

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

G. Edward Welmaker, Circuit Court Judge

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S.C. Supreme Court

PHILLIP FLEMING WATTS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002720

SUPPLEMENTAL APPENDIX

JOHN H. STROM
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

J. RUTLEDGE JOHNSON
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK)

THE STATE) TRANSCRIPT OF RECORD
) 2008-GS-46-2086
-vs-) 2008-GS-46-2086-A
) 2008-GS-46-2087
PHILLIP FLEMING WATTS,) 2008-GS-46-2089
JR.,) 2008-GS-46-2090
) 2008-GS-46-2090-A
DEFENDANT.) 2008-GS-46-2091
) 2008-GS-46-2092
) APRIL 27, 2009
) YORK, SOUTH CAROLINA

B E F O R E:

THE HONORABLE LEE S. ALFORD, JUDGE.

A P P E A R A N C E S:

KEVIN BRACKETT, SOLICITOR
WILLY THOMPSON, DEPUTY SOLICITOR
ATTORNEYS FOR THE STATE

DOUGLAS GAY, ESQUIRE
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

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WITNESSES

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(NO WITNESSES CALLED)

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EXHIBITS

NO. DESCRIPTION

ID. EV.

(NO EXHIBITS MARKED)

1 (PROCEEDINGS, APRIL 27, 2009)

2 PHILLIP FLEMING WATTS, JR., having been first duly
3 sworn, testified as follows:

4 MR. BRACKETT: May it please the court?

5 THE COURT: Solicitor.

6 MR. BRACKETT: Your Honor, this is in reference to
7 docket numbers 08-2088, 08-2089, 08-28 -- I'm sorry, 0 --
8 let me just them in numerical order. It's simpler that way
9 than that order here.

10 08-2086, 08-2086-A, which are -- it's an
11 indictment charging, in Count I, armed robbery; and in Count
12 II, possession of a firearm during the commission of a
13 violent crime.

14 08-2087, which is an indictment for assault and
15 battery with intent to kill.

16 08-2088, which is an indictment for kidnapping.

17 And 08-2089, which is an indictment for assault
18 and battery with intent to kill.

19 All of these indictments are True Billed, and the
20 defendant is entering pleas of guilt to all of these
21 indictments today.

22 In addition to that, he is also pleading under
23 08-2090, an indictment for assault and battery with intent
24 to kill.

25 08-2090-A, an indictment for possession of a

1 firearm during the commission a violent crime.

2 08-2091, which is an indictment for kidnapping.

3 And 08-2092, which is an indictment for attempted
4 armed robbery.

5 All of these indictments are True Billed, and the
6 defendant is entering pleas to these charges as well.

7 Your Honor, the defendant is represented in these
8 matters by Mr. Doug Gay of the York County Bar.

9 The defendant has indicated that he wishes to
10 assert as part of his guilty plea that while he is guilty,
11 he was mentally ill at the time of the commission of these
12 two offenses. The State will not contest that assertion at
13 this plea hearing.

14 And, further, at the conclusion of the plea, the
15 State will dismiss charges relating to the robbery of the
16 One Stop Exxon owned by Mr. Suk Woo Kang, as well as the
17 Palmetto Express, which was operated by Mr. Ingersoll.
18 These charges stem from December of '07, and January of '08.

19 Your Honor, prior to this date, in September of
20 2008, I tried Mr. Watts, charging him with the robbery, the
21 amend robbery, of the Exxon One Stop across from
22 Northwestern High School in the City of Rock Hill. He was
23 convicted of that armed robbery at trial. At that time I
24 served him with notice of intent to seek life without parole
25 for three other armed robbery shootings, which he was

1 alleged to have been involved in. I prepared one of those
2 cases for trial and intended to call it for trial in
3 December of '08, involving the robbery and shooting of Ms.
4 Ping Chen of the Saltwater Seafood Market in the City of
5 Rock Hill. At that time the defendant indicated he wished
6 to change his plea and enter a plea of guilt. He did plead
7 guilty on December the 15th, then was ultimately sentenced
8 to life without parole on March the 30th of '09, by the
9 Honorable John Hayes. At that time I served notice of
10 intent to seek life without parole, using as the predicate
11 both the September 24th conviction from the One Stop Exxon,
12 as well as the Saltwater Seafood from December the 15th,
13 where he pled, and the notice was personally served upon
14 both the defendant and his attorney on March the 30th of
15 '09.

16 And the defendant is back in court today to plead
17 guilty to the armed robberies on the indictments in front of
18 you, represented by Mr. Gay.

19 And as I indicated, he wished to assert that he
20 was mentally ill at the time, and the State will not contest
21 that.

22 THE COURT: All right. As I understand it, he's
23 already serving a life without parole sentence?

24 MR. BRACKETT: That is correct.

25 THE COURT: Based on two most-serious offenses he

1 pled to separately?

