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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Horry County
Court of Common Pleas

The Honorable Frank Addy, Jr., PCR Judge

Appellate Case No. 2025-001743

LA'QUANDIAN BROMELL. Petitioner,

v.

STATE OF SOUTH CAROLINA. Respondent.

APPENDIX

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BY THE COURT

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1 stripes down the sleeve.

2 Now, that's wall one, wall one is the home surveillance.
3 That's a wall, you can't get past it. It is what it is. We
4 can sit here and talk about the shading, the pixelation, all
5 of that. There was some issues with it, Mr. Kelly told you,
6 when it was downloaded. That's why I showed you the one, and
7 they sat right there and watched with Veronica off the
8 original surveillance footage. That's why I showed you that.
9 That's wall one. You can't get past the red car did it.

10 Now, you've heard a lot of questions from Mr. Brooker on
11 that video. Well, how about the shade? Are you an expert in
12 the picture, is this, is that. Look Ken Marcus talked to the
13 defendant, and you know what he said, yes, yes, I was driving
14 the burgundy car. I was there. I was alone. This is me.
15 This is me. This is the defendant. He told Ken Marcus, yes,
16 that's me. That's what I was wearing that night. Dark
17 jacket, white stripes down the side. He admitted to all of
18 that. And, you know what else he told Mr. Marcus? Just what
19 these ladies told you. They were up here being cross-examined
20 like they had done something wrong. They called him Juice.
21 He said, yes, that's what everybody calls this man, Juice.
22 So, this idea that somebody had shaded or pixelated or done
23 something to -- this defendant by his own admission, this is
24 him. He's in the burgundy car. This is the jacket. He was
25 at Turk's that night. So, by his own admission, this is him.

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1 This is the guy in the red car.

2 Now, so we got wall two, because you can't get around
3 that. You got a lot -- this is a wall, solid. The defendant
4 told you this is me, I'm here, I'm Juice. I came alone. I
5 left alone. So, that's a wall. There ain't no -- there's
6 nothing getting through that.

7 Now, the third thing is the witness testimony. And
8 again, you know, we had all these questions on the video, the
9 shading, the light, it speeds up, it slows down. Veronica,
10 who hates me -- which is okay; you can't be friends with
11 everybody -- came in here and said, look, I don't like you, I
12 don't like the solicitor's office. And I didn't say nothing
13 to her in that office, but I did watch that video, and the
14 video is mine, and what's on the video is accurate. I sat
15 there, I watched it with the police, and it was accurate. She
16 told you that. And she told you who was on the video. Yes,
17 this place here sits on some land near mine; that's Victim: H.G.
18 [REDACTED]; that's Juice; and that's Sherman. So, she told you
19 -- she didn't even want to be here. She don't even like me.
20 And she told you, yeah, that's Juice. That's the guy getting
21 out of the red car. That's the victim walking down the road.

22 Now, Latreka tells you -- another one that got upset. I
23 was there, I'm in the white Yukon. My car is facing the road.
24 We're all out there talking. I hear the shots. I'm afraid.
25 I get up, I hit the light, I get back down. She says I see

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1 the tail end and I hear it take off. That's when I crank my
2 car up and go to Turk's and report what happened. So, the
3 timing -- she tells us when the shooting happens, because her
4 car lights up and goes to Turk's. So, we know when the
5 shooting happened.

6 Sherman tells you, yes, that's me standing by the red
7 car. Yes, that's Juice in the car. That's what he told you.
8 Nobody else, there ain't nobody else.

9 Roy tells you I'm in the white car. I drive off. I
10 don't know nothing about a murder. I didn't kill the man. I
11 didn't see nobody laying in the road, and I didn't run over
12 anybody. So, we know the boy is still up when the white car
13 rides out.

14 Now, the most important testimony you heard was from the
15 young girl Cortisha. Her testimony is so key because she saw
16 the shooting, she saw -- that's her on the 911 call crying out
17 in the beginning of the call. [REDACTED], [REDACTED] -- she can't
18 even talk to the 911 caller; that's her in distress. She saw
19 that young boy trying to get up and she saw somebody over him
20 shooting him. Who did she see? She saw a shorter male with
21 dreads on top wearing a dark jacket with white stripes.

22 Now, you can get in here and say, well, that could've
23 been anybody. But could it? Could it have been anybody? The
24 guy right here that she described, this just ain't any person
25 with the black jacket and white stripes on it. This is the

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1 same person that was in the red car that stopped for a minute
2 when the shooting happens. This -- this is why it's
3 important. Yes, anybody can wear an Addidas jacket. But you
4 got to put the puzzle pieces together. This guy is the same
5 guy in the red car that's stopping right where Victim: H.G. is,
6 that's waiting for him to be the only person on the road. And
7 who does she describe? A black jacket, a guy with dreads on
8 top, with white stripes on the sleeve. It can't be anybody
9 but him.

10 Now, she said, look, it was dark out, I can't tell you
11 that it's Juice. I can tell you that it's a black jacket,
12 white stripes, and he had hair on top of his head. This, this
13 is the guy in the red car, and this is the guy that she
14 describes as getting out and firing eight times.

15 Now, that's a wall. That's a wall. You can't get
16 through it. You can't through it. And those people, you
17 know, they didn't want to be here. That's the truth of it.
18 They didn't want to be here. They wouldn't have been here if
19 we didn't chase them down and put them under subpoena. They
20 did not like me. They were only up here because they had to
21 be. And they told the truth. They had against wanting,
22 wanting to do it, but they came up here and they did it
23 anyway. They had no reason to lie; and really every reason to
24 lie, honestly, to not be involved. This young girl could've
25 come up where and told the police and told us, look, it was

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1 dark, I didn't see what happened. Latreka could've said,
2 look, I don't know, I don't know. These people all the time
3 don't want to be involved, nobody does. Nobody wants to come
4 up here and be under the scrutiny of having to testify in
5 front of all of us being questioned by me, being questioned by
6 the defendant's attorney. They don't want that. These women
7 had every reason in the world to say, look, I didn't see shit.
8 It was dark. I don't want to be involved. But they didn't.
9 They came up here and did the right thing.

10 Veronica, she didn't have to let them police in there in
11 her house, in her bedroom to see that video, but she did, she
12 did.

13 Now, the defendant's phone; so, we got this right here.
14 We got the witness testimony that confirms who did the
15 shooting, and it's this guy. Cortisha told you that. It's
16 this guy. The same guy who was driving the red car.

17 Now, what's, also, just amazing how this same guy that
18 was in the red car that stopped, that was wearing a black
19 jacket and white stripes that matched the description of the
20 killer, this same guy, wouldn't you have it, wouldn't you
21 believe it, wouldn't you know they found this phone at his
22 house. And wouldn't you know, the same guy driving the red
23 car with the black jacket and the white stripes that stopped
24 right there is the same guy that got a new SIM card the day of
25 the murder, 6/23/2020. The first text message that he used

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1 this SIM card on, I believe, was around 10:00 or 11 o'clock.
2 Okay? That's what -- if I'm wrong about that, relisten with
3 the testimony. But I recall somewhere around 10 o'clock, or
4 11:00 he looked through the records. You can go back and
5 relisten to that testimony. Same guy.

6 Now, I don't know if y'all find it absolutely astonishing
7 that his car left out at 4 o'clock in the morning. He ain't
8 gone to bed. He over there buying a new SIM card and using it
9 at 10 o'clock. He didn't go home and get rest. I'd be tired.
10 If I came home, and I was leaving a club at 4 o'clock, I would
11 be asleep at 10 o'clock. I'd probably be asleep at 12
12 o'clock. I would be tired. But you, you can't rest until you
13 cover up everything you can. So, all he could study was going
14 out and getting another SIM card. Not just on any day, not on
15 the 22nd, no, not just any day; he got it on the morning of
16 the murder. He left right out of that murder, the car was
17 never found, got rid of the car, and got a new SIM card. And
18 the gun was never found. There are things to do. There's no
19 time for rest. So, isn't it amazing that the same guy driving
20 the red car, the same guy that stopped at the crime, the same
21 guy that was stopped for a minute, the same guy that Cortisha
22 described as the killer is the same one out buying a new SIM
23 card, same guy.

24 Now, what's on his phone?

25 Can we get the next -- I'm sorry. Thank you, Ms. Miller.

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1 L.J. Bromell, L.J. Bromell. You kept hearing Mr. Brooker
2 ask Mr. Howitt, well, can you say for sure it's his phone, can
3 you say for sure it's his phone? The user name is L.J.
4 Bromell. This guy's named Laquandian Jarufus Bromell.

5 Look, folks. Can anybody tell which one is my phone, and
6 which one is Chris' phone? No. There's no name on the
7 cellphone. The only way you know is if you hit the light and
8 you light it up, and you see what's on it. No. Nobody can
9 look at this phone and tell who it belongs to any more than
10 anybody can look at these two and tell which one is mine and
11 which one is Mr. Helms'. That's a ridiculous question to even
12 ask somebody to look at this phone, can you tell whose it is?
13 Nobody can. You can't tell until you open the phone, and you
14 see what's on it. That's the identifier. And we know this
15 one right here belongs to a L.J. Bromell, Laquandian Jaraffus
16 Bromell.

17 Now, what is his Snapchat name on the phone? Not just
18 any name, no. It's Juice. The name that he told the police
19 everybody called him. The name that these women came up here
20 and told you that they called him. That's whose name is on
21 the Snapchat, folks. And he's up here saying who knows whose
22 phone it is. I know whose phone it is. It's L.J. Bromell,
23 who likes to be called Juice on Snapchat. That's whose phone
24 it is. And here we are again, email address, Ljbromell1992, I
25 think -- I can't read it real good -- at gmail.com. My email

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1 don't go to Chris' phone; his email don't come to my phone.

2 It goes to the person who uses the phone and owns the phone,

3 who's L.J. Bromell.

4 And look here, look here, what? We're wondering who the

5 phone belongs to? That's what we're questioning, who the

6 phone belongs to. This guy here's got a selfie of himself.

7 And, bam, it's in the same Addidas jacket. And he up there,

8 oh, can you say for sure who the phone belongs to? Yes. Yes.

9 The guy who's taking selfies with the phone and getting his

10 email on the phone; yes. That's who the phone belongs to.

11 Can you say who the phone belongs to? Yes. If you getting

12 your email at this phone and the username is your name, and

13 there's selfies on it. Yes. That's who the phone belongs to.

14 And look at this one. Yes. Yes, folks, this is who the phone

15 belongs to. The guy that's in the bathroom taking a picture

16 of himself with it. Yes.

17 Now, the next thing is (a) he gets a new SIM card.

18 Which, I don't know why in the world he didn't look this up

19 before he got a new SIM card, but I don't know. I don't know.

20 My suggestion is this is towards the end of the day. Okay?

21 So, the phone has been changed, the card is now gone, the

22 police have not showed up at your house yet, so my guess would

23 be probably ticking off those last few things. What else

24 maybe do I need to worry about, what else do I need to cover.

25 The phone is gone; the gun is gone; the car is gone. So, what

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1 else do I kind of need to be ticking off would be my guess.
2 So, then, ironically, with a new SIM card in the phone, he's
3 up here worrying about, do Clorox kill bloo. And then Google
4 said, look, let me help you out Laquandian, and it types in
5 this, does Clorox get rid of blood. That's what he's worried
6 about. Isn't it strikingly strange that the guy driving the
7 red car, the guy following the victim, the guy that stops
8 where the victim is at, the guy that matches the description
9 of guy that Cortisha saw him over him shooting him; isn't it
10 strikingly strange that same guy is the guy that's gotten rid
11 of the car, got a new cellphone, and is worried about if
12 Clorox kills blood. Isn't it strikingly strange on this day,
13 on the 23rd, all of these things are happening. He didn't get
14 a new SIM card on the 22nd, he won't worried about Clorox on
15 the 22nd, and he won't worried about getting on the 24th. He
16 was worried about it hours after the murder. The day of the
17 murder. Not just anytime, but that day. You cannot get
18 around that. That is a wall. This shows you what's on his
19 mind. This is the best evidence to show you what's on his
20 mind. And it's getting a new SIM card, which it was helpful
21 in that like Mr. -- I don't know how you say his last name --
22 the guy from Verizon, you can't get no locations now. The
23 only locations you can get are when he tossed that SIM card.
24 You can't figure out who he's calling -- he was calling right
25 after the murder. You can't figure out the locations of his

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1 phone during the time of the murder. So, all of that was
2 deleted. The only information we could get was started when
3 he wanted us to have that information. That's what he's
4 worried about. That's what he's worried about.

5 Now, the question of who did it, these four things wall
6 in one person, the defendant. There's not one shred of
7 evidence that points to anybody else, and it all points to
8 him. He cannot get out of these four walls of evidence; he
9 cannot.

10 Now, I'm gonna tell you something, these -- when we come
11 in here, I feel like sometimes I forget this is extremely
12 uncomfortable. This should be uncomfortable to look at.

13 Now, when we were playing some of the evidence, and we
14 were playing Mr. Hamm's tape and you saw him walking up and he
15 had the body camera on. It was dark. And the boy was laying
16 out there in the road, he was laying face down, you could see
17 a couple of the bullet holes in his back, I noticed some
18 people were looking down, they were looking away, they don't
19 want to watch it. They don't want to see it. We cannot, we
20 cannot look away, not today. I know it's uncomfortable. I
21 know it's hard to look at. I know it's hard to hear, trust
22 me. But today, we cannot look away.

23 When I have free time, which I feel like is not very
24 often -- when I have free time, one of my favorite things is
25 reading books. But not just any books, I like old books, like

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1 18th, 19th century, Charles Gibbons. Those are the best. And
2 they're the best because the main character is always so
3 brave. The main character is always this brave person, that's
4 brave even when nobody is watching. And sometimes I forget
5 that I don't have to look, none of us do, to a book or a novel
6 to see what bravery looks like, to see what a brave person
7 looks like. We saw it in here. These women, these women
8 right here, Veronica, Cortisha, and Latreka. Those women
9 showed us all what it looks like to be brave.

10 When they left off this witness stand giving their
11 testimony, do you know where they went? Right back home to
12 Redenbo Drive and Cedar Branch. They don't get to walk out of
13 here and live in the Grande Dunes. They've going right back
14 to that same neighborhood, around the same people. And some
15 of the are friends to people that are in here. They were
16 afraid. Veronica told you she was afraid. All of them were.
17 All of them were. Sometimes, I forget that. When I come in
18 here and I can -- I feel like maybe I get harsh and I forget,
19 look, when I go home, I'm not going home to the same place.
20 They're going home to Redenbo Drive and Cedar Branch. They
21 came in here and they did the right thing when they didn't
22 have to. These women, these women are the great women of this
23 story.

24 Now, the second reason I love those books is because,
25 because the character is brave, the story always gets the

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1 right ending. Because these people did the right thing, the
2 story gets the right ending. These people have been brave.
3 They have brought forth the evidence and the testimony to give
4 this case the right ending.

5 Now, I know it's uncomfortable, I know y'all have been up
6 here for four days, I know a lot of this has been hard to look
7 at. It is hard to wrap your mind around that somebody would
8 do this; it really is. It's hard to accept. It's hard for me
9 to accept that somebody would do this. But now, I have to ask
10 all of you, do not look away in this moment of time, do not.
11 Do not put your head down at this moment of time. We have to
12 accept this happened. And now, I'm gonna ask all of you to be
13 brave and give this case the ending that it should have. And
14 that is only one ending. And that is that Laquandian Jaraffus
15 Bromell, L.J. Bromell, Juice, is guilty. That is the only
16 right answer in this case. And he is guilty of murder; and he
17 is guilty of murder because he waited. He had to have a gun
18 in the car. He had to have a gun in the car. He knew they
19 were gonna be checking for guns in the place, so he had to
20 have a gun in the car. He knew the boy was unarmed. He sat
21 there and waited and waited and waited until 4:00 a.m. He sat
22 there and waited all night until he could catch that boy by
23 himself. That is premeditation. That is malice. That is
24 intent. When he got out -- he fired the first shot -- I'm
25 gonna suggest to you the first shot, the victim was shot right

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1 here the first time. I'm gonna suggest to you the first shot,
2 he was still in the car. Mr. Bromell was still in the car,
3 and he fired that shot from inside the car. You know what
4 that makes me think? What a coward. What a coward. He
5 didn't get out of that car until this boy was down. This
6 first shot in the chest put him down. He didn't get out of
7 that car until he was down. You heard that lady tell you this
8 shot went in a downward trajectory. I'm suggesting to you
9 that he was looking in that car. He didn't know that Mr.
10 Bromell was hunting him. He was out there in flipflops with
11 his shirt off. The first shot was fired from inside the car.
12 That's why there's more holes in him than there are shell
13 casings. Because I'm gonna suggest to you the other shell
14 casings are in the car. And I'm gonna suggest to you that
15 there is some blood in the car from that shot. That's why the
16 car is gone, and that's why he was wondering if Clorox gets
17 rid of blood. The answer must've been no, because the car and
18 the clothes are gone. So, the answer Google must've give was
19 no. I say that because again, what a coward. He would not
20 even get out of the car until the first shot was fired and the
21 victim went down. Boom. Then he gets out of the car -- he's
22 down then. The victim -- Cortisha tells you he's down and
23 he's trying to get up. Okay? This shot tore through part of
24 his aorta. The rest of them are all in the back and the back
25 of the head. He never got out of the car until this boy is

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1 down. The reason why all the shell casings and the bullets
2 are over here is because his car is parked back here. So,
3 he's got to get out, walk around and fire from over here.
4 That's why the casings are right here. And I want you to
5 look, look how close -- look, one casing is right here, one
6 casing is right here, one is right here. You look how close
7 that is on this young man.

8 It is almost hard to catch your breath when you wrap your
9 mind around this. He cannot get up, trying to get up, cannot
10 get help, and somebody literally standing right on top of you
11 with a .40 caliber bullet, eight times. Two of them went
12 straight through. One went straight through here, ask -- you
13 can listen to Dr. Presnell's testimony, went -- one came
14 through here, and one came right through there. We didn't
15 show you any of those pictures. Nobody wants to see that.
16 But somebody -- we can't accept this. We cannot accept it.

17 I'm gonna ask you to go back there and review the
18 evidence and come back with an answer that brings justice to
19 this young man.

20 Now, the second charge is a weapons charge, carrying a
21 weapon during the commission of a violent crime. We know he
22 was. There's all these shell casings collected; all these,
23 all these collected.

24 And when I lay these out, these were right around his
25 body, four, five, six, seven. One, two, three, four, five,

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1 six, seven, eight; one casing is missing, isn't it? One
2 casing is missing. Do you know where that one is at? That
3 one is this one. That one is the one in the red car.

4 I appreciate your time. Thank you so much.

5 CLOSING BY MR. BROOKER:

6 MR. BROOKER: Good morning to you.

7 I want to point out something that Ms. Livesay said just
8 a minute go -- well, more than one thing, but a couple of
9 things that she said at the end of her speech because I think
10 it's tremendously important, I think it's tremendously
11 important. I think it's so important that you should consider
12 this as you are examining the evidence in connection with this
13 entire case.

14 Ms. Livesay said that I want you -- I'm gonna suggest
15 that he fired the first bullet from the car -- I'm gonna
16 suggest that he fired the first bullet while he was in the
17 car. I'm going to suggest to you, and I want you to accept
18 that the missing shell cases that were not the scene, that
19 they were in the car. I'm gonna suggest to you that there's
20 blood in the car. Why is that so important? Why bring
21 attention to that? And the reason why I bring attention to
22 that is is is that that is absolutely what you cannot do.
23 That goes against every principle of criminal justice that we
24 have, the most important principles of criminal justice that
25 we have.

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1 You know, when I was thinking about this case, and I was
2 thinking about the best way to try to explain everything to
3 you so that you would understand -- obviously, we're lawyers,
4 we've been doing this for a long time. I've been doing this
5 for 21, 22 years now. Those attorneys that are sitting at the
6 government's table have been doing it probably just as long.
7 You don't do this every day. You don't do this every day at
8 all. And that's why it's fundamentally important that when
9 you go back into that jury room, that you go back in that jury
10 room understanding what your obligations are. Your obligation
11 is not about passion. This is horrible; no disagreement about
12 that. But, what's the evidentiary value of this? When those
13 law enforcement officers got on the stand, what is the
14 evidentiary value that they pulled from this? They said that
15 there were guns, they said that they found I think shell
16 casings and they found bullets, but what is the evidentiary
17 value of telling you who actually committed this offense?
18 There is none. They didn't find a weapon that they could
19 compare -- they can ballistically compare those bullet
20 fragments in the shell casings. And actually, if you can
21 remember, when the -- when the agent from SLED came up and got
22 on the stand, and she testified to the shell casings, and of
23 course is is that she testified that they had nothing to
24 compare it against, they had no gun that they could to
25 ballistic analysis with to try to determine whether or not,

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1 yeah, this is the gun in which these bullets came from. No.
2 This is to draw your passion because you don't see dead bodies
3 every day. We do; we see them all the time. We do murder
4 trials all the time, but you don't. This is passion. And one
5 of the things I'm gonna instruct you right now, you gotta set
6 aside that passion. Our system is not based on passion.

7 Ms. Livesay did a passion argument. That's the exact
8 opposite of what we should be doing in this courtroom. It is
9 the exact opposite of what we should be doing in this
10 courtroom.

11 I feel for Mr. Goodman. I feel for his family. But I
12 cannot allow that to influence how I behave in this courtroom
13 and neither should you. If you do that, then our justice
14 system don't work; it doesn't work at all.

