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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

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S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

ANTONIO MILLER,

APPELLANT

APPELLATE CASE NO. 2012-208640

RECORD ON APPEAL

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1 MRS. YOUNG: YOUR HONOR, WE WOULD OFFER TO MOVE
2 STATE'S EXHIBIT 133AM INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
5 YOUR HONOR.

6 THE COURT: THANK YOU. OVERRULED.

7 (WHEREUPON, STATE'S EXHIBIT NO. 133AM WAS ADMITTED
8 INTO EVIDENCE.)

9 Q AND EXPLAIN WHAT ANALYSIS YOU DID WITH REGARD TO THAT
10 PIECE OF EVIDENCE.

11 A I ALSO MICROSCOPICALLY COMPARED THIS ITEM TO MY TEST
12 SPECIMENS FIRED BY THE GLOCK AND AGAIN CONCLUDED THAT
13 THERE ARE ENOUGH INDIVIDUAL IDENTIFYING CHARACTERISTICS TO
14 SAY THAT THIS CARTRIDGE CASE WAS ALSO FIRED BY THE GLOCK
15 FIREARM.

16 Q HOW ABOUT STATE'S EXHIBIT 134AM? ARE YOU ABLE TO
17 IDENTIFY THAT?

18 A 134AM IS MY ITEM NUMBER 58. STILL IN A SEALED
19 CONTAINER WITH MY INITIALS AND SEAL DATE. IT IS A FIRED
20 .40 CALIBER SMITH AND WESSON CARTRIDGE CASE.

21 Q ANY CHANGES OR ALTERATIONS SINCE YOU TESTED THAT?

22 A NO, MA'AM.

23 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE
24 STATE'S EXHIBIT 134AM INTO EVIDENCE IN THIS CASE.

25 THE COURT: ANY OBJECTION?

1 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
2 YOUR HONOR.

3 THE COURT: THANK YOU. OVERRULED.

4 (WHEREUPON, STATE'S EXHIBIT NO. 134AM WAS ADMITTED
5 INTO EVIDENCE.)

6 Q WHAT WAS YOUR ANALYSIS ON THAT ITEM, SUZANNE?

7 A I AGAIN COMPARED THIS ONE MICROSCOPICALLY TO MY TEST
8 SPECIMENS THAT I FIRED FROM THE GLOCK FIREARM AND
9 CONCLUDED THAT THERE WAS ENOUGH INDIVIDUAL IDENTIFYING
10 CHARACTERISTICS TO SAY THAT THIS CARTRIDGE WAS ALSO FIRED
11 BY THE GLOCK FIREARM I RECEIVED.

12 Q HOW ABOUT STATE'S 135AM? ARE YOU ABLE TO IDENTIFY
13 THAT?

14 A YES, MA'AM.

15 Q WHAT IS IT?

16 A STATE'S EXHIBIT 135AM IS MY ITEM NUMBER 51.

17 THE COURT: I'M SORRY. FIFTY-ONE?

18 THE WITNESS: YES, SIR. IT IS STILL IN A HEAT-SEALED
19 CONTAINER WITH MY INITIALS AND SEAL DATE. IT IS A 40
20 SMITH AND WESSON CALIBER FIRED CARTRIDGE CASE.

21 Q ARE THERE ANY CHANGES, ALTERATIONS, OR ANYTHING OF
22 THAT NATURE TO THAT ITEM SINCE YOU TESTED IT?

23 A NO, MA'AM.

24 MRS. YOUNG: YOUR HONOR, AT THIS POINT IN TIME WE'D
25 OFFER STATE'S EXHIBIT 135AM AS EVIDENCE IN THIS CASE.

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1 THE COURT: ANY OBJECTION?

2 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
3 YOUR HONOR.

4 THE COURT: THANK YOU. OVERRULED.

5 (WHEREUPON, STATE'S EXHIBIT NO. 135AM WAS ADMITTED
6 INTO EVIDENCE.)

7 Q YOU CAN EXPLAIN YOUR ANALYSIS ON THAT.

8 A AGAIN I MICROSCOPICALLY COMPARED THIS ONE TO THE TEST
9 SPECIMENS THAT I FIRED FROM THE GLOCK AND FOUND ENOUGH
10 INDIVIDUAL IDENTIFYING CHARACTERISTICS TO SAY THAT THIS
11 WAS ALSO FIRED BY THE GLOCK FIREARM I RECEIVED.

12 Q AND FINALLY STATE'S 136AM. CAN YOU IDENTIFY?

13 A STATE'S EXHIBIT 136AM IS MY ITEM NUMBER 50. IT IS
14 STILL IN A SEALED CONTAINER WITH MY INITIALS AND SEAL
15 DATE. IT IS ALSO A .40 CALIBER FIRED CARTRIDGE CASE.

16 Q AND THERE ARE ANY CHANGES FROM THE TIME YOU SEALED IT
17 AND TESTED IT IN THIS PARTICULAR CASE?

18 A NO, MA'AM.

19 MRS. YOUNG: YOUR HONOR, WE'D OFFER STATE'S
20 EXHIBIT 136AM AS EVIDENCE IN THIS CASE.

21 THE COURT: ANY OBJECTION?

22 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
23 YOUR HONOR.

24 THE COURT: OVERRULED.

25

1 (WHEREUPON, STATE'S EXHIBIT NO. 136AM WAS ADMITTED
2 INTO EVIDENCE.)

3 Q ALL RIGHT. PLEASE EXPLAIN YOUR ANALYSIS OF THAT
4 ITEM, SUZANNE.

5 A AGAIN I MICROSCOPICALLY COMPARED THIS ITEM TO THE
6 FIRED CARTRIDGE CASES THAT I TEST FIRED FROM THE GLOCK I
7 RECEIVED IN THIS CASE AND CONCLUDED THAT THIS CARTRIDGE
8 CASE AS WELL HAD ENOUGH INDIVIDUAL IDENTIFYING
9 CHARACTERISTICS TO SAY THAT IT WAS FIRED BY THE GLOCK I
10 RECEIVED.

11 Q OKAY. I KEPT YOU STANDING UP HERE LONG ENOUGH. SIT
12 BACK DOWN ON THE WITNESS STAND.

13 A OKAY. (COMPLIED.)

14 Q ALL RIGHT. SUZANNE, I JUST MARKED THIS FOR
15 IDENTIFICATION PURPOSES AS STATE'S 139AM. I AM GOING TO
16 ASK IF YOU CAN IDENTIFY THAT. DO YOU NEED SCISSORS?

17 A YES, MA'AM, I DO.

18 MR. JOHNSON: YOUR HONOR, IS THIS IN EVIDENCE
19 ALREADY?

20 MRS. YOUNG: SHE'S IDENTIFYING IT.

21 THE COURT: NO. SHE'S IDENTIFYING IT.

22 MR. JOHNSON: I WOULD JUST OBJECT TO ANYTHING BEING
23 BROUGHT OUT IN FRONT OF THE JURY THAT'S NOT IN EVIDENCE,
24 YOUR HONOR.

25 THE COURT: LOOK AT IT RIGHT THERE. SECRETLY LOOK AT

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1 IT SO NOBODY WILL SEE IT.

2 THE WITNESS: THESE WERE MY ITEMS 37 THROUGH 40 AND
3 41 THAT I RECEIVED IN THIS CASE. THEY ARE -- MY ITEM 41
4 WAS A FIRED 38 SPECIAL CALIBER CARTRIDGE CASE. ITEMS 37
5 THROUGH 40 WERE -- WHEN I RECEIVED THEM -- UNFIRED ROUNDS,
6 BUT I PURPOSELY TEST FIRED SOME OF THOSE. SO I RECEIVED
7 THEM BACK AS AMMUNITION COMPONENTS, NOT AS FIRED -- NOT AS
8 UNFIRED AMMUNITION.

9 Q OKAY. IS THAT EVERYTHING?

10 A YES, MA'AM.

11 Q AND ARE YOU ABLE TO IDENTIFY THAT AS ITEMS THAT YOU
12 ACTUALLY TESTED AND PERFORMED AN ANALYSIS ON IN THIS
13 PARTICULAR CASE?

14 A YES, MA'AM. THEY ARE STILL IN A SEALED CONTAINER
15 SEALED WITH MY INITIALS AND SEAL DATE.

16 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE TO
17 ENTER STATE'S EXHIBIT 139AM COLLECTIVELY AS EVIDENCE IN
18 THIS PARTICULAR CASE.

19 THE COURT: ANY OBJECTION?

20 MR. JOHNSON: YOUR HONOR, THIS IS JUST 139?

21 THE COURT: IT IS 139AM. HER 37 THROUGH 40 AND 41.

22 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION.

23 THE COURT: THANK YOU. OVERRULED.

24 (WHEREUPON, STATE'S EXHIBIT NO. 139AM WAS ADMITTED
25 INTO EVIDENCE.)

1 Q DID YOU MAKE ANY ANALYSIS OR OPINIONS ABOUT THOSE
2 ITEMS, SUZANNE?

3 A YES, MA'AM. WHEN I RECEIVED THESE, AS I SAID, I
4 RECEIVED FOUR UNFIRED 38 SPECIAL CALIBER CARTRIDGES.
5 SOMETIMES WHEN WE DON'T HAVE THE SAME TYPE OF AMMUNITION
6 WE'LL USE THE UNFIRED AMMUNITION TO TESTFIRE THE FIREARM.
7 SO, THAT'S WHAT I DID IN THIS CASE. I RECEIVED FOUR
8 UNFIRED. I FIRED TWO OF THEIR SUBMITTED AMMO. SO I
9 RESUBMITTED IT OR RETURNED IT AS AMMUNITION COMPONENTS.

10 Q AND DID YOU FORM ANY OPINION BASED ON YOUR ANALYSIS
11 AND USE OF THOSE ITEMS?

12 A MY ITEMS 37 THROUGH 40 WERE THE PROPER CALIBER FOR
13 THESE IN THE ARMINIUS REVOLVER THAT I RECEIVED. MY ITEM
14 41 WAS A FIRED CARTRIDGE CASE, AND -- I'M SORRY -- IT WAS
15 INCONCLUSIVE. MY MICROSCOPIC EVALUATION, THERE JUST
16 WASN'T ENOUGH OF THOSE INDIVIDUAL IDENTIFYING
17 CHARACTERISTICS THAT I'VE TALKED ABOUT TO SAY DEFINITELY
18 WHETHER OR NOT THIS CARTRIDGE CASE WAS ACTUALLY FIRED BY
19 THE FIREARM.

20 Q SUZANNE, WE TALKED ABOUT ABOUT PROBABLY 50 DIFFERENT
21 NUMBERS WHILE YOU WERE UP THERE I THINK. HOW MANY
22 .40 CALIBER SHELL CASINGS DID YOU RECEIVE IN THIS CASE?

23 A I RECEIVED EIGHT FIRED .40 CALIBER CARTRIDGE CASES.

24 Q AND YOUR OPINION ON ALL OF THOSE WAS WHAT?

25 A ALL EIGHT FORTY CALIBER CARTRIDGE CASES THAT I

1 RECEIVED IN THIS CASE WERE FIRED BY THE GLOCK -- I BELIEVE
2 IT WAS STATE'S EXHIBIT 123AM -- THAT I RECEIVED IN THIS
3 CASE.

4 Q HOW MANY 9-MILLIMETER CARTRIDGE CASES DID YOU RECEIVE
5 IN THIS CASE?

6 A I RECEIVED TWO FIRED 9-MILLIMETER LUGER CALIBER
7 CARTRIDGE CASES.

8 Q AND YOUR OPINION ON THOSE WAS WHAT?

9 A THOSE TWO CARTRIDGE CASES WERE FIRED BY THE HI-POINT
10 FIREARM, STATE'S EXHIBIT 124AM.

11 Q AND WHAT TYPE OF FIRED PROJECTILES OR FRAGMENTS DID
12 YOU RECEIVE IN THIS CASE?

13 A I RECEIVED FOUR FULLY INTACT 40 SMITH AND WESSON OR
14 10-MILLIMETER AUTO BULLETS THAT WERE INCONCLUSIVE WITH THE
15 GLOCK FIREARM THAT I RECEIVED. I ALSO RECEIVED ONE
16 .40 CALIBER BULLET JACKET AND CORE FRAGMENT WHICH WERE
17 ALSO INCONCLUSIVE. AND I RECEIVED ONE FIRED 9-MILLIMETER
18 LUGER CALIBER BULLET WHICH WAS FIRED BY THE HI-POINT
19 PISTOL, STATE'S EXHIBIT 124AM.

20 Q JUST -- DOES INCONCLUSIVE MEAN IT MIGHT HAVE BEEN
21 FIRED BY THAT FIREARM?

22 A YES. WE OFFER FOUR RESULTS. POSITIVE, YES IT WAS
23 FIRED BY THAT FIREARM. NEGATIVE, NO IT WASN'T FIRED BY
24 THAT FIREARM. UNSUITABLE. UNSUITABLE MEANS THAT IT'S TOO
25 DAMAGED OR IT DOESN'T HAVE ENOUGH OF THOSE INDIVIDUAL

1 MARKINGS TO SAY EITHER WAY. THEN WE HAVE INCONCLUSIVE.
2 IT MEANS THAT IT MEETS ALL OF THE RIGHT CHARACTERISTICS.
3 WHEN WE TALK ABOUT OUR RIFLING CHARACTERISTICS, IT MEETS
4 THE RIGHT CALIBER, IT MEET -- IT HAS THE RIGHT RIFLING.
5 IN THIS CASE SIX RIGHT RIFLING. IT HAS THE SAME TYPE OF
6 RIFLING.

7 IT CAN EVEN HAVE THE SAME DIMENSIONS OR SIZE OF
8 RIFLING; JUST THAT THERE IS NOT ENOUGH INDIVIDUAL MARKS TO
9 SAY YES IT WAS OR NO IT WASN'T. IT COULD HAVE BEEN OR IT
10 MIGHT NOT HAVE BEEN. I JUST CAN'T MAKE A CONCLUSION.

11 Q SUZANNE, THAT'S ALL THE QUESTIONS I HAVE. THANK YOU
12 FOR YOUR PATIENCE. ANSWER ANY QUESTIONS THAT MR. JOHNSON
13 MIGHT HAVE FOR YOU.

14 THE COURT: CROSS?

15 MR. JOHNSON: NO QUESTIONS, YOUR HONOR.

16 THE COURT: NO QUESTIONS? THANK YOU. YOU MAY STEP
17 DOWN.

18 (WITNESS LEFT THE STAND.)

19 MRS. YOUNG: YOUR HONOR, AT THIS TIME THE STATE
20 RESTS.

21 THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN OF
22 THE JURY, THAT CONCLUDES THE STATE'S TESTIMONY. I NEED TO
23 SPEND ABOUT TWO MINUTES WITH THE LAWYERS AND THEN I'LL
24 BRING YOU BACK OUT AND THEN WE'LL SEE WHERE WE STAND.
25 OKAY? DO NOT DISCUSS THE CASE. DO NOT DELIBERATE. I'LL

1 BE RIGHT BACK WITH YOU VERY SHORTLY.

2 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 2:10
3 P.M.)

4 THE COURT: ANY MOTIONS BY THE DEFENDANT?

5 MR. JOHNSON: YOUR HONOR, I HAVE A MOTION FOR
6 DIRECTED VERDICT BASED ON ALL PREVIOUS MOTIONS AND
7 OBJECTIONS. TAKING THE EVIDENCE IN THE LIGHT MOST
8 FAVORABLE TO THE STATE I BELIEVE THAT IT'S POSSIBLE [SIC]
9 FOR A JURY TO FIND MY CLIENT GUILTY ON ALL OF THESE
10 CHARGES, AND I MAKE MY MOTION FOR DIRECTED VERDICT AT THIS
11 TIME.

12 THE COURT: ALL RIGHT. WELL, I RESPECTFULLY DENY THE
13 SAME. OBVIOUSLY WHAT I AM CONCERNED WITH AT THIS STAGE OF
14 THE GAME IS THE EXISTENCE OF THE EVIDENCE, NOT THE WEIGHT;
15 AND THERE IS AMPLE EVIDENCE IF THE JURY GIVES IT
16 SUFFICIENT WEIGHT TO MAKE IT A FACTUAL ISSUE FOR THE JURY,
17 AND I RESPECTFULLY DENY YOUR MOTION FOR DIRECTED VERDICT.

18 ANYTHING ELSE?

19 MRS. YOUNG: NOTHING FROM THE STATE, YOUR HONOR.

20 THE COURT: ANYTHING ELSE BY THE DEFENDANT?

21 MR. JOHNSON: NO, SIR. AT THIS TIME IT IS MY
22 UNDERSTANDING THAT WE HAVE NO WITNESSES.

23 THE COURT: YOUR UNDERSTANDING IS WHAT?

24 MR. JOHNSON: NO DEFENSE WITNESSES, YOUR HONOR.

25 THE COURT: MR. MILLER, WOULD YOU STAND FOR ME,

1 MR. JOHNSON: YES, SIR. JUDGE, I HAD DEFENSE REQUEST
2 TO CHARGE. IF I COULD HAVE THAT MARKED AS A DEFENDANT'S
3 EXHIBIT. HAVE THAT MADE A PART OF THE RECORD. THAT WAS A
4 CHARGE I WAS TRYING TO HAVE SENT TO THE JURY. AND IF YOUR
5 HONOR DOES NOT WANT TO CHARGE THAT, I JUST WANT TO MAKE IT
6 PART OF THE RECORD.

7 THE COURT: ALL RIGHT. MARK IT AS A COURT'S EXHIBIT.
8 YOU'RE PROTECTED ON THE RECORD. I RESPECTFULLY DENY TO
9 CHARGE THAT PROPOSED CHARGE THAT YOU'VE HANDED.

10 ANYTHING ELSE BEFORE WE BRING THE JURY IN?

11 THE COURT: ANYTHING ELSE?

12 MRS. YOUNG: NO, SIR.

13 MR. JOHNSON: JUDGE, CAN WE REVIEW YOUR CHARGES OR DO
14 WE DO THAT AFTER -- WHEN DO YOU WANT US TO REVIEW YOUR
15 CHARGES.

16 THE COURT: WE TALKED ABOUT THAT THE OTHER DAY. WE
17 WENT THROUGH THE WHOLE CHARGE.

18 MR. JOHNSON: I JUST DIDN'T KNOW IF WE WERE GOING TO
19 GET COPIES OF IT.

20 THE COURT: NO, SIR.

21 MR. JOHNSON: OKAY. THANK YOU, JUDGE.

22 THE COURT: HERE IS WHAT MY CHARGE IS GOING TO BE.
23 VERY SIMPLE. MURDER, BURGLARY FIRST, KIDNAPPING,
24 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
25 CRIME. THEY HAVE TO CONSIDER EACH AND EVERY INDICTMENT

1 SEPARATE AND APART FROM THE OTHER; PRESUMPTION OF
2 INNOCENCE; REASONABLE DOUBT; EXPERT WITNESS; FAILURE FOR
3 THE DEFENDANT TO TESTIFY; THE RIGHT TO EXERCISE HIS
4 CONSTITUTIONAL RIGHT TO REMAIN SILENT; PRIOR RECORD OF A
5 WITNESS; CREDIBILITY OF WITNESSES.

6 MR. JOHNSON: DID YOU SAY YOU WERE GOING TO CHARGE
7 HAND OF ONE HAND OF ALL?

8 THE COURT: HAND OF ONE, HAND OF ALL.

9 MR. JOHNSON: YES, SIR. THANK YOU.

10 THE COURT: AND IT'S THE GENERAL STANDARD CHARGE.

11 MR. JOHNSON: YES, SIR.

12 THE COURT: I'LL FURTHER CHARGE THAT THE INDICTMENT
13 IS NOT EVIDENCE OF A CRIME. I'LL CHARGE DIRECT AND
14 CIRCUMSTANTIAL EVIDENCE. EXPERT WITNESS. I THINK I SAID
15 THAT.

16 BRING THE JURY IN, PLEASE.

17 (WHEREUPON, COURT'S EXHIBIT NO. 3 WAS MARKED FOR
18 IDENTIFICATION.)

19 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
20 APPROXIMATELY 9:06 AM.)

21 THE COURT: HOW WAS THE STEAK BISCUITS?

22 THE JUROR: SAUSAGE BISCUITS WERE GOOD.

23 THE COURT: WHO GOT THE STEAKS? I HOPE YOU ENJOYED
24 IT. ALL RIGHT. WHAT WE HAVE LEFT, AS I TOLD YOU

25 YESTERDAY AFTERNOON, WE'LL HAVE OUR FINAL ARGUMENTS. THE

1 STATE WILL GO FIRST FOLLOWED BY THE DEFENDANT. ONCE THEY
2 FINISH THOSE TWO ARGUMENTS THEN I'LL BE IN A POSITION TO
3 CHARGE OR INSTRUCT YOU ON THE LAW. ONCE WE FINISH THAT,
4 WE'LL TURN IT OVER TO YOU FOR DELIBERATIONS.

5 PLEASE BEAR IN MIND ONCE AGAIN THAT THE CLOSING
6 ARGUMENTS IS LIKE OPENING STATEMENTS. THAT IS NOT
7 EVIDENCE IN THE CASE. YOU'VE HEARD ALL THE EVIDENCE THAT
8 YOU NEED OR THAT YOU WILL HEAR IN CONSIDERING THE FACTS IN
9 THE CASE.

10 THE LAWYERS ARE ADVERSARIES FOR THEIR RESPECTIVE
11 SIDES, SO THEY WILL BE ARGUING THE EVIDENCE IN THE LIGHT
12 MOST FAVORABLE TO THEIR POSITION. BUT YOU'VE HEARD THE
13 EVIDENCE AND YOU KNOW WHAT THE EVIDENCE IS, BUT THEY ARE
14 ARGUING IT, SO JUST LISTEN TO IT AS ARGUMENT, BUT IT IS
15 NOT EVIDENCE IN THE CASE.

16 CLOSING STATEMENT

17 MRS. YOUNG: LADIES AND GENTLEMEN, GOOD MORNING. AS
18 JUDGE EARLY JUST TOLD YOU, YOU'VE HEARD ALL THE EVIDENCE
19 IN THE CASE. AND THE EVIDENCE IN THE CASE ALL UNDERLINES
20 THE FACT THAT THE DEFENDANT IS GUILTY OF MURDER, BURGLARY
21 FIRST, KIDNAPPING, AND POSSESSION OF A WEAPON DURING THE
22 COMMISSION OF A VIOLENT CRIME.

23 NOW, THERE'S BEEN A LOT OF TESTIMONY AND A LOT OF
24 EXHIBITS PRESENTED, AND YOU WERE ALL VERY PATIENT AND PAID
25 ATTENTION TO ALL OF IT, AND I WANT TO TRY TO KIND OF TIE

1 IT ALL TOGETHER FOR YOU NOW AND TELL YOU HOW IT ALL FITS
2 AND HOW YOU CAN LOOK AT IT ALL. AND AT THE END OF THE DAY
3 YOU WILL BE CONVINCED FIRMLY THAT THE DEFENDANT IS GUILTY.

4 NOW, THE MAIN PIECES OF EVIDENCE THAT SHOW YOU HIS
5 GUILT ARE AS FOLLOWS. YOU'VE GOT THE GREEN 2006 FORD
6 TAURUS. YOU GOT THE GPS RECORDS. YOU GOT THE VIDEO FROM
7 THE BOOKS A MILLION UP THERE IN COLUMBIA. YOU HAVE MELVIN
8 CUMMING'S TESTIMONY. YOU HAVE THE DEFENDANT'S OWN
9 STATEMENTS. AND FINALLY BUT CERTAINLY NOT LEAST OF ALL
10 YOU HAVE THE BLACK AND GOLD SHOES AND THE THREE GUNS. AND
11 I'LL REMIND YOU AGAIN THOSE GUNS WERE FOUND IN THE
12 DEFENDANT'S CLOSET RIGHT WHERE HE TOLD POLICE THEY WOULD
13 BE.

14 AND SO WHEN YOU CONSIDER ALL OF THOSE THINGS TOGETHER
15 AND ALL OF THE EVIDENCE THAT'S PRESENTED, THOSE ARE THE
16 THINGS THAT TELL YOU THAT ANTONIO MILLER IS GUILTY OF
17 THESE CHARGES.

18 I WANT TO START OFF WITH THE GREEN FORD TAURUS. LIKE
19 I TOLD YOU IN THE BEGINNING, IT SEEMS KIND OF RANDOM, BUT
20 THE GREEN FORD TAURUS IS THE START TO EVERYTHING IN THIS
21 CASE.

22 AND YOU'VE HEARD TESTIMONY FROM JEFF DAY. JEFF IS
23 THE RENTAL MANAGER AT U-SAVE. HE TOLD YOU THAT HE RENTED
24 THE GREEN TAURUS. HE TOLD YOU HE RENTED IT TO DEIDRA
25 MILLER. HE TOLD YOU THAT ANTONIO MILLER HAD MADE PAYMENTS

1 ON IT. AND I BELIEVE HE TOLD YOU THAT THE LAST PAYMENT
2 THAT WAS MADE WAS ON THE WEDNESDAY PRIOR TO HIM CALLING
3 THE POLICE THE FOLLOWING MONDAY.

4 YOU'LL HAVE THE OPPORTUNITY TO REVIEW THE RENTAL
5 AGREEMENT FROM U-SAVE AUTO WHICH IS IN EVIDENCE, AND I
6 WOULD ASK YOU TO OBSERVE THAT IT IS IN THE NAME OF DEIDRA
7 MILLER AND THAT IT ALSO LISTS STREET AS
8 MRS. MILLER'S ADDRESS. AND THE FACT IS THAT'S WHERE SHE
9 LIVED ALONG WITH THE DEFENDANT IN THE CASE. AND ALL THAT
10 IS JUST BEGINNING TO BE TIED IN AT THE START WITH THIS
11 2006 FORD TAURUS.

12 NEXT WE HAVE MELVIN. MELVIN TESTIFIES THAT THE GREEN
13 FORD TAURUS IS WHAT THEY RODE AROUND IN, AND HE TOLD YOU
14 ALL ABOUT THAT. I AM GOING TO TELL YOU SOME MORE ABOUT
15 HIS TESTIMONY AND GO INTO DETAIL ABOUT THAT MORE LATER.
16 BUT HE DID TELL YOU THAT WAS THE CAR THEY WERE IN. HE WAS
17 DRIVING IT. THEY WERE IN IT ALL WEEKEND. AND THEY CAME
18 DOWN HERE AND DID ALL THESE THINGS THAT I AM GOING TO GO
19 INTO DETAIL ABOUT. AND THE WHOLE TIME THAT THEY DID THAT
20 IN AIKEN HE WAS THERE DRIVING THE GREEN CAR AND THE
21 DEFENDANT WAS WITH HIM.