2 MR. BRACKETT: One he was convicted at trial.

3 THE COURT: I beg your pardon. One he was
4 convicted, and the second one he pled?

5 MR. BRACKETT: Yes.

6 THE COURT: Which constitutes two most-serious
7 offenses?

8 MR. BRACKETT: Two separate convictions for
9 most-serious offenses, this being now --

10 THE COURT: A third.

11 MR. BRACKETT: -- his third. Pleading today, he's
12 actually pleading to two separate events, though; one, the
13 robbery of John Boy's Bolero; and one, the robbery of -- the
14 attempted armed robbery of the One Stop Check Cashing just
15 outside the City of Rock Hill.

16 THE COURT: Okay. Sir, you are Phillip Fleming
17 Watts, Jr., is that correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: How old are you, Mr. Watts?

20 THE DEFENDANT: 21.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: The freshman year of junior
23 college.

24 THE COURT: What's your job or occupation? Do you
25 work anywhere?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Where do you work?

3 THE DEFENDANT: Steven Bears Sporting Goods Store
4 and the Boys & Girls Club, Southside Recreation.

5 THE COURT: Are you married, sir?

6 THE DEFENDANT: No, sir.

7 THE COURT: Do you have any children?

8 THE DEFENDANT: I might.

9 THE COURT: You don't know for sure if you have
10 any?

11 THE DEFENDANT: No.

12 THE COURT: Mr. Watts, you are charged today with
13 several offenses. You are charged with -- and I'm going to
14 go through those with you now.

15 You are charged with attempted armed robbery.
16 This offense is classified as a felony. It carries a
17 maximum punishment of 20 years. It's classified as a
18 violent offense. It's a no-parole offense, which means that
19 you would be expected to serve the sentence that you
20 actually received on that. It's also classified as a
21 most-serious offense. And the importance of this, as you
22 know, is if you get two most-serious offenses on your
23 record, separate offenses, the second one, or the third, or
24 fourth one, for that you could get a sentence of life
25 without parole under the Two-Strikes Rule. Do you

1 understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You are also charged today with
4 possession of a weapon during the commission of a violent
5 crime, which carries -- this is classified as a felony and
6 it carries a maximum punishment of five years, which is
7 separate, in addition to the other violent offenses. Do you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You are also charged with assault and
11 battery with intent to kill, which carries -- this is
12 classified as a felony and it carries a maximum punishment
13 of 20 years. It is a no-parole offense, a violent offense,
14 and also classified as a most-serious offense. Do you
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You are also charged today with
18 kidnapping, which is also classified as a felony. It
19 carries a maximum punishment of 30 years. It's a no-parole
20 offense, a violent offense, and classified as a most-serious
21 offense. Do you understand that, sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You are also charged today with
24 another count of possession of a weapon during the
25 commission of a violent crime; again, which carries five

1 years, in addition to the principal offense. Do you
2 understand that, sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Again, you are charged with armed
5 robbery, which is classified as a felony, and it carries a
6 minimum sentence of 10 years, a maximum sentence of 30
7 years. It is a no-parole offense, a violent offense, and
8 classified as a most-serious offense. Do you understand
9 that, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You are also charged with another
12 count of assault and battery with intent to kill. As I
13 explained, that carries a maximum punishment of 20 years.
14 It's a felony, no-parole, violent, and most-serious offense
15 classification. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You are also again charged with
18 another count of kidnapping, which I explained is a felony,
19 carrying a maximum punishment of 30 years; no parole,
20 violent, and a most serious offense. Do you understand
21 that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You are also charged with another
24 count of assault and battery with intent to kill, which
25 again carries a maximum punishment of 20 years. It is

1 classified as a felony. It's a no-parole offense, a violent
2 offense, and a most-serious offense. Do you understand
3 that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Now, understanding the
6 charges against you, the maximum punishment that you could
7 receive on each charge --

8 And as a matter of fact, you could receive -- on
9 these most-serious offenses, you could receive another
10 sentence of life without parole. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Understanding all of that, my
13 understanding is that you want to enter a plea of guilty but
14 mentally ill, is that correct, sir? Is that what you want
15 to do today?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand that by entering
18 this plea you give up your right to remain silent?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that by entering
21 these pleas, you give up your right to a trial by jury?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that if you give up
24 your right to a trial by jury, you also give up your right
25 to assert any legal defenses that you might have in a jury

1 trial?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, I know your attorney has gone
4 over this right with you and I'm going to go over it with
5 you as well.

6 If you requested a trial by jury, the State would
7 give you a trial. At trial you would have the right to
8 confront and cross-examine all witnesses against you.

9 You would have the right to present any witnesses
10 and/or evidence in your own defense.

11 You would have the right to testify in our own
12 defense, if you wished to do so, but no one could make you
13 testify in your own trial.

14 If you decided to go to trial and not testify, the
15 judge would tell the jury that they could not hold your
16 failure to testify against you. In fact, the jury couldn't
17 even consider your failure to testify in their deliberations
18 on your guilt or innocence.