15 Now, let's talk about that justice system a little bit
16 and talk about the rules that you have to carry with you when
17 you go into that jury room and when you decide this evidence.
18 And like I was mentioning before, when I was thinking about
19 this case, I was thinking, you know, what would be the perfect
20 theme if I could place a theme on this case? What would be
21 the perfect theme to describe this case? And I came up with
22 this. This is the case of proof beyond a reasonable doubt
23 versus reasonable suspicion; proof beyond a reasonable doubt
24 versus reasonable suspicion. Proof beyond a reasonable doubt
25 is our standing; reasonable suspicion is not. And when you're

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1 sitting back in that jury room and you're examining all the
2 evidence that the prosecutor put before you, and she saying
3 what about this or what about that, and she is asking you to
4 draw conclusions that she hasn't proved beyond a reasonable
5 doubt; when the government is asking you to draw conclusions
6 that they haven't proved beyond a reasonable doubt. What do
7 you do then? You're gonna have all of these photographs in
8 there, and they get much -- and they get much more gory.
9 You're gonna see blood, you're gonna see a close-up of his
10 head. Do you get emotional and says we got to do something,
11 we got to do something? That's the value of all these
12 pictures and you're gonna have them all. You're gonna have
13 all of the gruesome pictures that you want. Is that what you
14 turn to when you're thinking about, okay, has this been proven
15 beyond a reasonable doubt, or does this create reasonable
16 suspicion. It creates well-founded suspicion; and yes, it
17 does. Yes, it does. I am Laquandian Bromell's attorney, and
18 I say that. It creates reasonable suspicion. It creates
19 well-founded suspicion, but it doesn't create -- but it
20 doesn't create proof beyond a reasonable doubt. That's the
21 standard.

22 And why do we have this high standard of proof beyond
23 reasonable doubt? And I wrote this down so I wouldn't screw
24 up the words. William Blackstone is a famous English jurist,
25 you know, that wrote many books on law and -- on a lot of

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1 these principles for criminal law that we talk about today.
2 And you've probably heard this quote -- it's probably one of
3 his most famous quotes that he has ever, I think, written, and
4 it says, It's better than 10 guilty persons escape than one
5 innocent person suffer. And I'll repeat that so that it sinks
6 in. He says, It's better than 10 guilty persons escape than
7 one innocent person suffer. That's why we have that high
8 burden.

9 This is not a game. This is not a football contest.
10 This is not the NFL, you know, where the winning team gets a
11 trophy and gets some rings, and the losing team gets to go
12 home. This is not that type of competition. This is a
13 competition for someone's life, for someone's freedom. This
14 is a competition for someone's property. It is the most
15 valuable things that we have. That's why that standard is so
16 high, and it should be, and don't let anyone lessen that
17 standard because of sympathy. Because if that happens, we
18 don't have a justice system in this country. If that happens,
19 none of us are safe. I implore you to set aside your emotions
20 and please follow the law even if the law takes you someplace
21 that you don't want to go. And I think that's what the
22 government is relying on. The government is relying on the
23 fact that you want to go there. They want to take you there.
24 They want to take you to guilt.

25 And I think Ms. Livesay says -- says to you to be brave,

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1 be brave and find guilt.

2 Do you want me to tell you what the bravest thing is?
3 The bravest thing is is to look at a grieving community, look
4 at a grieving family and say, no. I want so much to do this
5 for you, but I gotta follow the law. The law says proof
6 beyond a reasonable doubt. That's the bravest and the hardest
7 thing in the world is is to set aside your emotions. It's the
8 hardest thing in the world to do is to set aside your
9 emotions. And that's why, you know, that's why we have to go
10 to school to do what we do, that's why we have to get trained,
11 that's why one of the first things that they tell us lawyers
12 is you can't be emotional. You've got to follow the law even
13 if the law takes you someplace you don't want to go.

14 Now, let's talk about the law, and then let's talk about
15 the facts. The Judge is going to instruct you on the law.
16 And again, you heard me talk about these principles at the
17 beginning of this case, and I'm going to talk about them again
18 very quickly before we get into the facts of this case. And
19 that is is that the Judge is going to instruct you, Laquandian
20 Bromell, as he sits there in that chair, he is innocent. He
21 still sits innocent as he sits there in that chair, just as
22 innocent as anyone of you. Now, the state has to remove that
23 innocence from him, and they have to do that. It's no one's
24 burden except theirs. It's not his. If you can remember, I
25 told you he can sleep during this trial, theoretically, if you

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1 wanted to, because when the government accuses us of breaking
2 the law, the government has to prove its accusations. That's
3 their responsibility, that's their promise to us. They wrote
4 that in the Constitution. They wrote that in all of these
5 laws that they generated. That's the promise that it makes to
6 its citizens. That's the promise it makes to us. Everything
7 that has to be proven in this case has to be proven by them.
8 And that standard not just applies to Laquandian; it applies
9 to all of us. If one day if we're sitting in his situation,
10 any citizen is sitting in his situation, that applies to us.
11 That's the government's promise to us. The government's
12 promise also to us is is that like I said, like what William
13 Blackstone said, and this goes to what William Blackstone says
14 -- that standard of proof beyond a reasonable doubt, why the
15 heck is it so high? Why the heck did William Blackstone says
16 that it's better that 10 guilty people escape than one
17 innocent person suffer? That lets you know how high that
18 standard is. It's proof beyond a reasonable doubt; it's not
19 beyond a reasonable suspicion. If there is any reasonable
20 doubt that we could be wrong, the law says that we have to
21 find not guilty. If there is any reasonable doubt that we can
22 be wrong, because it's better that 10 guilty people escape
23 than for one innocent person to suffer. That's that standard,
24 and it's an important one. Set aside your emotion, please, I
25 beg you. The system doesn't work without it.

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1 In the most important thing is is that what we say as
2 lawyers is not evidence. As I listen to the government's
3 argument, and the government asked you to draw conclusions
4 that it presented with no evidence whatsoever. They told you
5 things that they didn't prove. They said, yeah, he went out
6 and he bought SIM card that day. He left the murder scene,
7 and he went out and bought a SIM card that day. Who testified
8 that he went and bought a SIM card that day? Who testified
9 that he went to CVS, or he went to Walmart, and he purchased a
10 SIM card for the purposes of concealing a murder? But the
11 government says, I want you to assume it. Forget about that
12 proof beyond a reasonable doubt. I want you to assume because
13 this is so ugly, this so gruesome, this is so horrible, I want
14 you to assume it because we got to find this guy guilty. I
15 want you to assume where there's no evidence, where there's no
16 evidence to fit out a theory, I want you to assume it. I want
17 you to deductively reason, and boy, that is -- wouldn't that
18 be convenient for us all? Why? If we could just do that,
19 man, we wouldn't -- we wouldn't be here, but we can. We can.
20 So, don't assume anything. Don't assume anything that
21 hadn't been proven to you. Where the dots are not there,
22 don't just say we got a leap over, we got a dot here, we got a
23 dot here. We don't have continuous dots; so, we're just gonna
24 make believe. That's what the government is asking you to do.
25 Like I said, the government has reasonable suspicion. They

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1 have a lot of suspicion, but do they have proof beyond a
2 reasonable doubt.

3 Now, let's talk about some of the evidence. The
4 government has three -- I think three significant pieces of
5 evidence that comprises their case, that encompasses their
6 case. The first one is the video. And I think they played
7 you portions of that. And I think if you can remember -- and
8 I won't ask them to play it again. If at any point in time
9 when you're in the jury room and you need to see any of this;
10 you'll have a chance to watch it. You can just ask the Judge,
11 and the Judge will play any of this for you. I thought I
12 might, but I'm not. If you can remember the video that the
13 government played when she starts her argument, and that was
14 it was at the end of the night at the club, and then of course
15 is is that you could see that Victim: H.G. was leaving the club. He
16 was walking away from the club, and it appears as if he had a
17 phone in -- a phone up to his head and talking to somebody.
18 And then you could see the white car, and you could see the
19 burgundy car over there by the trees. And you could see those
20 guys standing up and talking. And if you can remember, Roy --
21 Roy was the guy who, who they brought up to testify, one of
22 the many guys who said, ah, I didn't want to be here. He's
23 the guy they brought to testify and he -- and they asked him,
24 well, Roy, were you driving that white car? And he says, yes.
25 Says, Roy, were y'all group of guys standing up there talking?

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1 And he said, yeah. So, what was y'all talking about? He
2 says, we're all friends. We're just shooting the breeze.
3 Y'all talking about killing [REDACTED] He said, no.

4 Now, the government wants you to believe everything else
5 that he says except that part. No; nobody was talking about
6 killing [REDACTED] They were there like everybody else was there
7 to have a good time. And then he asked Roy, well, Roy, when
8 you drove your car, when you left out the club, you left the
9 club, and of course, you rode down Redenbo Drive, did you see
10 a body on the road? He said, no. I didn't see no body laying
11 on the road. He said, did you shoot anybody? No, I didn't
12 shoot anybody.

13 And remember when I got up on cross-examination, I asked
14 him, well, did you see -- and I think that's when, when the
15 government said, well, then that's conclusive proof, that's
16 conclusive proof. I want you to assume that that's conclusive
17 proof that [REDACTED] was nowhere on the road at the time he
18 passed. And when I got up on cross examination, I said, well,
19 did you see him at all standing up, laying down, he said, I
20 didn't see the guy at all when I left out. And if you
21 remember, all of the witnesses keep saying is dark back there.
22 It's in that little -- when you're leaving out of there on
23 Redenbo Drive, it's dark back there. You can't see anything.
24 Every witness who was asked that question said that.

25 So, they got that video. And of course is is that the

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1 video shows that Victim: H.G. walked out into the darkness and then
2 he disappeared into the darkness. And then the white car
3 leaves, and then the red car leaves. And when the red car --
4 white car leaves, I think the only thing that you can really
5 see is the taillights. You can't see what takes place. You
6 can see the taillights. And you could see when the red car,
7 but when the white car gets onto Redenbo Drive, you can see
8 the taillights and you can see him driving, and then
9 eventually it gets to another road, which is -- which is Cedar
10 Branch, and then it turns left onto Cedar Branch. And then
11 the red car leaves. And you see the red car does the same
12 thing, gets on Redenbo Drive, and then it stops. At some
13 point in time, it stops. And as they were playing that video,
14 I was counting. How long is that car stopped? And you can
15 watch it and count for yourself. That car stops there about a
16 minute-and-a-half. Somewhere in that area. And of course,
17 the government says, yeah, that car stopped there just long
18 enough for him to shoot Victim: H.G. get out, bam, bam, bam, bam,
19 bam, puts eight other bullets in him, gets back in the car and
20 drives away. Do you know how long that takes? I can simulate
21 that for you. Car drives up and stops. And if you can
22 remember is is that Ms. Green, and of course Ms. Hemingway
23 testified and says they heard a shot. And then after hearing
24 the shot, they heard a series of rapid-fire shots, bam, bam,
25 bam, bam. And the car then leaves. It takes 10 seconds, 15

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1 seconds at the most. Bam. Get out of my car. Bam, bam, bam
2 -- and I'm pretty sure it was more rapid than that -- bam,
3 bam, bam, bam. Get back in the car and drive off. That was
4 their description of what happened. That takes about 10
5 seconds, 15 seconds. And if you're the slowest murderer in
6 the world, it'd take 20 seconds, 25 seconds. It doesn't take
7 a minute and half. It doesn't take roughly a minute or a
8 minute and a half. It doesn't take that at all.

9 So, they're saying, well, okay, we've got the video. The
10 video doesn't show the murder, how the murder happened, but it
11 shows the car leave, and it shows the red car pauses. So,
12 they say that that's proof that the red car did it. And then
13 I think the testimony is is that -- let's talk about Ms.
14 Hemingway and let's talk about Ms. Hemingway most importantly.
15 The video and Ms. Hemingway. Now, Ms. Hemingway is to
16 corroborate. Ms. Hemingway said that -- and Ms. Green said
17 this as well, too, that they were at their vehicle. That
18 their vehicles was parked somewhere along Redenbo Road. They
19 were at their vehicle. And they said that they were not
20 paying attention, they were looking at their phones or
21 something. Something on their phones. They were looking at
22 their phones. And then all of a sudden, bam, they heard a
23 shot. They all ducked down. Ms. Green said that she ducked
24 down and then popped back up and turned the light off in the
25 vehicle and ducked back down. Then of course, Ms. Hemingway,

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1 Cortisha Hemingway says at some point in time she crept to
2 the back of the vehicle. She was standing on the outside, and
3 she looked around the back of the vehicle. And that's when
4 she sees, bam, bam, bam, bam, bam, she saw the person shoot
5 Victim: H.G. as he was trying to get up.

6 Now, let's talk about what she didn't testify to is is
7 that she said she saw the car. But if you remember, I asked
8 her, did you see anybody get out of that car? And she said,
9 no. She didn't see anybody get out of that car. And then
10 after the shooting, I asked her, did you see anybody get back
11 into the car? And she said, no.

12 Now, the reason why that doesn't fit into the state's
13 theory, the state's got to get -- the state's got to prove to
14 you that the shooter comes from the car as opposed to somebody
15 else in that community. And remember they try to eliminate
16 the possibility of someone else doing the shooting by asking
17 Ms. Green -- remember Ms. Green? Ms. Green says, nobody else
18 was on that road, and she was emphatic -- you remember Ms.
19 Green. I tell you, I had a tough time pleasing Ms. Green, no
20 matter what I say. I have a tough time with Ms. Green. And I
21 wasn't trying to confuse her, just trying to make sure we
22 understand the facts. And Ms. Green says nobody was on that
23 -- nobody was on that road. Nobody else was out there. I'm
24 certain of it. Well, how do we know that Ms. Green can't be
25 certain of that? How do we know Ms. Green can't be certain of

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1 that? Well, number one is is is that the car that drives by,
2 this is a 3,000 to 4,000 pound car with a running engine,
3 making noise, with lights on, on a pitch dark road, and
4 remember she said -- she testified that she never seen the car
5 pass them, never seen the car pass them at all. Well, if you
6 didn't see a 3 to 4,000 pound car with the engine on, making
7 noise, with the lights on in a pitch dark area, how are you
8 certain that you can't see every individual that's on that
9 road? How can you be certain of that? You can't be. And
10 they testified that it was pitch black dark. How does that
11 make sense? How can you miss a 3 to 4,000-pound car driving
12 past you and you testify that nobody got past me. If they
13 were on that road, I would've seen them. Does that make
14 sense? No, it doesn't.

15 Well, the reason why she testified to that is they've got
16 to eliminate the possibility that somebody else was there
17 wanting to harm him. You can remember on one of the videos
18 that they showed, there was a ton of people at that club that
19 night, if you looked at all the cars in the parking lot, and
20 people walking. This is a little neighborhood, and this is
21 not the best neighborhood in the world.

22 And you heard me ask -- you heard me talk with Veronica
23 Jackson. Veronica Jackson was the person who denied, I think,
24 that this little illegal bar, that she had any part of it.
25 And you heard me ask her, well, you know, Ms. Jackson, if you

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1 have no part of that bar, then why was your name, why was your
2 name on a petition, on a petition, by the solicitor's office
3 to close that bar? I don't know. It's partly on my property,
4 but it's not mine. I ain't got nothing to do with it. I got
5 nothing to do with it.

6 That's a little bad area around there where a lot of
7 people hang out. That's a little illegal bar down there.
8 It's 3:00 or 4:00 in the morning. Nobody here wants to
9 testify. And then of course one guy from the bar, that's a
10 frequent patron of the bar, they brought him in from federal
11 prison in chains. That's what type of place this is. You
12 know, this ain't a school social. These ain't church people.
13 These are rough people. These are rough people.

14 And how do we know -- how do we know that one of Victim: H.G.
15 enemies didn't catch up with him that night. Remember the
16 pathologist testified to that he already had a bullet in his
17 back from a previous shooting. He already had a bullet in his
18 back from a previous shooting. Somebody had shot him. But
19 they have to eliminate the possibility of anybody else being
20 out there. So, they ask Ms. Green to state the impossible.
21 There was nobody else out there. There was nobody else out
22 there; I would've seen them. Did you see that 3,000-pound car
23 going by? No, I didn't see that. I didn't see the 3,000-
24 pound car. But 150-pound guy, I would've saw them if they had
25 passed. It's pitch black. Well, I still would've saw anyone

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1 pass me. Doesn't make any sense.

2 Well, why did Ms. Green testify to that if it didn't make
3 any sense? Well, because they've got to make this thing fit
4 for you. They got to eliminate the possibility of someone
5 else, of one of -- of some of Victim: H.G. other enemies wanting
6 to hurt him. They've got to eliminate that. They have to
7 eliminate that. So, Ms. Green was the eliminator, but she
8 wasn't credible. Everybody testified it was pitch dark -- it
9 was pitch black out on Redenbo Drive. There was no street
10 lights out there.

11 Now, and then of course, Ms. Hemingway is the person that
12 gave a vague description. Ms. Hemingway says, when I looked
13 around the car, I saw someone -- he was kind of short, he was
14 kind of short. If you can remember her, she wasn't quite
15 sure. Definitely wasn't tall, kinda short. Said he's had
16 hair on his head, possibly dreadlocks. He had a dark jacket
17 -- had a dark jacket on with some stripes on it. That solves
18 it. It's him. Does that create reasonable suspicion of him?
19 Are you absolutely certain it does. Does that prove beyond a
20 reasonable doubt? No. If you can remember, I asked her,
21 well, did you see the guy -- did you see the guy's face? Was
22 he standing away from you? She said, no, he was kind of
23 standing, I guess kind of at a side angle is what she said.
24 And I asked her, could you determine the race of the guy? She
25 said, I couldn't even -- I can't determine the race of the

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1 guy; it was too dark. Everything that you hear from these
2 witnesses have to be considered in light of all these
3 circumstances. It has to be considered in light of what was
4 the atmosphere, what was the lighting? Was there a reasonable
5 opportunity for the person to give a good identification, a
6 sufficient enough identification not to satisfy reasonable
7 suspicion, because that ain't the standard. They've got to
8 satisfy proof beyond a reasonable doubt. That's the standard.
9 Remember William Blackstone -- remember what William Blackston
10 says, that's the standard.

11 So, police officer, I think, less than 24 hours or around
12 24 hours, they come and they arrest -- they come and they
13 arrest Laquandian Bromell. We got our guy. Case closed.
14 What I want to suggest to you is is that proof beyond a
15 reasonable doubt demands a much more thorough investigation.
16 I think we're entitled to that. When you're gonna take
17 someone's life, you're entitled to -- if you could heard -- I
18 asked Investigator Marcus -- and then of course is is that the
19 Investigator Kelly -- was it Kelly or was it the other
20 investigator? Both of them said that they had been
21 investigators for nine months. Investigator Kelly said that
22 he hadn't even received his training yet at the time of which
23 he was he lead -- excuse me -- Investigator Marcus says he
24 hadn't even received his training yet before he became a lead
25 investigator in a murder case. Said he had been promoted,

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1 been on the job for nine months, but he had not received his
2 homicide investigation training yet. He received it after he
3 did this murder case. And the other investigator was also
4 just on the force for nine months.

5 And the reason why that is important is is is that you
6 don't want to rush to judgment. Even if it looks like it's
7 this guy, you don't rush to judgment. You gather everything
8 so that you can make sure that it's proof beyond a reasonable
9 doubt. Remember I asked him about, you know, wasn't there two
10 red solo cups on the ground right there near Mr. [Victim: H.G.] He
11 said, there was -- he said, yeah, it was. I said, did you
12 collect those cups? Remember I asked him -- remember when Mr.
13 [Victim: H.G.] -- when [Victim: H.G.] was leaving the club at the end of the
14 night, and of course he walked down Redenbo Drive in the dark
15 and he had cups in his hand? He said, no, he didn't have any
16 cups in his hands. And these cups was found right next to his
17 body. And they collected the cups. So, they must have
18 considered that they had a possibility of evidentiary value.
19 They collected the cups. And remember I asked him, I said,
20 did y'all send those cups off to SLED to try and determine --
21 to try and see if they can collect DNA from them, because that
22 DNA could potentially identify who was there. If the person
23 who had actually been there and shot [Victim: H.G.] had dropped cups,
24 dropped one of those cups. Because we know [Victim: H.G.] didn't have
25 those cups. And he said, well, there was a lot people that

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1 night. They could've just been on the ground, maybe somebody,
2 you know, somebody could've just dropped them. Yeah, somebody
3 could have, or they could've been dropped by the person who
4 shot [REDACTED] That's why you have to have an experienced
5 investigator that does a proper investigation.

6 What would've happened if they had sent those cups in and
7 they had gotten DNA off those cups, and those DNA come back
8 from someone different because they got it. They had him in
9 custody. They could've took his DNA. What if those cups had
10 had DNA that didn't match his? It matched someone else who
11 was there that night. We don't want to do that. Why?
12 Doesn't fit our theory. This is our theory, and if it doesn't
13 fit our theory let's just ignore it.

14 He is a citizen of this country. And I don't care
15 whether you like him or not, you might hate him, but he is
16 entitled to that. All of us are entitled to that. If you're
17 gonna take my freedom, and you're gonna take my life, you take
18 it after a thorough investigation. He's entitled to that.
19 Whether you like him or not. I don't care if you hate him;
20 he's entitled to it. And don't tell me -- I think the excuse
21 he gave was that, you know, SLED only allows us to -- I've
22 been doing this for 22 years, I know what the rule is. And I
23 know -- I know a BS answer when I hear one. Well, SLED only
24 allows us to send a certain amount of things for DNA -- to be
25 tested -- allow us a certain amount of DNA testing in

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1 connection with a murder case. Well, you didn't exceed that
2 limit because you didn't ask for any DNA testing. That's
3 another way of saying, well, oh boy, you know, I just didn't
4 do it, but I don't want to say that, yeah, you know, I
5 could've done that. I should've done that, but I didn't do
6 that. Just say it. But it doesn't matter, because we got our
7 guy. We have tunnel vision. It was Victim: H.G. -- I mean -- it
8 was Laquandian. Laquandian did it. Laquandian did it; that's
9 it.

10 And then of course, the third piece of the evidence is
11 the phone. And did anybody hear a gotcha moment in the
12 courtroom? I thought I heard it. I thought I heard some oohs
13 and ahhs.

14 Don't ever forget William Blackstone when you're back
15 there. Proof beyond a reasonable doubt and why it's so
16 important. Ms. Livesay says, oh, you know, he must've done
17 this in connection with his -- connection with the crime.
18 Let's assume that that's the case. Let's assume that he went
19 to Walmart, and he said I'm gonna go get a -- I just committed
20 a murder, I'm gonna go to Walmart and get myself a new SIM
21 card, and I'm gonna put that new SIM card in there, and I'm
22 gonna destroy the old SIM card. Excuse the fact that we have
23 no evidence of that. But let's just run with it. Let's just
24 assume, let's analogize, let's, let's deductive reason here.
25 Let's use our deductive reasoning.

