of the elements here.

25 But one of the important elements that we discussed

1 in the Byars case is that it would be number three, the
2 circumstances of the homicide offense, including the standard
3 of offender participation and his conduct. I kind of want to
4 address that part.

5 During the case, the State stated earlier that it
6 was a strong case. I kind of disagree with that. There was no
7 evidence that Tyrase was ever at the house. The evidence
8 presented during the trial was DNA evidence on the gun, DNA
9 evidence on the car seat.

10 There was no DNA evidence found at the house. Nobody
11 identified seeing Tyrase near the house. He was not driving.
12 The two cars that were identified were Mr. Bole's and Tyrase's
13 brother's car.

14 The gun that was found was found was found in
15 Tyrase's room where Mr. Crittington was found under the bed.
16 At best the evidence indicated that Tyrase touched the gun,
17 the murder weapon. The DNA was found like on the trigger
18 guard.

19 I submit to the Court not of his innocence, but I
20 think the Court is required to consider, as stated here, the
21 extent of the offender's participation.

22 I submit to the Court that while he was found
23 guilty, there is evidence that would indicate that he was not
24 the mastermind. He was not the leader. His participation
25 should be considered by the Court in sentencing.

1 I submit that a sentence of life without parole
2 would be justified to the mastermind for the crime, but some
3 leniency should be shown to a person that had a lesser
4 involvement in the crime.

5 There's no way that I think anyone, no matter how
6 severe you want this young man to be punished, can say that 30
7 years in jail day-for-day is not a severe crime. Now, that's
8 the least that he can receive under these charges. I think
9 the Court cannot consider anything less than that.□

10 However, at his age now at 24, if he were to receive
11 a 30-year sentence, you may give him credit for the six years
12 he's already done in jail.

13 He still would be somewhere close to 50-some years
14 old when he knows he would be released at the minimum
15 sentence.

16 The reason I believe that the Court gave Mr. Boles a
17 45-year sentence -- I cannot read the Court's mind, but it
18 would be reasonable to believe it was based on his past
19 crimes, history, his age, and other considerations that do not
20 affect Tyrase.

21 He has no criminal record. The Court asked recently
22 about his dealing with the police.

23 I submit to the Court one reason he is here is
24 because he never dealt with the police prior to that.

25 One other consideration is the involvement of

1 family. I suggest to the Court one reason to because of that
2 involvement with his family and older brothers and sisters.
3 The people that was there at that location, as stated, were
4 involved in different criminal matters.□

5 To him, growing up in that area, as he told me,
6 seeing a gun laying on the bed, as a 15, 16-year-old, to some
7 people it would be shocking.

8 There are people 30 years old. My wife is 60 years
9 old. If she saw a gun, she would have a heart attack.

10 Tyrase commented that he saw a gun, picked it up,
11 couldn't put it somewhere. Now, being quiet about what
12 happened, this is largely to his family.

13 It puts them in. He's been found guilty. We are
14 not objecting to that. We ask the Court to take a serious
15 consideration of his -- to the extent of his participation,
16 and of the evidence that was shown at the Court. The evidence
17 that was shown in this case stated that there was DNA found
18 connecting Tyrase to the crime on a gun and on a car seat.

19 There was no DNA found at the house. There was no
20 testimony on anything placing Tyrase at the location. There
21 was no evidence to say that he had any personal vendetta
22 against the victims or anyone or any interaction with them. I
23 think that those things should be considered when the Court
24 decides on a sentence.

25 whatever sentence the Court decides, I believe would

1 be a just sentence, but I think a just sentence is here is not
2 life without parole.

3 THE COURT: All right. If he was 77 days older when
4 he had committed this offense, or 78 days older -- from what I
5 heard from information -- I would walk outside. I would maybe
6 go to lunch and clear my head and then come back out and
7 impose a sentence. You have all seen me do that in other
8 cases in the past.

9 I hate to do this, but I think I have heard the
10 testimony. I've heard the arguments. I've heard the comments
11 from the family. So what I've got to do now is I think that
12 it's incumbent upon me to give more.

13 I think I need to give some reasoning behind my
14 findings. I think that the Aiken case -- I'm not going going
15 to just say, concerning this it showed me that and just fly
16 off the top of my head.

17 To that extent, I have got to give some deliberate
18 consideration to each one of these factors. I want to be able
19 to enumerate these factors. I want to be able to make
20 references to information that has been provided to me in this
21 hearing and from the report that I received from the
22 mitigation specialist. Then I want to be able to justify how
23 or why I think the information is related, important, and what
24 weight, if any, I'm putting on it.

25 All of that being said, for the reason I want to let

1 you know, I'm not going to be able to make a decision today.
2 I just can't go. I've received -- and I will not receive any
3 more information, but I've got to be able to enumerate, and
4 I've got to be able to put on the record -- I've got to be
5 able to put on the record what my findings are.

6 So whether those findings are findings for a life
7 sentence or whether I'm making findings as to why there would
8 not be a life sentence. I think I owe that to the record.

9 So what I'm going to do is, I will tell you -- it
10 will not take long. There will not be a delay of months. When
11 am I in Hampton next? Do you know?

12 THE CLERK: Let me check my schedule. I'm not sure.
13 June 3rd. That's a non-jury. Yeah. It was
14 scheduled to be a jury term, and we didn't have anything to
15 try.

16 THE COURT: Let me ask you this. Mr. Johnson, could
17 you be available, and Mr. Evans, could you be available on
18 June 3rd?

19 MR. EVANS: Certainly.

20 MR. JOHNSON: Yes, Your Honor.

21 All right. So I will be back on June 3rd, and I'll
22 be able to impose my sentence. I'm not going to, like I said,
23 I've heard all the testimony. That's fine. I don't need to
24 hear anything else, but I'm going to basically go digest this,
25 and then I need to thoroughly go through these matters and

1 make findings and then go and basically justify my reasoning.

2 So that's what we'll do.

3 So what's going to happen is I'll be here at 10:00.
4 If I've got other matters to hear, that's fine. This will be
5 the first matter that I take up.

6 MR. JOHNSON: Your Honor.

7 THE COURT: Yes, sir.

8 MR. JOHNSON: Since we continued the mistrial, would
9 the Court consider maybe having the mistrial hearing at the
10 same time?

11 THE COURT: I'll think about that and let you know.
12 I'll let you know that by the end of the day or the end of
13 tomorrow. Okay.

14 Thank you all very much. We'll be adjourned until
15 2:00, and we'll pick up that hearing.

16 If you want to be here, you can; if you don't, I
17 don't know that you'd be called as a witness.

18 Yes, sir.

19 MR. EVANS: Your Honor, I've handed up sentencing
20 sheets. Would you like me to hold onto those until --

21 THE COURT: I would like you to hold onto those.
22 Yeah. You can just hold onto them.

23 Just hand them to me when I come back here in
24 chambers on the 3rd, and I will be able to fill them out.

25 All right. Thank you all very much.

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we'll be at ease until 2:00.

(At 12:24 p.m.hearing Number 1 was concluded.)

END OF HEARING I

CERTIFICATE OF REPORTER

* * *

I, KYMBERLEE M. WILLIAMS, Registered Professional Reporter, do hereby certify that the foregoing transcript is a true, accurate, and complete record of the matter held in the Court of General Sessions for the Fourteenth Judicial Circuit in the State of South Carolina held on May 23, 2024.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my signature this 24th day of May, 2025 at Hampton County, South Carolina.

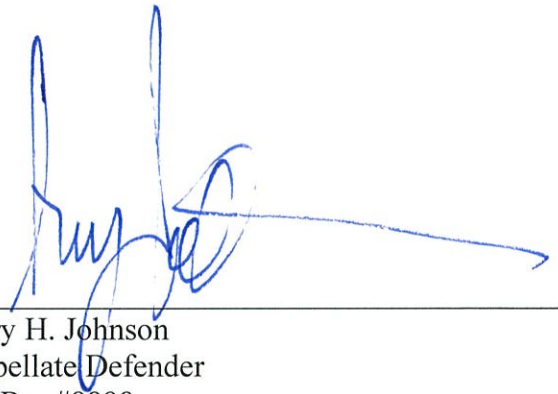
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CERTIFICATE OF COUNSEL FOR APPELLANT

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,



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This 17th day of February, 2026.

ATTORNEY FOR APPELLANT

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