19 You would be presumed innocent throughout your
20 trial.

21 The State would have to prove you guilty beyond a
22 reasonable doubt to a jury of twelve people. All twelve
23 people would have to unanimously agree that you were guilty
24 in order for you to be convicted. Even if you were
25 convicted, you would still have the right to appeal that

1 conviction.

2 Do you understand your rights with regard to a
3 trial by jury?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Understanding that right, do you still
6 wish to plead guilty but mentally ill, or do you want me to
7 set your cases for trial?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You still wish to plead guilty but
10 mentally ill?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, any negotiations or agreements in
13 this case, solicitor?

14 MR. BRACKETT: No, sir.

15 THE COURT: Has anybody promised you anything --
16 other than pleading guilty but mentally ill, has anybody
17 promised you anything, other than that, in order to get you
18 to enter your pleas today?

19 THE DEFENDANT: No, sir.

20 THE COURT: Has anybody threatened you, coerced
21 you, or made you enter your pleas against your will?

22 THE DEFENDANT: No, sir.

23 THE COURT: Are you satisfied with the manner in
24 which your attorney has advised and represented you in these
25 cases?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Have you and your attorney fully
3 discussed these charges?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Has your attorney told you the
6 witnesses and evidence the State has available to present at
7 trial to prove your guilt?

8 THE DEFENDANT: Say that again?

9 THE COURT: Has your attorney told you the
10 witnesses and evidence the State has available to present at
11 trial to prove your guilt, if you went to trial?

12 THE DEFENDANT: No, sir -- yes, sir.

13 THE COURT: Has your attorney discussed with you
14 any possible legal defenses that might be available to you,
15 if you were to go to trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you told your attorney the names
18 of any and all witnesses you know of that your attorney
19 could subpoena and bring to trial to assist in your defense,
20 if you were to go to trial?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Are you today under the influence of
23 any mind-altering substance, such as alcohol, drugs, or
24 prescription medications, which interfere with your judgment
25 or ability to understand what you are doing in court today?

1 THE DEFENDANT: No, sir.

2 THE COURT: I understand you are taking some
3 medications, are you not, sir?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And do those medications interfere in
6 any way with your ability to understand what we were doing
7 in court today?

8 THE DEFENDANT: No, sir.

9 THE COURT: Do you understand what you are doing
10 in court today?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any mental, emotional, or
13 nervous condition that interferes with your judgment or
14 ability to understand what you are doing in court today?

15 THE DEFENDANT: No, sir.

16 THE COURT: Are you entering your pleas today of
17 your own free will?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you, in fact, guilty of these
20 offenses?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Please give me the facts, solicitor.

23 MR. BRACKETT: Yes, sir, Your Honor.

24 I'll take the two sets of charges in turn and at
25 the conclusion of the facts at the first I would ask that

1 the victims of the cases to come forward. They wish to
2 address the court so that each case can be treated
3 separately and each set of victims given the opportunity to
4 come forward.

5 Taking them in turn, first of all, Your Honor,
6 with regard to the charges relating to the robbery of John
7 Boy's Convenience Store, this incident occurred on February
8 the 5th of 2008, Your Honor. It was the second in a series
9 of armed robberies that occurred in York County in which an
10 individual entered a business in York County and shot one of
11 the employees. The first one was the Saltwater Seafood
12 Market, which occurred in the City of Rock Hill a couple of
13 weeks, or less than two weeks, prior to this incident.

14 Prior to that there had been a number of unsolved
15 armed robberies throughout the Rock Hill area, but this was
16 the second in the series in which somebody had been shot.
17 The Saltwater Seafood is the one that he was convicted of in
18 December of 2008, and sentenced on March 30th.

19 At about 8:30, on February 5th, an unknown subject
20 entered John Boy's Convenience Store and confronted the
21 victim, who was the owner of the store and employed there,
22 working. Her name is Yen Nguyen. He showed her a handgun
23 and demanded that she give him some money. He fired a shot
24 which did not strike Mrs. Nguyen. He jumped over the
25 counter and accosted her at close range with the handgun,

1 ultimately firing the handgun and striking her in the
2 abdomen. He ordered her to -- after shooting her, he
3 ordered her to open up the cash register. She gave him some
4 money from the cash register. He started to leave. And
5 then before he left, he asked Ms. Nguyen to come closer to
6 him. Before she could make it to him a car pulled into the
7 parking lot. That car was driven by Mr. Charles Powers.

8 Upon seeing the car the suspect left the store and
9 started to walk towards the exit of the store. As he got to
10 the door, Mr. Powers arrived at the door and opened the door
11 for the suspect. Unaware that anything had transpired
12 unusual in the store, Mr. Powers opened the door and held it
13 open so the defendant could leave the store. As he walked
14 by -- as he walked by Mr. Powers, who was holding the door
15 open for him, he pulled the handgun up, pointed it at Mr.
16 Powers' face and fired once, striking him in the chin, in
17 the lower face area with the handgun, and then he walked off
18 into the darkness into another location where he had put his
19 car.

20 The Fort Mill police responded, investigated that
21 case. At that time they had no suspect. They had a video,
22 but they weren't able to determine from the video who the
23 individual was that had done the armed robbery and the
24 shooting of Mr. Powers and Ms. Nguyen.

25 The similarities between this case and the

1 Saltwater Seafood shooting and robbery were close enough
2 that Fort Mill began working in their investigation with the
3 Rock Hill Police Department. At that time they were unable
4 to identify the suspect.

5 Nine days later, on February the --

6 Well, that's essentially the facts and
7 circumstances of the robbery at John Boy's Bolero.

8 Ms. Nguyen has recovered from her gunshot wound,
9 but she is not in a condition to which she could come to
10 court. She did not feel that she could emotionally handle
11 coming to court today, but her son, Mr. Tiem Bui, is
12 present, as well as --

13 THE COURT: Let me -- before we -- before we bring
14 the victim up --

15 MR. BRACKETT: Yes.

16 THE COURT: -- let me ask Mr. Watts.

17 Mr. Watts, you have heard the facts with regard to
18 these charges today in these cases that the solicitor has
19 just gone over. Do you disagree in any way with what they
20 say happened as to these charges?

21 THE DEFENDANT: No, sir.

22 THE COURT: I find the decision of the defendant
23 to plead guilty to these charges to be made freely,
24 voluntarily and intelligently.

25 He's had the representation of a competent

1 attorney with whom he says he is satisfied.

2 I find the facts presented to the court by the
3 solicitor's office fully support and substantiate the pleas
4 in this case, and I'll accept the pleas as freely and
5 voluntarily made.

6 Let me go ahead and hear from the victim's family.

7 MR. BRACKETT: Mr. Powers and Mr. Bui.

8 Mr. Powers is the customer who came up and held
9 the door open.

10 Mr. Bui is the son of the owner, Ms. Nguyen, of
11 the John Boy's Bolero, which is in Fort Mill here in York
12 County.

13 If you will state your full name and spell your
14 last for the court reporter.

15 MR. TIEM BUI: My first name is Tiem, T-I-E-M.
16 Last name is Bui, B-U-I.

17 Your Honor, I have prepared a statement just I
18 would like to read what I wanted to say. It's kind of
19 emotional for me, so could you just give me a few minutes?

20 THE COURT: Sure.

21 MR. TIEM BUI: My mother would be here today, but
22 she is scared and afraid. She asked that I speak on her
23 behalf.

24 Your Honor, I thank you for giving me the
25 opportunity to say a few words. Quiet, quiet my maternal

1 grandma said to my brother and me as we hopped onto the boat
2 with our parents. It was 1981 we come from Viet Nam. As
3 so -- as so many have, we were escaping to freedom" --
4 excuse me one moment.

5 As so many have, we were escaping to freedom in
6 the land of opportunity and the home of the brave. My
7 father started out doing whatever he could to support his
8 family; picking apples, blowing leaves, working as a tailor,
9 and in a cotton mill. He and my mom worked seven days a
10 week, sixteen hours a day for five years. My brother and I
11 only got to see them for a few hours a day. We go to church
12 on Sunday. They eventually saved enough to get a business
13 of their own; a laundromat and eventually a convenience
14 store. They worked so hard for us, my brother and me, so
15 that we could have a future. America is the only country
16 that gives everyone the opportunity to see if they are
17 willing to work hard, and I really believe that.

18 On Tuesday of last year, February the 5th, as I
19 was pulling in the driveway, my brother called and said mom
20 was shot, hurry to the store. My heart felt like it would
21 explode at the rate to get there. That was the darn longest
22 trip of my life, but I continually prayed and did not forget
23 that Mother Mary and our saviour, Jesus Christ, is up there
24 to protect her. I was the first in my family to get there.
25 Mom was still in the store, but the paramedics and the

1 police officers would not let me in. I waited continually
2 and still prayed. The paramedics finally pulled mom out and
3 loaded her in the ambulance. I held her hand and she said
4 Tiem, it hurts. She was grabbing her stomach and said Tiem,
5 it hurts so much. So much. I had to leave her. She was
6 being transferred to the helicopter. The last thing she
7 said was Tiem, I'm not sure I will make it, but I still
8 prayed. I tried to be strong for her, like I'm doing right
9 now, but apparently I'm not doing too well. I tried to
10 ensure her that everything would be okay. Mother Mary and
11 Jesus will protect her, as they had done for us when we were
12 on the boat to the United States of America. I tell you
13 what.

14 The good Lord answered our prayers and mom
15 recovered. She still has nightmares and sometimes just sits
16 there staring at the walls. I can remember at one time when
17 Ryan and Robby came to the hospital. She was at the ICU.
18 We visited her and she was okay. The first thing out of her
19 mouth was how is the mayor. And, mayor, I apologize,
20 because you had to be dragged into this mess, but in my
21 heart I really didn't want anybody else to get hurt. I
22 really do apologize. You came in there to get your daily
23 thing, like a regular customer.

24 Your Honor, I still do not understand how anyone
25 could do something so terrible to a tiny, fragile, harmless

1 grandmother to my baby son at that time, who was one year
2 old.

3 At that time I searched my soul. I had the guts
4 to walk into the police department in Fort Mill with the
5 staff there and asked to watch the whole entire event that
6 happened. You just don't know how mad and outraged I was.
7 My brother couldn't handle it, but I was brave enough, or
8 tried to be brave enough to watch. Mom did everything that
9 Mr. Phillip Watts, Jr. Asked on the video. She did
10 everything, complied with everything that he did, but he
11 just stood there looking at her in the eye. Lo and behold
12 he pulled the trigger. And the 'second shot -- I mean, he
13 was so close, like standing right here, and he shot her. I
14 mean, how could he do that? I mean -- and then he left and
15 shot the mayor.

16 Mr. Watts, Jr., my mother and father didn't have
17 good English skills, but they were able to succeed in the
18 United States by working hard and trying to live the
19 Christian life. You could have done the same.

20 All we ask of the legal system is to keep this man
21 behind bars so that he does not harm another innocent
22 person, like my mother and Mr. Powers and Ms. Lord, but I
23 also pray to God to have mercy on his soul come his judgment
24 day.

25 Again, I thank you for your time.

1 MR. BRACKETT: And Mr. Charles Lee Powers.

2 MR. CHARLES POWERS: Charles Powers.

3 Your Honor, of course, as they said, on March the
4 5th I walked in the -- I started into John Boys. I opened
5 the door. Mr. Watts, and I didn't know who it was at the
6 time, stuck a pistol up. As he walked past me, I said good
7 afternoon, holding the door for him, stuck a pistol and
8 didn't fire until he got here to my mouth, my lip.

9 Normally I would turn the other cheek. I have
10 some close friends in Mr. Watts family, and that's hard for
11 me not to turn the other cheek.

12 Mr. Watts is a cruel man and does not deserve to
13 ever be back in society.

14 As I turned, after he had shot me, blood
15 everywhere, as I turned, he was pointing at my back as I was
16 trying to get away from him. If the car hadn't come up, I
17 think, and I could be wrong, a lady and her son pulled up to
18 the same convenience store after he had shot me and I turned
19 and he was pointing at my back again, he shot around the
20 corner. If they hadn't of pulled up, he would have shot me
21 again. His intentions never was to hurt anybody. His
22 intentions was to kill.

23 And I'm sorry, I cannot turn the other cheek. I
24 do feel for the family. I spend many a night awake myself
25 having nightmares. It is a bad mental situation. I never

1 dreamed it would be that bad, but that is my feelings, and I
2 just wanted the court to know that. Thank you, sir.

3 THE COURT: Thank you, sir.

4 MR. BRACKETT: Your Honor, as regards to the
5 second incident. Nine days later, on February the 14th,
6 2008, a black male entered the Cash on the Spot Check
7 Cashing, which is located at 990 South Cherry Road in Rock
8 Hill inside of York County.

9 The surveillance video shows that individual
10 walking in, moving over to a counter that was sitting away
11 from the main teller booth where the individual who cashes
12 the check and dispenses the cash was at. It was like a
13 little separate table with some paperwork on it, including
14 some like Western Union forms that you would fill out to
15 wire money and so forth. That individual walked over, sat
16 down and started filling out some paperwork there and was
17 looking over her shoulder, apparently by all appearances
18 seemed to be working on some paperwork at the counter.

19 Ms. Ida D. Lord entered the business and walks
20 over to the teller window. She is standing there, and the
21 teller window is not like a regular bank. It's not
22 something that you could jump over. It's separated by a
23 piece of glass that you couldn't shoot through. It appears
24 to be thick in glass that separates the customers from the
25 individuals with the cash on the other side. Marsha Boyd

1 was the employee that was working in the store and
2 dispensing cash that day, cashing checks for customers as
3 they came in.

4 At that point on the video you could see Mr. Watts
5 stand up, walking over to Ms. Lord, who is standing at the
6 window. Her back is Mr. Watts. He walks over and grabs her
7 and puts the gun to her head and fires one round into her
8 head. She falls on the ground and he fires another round
9 into her as she lays on the ground.

10 Apparently -- I don't know whether words were
11 exchanged, but it's a silence in the video between the
12 individuals behind the glass, Ms. Boyd and Mr. Watts, but
13 Mr. Watts left the store.

14 The sheriff's office -- this happened in the York
15 County sheriff's office jurisdiction. The first happened in
16 Rock Hill. John Boy's Bolero, which is in the Fort Mill
17 city limits, and this one happened out in the county in the
18 only incorporated area. So the sheriff's office responded.
19 The forensic service unit also responded to process the
20 crime scene.

21 After reviewing the video and seeing that the
22 suspect had held a pen that was attached by a cable at the
23 table where he was sitting filling out the forms, they took
24 the pen and swabbed it for touch DNA; perspiration that
25 comes off of your fingers and it's left behind on a solid

1 object, like a pen. They were able to ask SLED to rush the
2 DNA process. And, in fact, given the gravity of this case
3 and the thought that they were all connected and we had a
4 serial shooter on our hands, SLED was able to rush the
5 processing and get us the results back and they had Mr.
6 Watts' DNA on file there. They were able to establish that
7 it was Mr. Watts' DNA. In addition to that, some of the
8 paperwork at the counter that he had touched had his
9 fingerprints on that, on the paper as well.

10 They were able to get affix on his location
11 ultimately through his girlfriend and they went to a
12 location at 1447 Riverview Court on the 18th of February,
13 four days later, and they apprehended Mr. Watts inside. And
14 inside they also found a 22-caliber revolver. The revolver
15 was tested and swabbed for DNA and blood belonging to Ms.
16 Lord was found on the pistol.

17 Mr. Watts was interviewed and he gave a complete
18 confession to not only the On the Spot Check Cashing, but
19 the John Boy's Bolero robbery shooting and the Saltwater
20 Seafood Market robbery shooting, as well as several other
21 armed robberies in which no one was shot.

22 Ms. Ida Lord was obviously seriously injured. She
23 has gone through extensive medical treatment,
24 rehabilitation, and counseling in trying to get her back up.
25 She's present in the courtroom seated over here and she

1 would like to address the court as well.

2 THE COURT: All right. Let me complete the plea
3 process first.

4 MR. BRACKETT: Yes, sir.

5 THE COURT: Mr. Watts, you have heard the facts
6 recited to the court by the solicitor's office with regard
7 to this second incident. Do you disagree in any way with
8 what they say happened as to this particular incident?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Tell me how you disagree.

11 THE DEFENDANT: As far as how he said they
12 recovered that evidence, that ain't how that happened,
13 because when I first got arrested, it was proved to the
14 court that the things they are saying they found, as far as
15 my DNA and my fingerprints, I had the same thing tested and
16 it was real DNA on somebody else's, not including mine, so
17 the case really is based on my confession and not really
18 what they are saying they found.

19 MR. BRACKETT: Well, I guess the fact that the
20 question is, does Mr. Watts agree with the fact that the
21 allegations contained --

22 THE COURT: I'm going to get to that. I just
23 wanted to give you a chance to respond to his assertion that
24 the DNA was not found.

25 MR. BRACKETT: Well, sir, we couldn't have

1 apprehended Mr. Watts if we hadn't had the fingerprint and
2 the DNA.

3 And in addition to that, the surveillance video,
4 once we had Mr. Watts isolated as a suspect, the videotape
5 from the robbery was shown to Mr. Watts' mother, who did
6 identify him as being the person who was depicted on the
7 video.

8 THE COURT: Let me ask you this, Mr. Watts. I
9 understand you disagree with their statement of the facts
10 that they collected DNA evidence, but do you disagree that
11 it was you there who actually was robbing the place and
12 doing the shooting? Do you disagree at all with that?

13 THE DEFENDANT: No, sir.

14 THE COURT: You gave a confession, is that right?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And is that confession correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Then I find the decision of the
19 defendant, Phillip Fleming Watts, Jr., to plead guilty to
20 these charges being made freely, voluntarily, and
21 intelligently.

22 He's had the representation of a competent
23 attorney with whom he says he is satisfied.

24 I find the facts presented to the court by the
25 solicitor's office, even those concurred in by the

1 defendant, fully support and substantiate the guilty pleas
2 in this case, and I'll accept the pleas as freely and
3 voluntarily made.

4 Now, Mr. Watts, if you disagree with the
5 proceedings in which we are currently involved, you have ten
6 days from today's date within which to file a notice of
7 intent to appeal.

8 Do you understand your right to appeal today's
9 proceedings?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now I'll hear from the victim, if she
12 wishes to be heard.

13 MR. BRACKETT: Yes, sir.

14 Ms. IDA LORD: My name is Ida Neal Lord.

15 MR. BRACKETT: It's very difficult, Your Honor.

16 THE COURT: All right. Do you wish to speak? You
17 can address me directly.

18 MS. IDA LORD: Okay.

19 THE COURT: Yes, ma'am.

20 MS. IDA LORD: Your Honor, before this happened to
21 me I was alive and a vibrant woman who worked out three
22 times a week. I worked every day. I was a certified
23 nursing assistant and I liked helping people, working with
24 people, and all, and I don't know why this monster did this
25 to me. He's changed my life tremendously. He really

1 changed my life.

2 MR. BRACKETT: Your Honor, I think that's the end
3 of her comments. Can she stay here for a moment?

4 THE COURT: If she wishes to, yes, sir.

5 MR. BRACKETT: Your Honor, it's a miracle that
6 she's alive. She was shot point blank in the head. It's
7 fortunate that it was just a .22, the smallest caliber
8 weapon that could have been used.

9 She went through extensive surgery. We obviously
10 followed her condition carefully as she went through
11 multiple surgeries. At one point in time a piece of her
12 skull had to be removed and kept separately, because the
13 pressure from her brain swelling was so much that she would
14 have died if they hadn't done that. She went around for a
15 period of several months basically with a helmet on her head
16 because her skull wasn't there to protect her brain, like it
17 normally is. They tried to put it on a couple of months
18 after the initial incident. And when they reattached the
19 piece of her skull back to her head, the brain immediately
20 swelled up again and we almost lost her a second time. So
21 they removed it and allowed her to recover over a longer
22 period of time and they were able to get it back on. So now
23 she's -- that part of it is over, but you can clearly see
24 she's been devastated physically from her injuries. And, as
25 I said, it's just -- it's by the grace of God that she's

1 here in court and able to see some justice done in her case.

2 MS. IDA LORD: Yes.

3 THE COURT: Does she want to say something else?

4 MR. BRACKETT: She was just sharing her sentiments
5 about it.

6 THE COURT: All right. Thank you.

7 MR. BRACKETT: Thank you, judge.

8 THE COURT: All right, counsel.

9 MR. GAY: May it please the court.

10 Your Honor, every -- every case that comes before
11 you has its tragic aspects to it. This one has so many more
12 than most cases. You heard from the victims, of course, in
13 this case, or in these two cases.

14 Of course, my job here today is to tell you a
15 little bit about Phillip Watts, Jr.. I had an opportunity
16 to meet with Phillip after I was appointed in the case and
17 talk about all of these things and get a little bit of
18 history on Phillip.

19 I talked to his mother.

20 Phillip had been in a juvenile program, gotten out
21 early, around July or August of 2007, at the time he was
22 released. When he was in the juvenile program, he was on a
23 series of medications. There was still anger problems or
24 whatever other problems that he had. When he was released
25 from the juvenile program, he was released with a three

1 weeks supply of medication and given an appointment with a
2 local mental health center.

3 He complied with his medication throughout August
4 and September while he had it and was released with it,
5 attended his appointments at Catawba Mental Health Center.
6 At that point in time there wasn't a doctor present that day
7 that could do a prescription for him, so he left without a
8 prescription. He left with another appointment about a
9 month later, which he went back to with his mother. Again,
10 there wasn't a doctor there that could prescribe him or fill
11 his medication.

12 After about two and a half months without his
13 medication, these incidents began to happen, and they
14 happened, I guess, throughout the number of occasions, I
15 think starting in November of 2007, to the time that Phillip
16 was arrested in February of 2008.

17 His mother could tell you he's a different person
18 when he's on his medication. He didn't have the medication
19 to take with him to get the medication, and that is more or
20 less the basis for our plea today, that the solicitor has
21 agreed not to contest that Mr. Watts is guilty but mentally
22 ill.

23 To compound the tragedy of all this, when Phillip
24 got out of juvenile, he enrolled in Clinton Junior College.
25 He was an outstanding student there. He got good grades and

1 was doing fairly well. Most of his teachers at Clinton
2 Junior College and his friends couldn't believe it was him.
3 His girlfriend didn't believe it was him when they came to
4 say that he was the one who done all this stuff. No one
5 around him knew that he was doing this.

6 I wish I had a better explanation for it, other
7 than the fact that -- I can't -- I can't stand here and say
8 in front of you that if he had been on his medications this
9 wouldn't have happened, but I think that it's a reasonable
10 inference that there would have been a better chance that
11 this wouldn't have happened if he had been able to stay on
12 his medication and have these prescriptions refilled.

13 That's the basis for the plea. We ask Your Honor
14 to accept the plea as it is, as guilty but mentally ill.

15 We understand and I discussed with Phillip the
16 fact that Your Honor doesn't have any discretion in imposing
17 the sentence that's associated with the plea. We understand
18 that and thank the court for this opportunity to present
19 this and to do the sentence -- for Phillip to plead wherein
20 he's guilty but mentally ill.

21 THE COURT: Mr. Watts, is there anything that you
22 wish to say to the court?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right, sir.

25 THE DEFENDANT: First I send my apologize out to

1 not only the victims, but their loves ones, as well as mine,
2 you know what I mean?

3 One of the main factors of this case, or these
4 cases that I say, during the times of these crimes I was --
5 I couldn't control it.

6 And as far as the facts that they were just given
7 to you, that's fiction, because when I went to mental
8 health, it wasn't because the doctor wasn't available that
9 day to give me my medication. They didn't give me my
10 medication. They chose not to give me my medication.

11 I'm not using it as an excuse as to why I did what
12 I did, but I know that what I did was terrible. I know I
13 changed the lives of many, many people who weren't involved
14 out here to be changed, but the things I did or the crimes,
15 the person I am or the person -- meaning if it's a
16 possibility that I be the monster I was when I committed the
17 crimes, maybe I don't need to be out, but at the same time I
18 refuse to let anybody paint a picture of me to make it seem
19 as though I'm some evil person, when I'm not. The worst
20 thing I ever did in my life was get on that medication and
21 become dependent of that medication. Because once I became
22 dependent of that medication and I went so long without that
23 medication, I didn't know how to control myself. But nobody
24 seen stuff based on me this.

25 Like I say, I apologize to the victims, their

1 loved ones and my loved ones and the lives I changed because
2 of my actions.

3 THE COURT: Counsel, approach just a minute.

4 (Whereupon, the lawyers approached the bench for
5 an off-the-record discussion)

6 MR. BRACKETT: If it please the court, Ms. Lord
7 just wanted to relate to the court she's been through a
8 terrible storm with all of this and she feels that the
9 sentences are appropriate, his comments notwithstanding.

10 THE COURT: Okay. Thank you.

11 Well, honestly, Mr. Watts, I think for the good of
12 yourself and the general public you would be better if you
13 do not get out of prison for the balance of your natural
14 life.

15 Insofar as case number 2008-GS-46-2090-A and
16 2008-GS-46-2086, those are charges of possession of a weapon
17 during the commission of a violent crime. Since I'm
18 sentencing you to life, I need not sentence on those.

19 In case number 2008-GS-46-2089, Phillip Fleming
20 Watts, Jr., having pled guilty to assault and battery with
21 intent to kill -- excuse me, I beg your pardon, he's pled
22 guilty but mentally ill --

23 Let me say for the record as well the State does
24 not oppose it, but there is no evidence that he is, in fact,
25 mentally ill, as I understand it, and so -- but the State

1 does not oppose that.

2 MR. BRACKETT: Yes, sir, other than the comments
3 made by Mr. Gay from his research into his background and
4 whatever defendant's self-reporting is, but the State takes
5 no exception to anything that --

6 THE COURT: Of course, that would entitle him to
7 receive mental health treatment while he's incarcerated.
8 That's what that would do.

9 MR. BRACKETT: I understand that he's receiving
10 that now as well.

11 THE COURT: All right. Guilty but mentally ill is
12 the plea. The sentence of the court is life without parole.
13 That could be consecutive.

14 Case number 2008-GS-46-2087, Phillip Fleming
15 Watts, Jr., having pled guilty to assault and battery with
16 intent to kill -- I beg your pardon, guilty but mentally
17 ill. Not guilty, but guilty but mentally ill, for that
18 charge the sentence of the court is the same as the previous
19 sentence, to run consecutive.

20 Case number 2008-GS-46-2086, Phillip Fleming
21 Watts, Jr., having pled guilty but mentally ill to the
22 charge of armed robbery, the sentence of the court is the
23 same as the previous sentence, to run consecutive.

24 Case number 2008-GS-46-2088, Phillip Fleming
25 Watts, Jr., having pled guilty but mentally ill to the

1 charge of kidnapping, the sentence of the court is the same
2 as the previous sentence, to run consecutive.

3 Case number 2008-GS-46-2091, Phillip Fleming
4 Watts, Jr., having pled guilty but mentally ill to
5 kidnapping, the sentence of the court is the same as the
6 previous sentence, consecutive.

7 Case number 2008-GS-46-2092, Phillip Fleming
8 Watts, Jr., having pled guilty but mentally ill to the
9 charge of attempted armed robbery, the sentence of the court
10 is the same as the previous sentence, to run consecutive.

11 Case number 2008-GS-46-2090, Phillip Fleming
12 Watts, Jr., having pled guilty but mentally ill to the
13 charge of assault and battery with intent to kill, the
14 sentence of the court is the same as the previous sentence,
15 to run consecutive.

16 He's given credit for time served on all of these
17 charges. Thank you.

18 MR. BRACKETT: Thank you, Your Honor.

19 MR. GAY: Thank you, Your Honor.

20 (END OF REQUESTED TRANSCRIPT OF RECORD)

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CERTIFICATE

1

2 I, the undersigned, Michael R. Watts, Official Court

3 Reporter for the Sixteenth Judicial Circuit of the State of

4 South Carolina, do hereby certify that the foregoing is a

5 true, accurate and complete Transcript of Record of the

6 proceedings had and the evidence introduced in the trial of

7 the captioned case, relative to appeal, in the Court of

8 General Sessions for YORK County, South Carolina, on the

9 27TH day of APRIL, 2009.

10 I do further certify that I am neither of kin, counsel

11 nor interest to any party hereto.

12

13

14 September 26, 2011

15

16 Michael R. Watts

17

18 Michael R. Watts

19 Circuit Court Reporter

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