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1 Now, to use that deductive reasoning, you're gonna
2 deductive reason innocent people into prison every day of the
3 week. It's got no place for the courtroom. It's got no place
4 for the courtroom.

5 Proof beyond a reasonable doubt. They gotta prove
6 everything. And then they said, yeah, this phone belongs to
7 Victim: H.G. -- excuse me -- belongs to Laquandian. And of course,
8 they brought an expert in. I think they brought the guy from
9 Verizon. And the guy from Verizon says, well, you know,
10 normally whenever if -- I'm pretty sure this is common
11 knowledge and everybody here probably on the jury knows it --
12 is that when you subscribe, when you get a cellphone and you
13 get cellphone service and you subscribe to cellphone service,
14 then of course, you are -- they attach your name to a
15 cellphone number. I've gotten so many Verizon records from
16 every other wireless company, and they have a sheet that
17 attaches, you know, that says that who is the subscriber. He
18 says we don't have that. You know, this is a flip phone or
19 Tracfone or something like that, so don't have that. And we
20 can't tell you who the phone belonged to. And if you
21 remember, I asked the officer who I think -- who testified
22 about the phone, and I asked him, well, why is this
23 Laquandian's phone? What evidence do you have it's
24 Laquandian's phone? He says because it was found in the room
25 with his pictures on the wall. And I'm thinking, you know, my

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1 momma, she's got a lot of pictures of me on her walls. But
2 any phone that would be found in that room wouldn't be mine.
3 And then of course they brought in the other expert, the one
4 who actually searched the physical phone, and he said he found
5 three accounts. He found three accounts on that phone. They
6 found a Snapchat account on that phone. That phone was used
7 to access a Snapchat account; it was used to access a -- what
8 was the other social media? I think it was -- you can tell I
9 don't have these social media accounts. I would know this if
10 I did. I think it was Snapchat -- Snapchat was on that phone,
11 Snapchat account was used to -- the phone was used to access
12 Snapchat; used to access Cash App; and I think he said that it
13 was also used to access a Gmail account. So, it must be his
14 phone. Well, and if you heard me ask him saying is that -- is
15 that a way to identify whether or not a phone belongs to
16 somebody. Now, because the accounts are not physically on the
17 phone. You access the accounts from the phone. I can take
18 any one of your phones right now and access all of my
19 accounts, because accounts are not physically on a phone.
20 These accounts are -- Snapchat I think is in California. The
21 Snapchat server that maintains that account would be in
22 California, and you can access that account. You can access
23 that account. And of course, he said, well, but he had a
24 selfie of himself on the phone. There was a selfie of him on
25 the phone. There's a selfie of me on my wife's phone.

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1 There's probably a dozen selfies of me on my wife's phone, if
2 not more. Is that evidence that it's mine? My wife uses my
3 cellphone to access her accounts. I use her cellphone
4 sometimes to access mine. It creates reasonable suspicion; it
5 does. But does it create proof beyond a reasonable doubt? It
6 doesn't.

7 Now, let me ask you a simple question, and then I'm gonna
8 get ready to close and sit down. I know y'all are tired. I
9 am, too. I know y'all are tired, but it's important.

10 Let me ask you a simple question, and this is -- this is
11 a rhetorical question, don't give me an answer. Okay? The
12 Judge will yell at me if you give me an answer, and she
13 should.

14 And that is is that how many of think -- how many of you
15 think that Laquandian Bromell is guilty? How many of you
16 think that? And don't -- like I said, don't show no show of
17 hands or anything like that. Okay? This is rhetorical. I
18 want you to think about this. How many of you think that he's
19 guilty? You got your answer?

20 Now, how many of you know he's guilty beyond a reasonable
21 doubt? How many of you know he's guilty beyond all the
22 reasonable doubt?

23 You can't because it's a circumstantial evidence case.
24 You might think it, you might believe it, you might be
25 suspicious of it, but remember what William Blackstone said.

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1 William Blackstone said, it is better that 10 guilty people
2 escape than one innocent person suffer. You got to know it.
3 You got to know it. And I didn't make these rules, you didn't
4 make these rules, the Judge didn't make these rules; our
5 government made these rules. The very people who are
6 prosecuting him for this made these rules.

7 It's my job as a defense attorney, and it's your job as a
8 juror to make our government live up to its promises. That's
9 our job, even if it's inconvenient, and probably more so when
10 it's inconvenient. It's easy to convict somebody when you
11 really want to. I don't know. Y'all may really want to
12 convict Laquandian Bromell for this. Y'all might really want
13 to do that. But remember that, remember your standards.
14 That's the only way our justice system works.

15 I think I've been doing this for almost -- somewhere
16 around about 22 years. And I can tell you stories that gives
17 me hope, and I can tell you stories that sometimes causes me
18 to lose faith in our justice system. Sometimes, when I'm
19 standing before a jury, the hardest part of my job is to get
20 people to understand that tremendous obligation that they have
21 when they go back in the jury room. It is -- it's a
22 tremendous obligation. I won't say responsibility; it's an
23 obligation, and it's tremendous. And sometimes when I have a
24 case the jury comes out, the jury says guilty, and sometimes I
25 say to myself, you know, did I fail in trying to get them to

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1 understand that responsibility? Did I fail in some way? Did
2 I not do my job in impressing upon them how important that
3 responsibility is and what that responsibility is?
4 Especially, when I don't believe it's evidence -- it's a case
5 in which the evidence rises to the same.

6 Don't get confused between those two. Don't get confused
7 between a lot of suspicion. And there is, there's a lot of
8 suspicion. I'm the first to say that, the first to tell you
9 there's a lot of suspicion against Laquandian Bromell.
10 There's a lot. Don't confuse that suspicion with proof beyond
11 a reasonable doubt.

12 And don't forget about the old Englishman, William
13 Blackstone, because what he says is, I think, is tremendously
14 true.

15 Thank you very much for listening to me. I know it's
16 been long. I think what's gonna happen next is is that the
17 Judge is going to instruct you on the law. And I'll say this,
18 and I usually say this, is that if anything I said -- if
19 anything I say to you conflicts with what Your Honor says from
20 that bench, or either anything the defense attorney conflicts
21 with what Your Honor says from that bench, you listen to her.

22 Thank you.

23 BY THE COURT:

24 THE COURT: Ladies and gentlemen, we're gonna take about
25 a 10-minute break and then we'll come back in for

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1 instructions.

2 Please don't begin deliberating yet.

3 (REPORTER'S NOTE: Jury exits courtroom @ 11:29 a.m.)

4 THE COURT: Okay. We'll be at recess.

5 **RECESS - 11:30 A.M.**

6 *****OFF THE RECORD*****

7 **ON THE RECORD - 11:39 A.M.**

8 (REPORTER'S NOTE: Jury enters courtroom @ 11:40 a.m.)

9 CHARGE TO JURY:

10 THE COURT: Ladies and gentlemen, you've heard all the
11 testimony and the evidence in this case, and it's now my duty
12 to instruct you on the law that applies.

13 The indictments in the case charge the defendant with
14 murder and with possession of a weapon during the commission
15 of the violent crime. I remind you that the fact that the
16 defendant was arrested, charged, and indicted in this case is
17 not evidence and cannot be considered by you as evidence of
18 guilt, nor does it create any presumption or inference of
19 guilt. This document is simply the formal written instrument
20 which contains the charges made against the defendant. It's
21 the formal document by which this case is brought into court.

22 The indictments in this case allege two different
23 offenses against the defendant. The charges are murder and
24 possession of a weapon during the commission of a violent
25 crime. You must decide each indictment separately on the

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1 evidence and the law applicable to it uninfluenced by your
2 decision as to any other indictment. The defendant may be
3 acquitted or convicted on any or all of the offenses charged.
4 You will be asked to write a separate verdict of guilty or not
5 guilty for each indictment.

6 The defendant has pled not guilty to these indictments,
7 and that plea puts the burden on the state to prove the
8 defendant guilty. A person charged with committing a criminal
9 offense in South Carolina is never required to prove himself
10 innocent. I charge you that it is an important rule of law
11 that the defendant in a criminal trial no matter what the
12 seriousness of the charge may be will always be presumed to be
13 innocent of the crime for which the indictment was issued
14 unless guilt has been proven by evidence satisfying you of
15 that guilt beyond a reasonable doubt. This presumption of
16 innocence does not end when you begin your deliberations, but
17 it accompanies the defendant throughout the trial until you
18 have reached a verdict of guilt based on evidence satisfying
19 you of that guilt beyond a reasonable doubt.

20 The presumption of innocence is not mere legal theory.
21 It's not just a legal phrase. It is a substantial right to
22 which every defendant is entitled unless you, the jury, are
23 satisfied from the evidence of the defendant's guilt beyond a
24 reasonable doubt.

25 What is a reasonable doubt in the law? It's the kind of

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1 doubt that would cause a reasonable person to act. It is also
2 described as the kind of doubt for which you can give a
3 reason. Proof beyond a reasonable doubt is proof that leaves
4 you firmly convinced of the defendant's guilt. There are very
5 few things in this world that we know with absolute certainty,
6 and in criminal cases the law does not require proof that
7 overcomes every possible doubt. If, based on your
8 consideration of the evidence, you are firmly convinced that
9 the defendant is guilty, then you must find the defendant
10 guilty. If on the other hand you think there is a real
11 possibility that the defendant is not guilty, you must give
12 the defendant the benefit of the doubt and find him not
13 guilty.

14 I'll remind you that during this trial you and I have
15 certain duties to perform. As the trial judge, it's my
16 responsibility to preside over the trial of the case, and I
17 also have the duty to rule on the admissibility of the
18 evidence offered during the trial. You are to consider only
19 the competent evidence before you. You are to consider only
20 the testimony which is been presented from the witness stand
21 and the exhibits which have been made a part of the record in
22 this case.

23 I have the additional duty to charge you the law
24 applicable to this case. As the presiding judge, I am the
25 sole judge of the law, and it is your duty as jurors to accept

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1 and apply the law as I now state it to you. If you already
2 had any idea as to what the law is or what you think the law
3 ought to be, and it does not agree with what I now tell you
4 the law is, you must abandon your previous idea, because
5 you're sworn to accept the law and apply the law exactly as I
6 stated to you.

7 In every case tried before a jury, the jury becomes the
8 sole and exclusive judges of the facts. A Trial Judge cannot
9 comment on or make any statement about the facts. Since you,
10 the jury, are the sole judge of the facts in this case, you
11 are not to infer from what I have said during the progress of
12 this trial or ruling on the admissibility of evidence or
13 otherwise, or anything that I say now to you during the course
14 of this instruction to you that I have any opinion about the
15 facts in the case. The law does not allow me to have any
16 opinion about the facts. This is a matter solely for you, the
17 jury, to determine. As jurors, it is your duty to determine
18 the effect, value, weight, and truth of the evidence presented
19 during this trial.

20 There are two types of evidence which are generally
21 presented during a trial. There is direct evidence and
22 circumstantial evidence. Direct evidence directly proves the
23 existence of a fact and does not require deduction. Direct
24 evidence is testimony of a person who claims to have actual
25 knowledge of the facts, such as an eyewitness. Circumstantial

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1 evidence is proof of a chain of facts and circumstances
2 indicating the existence of a fact. Crimes may be proven by
3 circumstantial evidence. The law makes no distinction between
4 the weight or value to be given to either direct or
5 circumstantial evidence, nor is a greater degree of certainty
6 required of circumstantial evidence than of direct evidence.
7 You should weigh all of the evidence in the case.

8 However, to the extent the state relies on circumstantial
9 evidence, all of the circumstances must be consistent with
10 each other and when taken together point conclusively to the
11 guilt of the accused beyond a reasonable doubt. If these
12 circumstances merely portray the defendant's behavior as
13 suspicious, the proof has failed.

14 After weighing all of the evidence, if you are not
15 convinced of the guilt of the defendant beyond a reasonable
16 doubt, you must find the defendant not guilty. The state has
17 the burden of proving the defendant guilty beyond a reasonable
18 doubt, and this burden rests with the state regardless of
19 whether the state relies on direct evidence, circumstantial
20 evidence, or some combination of the two.

21 Now, necessarily, you must determine the credibility of
22 the witnesses who have testified, and credibility simply means
23 believability. It becomes your duty as jurors to analyze and
24 evaluate the evidence and determine which evidence convinces
25 you of its truth. In determining the believability of

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1 witnesses who have testified in this case, you may believe one
2 witness over several, or several witnesses over one. You may
3 believe part of the testimony of a witness and reject the
4 remaining part of the testimony of the same witness. You may
5 believe the testimony of a witness in its entirety, or you may
6 reject the testimony of a witness in its entirety. You can
7 consider whether any witness has exhibited to you any bias,
8 any prejudice, any motive in giving the testimony the way they
9 did. You may consider the appearance and manner or demeanor
10 of the witness while on the witness stand.

11 Ladies and gentlemen, a person who has a past criminal
12 record is competent to testify during a trial. A past record
13 does not affect the ability of that witness to testify. The
14 past record may only be considered by you, if at all, in
15 determining the witness' believability. Remember, you are the
16 sole judges of the facts in the case and of the believability
17 of any and all of the witnesses.

18 I instruct you and emphasize that the fact the defendant
19 did not testify is not a fact to be considered by you in any
20 way in your deliberation and in your consideration of the
21 question of the guilt or innocence of the defendant. It must
22 not be considered by you in any manner whatsoever. A
23 defendant has the constitutional right to remain silent, and
24 the assertion of this right must not be considered by you in
25 your deliberations. I repeat, under your oath, you are to

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1 draw no conclusion whatsoever from the fact that the defendant
2 did not testify in this case. The fact that he did not
3 testify should not even be discussed in the jury room. The
4 burden of proof, as I've stated to you, is on the state. The
5 defendant is not required to prove his innocence. The burden
6 of proof remains on the state to prove guilt beyond a
7 reasonable doubt.

8 The rules of evidence ordinarily do not permit witnesses
9 to testify as to opinions or conclusions. An exception to
10 this rule exists for witnesses that we call expert witnesses.
11 A witness who by education or experience has become an expert
12 in some art, science, profession, or calling may state an
13 opinion as to relevant and material matter in which the expert
14 claims -- or witness claims to be an expert and may also state
15 the reasons for the opinion. In this case, you have heard
16 expert testimony in the areas of forensic pathology, and
17 firearms and ballistics identification. You should consider
18 any expert opinion received in evidence in this case, and like
19 any other evidence give it the weight that you think it
20 deserves. If you decide that the opinion of an expert is not
21 based on sufficient education and experience, or if you
22 conclude that the reasons given in support of the opinion are
23 not sound, or that the opinion is outweighed by other
24 evidence, you may disregard the opinion entirely. An expert
25 witness's testimony is to be given no greater weight than that

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1 of other witnesses simply because the witness is an expert.
2 Further, you are not required to accept an expert's opinion
3 even though it is not contradicted.

4 Now, an issue in this case is the identification of the
5 defendant as the person who committed the crime charged. The
6 state has the burden of proving identity beyond a reasonable
7 doubt. You must be satisfied beyond a reasonable doubt of the
8 accuracy of the identification of the defendant before you may
9 convict the defendant. Identification testimony is an
10 expression of belief or impression by witness. You must
11 determine the accuracy of the identification of the defendant.
12 You must consider the believability of each identification
13 witness in the same way as any other witness. You may
14 consider whether the witness had an adequate opportunity to
15 observe the offender at the time of the offense. This will be
16 affected by things like how long or short a time was
17 available, how far or close the witness was, the lighting
18 conditions, and whether the witness had the chance to see or
19 know the person in the past.

20 Once again, I instruct you that the burden of proof on
21 the state extends to every element of the crime charged, and
22 this specifically includes the burden of proving beyond a
23 reasonable doubt the identity of the defendant as the person
24 who committed the crime. If, after examining the testimony,
25 you have a reasonable doubt as to the accuracy of the

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1 identification, you must find the defendant not guilty.

2 The defendant is charged with murder. The state must
3 prove beyond a reasonable thought that the defendant killed
4 another person with malice aforethought. Malice is hatred,
5 ill will, or hostility towards another person. It is the
6 intentional doing of a wrongful act without just cause or
7 excuse and with an evil intent to inflict an injury. Malice
8 aforethought does not require that malice exists for any
9 particular time before the act is committed, but malice must
10 exist in the mind of the defendant just before and at the time
11 the act is committed. Therefore, there must be a combination
12 of the previous evil intent and the act. Malice aforethought
13 may be expressed or inferred. And these terms expressed and
14 inferred do not mean different kinds of malice but merely the
15 manner in which malice may be shown to exist. That is either
16 by direct evidence or by inference from facts and
17 circumstances which are proved.

18 The defendant is charged with possession of a weapon
19 during the commission of or attempt to commit a violent crime.
20 The state must prove beyond a reasonable doubt that the
21 defendant was in possession of a firearm or visibly displayed
22 what appeared to be a firearm during the commission of a
23 violent crime. A firearm means any machine gun, automatic
24 rifle, revolver, pistol, or any weapon which will or is
25 designed to or may be readily converted to expel a projectile.

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1 In order to find the defendant guilty of possession of a
2 weapon during the commission of a violent crime, you must
3 first find the defendant guilty of either committing a violent
4 crime or attempting to commit a violent crime.

5 Murder is classified as a crime of violence under our
6 South Carolina Code of Laws. The state must prove beyond a
7 reasonable doubt that the weapon further advanced or helped in
8 the commission of the crime.

9 Ladies and gentlemen, we're gonna send you to the jury
10 room with all of the exhibits, and also with two verdict
11 forms. One for each of the offenses charged. The first one
12 states: As to the charge of murder, we, the jury, unanimously
13 find the defendant -- and there's a blank for guilty and a
14 blank for not guilty. Please don't read anything into the
15 order in which those two appear. One's got to come first, and
16 one's got to come second.

17 After you've reached a unanimous verdict, Ms. Cardamone,
18 you'll -- you're Ms. Cardamone? You will record the jury's
19 verdict, and you will sign the verdict form.

20 The next verdict form states: As to the charge of
21 possession of a weapon during the commission of a violent
22 crime, we, the jury, unanimously find the defendant -- and
23 then there's also a blank for guilty or not guilty. It does
24 instruct you on -- next to guilty it says, you may only find
25 the defendant guilty of this offense if you have also found

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1 him guilty of murder. And that instruction is written on the
2 verdict form.

3 Again, once you have reached a unanimous verdict, you
4 will fill in the verdict form, and, Ms. Cardamone, you will
5 sign as the foreperson on behalf of the jury panel.

6 Once you've reached a verdict, if you'll please knock on
7 the door and let the bailiff know that you have reached a
8 verdict.

9 Any additions or exceptions on the part of the state?

10 MR. HELMS: None, Your Honor.

11 THE COURT: From the defendant?

12 MR. BROOKER: None, Your Honor.

13 BY THE COURT:

14 THE COURT: Okay. Ladies and gentlemen, we're gonna
15 excuse you now. In just a minute will bring back the exhibits
16 and the verdict form so that you can begin your deliberations.

17 We also have lunch coming for you right around noon.

18 (REPORTER'S NOTE: Jury exits courtroom @ 11:55 a.m. The
19 following takes place outside the presence of the jury.)

20 THE COURT: Can I ask if you will come and -- both, or
21 all of you, make sure that we have all of the exhibits and
22 none that we shouldn't have.

23 Can I get you to grab the alternates?

24 MR. HELMS: Your Honor, while we have the record, we just
25 need to switch out, if I'm not mistaken, a DVD for ---

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BY THE COURT

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1 MS. LIVESAY: Phone records.

2 MR. HELMS: Phone records.

3 THE COURT: I got you.

4 MR. HELMS: And we're finishing that file -- that copy
5 now.

6 THE COURT: And have you all been over the exhibits to be
7 sure we're good here?

8 MR. HELMS: Yes, ma'am.

9 (REPORTER'S NOTE: Alternate jurors enter courtroom.)

10 THE COURT: Ladies, I just want to thank you for your
11 service. Sometimes it's a thankless task to be the alternate.
12 You have to listen to everything and then you don't get to
13 have your say at the end. But your being here gave us comfort
14 that if something happened to one of the other jurors that the
15 case can go forward and we don't have to scrap it and start
16 over again. So, you've done a huge service to the community
17 by doing this.

18 This does serve as your exemption for three years. So,
19 if you get a jury summons in the next three years, you can
20 contact the clerk's office and let them know that you have
21 already done your duty and served.

22 So, again, thank you so much for being here. We
23 appreciate it.

24 You're free to go.

25 (REPORTER'S NOTE: Alternates released and exit courtroom.)

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1 COURT REPORTER: So, Judge, we are substituting 67, the
2 one that was in the record had the search warrant on it. The
3 new DVD does not.

4 THE COURT: Got you. That probable cause language has
5 been taken out.

6 (REPORTER'S NOTE: Counsel confers and stipulates to exhibits
7 to be submitted to jury. Deliberations commence at 12:06
8 p.m.)

9 **RECESS - 12:06 P.M.**

10 *****OFF THE RECORD*****

11 **ON THE RECORD - 1:13 P.M.**

12 BY THE COURT:

13 THE COURT: We have a note from the jury that says -- I'm
14 just reading exactly what it says. It say the official police
15 report of -- I'm gonna say Cortisha's testimony. And I'll let
16 y'all take a look, but I think they had to kind of guess at
17 the spelling. It looks to me like it's saying Cortisha, but
18 I'll let y'all take a look. And I know of course there was
19 not police report introduced into evidence. So, y'all have
20 any proposals for what we tell the jury?

21 MR. HELMS: I'm sorry, Your Honor. What is the question?

22 THE COURT: It doesn't really ask a question. It just
23 says the official police report of Cortisha's testimony. So,
24 I think they're asking for the police report of, you know,
25 what Cortisha told the police is kind of what I gathered from

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BY THE COURT

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1 this.

2 MR. HELMS: Are they asking for that to hear her
3 testimony again?

4 THE COURT: I mean, come look at it. It says the
5 official police report of Cortisha's testimony.

6 MR. HELMS: Your Honor, I think that could be interpreted
7 to ask for the testimony to be played, which I've had done
8 before.

9 THE COURT: Yeah. I'm happy to -- what I propose it
10 this. I tell them that the police report did not come into
11 evidence, and is not something that we can provide them. But
12 if they would like to hear the testimony again of what -- the
13 testimony that she gave in the courtroom, that we can ---

14 Tell me how we would do that, Ms. Richardson.

15 THE COURT REPORTER: I can play it back. I can just play
16 it back.

17 THE COURT: As in audio?

18 THE COURT REPORTER: Yes, ma'am.

19 MR. HELMS: I would have no objection.

20 MR. BROOKER: I don't have any objection to that, Your
21 Honor.

22 THE COURT: Okay. If you'll bring the jury in, please.

23 (REPORTER'S NOTE: Jury enters courtroom @ 1:16 a.m.)

24 THE COURT: Okay. Ladies and gentlemen, I have your note
25 that says the official police report of Cortisha's testimony.

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1 MR. HELMS: Your Honor, the one here in the back ask that
2 you hold off one second so he can ---

3 THE COURT: I'm sorry. I jumped the gun.

4 I have your note that asks the official police report of
5 Cortisha's testimony. The police report did not come into
6 evidence. Generally, they don't. They contain hearsay. What
7 we can do, if you would like, is we can play back the
8 testimony that she gave in court, if that's what you would
9 like for us to do.

10 And do y'all need to discuss or if you -- okay. Let's go
11 ahead and do that then. Thank you, sir.

12 (REPORTER'S NOTE: The testimony of Cortisha Hemingway
13 contained here in on Page 255, Line 15 to Page 267, Line 19 is
14 played for the jury.)

15 BY THE COURT:

16 THE COURT: Okay. Thank you, ladies and gentlemen.

17 (REPORTER'S NOTE: Jury exits courtroom @ 1:43 p.m. The
18 following takes place outside the presence of the jury.)

19 THE COURT: Okay. Anything we need to put on the record?

20 MR. HELMS: No, Your Honor, not from the state.

21 MR. BROOKER: No, Your Honor.

22 THE COURT: Ms. Ricardson, let me hand you this.

23 THE COURT REPORTER: That'll be Court's Number 2.

24 COURT'S EXHIBIT NUMBER TWO

25 MARKED FOR IDENTIFICATION

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VERDICT OF THE JURY

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1 THE COURT: We'll be at recess.

2 **OFF THE RECORD - 1:44 P.M.**

3 *****OFF THE RECORD*****

4 **ON THE RECORD - 2:43 P.M.**

5 THE COURT: I think we're ready for the jury.

6 (REPORTER'S NOTE: Jury enters courtroom @ 2:44 p.m.)

7 VERDICT OF THE JURY:

8 THE COURT: Okay. Ladies and gentlemen, I understand
9 you've reached a verdict.

10 JUROR 56: Yes, we have, Judge.

11 THE COURT: If you would please hand the verdict form to
12 the bailiff.

13 Okay. I have the jury's verdict form.

14 As to the charge of murder, we, the jury, unanimously
15 find the defendant guilty.

16 As to the charge of possession of a weapon during the
17 commission of a violent crime, we, the jury, unanimously find
18 the defendant guilty.

19 Ladies and gentlemen, let me ask you to confirm is this
20 your verdict?

21 (REPORTER'S NOTE: Jury unanimous confirms.)

22 THE COURT: Anything else on behalf of the state?

23 MR. HELMS: Nothing, Your Honor.

24 THE COURT: Mr. Brooker, on behalf of the defendant?

25 MR. BROOKER: Just if you would poll the jury, Your

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POLLING OF THE JURY

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1 Honor.

2 THE COURT: We can.

3 POLLING OF THE JURY:

4 THE CLERK: Please stand when I call your number. I will
5 ask you two questions. After you answer them, please be
6 seated.

7 Number 56. Is this your verdict?

8 JUROR 56: Yes, it is.

9 THE CLERK: Is this still your verdict?

10 JUROR 65: Yes, it is.

11 THE CLERK: Thank you.

12 Number 80. Is this your verdict?

13 JUROR 80: Yes, it is.

14 THE CLERK: Is this still your verdict?

15 JUROR 80: Yes, it is.

16 THE CLERK: Number 33. Is this your verdict?

17 JUROR 33: Yes, it is.

18 THE CLERK: Is this still your verdict?

19 JUROR 33: Yes, it is.

20 THE CLERK: Number 253. Is this your verdict?

21 JUROR 253: Yes, it is.

22 THE CLERK: Is this still your verdict?

23 JUROR 253: Yes, it is.

24 THE CLERK: Number 277. Is this your verdict?

25 JUROR 277: Yes.

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POLLING OF THE JURY

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1 THE CLERK: Is this still your verdict?
2 JUROR 277: Yes.
3 THE CLERK: Number 131. Is this your verdict?
4 JUROR 131: Yes.
5 THE CLERK: Is this still your verdict?
6 JUROR 131: Yes.
7 THE CLERK: Number 191. Is this your verdict?
8 JUROR 191: Yes.
9 THE CLERK: Is this still your verdict?
10 JUROR 191: Yes.
11 THE CLERK: Number 110. Is this your verdict?
12 JUROR 110: Yes.
13 THE CLERK: Is this still your verdict?
14 JUROR 110: Yes.
15 THE CLERK: Number 358. Is this your verdict?
16 JUROR 358: Yes.
17 THE CLERK: Is this still your verdict?
18 JUROR 358: Yes.
19 THE CLERK: Number 322. Is this your verdict?
20 JUROR 322: Yes.
21 THE CLERK: Is this still your verdict?
22 JUROR 322: Yes.
23 THE CLERK: Number 1. Is this your verdict?
24 JUROR 1: Yes.
25 THE CLERK: Is this still your verdict?

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
BY THE COURT

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1 JUROR 1: Yes.

2 THE CLERK: And Number 158. Is this your verdict?

3 JUROR 1: Yes.

4 THE CLERK: Is it still your verdict?

5 JUROR 1: Yes.

6 THE CLERK: Thank you.

7 BY THE COURT:

8 THE COURT: Anything further before I dismiss this jury?

9 MR. HELMS: Nothing from the state, Your Honor.

10 MR. BROOKER: Nothing from the defense, Your Honor.

11 THE COURT: Ladies and gentlemen, I want to thank you
12 very much for your service. This is your three-year
13 exemption; that's the good news. When these juror summons go
14 out, and they go out to lots of people -- in Sumter, they used
15 to go out with my name on them when I was the Chief
16 Magistrate. And like two weeks' worth every month. And every
17 month my phone would start ringing when the juror summons went
18 out, people that I haven't seen in 10 years, who would want to
19 tell me every reason that they could not serve as a juror.
20 So, we get those phone calls. And then we have the rest of
21 the crowd, who just goes about quietly rearranging their
22 entire lives and their schedules and their families and their
23 jobs to be here and serve. And you fall in that category, and
24 we are very appreciative of you being here this week and the
25 time and attention that you've given to this case. You're

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 free to go.

2 (REPORTER'S NOTE: Jury exits courtroom @ 2:47 p.m. The
3 following takes place outside the presence of the jury.)

4 THE COURT: Okay. Do y'all need a few minutes to get
5 your sentencing sheet?

6 MR. HELMS: We are prepared to go forward, Your Honor,
7 with the sentencing.

8 SENTENCING:

9 THE COURT: Okay. I'll hear from the state.

10 MR. HELMS: Your Honor, we're relying on the presentation
11 at this point and the process. The Court is well aware of the
12 facts as the state is. There's nothing else to add to the
13 record except for the fact that his conviction is -- or his
14 criminal history is minimal or non-existent even, and he was
15 offered 25 years as a plea offer from the state, Your Honor.

16 THE COURT: Okay. Mr. Brooker, I'm glad to hear from
17 you, sir.

18 MR. BROOKER: Thank you, Your Honor.

19 It's always difficult I think at these particular
20 moments, and trying to figure out what to say at sentencing.
21 Obviously is is that it's a disappointing moment for the
22 defense. But this is our justice system.

23 I'll give you just a little bit of information in
24 reference to, Your Honor, and I hope that this -- and that
25 this is relevant, or you find this relevant in making your

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 determination with respect to whether or not he should be
2 sentenced toward the lower end of the range or either towards
3 the maximum end. You know 30 years is the lowest end of the
4 range -- low end of the range, and of course life is the
5 maximum. But Laquandian is 29 years old, Your Honor. He's a
6 lifelong resident of Horry County, South Carolina. He has two
7 children, ages two, they are twins. And like Mr. Helms says,
8 he has virtually no prior record whatsoever. I think he had a
9 disorderly conduct if my memory serves me correctly in 2013,
10 which is a misdemeanor offense, but other than that it's void
11 of any criminal charges whatsoever.

12 I know that the jury has spoken, but based upon his lack
13 of criminal record, actually almost nonexistent up until this
14 particular point, we're asking the Court to consider whether
15 or not that warrants a lower end of the range. And sometimes
16 when Your Honor is trying to figure out what factors to
17 consider in trying to determine, you know, whether or not
18 someone is deserving of a lower end or higher range, at least
19 it's always been my position is is that that that higher end
20 of the range is reserved for those people who have actually
21 lived a terrible life, you know, have significant criminal
22 records. And of course, society reaches the determination
23 that those people are -- deserves the most extreme punishment
24 that the law will allow, because of how they've lived their
25 life, based upon their criminal record. And of course is is

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 that his record is completely void of that.

2 Obviously is is that even 30 years is a significant
3 amount of time. He's 29 years old, and he'll be 30 next
4 month, actually, the 13th of next month. And so, with a 30-
5 year sentence, he'll probably be around 60 when he's released
6 or when he gets out. So, it's a significant portion of his
7 life. It's a significant portion of his life. I think he is
8 -- he does have redeeming qualities. I've known Laquandian
9 for a little bit now. I do think he has redeeming qualities.
10 So, we're asking the Court to take that into consideration
11 with sentencing.

12 I would also ask the Court to, if his family chooses to
13 provide you with more information about him than I can, they
14 know him better than I do, and I think sometimes this -- you
15 know, this is a difficult process for the Judge, and I think
16 in federal court, you know, they have this whole presentencing
17 thing, and the Judge gets sometimes 29 or 30-page
18 presentencing report that has all of the relevant information
19 so the Judge can make a conscientious, you know, decision
20 about what's appropriate. But we don't have that system in
21 this state. But his family knows him a lot better than I am,
22 if I -- if Your Honor would, I'd like to have any member of
23 his family, his mom is here, I know his brother is here, to
24 see whether or not they want to speak about him and provide
25 you with a little more information about who he is.

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 THE COURT: Yes, sir.

2 Tell me your name, ma'am?

3 MS. J. BELLAMY: My name is Justine Bellamy.

4 THE COURT: B-E-L-L-A-M-Y.

5 MS. J. BELLAMY: B-E-L-L-A-M-Y.

6 THE COURT: Thank you.

7 MS. J. BELLAMY: I'm his mother. I'm sorry that we had
8 to be here today. It's just at the hands of the Court -- I
9 mean, the mercy of the Court for whatever they consider,
10 consider the facts or whatever they consider they say they
11 had. It's just a mother's love -- I really -- I'm at a loss
12 for words. My love hasn't changed for my child. I'll always
13 support my child and love my child. But like he said, that's
14 a long time to be -- my heart goes out to the other family.
15 Y'all have my sympathy and love. I wasn't there. I don't
16 know what happened. We none wasn't there, we -- but y'all
17 have my sympathy, and I know y'all -- we pray for y'all, pray
18 for us, we pray for y'all. These communities, there's a lot
19 of work to be done in these communities. We need some
20 enforcement.

21 Me, as a mother, I do not like the way I was treated when
22 I -- when they came into my home. I was undressed, half-
23 dressed lady getting up early in the morning. I was pulled
24 outside in my night clothes, breasts hanging out everywhere.
25 Put yourself in my position. Would you like to be treated

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 like that. That is so disrespectful. If you know you was
2 coming in my house and he has a mother, you at least consider
3 a lady -- I need to go to the bathroom, I needed to get
4 dressed.

5 THE COURT: Ms. Bellamy, if you can -- anything you want
6 me to know about your son, I need to know that.

7 MS. J. BELLAMY: Right. My son is a humble sweet-
8 spirited child. Yes, ma'am and no, ma'am. I have not known
9 him to bother anyone at all. He's humble. If he can give you
10 the shirt off his back, he would. He's sweet. He's not
11 rowdy. He's not -- always been a softspoken, yes, ma'am, no,
12 ma'am child. I raised my children to mind their business, not
13 bother anyone, don't pick on anyone, and don't bully on
14 anyone. Though, like I said, I wasn't down there; I don't
15 know what happened. I don't. But my child is -- is a sweet,
16 sweet, sweet boy. He know I love him. I didn't -- he didn't
17 give me any problems as being as a mother no kind of -- if I
18 tell him to do something, he'd do it; yes, ma'am; no, ma'am.
19 That's -- he's just -- I kept him for a baby on a heart
20 monitor. I raise him up. The Lord blessed me for him to get
21 to not to wear it. So, I had some good years with him, and I
22 hope I have some more. I don't want my child to spend all
23 that life -- it's at the mercy of the Court to have sympathy
24 for me as his mother. I just don't -- he's just a good child.
25 He's just a good child.

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 THE COURT: Thank you, Ms. Bellamy.

2 MS. J. BELLAMY: Can I hug him?

3 THE COURT: No, ma'am. I'm sorry.

4 MS. J. BELLAMY: No, ma'am?

5 I love you anyway, Juice, yeah.

6 THE COURT: Thank you, Ms. Bellamy.

7 MS. J. BELLAMY: All right. You're welcome.

8 MR. BROOKER: I don't know whether or not -- I think his
9 brother is here. I don't know if he has any words to say. I
10 know he's broken up.

11 MS. PATRICK: Good afternoon.

12 THE COURT: Good afternoon. Ma'am, tell me your name.

13 MS. PATRICK: My name is Kendra Patrick.

14 THE COURT: P-A-T-R-I-C-K?

15 MS. PATRICK: P-A-T-R-I-C-K.

16 THE COURT: Yes, ma'am?

17 MS. PATRICK: Yes. Laquandian, which we do call him
18 Juicy. I'm his aunt. And he is a loving person. And I pray,
19 and at the mercy of the Court, that you give -- he's a young
20 guy, and I pray that he doesn't spend the rest of his life in
21 prison like that. And I do have sympathy for the family as
22 well, and I'm sorry of your loss. Please have mercy on him
23 for the time that he has to spend in jail.

24 And I love him, and I always love you, because God is
25 good all the time, all the time, he is good.

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCING

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1 Thank you, Your Honor.

2 THE COURT: Thank you.

3 MR. BROOKER: And I'll just say this in closing, Your
4 Honor ---

5 THE COURT: I think you got one more.

6 MR. BROOKER: I'm sorry.

7 MR. BELLAMY: Your Honor, my name is Darren Bellamy.

8 THE COURT: Darryl Bellamy?

9 MR. BELLAMY: Darren Bellamy. I'm the uncle ---

10 THE COURT: D-A-R-R-E-N?

11 MR. BELLAMY: Yes, ma'am. I'm the uncle. And he really
12 is a good kid just caught up in a bad situation. And to the
13 family, I know the family, my heart goes out to you, much
14 love, no ill remorse [sic]-- just ask for God's grace.

15 MR. BROOKER: Thank you, Your Honor.

16 THE COURT: Thank you.

17 I'm sorry. Come on up, ma'am.

18 MR. BROOKER: I apologize.

19 THE COURT: That's fine.

20 Tell me your name, ma'am?

21 MS. L. BELLAMY: I'd like to say good evening. My name
22 is Linda Bellamy. I'm the grandmother. My baby. I raise
23 him, saw him every day. Speaking from my heart, he is a
24 smart, good child. He just got caught up in a bad situation,
25 and I hate it's like this.

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCE OF THE COURT

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1 I will miss you. God will take care of you.

2 And I'm asking for the mercy of the Courts.

3 And to the other family, my heart goes out for you all.

4 I'm sorry about what happened. I wasn't there, but God knows
5 it all, and he's gonna take care of you all, he's gonna take
6 care of him. And I love everybody, and everybody love their
7 child.

8 My call your name, you know what I call to you, Jujey
9 (spelled phonetically). I love you. Okay.

10 THE COURT: Thank you, ma'am.

11 SENTENCE BY THE COURT:

12 THE COURT: I'm taking into consideration the young age
13 of the victim. I'm taking into consideration the fact that
14 you don't have any criminal convictions. When I look at these
15 families, I just think this is a tragedy on both sides.
16 Everybody's got a momma and when I look over and I see all
17 this family sitting here that cares about you, it just makes
18 it really tragic to think about what has happened here to both
19 of these families that can never be undone. So, there's
20 really no winners in this situation.

21 On the charge of murder, the sentence of the Court is 30
22 years. On the charge of possession of a weapon during a
23 violent crime, the sentence of the Court is a consecutive five
24 years; that's for a total sentence of 35 years.

25 Good luck to you, sir.

STATE V. BROMELL - 2021-GS-26-04475 AND 04476
SENTENCE OF THE COURT

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1 I do want to thank the attorneys for a very well-trying
2 case.

3 MR. HELMS: Thank you, Your Honor.

4 THE COURT: Great job on both sides.

5 MR. BROOKER: Thank you, Your Honor.

6 **ADJOURNED @ 3:05 P.M.**

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STATE V. BROMELL - 2021-GS-26-04475 AND 04476
CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina v. Laquandian Bromell, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on April 11 to 14, 2022.

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

Kay H. Richardson
Official Court Reporter

September 23, 2024.

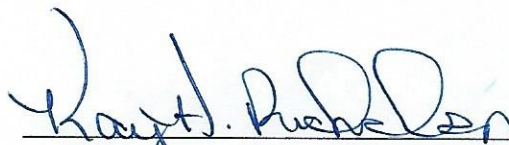
STATE V. BROMELL - 2021-GS-26-04475 AND 04476
CERTIFICATE OF COURT REPORTER

568

C E R T I F I C A T E

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



Kay H. Richardson

Official Court Reporter

September 23, 2024.

The South Carolina Court of Appeals

The State, Respondent,

v.

LaQuandian Jaraffus Bromell, Appellant.

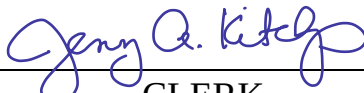
Appellate Case No. 2022-000509

The Honorable Kristi F. Curtis
Horry County
Trial Court Case No. 2021GS2604475, 2021GS2604476

ORDER

Counsel for the Appellant has failed to order the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules, and as directed by the Court's letters of June 17, 2022 and August 18, 2022. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY 
CLERK

Columbia, South Carolina

cc:

Robert Michael Dudek, Esquire
Christopher Dale Helms, Esquire
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire

FILED
Nov 07 2022

FORM 5

STATE OF SOUTH CAROLINA)

County of)

HORRY

IN THE COURT OF COMMON PLEAS

LAQUANDIAN TARAFUS BROMELL)

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

2023 CP 26 2381

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF)

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention SCDC TRENTON CORRECTIONAL INSTITUTION
84 GREENHOUSE ROAD, TRENTON, SOUTH CAROLINA 29847
2. Name and location of Court which imposed sentence HORRY COUNTY COURT OF
GENERAL SESSIONS, P.O. Box 677, CONWAY, SOUTH CAROLINA 29528-0677
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2021 BS 2604475 (MURDER)
 - (b) 2021 BS 2604476 (Poss. Weapon during violent crime)

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 14, 2022 - 30 YRS. (murder)
- (b) April 14, 2022 - 5 YRS. (Poss. Weapon during violent crime)
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty JURY VERDICT
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence? YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. The South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Summarily dismissed where counsel for Appellant failed to
- ii. order transcript, as required by Rule 207 of the SCACR
- iii. _____
- (c) the date of each such result:
- i. November 7, 2022
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Appellate Case No.: 2022-000509
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) INEFFECTIVE ASSISTANCE OF COUNSEL

(b) _____

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) NOTICE OF APPEAL CERTIFICATE OF SERVICE, ORDER OF DISMISSAL,

(b) SOUTH CAROLINA COURT OF APPEALS REMITTITUR;

(c) SEE ATTACHED DOCUMENTS SUPPORTIVE OF CLAIM:

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? YES

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO

(d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. NOTICE OF APPEAL FROM CONVICTION

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. SOUTH CAROLINA COURT OF APPEALS

ii. _____

iii. _____

iv. _____

FILED
HOLLY COUNTY
2023 APR 14 P 3:12
FENNELL N. ELVIS
CLERK OF COURT
HOLLY COUNTY, SC

(c) the disposition thereof:

i. Dismissed where counsel failed to order trial transcript

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. November 7, 2022

ii. _____

iii. _____

iv. _____

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

i. Appellate case No.: 2022-000509

ii. _____

iii. _____

iv. _____

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

NO

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

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

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HARRY COUNTY
2022 APR 14 PM 3:12
RENEE N. ELVIS
CLERK OF COURT
HARRY COUNTY, SC

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

(a) N/A
 (b) _____
 (c) _____

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

(a) your arraignment and plea? _____
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

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

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

i. THURMOND BROOKER, Esq., 238 WARLEY STREET
FLORENCE, SC 29501-1450
 ii. _____
 iii. _____

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

i. TRIAL, SENTENCING
 ii. _____
 iii. _____

FILED
 Horry County
 2023 APR 14 PM 3:12
 RENEE N. ELVIS
 CLERK OF COURT
 Horry County, SC

19. State clearly the relief you seek in filing this application:

DIRECT APPEAL FROM CONVICTIONS AND SENTENCE, AS WELL AS ANY
OTHER AND FURTHER RELIEF THE COURT MAY DEEM JUST, PROPER
AND EQUITABLE.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of Edgefield)

VERIFICATION

FILED
 Horry County
 2023 APR 14 P 3:11
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

I, LAQUANDIAN FARAFUS BROMELL

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

LaQuandian F. Bromell

SWORN to and subscribed before me this April 10th
 day of April, 2023.

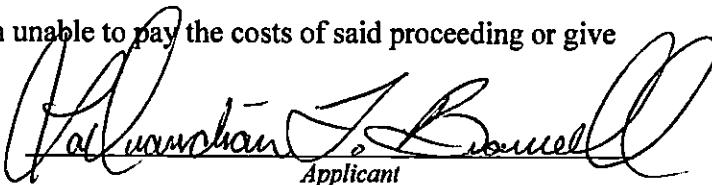
[Signature] (L.S.)
 Notary Public

My Commission Expires: 09/22/32

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

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

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


Applicant

SWORN or affirmed to and subscribed before me this

10 day of April, 2023.


Notary Public

My Commission Expires: 9/22/23

FILED
HORRY COUNTY
2023 APR 14 P 3:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

MEMORANDUM IN SUPPORT OF PCR

STATE COURT PRECEDENT DENIAL OF DIRECT REVIEW OF CONVICTIONS place burden upon the defendant to seek PCR REVIEW. DAVIS V. STATE, 288 S.C. 290, 342 S.E.2d 60 (1986) (Mem); WHITE V. STATE, 263 S.C. 110, 208 S.E.2d 35 (1974).

BECAUSE APPLICANTS FOR post-conviction RELIEF ARE TRADITIONALLY ENTITLED TO ONLY ONE BITE AT THE APPLE, IT IS IMPERATIVE THAT APPLICANT RAISE ALL KNOWN ISSUES IN THIS ORIGINAL, SUPPLEMENTAL, OR AMENDED APPLICATIONS. LOVE V. STATE, 428 S.C. 231, 834 S.E.2d 196 (S.C. 2019); ODOM V. STATE, 337 S.C. 256, 523 S.E.2d 753 (1999).

AT THE HEARING WILL PROVE THE ALLEGATIONS CONTAINED IN THE PCR BY A PREPONDERANCE OF THE EVIDENCE. ALONG WITH THE SCOPE AND MERITS OF ANY SUCH CLAIM THAT MAY BE OPEN TO PETITIONER THROUGH FACTS UNCOVERED AND CLARIFIED.

THE FUNDAMENTAL LEGAL PRINCIPLES THAT CONTROL PETITIONER'S CASE ARE CONTAINED IN STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984), WHICH SET THE STANDARD FOR THE COURTS' JUDICIAL REVIEW OF THE CLAIM OF INEFFECTIVE COUNSEL. IN STRICKLAND, THE COURT ADOPTED A TWO-PART TEST: (1) "THE DEFENDANT MUST SHOW THAT

counsel's performance was deficient," i.e., "that counsel's representation fell below an objective standard of reasonableness," *id.*, at 687-88, and (ii), "[t]he defendant must show that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *id.*, at 694. CONCLUSIVE EVIDENCE ON THESE TWO POINTS IS NOT LACKING IN THE CASE SUB JUDICE.

An issue that should be addressed at an evidentiary hearing on the matter, *inter alia*, is that petitioner did not knowingly and intelligent waive his right to a direct appeal. *Sheppard v. State*, 357 S.L. 646, 651, 594 S.E.2d 462, 465 (2004). Attributable to negligence of trial counsel's prejudicial act of omission when having filed Notice of Appeal, Rule 203, SCACR, took no further action on behalf of petitioner to comply with the fundamental requirements of Rule 207 of the South Carolina Appellate Court Rules; not even after having been served notice of by the authority and purpose of the South Carolina Appellate Court Clerk of Court Office. Petitioner's direct appeal of his conviction was summarily dismissed without hearing. (See supportive of claim attached documentation).

SUCH CONSEQUENCE NATURALLY FOLLOWED TRIAL COUNSEL'S, THURMOND BROOKER, ESQ., ARBITRARILY CHOSEN ACT OF OMISSION OF CONVENIENCE, NOT DUE TO SOME UNFORESEEN DEVELOPMENT. HAD TRIAL COUNSEL TAKEN REASONABLE STEPS TO ACCOMPLISH THE SPECIFIC PURPOSE OF FOLLOWING PROPER PROCEDURE IN CONTINUING TO REPRESENT PETITIONER UNTIL RELEASED BY THE APPELLATE COURT, PETITIONER'S APPEAL WOULD NOT HAVE DISMISSED. STATE V. DEVORE, 416 S.C. 115, 122, 784 S.2d 690, 694 (2016); SLACK 264(a), RPC 407, 602(E)(1), IMPOSE OBLIGATIONS ON COUNSEL.

ANALYSIS OF THE ABOVE TOPICS AND CITATIONS TO AUTHORITIES SUPPORTING PETITIONER'S LEGAL SIGNIFICANT ARGUMENT SUPPORT THIS IS A MATTER TO BE GOVERNED AND DECIDED BY AN EVIDENTIARY HEARING. AN EVIDENTIARY HEARING ON THIS MATTER WOULD BRING ALL CIRCUMSTANCES TO LIGHT, PREJUDICE DUE TO COUNSEL'S INCOMPETENT PERFORMANCE. THE FACTS AND EVIDENCE IN THE RECORD, AND THE RELEVANT CASELAW.

WHEREFORE PETITIONER PRAYS THE COURT WILL GRANT THE RELIEF SOUGHT.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY	)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
	)	
LaQuandian J. Bromell, #387717,	)	Case No.: 2023-CP-26-02381
	)	
Applicant,	)	
	)	
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

FILED
HORRY COUNTY
2023 JUN 23 P 4:33
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
RETURN
(Counsel Appearance)

The State of South Carolina (“Respondent” or “the State”) hereby makes its Return¹ to the post-conviction relief (“PCR”) application filed by LaQuandian J. Bromell (“Applicant”) on April 14, 2023. The State respectfully shows this Court:

I. PROCEDURAL HISTORY

Applicant is presently confined to the South Carolina Department of Corrections (“SCDC”), serving a thirty-five (35) year sentence. In its October 2021 term, the Horry County Grand Jury indicted Applicant for murder (2021-GS-26-04475) and possession of a weapon during the commission of a violent crime (2021-GS-26-04476). On April 11-14, 2022, Applicant proceeded to a jury trial before the Honorable Kristi Curtis. Deputy Solicitor Nancy R. Livesay and Assistant Solicitor Christopher D. Helms prosecuted the case. Applicant was represented by Thurmond Brooker, Esquire (“Counsel”).

¹ Respondent’s Return was due to be filed within ninety days of receipt. *See* Rule 12(a), SCRCP (“[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.”) Now, having completed the Return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this Return as timely filed. *See* S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that “respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application”); *Guinyard v. State*, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court).

Applicant was convicted as indicted. Judge Curtis sentenced Applicant to thirty (30) years for murder and a consecutive five (5) years for possession of a weapon during a violent crime: totaling thirty-five (35) years.

On April 22, 2022, a notice of appeal was filed on Applicant's behalf by Counsel. On November 7, 2022, the Court of Appeals dismissed the appeal for failure to order the transcript as required by Rule 207, SCACR. *State v. Bromell*, S.C. Ct. App. Order filed Nov. 7, 2022. The Remittitur was sent on January 10, 2023.

II. FACTUAL HISTORY

At trial, Officer Paul Hamm testified that on June 23, 2020, around 4:00 am, he responded to a residential area and found a body lying on the ground, face down, in a puddle of blood. (Tr. 123). The body was identified as Heiden Goodman ("Victim"). (Tr. 126). Officer Jonathan Kelly testified that officers obtained video surveillance from a residence (Veronica Jackson's house) next to a club; upon review of the video, law enforcement were able to determine persons of interest. (Tr. 139-40). The video was reviewed around 6:00 am, shortly after the murder. (Tr. 142). In the video, Victim is observed walking out of the nearby club around 4:00 am and walked towards the house (Veronica's house). (Tr. 143). There were two cars nearby: a white Charger and a red Hyundai. (Tr. 143). The white Charger drove off, and there was a person standing near the red Hyundai. (Tr. 143). It was determined from people from and familiar with the area that the person in the video had a street name of "Juicy" or "Juicy Fruit." (Tr. 144). Officer Kelly testified that the person and vehicle were believed to be the last passed by Victim before he was killed. (Tr. 172).

Veronia Jackson, a resident, testified to video surveillance from her house and identified the person that got out of the red car as "Juice." (Tr. 191). Jackson identified Victim and Winfred

Sherman in the video. (Tr. 192). Victim identified Applicant in the courtroom as "Juice." (Tr. 196). Winfred Sherman testified that Applicant was driving the red car, and Sherman did not have ill will towards Victim and did not shoot and kill Victim. (Tr. 210-11).

Latreka Green testified that she knows Applicant and he was called "Juice" or "Juicy Fruit." (Tr. 215-16). Green testified that she was in the area on the morning of the incident and saw Victim walking and talking on the phone. (Tr. 217-18). Green testified that she was sitting in the area and heard gunshots. (Tr. 218-19). Green testified that Victim was the only person walking up and down the dirt road. (Tr. 219). Cortisha Hemingway, who was also in the area, testified that she saw Victim walk past, heard gunshots, and saw someone standing over Victim: the person was not tall and was wearing a jacket with white stripes down the sleeves. (Tr. 260-62; 263).

Officer Rebecca Phillips responded to the scene and recovered .40 caliber shell casings and fired projectiles near Victim's body. (Tr. 288-94). Phillips searched Victim's pockets and did not find any weapons. (Tr. 295). Suzanne Cromer of SLED, qualified as an expert in ballistics and firearm analyzation, testified that she examined the .40 caliber shell casings and fired projectiles and determined that the seven (7) fired projectiles were fired by one firearm. (Tr. 334-340; 341).

Investigator Kenneth Marcus testified that he had the opportunity to interview Applicant and conducted a post-*Miranda* interview. (Tr. 350). Marcus read Applicant his Miranda rights, did not promise Applicant anything or threaten him in any way. (Tr. 353). Applicant admitted to being present and admitted to seeing Victim that night. (Tr. 355-56). Marcus testified that on a video from the day prior to the killing, Applicant and Victim were seen outside of the club: Applicant walked by, said something to Victim, and Victim's demeanor changed. (Tr. 356). Applicant admitted that he was the person in the picture of the video, admitted that his name was "Juice," and admitted to driving the red car observed. (Tr. 359).

Pursuant to search warrants, Officers searched Applicant's residence, including a particular room belonging to Applicant, and cell phone. (Tr. 379-90). Cellphone records of Applicant's Google search history from the day of the murder (June 23, 2020 at 11:55 pm) revealed searches of "does Clorox get rid of blood." (Tr. 427-28).

III. CURRENT APPLICATION

In his current PCR application, Applicant alleges he is being held unlawfully based on the following:²

Ineffective Assistance of Counsel

Counsel failed to order transcript for Applicant's direct appeal [resulting in dismissal]

Belated Appeal

Applicant "did not knowingly and intelligently waive his right to a direct appeal."

Applicant requests relief as follows: direct appeal from conviction and sentence, as well as any other and further relief the court may deem just, proper and equitable.³

Attached to this Return and incorporated herein are the records of the Horry County Clerk of Court records regarding the subject convictions, the appellate records, Applicant's records from SCDC, and the PCR application. The State reserves the right to amend this Return upon receipt of any relevant materials.

IV. RESPONSE TO INEFFECTIVE ASSISTANCE OF COUNSEL ALLEGATION

Ineffective Assistance of Counsel, Generally.

² Unless quoted, Applicant's allegations have been summarized for brevity and clarity.

³ If this Court finds a defect in the original proceedings, the appropriate remedy is to grant a new trial on the original indictments. *Gilstrap v. State*, 252 S.C. 625, 628, 168 S.E.2d 88, 89 (1969) (stating the relief to be granted is remand for a new trial); *Smith v. State*, 413 S.C. 194, 195, 775 S.E.2d 696, 696 (2015) ("We now clarify the proper remedy is a new trial").

For Applicant's direct appeal allegation, the proper remedy would be to grant a belated appeal. *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).

The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to assistance by an attorney, whether retained or appointed, who play a necessary role to ensure the trial is fair. *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (2014) (enumerating cognizable claims in PCR actions). The allegation of denial of such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a PCR action, Applicant bears the burden of proving the allegations in his application by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel, Applicant must prove “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland*, 466 U.S. at 668; *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*.

To obtain relief for an allegation of ineffective assistance of counsel, a PCR applicant must prove (1) counsel’s performance was deficient and fell below an objective standard of reasonableness, measured under “prevailing professional norms,” and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Strickland*, 466 U.S. at 687-88; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered

adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 117-18.

***Failure to Order Transcript for Applicant’s Direct Appeal
Belated Appeal Issue***

Applicant alleges that he did not knowingly and voluntarily waive his right to a direct appeal. The State concedes that Applicant did not waive his right to a direct and is entitled to a belated appeal pursuant to *White v. State*. Following a trial, counsel is required to inform a defendant of their right to an appeal. *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). Absent an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedures of *Anders v. California*, 386 U.S. 738 (1967). *Turner v. State*, 380 S.C. 223, 670 S.E.2d 373 (2008). Where the PCR judge determines that Applicant did not knowingly and voluntarily waive his right to a direct appeal from his trial, Applicant may be allowed a belated appeal of trial errors. *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974); *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988).

Applicant was denied his right to a direct appeal. On April 22, 2022, a notice of appeal was filed by Counsel. On August 31, 2022, Counsel filed a motion with the Court of Appeals for an extension of time to file the request for a transcript. In the motion, Counsel stated that Applicant is indigent and is not able to proceed with private counsel. Counsel stated that he was in the process of completing a financial affidavit so Applicant could qualify for indigent counsel. The Court of Appeals granted the motion for an extension and when the transcript was not filed, the court

dismissed Applicant's appeal for failure to order the transcript. *State v. Bromell*, S.C. Ct. App. Order filed Nov. 7, 2022.

In his PCR Applicant, Applicant alleges that he did not knowingly waive his right to a direct appeal, and the State agrees. Thus, the State requests that this Court grant Applicant a belated appeal pursuant to *White v. State*.

V. REQUEST FOR AN EVIDENTIARY HEARING

The State requests an evidentiary hearing to fully resolve the issues. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

VI. ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Applicant's attorney is required to file amendments to this application, as necessary. Rule 71.1(a), SCRCP; *see* Rule 11, SCRCP. *Pro se* filings should not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State, or alternatively, the State will request a continuance in the matter.⁴ If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss any claim(s) or allegation(s). S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP; *see also* Rules 15(a)-(b), SCRCP.

⁴ *See Love v. State*, 428 S.C. 231, 245, 834 S.E.2d 196, 203 (2019) (Kittredge, J., dissenting: "If, however, the proposed amendment... would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments").

Pursuant to S.C. Code Ann. § 17-27-150 (2014), Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that any expert witnesses be disclosed and all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing.

VII. GENERAL DENIAL

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

VIII. CONCLUSION

WHEREFORE, the State respectfully requests this Court convene and evidentiary hearing and grant Applicant a belated appeal pursuant to *White v. State*.

Respectfully submitted,

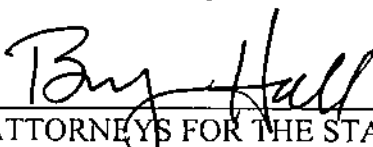
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Senior Assistant Deputy Attorney General

BRYAN T. HALL
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29212

June 19, 2025

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

La'Quandian Bromell, #387717,
Applicant,

v.
State of South Carolina,
Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
)
)

) Case No.: 2023-CP-26-02381
)

) **APPLICANT'S AMENDED APPLICATION**
)
)
)

NOW COMES Applicant, La'Quandian Bromell, amending his application filed April 14, 2023. In addition to the allegations raised in his initial application, Mr. Bromell, through PCR Counsel, submits the following:

1. Ineffective assistance of counsel for:

- a. Failure to request a voluntary manslaughter instruction.
- b. Failure to convey to Applicant the importance of testifying and erroneously advising Applicant not to testify.
- c. Failure to review motion for discovery with Applicant.
- d. Failure to sufficiently communicate with and meet with Applicant enough.
- e. Failure to effectively challenge the search warrant for Applicant's mom's house and for the cell phone itself, not the cell phone records.
- f. Failure to effectively cross-examine Det. Marcus regarding how he was the first officer to initially contact Applicant when he testified otherwise.
- g. Failure to effectively move to suppress Applicant's police statement at his *Jackson v. Denno* hearing.
- h. Failure to bring to the Court's attention that he knew a juror and to subsequently strike that juror.
- i. Failure to perfect direct appeal.

RENEE N. BEAVIS
CLERK OF COURT
HORRY COUNTY, SC

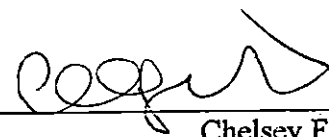
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HORRY COUNTY

- i. Failure to timely request transcript.
- j. Failure to argue that the video was spliced and not shown in full.
- k. Failure to argue to move to suppress the photographs of the victim's body more effectively.
- l. Failure to move to suppress cell phone photographs of Applicant wearing the jacket the shooter was wearing the night of the incident.
- m. Failure to question lay witnesses regarding whether they saw him commit the murder.
- n. Failure to more thoroughly challenge surveillance footage that was recaptured on bodycam.
- o. Failure to investigate and test the cup found on scene.

Conclusion

Based upon the above, Mr. Bromell requests that this Court grant relief, vacate the convictions, and remand the case to the court of general sessions for a new trial.



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S.C. Bar No. #104191

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For Applicant La'Quandian Bromell

July 11, 2025

1 State of South Carolina) **TRANSCRIPT OF RECORD**
2 COUNTY OF HORRY) CASE NO. : 2023-CP-26-02381

3 -----

4 July 16, 2025

5 **BEFORE:** The Honorable Frank R. Addy, Jr.

6 -----

7

8 Laquandian Jara Bromell,)

9 Applicant,)

10 vs.)

11 State of South Carolina,)

12 -----

13 APPEARANCES:

14 Bryan T. Hall, Esquire
15 Attorney for the State of South Carolina

16 Chelsey Marto, Esquire
17 Attorney for the Applicant.

18
19 Julie A. Kevish
20 Official Court Reporter

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I-N-D-E-X

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July 16, 2025

P-R-O-C-E-E-D-I-N-G-S

MR. HALL: May it please the Court?

THE COURT: Yes, sir.

MR. HALL: Assistant Attorney General, Bryan Hall for the State. Your Honor, this is the case of Laquandian Bromell versus State of South Carolina, Docket Number 2023-CP-26-02381. In October of 2021, the Horry County Grand Jury indicted Mr. Bromell for murder, that's indictment number 2021-GS-26-04475; and possession of a weapon during the commission of a violent crime 2021-GS-26-04476. In April of 2022, Mr. Bromell proceeded to a jury trial before the Honorable Kristi Curtis, Deputy Solicitor, Nancy Livesay prosecuted the case and Mr. Bromell was represented by Thurmond Brooker. On April 14th of 2022, Mr. Bromell was convicted and sentenced to a consecutive sentence of 30 years for murder and five years for the weapon charge. A Notice of Appeal was filed in April of 2022 and following review the Court of Appeals dismissed the appeal for failure to order the trial transcript. The Remittitur was sent on January 10th of 2023 and this PCR was timely filed on April 14th of 2023.

In his original application, Mr. Bromell raised an allegation of ineffective assistance of counsel for failure to order the trial transcript, and he sought a belated appeal alleging that he did not knowingly and voluntarily waive his

1 right to a direct appeal. The State filed its return on June
2 23rd of 2025. In the State's return, the State is conceding
3 that Mr. Bromell did not knowingly and voluntarily waive his
4 right to a direct appeal, and thus is entitled to a belated
5 appeal pursuant to White v. State.

6 We've provided the Court with the records of this
7 current PCR action, the Clerk of Court records, the SCDC
8 records, appellate records, and the trial transcript. Mr.
9 Bromell is present and represented by Chelsey Marto, and I
10 believe that Ms. Marto has an amendment, and the State is ready
11 to proceed.

12 THE COURT: Okay. And I have your amended
13 application here. I assume that's what you intend to move
14 forward with?

15 MR. MARTO: Yes, Your Honor.

16 THE COURT: And your client's name is pronounced
17 Bromell or Bromell, or how do you pronounce?

18 THE APPLICANT: Bromell.

19 THE COURT: Bromell?

20 THE APPLICANT: Yes, sir.

21 THE COURT: Thank you, Mr. Bromell. Ms. Marto, call
22 your first witness, please.

23 MR. MARTO: We call Mr. Bromell.

24 THE COURT: Come on up, sir, and have a seat over
25 here, please.

1 THE CLERK: Do you solemnly swear or affirm the
2 testimony you're about to give to the Court in this case would
3 be the truth, the whole truth, and nothing but the truth, so
4 help you God?

5 THE APPLICANT: Yes, ma'am.

6 THE CLERK: Please have a seat, state your name for
7 the Court, and speak clearly.

8 THE APPLICANT: My name is Laquandian Jaraffus
9 Bromell.

10 **DIRECT EXAMINATION**

11 BY MR. MARTO:

12 Q. Good afternoon, sir.

13 A. Yes, ma'am, how are you?

14 Q. Good. How are you doing?

15 A. Good.

16 Q. Good. So you were represented by Mr. Brooker, right?

17 A. Yes, ma'am.

18 Q. And what were you charged with?

19 A. I was charged with murder and possession of weapon
20 during violent crime -- during -- and violent crime.

21 Q. And you took this case to trial, correct?

22 A. Yes, ma'am.

23 Q. And what was the outcome at trial?

24 A. Ma'am?

25 Q. What was the outcome at trial?

1 A. I was convicted.

2 Q. And you received a 35-year sentence collectively?

3 A. Yes, ma'am.

4 Q. And before we begin, you know that the Court can't give
5 you a sentence reduction, all they can do if you win is get you
6 a new trial, so you could be facing up to life in prison again?

7 A. Yes, ma'am.

8 Q. Okay. And you still want to go forward?

9 A. Yes, ma'am.

10 Q. Okay. How many times did Mr. Brooker meet with you?

11 A. Maybe twice, at the most.

12 Q. Do you recall what y'all discussed?

13 A. We didn't really discuss too much of nothing. He just
14 asked me certain questions, and I really didn't have no answers
15 for him at all. He never really discussed too much of anything
16 with me at all. He never really properly prepared me for my
17 trial.

18 Q. And the State already touched on this, but you're asking
19 for a direct appeal, right?

20 A. Yes, ma'am.

21 Q. Now, did y'all discuss discovery together?

22 A. No, ma'am, we did not discuss the discovery at all.

23 Q. Did you get a copy of the discovery from Mr. Brooker?

24 A. He showed it to me, but he never physically gave it to
25 me. I still don't have it to this day.

1 Q. Did he show you just the paper discovery? Did he show
2 you video footage?

3 A. He just showed me some paper discovery.

4 Q. Did y'all discuss trial strategy?

5 A. No, ma'am.

6 Q. And what was the trial strategy, do you know?

7 A. I have no idea.

8 Q. And what was your take on what happened that night?

9 A. Where at?

10 Q. The night the incident happened, the shooting happened.

11 A. I'm innocent, ma'am, I had nothing to do with that at
12 all.

13 Q. Were you on the scene?

14 A. No, no.

15 Q. So you have no idea what happened; is that correct?

16 A. No, no, ma'am.

17 Q. Did counsel request a voluntary manslaughter
18 instruction?

19 A. No, ma'am, no, he did not.

20 Q. Did you want him to?

21 A. Um, I'm innocent, so how -- I -- I don't -- I don't want
22 to plead to something that I didn't do at all and I had nothing
23 to do with.

24 Q. Well, did you want him to have the jury consider finding
25 you guilty of voluntary as opposed to murder?

1 A. Can you explain that to me?

2 Q. Sure. So if he were to ask for a voluntary manslaughter
3 instruction then the jury would have the option between finding
4 you guilty of murder, voluntary manslaughter, or finding you
5 not guilty.

6 A. And would he do that, when?

7 Q. He would do that before the jury was charged.

8 A. Before the jury was charged? I can't -- I can't -- I
9 can't agree with that because I'm innocent.

10 Q. Okay. Now, did you want to testify in this case?

11 A. I would -- I would, but right now is not the time for me
12 to testify on this case. I was supposed to be arguing my PCR,
13 my PCR arguments, or my arguments as far as my case, right?

14 Q. Right, but in retrospect, when it came to your trial,
15 did you want to take the stand or not?

16 A. I had wanted to take the stand during my trial.

17 Q. And why didn't you?

18 A. I didn't take the stand because he told me it wouldn't
19 be a good thing for me to do.

20 Q. Did he give you a reason why?

21 A. Um, no, he never explained to me, he just told me it
22 wouldn't be a good thing for me to do.

23 Q. Now, you also raised an allegation that you wanted
24 counsel to effectively challenge the search warrants; is that
25 correct?

1 A. Yes, ma'am.

2 Q. Can you expand on that a little bit?

3 A. I wanted him to challenge the search warrants because my
4 mother's house, it was, indeed, violated of the 4th Amendment
5 rights, and there was no Body Cam footage to show that -- of my
6 initial arrest, it was never presented, and I feel like if he
7 had suppressed those motions for suppress, I feel as if I would
8 never have been convicted of this charge, you know, and I would
9 never be in prison at this moment.

10 Q. Now, he raised a pretrial motion asking for them to be
11 suppressed, right?

12 A. Did he raise a pretrial motion?

13 Q. Yes, sir.

14 A. Did he do it?

15 Q. Yeah.

16 A. No, ma'am, he never -- he never filed a motion to
17 suppress, he never did.

18 Q. Was it raised on the record before the judge before the
19 jury came into the room?

20 A. No, ma'am.

21 Q. Okay. And you wanted him to more effectively challenge
22 your police statement, too; is that correct?

23 A. Yes, ma'am.

24 Q. And what did you feel like he could have done different
25 on that that would have led to a different outcome?

1 A. The police statement of my -- the police officer's
2 statement or --

3 Q. The statement you gave.

4 A. The statement that I gave to the police officer?

5 Q. Yes, sir.

6 A. I never really gave a statement to the police officer.
7 He asked -- he asked me certain questions. He asked me did I
8 commit this crime, and I told him multiple times, like, no, I
9 had nothing to do with it and I don't know who did it, and he
10 tried to force me to tell him something, and I told him I can't
11 tell you something that I don't know, and then at that point I
12 requested for an attorney.

13 Q. Now, you mentioned that Mr. Brooker told you he may have
14 known one of the jurors; is that correct?

15 A. Yes, ma'am, he did. He told me he knew one of the
16 jurors out on the stand, and he stated that the juror hated --
17 hated his guts, and he never objected to that -- to that
18 particular statement, he never raised an issue about it, and I
19 feel as if it swayed the jury, and if the juror had a vendetta
20 with him, he had a vendetta with me, also, and -- and -- and if
21 he would have raised the issue I think the outcome of -- of my
22 verdict would have been different.

23 Q. And what did he tell you about the juror?

24 A. Um, it was after the jury was already selected, it was
25 in the middle -- it was in the middle of the trial, really in

1 the middle of the trial, and like I said, the juror -- the
2 juror had a vendetta against him so I never really had a fair
3 chance at trial at all, you know, and when he told me that I
4 felt as if my destination was already predetermined, you know?
5 I felt like it was already set up for me to lose, and I didn't
6 have no fair chance to win at all. Whether -- whether --
7 whether or not I was innocent, I felt as if he was going to
8 find me guilty anyway whether I was innocent or not of this
9 particular crime.

10 Q. Now, you also raised an allegation that he should have
11 more properly cross-examined Detective Marcus; is that correct?

12 A. Yes, ma'am.

13 Q. And what did you want him to cross-examine him on?

14 A. Detective Marcus, he stated that he wasn't the initial
15 officer to arrest me, and indeed he was the initial officer to
16 arrest me, and once again, my attorney, with the filing of my
17 Motion to Suppress, he should have requested for my Body Cam of
18 my arrest, which he never did that also, and if he would have
19 done that he would have been able to cross-examine Detective
20 Marcus more thoroughly.

21 Q. You also wanted him to move to suppress photographs of
22 the victim's body more effectively; is that correct?

23 A. Yes, ma'am.

24 Q. Were they graphic?

25 A. At the point -- I'm pretty sure they was. There was

1 some pretty graphic photos, yes, ma'am, they were graphic, and
2 they were shown to the jury to sway the jury and also the
3 victim's family.

4 Q. What do you feel like counsel could have done
5 differently that would have led to those photos being
6 suppressed?

7 A. I feel like he should have suppressed the warrant,
8 suppressed the evidence the earlier stage.

9 Q. So he should have made a pretrial motion concerning
10 those photos?

11 A. Yes, ma'am, he definitely should have.

12 Q. And then you also raised an allegation about photographs
13 from your cell phone where you were wearing a similar looking
14 jacket; is that correct?

15 A. Yes, ma'am.

16 Q. And why do you feel like counsel should have suppressed
17 those?

18 A. Because I feel like he should have suppressed those
19 evidence also because those -- that cell phone, he didn't have
20 a warrant for that cell phone itself, you know, and in order
21 too for you to detain arrest for cell phone records, you must
22 have warrant for cell phone, and also that cell phone was never
23 taken off my -- off from me out of my possession. It was found
24 in a room that they believed to be mine, it was underneath a
25 pillow, and it wasn't in -- it wasn't in clear view.

1 Q. And there was a search warrant for the records, right,
2 just not the cell phone itself?

3 A. It was a search warrant. Well, they stated -- they
4 stated it was -- I never seen it. My attorney states he never
5 seen no type of search warrants himself, but I don't -- he
6 didn't -- he never suppressed -- he never did a suppression for
7 them, never suppressed for the evidence at all, and another
8 thing, they never showed arrest -- a search warrant for my
9 mother's home.

10 Q. Do you feel like counsel should have raised that all in
11 pretrial?

12 A. Yes, ma'am, I definitely do.

13 Q. Now, you also wanted counsel to investigate and test the
14 cup that was found on the scene; is that correct?

15 A. Yes, ma'am, I think there was two, I wanna say two --
16 two red Solo Cups found on the scene that was never tested for
17 DNA. They was collected, but it was never tested.

18 Q. And why do you feel like it should have been tested?

19 A. They collected those evidence and it was found on scene,
20 I feel like it was only right for them to test those evidence
21 when it was collected, and if they would have tested those they
22 probably could have found the person that really committed this
23 crime.

24 Q. And you also wanted counsel to question lay witnesses
25 that claimed they saw you around the scene whether they

1 actually saw you commit the murder; is that correct?

2 A. Yes, ma'am. One of them was Cortisha Hemingway, she
3 gave like a bold statement with a description of a person that
4 she saw, person that she saw commit the crime, and she gave a
5 bold description, it wasn't clear at all, and I feel like my
6 attorney could have did a better job cross-examining her. He
7 should have asked a questions such as, did you see my client
8 commit this crime, or are you here to say my client committed
9 this crime? He did none of that, and I feel like if he would
10 have the outcome would have been different.

11 Q. And you also raised a couple allegations concerning
12 surveillance footage; is that correct?

13 A. Surveillance footage?

14 Q. Of the wooded area where the crime allegedly occurred?

15 A. Oh, yes, ma'am, yes, ma'am.

16 Q. And one of them was -- the surveillance footage was
17 captured on an officer's Body Cam, is that correct?

18 A. Yes, ma'am.

19 Q. And what do you feel the counsel could have done to
20 challenge that?

21 A. I feel as if he should have, once again, suppressed the
22 evidence, suppressed the evidence, also, because it wasn't the
23 original video. It wasn't the original video, it wasn't the
24 original footage, it was a recording off of a Body Cam of the
25 original footage, and this footage was pieced together. It was

1 sliced and diced and pieced together. They only used certain
2 parts of the video that they -- that they feel that was, how
3 can I say it, that they felt for them was strong for them to
4 make a case of something that they believed happened instead of
5 the actual facts of what occurred.

6 Q. Then you also said that the video was spliced; is that
7 correct?

8 A. Yes, ma'am, it's also sliced.

9 Q. And what do you feel like counsel should have done to
10 challenge that?

11 A. He should have argued more, or he should have made a
12 strong argument, he should have also suppressed the evidence.

13 Q. So you wanted it shown in its entirety, is that what
14 you're saying?

15 A. Yes. That definitely would have -- yes, ma'am.

16 Q. Is there anything else, any other issues that we haven't
17 already talked about?

18 A. That's pretty much, that's pretty much it.

19 MR. MARTO: Nothing further, Your Honor.

20 THE COURT: Mr. Hall?

21 MR. HALL: Beg the Court's indulgence?

22 **CROSS-EXAMINATION**

23 BY MR. HALL:

24 Q. Mr. Bromell, I want to ask you a few questions about the
25 facts for your case. So this incident happened near a

1 nightclub; is that right?

2 A. Yes, sir.

3 Q. Okay. And there was video surveillance from the
4 nightclub, right?

5 A. Yes, sir.

6 Q. And there was video surveillance from a nearby
7 residence?

8 A. I don't know, I don't know about it.

9 Q. If I told you that the record reflects that, would you
10 dispute it?

11 A. I can't say that.

12 Q. Okay. Well, the record reflects that there was video
13 surveillance taken from Veronica Jackson who was a nearby
14 resident.

15 A. Uh-huh.

16 Q. And isn't it true that there were -- the video
17 surveillance shows that there were two cars nearby, a white
18 Charger and a red Hyundai; isn't that right?

19 A. I don't know.

20 Q. Okay. If I told you that the transcript reflects that
21 that evidence was presented, would you refute that?

22 A. No, sir.

23 Q. So in the area there was a white car and a red car, and
24 isn't it true that at your trial Veronica Jackson, who was the
25 resident, testified and identified the person that got out of

1 the red car as someone by the name of "Juice," right?

2 A. No, that's not correct.

3 Q. That's not correct?

4 A. No, Veronica didn't state that.

5 Q. She didn't?

6 MR. HALL: Beg the Court's indulgence? Let the
7 record reflect that transcript Page 191, Veronica Jackson
8 testified, beginning at Line 17: She testified that she knows
9 who the guy that got out of the red car is, and at Line 22,
10 identified him as "Juice."

11 A. Did she see me get out of the red car?

12 Q. Well, Mr. Bromell, are you "Juice?"

13 A. No.

14 Q. You're not? Okay. Well, isn't it true that several
15 witnesses at your trial testified that you went by the street
16 name of "Juice?"

17 A. My name is Laquandian Bromell, that's what my mom named
18 me.

19 Q. That's what your mom named you, but you went by "Juice,"
20 isn't that correct?

21 A. No.

22 Q. Okay. But you would agree that several witnesses
23 testified at your trial that you were known in the community as
24 "Juice?"

25 A. That's what they testified.

1 Q. Okay. And isn't it true that Latreka Green, who you
2 just mentioned gave -- you testified to, gave broad statements,
3 testified, once again, that you were called "Juice" in the
4 community, correct?

5 A. Yeah.

6 Q. And isn't it true that Ms. Green testified that she saw
7 the victim walking down a dirt road, right? If I told you that
8 she testified to that, would you refute it? That's another
9 question, Mr. Bromell.

10 A. You said, did she what?

11 Q. Did Ms. Latreka Green testify that she saw the victim
12 walking down a dirt road and the victim was the only person
13 walking down that dirt road?

14 A. That's what she testified.

15 Q. Okay.

16 A. But it's, once again, it was dark on that road, you
17 don't know who was on that road. She also testified that she
18 didn't see a car that was two times -- anywhere between two to
19 four times passed by her, she also testified that, too.

20 Q. Sure. And isn't it true that --

21 A. So --

22 Q. Hold on, Mr. Bromell, I'm asking the question. Isn't it
23 true that Cortisha Hemingway who was another witness testified
24 that she also saw the victim walk past down that dirt road, she
25 heard gunshots, she saw someone standing over the victim, and

1 she identified the shooter as being a person wearing a jacket
2 with white stripes down the sleeves?

3 A. That's what's on the paper.

4 Q. Okay. That's in the transcript, correct?

5 A. Yeah, that's what's in the transcript.

6 Q. And isn't it true that the picture of you that was
7 presented was the same jacket that the shooter was identified
8 as wearing?

9 A. You know how many jackets they make like that?

10 Q. It's a yes or no question, Mr. Bromell.

11 A. Yes.

12 Q. And isn't it true that you were brought in for a law
13 enforcement interview, and after the officers read you your
14 Miranda Rights you admitted to being present at the scene and
15 admitting to seeing the victim that night?

16 A. No, I didn't admit to being present at the scene of the
17 crime. I admitted going out that night, I did go out that
18 night.

19 Q. But you admitted to being at the nightclub; is that
20 correct?

21 A. Yes, I went out at night, most definitely.

22 Q. And you admitted to seeing the victim that night?

23 A. I saw him that night, yeah, definitely I seen him that
24 night.

25 Q. And didn't you admit to law enforcement that you were,

1 in fact, the person in a picture of the video surveillance that
2 officer showed you?

3 A. A still shot? Correct, yeah.

4 Q. And isn't it true that you admitted to law enforcement
5 that your street name was "Juice?"

6 A. I didn't never admit to him that.

7 Q. You didn't?

8 A. No.

9 MR. HALL: Let the transcript reflect that at Page
10 359, Officer Kenneth Marcus testified that Mr. Bromell admitted
11 to being referred to as "Juice." That's at Lines 18 through
12 19: And isn't it true that you also admitted to law
13 enforcement that you were the person driving the red car that
14 was observed that night?

15 A. I pulled up, yes.

16 Q. Okay.

17 MR. HALL: No further questions, Your Honor.

18 THE COURT: Redirect?

19 MR. MARTO: No, Your Honor.

20 THE COURT: Sir, thank you. You can step down. Ms.
21 Marto?

22 MR. MARTO: Yes, Judge, we call Mr. Thurmond Brooker.

23 THE CLERK: Do you solemnly swear or affirm that the
24 testimony you are about to give the Court in this case will be
25 the truth, the whole truth, and nothing but the truth, so help

1 you God?

2 THE WITNESS: Yes.

3 THE CLERK: Have a seat. Please state your name.

4 Thank you.

5 THE WITNESS: Thurmond Brooker.

6 **DIRECT EXAMINATION**

7 BY MR. MARTO:

8 Q. Good afternoon, sir.

9 A. Good afternoon.

10 Q. You represented Mr. Bromell, right?

11 A. Yes.

12 Q. Do you recall how long you had his case for?

13 A. I think it was, it was in excess of a year, year and a
14 half, could have been two. I think we were retained in 2020,
15 and I think the trial occurred in April of 2022.

16 Q. Do you recall roughly how many times you met with him?

17 A. I met with Mr. Bromell at least five to ten times. I'm
18 surprised to hear him say two.

19 Q. Do you recall roughly what y'all discussed?

20 A. Yeah, we discussed his discovery. Every time -- I've
21 been doing this for 25 years. It is my practice that every
22 time I meet with a client, when I get his discovery, I go and
23 specifically meet with a client in reference to what's in the
24 discovery so that that client know exactly what I know about
25 his case, and we discussed his discovery and went over the

1 evidence that was contained within his discovery so that he
2 would know what evidence the state had against him.

3 Q. Do you recall video footage?

4 A. Yes.

5 Q. And you agree that the direct appeal was dismissed
6 prematurely?

7 A. Absolutely. I think we -- what we did was, I think we
8 filed a motion -- we filed a Notice of Appeal, and then, of
9 course, I think the family indicated that they were going to
10 retain me but did not retain me, and, of course, at that
11 particular period of time we have to hand it off, I think, to
12 indigent defense because they, I'm assuming, could not pay for
13 me to do it, and of course, I think -- and when we do that, a
14 lot of times we will not ask for the transcript because
15 indigent defense had advised us that if we ask for the
16 transcript then we have to pay for the transcript, so a lot of
17 times we will file it, and then, of course, try to make the
18 transition but then not make the request for the transcript.

19 Q. And was the transition completed?

20 A. No, it was not.

21 Q. Now, what was your strategy at trial concerning this
22 case?

23 A. Our strategy was based upon what he gave us, and that
24 was that he alleged that he was not involved in the shooting,
25 and I think he testified on direct examination, it was a little

1 bit confusing, that he was not there, but there was absolutely
2 no question that he was there, and so he could not -- it would
3 not be plausible to make a defense that he wasn't there. The
4 question was, I think the whole question was as to whether or
5 not they could make a clear identification of the individual
6 who actually performed the shooting, and I think there was two
7 witnesses that was present, that night that I think one of them
8 said that they saw the shooting, the other one said that they
9 ducked, but I think neither one of them was able to say that
10 they could clearly see the face of the individual who performed
11 the shooting. They could simply give a description, I think
12 one of them, I think may have said something to the effect that
13 she thought it was Mr. Bromell, or either thought it was
14 "Juice," but I think what was clear in those statements is that
15 no one could say that they actually saw the face of the
16 shooter. So our defense was based upon the fact that they
17 could not identify Mr. Bromell as being the person who actually
18 shot this particular individual.

19 Q. Did you discuss with Mr. Bromell testifying and his
20 right to testify?

21 A. Yeah, we always do, and we do that before the judge
22 does, and usually the judge will ask us, you know, have we
23 discussed that with the client. We never make the
24 determination and never make that decision for the client
25 whether or not they will plea. Now, sometimes if I think it's

1 not a good idea for a client to testify sometimes I will, you
2 know, give my opinion to the client, but I never will make that
3 decision for the client, I will allow the client to make that
4 decision. The only time that I will really kind of step in and
5 forcefully, even though clients still have a right to plea is
6 if I think that the client's going to get on the stand and that
7 the client may testify to something that might be perjury.
8 Now, if I think that the client intends to testify to perjury
9 testimony, that's going to injure the client because if the
10 client gets on the stand and testifies to that then I have an
11 obligation at that particular period of time during the, you
12 know, at the trial, is to approach the judge and let the judge
13 know, you know, maybe on the sidebar at the bench that I
14 believe that perjury testimony was rendered on the stand, and
15 so if I believe a client intends to do that then my position
16 would be a little bit more firmer with the client, but other
17 than that, we leave it to the client to make that decision.

18 Q. Do you recall specifically what your advice to Mr.
19 Bromell was?

20 A. I think my advice was to Mr. Bromell is the same thing
21 with most clients, and that is that I always tell them that if
22 they get on the stand and testify that they're going to be
23 subject to cross-examination and they have to be able to stand
24 up to cross-examination, and the types of questions that are
25 going to be asked of you in cross-examination. If they don't

1 believe that they're going to be able to stand up to the type
2 of questions that's going to be asked of them during
3 cross-examination it's never a good idea for them to testify.
4 So usually I'll let them know that, hey, this is what you're
5 going to be confronted with, you're going to be cross-examined,
6 you're going to be asked some tough questions, and if you think
7 you can stand up to that, you know, then, you know, you might
8 want to decide to get on the stand, but if you don't think that
9 you can stand up to that then it's not a good idea to take the
10 stand.

11 Q. Do you recall there being a cup that was found on the
12 scene?

13 A. I don't have specific recollection. I wouldn't doubt if
14 there was one, but I don't have specific recollection.

15 Q. So you don't have any specific recollection as to why it
16 wasn't tested?

17 A. No.

18 Q. Do you recall the surveillance footage that was
19 presented to the jury in this case?

20 A. Yes.

21 Q. Do you recall how it was captured via Body Cam footage;
22 is that correct?

23 A. I think so, I think so. I'm not sure about that. I
24 know that there was surveillance footage that was presented at
25 the scene, but I don't remember. It may have been captured by

1 the officer's Body Cam, I'm not quite sure. I don't have
2 specific recollection, but I know that there was video footage.

3 Q. And you'd agree that the transcript's the best reference
4 for what happened at trial, correct?

5 A. Absolutely.

6 Q. So if you don't recall that happening, do you recall
7 whether or not you challenged entry of that because it was
8 captured via Body Cam?

9 A. I don't know whether or not, and I'll have to defer to
10 the transcript because I don't have specific recollection as to
11 whether or not we challenged the authenticity of the video
12 because it was taken from the officer's Body Cam, as opposed to
13 taken from the, you know, actual device itself, I'm not quite
14 sure about that. So whatever the transcript reflects, that's
15 what we would have done.

16 Q. Do you recall if it was spliced or edited or redacted
17 any?

18 A. No. No, I don't know of, and I heard Mr. Bromell
19 testify to that, but I don't have any evidence that it was
20 altered or redacted in any way.

21 Q. Do you recall the victim's -- photos of the victim's
22 body being entered into evidence?

23 A. Yes.

24 Q. And is there anything that you could have done to argue
25 against entry that you didn't do?

1 A. No. We actually, I think usually before trial, myself,
2 and I think in his particular case, as well, too, myself and
3 the prosecutor actually went over all of the photographs that
4 they had that they had taken at the scene, and some of them
5 were pretty graphic, and of course, we objected to all of those
6 very graphic close-up photographs of the victim, and of course,
7 some of them they agreed to -- they agreed with us and we were
8 able to agree pretrial, you know, that these would not be
9 admitted, and there were some, you know, that, obviously, we
10 could not agree to, and of course, whenever they move to enter
11 those photographs in the record we object to them because we
12 thought they were too graphic and prejudicial, and I think
13 that's reflected in the record.

14 Q. And then do you also recall photographs of Mr. Bromell
15 wearing a jacket?

16 A. Yes.

17 Q. Did you do anything to try and suppress those, do you
18 recall?

19 A. No. And I think if, and this is what my recollection
20 was, the photographs of him wearing that jacket. I think that
21 at the -- this was obviously a little club where the shooting
22 took place, and I think the owners of the club had a video
23 camera that was in front, and obviously, the video camera
24 showed everyone who pulled up into the parking lot, it also
25 showed everyone who came up to the front entrance to enter the

1 club, and I think there was stills from that video footage
2 showing him, I think, getting out of the red car that was
3 suspected to be the car that the shooter was riding in, and of
4 course, walking up to the club, and I think there were also
5 stills, or either video, showing him as he came in, inside the
6 club, and of course, you have to be checked by the bouncers of
7 him wearing that jacket.

8 Q. Now, do you recall whether or not you asked any of the
9 lay witnesses that testified as to whether or not they actually
10 witnessed the murder itself?

11 A. I'm sorry, which lay witness witnesses?

12 Q. Individuals that were on the scene that said that they
13 recognized Mr. Bromell there?

14 A. No. I think, to my recollection, because this shooting
15 happened late at night, and I think when you have the video
16 footage it was after the club had ended, and there was,
17 actually, I think, two vehicles, I believe. Well, I think,
18 relatively the last two vehicles that was in the parking lot,
19 and of course, what the video footage depicted is, is that one
20 of them was a Charger, and the other one was, I think, some
21 sort of Hyundai, or something like that, and what the video
22 footage shows is that the Charger left, and then, of course,
23 the video footage showed that, I think right in front of the
24 club there is a dirt road. And of course, you drive down that
25 dirt road, and then, of course, there is a highway, and then,

1 of course, vehicles get on the highway and leave, and the video
2 footage shows that white Charger leaving, and then the video
3 footage then show, I think, the Hyundai leaving, and of course,
4 the State's theory was that Mr. Bromell was in that Hyundai,
5 and of course, the video footage showed that the Hyundai left
6 the club, and as it was going down that dirt road, that's the
7 dirt road that the victim was walking on. The video footage
8 shows that the Hyundai stopped for a brief period of time, and
9 it was their allegation, or at least their theory, that at that
10 particular point in time, that that's when, you know, the
11 shooting took place, the assailant got out of the Hyundai, shot
12 and kill the victim, get back in the Hyundai, and then, of
13 course, the video footage then showed that the Hyundai then
14 proceeding to the road, and then, of course, taking, I think, a
15 left and going out of frame.

16 Q. Now, do you recall mention of a particular juror that
17 you may have known to Mr. Bromell?

18 A. And see, that's the -- that's the interesting part.
19 Everything that Mr. Bromell testified to about a juror being on
20 the jury pool that hated me, I have absolutely no idea what
21 he's talking about. If there was anyone that was in the jury
22 pool that I thought that hated me, I would have never put that
23 person on the jury, so that's foreign to me. I mean, that is
24 absolutely foreign to me. I don't know absolutely what he's
25 talking about. I don't know anybody on the jury that hated me,

1 so --

2 Q. Do you have any idea where he would get that from?

3 A. I have no idea where he would get that from.

4 Q. Do you recall Mr. Bromell giving a police statement?

5 A. Yeah.

6 Q. Is there anything you could have argued in your Jackson
7 versus Denno motion that would have led to a different outcome?

8 A. No, because obviously it's based upon whether or not
9 that statement would be admitted or not. A lot of times the
10 Court is trying to determine whether or not that statement was
11 given intelligently and whether or not it was given
12 voluntarily, and, of course, the officers testified they went
13 over his Miranda Rights and advised him that he had a right to
14 remain silent, advised him that he didn't have to give a
15 statement, but if he did give a statement, then, of course,
16 anything that he could say would be used against him. They let
17 him know that he had a right to an attorney, and they also let
18 him know that at any point in time if he had changed his mind
19 he could then rescind that waiver and then choose not to give a
20 statement. So there was nothing that we were aware of where we
21 could make an argument to the judge that his decision to speak
22 with law enforcement was not done intelligently and was not
23 done voluntarily. There was nothing that we were aware of that
24 they threatened, coerced, or intimidated, or forced him to give
25 a statement.

1 Q. Do you recall there being some confusion with Detective
2 Marcus concerning how he said he wasn't the first arresting
3 officer when he was?

4 A. I don't specifically recall, and I think when Mr.
5 Bromell testified, and I think this is -- this is where he may
6 have been incorrect. I don't know what the relevance of it
7 was. We did have the Body Cam footage of the arrest. The
8 officers actually came to his mother's house, and there was a
9 number of officers, they surrounded his mother's house, because
10 I think at that particular period of time I believe that they
11 may have had a warrant for his arrest. They surrounded his
12 mother's house. I think his mother was the first to come to
13 the door, and, of course, there's that I think they told him
14 that they were there for Mr. Bromell. I think she instructed
15 them that he was in the house, and, of course, eventually Mr.
16 Bromell did come out of the house, and I think he was -- he
17 wasn't wearing that much, so I'm assuming that he was sleeping,
18 or something, so there was a number of officers that was there
19 when he was taken into custody.

20 Q. Is there any reason why you didn't request a voluntary
21 manslaughter instruction?

22 A. Well, yeah. Generally the judge has to instruct based
23 upon the evidence that's presented at his trial, and of course,
24 it was Mr. Bromell's position that he had absolutely nothing to
25 do with the murder. In order for us to ask the judge to charge

1 the jury with voluntary manslaughter, there would have to be
2 evidence in the record at trial that would justify that charge,
3 and of course, we did not at trial consented to or even suggest
4 that there was a confrontation between Mr. Bromell and the
5 victim, so there was no testimony, I think, that there was a
6 confrontation between Mr. Bromell, and again, the victim, right
7 before the shooting, you know, because, obviously, involuntary
8 manslaughter, you know, it's kind of like a heat of the passion
9 type of killing in which someone is driven by their emotion and
10 on the spur of the moment, you know, engage in conduct that
11 results in someone's death. There was absolutely no testimony
12 that would have justified an involuntary manslaughter charge.

13 Q. Going back to the cops surrounding his mother's house,
14 do you recall if they had a search warrant for the house?

15 A. No, I don't recall whether or not they had a search
16 warrant, but -- and of course, I've dealt with this situation
17 many of times. If they have an arrest warrant, they can enter
18 the home if they have an arrest warrant, and of course, the
19 United States Supreme Court says that an arrest warrant, even
20 if you don't have a search warrant, an arrest warrant, if he
21 lives there, an arrest warrant provides sufficient protection
22 for the individual's 4th Amendment rights for them to go and go
23 into the home with just that arrest warrant. Now, obviously,
24 is that if they're going to go through an extensive search, you
25 know, once they go in and get him, then of course he might --

1 they might need an arrest warrant under that particular
2 circumstance, because he lived there at that residence and
3 because they had a search warrant -- excuse me, an arrest
4 warrant for him, that arrest warrant gave them authorization to
5 be able to go into the residence.

6 Q. And do you recall whether or not Mr. Bromell was living
7 with his mother at the time?

8 A. I believe he was, he was living with his mother at the
9 time.

10 Q. If he wasn't, was that something you think would have
11 been relevant during pretrial?

12 A. Yeah. If he was not living with his mother, then unless
13 his mother consented to them coming into the home and searching
14 the home for him, they would have required, according to the --
15 and this has been something, like I said, we've dealt with this
16 on a number of occasions in connection with other cases, and of
17 course, the United States Supreme Court says that they would
18 have had to have had a search warrant if he did not live there.

19 Q. Did Mr. Bromell ever tell you that he didn't live there?

20 A. Yeah, it was my understanding that he did live there,
21 and then, of course, also when law enforcement came and they
22 knocked on the door, they didn't kick in the door, they came
23 and knocked on the door, and I think it was his mother that
24 came to the door, and of course, I think his mother advised
25 them that he was there, and it was all consensual, she gave

1 consent for them. So there was nothing to challenge
2 constitutionally.

3 Q. Do you recall if they got a search warrant for the phone
4 itself, not just the records?

5 A. I believe they did, but don't -- I don't want to say for
6 absolutely certain. I don't want to say something that I don't
7 have a specific recollection of. I believe that they do, and
8 of course if they did not, then obviously I would have objected
9 to that, I think, because, like I said, I've done many murder
10 trials before, and of course, it is that I understand that they
11 have to have -- they have to have a warrant to be able to
12 search inside of the cell phone for information unless he
13 consents. So I believe that they did have a warrant for the
14 search phone, but of course, going off my recollection, I just
15 don't want to specifically rely on my recollection and then be
16 wrong, but I'm almost certain that they did.

17 Q. And if they didn't, is that something you would have
18 explored during pretrial?

19 A. Yeah. I imagine that that's something that we would
20 have explored that if they did not have a warrant to search the
21 cell phone.

22 MR. MARTO: One moment, Your Honor. Nothing further,
23 Your Honor.

24 THE COURT: Mr. Hall?

25 MR. HALL: Briefly, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. HALL:

3 Q. Mr. Brooker, how long have you been practicing law?

4 A. Roughly 25 years now.

5 Q. How much of that time has been spent in criminal
6 practice?

7 A. Probably 23 of it, if not more.

8 Q. Would you agree that you're an experienced criminal
9 defense attorney?

10 A. Yes, sir.

11 MR. HALL: Beg the Court's indulgence?

12 BY MR. HALL:

13 Q. I'll ask you briefly about your investigations in this
14 case. Did Mr. Bromell ask you to investigate anything in
15 connection with this case?

16 A. When you say "investigation," the main thing that we
17 dealt with in connection with this case would have been the
18 evidence that's collected by law enforcement. Sometimes if
19 there is a situation where there was a possibility of an alibi
20 witness or that he could have been in another place at another
21 time, we explore the possibility of seeing whether or not we
22 can talk to other witnesses to see whether or not we can place
23 him at some place else, but it was absolutely clear in this
24 particular situation that he was there. There was a video
25 footage, and I think at the entrance of the -- like I stated

1 before, at the entrance of the club, there was clear video
2 footage of him standing there with the bouncers as you're going
3 in, and there was absolutely no question that he was there.
4 The video footage shows exactly what time he would have
5 arrived, thinking that Hyundai, and the video footage also
6 shows exactly what time he would have left. So all of the
7 evidence, everything would have been confined to what was
8 available from the scene, and of course, we didn't know of any
9 other witnesses, and there was no other witnesses. All of the
10 people, this was, I think almost after the close of the club,
11 all of the people that alleged that they saw something were
12 those individuals that spoke to law enforcement, those two
13 ladies who said that they were sitting in their vehicle, I
14 think conversing at the time in which the shooting took place.
15 So the people who actually alleged that they saw something were
16 very limited. It was, I think, those two individuals, the
17 video footage of Mr. Bromell, so it was very limited, and Mr.
18 Bromell did not identify or disclose to me the names of anyone
19 else that could have been called to testify that would verify
20 that he was not involved in a shooting. We were not given the
21 name of someone to say that, hey, I was with this person at the
22 time of the shooting, this person could get on the stand and
23 testify and verify that at the time in which this victim was
24 shot, that I did not have a gun in my hand. He never disclosed
25 the existence of no such person to us.

1 Q. And just a follow-up. Regarding he's alleging that he
2 failed to test a cup found on the scene, based on your review
3 of the evidence in this case do you believe that any testing of
4 the red cup would have been material in this case?

5 A. No. And I'm assuming the theory would have been that
6 the red cup belonged to the victim. The victim, I think,
7 before the shooting there was video footage showing that the
8 victim had been walking around on the outside of the club. I
9 think he had taken his shirt off at some point in time, so --
10 and I think the theory was is that maybe that that red club --
11 that red cup may have belonged to the victim when he was shot,
12 but the two ladies who saw the shooting, I think never
13 testified that the individual, the assailant who got out of the
14 Hyundai, that that assailant got out of the Hyundai with a cup
15 in his hand and then dropped his cup. Now, if there had been
16 some sort of testimony that that red cup was connected to the
17 assailant, and of course, if the assailant was not Mr. Bromell,
18 then of course it would have been very relevant to say, well,
19 we need to test this cup, because if the witnesses are saying
20 that the assailant dropped the cup, then of course, presumably,
21 the DNA on the cup would then belong to the assailant, and of
22 course, if it wasn't Mr. Bromell, then of course, it would
23 provide some evidence in which we could rely on, but there was
24 no indication that that cup had any sort of evidence that was
25 relevant to clearing Mr. Bromell.

1 MR. HALL: No further questions, Your Honor.

2 MS. MARTO: No Redirect.

3 THE COURT: No Redirect?

4 MS. MARTO: No Redirect.

5 THE COURT: One quick question.

6 THE WITNESS: Sure.

7 THE COURT: What was the State's theory as far as
8 motive? Anything, bad blood or just, anything? I only looked
9 at part of the transcript here, so do you recall?

10 THE WITNESS: I don't recall, Your Honor, and I don't
11 want to say for certain because I don't want to -- there may
12 have been some indication that he knew the victim -- knew the
13 victim, but I don't know whether or not that would have been
14 from my research or whether or not that would have been
15 something that would have been introduced. I don't recall them
16 introducing a motive saying that he shot and killed this person
17 for this particular reason. I don't have a specific
18 recollection of that.

19 THE COURT: Fair enough. I was just curious as to
20 the -- and I'm sure I can locate that in the closing argument
21 in the coming days. Good enough. Follow-up based on my
22 question?

23 MR. MARTO: No, Your Honor.

24 MR. HALL: Your Honor, I just want to follow-up
25 briefly.

RECROSS-EXAMINATION

1

2 BY MR. HALL:

3 Q. Mr. Brooker, if I told you that the record reflects that
4 Officer Kenneth Marcus testified that on video surveillance
5 from the club the day prior Mr. Bromell and victim were seen in
6 a verbal altercation of some sort, there were words exchanged,
7 if I told you that the record reflects that, would you refute
8 it?

9 A. No, because like I said, I have recollection that there
10 was -- that they knew each other, but I couldn't recall whether
11 or not that was something that law enforcement had developed,
12 or either whether or not that that was something that I had
13 learned, and I don't recall whether or not it was specifically
14 presented to the jury.

15 Q. Okay.

16 MR. HALL: And just for the record, that's transcript
17 Page 356, Officer Kenneth Marcus testified that: Video from
18 the day prior, Mr. Bromell and the victim were observed outside
19 of the club, Mr. Bromell said something to the victim and the
20 victim's demeanor changed. No further questions, Your Honor.

21 MR. MARTO: Nothing further.

22 THE COURT: Thank you. You can step down.

23 THE WITNESS: Sure.

24 THE COURT: Any additional witnesses?

25 MS. MARTO: Judge, my client has requested, in light

1 of Mr. Brooker's testimony, that we call his mother, Justine
2 Bellamy, to testify concerning the search warrant, or lack
3 thereof.

4 THE COURT: I assume she is present?

5 MS. MARTO: Yes, Your Honor.

6 MR. HALL: Your Honor, the State would object. One,
7 for short notice of this witness, but also, we'd object for
8 relevance. I'm not sure how that's relevant to any of the
9 allegations of ineffective assistance of counsel that have been
10 raised today.

11 THE COURT: I'll allow her to testify, if for no
12 other reason than to allow a proffer of the evidence, but I'll
13 let her. Come on down, ma'am, and just have a seat over here,
14 please.

15 MR. HALL: Your Honor, may we approach?

16 THE COURT: Yes, come on up.

17 **(Off the record discussion was held at the bench by**
18 **Court and counsel.)**

19 THE COURT: Yes. Please have a seat.

20 THE CLERK: Do you solemnly swear or affirm that the
21 testimony you're about to give the Court in this case will be
22 the truth, the whole truth and nothing but the truth, so help
23 you God?

24 THE WITNESS: Yes.

25 THE CLERK: State your name, and please speak clearly

1 into the mic. Thank you, ma'am.

2 THE WITNESS: My name is Justine Bellamy.

3 **DIRECT EXAMINATION**

4 BY MR. MARTO:

5 Q. Good afternoon, ma'am.

6 A. Good afternoon.

7 Q. So you were in the home when the house was searched; is
8 that correct?

9 A. Yes, I was.

10 Q. Was Mr. Bromell living with you at the time?

11 A. Um, I have two residents, they back and forth. I had a
12 issue with one house. They're back and forth, so permanently
13 living with me, no.

14 Q. Like, not now, but at the time?

15 A. Right.

16 Q. Okay. Partially, or not at all?

17 A. Partially.

18 Q. Okay. Were you ever shown any type of a warrant?

19 A. I did not see a warrant or any kind of paperwork for the
20 search of my house till about 11:30.

21 MR. HALL: Objection, Your Honor, again, to
22 relevance.

23 THE COURT: I'll see where she goes with it. Go
24 ahead.

25

1 BY MR. MARTO:

2 Q. And then were you given any indication that they had an
3 arrest warrant for Mr. Bromell?

4 A. No, ma'am, I was not.

5 Q. Did you agree to a search of the house?

6 A. No, I did not.

7 MR. MARTO: One moment, Your Honor. Nothing further.

8 THE COURT: Any Cross?

9 MR. HALL: Beg the Court's indulgence?

10 THE COURT: Yes.

11 MR. HALL: No questions for this witness, Your Honor.

12 THE COURT: Very good, ma'am. Thank you.

13 THE WITNESS: Thank you.

14 MR. MARTO: Nothing further.

15 THE COURT: And nothing from the State?

16 MR. HALL: No, Your Honor.

17 THE COURT: Very good. Again, when I reviewed this
18 case earlier, I was under the impression that it was merely a
19 direct appeal issue and did not get a copy of the amended
20 application which was filed last week. I didn't get that until
21 today, so allow me, if you would, to have some time. I'll take
22 this under advisement, and that will afford me some time to go
23 back through the record and address each of these grounds
24 individually. Okay?

25 MS. MARTO: Thank you, Judge.

1 MR. HALL: Thank you, Judge.

2 THE COURT: Very good, the matter will be under
3 advisement.

4 CERTIFICATE

5 STATE OF SOUTH CAROLINA

6 COUNTY OF HORRY

7 I, Julie A. Kevish, Official Court Reporter
8 for the State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete Transcript of Record
10 of the proceedings had and evidence introduced in the Court of
11 Common Pleas for Horry County, South Carolina, on the 16th of
12 July, 2025.

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

15 July 16, 2025

16

17

Julie Kevish

18

JULIE A. KEVISH
OFFICIAL COURT REPORTER

19

20

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22

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25

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

La'Quandian J. Bromell, SCDC #387717,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2023-CP-26-02381

**ORDER GRANTING A BELATED
APPEAL AND DENYING ALL OTHER
PCR CLAIMS**

FILED
HORRY COUNTY
CLERK OF COURT
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HORRY COUNTY, SC

THIS MATTER COMES BEFORE THE COURT pursuant to an application for post-conviction relief ("PCR") filed by La'Quandian J. Bromell ("Applicant") on April 14, 2023. On July 16, 2025, an evidentiary hearing convened. Applicant was present and represented by Chelsey F. Marto, Esquire. Assistant Attorney General Bryan T. Hall represented Respondent. At the hearing, Applicant testified on his own behalf and called as a witness Thurmond Brooker, Esquire. Following a thorough review of the trial transcript and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant is entitled to a belated appeal pursuant to *White v. State*¹ but is not entitled to relief on any of his remaining PCR claims since Applicant did not meet his burden of proof. Thus, this Court grants Applicant a belated appeal and denies relief and dismisses the remainder of the application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections ("SCDC") serving a thirty-five (35) sentence. In October 2021, the Horry County Grand Jury indicted Applicant for murder (2021-GS-26-04475) and possession of a weapon during the commission of a violent crime (2021-GS-26-04476). These charges arose from an incident during which

¹ 263 S.C. 110, 208 S.E.2d 35 (1974).

Applicant was seen on video surveillance with the victim shortly before the victim was shot and killed on a road near a night club. The video depicted Victim walking and the shooter was driving a red car on a road leading from the club around the time of the shooting. Witnesses identified Applicant in the video surveillance by his street name “Juice” and identified Applicant as being the driver of the red car on the night of the shooting. In an interview, after being advised of his *Miranda*² rights, Applicant admitted to law enforcement that he was present at the scene, saw the victim that night, was driving the red car, and was known by his street name “Juice.”

On April 11-14, 2022, Applicant proceeded to a jury trial before the Honorable Kristi Curtis. Thurmond Brooker, Esquire, (“Counsel”) represented Applicant. Deputy Solicitor Nancy Livesay prosecuted the case. The jury convicted Applicant, and Judge Curtis sentenced Applicant thirty (30) years for murder and a consecutive five (5) years for the weapon charge.

On April 22, 2022, a notice of appeal was filed on Applicant’s behalf. On November 7, 2022, the Court of Appeals dismissed the Applicant’s appeal for failure to order the transcript as required by Rule 207, SCACR. *State v. Bromell*, S.C. Ct. App. Order filed Nov. 7, 2022. The remittitur was sent on January 10, 2023.

CURRENT APPLICATION

In his current PCR application, Applicant alleges he is entitled to relief for the following reasons:

Ineffective Assistance of Counsel

Failure to order the transcript for direct appeal. Applicant did not knowingly and intelligently waive his right to a direct appeal.

On June 23, 2025, Respondent filed its Return. On or around July 16, 2025, Applicant amended his PCR application to raise the following allegations:

² *Miranda v. Arizona*, 384 U.S. 436 (1966).



Ineffective Assistance of Counsel

- a. Failure to request a voluntary manslaughter instruction.
- b. Failure to convey to Applicant the importance of testifying and for erroneously advising Applicant not to testify.
- c. Failure to review motion for discovery with Applicant.
- d. Failure to sufficiently communicate with and meet with Applicant enough.
- e. Failure to effectively challenge the search warrant for Applicant's mom's house and for the cell phone itself, not the cell phone records.
- f. Failure to effectively cross-examine Detective Kenneth Marcus regarding how he was the first officer to initially contact Applicant when he testified otherwise.
- g. Failure to effectively move to suppress Applicant's police statement at his *Jackson v. Denno* hearing.
- h. Failure to bring to the Court's attention that he (Counsel) knew a juror and to subsequently strike that juror.
- i. Failure to perfect direct appeal.
- j. Failure to timely request transcript [for direct appeal].
- k. Failure to move to suppress photographs of the victim's body more effectively.
- l. Failure to move to suppress the photographs of Applicant wearing the jacket the shooter was wearing on the night of the incident.
- m. Failure to question lay witnesses regarding whether they saw him commit the murder.
- n. Failure to more thoroughly challenge surveillance footage that was recaptured on bodycam.
- o. Failure to investigate and test the cup found on the scene.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Before this Court are the Horry County Clerk of Court records of the subject conviction, Applicant's records from SCDC, the appellate records, the trial transcript, and the records of the current PCR action. This Court has reviewed the trial transcript in its entirety and has heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses at the hearing, closely pass upon their credibility, and weigh their testimony. After a careful review based on the *Strickland* standard set forth below, this Court finds Applicant has failed to carry his



burden of proof. Below are this Court's findings of facts and conclusions of law as required by Section 17-27-80 of the South Carolina Code (2017).

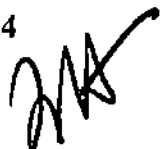
Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). An applicant alleging ineffective assistance of counsel must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. An applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Strickland*, 466 U.S. at 687-88; *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. Applicant must prove prejudice by showing "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

***Failure to Request Transcript for Applicant's Direct Appeal
Request for a Belated Appeal***

Applicant alleges that he did not knowingly and voluntarily waive his right to a direct appeal and is entitled to a belated appeal. Respondent concedes that Applicant entitled to a belated

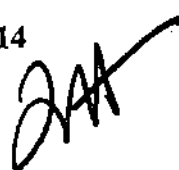


appeal because Counsel did not request and provide a copy of the trial transcript to the appellate courts. This Court finds credible Counsel's testimony that he did not order the transcript for Applicant's direct appeal. Thus, this Court finds Applicant did not knowingly and voluntarily waive his right to a direct appeal and is entitled to a belated appeal pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974) (holding whether the PCR judge determines that an applicant did not knowingly and voluntarily waive his right to a direct appeal, the applicant may be granted a belated appeal). Accordingly, this Court grants Applicant relief on this ground.

***Failure to sufficiently communicate with and meet with Applicant enough.
Failure to review motion for discovery with Applicant.***

This Court finds Applicant failed to prove Counsel was ineffective for failing to communicate with and meet with him enough. "[B]revity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation." *Smith v. State*, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). The applicant must prove how additional preparation or communication would have resulted in a different outcome. *Id.*

This Court finds credible Counsel's testimony that he met with Applicant five (5) to ten (10) times in preparation for trial and discussed discovery with Applicant to ensure Applicant was aware of the evidence against him. This Court also finds credible Counsel's testimony that it is his usual practice to review discovery with his client. This Court finds Counsel's communication with Applicant and preparation for trial were reasonable under prevailing professional norms and were not deficient. Further, this Court finds Applicant failed to prove prejudice by failing to demonstrate how additional communication and consultation would have resulted in a different outcome. Thus, Applicant failed to meet his burden.



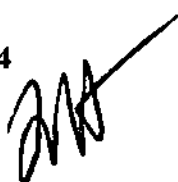
***Failure to convey to Applicant the importance of testifying
and for erroneously advising Applicant not to testify.***

This Court finds Applicant failed to prove Counsel was ineffective for failing to advise him of his 5th Amendment right to testify and the advantages and disadvantages of testifying. This Court finds credible Counsel's testimony that he discussed with Applicant his right to testify or not testify. This Court finds credible Counsel's testimony that he informed Applicant that if he testified, he would be subject to cross-examination and must be able to stand up to questions asked on cross. This Court finds credible Counsel's testimony that he never makes the decision for a client but offers his opinion and lets the client make the decision. Additionally, the record reflects that Applicant indicated to the trial court that Counsel discussed with him whether he would like to testify or not testify. (Tr. 474:16-20). This Court finds that Counsel advised Applicant of his rights, and the Court concludes that Counsel's advice was adequate, reasonable, and not deficient in any respect.

Further, this Court finds Applicant failed to prove prejudice since the trial court also informed him of his 5th Amendment rights and informed him that if he wished to testify, he would be subject to cross-examination. (Tr. 474-75). Applicant indicated, clearly and unequivocally, that he understood his rights and did not wish to testify. (Tr. 475). *Brown v. State*, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000) (stating a waiver of the Fifth Amendment right to testify or not must be made with knowledge of the consequences of either choice) (citation omitted). Thus, Applicant failed to meet his burden.

Failure to effectively challenge the search warrant for Applicant's mom's house and for the cell phone itself, not the cell phone records.

This Court finds Applicant failed to prove Counsel was ineffective for failing to challenge the search warrant for Applicant's mom's house and the cellphone. Pursuant to a search warrant,



police searched a room containing Applicant's belongings at his mother's house and discovered a cellphone. (Tr. 379-90). This Court finds credible Counsel's testimony that officers went to Applicant's mother's home with an arrest warrant and entered the home to search for Applicant, who was living with his mother at the time.³ This Court also finds credible Counsel testimony that he did not believe there was anything to challenge regarding the search because the arrest warrant gave officers legal authorization to enter the home. This Court finds Counsel's decision not to challenge the search was reasonable under the circumstances because Counsel concluded that there was no legal basis to challenge it. Further, this Court finds Applicant failed to prove prejudice by failing to prove a reasonable probability that the result of trial would have been different if Counsel had made such a challenge. Thus, Applicant failed to prove prejudice.

Regarding the cell phone records, this Court finds the record reflects that Counsel challenged the cell phone extraction, arguing the search warrant issued was insufficient because it was beyond the scope of the magistrate's jurisdiction. (Tr. 393-06; 396). On April 13, 2022, during Applicant's trial, the Supreme Court issued a ruling in *State v. Warner*, 436 S.C. 395, 872 S.E.2d 638 (2022) (holding that a warrant is required for cellphone location data, a magistrate may issue a warrant to obtain cellphone records that are stored out of state, and an affidavit to support such warrant requires probable cause). To the trial court's commendable credit, the court brought *Warner* to the attention of the litigants, correctly applied the *Warner* precedent, and denied the motion to suppress. (Tr. 400-01; 406). This Court finds Applicant failed to prove he was prejudiced by Counsel's performance in challenging the cellphone records since the trial court properly applied precedent in denying the motion to suppress. Thus, Applicant failed to meet his burden.

³ *Payton v. New York*, 445 U.S. 573 (1980).



Failure to effectively cross-examine Detective Kenneth Marcus regarding how he was the first officer to initially contact Applicant when he testified otherwise.

This Court finds Applicant failed to prove Counsel was ineffective for failing to cross-examine Detective Marcus about whether he was the first officer to initially contact Applicant. Under *Strickland*, this Court is required to defer to Counsel's reasonable decisions and strategic choices in how to cross-examine witnesses. See *Strickland*, 466 U.S. at 681 ("Because advocacy is an art and not a science, and because the adversary system requires deference to counsel's informed decisions, strategic choices must be respected in these circumstances if they are based on professional judgment."). This Court finds credible Counsel's testimony that he does not recall Det. Marcus being the first officer to arrest Applicant, but there were a number of officers who were present at the arrest. This Court has reviewed Counsel's cross-examination of Detective Marcus and finds Counsel's performance was reasonable under prevailing professional norms and not deficient. (Tr. 360-71).

Further, this Court finds Applicant failed to prove prejudice by failing to prove a reasonable probability the result of trial would have been different but for Counsel not questioning Det. Marcus regarding the suggested fact. This Court finds that cross-examination of Det. Marcus on being the first officer to initially contact Applicant was so minor that it could not have possibly changed the result of Applicant's trial. Thus, Applicant failed to meet his burden.

Failure to effectively move to suppress Applicant's police statement at his Jackson v. Denno hearing.

This Court finds Applicant failed to prove Counsel was ineffective for failing to "effectively" move to suppress Applicant's police statement. Under *Strickland*, this Court is required to give deference to Counsel's reasonable strategic decisions in representing Applicant at trial. *Strickland*, 466 U.S. at 689 ("Judicial scrutiny of counsel's performance must be highly



deferential....”). The record reflects that Counsel moved to suppress statements Applicant made to law enforcement pursuant to *Jackson v. Denno*, 378 U.S. 368 (1964). (Tr. 59-83). During the *Jackson v. Denno* hearing, Counsel cross-examined witnesses on facts relevant to ascertaining whether Applicant’s statement was given voluntarily. Counsel also made reasonable arguments at the hearing. This Court finds credible Counsel’s testimony that he did not know of anything that would have changed the outcome of *Jackson v. Denno* hearing because the officer clearly advised Applicant of his *Miranda* rights.

This Court finds Counsel’s representation of Applicant in the *Jackson v. Denno* hearing was reasonable under prevailing professional norms and was not deficient. Further, this Court finds Applicant failed to prove prejudice by failing to present an argument that Counsel could have made which would have resulted in the trial court suppressing the statements. Thus, Applicant failed to meet his burden.

Failure to move to suppress photographs of the victim’s body more effectively.

This Court finds Applicant failed to prove Counsel was ineffective for failing to move to suppress photographs of the victim’s body “more effectively.” This Court finds credible Counsel’s testimony that he objected to the photos, and the solicitor agreed with Counsel on some of the photos. This Court finds the record reflects that Counsel made objections to the photographs. (Tr. 280). This Court finds Counsel’s performance in challenging the photos was reasonable under prevailing professional norms and was not deficient. Further, this Court finds Applicant failed to prove prejudice by failing to present an argument that Counsel could have made which would have resulted in the suppression of the photos. Thus, Applicant failed to meet his burden.



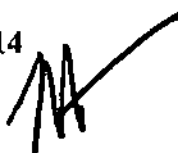
Failure to bring to the Court's attention that he (Counsel) knew a juror and to subsequently strike that juror.

This Court finds Applicant failed to prove Counsel was ineffective for failing to strike a juror who Applicant alleges Counsel knew. This Court does not find Applicant's testimony credible that Counsel stated that he knew a juror and that the juror "hated his guts." Instead, this Court finds credible Counsel's testimony that he does not have any recollection of a juror who hated him, and he never would have put such a juror on the jury. This Court cannot conceive of any situation in which a defense attorney would allow a juror *who is biased against the attorney* to be seated on a jury and finds that Counsel's testimony comports with this Court's view. Thus, based on Counsel's credible testimony, this Court finds Applicant failed to meet his burden.

Failure to Request a Voluntary Manslaughter Charge

This Court finds Applicant failed to prove Counsel was ineffective for failing to request a voluntary manslaughter jury charge. This Court finds credible Counsel's testimony that Applicant's defense was that he had nothing to do with the murder.⁴ This Court also finds credible Counsel's testimony that there would have to be evidence to support the voluntary manslaughter charge, and no evidence existed that there was an altercation between Applicant and the victim which would warrant requesting a voluntary manslaughter charge. This Court finds credible Counsel's testimony that, because the defense was that the State had not proven the identity of the shooter beyond a reasonable doubt, Counsel wanted to send the case to the jury on murder alone in the hopes of an outright acquittal. This Court finds Counsel articulated a reasonable and valid strategy and was not deficient. Further, this Court finds Applicant failed to prove prejudice because, based on a review of the trial record and evidence presented a trial, this Court finds there

⁴ Interestingly, Applicant testified at the hearing that he was innocent, and therefore, he did not want that instruction to be given. Based upon his testimony, the Court concludes, as an additional sustaining ground, that Applicant abandoned this ground.



was no evidence that the killing was done in sudden heat of passion which would support a jury charge on voluntary manslaughter. *See State v. Cole*, 338 S.C. 97, 101, 525 S.E.2d 511, 512 (2000) (“The law to be charged must be determined from the evidence presented at trial.”) (citation omitted). Thus, Applicant failed to meet his burden.

Failure to move to suppress the photographs of Applicant wearing the same jacket the shooter was wearing on the night of the incident.

This Court finds Applicant failed to prove Counsel was ineffective for failing to move to suppress photographs of Applicant wearing the same jacket as the shooter. In a case in which the identity of the shooter was the main issue, this Court finds that the photographs were relevant, and their probative value was not substantially outweighed by prejudice. *See* Rule 403, SCRE. This Court finds Applicant failed to prove prejudice by failing to show what Counsel could have argued which would have resulted in the trial court excluding the photographs. Thus, Applicant failed to meet his burden.

Failure to argue that the bodycam footage which recorded the surveillance video was spliced and not shown in full.
Failure to more thoroughly challenge surveillance footage that was recaptured on bodycam.

This Court finds Applicant failed to prove Counsel was ineffective for failing to challenge the video evidence from the body cam footage and video surveillance. (St.’s Ex. 19-20). This Court finds credible Counsel’s testimony that he had no reason to suspect that the video was altered or redacted and that he was unsure about any legal ground to challenge the body camera footage. This Court finds Applicant failed to prove Counsel was deficient. Further, this Court finds Applicant failed to prove prejudice by failing to present the full video at the PCR hearing to prove a reasonable probability that the result of trial would have been different. *Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (stating the applicant must show the results of an investigation that would have resulted in a different outcome at trial, “[m]ere speculation and



conjecture...is insufficient” (citing *Glover v. State*, 318 S.C. 496, 458 S.E.2d 538 (1995))). Thus, Applicant failed to meet his burden.

Failure to question lay witnesses regarding whether they saw Applicant commit the murder

This Court finds Applicant failed to prove Counsel was ineffective for failing to question lay witnesses regarding whether they saw Applicant commit the murder. This Court finds the record reflects that Counsel cross-examined the witnesses and elicited facts to demonstrate that the witnesses did not see Applicant commit the murder. Counsel cross-examined Cortisha Hemingway, who admitted that she did not see the shooter get out of the vehicle or get back in the vehicle but saw “a person” standing near victim shooting him. (Tr. 267). Counsel also cross-examined, Latreka Green, who testified that she did not see anyone get out of the car but saw the car drive off. (Tr. 230). Counsel also cross-examined Green regarding her previous statement to police that she did not see anything. (Tr. 230-31).

This Court finds Counsel’s cross-examination of the lay witnesses was reasonable under prevailing professional norms, especially since the lay witnesses never identified Applicant as the shooter. Thus, this Court finds Counsel’s performance was not deficient, and Applicant failed to meet his burden.

Failure to investigate and test the cups found on the scene

This Court finds Applicant failed to prove Counsel was ineffective for failing to investigate and test cups found on the scene. A criminal defense attorney’s duty to investigate is limited to reasonable investigations or a reasonable decision that makes particular investigations unnecessary. *Ard v. Catoe*, 372 S.C. 318, 331–32, 642 S.E.2d 590, 597 (2007). The courts will evaluate counsel’s decision not to undertake a particular investigation for reasonableness under all



the circumstances with “heavy deference” to counsel’s judgment. *Bagwell v. State*, 410 S.C. 259, 265, 763 S.E.2d 630, 633 (Ct. App. 2014).

This Court finds credible Counsel’s testimony that testing the cups would have been immaterial and fruitless in that nothing connected the cups to the shooter. Based on its review of the record and evidence presented, this Court finds no reason for Counsel to test the cups found on the scene because nothing in the record indicates that the cups had any relevant connection to the shooting itself or anyone involved in the shooting. This Court also finds the record reflects that Counsel argued to the jury that the State did not test the cups for DNA to support his argument that there was reasonable doubt regarding Applicant’s guilt. (Tr. 532-34).

Accordingly, this Court finds Counsel’s decision not to investigate the cups was reasonable and not deficient. Further, this Court finds Applicant failed to prove prejudice by failing to present evidence showing the cups contained material DNA evidence which would have resulted in a different outcome at trial. *Jackson*, 329 S.C. at 353-54, 495 S.E.2d at 772 (holding the applicant must substantiate his allegation by presenting probative evidence to show the results of an investigation would have resulted in a different outcome) (citation omitted). Thus, Applicant failed to meet his burden.

CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Therefore, Mr. Bromell’s application is denied and dismissed with prejudice.

Should Mr. Bromell wish to secure appellate review, he must file and serve a notice of appeal within thirty (30) days of receipt by counsel of written notice of entry of judgment. *See* Rule 203, SCACR. Applicant has the right to an appellate counsel’s assistance in seeking review



of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCR. Attention is directed to Rule 243, SCACR, for appropriate procedures for an appeal.

THEREFORE, IT IS ORDERED:

1. Applicant is granted a belated appeal;
2. The remainder of this application for PCR is denied and dismissed with prejudice; and
2. Applicant must be remanded to and remain in the custody of the State.

IT IS SO ORDERED THIS 22nd day of August, 2025.


FRANK R. ADDY, JR.
Presiding Judge
Fifteenth Judicial Circuit

Greenwood, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Laquandian Jaraffus Bromell

AKA:

Race: Sex: M Age: 29DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2604475A/W#: 2020A2610201349Date of Offense: 6/23/2020S.C. Code §: 16-03-0010, 0020CDR 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: Murder / Murder (30 years - Life)in violation of § 16-03-0010, 0020 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:[Signature] 100116
Helms, Christopher D. SC Bar #

SCB16225

Defendant

Brooker, Thurmond
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: 2021GS2604476☐ 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.

STATE VS.

Laquandian Jaraffus Bromell

INDICTMENT/CASE#:

2021GS2604475

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 0 _____ 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 \$ 25.00 Beginning 5/14/2021

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§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	\$
§56-5-2942(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:
Court Reporter:Renee Elvis
Kay RichardsonPresiding Judge:
Judge Code:
Sentence Date:1 Crick Court
2762
4-14-22

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Laquandian Jaraffus Bromell

AKA:

Race: Sex: M Age: 29DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2604476A/W#: 2020A2610201350Date of Offense: 6/23/2020S.C. Code §: 16-23-0490CDR 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: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death (0-5 Years)in violation of § 16-23-0490 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

CHUM 100116

SCB16225

Helms, Christopher D. SC Bar # Defendant

Brooker, Thurmond
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: 2021GS2604475☐ 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.**

STATE VS.

Laquandian Jaraffus Bromell

INDICTMENT/CASE#:

2021GS2604476

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 0 _____ 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 \$ 25.00 Beginning 5/14/2021

§14-1-206 (Assessments 107.5 %)		\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100.00</u>
§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	\$	<u>25.00</u>
§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	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)	TBD	\$	<u>3.75</u>
☐ 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		\$	<u>128.75</u>

 Clerk of Court/ Deputy Clerk: Renee Elvis
 Court Reporter: Kay Richardson

 Presiding Judge: Cushla
 Judge Code: 2762
 Sentence Date: 4-14-22

WITNESSES

Kenneth A Marcus Horry County Police
Department

62 DUSTIN SMALL
TYSHEENA MAY

ARREST WARRANT NUMBER

2020A2610201349

CDR: 0116 16-03-0010, 0020

DOA: 6/24/2020

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

OCT 20 2021

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS2604475

The State of South Carolina

County of Horry

Christopher D. Helms
20H03098

COURT OF GENERAL SESSIONS

October, 2021 TERM

THE STATE

vs.

Laquandian Jaraffus Bromell
/ M

ATTORNEY: Thurmond Brooker

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

ORIGINAL

HORRY COUNTY

2021 OCT 21 P 12:49

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

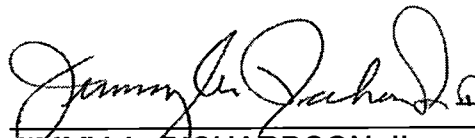
At a Court of General Sessions, convened on October 20, 2021, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Laquandian Jaraffus Bromell did in Horry County, on or about June 23, 2020, willfully, feloniously, and intentionally kill the victim, Heden Goodman, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

03/16/20

WITNESSES

Kenneth A Marcus Horry County Police
Department

654 DUSTIN SMALL
TYSHEENA MAY

ARREST WARRANT NUMBER

2020A2610201350
CDR: 0549 16-23-0490
DOA: 6/24/2020

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

OCT 20 2021

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS2604476

The State of South Carolina

County of Horry

Christopher D. Helms
20H03098

COURT OF GENERAL SESSIONS

October, 2021 TERM

THE STATE

vs.

Laquandian Jaraffus Bromell
/ M

DOB: [REDACTED]
SSN: [REDACTED]

ATTORNEY: Thurmond Brooker

Indictment for

POSSESSION OF A WEAPON DURING THE
COMMISSION
OF A VIOLENT CRIME

Jimmy A. Richardson, II, Solicitor

ORIGINAL

HORRY COUNTY

2021 OCT 21 P 12:49

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

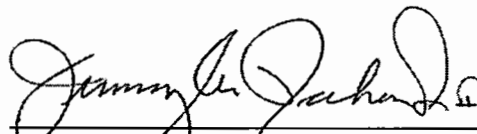
At a Court of General Sessions, convened on October 20, 2021, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Laquandian Jaraffus Bromell did in Horry County, on or about June 23, 2020, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR