

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Horry County
Steven H. John, Circuit Court Judge
Appellate Case No. 2012-212800

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SC Court of Appeals

THE STATE,

Respondent,

vs.

LARRY T. CHESTNUT,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 please, I need you. I need you right now. Kendrick Chestnut
2 needs you bad right now. For six years he has sat waiting on
3 you to help him right now.

4 Now, I'm going to tell you, the Solicitor is wrong about
5 a lot of things. First, I want to tell you she's wrong when
6 she tells you that Ralph Wilson and Russell Long are going to
7 get up here and tell you that Joey Hucks was a bad guy.
8 Nobody believes Joey Hucks was a bad guy. Everybody in this
9 courtroom, all the people that have come in and have gone
10 during this week long trial, nobody wants Joey Hucks dead,
11 nobody, his friends, God knows, his family. We don't want
12 Joey Hucks dead, and Joey Hucks was a good guy by all
13 accounts.

14 I didn't know him. I could get to know him today if he
15 hadn't have made some bad choices. He had several
16 opportunities to avoid all that. He had several
17 opportunities to live.

18 I tell you another thing that the Solicitor is wrong
19 about. She said that this was not a who-done-it case. This
20 may not be a who-done-it case, but I'm telling you right now
21 this is. This is a who-done-it case because you know what,
22 Kendrick Chestnut didn't do anything. That's who didn't done
23 it right there. Kendrick Chestnut didn't do it.

24 This is a who-done-it case, and it's important that you
25 keep these things separated when you go back there in your

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 jury room. It's important that you give Kendrick Chestnut a
2 fair trial. The State of South Carolina versus Kendrick
3 Chestnut. Forget about this who-done-it or who-didn't-do-it.

4 The Solicitor then said, and I wrote it down because I
5 wanted to get it right, the second thing she told you, she
6 said this is not a who-done-it case, she said this is a case
7 of did Larry Chestnut have the right to kill Joey Hucks. Is
8 that what this case is about? No. That is not what this
9 case is about.

10 Whatever happened about Christie Hucks getting --
11 finding a card that a third party sent to Larry Hucks (sic).
12 I don't know how Larry could have done anything differently
13 than receive a card. It's not like he gushed and said, oh, I
14 miss her, I love her so much, to make his wife -- girlfriend
15 mad, whatever happened before Joey Hucks pulled this knife,
16 out I'm going to leave alone. I think you know what
17 happened, but I do know this, down there in the living room,
18 by the front door of the house, by the stairs, young Joey
19 Hucks decided to pull this knife out of his pocket.

20 I agree with Mr. Wilson a hundred percent. The melee
21 over the picture and the money was over. That whole thing
22 was done. and if you believe that young Joey pulled this
23 knife out of his pocket, opened the blade and held it down by
24 his side and said please leave my sister alone, you don't
25 believe that. A man pulls a knife on another man, like that.

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 no, that's a bad choice, and if Joey Hucks hadn't have done
2 that, I could know what he was today. We could all know what
3 a great guy he was, but he did that anyway.

4 And when he whipped that knife out and he said probably
5 more along the lines of get your f-ing hands off my sister,
6 and Ty Chestnut, Larry Chestnut, jumped to defend himself by
7 punching him in the nose. He didn't stab him. He didn't
8 shoot him. He hit him in the nose. Joey Hucks stabbed him
9 in the chest. That could have been the end of this case, by
10 the way, a bad choice, Joey. He could be facing a murder
11 charge right now, alive, but he didn't kill Larry.

12 But as soon as Larry punched him in the nose in the
13 living room, up there by the steps, you know what he could
14 have done, oh, my God, I'm a scared eighteen year old and I
15 just made a huge mistake and I pulled a knife out on somebody
16 that I care about. Joey didn't do that. If Joey would have
17 done that right there, he would be sitting right here -- he
18 wouldn't be here. He would be at work, or at play, maybe
19 with his kids or something. He didn't do that.

20 Larry didn't go to the kitchen and grab a weapon and
21 come running back out here to get back at him, like Mr.
22 Wilson told you. He went towards the next exit available,
23 and who just walks back out with a knife who just pulled it
24 on him, the knife open in his hand, down the hallway, into
25 the kitchen, should have left it on the ground. Guess what?

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 He's in the kitchen with a knife in his hand.

2 Oh, by the way, back in the living room, where is
3 Kendrick? Kendrick is up there somewhere. What did Kendrick
4 do? Did he jump on Joey Hucks? Did he hurt Joey Hucks? Did
5 he try to kill Joey Hucks at that time? No. He didn't do
6 anything. He didn't lay a hand on a soul, not one person,
7 not one thing, did not get himself involved.

8 Joey goes to the kitchen with the knife. Joey is in the
9 kitchen with the knife. It's out in his left hand still.
10 He's already cut Larry right in the chest, and he's standing
11 in that kitchen. The witness says they walk in the kitchen
12 and they see Joey with the knife. They see Larry with some
13 scissors, and where is Kendrick? Way over there, the other
14 side of the kitchen, the far corner. What's he doing?
15 Nothing, Christie told you. Kendrick did nothing, and that's
16 not murder.

17 He hadn't laid a hand on a soul. There's no evidence at
18 the moment when they're standing in that kitchen that
19 Kendrick Chestnut has laid a hand on a soul. He's in the
20 corner of the kitchen unarmed, and by accounts of witnesses,
21 there are now two men armed in that kitchen, Larry, if Larry
22 did go to a drawer and pull out the scissors. Joey made
23 another bad mistake. Uh-oh, Larry has got scissors. I'm
24 sorry, Larry. It's cool. It's over. Let's get you some
25 help. You're cut. He didn't do that.

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 Attacked by is what Christie Hucks said it looked like,
2 attacked by with a knife and some scissors. Joey Hucks chose
3 to hang on to that knife, and Joey Hucks chose in that
4 kitchen to keep on cutting and to keep on fighting.

5 Whoa. What did Kendrick do? Nothing, didn't lay a hand
6 on him. This is the most telling thing in the whole case
7 right here, okay. Joey made a bad choice and didn't drop the
8 knife. Joey didn't end it so that Joey could live today.
9 The fight went outside into the yard.. Guess who's still
10 holding this knife that's cut Larry Chestnut at least one
11 major time. Joey Hucks. And the cat fight, and the knife
12 fight, and Larry Chestnut is trying his best to put an end to
13 it. He had to get a pair of scissors to put an end to it.
14 Joey hadn't dropped it yet.

15 You know how I know he hadn't dropped it yet? You know
16 how I know he didn't drop it yet because it -- this knife was
17 found two feet from his body in the middle of the front yard.
18 He never let it go because the fight never stopped. For some
19 reason, young Joey made a bad decision. He decided to keep
20 it going instead of putting an end to it.

21 They've got a witness, maybe a witness and a half,
22 they're going to tell you, okay, this is the point where we
23 believe Kendrick is a murderer. This is what makes Kendrick
24 Chestnut a murderer right here. This guy, Joey Hucks, is
25 still swinging this knife at his cousin in the front yard.

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 For goodness sakes, it's taken all the way through the house
2 and it hasn't stopped yet.

3 They want you to believe that Kendrick Chestnut hit one
4 time in the face Joey Hucks, a murderer. They want you to
5 believe that he was kicking Joey Hucks when he was on the
6 ground. Well, I don't believe he was, okay? I mean, I heard
7 Christie Hucks' testimony. All she could remember was the
8 white shoes, and kicking and kicking, and white shoes, and
9 white Nike Air Force One's, not just white shoes.

10 She knew the brand name, the handle, whatever you want
11 to call it. Ain't no white shoes, but she was -- it was so
12 vivid to her. All I could remember was the white shoes, and
13 the kicking, and the kicking, and the kicking. Ain't no
14 white shoes. You've been taking notes. You know that.

15 Kendrick Chestnut didn't lay a hand on Joey. If you
16 believe that Kendrick Chestnut did lay a hand on Joey, then
17 why would he lay a hand on Joey? Maybe because he still had
18 a knife in his hand, maybe because he was still trying to
19 kill his cousin. And, oh, what, well, Joe- -- what would
20 have happened if Kendrick would have not stopped Moke, this
21 guy, Moke, if he hadn't have stopped Moke from getting
22 involved in the fight? Well, I don't know. Maybe Moke would
23 have grabbed a hold of Larry and Joey would have ended it.
24 We'd have two dead people.

25 I don't believe it happened anyway, but if you want to

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 believe Moke, Richard Day, if you want to believe him, you
2 saw -- I don't know if you can remember his testimony,
3 because it seems like we've been doing this for about a
4 month, but if you believe anything Richard Day told you,
5 okay, if you want to believe that my client stopped him from
6 getting into the fight, then believe that my client stopped
7 him from helping Joey Hucks kill Larry Chestnut. He
8 certainly had the ability to kill him. He certainly showed
9 the willingness to kill him, and he carried that willingness
10 all throughout the whole bit.

11 Keep in mind this is not an hour-long fight, okay. This
12 whole thing happened in a matter of seconds. I picture this
13 thing happening as tussle, tussle here, run into the kitchen
14 here, fight, fight here, out the back door, done, so fast
15 that when Christie Hucks got down from the stairs, it was
16 over. She went outside and never -- she was with Joey when
17 he walked outside. That's quick. And she never left his
18 side. She sat on the ground and rocked him and held him,
19 because he had just started and had just died in a knife
20 fight.

21 It's ridiculously sad that those choices were made.
22 There's no question that those choices were made. It doesn't
23 make it right and it doesn't bring Joey back, but what
24 definitely doesn't make it right is for you to convict these
25 two men of murder. That doesn't fix this. The tragedy is

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 gone. The ship has sailed. It is tragic. Don't add to it.

2 The doctor from MUSC came here and told you that the
3 cause of death absolutely, unequivocable, without a question,
4 was a single stab wound to the chest. Nobody claims that
5 Kendrick Chestnut had anything to do with that. In fact, we
6 have one hundred percent proof, DNA, fingerprints, or lack
7 of, eyewitnesses. Nobody said Kendrick Chestnut had a weapon
8 at any time. Nobody said Kendrick Chestnut did that, and
9 nobody, nobody said that Kendrick Chestnut ever touched a
10 weapon.

11 The Solicitor wants to make a big deal out of -- she
12 said that Joey Hucks' blood was on Kendrick Chestnut's shirt;
13 that's proof there that he's guilty. Folks, Joey Hucks' and
14 Larry Chestnut's blood was all over everybody and everything.
15 This was a knife fight, and all these people were in close
16 proximity to it. Cindy Evans was covered in blood.

17 One police officer took one cotton swab, like a Q-tip,
18 and went to one place on Kendrick Chestnut's shirt and did
19 this, and shipped it to Columbia. That doesn't mean that
20 Larry Chestnut's blood wasn't all over that shirt. That
21 means that some of Joey Hucks' blood might have hit that
22 shirt in one spot. That's all that means.

23 When it's over and Joey has finally dropped the knife,
24 what's the evidence? Kendrick grabs Larry up to get to the
25 hospital. The knife is finally out of Joey Hucks' hand,

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 finally. Larry finally got him to drop that knife.

2 They don't rush off like murderers. They go hide? This
3 man had the whorewithal and the good heart and concern to
4 think about his daughter at that moment. Now, keep in mind,
5 nobody else did or even cared about where the girls were.
6 They didn't know where the girls were, but as he's bleeding
7 from the chest and elsewhere, and on the way out, what's he
8 concerned about? My baby girl, and little Chapell, Cindy's
9 daughter, she wasn't scared of these guys.

10 This event could not have had that kind of impact on
11 her. She went with them. She went and got in a car with the
12 murderers? No. They get in the car and they're riding down
13 the road. He's dying. His cousin is driving him, and what
14 does he say? I'm going to kill that S.O.B. That sounds bad,
15 doesn't it? The Solicitor wants you to think that's criminal
16 intent, that's malice, that shows you that he wanted to kill
17 him. You know what that shows me? He thought he was alive.
18 He had no idea. He was alive.

19 Would a murderer say I'm going to kill him if he's
20 already dead? Would a murderer say I'm going to kill him if
21 he thought he was going to die? Absolutely not, especially
22 not with two little witnesses in the back seat.

23 Kendrick Chestnut said he was going to kill him because
24 his cousin was dying at the hands of Joey Hucks, and he was
25 mad. He was scared. He was rushing him to the hospital.

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 Well, let me tell you something else murderers don't do.
2 They don't sit in the lobby at Grand Strand Regional Medical
3 Center waiting on the police to get there and talk to them.
4 They don't. And they don't really want to go sit down with a
5 detective when the detective says, hey, I'd like to talk to
6 you for a minute. Tell me what happened.

7 You know, you've got a right to talk to a lawyer before
8 you talk to me. You've got a right to remain silent. You
9 don't have to say anything. What is a murderer going to do
10 at the hospital after he's gotten his thoughts together? Oh,
11 man, I just killed somebody. He's not a murderer. Neither
12 one of them are.

13 Folks, I need you bad. It's been six years that this
14 man and his family has had to be tagged along and dragged
15 along by the Solicitor's Office for your Circuit, hoping that
16 they could somehow figure out a way to prove to a jury one
17 day that he was a murderer. He can't get those six years
18 back. He's already been punished. He didn't lay a hand on
19 Joey Hucks.

20 The nice doctor from Charleston came up and said if
21 there were injuries, I would have found them, left no stone
22 unturned, she agreed. She doesn't just look on the outside.
23 She looks on the inside. She knows every disease. She knew
24 about the clogged artery. You know, the clogged artery
25 didn't -- didn't cause Joey Hucks to die, but she sure knew

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG

1 about it. She knew everything there was to know about Joey
2 Hucks' injuries, and guess what, not one single injury to
3 Joey Hucks that could have been caused by Kendrick Chestnut
4 hitting or kicking him, not one.

5 I submit to you that if he hit him, he'd be bruised. I
6 submit to you that if he kicked him, he'd be bruised. He's
7 not. One hundred percent without doubt that witness told you
8 he's not.

9 I hope you agree with Christie Hucks, Kendrick did
10 nothing. He's just been dragged into and along for whatever
11 reasons they have, but I want you to stop it today, please.

12 On behalf of Kendrick and his family, I do appreciate
13 the service that you've given us. I told you when I stood up
14 to do my opening remarks that we chose you because we knew
15 you were going to be the kind of people that -- I've had
16 juries before where we had one, you know, that we knew he
17 wasn't paying attention. We had some people who looked like
18 they needed to be somewhere else, sitting on the edge of
19 their seat, couldn't wait for the trial to be over. Oh, my,
20 God, what a waste of my life.

21 We chose the fourteen of you because we know you would
22 do exactly what you've done and exactly what you're doing
23 right now, all of you, is you're paying extremely close
24 attention to what is here and you're paying close attention
25 to what is not.

DEFENDANT'S (KENDRICK CHESTNUT) SUMMATION BY LONG
JURY OUT

1 Please, I'm going to ask you an unusual -- to take on an
2 unusual task. When you go -- and the Judge is going to give
3 you the law right now, and you're going to go in your jury
4 room. I'm asking you to take up the State of South Carolina
5 versus Kendrick Chestnut right away. Let's get that out of
6 the way, please.

7 Did the State of South Carolina prove beyond a
8 reasonable doubt that Kendrick Chestnut committed
9 manslaughter or murder? Ask yourself that and resolve it
10 right away. Get on with the rest of your work. Did the
11 State of South Carolina take their burden not just to the
12 twenty yard line, not just across the fifty? Did they prove
13 to you beyond a reasonable doubt for sure that Kendrick
14 Chestnut murdered Joey Hucks or committed manslaughter on
15 him?

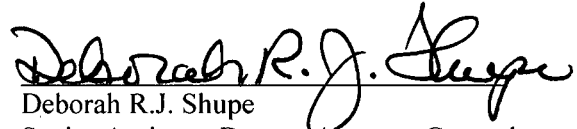
16 Thank you so much for your time. Thank you so much for
17 your attention. I'm sorry we took a week out of your life,
18 but I can promise you just one week out of your life is going
19 to make a world of difference, a world of difference. Thank
20 you so much.

21 **THE COURT:** All right. Mr. Foreman, ladies and
22 gentlemen of the jury, why don't you go to your jury room for
23 about five or ten minutes and we'll come back and finish the
24 matter.

25 **(THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE**

CERTIFICATE OF COUNSEL

Counsel for Respondent certifies that this Supplemental Record on Appeal contains all materials proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."


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February 10, 2014

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PROOF OF SERVICE

I, Sally B. Ellison, certify I served one copy of Respondent's Motion to File Supplemental Record on Appeal, and three copies of the Supplemental Record on Appeal on Appellant by depositing them in the United States mail, postage prepaid, addressed to:

Jeremy A. Thompson, Esquire
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I further certify all parties required by Rule to be served have been served.

This 10th day of February, 2014.



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