22 NEXT YOU HAVE MRS. MILLIE CUMMINGS. SHE IS THE
23 DEFENDANT -- CO-DEFENDANT'S MOTHER. SHE'S MELVIN'S MOM.
24 SHE TOLD YOU THAT SHE REMEMBERS THAT WEEKEND. SHE
25 REMEMBERS THAT HER SON WAS THERE, THE DEFENDANT WAS THERE,

1 RONALD GROOMS WAS THERE AND MARQUISE REDFIELD, AND THAT
2 THEY WERE DRIVING A GREEN CAR.

3 NOW, HE IS THE DEFENDANT'S MOTHER, AND EVERYBODY
4 KNOWS THAT MOTHERS ARE PROTECTIVE OF THEIR CHILDREN, BUT
5 SHE ALSO TOLD YOU THAT SHE TOLD THE POLICE THE SAME THING
6 AT THE TIME, THAT THEY WERE ALL HERE TOGETHER IN AIKEN AND
7 THEY WERE DRIVING THE GREEN CAR.

8 NEXT YOU HAVE JENNIFER GLOVER. SHE WAS MR. TUCKER'S
9 NEIGHBOR. AND SHE TOLD YOU ABOUT HAVING A CONVERSATION.
10 SHE TOLD YOU SHE WAS TALKING TO MELVIN CUMMINGS. AND SHE
11 TOLD YOU THAT SHE HAD OBSERVED A GREEN CAR. I BELIEVE SHE
12 SAID IT WAS FOUR-DOOR. SHE DIDN'T IDENTIFY IT
13 SPECIFICALLY AS A FORD, BUT SHE SAID IT WAS GREEN. AND
14 SHE TOLD YOU HOW SHE SAW THE CAR AND SHE TALKED TO MELVIN
15 AND THEN THEY HEARD THESE THINGS, AND SHE LOOKED AND THE
16 CAR WAS ALREADY GONE DOWN THE HILL AND STOPPED LIKE IT WAS
17 WAITING, THAT SAME GREEN CAR, THAT STARTS THE WHOLE CASE.

18 YOU HAVE THE TESTIMONY OF EBONY WILLIAMSON. SHE TOLD
19 YOU THAT SHE HEARD THE NOISE. SHE REMEMBERS IT. SHE WAS
20 WATCHING DIVORCE COURT. SHE LOOKED OUT HER WINDOW WHEN
21 SHE HEARD THESE BANGS AND SHE SAW THREE BLACK MALES
22 DRESSED IN BLACK, ONE WITH DREADS, JUMPING OUT OF
23 MR. TUCKER'S BACK DOOR. SHE TESTIFIED THEY RAN AWAY FROM
24 WHERE SHE LIVED, WHICH IF YOU WERE STANDING AT
25 MR. TUCKER'S WOULD BE TO THE LEFT WHICH WOULD BE TO

1 JENNIFER GLOVER'S HOUSE WHICH IS EXACTLY WHERE JENNIFER
2 GLOVER TOLD YOU THAT SHE SAW MELVIN WITH THE GREEN CAR ON
3 THE DAY THAT SHE HEARD THE SHOTS AND THE DAY THAT ALL THIS
4 HAPPENED.

5 NEXT THE GREEN CAR IS GOING TO END UP IN COLUMBIA.
6 AS YOU HEARD EXTENSIVE TESTIMONY, THE GREEN CAR WAS AT
7 5520 NORTH MAIN STREET. RICHLAND COUNTY OFFICERS TOLD YOU
8 IT WAS VERY CLOSE TO THE PORCH, IT WAS WITHIN 2 FEET OF
9 THE HOUSE. THEY TOLD YOU THAT MR. MILLER, THE DEFENDANT,
10 WAS IN VERY CLOSE PROXIMITY TO THE CAR AT TIMES AND THAT'S
11 WHERE THE GREEN CAR ENDS UP, AND THAT'S SIGNIFICANT.

12 SO THAT IS THE START TO THE CASE IS THE GREEN CAR.
13 AND LIKE I TOLD YOU, THAT'S WHERE IT ALL BEGINS AND THAT'S
14 YOUR STARTING POINT, AND IT'S JUST VERY UNUSUAL AND SORT
15 OF A LUCKY BREAK THAT MR. DAY HAD CALLED THE POLICE THAT
16 DAY TO GET HIS CAR BACK BECAUSE IF IT WEREN'T FOR THAT,
17 WHO KNOWS WHAT WOULD HAVE HAPPENED.

18 NOW, I AM DOING THIS ARGUMENT FIRST, SO I DON'T HAVE
19 THE BENEFIT OF KNOWING WHAT THE DEFENSE ATTORNEY IS GOING
20 TO ARGUE, BUT I'M -- I HAVE TO ADDRESS SOME THINGS THAT I
21 FEEL LIKE HE IS GOING TO ARGUE AND, YOU KNOW, DO MY BEST
22 TO TELL YOU WHY I THINK THESE ARGUMENTS DON'T HOLD ANY
23 WATER.

24 FIRST OF ALL, I BELIEVE THAT YOU'RE GOING TO HEAR HIM
25 SAY THAT MELVIN CUMMINGS WAS THE MASTERMIND, HE DID IT

1 ALL. HE -- YOU KNOW, MASTERMINDED IT ALL, IT WAS ALL HIS
2 IDEA. HE CAME DOWN HERE TO AIKEN IN A GREEN CAR. HE WAS
3 WITH THESE MYSTERIOUS PEOPLE OF UNKNOWN NAMES AND HE'S
4 JUST LYING ON ANTONIO MILLER.

5 NOW, WHY HE WOULD DO THAT WHEN HE SAT THERE AND TOLD
6 YOU HE'S ALREADY PLED GUILTY TO MANSLAUGHTER AND SERVING A
7 20 YEAR SENTENCE? WHAT DOES HE HAVE TO GAIN FOR DOING
8 THAT? AND I BELIEVE THAT WHEN YOU LOOK AT THE TESTIMONY
9 AND ALL THE EVIDENCE AS A WHOLE, YOU WILL SEE THAT
10 MR. CUMMINGS IS CORROBORATED BY THINGS HE COULD NEVER HAVE
11 KNOWN THE DAY THAT THIS HAPPENED THAT WE'RE GOING TO
12 CORROBORATE HIM.

13 SPECIFICALLY, HE COULD NOT HAVE KNOWN THAT THE GPS
14 RECORDS WERE GOING TO SAY HE WAS IN AIKEN AT THESE VARIOUS
15 TIMES LIKE THEY ENDED UP SAYING. HE COULDN'T HAVE KNOWN
16 ABOUT -- OR I DON'T THINK HE WOULD HAVE KNOWN ABOUT THE
17 BOOKS A MILLION VIDEO RECORDING WHEN HE ARRIVED BACK IN
18 COLUMBIA AND WHEN HE WENT TO BOOKS A MILLION AND WALKED
19 OUT WITH THE DEFENDANT AND WITH THE DEFENDANT WEARING THE
20 BLACK AND GOLD SHOES AND THE BLACK OUTFIT LIKE WE TOLD
21 YOU.

22 I MEAN, MR. CUMMINGS, YOU OBSERVED HIM. YOU'LL HAVE
23 THE DECISION ABOUT THE CREDIBILITY OF THE STATEMENTS AND
24 HOW IT ALL TIES TOGETHER. BUT I WOULD SUBMIT TO YOU AND
25 ARGUE THAT THEY ARE JUST THINGS THAT HE COULD NOT HAVE

1 KNOWN. AND ADDITIONALLY -- I MEAN, SOME OF THESE
2 ARGUMENTS ARE JUST FANTASTIC. TWO MONTHS LATER HE CALLS
3 AND TELLS THE POLICE ABOUT THIS SCREWDRIVER. AND
4 MR. JOHNSON WANTS YOU TO BELIEVE THAT HE'S IN THE
5 DETENTION CENTER IN AIKEN COUNTY AND HE IS OVER THERE
6 COMING UP WITH THIS MASTERMIND PLAN, SO HE CALLS THE
7 FAMILY MEMBER AND HAS THEM GO DROP OFF THE SCREWDRIVER ON
8 THE SIDE OF THE ROAD SO THEN HE CAN CALL THE POLICE AND
9 TELL THEM ABOUT IT.

10 I MEAN, THAT'S JUST SILLY, LADIES AND GENTLEMEN. IF
11 HE WAS GOING TO DO THAT -- I MEAN, HE SHOULD HAVE MADE IT
12 BETTER. HE WOULD HAVE DROPPED OFF SOME DUCT TAPE AND SOME
13 GLOVES, TOO, BECAUSE THAT'S WHAT HE TOLD THEM THAT WAS
14 THROWN OUT OF THE CAR. I MEAN, THAT'S JUST A SILLY, SILLY
15 ARGUMENT, AND I WOULD ASK YOU TO USE YOUR COMMON SENSE TO
16 REVIEW ALL THESE ARGUMENTS BECAUSE THAT'S WHAT IT COMES
17 DOWN TO AT THE END OF THE DAY IS YOUR COMMON SENSE AND HOW
18 YOU ASSESSED THE EVIDENCE AND WHAT YOU BELIEVE HAPPENED.

19 THERE'S BEEN A LOT OF TESTIMONY ABOUT THESE FIELD
20 CONTACT CARDS AND WHAT THEY ARE AND WHY THEY'RE NOT HERE
21 AND WHAT'S SIGNIFICANT ABOUT THAT. AND I BELIEVE THE
22 OFFICERS TOLD YOU THEY JUST USE THOSE TO DOCUMENT IF
23 SOMEBODY WAS THERE AND WHAT THEIR NAME WAS, AND THEN THEY
24 LET THEM GO ON THEIR WAY.

25 SO, AT THE TIME THAT THE RICHLAND COUNTY OFFICERS

1 ARRIVED TO INVESTIGATE A BREACH OF TRUST CAR WITH NO
2 KNOWLEDGE OF ANY CONNECTION HERE IN AIKEN, THEY FILLED OUT
3 SOME CARDS FOR SOME PEOPLE WHO WEREN'T INVOLVED WITH THE
4 BREACH OF TRUST CAR, THEY WEREN'T INVOLVED WITH ANY OF THE
5 THINGS IN AIKEN. THEY JUST WEREN'T INVOLVED. THEY'RE NOT
6 IMPORTANT.

7 IT IS A DISTRACTION. IT IS THE DEFENSE ATTORNEY'S
8 JOB TO GIVE YOU SMOKE AND MIRRORS TO TRY TO DISTRACT YOU
9 FROM THE ACTUAL EVIDENCE THAT'S IN FRONT OF YOU. DON'T BE
10 DISTRACTED, LADIES AND GENTLEMEN. DON'T BE DISTRACTED BY
11 THOSE THINGS.

12 NEXT WE HAVE -- I BELIEVE HE'LL ARGUE THE MYSTERIOUS
13 CONFIDENTIAL INFORMANT, T90, THE UNKNOWN MAN, THE
14 MYSTERIOUS MAN. AND AGAIN, I BELIEVE THAT WHEN YOU USE
15 YOUR COMMON SENSE AND REVIEW THE FACTS, YOU'LL UNDERSTAND
16 THAT THIS IS JUST ANOTHER DISTRACTION. INVESTIGATOR BROWN
17 TOLD YOU WHAT THE CI DID AND WHY HE CALLED HIM.

18 HE CALLED HIM TO FIND OUT, DO YOU KNOW MELVIN
19 CUMMINGS BECAUSE I HAVE HIM HERE IN COLUMBIA WITH THIS CAR
20 AND, YOU KNOW, I'M WANTING TO KNOW MORE ABOUT IT BECAUSE
21 I'M FROM AIKEN. AND HE SAID THE CI SAID, NO, BUT DID YOU
22 HEAR FREDDIE TUCKER WAS KILLED? IT WAS ALREADY ON THE
23 NEWS HER IN AIKEN. THE POLICE WERE -- HAD A MASSIVE, YOU
24 KNOW, PERIMETER GOING ON LIKE DEPUTY MCCORD TOLD YOU.
25 THEY WERE INVESTIGATING THAT.

1 NOW, YOU KNOW, MR. BROWN DOESN'T KNOW THAT BECAUSE
2 HE'S OVER THERE IN COLUMBIA. HE IS JUST GETTING
3 INFORMATION. ANY OTHER MENTION OF THE CI IS JUST REALLY
4 SILLY. THE CI HAS NOTHING TO DO WITH THIS CASE. ALL OF
5 THAT IS SMOKE AND MIRRORS. ALL OF THAT IS JUST A
6 DISTRACTION.

7 I BELIEVE YOU'RE GOING TO HEAR ARGUMENT ABOUT HOW
8 RICHLAND COUNTY DIDN'T HAVE MICROPHONES AND THEY DIDN'T
9 HAVE CAMERAS AND THEY DIDN'T RECORD THESE LIKE SOME KIND
10 OF FILM CREW AND THEY DIDN'T DO ALL OF THESE THINGS, AND
11 YOU KNOW, THIS IS A VERY COMMON DEFENSE ATTORNEY ARGUMENT
12 IS THE POLICE DID NOT DO THEIR JOBS. IT IS JUST COMMON.

13 AND I WOULD SUBMIT TO YOU THAT, YOU KNOW, THE POLICE
14 OFFICERS WENT OUT THERE THAT DAY RESPONDING TO WHAT THEY
15 THOUGHT WAS ONE KIND OF CALL -- WHEN THEY TOLD YOU WHAT
16 THEY THOUGHT IT WAS ABOUT AND THEY TOLD YOU WHAT THEY
17 INVESTIGATE, WHICH IS NARTOICS.

18 AND FIRST OF ALL YOU HEARD FROM, YOU KNOW, HAM WHO
19 STARTED THE WHOLE THING. AND AGAIN, THIS IS ALL JUST KIND
20 OF -- I DON'T WANT TO SAY LUCK, BUT UNBELIEVABLE THE
21 THINGS THAT HAPPENED AND THE SEQUENCE OF EVENTS. HE JUST
22 HAPPENS TO BE GOING OUT THERE TO, YOU KNOW, FOLLOW UP ON
23 THIS BREACH OF TRUST CAR. HE JUST HAPPENS TO TURN IN
24 BEHIND MELVIN -- WHO I WANT TO POINT OUT TO YOU MELVIN IS
25 IN A SEPARATE CAR NOW. HE IS IN THE RED CAR. THIS IS

1 IMPORTANT. MELVIN IS IN THE RED CAR BECAUSE THE DEFENDANT
2 HAD THE GREEN CAR AFTER THEY SEPARATED FROM EACH OTHER IN
3 COLUMBIA. AND THAT'S IMPORTANT. MELVIN TOLD YOU WHERE HE
4 WENT.

5 SO, YOU KNOW, DEPUTY HAM IS RESPONDING. HE JUST
6 HAPPENS -- MELVIN PULLS IN IN FRONT OF HIM. AND
7 UNFORTUNATELY MELVIN WAS DRIVING UNDER SUSPENSION, SO
8 DEPUTY HAM TELLS YOU THAT HE PLACED HIM UNDER ARREST FOR
9 THAT AND PUT HIM IN HIS PATROL CAR. MELVIN TOLD YOU HE
10 HADN'T BEEN TO 5520 NORTH MAIN. HE'S BEEN THERE BEFORE.
11 HE IS FRIENDS WITH ANTONIO MILLER. HE TOLD YOU THAT
12 NUMEROUS TIMES.

13 BUT HE ALSO TOLD YOU THAT ON THE DAY IN QUESTION, THE
14 DAY FRED TUCKER WAS MURDERED THAT STARTED OUT HERE IN
15 AIKEN AND THAT WHEN HE GOT TO COLUMBIA, HE DID THESE
16 THINGS WITH HIS GIRLFRIEND, AND HE HAD NOT BEEN TO THAT
17 HOUSE THAT DAY SO HE COULD NOT HAVE, YOU KNOW, GONE INTO
18 THE HOUSE AND PLANTED EVIDENCE, WHICH I THINK IS SOME SORT
19 OF SUGGESTION WITH THIS NON-GUARDING OF THE FRONT DOOR
20 THING.

21 I MEAN, THAT'S JUST NOT -- THAT'S JUST NOT REASONABLE
22 WHEN YOU LOOK AT THE EVIDENCE. MR. CUMMINGS ARRIVES ON
23 THE SCENE IN THE RED CAR. HE NEVER MAKES IT PAST HAM.
24 HAM GETS HIM. HAM HAS HAD HIM IN THE BACK OF THE CAR. HE
25 NEVER EVEN GETS CLOSE TO THE HOUSE. I BELIEVE THESE ARE

1 THINGS YOU ARE GOING TO HEAR, AND I JUST ASK YOU TO APPLY
2 YOUR COMMON SENSE AND THINK ABOUT THE THINGS THAT YOU HAVE
3 SEEN AND THE FACTS THAT HAVE BEEN SHOWN RATHER THAN BEING
4 DISTRACTED.

5 HERE IS ANOTHER ONE I DON'T WANT TO FORGET. THIS
6 WHOLE THING ABOUT THE BLOODHOUNDS. Y'ALL, DON'T GET LED
7 DOWN THAT PATH. THAT IS JUST A DISTRACTION. BLOODHOUNDS
8 ARE AN INVESTIGATIVE TOOL. THEY CAME TO THE SCENE THAT
9 DAY AND APPARENTLY THEY RAN THE WRONG DIRECTION FROM WHAT
10 THE EVIDENCE SHOWS THAT THE DEFENDANT SHOWS. EBONY TOLD
11 YOU THEY WENT THIS WAY.

12 MELVIN SAID HE WAS DOWN THERE AT JENNIFER'S, THEY
13 WERE THAT WAY. I MEAN, IT'S JUST A DISTRACTION.
14 BLOODHOUNDS DON'T CHASE CARS. Y'ALL DON'T BE -- Y'ALL ARE
15 NOT GOING TO BE DISTRACTED BY THAT AND I ASK YOU NOT TO
16 BE.

17 NEXT I'D LIKE TO MOVE ONTO THE GPS, AND I HAVE A
18 LITTLE POWERPOINT I'VE PREPARED BECAUSE I BELIEVE THE GPS
19 IS IMPORTANT EVIDENCE IN THE CASE, AND I'D LIKE TO DO A
20 LITTLE MORE DISCUSSION IN TALKING ABOUT IT AND SHOWING YOU
21 THAT WHILE I DO IT.

22 ALL RIGHT. AS I TOLD Y'ALL AND JUST ARGUED, ALL OF
23 THIS STARTS WITH THIS INFAMOUS GREEN TAURUS THAT YOU HEARD
24 SO MUCH TESTIMONY ABOUT. AND ONE OTHER IMPORTANT THING
25 THAT I DID NEGLECT TO MENTION THAT I THINK YOU SHOULD

1 CONSIDER WHEN YOU'RE THINKING ABOUT THE GREEN CARS IS THAT
2 INVESTIGATOR SAGE O'GRADY WATTS TOLD YOU THAT SHE
3 PROCESSED THE CAR. AND I THINK SHE CLEARLY TOLD YOU THAT
4 SHE FOUND THE DEFENDANT'S FINGERPRINTS ON SOME ITEMS THAT
5 WERE IN THE CAR. SHE HAD ANOTHER THING THAT'S PUTTING THE
6 DEFENDANT IN THIS CAR.

7 AND YOU KNOW, WE'RE ALL HERE TODAY BECAUSE BASICALLY
8 JEFF DAY WANTS HIS CAR BACK. I MEAN, THAT'S REALLY WHY
9 WE'RE ALL HERE TODAY. HE CALLS THE POLICE. HE WANTS HIS
10 CAR BACK. HE GETS TO WORK THAT DAY, THE RENTAL CAR IS NOT
11 BACK. HE IS FRUSTRATED, SO HE USES HIS COMPUTER SYSTEM
12 THAT HE'S GOT ON ALL OF HIS CARS AND STARTS TRACKING IT.
13 AND Y'ALL HAVE A CHANCE TO LOOK AT THIS CLOSER.

14 BUT HE TOLD YOU IT WENT IN REVERSE ORDER, SO THE
15 OLDEST ONES ARE DOWN HERE AND IT GOES BACK UP THAT WAY.
16 AND SO JUST BECAUSE -- JUST BECAUSE HE WANTS HIS CAR BACK
17 YOU KNOW THAT THE GPS RECORDS TELL YOU THAT THIS GREEN
18 TAURUS IS HERE IN AIKEN 123 HITCHCOCK ROAD 6:18 IN THE
19 MORNING ON THE DAY THIS CRIME OCCURRED, SEPTEMBER 15TH,
20 2008. 6:18. THAT'S WHERE IT ALL STARTS.

21 THIS IS ANOTHER COPY OF MR. DAY'S RECORD. HE TOLD
22 YOU -- I BELIEVE HE TESTIFIED ABOUT THE DIFFERENCE BETWEEN
23 THE DOTS AND THE ARROWS. AND HERE WAS A DOT BECAUSE THE
24 CAR WAS STOPPED AND HE DISABLED IT AND DECIDED, OH, THAT'S
25 NOT A GOOD IDEA BECAUSE, YOU KNOW, IT'S NOT IN COLUMBIA,

1 SO I'LL START IT BACK. AND SO THIS IS THE FIRST EVIDENCE
2 OF ANYTHING WITH THE GREEN CAR AS OF 6:18, AND IT IS AT
3 THIS HITCHCOCK ROAD. AND I JUST WANT TO POINT OUT THAT
4 RIGHT HERE -- OR I DON'T WANT TO BLOCK IT -- RIGHT THERE
5 WHERE THE RED DOT IS OLD BARNWELL ROAD WHERE THE VICTIM
6 LIVED. THAT WOULD BE A ON THE SCREEN.

7 SO -- AND MELVIN TOLD YOU -- HE TOLD YOU THEY CAME
8 THERE THAT MORNING. THEY HAD SCOPED IT OUT AND THAT THEY
9 WENT UP THERE AND HE PARKED AT THE CEMETERY AND FELL
10 ASLEEP AND THEY CAME AND GOT BACK IN THE CAR AND FOR
11 WHATEVER REASON, IT WASN'T TIME TO DO IT, AND THEY WENT
12 BACK TO HIS HOUSE, WHICH IS WHAT THIS IS DEMONSTRATING
13 WHERE THE VICTIM -- OR EXCUSE ME -- WHERE THE CAR WAS
14 FIRST SEEN AND UP HERE ON GREG AVENUE.

15 AND HOW DO YOU KNOW THAT'S IMPORTANT? MELVIN TOLD
16 YOU HIS MOTHER LIVED ON GREG AVENUE. SHE TOLD YOU SHE
17 LIVED ON GREG AVENUE. THERE IS JUST NO REASON FOR HER TO
18 SAY ANYTHING BUT THE TRUTH WHICH IS THAT SHE LIVED ON GREG
19 AVENUE. SHE TOLD YOU THAT WHEN SHE CAME HOME FROM WORK
20 THAT THE DEFENDANT, HER SON, GROOMS AND REDFIELD WERE ALL
21 THERE AND THEY WERE SLEEPING. SHE KNEW THEY WERE THERE
22 BECAUSE SHE WORKED AT NIGHT AND SHE GOT HOME AND THEN SHE
23 WENT TO BED BECAUSE THAT WAS BASICALLY HER BEDTIME, AND
24 WHEN SHE GOT UP THEY WERE GONE.

25 THE NEXT TIME THE GPS DOT OR PING POINT IS 9:33 IN

1 THE MORNING. AND AGAIN, THE LITTLE ARROW MEANS IT'S
2 MOVING. IT TELLS YOU HERE MOVING 36 MILES AN HOUR, IT'S
3 COMING FROM GREG TO GO TO RICHLAND, AND THAT IS GOING TO
4 GO BACK THE SAME WAY THEY WENT GOING BACK TO THE VICTIM'S
5 HOUSE, FRED TUCKER, AND ROAD. IT'S
6 BASICALLY THE SAME SPOT AS BEFORE JUST GOING THE OPPOSITE
7 WAY.

8 THE GPS RECORDS TELL YOU THAT. THEY TELL YOU THIS IS
9 WHAT HAPPENED. THEY TELL YOU THAT'S WHERE THE CAR WAS.
10 THE NEXT TIME THAT THERE IS A RECORD ON THE CAR IS 10:25
11 AM. AND THIS TIME THE CAR IS SEEN ON CHARLESTON
12 HIGHWAY -- I BELIEVE 78 IS ANOTHER NAME FOR IT ALSO -- AND
13 IT'S HEADED THAT WAY TOWARDS COLUMBIA AND IT'S GOING
14 55 MILES AN HOUR. AND I JUST WANT TO POINT OUT AGAIN HERE
15 IS OLD BARNWELL ROAD WHERE FRED TUCKER GOT KILLED.

16 THE GPS MARKS IT. AND AT SOME POINT IN TIME DEPUTY
17 HAM IS ALREADY RESPONDING TO JEFF DAY IN COLUMBIA AND HE
18 SHOWS HIM ON THE COMPUTER WHERE HE HAD THE GPS. DEPUTY
19 HAM TOLD YOU HE SAW THAT IT WAS IN AIKEN, TOO, AND HE TOLD
20 YOU ALL THE THINGS ABOUT THAT. THIS IS 10:25 IN THE
21 MORNING.

22 AND THAT TIME IS SIGNIFICANT BECAUSE AT 10:31 EBONY
23 WILLIAMSON IS CALLING THE POLICE. SHE'S CALLING 9-1-1
24 BECAUSE SHE'S HEARD THESE SHOTS, SHE'S SEEN THESE THINGS.
25 AND ROAD IS NOW THE CRIME SCENE, IT'S

1 WHERE FRED TUCKER WAS KILLED, IT IS WHERE ALL OF THESE
2 OTHER THINGS OCCURRED.

3 THIS BRUTAL STRUGGLE, THIS BREAKING OUT OF THE WINDOW
4 BY USE OF THE GUN, THE BREAKING INTO THE HOME, THE RUSHING
5 HIM, THE STRIPPING HIM NAKED, BINDING HIM WITH DUCT TAPE
6 AND CORDS, RANSACKING THE HOME AND LEAVING IT IN HUGE
7 DISARRAY, TORTURING HIM WITH A HOT SCREWDRIVER, AND
8 FINALLY SHOOTING HIM AND LEAVING HIM TO SOMEHOW CRAWL TO
9 HIS DEATH WHERE HE WAS FOUND BY THE POLICE. AND ALL
10 THAT'S TAKING PLACE AND THE DEFENDANT AND MR. CUMMINGS AND
11 REDFIELD AND GROOMS ARE DRIVING BACK TO COLUMBIA.

12 THE NEXT TIME THAT THE CAR IS PINGED -- LET ME BACK
13 UP. SO THEY'RE IN COLUMBIA, AND THIS IS THE BOOKS A
14 MILLION VIDEO STILL I TOLD YOU ABOUT. MELVIN TOLD YOU --
15 THIS IS MELVIN WEARING THE WHITE. HE TOLD YOU HE HAD A
16 BLACK SHIRT ON. HE TOOK IT OFF ALREADY. AND THAT HE TOLD
17 YOU THIS WAS ANTONIO MILLER THAT WAS WITH HIM, HE'S GOT
18 DREADS AND HE'S WEARING THESE BLACK AND GOLD SHOES, AN ALL
19 BLACK OUTFIT, AND THEY WENT THERE TO SEE HIS GIRLFRIEND
20 AND NOW THEY'RE WALKING OUT.

21 AND LADIES AND GENTLEMEN, AGAIN, HE'S NOT A
22 MASTERMIND. HE HAS NO WAY OF KNOWING WHEN HE'S TELLING
23 THE POLICE THE SAME DAY WHAT HAPPENED IN AIKEN THAT THERE
24 IS GOING TO BE VIDEO IN BOOKS A MILLION THAT JUST HAPPENS
25 TO SHOW IT. I MEAN, THIS HAPPENED BECAUSE THIS IS THE WAY

1 IT HAPPENED. THESE ARE THE FACTS IN THIS CASE. AND THE
2 BOOKS A MILLION VIDEO SHOWS YOU THAT THIS IS HAPPENING
3 RIGHT BEFORE NOON THAT DAY.

4 SO, THE NEXT TIME THE CAR IS PINGED -- LET ME BACK
5 UP, TOO. AND THAT'S WHEN HE TOLD YOU THAT HE BREAKS APART
6 FROM THEM, AND HE'S -- HE, MELVIN -- IS GOING TO GET IN
7 THE RED CAR. HE'S EVENTUALLY PULLED OVER IN IT. AND HE
8 TOLD YOU ABOUT THAT AND HE TOLD YOU ABOUT HOW, YOU KNOW,
9 HE GOT IN THE RED CAR. I THINK HE SAID THEY CAME OUT AND
10 THEY WENT TO PUBLIX OR DID SOMETHING ELSE. SO THEY CAME
11 OUT OF BOOKS A MILLION TOGETHER. THAT WAS THE DEFENDANT
12 AND MELVIN WALKING OUT TOGETHER. THEY DO THESE THINGS.
13 AND THEN HE TELLS YOU HE GETS IN THE RED CAR AND HIS
14 GIRLFRIEND CALLS AND SHE SAID, PLEASE TAKE ME TO WENDY'S
15 BECAUSE I AM HUNGRY.

16 SO AT THIS POINT MELVIN IS IN THE RED CAR AND THE
17 DEFENDANT AND THE OTHERS ARE IN THE GREEN CAR. THE NEXT
18 PINGING -- IT IS 12:15. AGAIN, THESE ARE FROM MR. DAY'S
19 RECORDS. AND IT IS SHOWING THAT AGAIN WE'RE IN COLUMBIA
20 NOW. IT SAYS IT RIGHT THERE. 5134 TRENHOLM ROAD. AND
21 THIS IS WHERE THE GREEN CAR IS.

22 AND KEEP IN MIND MELVIN IS NOW IN THE RED CAR BECAUSE
23 HE'S GOT HIS GIRLFRIEND WITH HIM AND SHE'S WANTING TO GO
24 TO WENDY'S. IT'S RIGHT UP THE STREET FROM WHERE THE BOOKS
25 A MILLION IS AND PUBLIX AND ALL THAT. IT'S RIGHT UP THE

1 STREET WHERE B IS WHERE AGAIN THE CAR IS PINGED OR LOCATED
2 I SHOULD SAY AT 12:18, A COUPLE OF MINUTE LATER.

3 AND THEN FINALLY WE KNOW FROM THE RECORDS THAT THIS
4 IS WHERE THE CAR EVENTUALLY ENDS UP, AND THAT'S 5520 NORTH
5 MAIN STREET IN COLUMBIA. AND YOU'VE HEARD A LOT OF
6 TESTIMONY ABOUT THAT, AND I HOPE IT DIDN'T GET TOO
7 CONFUSING IN THE BEGINNING ABOUT WHY WE WERE AT 5520 NORTH
8 MAIN STREET FOR SO LONG, BUT IT IS THE FINAL LOCATION THAT
9 THE CAR WAS PINGED.

10 AND AROUND THIS TIME MR. DAY IS EXCITED. HE'S
11 LOOKED. HIS CAR IS BACK IN COLUMBIA. SO HE CUTS IT OFF
12 AGAIN WITH HIS -- I CALL IT HIS MAGICAL POWER BUTTON AND
13 HE KEEPS IT FROM BEING ABLE TO BE STARTED. SO IT SHOWS
14 THE CAR IS DISABLED. THIS IS THE CAR. IT'S ON NORTH MAIN
15 STREET, AND THAT'S WHERE IT IS GOING TO EVENTUALLY BE
16 FOUND.

17 OKAY. THIS IS 5520 NORTH MAIN STREET. THIS IS
18 ANTONIO MILLER'S HOUSE. WELL, HOW DO WE KNOW IT'S ANTONIO
19 MILLER'S HOUSE? BECAUSE WHEN RICHLAND COUNTY EVENTUALLY
20 GOT A SEARCH WARRANT TO GO IN LOOKING FOR -- THEY SAID
21 THEY WERE LOOKING FOR DRUGS, THAT'S WHAT THEY FOUND, THAT
22 RENTAL AGREEMENT THAT SAYS ANTONIO MILLER WAS AGREEING TO
23 RENT 5520 NORTH MAIN STREET AT THIS TIME JUNE OF 2008 ON.
24 I MEAN, THAT'S JUST -- THAT WAS THERE BECAUSE THAT'S WHERE
25 THE DEFENDANT LIVED. I MEAN, THAT'S WHAT THAT EVIDENCE

1 SHOWS, YOU KNOW. THAT'S WHAT HAPPENED.

2 NOW, WHILE THEY WERE EXECUTING THE SEARCH WARRANT
3 THEY FIND -- THEY, THE RICHLAND COUNTY SHERIFF'S OFFICE,
4 FIND VERY, VERY PERTINENT EVIDENCE IN OUR CASE HERE IN
5 AIKEN WHICH WAS THIS IS A 38 IN THE CLOSET IN THE BEDROOM,
6 AND I JUST WANT TO POINT OUT THAT I BELIEVE THAT SEVERAL
7 INVESTIGATORS DID TESTIFY THIS IS THE SAME BEDROOM WHERE
8 THE CRACK WAS FOUND AND WHERE THE RENTAL AGREEMENT WAS
9 FOUND AND WHERE THE MAIL THAT SAID DEIDRA MILLER WAS
10 FOUND.

11 OVER HERE ARE THE TWO OTHER GUNS, THE .40 CALIBER
12 GLOCK 23 AND THE 9-MILLIMETER. AND THIS IS JUST HUGELY
13 CRUCIAL EVIDENCE IN THE CASE BECAUSE THE DEFENDANT TOLD
14 THE OFFICERS WHERE THE GUNS WERE. HE TOLD THEM THAT
15 BECAUSE HE'S THE ONE WHO PUT THE GUNS THERE BECAUSE THEY
16 WERE HIS GUNS AND THIS IS HIS HOUSE. IT IS HUGE, HUGE
17 EVIDENCE IN THE CASE.

18 AND INVESTIGATOR JORDAN TOLD YOU, HE SAID HE CAN'T
19 JUST COME IN AND CLAIM -- YOU KNOW, IF THEY'RE STILL
20 LOOKING FOR THESE OTHER THINGS, YOU KNOW, DRUGS, THIS IS
21 DRUG EVIDENCE, AND THESE ARE GUNS OFTEN FOUND WHERE DRUGS
22 ARE. SO, HE COMES OUT AND MR. MILLER SAYS, I WANT TO MAKE
23 A STATEMENT TO YOU AND HE SAYS, YOU KNOW, HERE ARE YOUR
24 RIGHTS, FIRST OF ALL, AND HE GOT HIS MIRANDA RIGHTS
25 SEVERAL TIMES. AND HE SAYS, OKAY, I'LL TALK TO YOU AND

1 I'LL TELL YOU.

2 AND INVESTIGATOR JORDAN SAYS, WELL, YOU HAVE TO TELL
3 WHERE THEY ARE. AND HE SAYS, WELL, THE CRACK WAS IN THE
4 TOP DRESSER DRAWER IN THE BEDROOM IN THE SAME BEDROOM
5 WHERE THE THREE GUNS WERE GOING TO BE FOUND, WHICH WAS ON
6 THE SHELF IN THAT SAME MASTER BEDROOM IN 5520 NORTH MAIN
7 STREET, THE DEFENDANT'S HOUSE, WHICH THE DEFENDANT KNOWS
8 BECAUSE HE'S THE ONE WHO PUT THEM THERE BECAUSE THEY'RE
9 HIS GUNS.

10 VERY IMPORTANTLY ALSO FOUND AT 5520 NORTH MAIN
11 STREET -- I BELIEVE INVESTIGATOR BRANHAM SAID HE FOUND
12 THEM IN THE KITCHEN AREA -- ARE THESE BLACK AND GOLD SHOES
13 THAT WERE SEIZED BECAUSE INVESTIGATOR BRANHAM TOLD YOU --
14 HE WAS PRETTY PROUD -- HE'S GOT ALL OF THIS COUNTERFEIT
15 TRAINING. THESE ARE COUNTERFEIT SHOES. THEY'RE ON THE
16 SEARCH WARRANT FOR NARCOTICS. THIS IS EVIDENCE OF SOME
17 CRIME, SO HE'S SEIZING THEM FOR THAT. AND HE TELLS YOU
18 THAT HE SEIZED THEM AND THEY TOOK THEM OUTSIDE AND PUT
19 THEM ON THE HOOD WITH ALL THE OTHER EVIDENCE.

20 WELL, YOU KNOW, AIKEN COUNTY HAS ALREADY FOUND OUT
21 ABOUT THE CRIME, AND BECAUSE MR. -- INVESTIGATOR BROWN WAS
22 THOROUGH ENOUGH TO TRY TO FIND OUT SOME MORE ABOUT MELVIN,
23 HE IS CALLED DOWN HERE AND NOW HE'S FOUND OUT THERE'S BEEN
24 A MURDER ACTUALLY COMMITTED. SO INVESTIGATOR BROWN HAS A
25 DISCUSSION WITH INVESTIGATOR SANDERS -- OR I KEEP CALLING

1 HIM INVESTIGATOR, I SHOULD BE CALLING HIM LIEUTENANT
2 SANDERS -- AND SO THEY'VE EXCHANGED INFORMATION NOW AND
3 RICHLAND COUNTY KNOWS, YOU KNOW, THEY GOT POSSIBLE
4 SUSPECTS UP THERE. AND THEY ALREADY HAD THEM THERE FOR
5 THEIR OWN CRIMES THAT WERE BEING COMMITTED IN COLUMBIA,
6 AND THEY HAD SEIZED THESE SHOES.

7 AND SO THEN LIEUTENANT ADAMS GOES UP THERE AND
8 INVESTIGATOR OR LIEUTENANT SANDERS -- EXCUSE ME -- GOES UP
9 THERE, AND INVESTIGATOR BRANHAM TOLD YOU THAT HE SIGNED
10 OVER THE SHOES ON A LITTLE CHAIN OF CUSTODY FORM AND AS
11 WELL AS THE THREE GUNS AND THEY ALL TOLD YOU THE SERIAL
12 NUMBERS, AND THAT'S IMPORTANT SO YOU KNOW WHICH GUNS THEY
13 WERE AND YOU'RE DOCUMENTING ALL ALONG THEY WERE FOUND IN
14 THE DEFENDANT'S CLOSET, AND HE SAID THEY ARE HIS GUNS.
15 AND THESE SHOES WERE FOUND IN THE DEFENDANT'S HOUSE.

16 AND WHEN LIEUTENANT ADAMS TOOK A LOOK AT THEM,
17 OBVIOUSLY YOU CAN SEE IT THERE IN THE PICTURE, HE SAW WHAT
18 HE THOUGHT WAS BLOOD ON THE SHOES. SO, HE TAKES THE
19 PHOTO. HE DOCUMENTS THAT. THESE ARE THE BLACK AND GOLD
20 SHOES THAT WERE FOUND IN THE DEFENDANT'S HOUSE 5520 NORTH
21 MAIN STREET. LIEUTENANT ADAMS TAKES THE TIME TO DOCUMENT
22 THAT. HE'S GOT THESE IN AIKEN COUNTY CUSTODY. AND THEN
23 YOU HEARD FROM INVESTIGATOR WATTS AND SHE TOLD YOU HOW SHE
24 DID THE SWABS, WHICH I THINK IS -- IT SOUNDS, YOU KNOW,
25 SCIENTIFIC I GUESS, BUT BASICALLY IT IS LIKE A Q-TIP WITH

1 WATER, AND SHE TOOK A SWAB FROM THOSE SO THOSE ITEMS COULD
2 GO UP TO SLED AND THEY COULD BE ANALYZED TO SEE IF THAT IS
3 BLOOD.

4 OH, LET ME GO BACK. LIEUTENANT ADAMS ALSO TOLD YOU
5 THAT HE DID A PRESUMPTIVE TEST, AND I THINK IT'S KIND OF
6 LIKE -- IN MY MIND IT'S LIKE HOW IT HAPPENS ON TV ON, YOU
7 KNOW, THEY RUB IT AND PUT THE DROPS ON IT AND IT TURNS
8 PINK AND EVERYBODY IS EXCITED BECAUSE IT WAS. IT WAS
9 BLOOD. AND IT TESTED ON THE PRESUMPTIVE, WHICH LIEUTENANT
10 ADAMS DID.

11 INVESTIGATOR WATTS DOES THESE SWABS AND SHE PACKAGES
12 THEM UP AND SENDS THEM UP TO SLED. STEPHANIE STANLEY
13 TESTS THEM. AND STEPHANIE TELLS YOU THAT THIS IS FREDDIE
14 TUCKER'S BLOOD THAT GOT ON THE DEFENDANT'S SHOES BECAUSE
15 HE WAS INVOLVED IN MURDERING FREDDIE TUCKER. THE BLOOD
16 GOT ON HIS SHOES. AND IT'S AN UNBELIEVABLE STATISTICAL
17 MATCH OF ONE IN SOMETHING QUADRILLION, WHICH IS SO MANY
18 ZEROS I DON'T EVEN THINK HOW MANY THAT WOULD BE.

19 BUT THIS IS ALL THE EVIDENCE, AGAIN, THAT'S TYING THE
20 DEFENDANT, MR. MILLER, TO THESE CRIMES BECAUSE BARELY
21 THREE HOURS AFTER THIS CRIME IS TAKING PLACE IN AIKEN,
22 INVESTIGATORS IN RICHLAND COUNTY ARE UP THERE DOING THEIR
23 THING WITH THE SEARCH WARRANT AND THEY FIND THESE SHOES
24 THAT HAVE THE VICTIM'S BLOOD ON IT.

25 AND WHY IS THAT? THAT'S BECAUSE THE DEFENDANT WAS

1 THERE. THE DEFENDANT WAS THERE WHEN FRED TUCKER GOT
2 KILLED. HE WAS THERE IN THAT HOUSE. AND YOU SAW -- I'LL
3 TALK ABOUT IT A LITTLE BIT. YOU SAW A LOT OF PICTURES OF
4 BLOOD AND, YOU KNOW, THAT WAS A VERY BLOODY CRIME SCENE.

5 AGENT KENLEY TOLD YOU ABOUT THAT. HE CAME IN AND,
6 YOU, HE -- HIS TESTIMONY WAS BOTH I THINK INTERESTING TO
7 Y'ALL TALKING ABOUT THE BLOOD PATTERNS AND WHAT THEY MEAN,
8 BUT IT'S ALSO HEART-BREAKING BECAUSE IT SHOWED -- THE
9 EVIDENCE SHOWS THAT, YOU KNOW, HE TESTIFIED EVERYTHING
10 HAPPENED BELOW 2 FEET.

11 SO BASICALLY WHAT THAT MEANS IS THAT MR. TUCKER WAS
12 SHOT WHILE HE WAS ALREADY DUCT TAPED AND BOUND AND ON HIS
13 KITCHEN FLOOR AFTER HE HAD ALREADY BEEN PISTOL WHIPPED AND
14 BURNED WITH A SCREWDRIVER. HE WAS SHOT ON HIS FLOOR
15 COMPLETELY HELPLESS AND AT THE MERCY OF THESE THUGS AND
16 SOMEHOW HE MANAGES TO CRAWL HIS WAY UP TO THE DOOR WHICH
17 IS WHERE HE LATER DIES. AND IT'S JUST -- IT IS
18 HORRENDOUS, AND THAT'S WHAT HAPPENED.

19 AND THE REASON THAT BLOOD IS ON THE DEFENDANT'S SHOES
20 IS BECAUSE HE'S A MURDERER AND HE MURDERED THE DEFENDANT
21 -- I MEAN THE VICTIM IN THIS CASE. IT IS VERY SIGNIFICANT
22 EVIDENCE.

23 NOW I WANT TO TALK TO YOU A LITTLE BIT MORE ABOUT THE
24 CO-DEFENDANT MR. CUMMINGS BECAUSE HE DID COME AND TESTIFY,
25 AND I HAVE ALREADY STATED THAT Y'ALL HAD THE OPPORTUNITY

1 TO -- I DON'T WANT TO SHOOT IN ANYBODY'S EYE -- HOW
2 CREDIBLE HE WAS ON THE WITNESS STAND AND Y'ALL WOULD BE
3 THE JUDGES OF THAT. BUT HE GAVE YOU A LOT OF INFORMATION.
4 HE TOLD YOU HOW THIS HAPPENED. HE TOLD YOU THAT HE AND
5 ANTONIO MILLER HAD BEEN TALKING PREVIOUS TO THIS DAY SOME
6 TIME BEFORE AND THEY DECIDED TOGETHER -- AND AS MUCH AS HE
7 KEPT TRYING TO SAY, I DIDN'T REALLY KNOW, HE KNEW. HE WAS
8 PART OF IT. MELVIN IS JUST AS GUILTY AS THE DEFENDANT.
9 THEY DECIDED THEY WERE GOING TO TARGET MR. TUCKER BECAUSE
10 THEY KNEW WHAT HE HAD IN HIS HOUSE; THAT HE WOULD HAVE
11 DRUGS AND MAYBE SOME CASH.

12 SO ALL OF THIS IS BEING PLANNED. IT WAS PLANNED
13 BEFORE. THE DEFENDANT WAS THERE THE WHOLE TIME. AND
14 MR. CUMMINGS TOLD YOU ABOUT HOW THEY KIND OF WENT BACK AND
15 FORTH TO COLUMBIA AND THEY HAD COME DOWN TO AIKEN A FEW
16 DAYS BEFORE AND THAT THEY HAD GONE BY MR. TUCKER'S HOUSE
17 AND, YOU KNOW, SCOPED IT OUT. THEY KNEW WHERE IT WAS.
18 THEY KNEW WHERE THEY WERE GOING. THEY WERE FORMULATING
19 THEIR PLAN OF WHAT THEY WERE GOING TO DO, AND THE WHOLE
20 PLAN WAS THEY WERE GOING TO ROB MR. TUCKER. THAT WAS THE
21 PLAN THE WHOLE TIME.

22 I TOLD YOU AT THE BEGINNING OF THIS CASE THAT DEATH
23 CAME TO FREDDIE TUCKER'S DOORSTEP ON SEPTEMBER 15TH, 2008.
24 WELL, MELVIN CUMMINGS IS WHY DEATH CAME TO HIS DOORSTEP.
25 HE DELIVERED HIM THERE. HE IS JUST AS GUILTY AND HE HAS

1 ALREADY PLED GUILTY AND HE'S GOT A 20 YEAR SENTENCE. AND
2 THERE WAS SOME TESTIMONY ON THE STAND AND HE WAS TRYING TO
3 EXPLAIN WHY HE PLED GUILTY BECAUSE AT FIRST HE THOUGHT,
4 YOU KNOW, I AM NOT GOING TO GO DOWN FOR THIS. AND I THINK
5 THAT'S SIGNIFICANT. I THINK HE SAID THAT. IF HE
6 DIDN'T -- OH, I DO WANT TO CLARIFY ONE THING. I AM TRYING
7 TO REMEMBER ALL THIS STUFF, AND IF I MISSTATE ANYTHING OR
8 IF YOU HEAR MR. JOHNSON SAY ANYTHING, Y'ALL GO WITH WHAT
9 YOU'VE HEARD THE WITNESSES SAY BECAUSE YOU'RE THE ONES WHO
10 ARE DETERMINING WHAT THEY SAY.

11 BUT I BELIEVE HE SAID, YOU KNOW, HE DIDN'T WANT TO GO
12 DOWN FOR IT. AND HE WAS TRYING TO EXPLAIN WHAT HE DID AND
13 THE HAND OF ONE, AND HE DIDN'T UNDERSTAND ALL OF THAT.
14 AND THE JUDGE IS GOING TO CHARGE YOU AT THE END OF THE
15 CASE THAT THE LAW IN SOUTH CAROLINA IS THE HAND OF ONE IS
16 THE HAND OF ALL, AND ALL THAT MEANS IS THAT MELVIN IS JUST
17 AS GUILTY AS THE DEFENDANT EVEN THOUGH HE DIDN'T GO IN THE
18 HOUSE. HE'S JUST AS GUILTY BECAUSE HE WAS INVOLVED IN IT,
19 HE DROVE HIM THERE, HE KNEW ABOUT THE PLANNING. YOU KNOW,
20 HE WAS THE WAY THEY GOT THERE. HE IS JUST AS INVOLVED,
21 AND THAT'S WHY HE'S ALREADY PLED GUILTY. HE DID IT. HE
22 TOLD YOU THE HAND OF ONE IS THE HAND OF ALL. HE IS
23 STANDING OUTSIDE AND, YOU KNOW, THEY'RE DOING THIS. HE IS
24 JUST AS GUILTY AS IF HE WERE STANDING RIGHT THERE.

25 HE JUST HAPPENS TO TELL THE POLICE ALL ABOUT IT

1 BECAUSE, AS HE SAID, HE DIDN'T WANT TO GO DOWN FOR IT, AND
2 SO HE TOLD THEM WHAT HAPPENED, AND HE TOLD THEM THAT THEY
3 CAME AND SCOPED IT OUT AND THEY DROVE DOWN THERE IN THE
4 TAURUS, THE TAURUS THAT BELONGED TO THE DEFENDANT, AND
5 THAT ON THE MORNING IN QUESTION THEY WENT AND PARKED THERE
6 AND WERE SCOPING IT OUT AND HE WAS IN THE CEMETERY WHICH
7 IS UP THERE ON THE DOT ON THE GPS AND THAT THEY CAME BACK
8 TO THE CAR -- AND I WENT OVER THAT ALREADY -- ABOUT HIM
9 GOING TO HIS MOTHER'S HOUSE, SLEEPING A LITTLE BIT, AND
10 THEN HE SAID THAT, YOU KNOW, SHORTLY AFTER NINE THAT THE
11 DEFENDANT, MR. MILLER, WOKE HIM UP AND SAID, IT'S TIME, OR
12 SOMETHING TO THAT EFFECT.

13 SO, AT THAT POINT IN TIME -- AND IT IS TIME AND THEY
14 KNOW WHAT THEY'RE GOING TO DO, AND YOU'VE SEEN THE RESULTS
15 OF WHAT THEY DID, AND IT'S HORRENDOUS. AND THEY ALL GO
16 OUT THERE TOGETHER, THE DEFENDANT, MR. CUMMINGS,
17 MR. GROOMS AND MR. REDFIELD. AND I ASKED MR. CUMMINGS OR
18 HE TOLD YOU, I BELIEVE, THAT -- HE TOLD YOU WHAT THEY WERE
19 ALL WEARING. I MEAN, THEY'RE PLANNING THIS. IT IS
20 SUPPOSED TO BE A CRIME THE WHOLE TIME. THEY'RE ALL
21 WEARING BLACK. HE TOLD YOU HE WAS WEARING BLACK. HE TOLD
22 YOU THE DEFENDANT WAS WEARING BLACK. HE TOLD YOU HE WAS
23 WEARING BLACK AND GOLD SHOES. HE TOLD YOU MARQUISE
24 REDFIELD WAS WEARING BLACK AND THAT GROOMS WAS WEARING
25 BLACK, ALTHOUGH I THINK HE SAID HE HAD ON WHITE SHOES, SO

1 HE WASN'T PLANNING REAL WELL THERE.

2 BUT HE TOLD YOU HOW THEY GO TO THE HOUSE; THAT THE
3 DEFENDANT GETS OUT AND KNOCKS ON THE DOOR AND NOBODY COMES
4 TO THE DOOR. NOBODY ANSWERS. SO, THEY GET BACK IN THE
5 CAR AND THEY ARE GOING TO LEAVE APPARENTLY, AND HE TOLD
6 YOU THE DEFENDANT SAID, I'M NOT LEAVING EMPTY HANDED. SO
7 HE, MR. CUMMINGS, IS DRIVING ALONG AND PULLS RIGHT ON UP
8 INTO JENNIFER'S DRIVEWAY. AND HE -- CUMMINGS TOLD YOU
9 THAT THE OTHER THREE, THE DEFENDANT AND THE OTHER TWO, GOT
10 OUT AND WENT OVER THERE, WENT THROUGH THE WOODS. I WAS
11 CALLING IT WOODS, BUT I THINK YOU'LL SEE IN THE PICTURES
12 IT IS A LITTLE TREE AREA BETWEEN JENNIFER GLOVER'S HOUSE
13 AND THE VICTIM'S HOUSE.

14 SO HE TOLD YOU THEY WENT OVER THERE. AND WE BELIEVE
15 THAT MRS. GLOVER CAME OUT AND MR. CUMMINGS WAS IMPROVISING
16 BECAUSE I DON'T THINK SHE WAS SUPPOSED TO COME OUT. BUT
17 LUCKILY FOR US THAT SHE DID BECAUSE SHE TOLD YOU THAT
18 MELVIN WAS THERE AND IT THUS TIED EVERYTHING TOGETHER.
19 AND THEY HAD SOME KIND OF CONVERSATION ABOUT CARS OR
20 BUYING A CAR OR SOMETHING, AND THEY BOTH HEAR SHOTS.
21 JENNIFER GLOVER TOLD YOU SHE HEARD SHOTS. MELVIN TOLD YOU
22 HE HEARD SHOTS, AND HE STARTS THINKING, UH-OH, WHAT IS
23 GOING ON HERE, BECAUSE HE THOUGHT MR. TUCKER IS NOT HOME
24 AND THEY'RE JUST GOING TO GO BREAK IN AND STEAL SOME
25 STUFF, AND IT'S WHAT HE SAYS, YOU KNOW, THAT IT IS GETTING

1 FURTHER BEYOND WHAT HE THOUGHT IT WOULD BE.

2 AND MRS. GLOVER TELLS YOU THAT SHE LOOKS DOWN AND THE
3 GREEN CAR IS ALREADY DOWN. IT LOOKS LIKE IT IS WAITING.
4 I BELIEVE SHE SAID THOSE SPECIFIC WORDS, STOPPED LIKE IT
5 WAS WAITING. AND IT WAS WAITING. IT WAS WAITING FOR
6 THESE THREE MURDERERS TO COME OUT FROM MURDERING
7 MR. TUCKER, THE DEFENDANT BEING ONE OF THEM. AND AGAIN.
8 YOU HEARD ABOUT HOW THAT HAPPENED. MRS. WILLIAMSON SAW
9 THEM JUMP OUT THE STEPS.

10 ALL OF THESE LITTLE PIECES ARE PUTTING IT TOGETHER.
11 Y'ALL, ALL OF THIS IS PUTTING IT TOGETHER. ALL OF THIS IS
12 MAKING THE DEFENDANT GUILTY. SO THEY'RE IN THE CAR, AND
13 MR. CUMMINGS SAYS HE'S FREAKING OUT BECAUSE HE'S SAYING,
14 YOU KNOW, WHAT HAPPENED AND HE SAYS THAT THE DEFENDANT
15 SAID SOME PRETTY -- SOME JUST EXTREMELY HORRIBLE THINGS
16 THAT INCRIMINATED HIM IN ALL OF THESE CRIMES AGAINST
17 MR. TUCKER.

18 HE SAID THAT HE HEARD SOMETHING ABOUT WHY ARE YOU
19 THROWING THE SCREW DRIVER OUT THE WINDOW, MY FINGERPRINTS
20 ARE ON IT, AND THAT HE LOOKED IN THE BACK REAR VIEW MIRROR
21 BECAUSE HE WAS DRIVING AND HE SEES GROOMS THROWING STUFF
22 OUT THE WINDOW. HE SAID THAT MILLER, THE DEFENDANT, TOLD
23 HIM THAT WHILE HE WAS BEATING MR. TUCKER ON THE HEAD WITH
24 HIS GUN THAT IT WENT OFF AND THE BULLET GRAZED HIS HEAD,
25 WHICH IS -- HAPPENED. YOU HEARD THAT. DR. ROSS TOLD YOU

1 ABOUT THAT. SHE TOLD YOU ABOUT IT. IT HAPPENED TO HIM.
2 HE HAD, YOU KNOW, A NON-FATAL BULLET WOUND ON THE HEAD AND
3 ONE ON THE SIDE.

4 HE TOLD YOU ABOUT -- MELVIN TOLD YOU THE DEFENDANT
5 TOLD HIM, I WAS TORTURING HIM, BURNING HIM WITH THAT
6 SCREWDRIVER. YOU KNOW WHAT HE SAID. IT WAS SOMETHING TO
7 THAT EFFECT. AND YOU ALSO HEARD MR. VERBOCKEL TESTIFY
8 THAT WHEN HE RESPONDED AS A FIRST RESPONDER TO THE SCENE
9 WHERE MR. TUCKER WAS KILLED THAT HE AND THE OTHER
10 RESPONDERS NOTED THAT THE STOVE EYE WAS STILL ON AFTER
11 THEY HAD WALKED OVER TO WHERE MR. TUCKER'S BODY WAS AND
12 THEY TURNED IT OFF.

13 THINK ABOUT THAT. THERE IS JUST NO WAY THAT MELVIN
14 CUMMINGS IS GOING TO KNOW ALL THIS WITHOUT BEING TOLD BY
15 THE DEFENDANT WHAT HAPPENED. HE WAS TOLD THAT BECAUSE
16 THAT'S WHAT HAPPENED BECAUSE THE DEFENDANT TOLD HIM. AND
17 ALL THIS OTHER EVIDENCE THAT MELVIN HAS NO WAY OF KNOWING
18 WHEN HE'S TELLING THE POLICE THAT NIGHT WHAT HAPPENED AND
19 TELLING YOU ABOUT IT ON THE STAND, ALL OF THIS IS JUST
20 MARKING IT ALONG, MARKING UP, YOU KNOW, SETTING FORTH A
21 RECORD OF WHAT LED THEM TO DISCOVER WHO MURDERED FRED
22 TUCKER.

23 SO, HE MADE THOSE STATEMENTS TO MR. CUMMINGS IN THE
24 CAR AND THEY DRIVE TO COLUMBIA, AND HE TOLD YOU SOME MORE
25 ABOUT GOING -- I ALREADY WENT OVER THAT -- BOOKS A

1 MILLION. AND THEN HE TOLD YOU THAT WHEN HE WENT OUT AND
2 GOT IN HIS RED CAR, HIS GIRLFRIEND'S RED CAR -- IT HAPPENS
3 TO BE A TAURUS. IT'S A LITTLE BIT -- TWO TAURUSES -- THAT
4 HE TOOK HER TO WENDY'S AND THE DEFENDANT FOLLOWED HIM
5 THERE.

6 AND HE SAID THAT THE DEFENDANT CAME UP TO HIM AND
7 SAID YOU KNOW WHAT TIME IT IS? AND HE SAID THE DEFENDANT
8 KEPT CALLING HIM OVER AND OVER SAYING FOLLOW ME BACK TO
9 THE RENTAL CAR PLACE, FOLLOW ME BACK, AND MELVIN WAS
10 SAYING, WHY DON'T YOU JUST WAIT FOR YOUR MOM? I AM DOING
11 MY STUFF. I'M DOING OTHER THINGS.

12 AND YOU KNOW, LADIES AND GENTLEMEN, THE DEFENDANT IS
13 STARTING TO PANIC BECAUSE HE KNOWS THAT -- OR HE CAN SEE
14 THAT MELVIN IS -- MELVIN IS GOING TO FOLD UNDER THE
15 PRESSURE BECAUSE HE SAID HE IS NOT GOING TO GO DOWN FOR IT
16 AND MELVIN IS GOING TO TELL WHAT HAPPENED.

17 SO THE DEFENDANT WANTS TO KEEP HIM WITHIN HIS SIGHT.
18 YOU KNOW, I MEAN, THAT'S WHAT HE IS CALLING HIM FOR. YOU
19 CAN TELL MELVIN IS NOT GOING TO, YOU KNOW, KEEP HIS MOUTH
20 SHUT, AND HE DOESN'T, AND THIS IS HOW WE KNOW EVERYTHING
21 THAT HAPPENED.

22 SO I HAVE ALREADY GONE OVER THE DEFENDANT BEING AT
23 THE RESIDENCE AT NORTH MAIN WHERE HE'S FOUND, AND I WANT
24 TO TALK ABOUT THE LAST TWO PIECES OF EVIDENCE IN THE CASE.
25 AND I THINK I'VE GONE OVER IT SOME BEFORE. BUT THE MOST

1 CRUCIAL EVIDENCE IS THE GUNS THAT ARE FOUND IN THE
2 DEFENDANT'S CLOSET AND THE SHOES THAT ARE FOUND IN THE
3 DEFENDANT'S KITCHEN.

4 AND I WANT TO HIGHLIGHT TO YOU AGAIN THAT THESE ARE
5 BLACK AND GOLD SHOES. I BELIEVE THERE WERE SOME QUESTIONS
6 TO MRS. STANLEY ABOUT MARQUISE REDFIELD WEARING BLACK
7 SHOES. WELL, MELVIN TOLD YOU THEY WERE ALL WEARING BLACK.
8 AND SHE TOLD YOU MARQUISE'S SHOES HAD THE VICTIM'S BLOOD
9 ON IT. WELL, THAT'S BECAUSE MARQUISE WAS RIGHT THERE
10 RIGHT UP THERE WITH THE DEFENDANT DOING THE SAME THING.

11 BUT IT'S IMPORTANT, AND I DON'T WANT YOU TO BE
12 CONFUSED ABOUT THESE SHOES BECAUSE SHE ALSO TOLD YOU THAT
13 SHE TESTED THE INSERTS FOR THE BLACK AND GOLD SHOES AND
14 SHE COULDN'T TIE THEM TO ANYBODY. IT WAS NOT ENOUGH FOR
15 INTERPRETATION. SHE COULDN'T TIE THEM TO THE DEFENDANT.
16 SHE COULDN'T TIE THEM TO REDFIELD. THOSE ARE DIFFERENT
17 SHOES, AND I WANT TO MAKE SURE THAT Y'ALL ARE AWARE OF
18 THAT.

19 BUT HOW DO WE KNOW? HOW DO WE KNOW THEY'RE HIS
20 SHOES? BECAUSE THEY'RE IN HIS HOUSE. THAT'S WHERE THE
21 POLICE FIND THEM. THEY'RE THERE THREE HOURS LATER AFTER
22 MR. TUCKER WAS BRUTALLY MURDERED HERE IN AIKEN. THOSE ARE
23 HIS SHOES. AND THAT IS THE EXPLANATION OF WHY THOSE ARE
24 HIS SHOES AND WHAT HAPPENED, AND THAT'S IMPORTANT. HE HAD
25 THE VICTIM'S BLOOD ON HIS SHOES BECAUSE HE KILLED HIM.

1 AND I WANT TO GO OVER FINALLY THE TESTIMONY REGARDING
2 THE GUNS IN THIS CASE. AND Y'ALL SAW MRS. CROMER GET UP
3 THERE ON THE STAND, AND SHE KNOWS A LOT ABOUT GUNS. SHE
4 KNOWS MORE THAN I'LL EVER FORGET [SIC] ABOUT GUNS, BUT SHE
5 EXPLAINED TO YOU HOW THEY WORK AND THEY CAN TELL THAT THIS
6 GUN, YOU KNOW -- DIFFERENT GUNS FIRE DIFFERENT WEAPON --
7 OR THEY SHOOT THEM AND THEY LEAVE THEIR OWN I THINK SHE
8 CALLED IT SIGNATURE. THAT'S WHAT SHE PREFERS TO CALL IT.
9 SHE SAID THEY HAVE THEIR OWN SIGNATURE.

10 SHE TOLD YOU ABOUT THE GUNS IN THIS CASE. AND AGAIN,
11 THESE ARE THE SAME GUNS THAT ARE IN THE DEFENDANT'S HOUSE.
12 SHE TOLD YOU ABOUT A 38 REVOLVER. AND IT WAS A LITTLE
13 UNUSUAL BECAUSE THE LITTLE TRIGGER GUARD WHICH WAS
14 SUPPOSED TO KEEP YOU SAFE, IT WAS GONE, AND SHE SAID IT
15 LOOKED LIKE IT WAS INTENTIONAL.

16 AND I BELIEVE SHE TESTIFIED THAT SHE RECEIVED IT WITH
17 ONE SPENT SHELL AND FOUR LIVE ROUNDS. AND SHE SAID SHE
18 USED TWO TO TEST FIRE IT BECAUSE THEY DIDN'T HAVE THAT
19 KIND OF AMMO IN THEIR BIG AMMO CLOSET UP AT SLED.

20 WHY IS THIS IMPORTANT? I WANT TO DRAW YOUR ATTENTION
21 BACK TO THE CRIME SCENE FOR A SECOND. YOU KNOW, THE
22 TESTIMONY FROM MR. CUMMINGS AND THE TESTIMONY FROM THE
23 INVESTIGATORS WHO WERE THERE IS THAT THE BACK DOOR GLASS
24 WAS SHOT OUT. THAT'S WHAT IT LOOKED LIKE. THAT'S WHY
25 THERE IS THE BLACK STUFF ON THE BLINDS. AND THEY

1 TESTIFIED THAT THAT BULLET WENT STRAIGHT OUT THE FRONT.
2 THEY SHOWED YOU THE DOWEL RODS. AND MR -- INVESTIGATOR
3 JOHNSON SAID HE LOOKED FOR IT AND NEVER FOUND IT.

4 WELL, WHY IS THAT SIGNIFICANT? IT IS SIGNIFICANT
5 BECAUSE SHE TOLD YOU, INVESTIGATOR CROMER TOLD YOU -- OR
6 AGENT CROMER RATHER -- SHE TOLD YOU THE DIFFERENCE BETWEEN
7 THE TWO GUNS. SHE SAID THE REVOLVER IS LIKE THE WESTERN
8 GUN WITH THE LITTLE CIRCLE THING AND THE SHELLS DON'T FALL
9 OUT. THE SHELL CASINGS AREN'T LEFT BEHIND IN A REVOLVER.

10 SO, THIS IS AGAIN CORROBORATION OF WHAT HAPPENED THAT
11 DAY WHEN MR. TUCKER WAS MURDERED, WHAT MELVIN SAID
12 HAPPENED. THEY SHOT THE DOOR OUT AND THEY STORMED ON IN.
13 AND SHE TOLD YOU ABOUT THIS GLOCK -- THIS GLOCK
14 .40 CALIBER MODEL 23. I THINK I GOT THAT RIGHT. AND SHE
15 TOLD YOU THAT SHE TEST-FIRED IT AND IT WAS IN WORKING
16 ORDER. AND SHE TOLD YOU THAT SHE EXAMINED THE BULLETS
17 THAT SHE RECEIVED, FOUR BULLETS I BELIEVE, FROM THE CRIME
18 SCENE THAT INVESTIGATOR JOHNSON WENT UNDER THE HOUSE AND
19 CUT OUT A PIPE, AND SHE TOLD YOU THEY WERE CONSISTENT WITH
20 BEING FIRED FROM THAT WEAPON.

21 SHE COULDN'T REALLY SAY AND SHE WENT INTO THE LONG
22 EXPLANATION ABOUT DIFFERENT KINDS OF RIFLING. BUT AT THE
23 END OF THE DAY IT DOESN'T MATTER BECAUSE WE KNOW THAT THAT
24 .40 CALIBER THAT THE DEFENDANT HAD IS THE SAME ONE THAT
25 WAS AT MR. TUCKER'S. AND HOW DO WE KNOW THAT? BECAUSE

1 SHE ALSO TESTIFIED THAT EIGHT .40 CALIBER SHELL CASINGS
2 THAT WERE FOUND IN MR. TUCKER'S HOME THAT WERE LEFT BEHIND
3 AFTER THEY SHOT HIM THESE NUMEROUS TIMES, SHE TESTIFIED
4 THOSE WERE A MATCH. THEY MATCH PERIOD TO THE .40 CALIBER
5 GUN. SHE EXAMINED THEM WITH HER MICROSCOPE. THEY WERE A
6 MATCH. THAT'S HUGE. THAT'S CRUCIAL. THAT JUST SHOWS YOU
7 THAT THE DEFENDANT WAS THERE AT MR. TUCKER'S WITH THAT GUN
8 OR WITH ANOTHER ONE -- PERSON THAT HAD THE GUN COMMITTING
9 THESE CRIMES.

10 AND FINALLY YOU HAVE THE 9-MILLIMETER. AND SHE
11 TALKED ABOUT THAT. AND IT'S THE SAME 9-MILLIMETER THE
12 DEFENDANT HAD, THE OTHER GUN IN HIS CLOSET, BECAUSE
13 INVESTIGATORS TOLD YOU HOW THEY TOOK CUSTODY OF IT AND ALL
14 THOSE THINGS, AND SHE TOLD YOU SOMETHING ABOUT -- FUNNY
15 ABOUT HOW IT WOULD FIRE WITH A LITTLE BIT OF OPENING AND
16 THAT WAS WEIRD AND IT WOULD STILL WORK, BUT IF THAT
17 HAPPENED, THAT IT WOULD CAUSE BULGING.

18 AND THEN SHE TESTIFIED THAT THE BULLET FOUND AT THE
19 CRIME SCENE WAS FIRED BY THAT 9-MILLIMETER PERIOD. IT IS
20 A MATCH. THE SAME GUN THAT THE DEFENDANT HAD. THE OTHER
21 GUN WAS AT THE CRIME SCENE. AND SHE ALSO TESTIFIED THAT
22 TWO SHELL CASINGS AT THE CRIME SCENE THAT WERE
23 9-MILLIMETER WERE ALSO A MATCH TO THE SAME GUN AND THEY
24 WERE A MATCH TO THE POINT THAT ONE OF THEM HAD THE LITTLE
25 BULGING THING AROUND IT FROM BEING FIRED WITH THAT

1 WEIRDNESS. AND Y'ALL WILL HAVE ALL OF THAT TO LOOK AT AT
2 THE END OF THE DAY.

3 AND I DON'T THINK I SAID THIS ALREADY, BUT IF I HAVE,
4 FORGIVE ME. I ALSO WANT TO POINT OUT AGENT STANLEY'S
5 TESTIMONY THAT THE -- THAT THERE WAS BLOOD FOUND ON THE
6 .40 CALIBER, THE SAME .40 CALIBER THAT THE DEFENDANT HAD;
7 THAT THERE WAS BLOOD ON IT AND THAT IT WAS CONSISTENT WITH
8 MR. TUCKER'S BLOOD.

9 SO, AT THE END OF THE DAY YOU HAVE ALL THESE THINGS
10 THAT HAPPENED AND YOU HAVE THESE POLICE OFFICERS AND ALL
11 THESE PEOPLE THAT HAVE TESTIFIED, YOU KNOW, THIS IS NOT --
12 THEY'RE HERE TO TELL YOU WHAT HAPPENED. THE POLICE
13 OFFICERS -- THERE IS A LOT OF QUESTIONING ABOUT THIS FRONT
14 DOOR, ALL OF THAT STUFF IN RICHLAND COUNTY.

15 YOU KNOW, THE ONLY THING THEY HAVE AT THE END OF THE
16 DAY IS THEIR WORD. THAT'S WHAT THEY HAVE, AND THAT'S WHAT
17 THEY HAVE TO RELY ON. AND THEY CAME HERE AND THEY ALL
18 TOLD YOU WHAT HAPPENED. THEY TOLD YOU. AND AT THE END OF
19 THE DAY, THOUGH, THE THINGS THAT ARE MOST COMPELLING
20 EVIDENCE IN THE CASE ARE ALL -- WHAT I WOULD CALL
21 COMPLETELY NONBIASED WITNESSES BECAUSE THEY'RE ALL
22 OBJECTS. THEY ARE THINGS. THEY CAN'T COME AND TALK TO
23 YOU, BUT THEY TELL THEIR STORY REGARDLESS.

24 IT IS THE CAR, THE SAME TAURUS THAT WAS HERE IN
25 AIKEN, THE GPS IN THE CAR. THE RECORDS PROVE IT,

1 NONBIASED. UNFORTUNATELY THEY'RE MAKING A RECORD OF THE
2 THINGS THAT ARE GOING TO HAPPEN TO MR. TUCKER BEFORE IT
3 EVEN HAPPENS. YOU HAVE THE GUNS. CRUCIAL. THESE GUNS
4 THAT ARE THE DEFENDANT'S WERE AT THE CRIME SCENE.

5 AND YOU KNOW, THIS IS ALSO SUPPORTING THE FACT THAT
6 THERE IS MORE THAN ONE PERSON IN THERE BECAUSE THERE'S TWO
7 GUNS BEING FIRED AT MR. TUCKER. YOU HAVE THE BLOOD ON THE
8 SHOES AND YOU HAVE MR. CUMMINGS' TESTIMONY TO CONSIDER.
9 BUT AT THE END OF THE DAY YOU HAVE ALL OF THESE ITEMS.
10 YOU HAVE THE VICTIM'S BLOOD ON THE DEFENDANT'S SHOES. YOU
11 HAVE THE VICTIM'S BLOOD ON THE DEFENDANT'S GUN. YOU HAVE
12 TWO GUNS FOUND IN THE DEFENDANT'S HOME THAT WERE USED AT
13 THE CRIME SCENE.

14 Y'ALL USE YOUR COMMON SENSE. I KNOW THAT'S BEEN A
15 LOT OF THINGS FOR ME TO GO OVER. AND I TOLD YOU AT THE
16 BEGINNING AND I WAS TRYING TO THINK OF THE RIGHT KIND OF
17 ANALOGY TO DESCRIBE THIS CASE BECAUSE IT IS -- IT'S A LOT
18 OF INFORMATION, A LOT OF THINGS.

19 AND THE BEST THING THAT I COULD THINK OF WAS --
20 Y'ALL, I CAN'T DRAW. I CAN'T DRAW A STRAIGHT LINE. I
21 MEAN, YOU KNOW, IT'S JUST NOT A TALENT I HAVE. SO WHEN I
22 WAS LITTLE, I USED TO ALWAYS LIKE THOSE LITTLE DOT
23 PICTURES. THE DOTS ARE ALREADY IN THERE AND ALL YOU HAVE
24 TO DO IS CONNECT THE LINES AND THEN IT IS A PICTURE AND
25 THEN YOU CAN COLOR IT AND LOOK LIKE YOU'RE AN EXPERT.

1 THAT'S WHAT THIS CASE IS.

2 WHEN YOU CONNECT ALL THE DOTS AND ALL THE EVIDENCE IN
3 THIS CASE, THEN THE DEFENDANT IS GUILTY OF THESE CRIMES.

4 THE COURT: EVERYBODY OKAY? Y'ALL LOOK UP HERE ONE
5 SECOND, PLEASE.

6 (WHEREUPON, A BENCH CONFERENCE WAS HELD.)

7 CLOSING STATEMENT

8 MR. JOHNSON: WELL, MRS. YOUNG SAID CONNECT THOSE
9 DOTS AND THEY TELL A STORY, BUT WHAT'S THE STORY? I'VE
10 GOT ALL OF THESE NOTES BECAUSE SHE DID SAY A LOT. I AM
11 GOING TO GO BACK OVER THEM. OBJECTS. NONBIASED. THEY
12 DON'T HAVE AN OPINION. THEY JUST TELL A STORY. WELL,
13 WHAT IS THE STORY?

14 WELL, THE QUESTION -- INSTEAD OF WHO OWNED THE GUNS,
15 LET'S ASK THE QUESTION WHO USED GUNS TO COMMIT A MURDER?
16 MRS. YOUNG TALKED ABOUT DNA, CONNECTION TO THE GUNS, DNA
17 CONNECTION TO THE CRIME SCENE. WELL, TALKING ABOUT THE
18 BALLISTICS AND THE DNA, WHERE WAS THE DNA FOUND? WHAT DID
19 THE DNA EXPERT TALK ABOUT?

20 WELL, FIRST AND FOREMOST MRS. YOUNG'S STATEMENT ABOUT
21 THE DNA EXPERT SAYING, WELL, THIS GUN -- THIS PROVES THAT
22 THIS GUN WAS USED BY ANTONIO MILLER -- SHE DIDN'T SAY
23 THAT. I ASKED THE DNA EXPERT, WHAT IS YOUR JOB? CAN YOU
24 DETERMINE WHAT A WEAPON -- WHERE IT'S FROM OR ANYTHING
25 OTHER THAN PRESENCE OF DNA? SHE SAID, WELL, THAT'S MY JOB

1 IS TO DETERMINE THE PRESENCE OF DNA, MATCH IT UP AGAINST
2 SAMPLES, AND THAT'S MY WHOLE JOB.

3 AND WHAT ELSE DID SHE SAY? MARQUISE REDFIELD. I
4 ASKED -- I CAME BACK UP AND I SAID, WHAT ELSE IS IN YOUR
5 REPORT ABOUT MARQUISE REDFIELD, THE CO-DEFENDANT? WHAT
6 DID SHE SAY? OH YEAH, I HAVE A SAMPLE -- CLOTHING SAMPLE
7 MATCHES MARQUISE REDFIELD AND THE VICTIM, FREDERICK
8 TUCKER. SHE DIDN'T SAY ANTONIO MILLER. SHE SAID
9 MARQUISE.

10 MRS. YOUNG SAID, WELL, THIS SHOWS THAT THE GUNS WERE
11 USED BY ANTONIO MILLER. AND THEN SHE CORRECTED HERSELF
12 AND SAID WELL, THEY WERE -- IT SHOWS THAT THEY WERE USED
13 BY SOMEBODY. WELL, THAT'S TRUE. THE EVIDENCE SHOWS --
14 THE MATCH ON THE GUN SHOWS SOMEBODY USED A WEAPON AND THE
15 CASING FALLS IN THE VICTIM'S HOUSE. THE BALLISTICS MIGHT
16 SHOW SOMEBODY WAS THERE AND -- THAT MATCHES THAT GUN, BUT
17 WHAT PERSON IS LINKED? NOT WHO OWNS THE GUN. WHO USED
18 THE GUN? WHO COMMITTED THE MURDER? WHO HAD THE GREEN
19 CAR?

20 WELL, MELVIN CUMMINGS DROVE THE GREEN CAR. HE SAID
21 HE DROVE THE GREEN CAR. MRS. YOUNG SAID, WELL, GOT BACK
22 AND THE DEFENDANT WAS PANICKING. MARQUISE OR MELVIN IS
23 SAYING, I GOT TO GO. I AM GOING TO GET IN MY RED CAR. I
24 GOT TO GO. MY CLIENT IS SAYING -- WHAT DID SHE SAY?
25 LET'S GO TO U-SAVE.

1 WHO IS RUNNING FROM THE SCENE? MELVIN CUMMINGS IS
2 GETTING AWAY FROM THAT GREEN CAR. NICE ENOUGH TO GIVE THE
3 KEYS BACK OVER TO SOMEBODY ELSE. WHAT WAS FOUND IN THE
4 GREEN CAR? WELL, THEY SAID MY CLIENT'S FINGERPRINT WAS
5 FOUND IN THE GREEN CAR, A CAR THAT WAS RENTED BY HIS WIFE
6 DEIDRA.

7 WHAT ELSE WAS TALKED ABOUT? LET'S JUST GO IN REVERSE
8 ORDER OF EVERYTHING THAT MRS. YOUNG TALKED ABOUT. THE 38,
9 THE 40, THE 9-MILLIMETER, THE VICTIM'S DNA FOUND ON THE
10 GUN. ONCE AGAIN, WHO IS USING THE GUN? MATCH FOUND,
11 BALLISTICS. TALKING ABOUT DNA. I ASKED ABOUT THE
12 QUESTION ABOUT MARQUIS. CONFIRMED BY A DNA EXPERT.
13 MARQUIS -- THAT WAS FOUND. AND IF THAT WAS FOUND ON
14 CLOTHING, SOMEONE IS HOLDING A GUN AND DNA IS FOUND ON THE
15 GUN, DNA IS FOUND ON CLOTHING, WHO OWNS THAT CLOTHING?
16 DNA EXPERT SAID MARQUISE REDFIELD. INTERESTING.

17 WHAT ELSE. MRS. YOUNG SAID SEVERAL TIMES MELVIN
18 CUMMINGS WOULDN'T KNOW THESE THINGS UNLESS HE IS TELLING
19 THE TRUTH. ANOTHER WAY TO PUT IT WOULD BE MELVIN CUMMINGS
20 WOULDN'T KNOW THESE THINGS UNLESS HE HELPED COMMIT A
21 MURDER UNLESS HE WAS THERE.

22 NOW, ONE THING THAT IS TRUE. TO FIND MY CLIENT
23 GUILTY BEYOND A REASONABLE DOUBT YOU'VE GOT TO BELIEVE
24 MELVIN CUMMINGS. NOW, WHAT ELSE DID SHE SAY ABOUT HIM?
25 WELL, MELVIN CUMMINGS TALKED ABOUT A SCREWDRIVER. WHAT,

1 WHAT WAS THE SCREWDRIVER? DID YOU HEAR ANY EVIDENCE ABOUT
2 DNA COMING OFF OF A SCREWDRIVER USED THE BURN A HUMAN
3 BEING? ANY DNA ON THAT? YOU DIDN'T HEAR ANY DNA ON THAT.
4 FINGERPRINTS. ANY EVIDENCE ABOUT THAT SCREWDRIVER
5 MATCHING THE SIZE OF THE BURNS? YOU DIDN'T HEAR THAT.
6 ANY EVIDENCE OF GUNSHOT RESIDUE ON MY CLIENT INDICATING
7 THAT HE A FIRED WEAPON? NO EVIDENCE ABOUT THAT. NONE
8 WHATSOEVER.

9 NOW, WHAT ELSE DID HE SAY? HE SAID -- WELL, SHE
10 MENTIONED IT -- STAR WITNESS MELVIN CUMMINGS SAID WENT
11 RUNNING THROUGH THE WOODS, AND THAT MATCHES UP THE STORY
12 OF THE NEIGHBOR. WHAT ELSE DID MELVIN CUMMINGS SAY?
13 MELVIN CUMMINGS SAID HE WAS THERE -- TOLD -- EARLIER
14 TESTIFIED AFTER I REFRESHED HIS MEMORY, OH, I TOLD
15 EVERYBODY I WAS THERE SHOPPING FOR CARS. THAT'S WHAT HE
16 SAID AFTER I REFRESHED HIS MEMORY.

17 WHAT ELSE DID MELVIN CUMMINGS SAY? WELL, I SAID I
18 DIDN'T KNOW ANYTHING ABOUT ANY SHOTS, I WAS CONFUSED ABOUT
19 THAT. MELVIN CUMMINGS ALSO SAID, I DIDN'T HAVE A GUN.
20 THEN LATER HE SAID HE DID.

21 WHAT ELSE DID MELVIN CUMMINGS SAY? IT IS A LONG
22 LIST. WELL, GAVE A LOT OF INFORMATION AS SOMEONE MIGHT DO
23 IF THEY COMMITTED A CRIME AND THEY WERE THERE. MELVIN
24 CUMMINGS, SHE SAID HE DID IT, HE PLED. WHAT DID HE PLEAD
25 TO? MANSLAUGHTER? DID HE PLEAD TO MURDER? NOPE. SO, HE

1 IS UP HERE TODAY HELPING THE STATE -- OR YESTERDAY.

2 WHAT ELSE? WELL, SHE TALKED ABOUT DNA. HE SAID IT
3 WAS EXCITING. LIKE ON TV. OR ANOTHER WAY OF PUTTING IT
4 IS IT'S LIKE ON TV WHEN SOMEBODY GETS FRAMED. THAT
5 HAPPENS ON TV, TOO.

6 THE SHOES. TALK A LOT ABOUT SHOES. TALKING ABOUT
7 HOW THE SHOES ARE EVIDENCE AND THEY ARE PROOF MY CLIENT
8 DID IT BECAUSE THE VICTIM'S BLOOD IS ON THE SHOES. YOU
9 DIDN'T HEAR ANY EVIDENCE AT ALL, HEAR ANYTHING ABOUT THE
10 VICTIM'S DNA ON MY CLIENT'S CLOTHING LIKE MARQUIS
11 REDFIELD. DID YOU HEAR ABOUT THAT? IT'S NOT...

12 DID YOU HEAR ANYTHING ABOUT THE SHOES -- OH, ONE
13 BASIC QUESTION REAL QUICK. WHAT SIZE WERE THOSE SHOES?
14 WHAT SIZE ARE HIS SHOES? ISN'T THAT KIND OF AN IMPORTANT
15 DETAIL IF YOU'RE GOING TO TRY TO PUT THE SHOES ON THAT
16 MAN? KIND OF A SIMPLE, IMPORTANT DETAIL.

17 DID YOU HEAR ANY INFORMATION ABOUT DNA FROM MY CLIENT
18 COMING FROM THE INSIDE OF THOSE SHOES WITH THE BLOOD ON
19 THEM? NO, NOT A BIT. HEARD ABOUT BLOOD ON -- OR DNA ON
20 THE SHOES OF MARQUISE FROM THE VICTIM. HEARD ABOUT MELVIN
21 CUMMINGS SAYING HE WAS THERE.

22 WHAT ELSE? WELL, SHE MADE A BIG EFFORT TO TALK ABOUT
23 THE DNA AND THEN SAID THE VICTIM WAS PISTOL WHIPPED. THE
24 VICTIM WAS BURNED. THE VICTIM WAS BEATEN. THE VICTIM WAS
25 SHOT. SHE SHOWED YOU A BUNCH OF PHOTOS, BLOOD ALL OVER

1 THE PLACE, BLOOD ON THE FLOOR, BLOOD ON THE WALL, BLOOD ON
2 EVERYTHING, BUT NONE OF THE VICTIM'S BLOOD ON ANTONIO
3 MILLER, ON MARQUISE? NONE ON ANTONIO MILLER, NOT ON MY
4 CLIENT.

5 BACK TO THE SHOES. SHE SAID, WELL, THE SHOES PROVE
6 IT BECAUSE THE BLOOD -- VICTIM'S BLOOD WAS ON THE SHOES.
7 WHERE WERE THOSE SHOES FOUND? ASK YOURSELF THAT. THEY
8 SAID 5520 NORTH MAIN STREET. OKAY. WHAT DID THE OFFICER
9 SAY? SHE MENTIONED OFFICER BRANHAM. LET'S SLOW IT DOWN A
10 MINUTE AND TALK ABOUT WHAT HE SAID ON CROSS EXAMINATION.

11 OFFICER BRANHAM, DID YOU CREATE A REPORT? YES, I
12 DID. DID YOU MENTION SHOES? WELL, WE TALKED ABOUT SHOES.
13 THESE ARE MY SHOES. WHERE DID YOU FIND THEM SHOES? OH, I
14 FOUND THEM IN THERE AND BROUGHT THEM OUTSIDE AND AIKEN
15 COUNTY CAME UP IN THE PARKING LOT AND WE HAD THEM ON THE
16 CAR. OFFICER BRANHAM, IS THAT AN ACCURATE REPORT? WELL,
17 THERE WAS SOME MISTAKES IN THE REPORT. WELL OFFICER
18 BRANHAM, DOESN'T YOUR REPORT SAY THAT AIKEN COUNTY WENT IN
19 THE HOUSE, SEARCHED WITH RICHLAND AND GOT THE SHOES?
20 WELL, IT SAYS THAT, BUT THAT'S ALL WRONG. THAT'S WHAT
21 OFFICER BRANHAM SAID. THAT'S IN EVIDENCE FOR YOU TO
22 CONSIDER. WHERE WERE THE SHOES FOUND? WHO FOUND THEM?
23 AND BY THE WAY, WHAT SIZE ARE THEY?

24 NOW, MRS. YOUNG SAID SEVERAL THINGS THAT -- SHE
25 BASICALLY SAID SEVERAL THINGS WERE SILLY. LET ME TELL YOU

1 WHAT'S NOT SILLY. THE CRIME SCENE WITH A FRONT DOOR OR
2 BACK DOOR -- OR EVIDENCE SCENE WITH A FRONT DOOR AND BACK
3 DOOR WITH EVIDENCE RELATED TO A CRIME. THE FRONT DOOR IS
4 OPEN, PEOPLE TO WALK THROUGH. WHO IS GUARDING THE FRONT
5 DOOR? EVERY OFFICER CROSS EXAMINED. WELL, SOMEBODY
6 ELSE'S JOB, I DON'T KNOW. DO YOU SECURE A SCENE WHEN YOU
7 ARE LOOKING FOR EVIDENCE? WELL, WE WERE ALL THERE. WHO
8 WATCHED THAT FRONT DOOR? SOMEBODY MAYBE. I DON'T KNOW.
9 I DON'T KNOW IF ANYBODY WAS WATCHING THE FRONT DOOR ONE
10 OFFICER SAID.

11 WELL, WHO PUT THE SHOES IN THE HOUSE? WELL, IT WAS
12 ANTONIO MILLER'S HOUSE. WAIT A MINUTE. WHAT DID MELVIN
13 CUMMINGS, THE STAR WITNESS, SAY? OH, I HAVE BEEN OVER TO
14 5520 PLENTY OF TIMES. I KNOW THEM. YEAH, I HAVE BEEN
15 OVER THERE PLENTY OF TIMES. STAYED OVER THERE. THAT'S
16 WHAT HE SAID.

17 THEY TALKED ABOUT MR. DAY FROM U-SAVE AUTO RENTAL,
18 AND HE CAME UP AND HE TESTIFIED. BUT WHAT DID YOU LEARN
19 ON CROSS? WHEN I WAS ASKING SOME QUESTIONS.
20 MR. CUMMINGS, MELVIN CUMMINGS, HAVE YOU EVER BEEN TO
21 U-SAVE? OH, YEAH. YOU HAVE BEEN TO U-SAVE TO MAKE
22 PAYMENTS ON A CAR? OH, YEAH. BEEN TO U-SAVE TO MAKE
23 PAYMENT ON THE CAR. YEAH.

24 DID THEY BRING THE RECORDS ABOUT MELVIN CUMMINGS
25 BEING AT U-SAVE? I GUESS THAT WAS SILLY. THEY DIDN'T

1 HAVE THEM. THE CONTACT CARDS THAT I ASKED ABOUT.
2 MRS. YOUNG SAID THAT WAS SILLY. WHAT DO THE CONTACT CARDS
3 REALLY DO? IT IS A LITTLE PIECE OF PAPER. IT TELLS YOU
4 WHO WAS PRESENT AT A SCENE, NAME, INFORMATION, WHO WAS
5 THERE. YOU GO TO A SCENE AND YOU'RE LOOKING FOR EVIDENCE,
6 YOU MIGHT WANT TO KNOW WHO IS THERE.

7 IF YOU'RE GOING TO ARREST SOMEBODY FOR A CRIME, FIND
8 ALLEGED CRACK COCAINE AND FIND GUNS, IT MIGHT BE IMPORTANT
9 TO KNOW WHO IS WALKING AROUND THERE. THE DESCRIPTION BY
10 THE POLICE OFFICERS. OH, THERE IS A BIG GROUP, BIG MOB UP
11 THERE, BOYS WALKING AROUND. AND I ASKED, WELL, WHO IS
12 CONTROLLING ACCESS TO THESE TWO CARS? HOW MANY PEOPLE
13 WERE THERE? I ALWAYS GOT THE SAME ANSWER. OH, NOT MY JOB
14 OR SOMEBODY ELSE'S JOB OR WE ALL DID IT. BUT NOBODY WAS
15 ASSIGNED TO DO IT. AND IF NO ONE WAS ASSIGNED TO DO IT,
16 WAS ANYBODY DOING IT?

17 OFFICER MIGHT -- SEVERAL OFFICERS TESTIFIED, WELL, I
18 WAS TALKING TO ANTONIO MILLER, I WAS TALKING TO MELVIN
19 CUMMINGS, I WAS GOING BACK AND FORTH. OFFICER BROWN SAID
20 THAT. WELL THEN, WHO WAS WATCHING THE CARS? WHO WAS
21 WATCHING THE FRONT DOOR OF THE HOUSE? WHERE DID THE
22 EVIDENCE GO? HOW DID IT GET THERE? ISN'T THAT IMPORTANT?
23 AND WHO OWNED THOSE SHOES? ISN'T THAT IMPORTANT? WHO DID
24 THOSE SHOES FIT? ISN'T THAT A BIG DEAL? IT IS NOT SILLY.

25 WELL, LET'S TALK ABOUT THE CARS. GREEN CAR. MELVIN

1 CUMMINGS SAID HE'S DRIVING THAT CAR. PERIOD. THEY TALKED
2 ABOUT MARQUIS REDFIELD, DNA SAMPLE, AND EVERYTHING ELSE
3 RELATED TO THE CAR. THEY TALKED ABOUT BLOODHOUNDS AFTER I
4 BROUGHT IT UP ON CROSS EXAMINATION. I ASKED THREE
5 DIFFERENT OFFICERS WHO WERE THEY CHASING THROUGH THE WOODS
6 FOR 5 MILES. THE FIRST OFFICER, I DON'T KNOW,
7 MR. JOHNSON. DON'T KNOW. IT'S NOT MY JOB. WAS IT ONE
8 PERSON OR SEVERAL PEOPLE? WHO KNOWS?

9 THE SECOND OFFICER. I DON'T KNOW, MR. JOHNSON. IT'S
10 NOT MY JOB. I WAS INSIDE OF THE HOUSE, FREDDIE TUCKER'S
11 HOUSE. AND THEN I ASKED THE THIRD OFFICER AND HE STARTED
12 TO SAY, WELL, MAYBE IT WAS THEM RUNNING THROUGH HERE,
13 RUNNING THROUGH THE CEMETERY, I AM NOT ON THE BLOODHOUND
14 TEAM.

15 THE STATE HAS THE BURDEN BEYOND A REASONABLE DOUBT TO
16 PROVE ITS CASE OF ALL CHARGES. DID THEY CALL THE
17 BLOODHOUND TEAM? WHEN I HAD THE REFRESH MEMORY 5 MILES
18 THROUGH THE WOODS; RIGHT? RESPONSE. NO BLOODHOUND TEAM.
19 MRS. YOUNG SAID THAT WAS A DISTRACTION. HE SAID
20 BLOODHOUNDS DON'T TRACK CARS. THEY TRACK PEOPLE. PEOPLE
21 COMMIT MURDER. SO WHO DO WE HAVE -- WITNESS.

22 WELL, THE NEIGHBOR SAID SHE TALKED TO MELVIN
23 CUMMINGS. ONCE AGAIN, MELVIN CUMMINGS WAS THERE. WE KNOW
24 THAT. WE GOT THAT DOWN. THEN THE GIRL EBONY SAID, WELL,
25 RAN THROUGH THE WOODS AND OUT OF THE HOUSE, FREDDIE

1 TUCKER'S HOUSE, I SAW THREE BLACK MALES AND SHE TESTIFIED
2 AND ONE OF THEM HAD DREADS. SHE KIND OF LOOKED OVER
3 THERE.

4 THEN I CROSS EXAMINED HER. DID I SAY. SHE WAS VERY
5 NERVOUS. CALMED HER DOWN A LITTLE BIT. SAID, MA'AM, DID
6 YOU SAY SOMEBODY HAD DREADS? YES. DID YOU GIVE A
7 STATEMENT TO THE POLICE? YES. DID YOU TELL THEM ANYTHING
8 ABOUT DREADS BACK THEN WHEN YOU GAVE THE STATEMENT ON THE
9 DATE OF THE INCIDENT? NO. DID YOU TESTIFY ABOUT DREADS
10 THE LAST TIME YOU TESTIFIED AT MELVIN CUMMINGS' TRIAL?
11 NO. BUT YOU TESTIFIED TODAY ABOUT DREADS. YES. THAT IS
12 FOR YOU TO CONSIDER.

13 WHAT ELSE DID SHE SAY? WELL, IT WAS THREE BLACK
14 MALES. WAIT A MINUTE. WAIT A MINUTE. I SAID CROSS
15 EXAMINATION. WOULD YOU LIKE TO REVIEW YOUR STATEMENT?
16 WOULD IT REFRESH YOUR MEMORY? I GUESS SO. HAND IT TO
17 HER. GET IT BACK. WELL, I SAID THREE YOUNG MALES. THEY
18 WEREN'T BLACK IN THE STATEMENT. WHAT DID SHE SEE? WHAT
19 DID SHE REALLY SEE? IT IS A GOOD QUESTION. NOT SILLY AT
20 ALL.

21 NOW, MRS. YOUNG CHARACTERIZED MY CLOSING SAYING THAT
22 I WOULD INDICATE THAT MR. MELVIN CUMMINGS WAS A
23 MASTERMIND, AND THAT'S NOT TRUE, BUT WHO GOT A REDUCED
24 CHARGE? WHO IS GETTING AWAY FROM THAT GREEN CAR? WHO HAD
25 FRIENDS WITHOUT NAMES COMING DOWN TO AIKEN GOING TO THE.

1 VICTIM'S HOUSE?

2 WELL, LET'S TALK ABOUT THE STAR WITNESS, MELVIN
3 CUMMINGS. I TALKED TO HIM. I -- CROSS EXAMINATION I
4 QUESTIONED HIM AND I SAID, WELL, DIDN'T YOU SAY YOU DIDN'T
5 DO ANYTHING? AND HE SAID, NOPE, DIDN'T SAY THAT. DIDN'T
6 SAY THAT. WOULD IT REFRESH YOUR MEMORY TO REVEAL A LETTER
7 THAT YOU WROTE TO THE SOLICITOR? WELL, YES, IT WOULD. I
8 HANDED IT AND GET IT BACK. WHAT DID YOU SAY? WELL, I
9 SAID I DIDN'T DO ANYTHING AND I SHOULDN'T BE HELD
10 ACCOUNTABLE. SAY ANYTHING IN YOUR INITIAL STATEMENT TO
11 POLICE ABOUT THE SCREWDRIVER? NO. A COUPLE OF MONTH
12 LATER, YES.

13 MRS. YOUNG SAID, WELL, HE CAN'T BE LYING BECAUSE HE
14 TALKED ABOUT THE SCREWDRIVER. WELL, WHO ELSE WAS THERE?
15 DNA SAYS MARQUISE REDFIELD. IS THERE ANY EVIDENCE THAT
16 SAYS THAT MARQUISE REDFIELD COULDN'T HAVE TOLD MELVIN
17 CUMMINGS SOME DETAILS?

18 LET'S TALK ABOUT THE FRIENDS OF MELVIN CUMMINGS.
19 MELVIN CUMMINGS TESTIFIED THAT, WELL, I WENT UP THERE AND
20 I'M FROM AIKEN, MY MAMA IS IN AIKEN. AND HIS MAMA
21 TESTIFIED. ON DIRECT HE SAID, WHO WENT TO AIKEN? WELL,
22 THERE WAS -- I JUST WENT FROM COLUMBIA TO AIKEN -- I HAVE
23 NO IDEA WHAT HIS NAME IS -- RIGHT BEFORE THE MURDERS,
24 SATURDAY I BELIEVE, RIGHT BEFORE THE MURDER. JUST DRIVE
25 FROM COLUMBIA TO AIKEN. DON'T KNOW. OH, I JUST DON'T

1 REMEMBER THE NAME.

2 OKAY. WHAT ELSE DID HE SAY? T90. WELL, I DON'T
3 KNOW HIS REAL NAME. IT IS T90. WHAT DID T90 DO? WENT TO
4 THE VICTIM'S HOUSE TO LOOK AROUND AND CAME BACK. NOW,
5 WHEN MELVIN CUMMINGS' MAMA TESTIFIED DID SHE MENTION T90
6 AFTER SHE GAVE HER STATEMENT AFTER THE INCIDENT AFTER
7 MELVIN STARTED TELLING HIS VERSION OF EVENTS AFTER HE'S
8 TALKING TO THE POLICE AND THE POLICE SAY HE'S GETTING
9 EMOTIONAL AND HE'S GOT TO TELL HIS VERSION OF EVENTS.

10 AND THEN MELVIN'S MAMA WANT TO HELP GIVE A STATEMENT.
11 SHE WANTS TO HELP THE POLICE. AND THEY SAID HE HAD
12 COMMUNICATION WITH FRIENDS AND FAMILY WHILE HE WAS IN
13 JAIL. AND WHAT DID SHE SAY? WELL, MELVIN WAS AT THE
14 HOUSE AND ANTONIO WAS AT THE HOUSE AND MARQUIS WAS AT THE
15 HOUSE AND RONALD GROOMS. SHE DIDN'T MENTION T90. SHE
16 DIDN'T MENTION A NAMELESS INDIVIDUAL. AND SHE SAID SHE
17 WANTS TO HELP HER SON. OF COURSE.

18 SO WHEN YOU LISTEN TO THE WITNESSES AND YOU LISTEN
19 MOST IMPORTANTLY TO MELVIN CUMMINGS, I DON'T WANT YOU TO
20 IGNORE WHAT MELVIN CUMMINGS SAID. I WANT YOU TO FOCUS ON
21 IT. THEY WANT YOU TO FOCUS ON IT AND I WANT YOU TO FOCUS
22 ON IT. BUT I WANT YOU TO PAY ATTENTION TO SOME THINGS YOU
23 HEARD ON CROSS EXAMINATION WHEN I WAS TALKING TO BECAUSE
24 WHAT DID HE SAY? WELL, I WAS GUILTY OF POSSESSION WITH
25 INTENT TO DISTRIBUTE COCAINE. I PLED TO IT. AFTER HE

1 SAID POSSESSION HE SAID, OH, LET'S REFRESH THAT MEMORY
2 AGAIN, POSSESSION WITH INTENT TO DISTRIBUTE.

3 HE SAID, I WENT TO U-SAVE, I PLED TO MANSLAUGHTER NOT
4 MURDER. HE SAID HE'S FROM AIKEN. HE TOLD THE POLICE FRED
5 TUCKER IS MY COUSIN. THAT'S WHAT HE SAID. OH, AND
6 ANTONIO MILLER PLANNED IT. FRED TUCKER IS MY COUSIN.
7 WENT TO THE POLICE.

8 GPS TRACKING. IT'S TALKING ABOUT GPS. KIND OF LIKE
9 DNA. WHAT DOES IT TELL YOU? WELL, IT TELLS YOU WHAT IT
10 TELLS YOU. IT IS NOT BIASED. A GREEN CAR TO AND BACK.
11 TRUE. I AM NOT CONTESTING THAT. WHO WAS DRIVING THE
12 GREEN CAR? MELVIN CUMMINGS SAID HE WAS.

13 BIG QUESTION. WAS MY CLIENT IN THAT CAR BECAUSE
14 EBONY SAID SOMEBODY HAD DREADS BECAUSE MELVIN CUMMINGS
15 SAYS IT'S SO. THE GREEN CAR THAT HE COULDN'T WAIT TO GET
16 AWAY FROM WHEN HE GOT BACK FROM COLUMBIA. AND MY CLIENT
17 TAKES THE GREEN CAR AND SAYS, LET'S GO TO U-SAVE. GO TURN
18 IT IN. THAT'S FOR YOU TO CONSIDER.

19 NOW, LET'S TALK ABOUT RICHLAND COUNTY AND THE
20 EVIDENCE. WHAT DID THEY SAY ON CROSS EXAMINATION ABOUT
21 SUSPECTED CRACK COCAINE? NOTHING ABOUT FINGERPRINTS.
22 NOTHING ABOUT VICTIM'S BLOOD. NOTHING ABOUT ANYTHING
23 SAYING THIS BAGGIE OF SUSPECTED CRACK COCAINE CAME FROM
24 THE VICTIM'S HOUSE, WE SHOULD HAVE GOT -- KNOW IT.
25 NOTHING.

1 WELL, IS THE STATE TRYING TO SAY THAT THAT BAG CAME
2 FROM THE VICTIM'S HOUSE? WHAT DID THEIR STAR WITNESS SAY?
3 HE WAS ASKED, MR. MELVIN CUMMINGS, WHAT WERE THEY CARRYING
4 WHEN THEY CAME OUT OF THE HOUSE? NOTHING. THAT'S WHAT HE
5 SAID. DIDN'T SAY SCREWDRIVER. DIDN'T SAY BAGGIE.
6 NOTHING.

7 HE ALSO SAID, WELL, I DON'T HAVE -- DIDN'T HAVE ANY
8 KNOWLEDGE. HE TOLD THE POLICE, I DIDN'T HAVE ANY
9 KNOWLEDGE OF DRUGS OR GUN OR GUNS AND CASH. THEN HE SAID
10 HE DID. I SAID, MR. CUMMINGS, ON CROSS EXAMINATION, WAIT
11 A MINUTE, YOU'RE TALKING ABOUT A ROBBERY? OH YEAH, THEY
12 PLANNED A ROBBERY. WELL, IF YOU'RE ROBBING SOMEBODY, WHAT
13 ARE YOU ROBBING THEM FOR? CASH, DRUGS. SO YOU DID KNOW
14 ABOUT IT? OH YEAH, YEAH. I KNEW WHAT -- IT'S WHAT HE
15 SAID.

16 BASICALLY WITH RICHLAND COUNTY 5520 HE GOT FOCUSED ON
17 SOME OTHER THINGS AND I DON'T THINK ANY OF THEM ARE SILLY.
18 I DON'T THINK ANY OF THIS IS SILLY. THEY PUT IN THEIR
19 REPORT OFFICER SAID RICKY JONES WAS THERE. WHO IS RICKY
20 JONES? DID YOU SEE RICKY JONES TESTIFY? DID YOU SEE A
21 PICTURE OF RICKY JONES? DOES RICKY JONES HAVE DREADS?
22 DOES T90 HAVE DREADS? DOES THAT UNNAMED FRIEND HAVE
23 DREADS? ISN'T THAT KIND OF IMPORTANT?

24 AND EVERY OFFICER I TALKED TO, YOU KNOW, INCLUDING JD
25 SANDERS -- AND I'VE KNOWN HIM FOR YEARS -- WELL, WHAT DO

1 THEY SAY WHEN CROSS EXAMINED? THEY SAID, WELL, NONE OF US
2 WENT TO INTERVIEW ANY OF THOSE PEOPLE. NOBODY INTERVIEWED
3 RICKY JONES. NOBODY REMEMBERS WHAT HE LOOKED LIKE.
4 NOBODY INTERVIEWED THE UNNAMED INDIVIDUAL. NOBODY
5 INTERVIEWED T90. OH, WAIT. THERE IS ONE MORE. OFFICER
6 BROWN SAID, WELL, I WAS -- YOU KNOW, I WAS TALKING TO
7 MELVIN CUMMINGS ONCE AGAIN AND I THOUGHT I'D CALL A
8 CONFIDENTIAL INFORMANT.

9 ON CROSS EXAMINATION I SAID, WELL, THE CONFIDENTIAL
10 INFORMANT, IS THIS A PERSON THAT ASSOCIATES WITH
11 CRIMINALS? YES. WHAT HAPPENED WHEN YOU CALLED THIS
12 PERSON? WELL, HE TOLD ME AFTER I ASKED HIM ABOUT MELVIN
13 CUMMINGS, YOU KNOW, FREDERICK TUCKER HAS BEEN MURDERED.
14 DID ANYBODY GO INTERVIEW THE CONFIDENTIAL INFORMANT THAT
15 MR. CUMMINGS WAS JOKING ABOUT, ABOUT, WAIT A MINUTE,
16 CONFIDENTIAL INFORMANT, WHATEVER YOUR NAME IS.

17 WHEN ASKED ABOUT MELVIN CUMMINGS DID THEY TRY TO GET
18 THE INFORMATION ABOUT HOW YOU MIGHT KNOW ABOUT THIS
19 MURDER? ISN'T THAT KIND OF IMPORTANT AND NOT SILLY? HOW
20 DOES A CIVILIAN KNOW ABOUT THE MURDER AND IS INFORMING THE
21 POLICE OF IT? WELL, THEY TOOK HIS WORD.

22 OFFICER SAID, WE THOUGHT WE HEARD IT ON THE NEWS.
23 TAKE HIS WORD, YOU KNOW. WELL, RICHLAND COUNTY ALSO SAID
24 THEY TALKED TO A LOT OF PEOPLE. THEY JUST DIDN'T WRITE IT
25 DOWN OR IF THEY DID WRITE IT DOWN THEY DIDN'T BRING IT TO

1 COURT. WE HAVE CONTACT CARDS -- ACCORDING TO THE
2 SOLICITOR IT WAS SILLY, BUT I GUESS THAT'S WHY THEY DIDN'T
3 BRING IT TO COURT.

4 WE TALKED ABOUT CRACK COCAINE NOT LINKED TO THE
5 VICTIM'S HOUSE. I DON'T KNOW HOW MANY BAGS FLOATING
6 AROUND OUT THERE. TALKED ABOUT THE MONEY AND CASH, NOT
7 RELATED, NO BLOOD, NO DNA, NOTHING LINKING IT TO THE
8 VICTIM'S HOUSE. TALKED ABOUT THE SHOES. DON'T KNOW WHO
9 THEY FIT. DOESN'T HAVE MY CLIENT'S DNA INSIDE OF THEM.
10 AND THE OFFICER SEEMED TO HAVE A CONFLICT, WAS ON THE
11 REPORT, ON WHO FOUND THEM AT 5520 NORTH MAIN STREET AND
12 WHERE THEY WENT. AN UNSECURED LOCATION.

13 SO THE FRONT DOOR WAS UNGUARDED. WAS GUARDED. BY
14 WHO? WE DON'T KNOW. THAT IS ALL FOR YOU TO CONSIDER.

15 YOU KNOW, I WAS GOING TO START MY CLOSING BY TELLING
16 YOU SOMETHING ABOUT MY TRUCK. I BOUGHT A TRUCK A COUPLE
17 OF YEARS AGO AND IT LOOKED REAL GOOD. I BOUGHT IT BRAND
18 NEW. THE COMMERCIALS LOOK GREAT. AFTER I BOUGHT IT,
19 WELL, THERE ARE SOME THINGS ABOUT IT I DON'T LIKE. BUT
20 WHEN THEY ARE SELLING IT TO ME THEY TELL ME ABOUT ALL THE
21 GOOD THINGS.

22 I LEARNED A LITTLE LESSON. AND I GUESS THE LESSON IS
23 THE SOLICITOR HAS BEEN SELLING YOU THIS CASE ALL WEEK.
24 BEFORE YOU BUY IT, LOOK AT THE DETAILS. THINK ABOUT WHAT
25 YOU'RE BEING OFFERED TO ACCEPT AS GUILTY BEYOND A

1 REASONABLE DOUBT WITH A PRESUMPTION OF INNOCENCE FOR MY
2 CLIENT, ANTONIO MILLER.

3 THAT'S WHAT I SAID AT THE VERY BEGINNING OF THE
4 TRIAL, HE HAS THE PRESUMPTION OF INNOCENCE. THAT'S WHAT
5 THE JUDGE TOLD YOU. IT'S TRUE. BEYOND A REASONABLE DOUBT
6 ON ALL CHARGES THEY'VE GOT TO PROVE TO YOU MELVIN CUMMINGS
7 IS TELLING THE TRUTH. YOU GOT TO BELIEVE HIM BEYOND A
8 REASONABLE DOUBT. THAT'S THE LAW.

9 AND I ALSO SAID PAY ATTENTION TO THE EVIDENCE THAT
10 YOU HEAR ABOUT AND EVIDENCE THAT I CROSS EXAMINED PEOPLE
11 ABOUT, THINGS THAT THE OFFICERS BELIEVE -- THINGS THEY
12 FAILED TO DO. THAT'S IMPORTANT. OVER ALL WE KNOW MELVIN
13 CUMMINGS IS FROM AIKEN. WE KNOW MELVIN CUMMINGS WAS AT
14 THE MURDER SCENE. WE KNOW MELVIN CUMMINGS WAS INVOLVED.
15 WE KNOW MELVIN CUMMINGS DROVE THE GREEN CAR. WE KNOW
16 MELVIN CUMMINGS WAS COUSINS WITH THE DECEASED.

17 WE KNOW MELVIN CUMMINGS HAD LOTS OF UNNAMED FRIENDS
18 RUNNING AROUND THE CRIME SCENE. WE KNOW MELVIN CUMMINGS
19 WAS CONVICTED OF POSSESSION WITH INTENT TO DISTRIBUTE
20 COCAINE. WE KNOW MELVIN CUMMINGS CAME UP HERE AND HAD A
21 LAPSED MEMORY AND HAD TO BE REFRESHED, GAVE MULTIPLE
22 STATEMENTS THAT DID NOT MATCH UP. WE KNOW THAT ABOUT
23 MELVIN CUMMINGS.

24 AND WE KNOW MARQUISE REDFIELD'S -- WELL, THAT
25 CLOTHING SAMPLE WAS MATCHED TO THE VICTIM'S BLOOD. WE

1 KNOW THAT.

2 SO, REMEMBER THAT THE STATE HAS THE BURDEN THROUGHOUT
3 THE TRIAL TO THE VERY END BEYOND A REASONABLE DOUBT.
4 REMEMBER THAT MY CLIENT HAS A PRESUMPTION OF INNOCENCE.
5 AND MAKE SURE YOU'RE VERY CAREFUL BEFORE YOU BUY THAT
6 TRUCK BECAUSE AT THE END OF THE DAY A VERDICT THAT SPEAKS
7 THE TRUTH IS A VERDICT OF NOT GUILTY OF ALL CHARGES.
8 THANK YOU.

9 THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN,
10 LET'S TAKE ABOUT A FIVE MINUTE BREAK TO STRETCH YOUR LEGS
11 AND USE THE BATHROOM AND LET THE COURT REPORTER STRETCH
12 HER FINGERS AND THEN WE'LL COME BACK. MY CHARGE IS 20
13 MINUTES MAYBE. DON'T DISCUSS THE CASE. DON'T START
14 DELIBERATION. WE'LL COME RIGHT BACK IN AND FINISH IT UP.

15 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 10:22
16 A.M.)

17 (WHEREUPON, A BREAK WAS TAKEN.)

18 THE COURT: IS THE STATE READY TO PROCEED?

19 MRS. YOUNG: YES, SIR.

20 THE COURT: IS THE DEFENDANT READY TO PROCEED?

21 MR. JOHNSON: YES, SIR.

22 THE COURT: BRING THE JURY IN.

23 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
24 APPROXIMATELY 10:31 A.M.)

25 JURY CHARGE

1 THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, AS
2 WE TRY CASES ALL OVER THE STATE IN GENERAL SESSIONS OR
3 CRIMINAL COURT, THE FIRST PART OF THE CHARGE OR THE
4 INSTRUCTIONS DEALS WITH SORT OF GENERAL PROPOSITIONS OF
5 LAW THAT APPLIES TO ALL CRIMINAL CASES. LET ME GO THROUGH
6 THAT FIRST. ONCE WE CONCLUDE THAT THEN WE'LL ADDRESS THE
7 FOUR SPECIFIC CHARGES IN THIS CASE AND THEN YOU'LL BE IN A
8 POSITION TO START YOUR DELIBERATION.

9 LET ME REMIND YOU AGAIN THE FACT THAT THE DEFENDANT
10 WAS ARRESTED, CHARGED AND INDICTED IN THIS CASE ON THESE
11 FOUR CHARGES IS NOT EVIDENCE IN THE CASE AND CANNOT BE
12 CONSIDERED BY YOU AS EVIDENCE OF GUILT IN THE CASE NOR
13 DOES IT CREATE ANY PRESUMPTION OR INFERENCE OF GUILT.
14 THESE FOUR INDICTMENTS ARE SIMPLY THE CHARGING DOCUMENTS
15 BY WAY THE CASE COMES INTO COURT, SO DON'T GIVE ANY EFFECT
16 TO THE FACT THAT HE HAS BEEN INDICTED ON FOUR CHARGES.

17 THE INDICTMENTS IN THIS CASE, AS I TOLD YOU EARLIER,
18 ALLEGE FOUR SEPARATE OFFENSES. ONE IS THE OFFENSE OF
19 MURDER. ONE IS THE OFFENSE OF BURGLARY IN THE SECOND
20 DEGREE. ONE IS THE OFFENSE OF KIDNAPPING. AND THE LAST
21 IS THE OFFENSE OF POSSESSION OF A FIREARM DURING THE
22 COMMISSION OF A VIOLENT CRIME.

23 YOU'LL BE ASKED TO DECIDE EACH INDICTMENT SEPARATELY
24 ON THE EVIDENCE AND THE LAW APPLICABLE TO IT UNINFLUENCED
25 BY YOUR DECISION AS TO ANY OTHER INDICTMENT. THE

1 DEFENDANT MAY BE CONVICTED OR FOUND NOT GUILTY ON ANY OR
2 ALL OF THE CHARGES AND YOU WILL BE ASKED TO WRITE A
3 SEPARATE VERDICT AS TO EACH CHARGE, SO YOU'LL DECIDE EACH
4 ONE OF THEM SEPARATE AND APART FROM THE OTHER, DECIDE EACH
5 ONE SEPARATELY.

6 TO THESE FOUR INDICTMENTS THE DEFENDANT HAS PLED NOT
7 GUILTY AND THAT PLEA OF NOT GUILTY PUTS THE BURDEN ON THE
8 STATE OF SOUTH CAROLINA TO PROVE THE DEFENDANT'S GUILT TO
9 YOU BEYOND A REASONABLE DOUBT.

10 A PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE
11 IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE HIMSELF
12 INNOCENT. I CHARGE AND INSTRUCT YOU THAT IT IS AN
13 IMPORTANT CONSTITUTIONAL RULE OF LAW THAT A DEFENDANT IN A
14 CRIMINAL TRIAL NO MATTER HOW SERIOUS THE CHARGES MAY BE
15 WILL ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIME FOR
16 WHICH THE INDICTMENTS WERE ISSUED UNLESS GUILT HAS BEEN
17 PROVEN BY EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A
18 REASONABLE DOUBT.

19 THE PRESUMPTION OF INNOCENT DOES NOT END WHEN YOU
20 START YOUR DELIBERATIONS, BUT IT STAYS WITH THE DEFENDANT
21 THROUGHOUT THE TRIAL UNTIL YOU REACH A VERDICT OF GUILT
22 BASED ON EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A
23 REASONABLE DOUBT.

24 PRESUMPTION OF INNOCENSE IS NOT A MERE LEGAL THEORY.
25 IT'S NOT A LEGAL PHRASE. IT IS A SUBSTANTIAL

1 CONSTITUTIONAL RIGHT TO WHICH EVERY DEFENDANT IS ENTITLED
2 UNLESS YOU THE JURY ARE SATISFIED OF THAT DEFENDANT'S
3 GUILT BEYOND A REASONABLE DOUBT.

4 WHAT IS A REASONABLE DOUBT? OUR LAW OR OUR COURTS
5 HAVE DESCRIBED A REASONABLE DOUBT AS THE KIND OF DOUBT
6 THAT WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT.
7 IT IS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE
8 PERSON TO HESITATE TO ACT. ANOTHER WAY OF SAYING IT,
9 COURTS HAVE SAID THAT PROOF BEYOND A REASONABLE DOUBT IS
10 PROOF THAT LEAVES YOU FIRMLY CONVINCED OF THE DEFENDANT'S
11 GUILT.

12 THERE ARE VERY FEW THINGS IN THE WORLD THAT WE KNOW
13 WITH ABSOLUTE CERTAINTY, AND IN CRIMINAL CASES THE LAW
14 DOES NOT REQUIRE PROOF THAT OVERCOMES EVERY POSSIBLE
15 DOUBT. IF BASED ON YOUR CONSIDERATION OF THE EVIDENCE YOU
16 ARE FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY OF THE
17 CRIMES CHARGED, THEN YOU MUST FIND HIM GUILTY. IF ON THE
18 OTHER HAND YOU THINK THERE IS A REAL POSSIBILITY THAT HE
19 IS NOT GUILTY, YOU MUST GIVE HIM THE BENEFIT OF THE DOUBT
20 AND FIND HIM NOT GUILTY.

21 AS I TOLD YOU WHEN WE STARTED THE TRIAL OF THE CASE,
22 YOU AND I HAVE HAD OR YOU AND I HAVE DIFFERENT FUNCTIONS
23 TO PERFORM. AS I TOLD YOU, MY FUNCTION IS TO RULE ON THE
24 ADMISSIBILITY OF EVIDENCE AND CHARGE YOU ON THE LAW IN THE
25 CASE. YOUR FUNCTION IS MUCH MORE IMPORTANT THAN MINE

1 BECAUSE YOU ARE THE JUDGES OF THE FACTS IN THE CASE AND
2 YOU HAVE TO DETERMINE WHAT THE TRUE FACTS ARE IN THE CASE.

3 BY ME BEING THE JUDGE OF THE LAW, THE LAW DOES NOT
4 ALLOW ME TO HAVE ANY OPINION ABOUT THE FACTS IN THE CASE.
5 THAT IS SOLELY YOUR PROVINCE, SOLELY YOUR RESPONSIBILITY,
6 SOLELY YOUR DUTY. SO IF AT ANY TIME DURING THE TRIAL OF
7 THE CASE THE LAST FOUR DAYS -- THREE DAYS IF I ROLLED MY
8 EYES OR RAISED MY EYEBROWS OR SMILED OR FROWNEED OR
9 STRETCHED OR SOMEBODY ACCUSED ME OF ONE TIME OF TAKING MY
10 GLASSES OFF AND LOOKING LIKE THAT, ANYWAY, IF I HAVE DONE
11 ANYTHING UP HERE THAT Y'ALL THINK I HAVE GOT SOME KIND OF
12 OPINION ABOUT THESE FACTS, JUST DISREGARD IT. I LISTEN TO
13 THESE CASES DAY IN AND DAY OUT. THE LAW DOES NOT ALLOW ME
14 TO HAVE ANY OPINION ABOUT THE FACTS.

15 SO, IF I HAVE DONE ANYTHING THAT YOU THINK I MAY HAVE
16 HAD AN OPINION, SET THAT ASIDE. THE LAW DOES NOT ALLOW ME
17 TO HAVE ANY OPINION ABOUT THE FACTS. THAT IS SOLELY,
18 SOLELY YOUR RESPONSIBILITY BECAUSE YOU ARE WITHOUT
19 QUESTION THE FINDERS OF THE FACTS.

20 AND BY BEING THE FINDERS OF THE FACTS YOU NECESSARILY
21 HAVE TO DETERMINE THE BELIEVABILITY OR THE CREDIBILITY OF
22 THE WITNESSES WHO HAVE TESTIFIED IN THIS CASE.
23 CREDIBILITY SIMPLY MEANS BELIEVABILITY. IT BECOMES YOUR
24 DUTY AS JURORS TO ANALYZE AND TO EVALUATE THE EVIDENCE AND
25 DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS TRUTH.

1 IN DETERMINING THE BELIEVABILITY OR CREDIBILITY OF
2 THE WITNESSES WHO HAVE TESTIFIED IN THIS CASE YOU HAVE THE
3 RIGHT TO BELIEVE ONE WITNESS OVER SEVERAL, SEVERAL OVER
4 ONE, YOU DON'T HAVE TO BELIEVE A THING A WITNESS SAYS, YOU
5 CAN BELIEVE EVERYTHING HE SAYS, YOU CAN BELIEVE A LITTLE
6 BIT AND DISREGARD THE OTHER.

7 SO, IT'S UP TO YOU TO DETERMINE WHAT THE TRUE FACTS
8 ARE, WHO IS TELLING THE TRUTH, WHAT THE TRUTH IS. AND I
9 ASK THAT YOU USE YOUR ORDINARY COMMON SENSE IN ACHIEVING
10 THAT GOAL.

11 YOU MAY CONSIDER WHETHER ANY WITNESS HAS EXHIBITED TO
12 YOU ANY INTEREST, BIAS, PREJUDICE OR OTHER MOTIVE IN THE
13 CASE AND YOU MAY ALSO CONSIDER THE APPEARANCE AND MANNER
14 OF A WITNESS WHILE ON THE WITNESS STAND.

15 THERE ARE TWO TYPES OF EVIDENCE WHICH ARE GENERALLY
16 PRODUCED AND PRESENTED DURING A TRIAL. WE CALL THAT
17 DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. THEY ARE
18 BOTH TO BE GIVEN THE SAME WEIGHT, IF ANY, THAT YOU
19 DETERMINE THEY SHOULD HAVE. THERE IS NO MORE IMPORTANCE
20 BETWEEN DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE.

21 DIRECT EVIDENCE IS THE TESTIMONY OF A PERSON WHO
22 CLAIMS TO HAVE ACTUAL KNOWLEDGE OF A FACT. CIRCUMSTANTIAL
23 EVIDENCE IS A PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES
24 INDICATING THE EXISTENCE OF A FACT. SIMPLY MEANS THIS.
25 DIRECT EVIDENCE. IF YOU GO OUTSIDE AND IT IS RAINING AND

1 YOU GET WET AND YOU LOOK UP IN THE SKY AND YOU FEEL IT,
2 THAT'S DIRECT EVIDENCE THAT IT IS RAINING. IF YOU GO
3 OUTSIDE AND IT'S CLOUDY AND MUD PUDDLES ARE EVERYWHERE,
4 THAT IS CIRCUMSTANTIAL EVIDENCE THAT IT HAS JUST RAINED.

5 THE LAW TREATS BOTH OF THEM JUST THE SAME. SO YOU
6 CAN SEE IT AND FEEL IT AND TOUCH IT, AND THAT'S DIRECT,
7 WHERE YOU CAN SEE CERTAIN FACTS THAT GIVE YOU THE
8 INFERENCE OR THE CONCLUSION THAT SOMETHING HAS JUST
9 HAPPENED, THAT'S DIRECT AND CIRCUMSTANTIAL EVIDENCE, AND
10 THEY BOTH HAVE THE SAME EFFECT IN LAW.

11 WE HAVE HAD SEVERAL PEOPLE IN THIS CASE TO TESTIFY AS
12 EXPERTS. NORMALLY OUR RULES OF EVIDENCE DO NOT PERMIT A
13 PERSON TO TESTIFY AS TO OPINIONS OR CONCLUSIONS. WE HAVE
14 AN EXCEPTION TO THAT RULE FOR WITNESSES WE CALL EXPERT
15 WITNESSES.

16 A WITNESS WHO BY EDUCATION AND EXPERIENCE HAS BECOME
17 AN EXPERT IN SOME ART, SCIENCE OR PROFESSION MAY BE
18 ALLOWED TO RENDER OPINIONS IN THE CASE. YOU SHOULD
19 CONSIDER ANY EXPERT OPINION RECEIVED IN EVIDENCE IN THIS
20 CASE AND LIKE ANY OTHER EVIDENCE GIVE IT THE WEIGHT YOU
21 THINK IT DESERVES. IF YOU DECIDE THE OPINION OF AN EXPERT
22 IS NOT BASED ON SUFFICIENT EDUCATION AND EXPERIENCE OR IF
23 YOU CONCLUDE THAT THE REASONS GIVEN IN SUPPORT OF THE
24 OPINION ARE NOT SOUND OR THAT THE OPINION IS OUTWEIGHED BY
25 OTHER EVIDENCE, YOU MAY DISREGARD THE OPINION ENTIRELY.

1 AN EXPERT WITNESS' TESTIMONY IS TO BE GIVEN NO
2 GREATER WEIGHT THAN THAT OF OTHER ANY OTHER WITNESS SIMPLY
3 BECAUSE THE WITNESS IS AN EXPERT. FURTHER, YOU'RE NOT
4 EVEN REQUIRED TO ACCEPT AN EXPERT'S OPINION EVEN THOUGH
5 IT'S NOT CONTRADICTED.

6 I CHARGE AND INSTRUCT YOU AND EMPHASIZE THE FACT THAT
7 THE DEFENDANT DID NOT TESTIFY IN THIS CASE IS NOT A FACTOR
8 TO BE CONSIDERED BY YOU IN ANY WAY IN YOUR DELIBERATION
9 AND IN YOUR CONSIDERATION ON THE QUESTION OF THE GUILT OR
10 INNOCENCE OF THE DEFENDANT. IT MUST NOT BE CONSIDERED BY
11 YOU IN ANY MANNER WHATSOEVER. A DEFENDANT HAS THE
12 CONSTITUTIONAL RIGHT TO REMAIN SILENT; AND THE ASSERTION
13 OF THAT RIGHT MUST NOT BE CONSIDERED BY YOU IN YOUR
14 DELIBERATIONS.

15 SO I REPEAT TO YOU, PLEASE DO NOT CONSIDER THAT WHEN
16 YOU DELIBERATE. DO NOT DISCUSS IT. DO NOT USE THAT IN
17 ANY MANNER WHATSOEVER.

18 MADAM FORELADY, THAT'S ONE OF YOUR DUTIES. IF ANYONE
19 DISCUSSES THE FACT THAT HE DIDN'T TESTIFY, PLEASE STOP
20 THEM BECAUSE EVERY DEFENDANT HAS THE RIGHT TO REMAIN
21 SILENT, AND IF THEY ASSERT THAT CONSTITUTIONAL RIGHT, IT
22 IS NOT TO BE USED AGAINST THEM OR CONSIDERED IN ANY MANNER
23 WHATSOEVER WHEN YOU DELIBERATE THE GUILT OR INNOCENCE.

24 WE HAVE A PRINCIPLE OF LAW CALLED THE HAND OF ONE.
25 IF A CRIME IS COMMITTED BY TWO OR MORE PEOPLE WHO ARE

1 ACTING TOGETHER IN COMMITTING A CRIME, THE ACT OF ONE IS
2 THE ACT OF ALL. A PERSON WHO JOINS WITH ANOTHER TO
3 ACCOMPLISH AN ILLEGAL PURPOSE IS CRIMINALLY RESPONSIBLE
4 FOR EVERYTHING DONE BY THE OTHER PERSON WHICH OCCURS AS A
5 NATURAL CONSEQUENCE OF THE ACTS DONE IN CARRYING OUT THE
6 COMMON PLAN AND PURPOSE.

7 FOR EXAMPLE, TWO PEOPLE CAN BE GUILTY OF KILLING
8 ANOTHER PERSON WHEN ONLY ONE OF THE TWO HAD A GUN. THERE
9 WAS ONLY ONE BULLET AND ONLY ONE OF THE TWO FIRED THE SHOT
10 THAT CAUSED THE DEATH.

11 IF TWO OR MORE PEOPLE ARE TOGETHER, ACTING TOGETHER
12 AND ASSISTING, ASSISTING EACH OTHER IN COMMITTING THE
13 OFFENSE, THE ACT OF ONE IS THE ACT OF ALL; AS IS SOMETIMES
14 SAID, THE HAND OF ONE IS THE HAND OF ALL.

15 IN THIS CASE A STATEMENT OR STATEMENTS WERE ALLEGED
16 TO HAVE BEEN MADE BY THE DEFENDANT AND THEY'VE BEEN
17 ADMITTED INTO THE EVIDENCE IN THIS CASE. WHILE I HAVE
18 DETERMINED THAT THE STATEMENTS ARE ADMISSIBLE, I INSTRUCT
19 YOU THAT YOU MAKE THE ULTIMATE DECISION OF WHETHER OR NOT
20 THE DEFENDANT ACTUALLY MADE THE STATEMENT.

21 IF THE DEFENDANT MADE THE STATEMENT, YOU MUST
22 DETERMINE WHETHER THE STATEMENT WAS MADE BY THE DEFENDANT
23 VOLUNTARILY AND OF HIS OWN FREE WILL. THIS MEANS THAT THE
24 STATEMENT WAS NOT CAUSED BY PRESSURE, FORCE, FEAR,
25 THREATS, COERCION OR INTIMIDATION OR BY ANY HOPE OR A

1 PROMISE OF LENIENCY OR A REWARD OF ANY KIND.

2 IN DETERMINING WHETHER THE STATEMENT WAS VOLUNTARILY
3 [SIC] YOU SHOULD CONSIDER BOTH THE CHARACTERISTICS OF THE
4 DEFENDANT AND THE DETAILS OF THE QUESTIONING. YOU CAN
5 CONSIDER THE AGE OF THE DEFENDANT, EDUCATION, MENTAL
6 ABILITY, THE DEFENDANT'S BACKGROUND, THE PLACE AND LENGTH
7 OF DETENTION, THE LACK OF QUESTIONING, AND THE ADVICE OR
8 LACK THEREOF TO THE DEFENDANT'S CONSTITUTIONAL RIGHTS TO
9 REMAIN SILENT, BEING ADVISED THAT ANY STATEMENT COULD BE
10 USED AGAINST HIM IN A COURT OF LAW, THE RIGHT TO HAVE A
11 LAWYER PRESENT; THAT IF HE CANNOT AFFORD A LAWYER, THE
12 LAWYER WOULD BE APPOINTED TO REPRESENT HIM WITHOUT COST
13 AND THAT HE CAN STOP MAKING THE STATEMENT AT ANY TIME.

14 YOU MUST CAREFULLY CONSIDER ALL OF THE SURROUNDING
15 CIRCUMSTANCES BEFORE YOU GIVE ANY WEIGHT TO AN ALLEGED
16 STATEMENT. THE STATE HAS THE BURDEN OF PROVING BEYOND A
17 REASONABLE DOUBT THAT THE ALLEGED STATEMENT WAS VOLUNTARY.
18 IF YOU DETERMINE IT WAS VOLUNTARY, THEN YOU MAY GIVE THE
19 STATEMENT ANY FURTHER CONSIDERATION THAT YOU DEEM PROPER.

20 YOU MUST DECIDE WHAT WEIGHT, IF ANY, YOU SHOULD GIVE
21 TO THE ALLEGED STATEMENT. IF YOU DETERMINE THE ALLEGED
22 STATEMENT WAS NOT THE FREE AND VOLUNTARY STATEMENT OF THE
23 DEFENDANT, THEN YOU SHOULD NOT CONSIDER THE STATEMENT AT
24 ALL.

25 MADAM FORELADY, LADIES AND GENTLEMEN, WE HAD A

1 WITNESS WHO TESTIFIED THAT HAD A PRIOR CRIMINAL RECORD. A
2 PERSON WHO HAS A PAST CRIMINAL RECORD IS COMPETENT TO
3 TESTIFY DURING A TRIAL. A PAST RECORD DOES NOT AFFECT THE
4 ABILITY OF THAT WITNESS TO TESTIFY. THE PAST RECORD MAY
5 ONLY BE CONSIDERED BY YOU IF AT ALL IN DETERMINING THAT
6 WITNESS' CREDIBILITY OR BELIEVABILITY.

7 YOU'RE THE SOLE JUDGES OF THE FACTS IN THE CASE AND
8 YOU DETERMINE THE BELIEVABILITY OF ANY AND ALL THE
9 WITNESSES WHO HAVE TESTIFIED. SO IF A WITNESS WHO
10 TESTIFIED WITH A PAST RECORD, THAT CAN ONLY BE USED TO
11 CONSIDER OR IN CONSIDERING HIS CREDIBILITY OR
12 BELIEVABILITY, BUT HE IS COMPETENT TO TESTIFY.

13 MADAM FORELADY, LADIES AND GENTLEMEN, THAT PRETTY
14 MUCH COVERS ALL THE GENERAL PROPOSITIONS THAT COVER ALL
15 CASES. NOW LET'S TURN OUR ATTENTION TO THE FOUR
16 INDICTMENTS IN THE CASE.

17 I WILL START WITH MURDER FIRST. THE DEFENDANT IN ONE
18 OF THE INDICTMENT IS CHARGED WITH MURDER. THE STATE MUST
19 PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT KILLED
20 ANOTHER PERSON WITH MALICE AFORETHOUGHT. THE STATE MUST
21 PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT KILLED
22 ANOTHER PERSON WITH MALICE AFORETHOUGHT.

23 MALICE IS DEFINED AS HATRED, ILL WILL OR HOSTILITY
24 TOWARDS ANOTHER PERSON. IT IS THE INTENTIONAL DOING OF A
25 WRONGFUL ACT WITHOUT JUST CAUSE OR EXCUSE AND WITH AN

1 INTENT TO INFLICT OR INJURY OR UNDER CIRCUMSTANCES THAT
2 THE LAW WOULD INFER AN EVIL INTENT.

3 MALICE AFORETHOUGHT DOES NOT REQUIRE THAT MALICE
4 EXIST FOR ANY PARTICULAR TIME BEFORE THE ACT IS COMMITTED
5 BUT MALICE MUST EXIST IN THE MIND OF THE DEFENDANT JUST
6 BEFORE AND AT THE TIME OF THE ACT THAT'S COMMITTED.
7 THEREFORE, THERE MUST BE A COMBINATION OF THE PREVIOUS
8 EVIL INTENT AND THE ACT. MALICE AFORETHOUGHT MAY BE
9 EXPRESSED OR INFERRED FROM THE CIRCUMSTANCES.

10 SO MALICE, MURDER IS SIMPLY THE STATE MUST PROVE
11 BEYOND A REASONABLE DOUBT THAT A DEFENDANT KILLED ANOTHER
12 PERSON WITH MALICE AFORETHOUGHT.

13 ALL RIGHT. LET'S TALK ABOUT BURGLARY IN THE FIRST
14 DEGREE. THE DEFENDANT IS INDICTED AND CHARGED WITH FIRST
15 DEGREE BURGLARY. THE STATE MUST FIRST PROVE BEYOND A
16 REASONABLE DOUBT THAT THE DEFENDANT ENTERED A DWELLING
17 WITHOUT CONSENT.

18 A DWELLING IS DEFINED AS ANY BUILDING OR PORTION OF A
19 BUILDING IN WHICH A PERSON ORDINARILY SLEEPS.

20 IN ORDER TO PROVE THAT THE DEFENDANT ENTERED THE
21 DWELLING, THE STATE DOES NOT HAVE TO SHOW THE DEFENDANT'S
22 ENTIRE BODY ENTERED THE DWELLING. THE SMALLEST ENTRY IS
23 SUFFICIENT.

24 AND NEXT THE STATE MUST PROVE BEYOND A REASONABLE
25 DOUBT THAT THE DEFENDANT INTENDED TO COMMIT A CRIME,

1 WHETHER A FELONY OR A MISDEMEANOR, AT THE TIME OF THE
2 ENTRY. THE MERE ENTRY INTO A DWELLING WITHOUT CONSENT IS
3 NOT BURGLARY. IF THE INTENT TO COMMIT A CRIME IS FORMED
4 AFTER THE ENTRY, IT IS NOT BURGLARY. ON THE OTHER HAND,
5 IF THE DEFENDANT INTENDED TO COMMIT A CRIME AT THE TIME OF
6 THE ENTRY, IT IS A BURGLARY.

7 FINALLY THE STATE MUST PROVE BEYOND A REASONABLE
8 DOUBT THAT WHILE ENTERING OR WHEN ENTERING AND WHILE IN
9 THE DWELLING OR WHILE FLEEING, THE DEFENDANT OR AN
10 ACCOMPLICE WAS ARMED WITH A DEADLY WEAPON. SO THAT'S
11 BURGLARY IN THE FIRST DEGREE.

12 ALL RIGHT. THE THIRD INDICTMENT IS KIDNAPPING. THE
13 DEFENDANT IS CHARGED IN ONE INDICTMENT WITH KIDNAPPING.
14 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
15 DEFENDANT KNOWINGLY AND UNLAWFULLY EITHER SEIZED,
16 CONFINED, KIDNAPPED, OR ABDUCTED OR CARRIED AWAY ANOTHER
17 PERSON WITHOUT AUTHORITY OF LAW.

18 TO DO SOMETHING UNLAWFULLY IS TO DO IT WILLFULLY AND
19 AGAINST THE LAW.

20 KNOWINGLY MEANS WITH KNOWLEDGE, CONSCIOUSLY AND NOT
21 ACCIDENTALLY.

22 SEIZE MEANS TO TAKE HOLD OF SUDDENLY OR FORCIBLY.

23 CONFINED MEANS TO LIMIT, RESTRICT, OR ENCLOSE WITHIN
24 BOUNDS, IMPRISON OR SHUT OR KEEP IN.

25 KIDNAP IS TO -- MEANS TO REMOVE A PERSON AGAINST HIS

1 WILL BY UNLAWFUL FORCE OR FRAUD.

2 ABDUCT MEANS TO CARRY OFF BY FORCE FOR AN ILLEGAL
3 PURPOSE.

4 THE STATE DOES NOT HAVE TO PROVE THAT THE DEFENDANT
5 DID ALL OF THESE THINGS. INSTEAD, IF YOU FIND BEYOND A
6 REASONABLE DOUBT THAT THE DEFENDANT DID ANY OF THESE
7 THINGS, YOU MAY FIND THE DEFENDANT GUILTY OF KIDNAPPING;
8 THAT IS, IF HE WAS UNLAWFULLY SEIZED, CONFINED, KIDNAPPED,
9 OR ABDUCTED. AND THE KIDNAPPING DOES NOT HAVE TO BE FOR
10 ANY PURPOSE -- ANY PERSONAL OR MONETARY GAIN OR FOR ANY
11 ILLEGAL PURPOSE, BUT IT MAY BE FOR ANY REASON WHATSOEVER.

12 THEN LAST, LADIES AND GENTLEMEN, WE HAVE THE
13 INDICTMENT FOR POSSESSION OF A WEAPON DURING THE
14 COMMISSION OF A VIOLENT CRIME. IF YOU FIND THAT THE
15 DEFENDANT WAS GUILTY OF COMMITTING A VIOLENT CRIME, THEN
16 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT HE WAS
17 IN POSSESSION OF A FIREARM OR VISIBLY DISPLAYED WHAT
18 APPEARED TO BE A FIREARM DURING THE COMMISSION OF A
19 VIOLENT CRIME. OF COURSE, A FIREARM MEANS ANY TYPE OF
20 GUN.

21 AND I CHARGE YOU THAT MURDER, BURGLARY IN THE FIRST
22 DEGREE AND KIDNAPPING ARE ALL CONSIDERED TO BE A VIOLENT
23 CRIME.

24 NOW MADAM FOREMAN, LADIES AND GENTLEMEN OF THE JURY,
25 YOUR VERDICT MUST BE UNANIMOUS AS TO ALL FOUR INDICTMENTS.

1 YOU'LL HAVE A VERDICT FORM IN YOUR JURY ROOM. ONE FOR THE
2 MURDER CHARGE, ONE FOR THE KIDNAPPING CHARGE, ONE FOR THE
3 BURGLARY FIRST CHARGE. AND ONE FOR THE POSSESSION OF A
4 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME.

5 YOU CONSIDER EACH ONE OF THOSE SEPARATE AND APART.
6 YOUR VERDICT HAS TO BE UNANIMOUS. ALL TWELVE OF YOU HAVE
7 TO UNANIMOUSLY AGREE AS TO THE VERDICT.

8 YOU DON'T HAVE ANY FRIENDS TO REWARD, ENEMIES TO
9 PUNISH. Y'ALL BASE YOUR EVIDENCE -- BASE YOUR DECISION
10 BASED SOLELY ON THE EVIDENCE AS YOU FIND IT TO BE TRUE
11 APPLYING THAT EVIDENCE TO THE FACTS AS I HAVE GIVEN IT TO
12 YOU AND YOU'LL BE IN A POSITION TO RENDER THE VERDICT.

13 THE VERDICT FORM IS SIMPLY NOT GUILTY OR GUILTY AS TO
14 EACH ONE OF THEM. PLEASE DO NOT PLACE ANY SIGNIFICANCE ON
15 THE ORDER IN WHICH I HAVE IT. SOMETHING HAS TO COME ONE
16 BEFORE THE OTHER.

17 POSSESSION OF A WEAPON DURING THE COMMISSION OF A
18 VIOLENT CRIME. IF YOU FIND HIM NOT GUILTY ON ALL THREE,
19 OBVIOUSLY HE DID NOT COMMIT A VIOLENT CRIME. IF YOU FIND
20 HIM GUILTY ON ANY OF THE THREE OR ALL THREE OR A
21 COMBINATION, THEN YOU HAVE TO CONSIDER THE VIOLENT CRIME
22 INDICTMENT AS WELL. DOES THAT MAKE SENSE?

23 IF AT ANY TIME DURING YOUR DELIBERATIONS YOU HAVE A
24 QUESTION -- SOMETIMES PEOPLE HAVE QUESTIONS -- PLEASE
25 WRITE IT OUT ON A PIECE OF PAPER. KNOCK ON THE DOOR.

1 GIVE IT TO ONE OF THE BAILIFFS AND THEY'LL HAND IT TO ME.
2 SOMETIMES I CAN ANSWER IT. SOMETIMES I CAN'T. IT JUST
3 DEPENDS ON, YOU KNOW, WHAT YOU'RE INQUIRING INTO. BUT
4 I'LL SEND YOU BACK A WRITTEN RESPONSE AS BEST I CAN.

5 IF IT IS SOMETHING I CAN'T ANSWER BECAUSE THE LAW
6 WON'T ALLOW ME TO ANSWER IT, I'LL JUST SIMPLY PUT I CANNOT
7 COMMENT ON THAT. IT IS 11 O'CLOCK. IF YOU SEE THAT Y'ALL
8 NEED LUNCH ORDERED, KNOCK ON THE DOOR AND LET THE BAILIFFS
9 KNOW. THAT'S UP TO Y'ALL. I CANNOT LET YOU GO OUT TO
10 LUNCH TODAY. ONCE YOU START DELIBERATING, YOU HAVE TO
11 STAY TOGETHER.

12 I AM GOING TO ASK THAT YOU RETURN TO YOUR JURY ROOM.
13 PLEASE DO NOT START YET DELIBERATING. I HAVE TO ASK THE
14 LAWYERS IF I HAVE LEFT ANYTHING OUT. AND THEN WE HAVE TO
15 GATHER THE EVIDENCE. THAT WILL TAKE US JUST A FEW
16 MINUTES.

17 ONCE THE BAILIFFS BRING THE EVIDENCE INTO THE JURY
18 ROOM ALONG WITH THE VERDICT FORM, THEN YOU'LL START YOUR
19 DELIBERATIONS. I AM GOING TO ASK YOU TO RETURN TO YOUR
20 JURY ROOM. SEPARATE THE TWO ALTERNATES OUT, PLEASE,
21 AND -- BUT DON'T START DELIBERATING UNTIL I SEND
22 EVERYTHING BACK TO YOU.

23 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 10:55
24 A.M.)

25 THE COURT: ALL RIGHT. ARE THERE ANY ADDITIONS,

1 DELETIONS, OBJECTIONS OR ANY OTHER COMMENTS CONCERNING THE
2 CHARGE BY THE STATE?

3 MRS. YOUNG: NO, SIR, YOUR HONOR.

4 THE COURT: BY THE DEFENDANT?

5 MR. JOHNSON: JUDGE, AM I MISTAKEN BY INDICATING THAT
6 THE BURGLARY SHOULD SAY DWELLING OF ANOTHER?

7 THE COURT: WHAT DID I SAY?

8 MR. JOHNSON: DWELLING WITHOUT CONSENT.

9 THE COURT: WELL, I THINK THAT'S IMPLICIT THAT...
10 WHAT DID I SAY, LISA?

11 (WHEREUPON, COURT REPORTER READ BACK.)

12 THE COURT: MR. JOHNSON, THAT IS OUR STANDARD CHARGE.
13 IT SIMPLY SAYS THAT THE DEFENDANT ENTERED A DWELLING
14 WITHOUT CONSENT. THAT IS 16-11-311. AND THE STATUTE SAYS
15 A PERSON IS GUILTY OF BURGLARY IN THE FIRST DEGREE IF THE
16 PERSON ENTERS A DWELLING WITHOUT CONSENT WITH INTENT TO
17 COMMIT A CRIME IN THE DWELLING.

18 MR. JOHNSON: YES, SIR.

19 THE COURT: SO, I'LL STAND BY MY CHARGE. ANY OTHER
20 COMMENTS ON THE CHARGE OR ANY OTHER REQUESTS? SIR?

21 MR. JOHNSON?

22 MR. JOHNSON: NO. I'M SORRY, JUDGE. NOTHING ELSE.

23 THE COURT: WOULD Y'ALL PLEASE COME UP AND MAKE SURE
24 YOU HAVE ALL OF THE EXHIBITS, AND LOOK AT THE VERDICT
25 FORM. LET THE RECORD REFLECT THAT BOTH LAWYERS HAVE

1 EXAMINED ALL THE EXHIBITS AND ARE IN AGREEMENT THEY ARE
2 PRESENT.

3 IS THAT CORRECT, MR. JOHNSON?

4 MR. JOHNSON: YES, SIR.

5 THE COURT: MRS. BETH ANN YOUNG?

6 MRS. YOUNG: YES, SIR.

7 THE COURT: AND HAVE REVIEWED THE VERDICT FORMS. ALL
8 RIGHT. I AM GOING TO SEND IT BACK TO THE JURY. IT IS
9 11:02 BY THE COMPUTER. I AM GOING TO SEND IT BACK TO THE
10 JURY. IT IS 11:02.

11 (WHEREUPON, A BREAK WAS TAKEN.)

12 THE COURT: ALL RIGHT. THE JURY HAS SENT ME A NOTE
13 IN RESPONSE TO THE RESPONSE I SENT THEM THAT I DISCUSSED
14 WITH THE TWO OF YOU IN CHAMBERS. WHERE IS THE NOTE?
15 WHERE IS THE NOTE? WE'LL PUT THAT IN THE RECORD. BUT
16 BASICALLY THEY WANTED TO KNOW THE DIFFERENCE BETWEEN
17 BURGLARY FIRST AND BURGLARY SECOND.

18 WE SENT THEM A NOTE BACK SAYING THAT BURGLARY SECOND
19 WAS NOT AN ISSUE HERE, THAT I WOULD RECHARGE BURGLARY
20 FIRST IF THEY NEEDED IT, AND THEY ASKED ME TO DO SO.

21 IS THAT YOUR UNDERSTANDING, MR. JOHNSON?

22 MR. JOHNSON: YES, SIR.

23 THE COURT: YOU DON'T HAVE ANY QUESTION ABOUT THAT?
24 HERE IS WHAT I AM GOING TO DO. I'M GOING TO SAY THAT HE
25 IS CHARGED WITH BURGLARY IN THE FIRST DEGREE. THAT'S

1 CODIFIED IN SECTION 16-11-311. IN ORDER FOR THE STATE TO
2 PROVE THAT, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT
3 THAT THE DEFENDANT ENTERED A DWELLING WITHOUT CONSENT AND
4 WITH INTENT TO COMMIT A CRIME IN THE DWELLING AND IS ARMED
5 WITH A DEADLY WEAPON WHEN ENTERING OR WHILE IN THE
6 DWELLING OR IN IMMEDIATE FLIGHT THAT HE OR ANOTHER
7 PARTICIPATED IN. THAT'S READING STRAIGHT OUT OF THE
8 STATUTE.

9 MADAM COURT REPORTER, THIS IS THE NOTE FROM THE JURY.
10 JUST MARK IT.

11 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
12 APPROXIMATELY 11:31 A.M.)

13 THE COURT: MADAM FORELADY, YOU SENT ME A NOTE ASKING
14 ME THE DIFFERENCE BETWEEN BURGLARY FIRST AND BURGLARY
15 SECOND. THERE IS ACTUALLY THREE SEPARATE BURGLARIES,
16 THEY'RE BURGLARY FIRST, SECOND, AND THIRD. BURGLARY
17 SECOND AND THIRD IS NOT INVOLVED IN THIS CASE AT ALL, SO
18 THAT SHOULD NOT BE DISCUSSED. IT IS ONLY BURGLARY IN THE
19 FIRST DEGREE, AND THAT'S IN INDICTMENT 10-GS-02-1527.

20 HE IS INDICTED FOR BURGLARY IN THE FIRST DEGREE. AND
21 IN ORDER FOR THE STATE TO PROVE THE OFFENSE OF BURGLARY IN
22 THE FIRST DEGREE IT IS SET OUT IN OUR CODE OF LAWS IN
23 SECTION 16-11-311, AND FOR THE STATE TO PROVE SOMEONE
24 GUILTY OF THE OFFENSE OF BURGLARY IN THE FIRST DEGREE THE
25 STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE

1 DEFENDANT ENTERED A DWELLING WITHOUT CONSENT AND WITH
2 INTENT TO COMMIT A CRIME IN THE DWELLING AND IS ARMED WITH
3 A DEADLY WEAPON WHILE ENTERING OR WHILE IN THE DWELLING OR
4 IN IMMEDIATE FLIGHT WHERE HE OR ANOTHER PARTICIPATED IN
5 THE CRIME.

6 THEY MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
7 DEFENDANT ENTERED A DWELLING WITHOUT CONSENT WITH INTENT
8 TO COMMIT A CRIME IN THE DWELLING AND IS ARMED WITH A
9 DEADLY WEAPON WHEN AFFECTING THE ENTRY OR WHILE IN THE
10 DWELLING OR IN IMMEDIATE -- IN THE IMMEDIATE FLIGHT.

11 OKAY? THANK YOU.

12 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 11:33
13 A.M.)

14 THE COURT: ALL RIGHT. MADAM SOLICITOR, THE
15 INDICTMENT SIMPLY SAYS, AND THE DEFENDANT WAS ARMED WITH A
16 DEADLY WEAPON. OF COURSE, THE STATUTE TALKS ABOUT IS
17 ARMED WITH A DEADLY WEAPON OR CAUSES PHYSICAL INJURY TO A
18 PERSON OR USES A DANGEROUS INSTRUMENT OR DISPLAYS WHAT IS
19 A PISTOL, REVOLVER, ET CETERA. BUT THE INDICTMENT ONLY
20 LISTED WHILE ARMED WITH A DEADLY WEAPON, SO I ONLY CHARGED
21 THAT A SECTION OF THAT.

22 MRS. YOUNG: YOUR HONOR, THAT WAS MY INTENT IN
23 PREPARING THAT INDICTMENT.

24 THE COURT: ANY OBJECTION TO THE CHARGE ON BURGLARY
25 FIRST AS I JUST READ, MR. JOHNSON?

1 MR. JOHNSON: NO OBJECTION, YOUR HONOR.

2 THE COURT: ALL RIGHT. ANYTHING ELSE?

3 MRS. YOUNG: NO, SIR.

4 THE COURT: ALL RIGHT. THE DEFENDANT IS IN CUSTODY.
5 WE'LL STAND AT EASE.

6 (WHEREUPON, A BREAK WAS TAKEN.)

7 THE COURT: ALL RIGHT. BRING OUT THE DEFENDANT,
8 PLEASE. IS THE STATE READY TO RECEIVE THE VERDICT?

9 MRS. YOUNG: YES, SIR, YOUR HONOR.

10 THE COURT: IS THE DEFENDANT READY TO RECEIVE THE
11 VERDICT?

12 MR. JOHNSON: READY, JUDGE.

13 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, THE
14 DEFENDANT'S FAMILY, I ASSUME THAT Y'ALL ARE FAMILY MEMBERS
15 OR FRIENDS OR WHATEVER -- Y'ALL HAVE BEEN WONDERFUL
16 THROUGHOUT THE TRIAL OF THE CASE. YOU HAVE BEHAVED AND
17 CONDUCTED YOURSELF APPROPRIATELY.

18 A LOT OF TIME WHEN A VERDICT IS READ -- I DO NOT KNOW
19 WHAT THE VERDICT IS -- SOMETIMES IT'S AN EMOTIONAL
20 SITUATION. IF YOU CANNOT CONTROL YOUR EMOTIONS -- SOME
21 PEOPLE CAN'T -- IT'S NO BIG DEAL -- BUT IF YOU CAN'T, I AM
22 GOING TO ASK THAT YOU LEAVE NOW. WE WILL HAVE NO
23 OUTBURSTS WHATSOEVER.

24 IF WE DO, YOU'LL BE IMMEDIATELY FOR SECURITY PURPOSES
25 RESTRAINED AND ESCORTED OUT OF THE COURTROOM. FAIR

1 ENOUGH? AND I TELL EVERYBODY THAT. I AM NOT SINGLING
2 Y'ALL OUT. I DO THAT EVERY TIME A VERDICT IS RENDERED.

3 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
4 APPROXIMATELY 11:48 A.M.)

5 THE COURT: MADAM FORELADY, HAVE Y'ALL REACHED A
6 VERDICT?

7 THE FOREPERSON: YES, SIR, WE HAVE.

8 THE COURT: HAND IT TO MR. WHITTLE, PLEASE. THANK
9 YOU.

10 (CLERK APPROACHED FORELADY AND THEN APPROACHED THE
11 COURT.)

12 THE COURT: YOU MAY PUBLISH THE VERDICT.

13 THE CLERK: YES, SIR.

14 VERDICT

15 THE CLERK: YOUR HONOR, THE STATE OF SOUTH CAROLINA
16 VERSUS ANTONIO JERMAINE MILLER FOR THE INDICTMENT OF
17 2010-GS-02-1526. AS TO THE OFFENSE OF MURDER, WE THE JURY
18 FIND THE DEFENDANT GUILTY. WE UNANIMOUSLY AGREE. ALLISON
19 OBANION [PH], FOREPERSON, FEBRUARY THE 17TH, 2012.

20 THE STATE OF SOUTH CAROLINA VERSUS ANTONIO JERMAINE
21 MILLER, INDICTMENT NUMBER 2010-GS-02-1527. AS TO THE
22 OFFENSE OF BURGLARY IN THE FIRST DEGREE, WE THE JURY FIND
23 THE DEFENDANT GUILTY. WE UNANIMOUSLY AGREE. ALLISON
24 OBANION, FOREPERSON, FEBRUARY THE 17TH, 2012.

25 WE HAVE THE STATE OF SOUTH CAROLINA VERSUS ANTONIO

1 JERMAINE MILLER, INDICTMENT NUMBER 2010-GS-02-1578. AS TO
2 THE OFFENSE OF KIDNAPPING, WE THE JURY FIND THE DEFENDANT
3 GUILTY. WE UNANIMOUSLY AGREE. ALLISON OBANION,
4 FOREPERSON, FEBRUARY THE 17TH, 2012.

5 WE HAVE THE STATE OF SOUTH CAROLINA VERSUS ANTONIO
6 JERMAINE MILLER, INDICTMENT NUMBER 2010-GS-02-1529, AS TO
7 THE OFFENSE OF POSSESSION OF A FIREARM DURING THE
8 COMMISSION OF A VIOLENT CRIME WE THE JURY FIND THE
9 DEFENDANT GUILTY. WE UNANIMOUSLY AGREE. ALLISON OBANION,
10 FOREPERSON, FEBRUARY THE 17TH, 2012.

11 LADIES AND GENTLEMEN OF THE JURY, IF THIS IS STILL
12 YOUR VERDICT, PLEASE INDICATE BY RAISING OF YOUR RIGHT
13 HAND.

14 THE COURT: LET THE RECORD REFLECT ALL 12 HAVE RAISED
15 THEIR RIGHT HAND.

16 ANYTHING ADDITIONALLY FOR THE JURY BEFORE I RELEASE
17 THEM? MR. JOHNSON?

18 MR. JOHNSON: NO, SIR.

19 THE COURT: BY THE STATE?

20 MRS. YOUNG: NO, SIR, YOUR HONOR.

21 THE COURT: ALL RIGHT. TAKE HIM INTO CUSTODY,
22 PLEASE. IF YOU'LL GET ME THE SENTENCE SHEETS READY, WE'LL
23 DO THAT IN JUST A FEW MINUTES.

24 MADAM FORELADY, LADIES AND GENTLEMEN, LET ME PUBLICLY
25 THANK YOU FOR YOUR TIME AND EFFORT. YOU'VE DONE A

1 WONDERFUL JOB. IF Y'ALL WILL STEP RIGHT BACK IN THE JURY
2 ROOM, I'LL SPEAK TO YOU. WE'LL STAND AT EASE FOR A FEW
3 MINUTES. GET THE SENTENCE SHEETS READY AND WE'LL...

4 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 11:51
5 A.M.)

6 THE CLERK: DO YOU NOT WANT TO SWEAR?

7 THE DEFENDANT: I...

8 ANTONIO MILLER, AFTER BEING DULY SWORN,
9 TESTIFIED AS FOLLOWS:

10 THE COURT: HOLD ON ONE SECOND. LET ME GET THE
11 SENTENCE SHEET.

12 MRS. YOUNG: YOUR HONOR, THE VICTIM'S DAUGHTERS ARE
13 BEING PICKED UP AND BROUGHT FROM SCHOOL. THEY WANTED TO
14 ADDRESS THE COURT. THEY ARE ON THE WAY FROM SCHOFIELD,
15 SO THEY SHOULD BE HERE WITHIN FIVE MINUTES. I JUST WANT
16 TO MAKE YOU AWARE OF THAT.

17 THE COURT: HOW OLD ARE THEY?

18 MRS. YOUNG: THIRTEEN.

19 THE COURT: WHY DON'T WE GET STARTED AND I WILL NOT
20 CONCLUDE IT UNTIL THEY GET HERE.

21 MRS. YOUNG: THAT'S FINE.

22 THE COURT: ALL RIGHT. MR. MILLER, YOU HAVE BEEN
23 FOUND GUILTY BY THE AIKEN COUNTY GRAND JURY [SIC] FOR ALL
24 FOUR OFFENSES. YOU WERE INDICTED FOR MURDER WHICH CARRIES
25 A MINIMUM OF 30 YEARS, A MAXIMUM OF LIFE IN PRISON WITHOUT

1 THE POSSIBILITY OF PAROLE.

2 YOU'VE BEEN FOUND GUILTY OF KIDNAPPING. THAT CARRIES
3 UP TO 30 YEARS.

4 YOU'VE BEEN FOUND GUILTY OF BURGLARY FIRST DEGREE
5 WHICH CARRIES A MINIMUM OF 15 YEARS TO LIFE.

6 AND ALSO THE LAST ONE, POSSESSION OF A WEAPON DURING
7 THE COMMISSION OF A VIOLENT CRIME, CARRIES UP TO FIVE
8 YEARS.

9 MR. JOHNSON, HAVE YOU EXPLAINED TO YOUR CLIENT THE
10 RANGE OF POSSIBLE SENTENCES ON THESE INDICTMENTS?

11 MR. JOHNSON: YES, SIR.

12 THE COURT: WHY DON'T WE DO IT IN THIS MANNER SINCE
13 WE'RE WAITING FOR TWO OF THE VICTIM'S CHILDREN?

14 MR. JOHNSON, I'LL BE GLAD TO HEAR ANYTHING YOU WANT TO
15 TELL ME.

16 MR. JOHNSON: YOUR HONOR, AT THIS TIME I AM GOING TO
17 SPEAK FOR MY CLIENT. HE DOES NOT WISH TO MAKE A
18 STATEMENT. HE'S BASICALLY MAINTAINED HIS INNOCENCE
19 THROUGHOUT THIS. I WILL POINT OUT HIS FAMILY IS HERE. HE
20 HAS A LOT OF FAMILY AND FRIENDS IN THE COURTROOM. THEY'VE
21 BEEN HERE TO SUPPORT HIM THROUGHOUT THE TRIAL.

22 AND RESPECTFULLY, YOUR HONOR, WE WOULD ASK FOR THE
23 MINIMUM ON THIS -- THE MINIMUM POSSIBLE WHICH I UNDERSTAND
24 THAT TO BE 30 YEARS.

25 THE COURT: ANYTHING ELSE YOU WANT TO TELL ME?

1 MR. JOHNSON: NO, SIR.

2 (WHEREUPON, THE VICTIM'S CHILDREN ENTERED THE
3 COURTROOM.)

4 THE COURT: MRS. YOUNG, ANYTHING ON BEHALF OF THE
5 STATE? AND I NEED TO KNOW HIS PRIOR RECORD, PLEASE.

6 MRS. YOUNG: YOUR HONOR, WITH REGARD TO HIS PRIOR
7 RECORD HE HAS A MANUFACTURING OR PWID COCAINE CONVICTION
8 FROM AUGUST OF 1998. THAT'S HERE IN SOUTH CAROLINA.
9 ADDITIONALLY HE HAS A CHARGE AND CONVICTIONS FOR --
10 FEDERAL CONVICTIONS FOR COCAINE SMUGGLING IN 2001,
11 POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE OR
12 CRACK, CARRYING OR USING A FIREARM DURING AND IN RELATION
13 TO A DRUG TRAFFICKING CRIME, MARIJUANA; SOME SORT OF
14 FEDERAL CHARGE ON THAT ALSO.

15 THE COURT: HOW MUCH TIME DID HE GET ON THE FEDERAL
16 CHARGES? AND WHEN WAS HE RELEASED FROM INCARCERATION?

17 MRS. YOUNG: YOUR HONOR, ON THE SMUGGLING CHARGE HE
18 RECEIVED 78 MONTHS IN JAIL. ON THE PWID OR DISTRIBUTION
19 OF CRACK 18 MONTHS.

20 THE COURT: MR. JOHNSON, HE'S BEEN OUT OF THE FEDERAL
21 PENITENTIARY HOW LONG?

22 MR. JOHNSON: EXCUSE ME. RELEASED IN '04, YOUR
23 HONOR. SO OUT FOUR YEARS.

24 THE COURT: ANYTHING ELSE?

25 MRS. YOUNG: YOUR HONOR, I DON'T NEED TO ADD ANYTHING

1 WITH REGARD TO THE FACTS. YOU'VE BEEN HERE. YOU'VE HEARD
2 THEM. THIS IS AN EXTREMELY HEINOUS AND BRUTAL CRIME THAT
3 TOOK PLACE IN THIS COMMUNITY. AND YOUR HONOR, BASED ON
4 HIS PRIOR RECORD AND THE WHOLE NATURE OF THE CRIME, THE
5 STATE IS RESPECTFULLY ASKING YOU TO SENTENCE HIM TO LIFE
6 WITHOUT PAROLE. THANK YOU.

7 THE COURT: I'LL BE GLAD TO HEAR FROM ANY OF THE
8 VICTIM'S FAMILY.

9 MRS. YOUNG: JUDGE, YOU NEED THEM ONE AT A TIME?

10 THE COURT: YOU CAN BRING THEM BOTH UP. THEY ARE
11 YOUNG CHILDREN.

12 THE COURT: GOOD MORNING, YOUNG LADIES.

13 MS. F. TUCKER: GOOD MORNING. I AM FELICIA TUCKER.
14 THIS IS MY SISTER FREDERICA. WE'RE STRAIGHT-A STUDENTS.
15 WE HAVE TENNIS AND TRACK, AND THAT'S THE MAIN SPORTS THAT
16 WE LOVE TO DO. WE WOULDN'T BE THIS FAR IF IT WASN'T FOR
17 OUR DAD. HE IS THE ONE THAT PUSHED US TO BE THE BEST THAT
18 WE COULD BE. HE IS THE ONE THAT WANTED US TO SUCCEED AS
19 FAR AS WE COULD IN LIFE. HE'S THE ONE THAT MADE US WHO WE
20 ARE.

21 THE COURT: WHAT GRADE ARE YOU IN, YOUNG LADY?

22 MS. F. TUCKER: SEVENTH GRADE IN SCHOFIELD.

23 THE COURT: ALL A'S YOU SAY?

24 MS. F. TUCKER: STRAIGHT A'S.

25 THE COURT: WONDERFUL.

1 MS. F. TUCKER: WE ALSO PERFORM IN LOTS OF SCHOOL
2 ACTIVITY SUCH AS THE BETA CLUB, CHEERLEADING AND OTHERS.
3 WE -- OUR DAD, HE IS THE REASON. HE'S OUR INSPIRATION.
4 HE -- HE MOTIVATES US EVEN THOUGH HE'S DEAD RIGHT NOW.

5 HE -- EVERY -- ABOUT EVERY TWO WEEKS HE USED TO TAKE
6 US ON LITTLE TRIPS OUTSIDE OF OUR HOME TOWN, MYRTLE BEACH,
7 CHARLESTON, ANYWHERE. WE WOULD DO ANYTHING JUST TO
8 EXPERIENCE WHAT LIFE IS. AND HE TEACHED US LIFE LESSONS.

9 WE WERE THERE FOR HIM THAT WEEKEND, SEPTEMBER 14TH.
10 HE TOOK US HOME. AND THAT DAY HE ALSO SAID, WHAT IF I DIE
11 TODAY? HOW WOULD YOU FEEL? WOULD YOU REGRET THAT? AND
12 THAT MADE ME THINK ESPECIALLY AFTERWARDS BECAUSE HE WAS
13 KILLED. I WANT HIM TO GET THE MAXIMUM SENTENCE HE CAN
14 SO -- BECAUSE WHAT IF THIS WERE YOU? YOU WOULD WANT YOUR
15 DAD -- WE ONLY HAD HIM FOR TWO YEARS.

16 WE DIDN'T SEE HIM EVERY DAY -- EVERY DAY OF OUR LIFE.
17 WE DIDN'T SEE HIM. AND WE MISS HIM SO MUCH. OUR LIVES
18 WOULD BE SO DIFFERENT WITH HIM RIGHT BESIDE US STANDING
19 HERE. WE WOULDN'T EVEN BEEN HERE. WE DIDN'T WANT TO COME
20 HERE AND DO THIS, BUT WE HAVE TO SERVE, WE HAVE TO DO
21 WHAT'S RIGHT.

22 DAD WAS -- HE WAS REALLY RESPONSIBLE. HE LOVED US
23 WITH ALL HIS HEART. HE WANTS TO BE WITH US TODAY, BUT HE
24 CAN'T. AND WE DON'T WANT THIS TO HAPPEN TO ANYONE ELSE,
25 NO ONE AT ALL. WE NEED HIM TO GO AWAY FOR THE MAXIMUM.

1 WE JUST NEED IT TO GO AND WE JUST NEED THIS TO BE STOPPED
2 BECAUSE WE MISS HIM AND WE DON'T WANT THIS TO HAPPEN TO
3 ANYONE ELSE EVER.

4 THE COURT: THANK YOU. THANK YOU VERY MUCH.

5 ANYONE ELSE?

6 MRS. YOUNG: NO, SIR. THAT'S THEIR MOTHER. SHE'S
7 BEEN PRESENT THROUGHOUT ALL OF THE PROCEEDINGS AGAINST ALL
8 THE CO-DEFENDANTS THUS FAR. SHE'S BEEN VERY SUPPORTIVE.
9 SHE DOESN'T WISH TO SPEAK, BUT SHE'S BEEN A CONSTANT
10 PRESENCE AND SHE'S -- OBVIOUSLY WOULD FEEL THE SAME WAY I
11 WOULD IMAGINE.

12 SENTENCING

13 THE COURT: ALL RIGHT. MR. MILLER, ANYTHING YOU WANT
14 TO TELL ME?

15 THE DEFENDANT: NO, SIR.

16 THE COURT: WELL, ONE OF THE MAIN JOBS I HAVE AS A
17 JUDGE IS TO PROTECT OUR COMMUNITY FROM THESE ATROCIOUS
18 EVENTS. THIS IS AS BRUTAL OF A MURDER AS I HAVE WITNESSED
19 IN MY EIGHT YEARS ON THE BENCH AND THIRTY YEARS OF
20 PRACTICING LAW. TO STRIP SOMEONE DOWN AND HOG-TIE THEM
21 AND BRUTALLY TORTURE THEM AND THEN SHOOT THEM, IT IS JUST
22 BEYOND MY COMPREHENSION.

23 IT IS MY DUTY AS THE JUDGE OF THIS COMMUNITY IS TO
24 PROTECT THE REST OF OUR CITIZENS FROM PEOPLE LIKE YOU.

25 IN INDICTMENT 2010-GS-2-1526, THE INDICTMENT FOR

1 MURDER, THE SENTENCE OF THIS COURT IS THAT YOU BE
2 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
3 BALANCE OF YOUR NATURAL LIFE.

4 AS TO THE KIDNAPPING INDICTMENT, THAT'S INDICTMENT
5 2010-GS-2-1578 THE SENTENCE OF THIS COURT IS THAT YOU BE
6 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
7 PERIOD OF 30 YEARS.

8 AS TO INDICTMENT 2010-GS-2-1527, THE INDICTMENT FOR
9 BURGLARY IN THE FIRST DEGREE, THE SENTENCE OF THIS COURT
10 IS THAT YOU BE COMMITTED TO THE STATE DEPARTMENT OF
11 CORRECTIONS FOR A PERIOD OF THE BALANCE OF YOUR NATURAL
12 LIFE.

13 AS TO INDICTMENT 10-GS-2-1529, THE INDICTMENT FOR
14 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
15 CRIME, THE SENTENCE OF THE COURT IS THAT YOU BE COMMITTED
16 TO THE STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF
17 FIVE YEARS.

18 THE POSSESSION CHARGE, THE KIDNAPPING CHARGE, THE
19 BURGLARY FIRST ALL RUN CONCURRENT TO YOUR LIFE SENTENCE
20 FOR MURDER. TAKE HIM OUT.

21 MR. JOHNSON: YOUR HONOR, IS THE RECORDED TIME SERVED
22 ON THERE OF 1251 DAYS?

23 THE COURT: I'LL GIVE HIM ALL THE TIME HE'S GOT.
24 HE'S GOT A LIFE SENTENCE, SO THAT MEANS HE NEVER GETS OUT.

25 MR. JOHNSON: YES, SIR.

1 THE COURT: THANK YOU.

2 MRS. YOUNG: THANK YOU, YOUR HONOR.

3 (WHEREUPON, A BREAK WAS TAKEN.).

4 THE COURT: MR. JOHNSON?

5 MR. JOHNSON: YOUR HONOR, AT THIS TIME I'D MAKE A
6 MOTION FOR A NEW TRIAL BASED ON MY PREVIOUS MOTIONS AND
7 OBJECTIONS TAKING THE EVIDENCE IN THE LIGHT MOST FAVORABLE
8 TO THE STATE ARGUE THAT NO REASONABLE JURY COULD FIND MY
9 CLIENT GUILTY BEYOND A REASONABLE DOUBT ON THESE CHARGES,
10 AND SPECIFICALLY MY MOTIONS AND OBJECTIONS REGARDING
11 CHARACTER EVIDENCE AND THE SEARCH WARRANT AND OTHER
12 MOTIONS THAT ARE IN WRITING ON THE RECORD, YOUR HONOR.

13 THE COURT: THANK YOU. FOR THE SAME REASONS AS
14 EARLIER STATED, I RESPECTFULLY DENY THE SAME.

15 (WHEREUPON, A BREAK WAS TAKEN.)

16 (END OF REQUESTED TRANSCRIPT OF RECORD.)

17

18

19

20

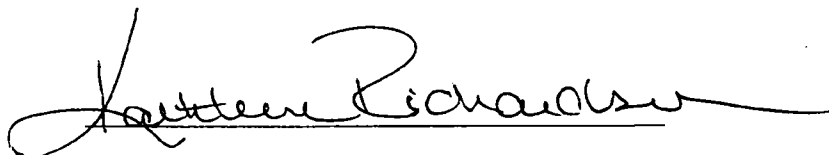
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1 CERTIFICATE OF REPORTER
2
34 STATE OF SOUTH CAROLINA)
5)
6 COUNTY OF AIKEN)
78 I, KATHLEEN RICHARDSON, RPR, CRR, OFFICIAL COURT
9 REPORTER FOR THE SECOND JUDICIAL CIRCUIT OF THE STATE OF
10 SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A
11 TRUE, ACCURATE AND PARTIAL TRANSCRIPT OF RECORD OF THE
12 PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF
13 THE CAPTIONED CASE ACCORDING TO THE NOTES AND RECORDINGS
14 OF LISA DAVENPORT, RPR, RELATIVE TO APPEAL, IN THE COURT
15 OF GENERAL SESSIONS FOR AIKEN COUNTY, SOUTH CAROLINA, ON
16 THE SEVENTEENTH DAY OF FEBRUARY, 2012.17 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
18 COUNSEL NOR INTEREST TO ANY PARTY HERETO.
1920 JUNE 8, 2012
2122 
2324 KATHLEEN RICHARDSON, RPR, CRR
25

STATE OF SOUTH CAROLINA

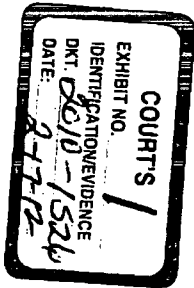
County of Richland

OLYMPIA MAGISTRATE
2008 SEP 15 PM 4:09

SEARCH WARRANT

5520 North Main St

Date: September 15, 2008
Officer: R Crane



STATE OF SOUTH CAROLINA }

Form approved by SC Attorney

General - Section 17-13-160

COUNTY OF RICHLAND

} SEARCH WARRANT
OLYMPIA MAGISTRATE

March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF _____

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The location to be searched is located at 5520 North Main St. The location is described as a single story single family dwelling that is white in color with white in color front porch, and black in color shutters. The location has a brick foundation that is painted gray. The location has cement steps leading to the front door. The numbers 5520 appear over the front door. The search is to include all persons at the premise, vehicles owned or operated by persons at the premise and outbuilding on the curtilage.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

The controlled substance known as crack cocaine and marijuana, cellular phones, pagers and hand held "PDA" type digital storage devices, Paraphernalia, paperwork and other items associated with the manufacture, sale, storage and distribution of said controlled substance. Weapons, US currency and articles of personal property tending to establish the identity of persons in control of areas where the aforementioned items are found.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Columbia, S.C.

September 15, 2008

Signature of Judge

(LS)

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

AFFIDAVIT
 OLYMPIA MAGISTRATE

Personally appeared before me, one R Crane who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The controlled substance known as crack cocaine and marijuana, cellular phones, pagers and hand held "PDA" type digital storage devices. Paraphernalia, paperwork and other items associated with the manufacture, sale, storage and distribution of said controlled substance. Weapons, US currency and articles of personal property tending to establish the identity of persons in control of areas where the aforementioned items are found.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
 TO BE SEARCHED

The location to be searched is located at St. The location is described as a single story single family dwelling that is white in color with white in color front porch, and black in color shutters. The location has a brick foundation that is painted gray. The location has cement steps leading to the front door. The numbers 5520 appear over the front door. The search is to include all persons at the premise, vehicles owned or operated by persons at the premise and outbuilding on the curtilage.

REASON FOR AFFIANT'S BELIEF THAT THE
 PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On September 15, 2008 U-Save Auto rentals notified the Richland County Sheriff's Department that they had a 2006 Ford Taurus SC tag 2903CF that was rented by Deidra Miller and it had not been returned. An incident report was taken RCSD case number 08091449-15. During the course of the investigation U-Save advised that they had a GPS tracking unit on the said vehicle. U-Save advised Richland County Sheriff's Department that the vehicle appeared to be in the 5520 Main St area. Deputies responded to the location and observed the said vehicle parked in front of the incident location. Upon approaching the said vehicle Deputies made contact with Antonio Miller, who was placed into investigative detention.

Sworn to and Subscribed before me

this 15 day of September 2008

Signature of Judge

(LS)

Affiant

Address Richland County Sheriff's Department
5623 Two Notch Road, Columbia, S.C. 29223
 Phone (803) 576-3000

STATE OF SOUTH CAROLINA)

AFFIDAVIT

COUNTY OF RICHLAND)

OLYMPIA MAGISTRATE

Moments later Deidra Miller arrived on the location and was placed under arrest for Use of motor vehicle without owners consent. A search of the vehicle prior to giving the vehicle back to U-Save rentals revealed approximately 22 grams of an off white rock like substance that had tested positive for cocaine. At that time Antonio Miller was placed under arrest for Trafficking crack cocaine. Also a search of Antonio Miller's criminal history revealed that he had been arrested on at least 12 occasions for illegal narcotics. Based on the totality of the circumstances the affiant believes that additional narcotics will be recovered from inside of the location to be searched. Through the affiant's and other Richland County Sheriff's Department Narcotic officers experience in drug enforcement, it is known that subjects present at the scene of illegal drug distribution and/or possession commonly have drugs in their possession and control or stored in their vehicles. Through the Affiant's and other RCSD Narcotics officer's experience in drug investigation and enforcement, it is known that there is a common connection between drug activity and weapons. Those engaged in illegal drug activity often carry or have weapons ranging from razors to firearms for protection of themselves and their drugs. Additionally, through the Affiant's and other RCSD Narcotics experience in drug investigation and drug enforcement, it is known that persons located in and around a drug sales location commonly carry drugs and/or weapons concealed on their person. Even those not directly selling illegal drugs are used to conceal or hold illegal drugs for those engaged in selling them. It is also known through the Affiant's experience in drug investigation and enforcement that vehicles owned or operated by those present at drug sales locations are commonly used to transport and store illegal drugs and that illegal drugs are commonly stored in and around outbuildings within the curtilage of illegal drug sales locations. Through the Affiant's and other RCSD Narcotic Officers experience in drug investigation and enforcement, it is known that cellular phones, pagers and hand-held "PDA's" are commonly used to store phone numbers of other individuals involved in illegal drug activities.

Sworn to and Subscribed before me

this 16 day of September, 2008

Signature of Judge

(LS)

Affiant

Address Richland County Sheriff's Department
5623 Two Notch Road, Columbia, S.C. 29223
 Phone (803) 576-3000



SWAP RENTAL - OUT

U-SAVE CAR AND TRUCK RENTAL

North- Maddox, Neal and Day Inc. / FRANCHISEE

U-Save Auto Rental

5317 Two Notch Rd.

Columbia SC, 29204

PH# (803) 744-9700 FAX# (803) 744-9707

RENTER

KING, DEIDRE

5520 N. MAIN ST

COLUMBIA SC 29203

PH#: 238-1641

DL#: 007647162 SC

DOB: 01/10/1976

UNIT DETAILS-Current Vehicle

UNIT#: X0140
 MODEL: 2006 TAURUS G
 LIC#: 2903CF
 VIN#: 1FAFP53UX6A262649
 MILES IN:
 MILES OUT: 62934
 TOTAL MILES:
 TOTAL MILES ALLOWED:
 FUEL OUT: Half
 FUEL IN:

UNIT DETAILS-Original Vehicle

UNIT#: X0121
 MODEL: 2004 AERIO G
 LIC#: 2884AY
 VIN#: JS2RA61S845204129
 MILES IN: 64000
 MILES OUT: 63567
 TOTAL MILES: 433
 TOTAL MILES ALLOWED: 2100
 FUEL OUT: 1/2
 FUEL IN: 2/8

OPTIONAL SERVICES

COLLISION DAMAGE WAIVER (CDW)

\$20.00 /Day ACCEPTED x

By Initialing here you agree to purchase our
 CDW. CDW does not cover all instances of
 damage to the Vehicle. There are exclusions.
 Subject to the terms of Paragraph 5 in the terms
 and conditions, your responsibility for Physical
 Damage to the Vehicle is limited to \$ 1000

SUPPLEMENTAL LIABILITY INSURANCE

I DECLINE SLI x By Initialing here,
 you decline to purchase SLI. You agree to
 be responsible for, and you agree that
 your personal auto insurance coverage is
 primary for, any damage or injury
 you cause to others or their property

RA#:

NORTH-8041

REPAIR ORDER:

CLAIM:

PURCHASE ORDER:

DATE OF SWAP:

08/22/2008 02:31 PM

DATE/TIME DUE IN:

08/26/2008 04:43 PM

DATE/TIME EXT:

09/02/2008 04:43 PM

DATE/TIME EXT:

DATE/TIME IN:

08/22/2008 02:31 PM

DATE/TIME OUT:

08/20/2008 04:54 PM

DEPOSITS: CA

\$704.99

MILES FREE: 150/DAY

CHARGE SUMMARY

Miles @ \$0.35

Hours @ \$0.00

14 Day(s) @ \$27.83

\$389.62

EST TOTAL TIME & MILEAGE: \$389.62

Fuel @ \$0.00 / Gal.

SALES TAX @ 7.00% \$46.87

RENTAL TAX @ 5.00% \$33.48

OTHER CHARGES:

14 x 20CDW @ \$20.00 /Day \$280.00

RENTAL AGREEMENT: NORTH-8041

CHECKED OUT BY: JEFF

AUTHORIZED TO DRIVE IN

NOTES

S100 DEP 8/19

TOTAL ESTIMATED CHARGES: \$704.99

RENTER PAYMENTS: \$704.99

NET DUE FROM RENTER: \$0.00

NET DUE FROM CO: \$0.00

*****NOTICES*****NOTICES*****NOTICES*****NOTICES*****

If you have presented a credit card for payment of deposit or rental charges we may use that card for payment of all charges due under this Agreement, including payments refused by a third party to whom billing was directed. Your signature below is considered by us as made on an appropriate credit card voucher and you certify that the information about you and additional drivers is true and correct. Giving us false or misleading information is a breach of this Agreement. You authorize us to obtain credit information or any other information about you or additional drivers that will aid us in determining whether or not to rent the Vehicle to you. By signing below you indicate you have been given the opportunity to read prior to signing and you agree to the terms of this Agreement which consists of this document, Protection Plus benefit material (if applicable) and all addenda including the rental jacket in which this document is placed.

X: _____
 Renter's Signature

X: _____
 Additional Driver's Signature

X: _____
 Additional Driver's Signature

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 MURDER
 § 16-03-0010

At a Court of General Sessions, convened on September 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That **ANTONIO JERMAINE MILLER**, along with others, did in Aiken County on or about September 15, 2008, feloniously, wilfully and with malice aforethought, then and there kill and murder Frederick Tucker by means of shooting him with a handgun and that the victim did die in Aiken County at _____, Aiken, South Carolina as a proximate result thereof. All in violation of Section 16-3-10 of the South Carolina 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.


 J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J.D. Sanders

Law Enforcement Case #: 08-051584

BAY

ARREST WARRANT NUMBER

FILED September 9, 2010

H873162

Lij. Goddard
S.C.C.P. & S.
Shannon D. Laenkrantz
Deputy Clerk

ACTION OF GRAND JURY

*True Bill**L.A.R.*
Foreperson of Grand Jury

Date: September 9, 2010

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010GS0201526

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2010

THE STATE

vs.

ANTONIO JERMAINE MILLER

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on September 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That **ANTONIO JERMAINE MILLER**, along with others, did in Aiken County, South Carolina on or about September 15, 2008, wilfully and unlawfully enter the dwelling of Frederick Tucker located at _____, Aiken, South Carolina, without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J.D. Sanders

Law Enforcement Case #: 08-051584

BAY

ARREST WARRANT NUMBER

H873159

FILED September 9, 2010Shannon D. Rosenkrantz
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: September 9, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS0201527

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2010

THE STATE
vs.

ANTONIO JERMAINE MILLER

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on September 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That **ANTONIO JERMAINE MILLER**, along with others, did in Aiken County, South Carolina on or about September 15, 2008, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Frederick Tucker without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

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

J. STROM THURMOND
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J.D. Sanders

Law Enforcement Case #: 08-051584

BAY

ARREST WARRANT NUMBER

H873156

FILED: September 9, 2010

Shannon D. Loefer
Deputy Clerk

ACTION OF GRAND JURY

*True Bill**G. R. R.*
Foreperson of Grand Jury
Date: September 9, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS0201578

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2010

THE STATE
vs.**ANTONIO JERMAINE MILLER**

CDR #: 0095

Indictment for**KIDNAPPING****§ 16-03-0910**

J. STROM THURMOND, SOLICITOR

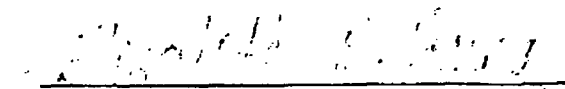
STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
INDICTMENT FOR
POSSESSION OF A FIREARM DURING THE
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on September 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That **ANTONIO JERMAINE MILLER**, along with others, did in Aiken County, South Carolina on or about September 15, 2008, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J.D. Sanders

Law Enforcement Case #: 08-051584

BAY

ARREST WARRANT NUMBER

H873168

FILED September 9, 2010Shannon D. Rosenkrantz
Deputy Clerk

ACTION OF GRAND JURY

True BillL. H. R.
Foreperson of Grand Jury
Date: September 9, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS0201529

The State of South Carolina**County of Aiken**

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2010

THE STATE
vs.**ANTONIO JERMAINE MILLER**

CDR #: 0549

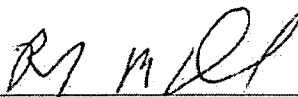
Indictment for**POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT
CRIME****§ 16-23-0490**

J. STROM THURMOND, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the 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."

February 4, 2014



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT