

STATE OF SOUTH CAROLINA

VOLUME II OF II

In The Court of Appeals

APPEAL FROM MARION COUNTY

D. Craig Brown, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SHAHEED HAYES,

APPELLANT

APPELLATE CASE NO. 2014-001837

RECORD ON APPEAL

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1 to be untrue.

2 MR. DEBERRY: Well, we don't know that. That's for the
3 jury to decide.

4 THE COURT: That was what the testimony was, was it not?

5 MR. DEBERRY: That they were untrue? Yeah, but the jury
6 can decide whether to believe them or not.

7 THE COURT: You cannot -- I mean Charlie B's statements
8 are hearsay.

9 MR. CLEMENTS: They're not in evidence.

10 MR. DEBERRY: Judge --

11 THE COURT: They're not.

12 MR. DEBERRY: There was one -- there was two parts of it
13 that came in, the part that Boo Boo was on the sidewalk with
14 the shoes and the part that the Cadillac was parked on General
15 Road. The rest of it you kept out.

16 THE COURT: Say that again?

17 MR. DEBERRY: There's two parts of it that came in, the
18 part that Boo Boo was outside the car on the sidewalk with
19 what he was wearing and the fact that the white Cadillac was
20 parked on General Road. After that, we did the proffer and
21 then you kept the rest of it out.

22 THE COURT: All right.

23 MR. DEBERRY: It's in the record.

24 MR. CLEMENTS: The only thing I remember is he asked him
25 did you have information there was a white Cadillac out in the

1 road and he said yes. I don't remember anything about shoes
2 coming into evidence.

3 THE COURT: I don't remember the specifics of it. I'm
4 going to tell this jury that your arguments aren't evidence.
5 That they're to decide what is evidence in this case.

6 (Whereupon, the bench conference ends.)

7 MR. DEBERRY: Continue?

8 THE COURT: Ladies and gentlemen, I'm going to allow him
9 to continue his arguments. I'll remind you again that
10 arguments of counsel are not evidence in this case. They're
11 not evidence in this case.

12 Mr. Deberry, I'll remind all lawyers that your arguments
13 need to be confined to that -- that which is in the record and
14 reasonable inferences to be drawn therefrom. You may
15 continue.

16 MR. DEBERRY: Thank you. Ladies and gentlemen, I may
17 have said Gavin Graves, but I meant David Graves, also known
18 as Charlie B. Okay?

19 Charlie B, if you'll remember, was the individual that
20 came by selling underwear and socks sometime that night before
21 the murder. And then, if you'll recall, Mr. Gavin Graves
22 testified -- he testified that he came by and sold the
23 underwear and the socks. He also testified that Charlie B
24 told him I got a room, fellows. I'm gone for the rest of the
25 night. Then later, you hear from Eyebrows that he got a call

1 from Charlie B after the shooting. They needed to know what
2 happened. They needed to know what happened.

3 There's so much reasonable doubt here. It's not smoke.
4 It's not smoke. Charlie Watson was on this stand and every
5 now and then it kind of really bothered me because if you
6 don't believe anything I say, please believe that I believe in
7 this system and that I believe in fair trials and that law
8 enforcement act fairly. He grinned and he chuckled several
9 times and it really bothered me. He wasn't truthful a hundred
10 percent and he told you SLED was never involved, but later you
11 found out that he and Martin Bell went and did some
12 investigating with Stephen Hough, a SLED agent.

13 I mean why is it so hard for them just to do their job?
14 Don't hide in the budget for a dowel rod. All it is is a
15 piece of wood about the size of your little finger. You stick
16 it right through a bullet hole and it will tell you which way
17 some bullets were coming from.

18 And all those pictures -- he decided to make one of them
19 an exit hole out of the back of the trailer. I don't have any
20 doubt that bullets went through and through everywhere. It
21 was a terrible situation, you know, and it was a tragedy. The
22 State hasn't proved that Shaheed Hayes did it.

23 Derrick Wilson, Eyebrows -- he got up here and the
24 solicitor corrected him, but he first told you that a bullet
25 went out of the back of the front window. I mean I give the

1 solicitor credit. He said, no, I think you meant came this
2 way and then he -- then he conformed.

3 Jamie Williams and Boo Boo -- Boo Boo told you nobody
4 wants to go to prison and the solicitor told you the truth
5 will set you free. Now, you think and you believe what you
6 want to believe about what those boys have coming, that
7 they've got a deal or not.

8 We know Gavin Graves had a deal. He got charged from
9 that -- from those drugs in his house that night, but two-and-
10 a-half years later, it comes rolling around to trial time and
11 he's going to take a PTI, pre-trial intervention, so he can
12 keep his job.

13 Something stinks. Something stinks. And they want you
14 to convict. He's asked you and told you that he believes that
15 justice requires conviction. Nothing could be further from
16 justice in my opinion. Absolutely nothing.

17 Do I believe that the people who did this should be held
18 accountable? Absolutely. Do I believe it was a terrible
19 crime that occurred? Absolutely. Do I believe that Christian
20 Drawhorn's family deserves closure? Absolutely.

21 But I'm a minister of justice and that's what I'm seeking
22 here today. I'm just going to ask you. You know, if you've
23 got a reasonable doubt, you can't convict. The judge is going
24 to tell you you have to find them not guilty. And I explained
25 to you when we first -- at the very outset of this trial that

1 doesn't mean that you believe in your heart that they may have
2 done it or they may not have done it. It just means that
3 you're not firmly convinced that they did it. That means that
4 you have a hesitation to act.

5 And hesitation whatsoever to convict Shaheed Hayes of
6 these crimes, you have to find him not guilty. That's the
7 law. That's the law. So please think about it. Think about
8 all the inconsistencies. The two that are coming up here that
9 don't want to go to prison, that are speaking the truth
10 because it will set them free, their stories are inconsistent.
11 They have been from day one.

12 Tell -- if you tell somebody a story about how something
13 happened one time and then you change later and you say no, I
14 wasn't there, and then you change later and all of a sudden a
15 week before you're looking at 135 years plus whatever time you
16 live on this earth and then everything lines up because the
17 truth will set you free.

18 Is that right or wrong? That's up for y'all. That's a
19 -- that's a question for you to answer. Is that right or
20 wrong?

21 There was a robbery that was planned to take place that
22 night. I believe they got out of that car. I believe that
23 Jamie Williams and Boo Boo were there. I believe that Charlie
24 B was there. I believe that somebody ran around the back of
25 that house and knocked on the door. And there's something

1 that really worries me and concerns me about what to believe
2 when it comes to Christopher Kollock. Why did he run out of
3 that house? Or was he in that house?

4 I know probably y'all are from around here and you've
5 experienced hurricanes on one point or another in our lives.
6 I can remember Hurricane Hugo. It was probably the worst that
7 I can remember. And my mother always told me and my father,
8 you know, that there's an eye in the hurricane and that it's
9 real calm and that, you know, you can get the worst of the
10 hurricane on the tail end, you know.

11 And Hurricane Hugo came through at nighttime and all I
12 can remember is sitting up, you know, in a safe place in the
13 house with my family, my sisters, and talking about what
14 hurricanes were and hearing the trees crash and the lights go
15 out and everything. And then it became daylight. We weren't
16 sure if it was the eye of the storm or if it was over. Mom
17 and Dad didn't let us go outside.

18 It might have been the eye of the storm and then we might
19 have got stuck outside for the rest of it, number one, and,
20 number two, that storm created some dangerous conditions.
21 They wouldn't let me ride my bicycle anywhere. I couldn't do
22 any of that kind of stuff because a tree might fall on me and
23 there might be some electric lines down. There's all kind of
24 hazards out there.

25 Let me tell you, ladies and gentlemen, if you're in a

1 house and it gets shot full of holes and everybody is on the
2 floor, you don't just get up and run outside. You don't just
3 do that. You already know Charlie B came over earlier. Were
4 there other informants? Were there other people that were on
5 the inside on the inside?

6 All these are questions that I don't have an answer to,
7 but I'd submit to you that all of them are questions that
8 raise a reasonable doubt. They all are.

9 They don't even have the car driving down the road in the
10 same direction. And if the car is traveling in different
11 directions, then there might have been bullet holes according
12 to their story -- I mean bullet shells according to their
13 story way across Highway 501 North. We've all gone Highway
14 501 North. You got four lanes of traffic and a -- and a
15 median. But we don't know because they didn't even include
16 where they did find the shell casings in the crime scene area.

17 And then, you know, it was later I guess that Charlie
18 Watson and Mr. Bell heard about a car that was parked -- the
19 while Cadillac was parked on the end of General Road. The
20 trouble was there was over a dozen vehicles from law
21 enforcement and all -- everybody that responded to the scene
22 that night that parked on General Road. So all that evidence
23 was destroyed, if there was any. So that's the only place
24 they found anything, but I'm -- you know, they didn't look
25 really where they needed to. All their cars were parked out

1 there.

2 There's just a lot here, ladies and gentlemen, and
3 there's a lot on the line for my client. If you believe he
4 did it, then find him guilty. If that's what justice calls
5 for in this case, find him guilty. But I'm a believer in this
6 system. I'm a believer in this nation. I'm a citizen of this
7 nation and I'm so proud to be one, and one of the main reasons
8 is because I believe you can get a fair trial in this -- in
9 this country and I know you can get a fair trial in Marion
10 County and that's why I know that we've already received it.

11 The smoke? That's from the Solicitor's Office. The
12 smoke is all around Martin Bell and the investigation they
13 didn't do. I ask you to find him not guilty. Thank you.

14 THE COURT: Mr. Bailey?

15 MR. BAILEY: Thank you, Your Honor. May it please the
16 Court. Solicitor Clements. Mr. Deberry.

17 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT SMITH

18 MR. BAILEY: Ladies and gentlemen, I've been waiting over
19 two years to stand up here and talk to you about this case.
20 I've had it sitting in my office for over two years.

21 When I stood up here two days ago, I told you about two
22 things you were going to hear in testimony. You were going to
23 hear lies and that was true. You heard lies. And I told you
24 there wasn't even one piece of physical evidence in this case
25 that says Blaton Smith had anything to do with this. Why is

1 there no physical evidence? The short answer? Martin Bell.

2 How many times in the first four witnesses -- Deputy
3 Pike, Marion Richardson, Clemson Legette, and Charlie Watson.
4 How many times did we hear from them about notes? I didn't
5 take any notes. All that responsibility is on that man right
6 there.

7 (Whereupon, counsel points at Detective Martin Bell.)

8 MR. BAILEY: He sat here for three days. He heard every
9 single thing that came out of this stand. His responsibility.
10 He took the pictures. He collected the evidence, interviewed
11 witnesses. His responsibility. Why didn't he testify?

12 I submit to you that's the million dollar question. Why
13 didn't he get up here and tell us? I can answer the question
14 for you. He didn't do an investigation. He did not do an
15 investigation.

16 My esteemed Mr. Deberry came up here and was talking to
17 you about the crime scene, shell casings, tampering with
18 evidence. I would assume if it was an ordinary citizen who
19 tampered with evidence, they'd have got arrested. And
20 Solicitor Clements even put Marion Richardson on the stand to
21 try to get him to talk about that, to explain why he did it.
22 And what did he do? He lied to you. His testimony was I
23 didn't have anything to do with the crime scene. I was called
24 and I showed up. I stood back by my car. I waited for the
25 EMS to come and then I followed them down to the hospital.

1 But then when his supervisor testified next, what did he
2 tell you? Yes, he had something to do with that crime scene.
3 We sent him out looking for evidence. And then it came to
4 light. The light bulb turned on. He tampered with the
5 evidence. You heard him. We could have got fingerprints off
6 those shell casings. DNA is pretty solid evidence in a
7 criminal case. Marion Richardson touched them. That could
8 have damaged those fingerprints right there.

9 You heard from Eddie Sawyer. Who makes the decisions on
10 what evidence gets submitted to SLED and for what testing
11 purposes? The lead detective. Martin Bell. He called the
12 shots. He submitted it to the firearms department first. I
13 can't imagine this is his first rodeo in a murder case. Any
14 person knows submit it for DNA and latent print analysis
15 first. That might tell us who the real killers are.

16 Imagine that. The evidence sat in his office for over
17 two years that could have put the real killers in this
18 courtroom, but because he made the wrong decisions and had
19 incompetent deputies working for him coming out to the scene,
20 we don't -- we don't get to hear any of that.

21 I agree with Mr. Deberry. We got shell casings that were
22 all bunched up into a gutter. Where did they come from?
23 Where did they come from? Twenty-five feet that way? Fifteen
24 feet this way? Maybe five or ten feet back that way? We
25 don't know.

1 Solicitor Clements stands up here and he's got a theory
2 and his theory was that this was a drive-by. And I told you
3 at the beginning two days ago this case was going to boil down
4 to two witnesses, Willie Bethea and Jamie Williams. Nobody
5 else puts a car out there. Nobody but those two guys. Is it
6 so far unreasonable, ladies and gentlemen, that those two guys
7 could have been in the car by themselves? That's possible.

8 One witness, Jamie Williams -- he got up here and told
9 you the car never stopped. They just kept rolling. Willie
10 Bethea comes in. He testifies no, we stopped for a minute.
11 We stopped for a minute and shot. Was that enough time for a
12 driver and a passenger to shoot a gun? I submit to you,
13 ladies and gentlemen, Willie Bethea and Jamie Williams in a
14 car by themselves. It's a possibility. It causes you to
15 think a little bit. That's reasonable doubt.

16 How about this car? How about this car? A white
17 Cadillac. Sure they say my client drives a white Cadillac on
18 occasion. You heard Willie Bethea. He drives a white
19 Cadillac on occasion. Did they go find the white Cadillac?
20 Did they seize it, put it into evidence, and examine the car
21 for any evidence? They could have, but they didn't do it.

22 Do we know if they even went to look for the car? That's
23 a question I would have asked Detective Bell if he got on that
24 stand. What investigation did you do into this white
25 Cadillac? The name of a possible owner came up. Adrian

1 Smith. Did you go to his house? Execute a search warrant?
2 Pull DMV records? All of these things I would have asked
3 Detective Bell if he would have got on the stand for us.

4 It didn't happen. I submit to you why. Because he
5 didn't do it. Okay? We asked Detective Watson did y'all
6 execute a search warrant at Adrian Smith's house. It wasn't
7 done. Why not? You went and executed a search warrant at
8 another house. They found a gun. They probably thought it
9 was the smoking gun. Submitted it to SLED. Not connected.

10 Why didn't they go interview Adrian Smith? Why? Why
11 didn't Solicitor Clements bring Adrian Smith and put him on
12 this stand? He could have brought him in here just like he's
13 brought every other witness he's got. He could have put him
14 on that stand right there and said did you order this hit?
15 Did you tell these boys what to do? Who did you tell to go do
16 it?

17 We don't have that testimony, and it's not my job to do
18 it and it's not Mr. Deberry's job to do it. The government,
19 ladies and gentlemen, has to prove their case. I would have
20 loved to have the opportunity to cross examine Adrian Smith.
21 I would have loved it. We might have been here until next
22 week, but I'd have enjoyed it.

23 I wish I could have asked Detective Bell questions. You
24 heard me ask names about -- did you associate with these
25 random people throughout the night? You heard about Charlie

1 B. Out of left field, he -- they're talking about him selling
2 drawers and socks. Do y'all really believe he went to this
3 house to sell these grown men drawers and socks? That's what
4 Gavin wants you to believe. Really?

5 This is coming from a man who claims he only sells
6 marijuana. Okay? His house gets blown up with bullet holes
7 and what was his first instinct? Dadgum, I better throw my
8 marijuana in the bedroom. The cops are coming. Not is
9 Derrick shot? Darrell -- is he shot? Christopher Kollock --
10 is he shot? Christian Drawhorn -- is he shot? No. This was
11 a man who was worried about a little bit of marijuana and he
12 stayed calm enough during this shooting to throw it in his
13 bedroom before he does anything else.

14 And you heard him because I asked him. Is dealing drugs
15 a dangerous business? Yeah. Sure it is. We probably hear on
16 the news a lot about drug dealers getting robbed. Reasonable
17 doubt? A possibility in this case? Absolutely. Absolutely.

18 Now, we heard from Jamie Williams first, and I told you
19 that you're going to hear from people who have to tell a lie
20 to cover another lie to cover another lie. At what point is
21 the truth? What point is the truth? I asked that question.
22 The very first words out of my mouth on Wednesday -- in a
23 world of lies, there is nothing more dangerous than the truth.
24 And we don't know where it is.

25 Solicitor Clements comes up here and he wants you to

1 believe that, oh yeah, he told a lie the first three times he
2 talked to law enforcement, but last week when his mama and
3 daddy brought him a suit nicer than anybody wearing in this
4 courtroom because he's getting ready to come to trial this
5 week looking at life in prison, going to die if he's found
6 guilty, put 135 years on top of that, he says no, I'm going to
7 tell the truth. He's had 27 months to tell the truth and he
8 ain't done it yet, but last week he's going to tell the truth
9 or at least that's what Solicitor Clements is going to have
10 you believe.

11 And let me ask you, ladies and gentlemen, is it a
12 coincidence that after 27 months waiting to come to court that
13 Jamie Williams gets up here and corroborates the first witness
14 that law enforcement based this case on? Is it a coincidence?
15 Their stories were too much identical to be a coincidence.
16 Too much. Too much alike to be the truth.

17 They talked to Willie Bethea and he told a story. Okay?
18 He told a story about what happened. Detective Bell I'm
19 assuming ran with it because it wasn't until Willie Bethea
20 came in and talked to them that he got warrants issued for
21 everybody's arrest. Nineteen days passed by. They have no
22 physical evidence and they get this guy who walks in off the
23 street and says let me tell you about a crime I committed.
24 Y'all been out at my house looking for me, but I better come
25 tell you what I did. And let me take you down this road.

1 Okay.

2 What happened to all the other people that Detective Bell
3 interviewed? The other evidence? You heard Mr. Deberry talk
4 about shoes. We hear a knock at the back door. Did they
5 investigate that? There's a knock at the back door and
6 shortly thereafter -- and I'm talking I think the testimony
7 was a minute or two -- bullets start ringing out. Where's
8 that guy? Because I can tell you this. That guy would have
9 seen whoever was outside shooting. There ain't no doubt about
10 that. There ain't no doubt about that.

11 Guns -- .40 calibers. We hear for the first time in two-
12 and-a-half years that there's an AK assault rifle in the back.
13 If you really wanted to do damage or you really wanted to kill
14 somebody, wouldn't you have used an automatic assault rifle if
15 it was in the car? But it glorifies the case. It glorifies
16 it. Jamie Williams sounded real good talking about these
17 guns. He says my guy hands out the guns as they're
18 approaching the house. He gets one from Blaton Smith.
19 Shaheed gets one from Blaton Smith. They start shooting. My
20 guy tells them shoot, shoot, shoot. Really?

21 Willie Bethea testified that the guns -- he never saw
22 them. Then he changes it when Solicitor Clements questions
23 him on it a little bit more and he says, oh, yeah, yeah,
24 Blaton did hand one gun to the back. Just one? It's the
25 inconsistencies. Okay?

1 Now, we heard a lot of testimony from people who say I
2 know Eyebrows' truck. I saw Eyebrows' truck. Blaton saw
3 Eyebrows' truck. Solicitor Clements asked Eyebrows, "Have you
4 got a unique truck?" It's a white Tahoe Suburban, rims and
5 tires. I see a lot of those.

6 That's what started this whole thing -- seeing a truck
7 parked behind a trailer. You've heard different testimony.
8 It's over here. It's over there. Coming in from Latta.
9 Maybe they're coming in from the Marion side. You're looking
10 behind it and this was after midnight in April.

11 Thankfully, somebody took some photographs. I've been
12 waiting to stand up here and talk to y'all about these
13 photographs. Okay? These were taken the night of the
14 shooting with a camera by law enforcement. You're going to
15 have these photos when y'all go back to begin your
16 deliberations here in a little bit. Okay?

17 Take a close look at these. If you can remember State's
18 Exhibit 19, 18, and 20 -- 18, 19, and 20. Okay? There was
19 testimony the top picture is the intersection where the dirt
20 road is at 501 and General. You can see the street sign. Do
21 you see anything else? No. It's not light out. Look how
22 dark it is in this bottom picture. That's showing you 501.
23 Okay? Do you see anything? You see some lights, but they're
24 not illuminating anything.

25 The testimony was this top picture here showed a picture

1 of the trailer that night on 501. And this was taken standing
2 I'm assuming right here on the sidewalk looking at that house.
3 What do you see? You don't see hardly anything. It's pitch
4 black out there. If it's pitch black and you can't see
5 anything, tell me how many of these people saw a truck as
6 they're driving down the road? You're on 501. The speed
7 limit is not 15 miles an hour.

8 You heard about bent shell cases. Cars were driving.
9 You're going to have to be driving on 501. But here's the
10 best picture of them all. Okay? Here's the best picture --
11 20, this bottom picture. Y'all remember? This was a close-up
12 picture on the night of the shooting of Eyebrows' truck. That
13 picture was probably taken two feet away from that truck.
14 Y'all can hardly see that truck.

15 So if you can't see the truck from two feet away, how are
16 you going to see it from down the road? Consider this. This
17 is question. This is doubt. Okay?

18 The State put forth a theory, but that's it. They're
19 going to -- Solicitor Clements claimed Mr. Deberry and I were
20 going to come up here just to blow some smoke up here to try
21 to fog your vision on what it was. References to CSI and TV.
22 No. We're not going to have any fancy forensic examinations.
23 It typically doesn't happen in real life trials.

24 But, ladies and gentlemen, shouldn't we have some
25 evidence? Some evidence instead of two guys who do not want

1 to risk going to prison for the rest of their life to come in
2 here and say yeah, Blaton told me what to do and Shaheed --
3 yeah, he just shot. That's tough to believe.

4 Is our system built to allow law enforcement to build
5 cases without physical evidence and base it solely on the
6 testimony of people who have everything to gain and everything
7 to lose? It isn't. That's why we selected you two -- you
8 twelve two days ago.

9 Willie Bethea and Jamie Williams -- they're liars.
10 They're snitches. They're rats. Whatever you want to call
11 them, that's what they are. The person who comes to mind as
12 the most famous snitch, so to speak, that I could think of as
13 I heard this testimony here over the last two days is Judas.

14 Y'all remember what happened with Judas. He snitched and
15 then he tried to take it back. He got paid 30 pieces of
16 silver and he tried to take it back, but it was too late.
17 Well, we don't have 30 pieces of silver in this -- this
18 courtroom.

19 This isn't about testimony and money. No. Jamie
20 Williams and Willie Bethea -- they don't have money. They
21 can't buy their way out of this, but they have time. They
22 have time hanging over their head. I'll give you whatever you
23 want. Just cut me a deal. It's going to happen. We know it.
24 They can sit up there and say it's not. Jamie Williams, you
25 know, he says I'm not going to -- I'm not going to prison for

1 murder. How do we know if we take his word at it?

2 But we have the chance with this system we have put in
3 place. We can prevent two convictions based on the testimony
4 of two Judases from that stand. We can. And I'm confident
5 that once y'all get back there and you start talking and you
6 look at these pictures, you're going to say there's no way
7 that night that these boys were driving down the road and see
8 that truck parked behind a trailer. No. Ain't going to
9 happen. Reasonable doubt. Not guilty.

10 Consider the evidence. Solicitor Clements asked you to
11 do it. Consider those pictures. Find Blaton Smith not guilty
12 because he is not guilty. Thank you.

13 THE COURT: All right. Ladies and gentlemen, everybody
14 okay? Anybody need a break? If you want to stand up and
15 stretch your legs before I give you the charge on the law,
16 please do so at this time. All right. Do you need a break?
17 Okay.

18 (Whereupon, there is a pause in the proceedings.)

19 CHARGE ON THE LAW BY THE COURT

20 THE COURT: All right. Ladies and gentlemen, it is now
21 my duty as the trial judge under the constitution of this
22 state to charge and instruct you on the law applicable to this
23 case. It is your duty as jurors to accept and apply the law
24 as I will now state it to you.

25 Furthermore, it is your exclusive duty to decide all the

1 issues of fact in this case, and to determine the effect,
2 value, weight, and truth of the evidence. Both the State and
3 the defendants have a right to expect that you will carefully
4 consider and evaluate the evidence and apply the law of this
5 case to it so that in the end both the State of South Carolina
6 and the defendants will receive a fair and impartial trial. I
7 want you to understand that when I use the word defendants, I
8 refer to Mr. Blaton Smith and Mr. Shaheed Hayes.

9 The charges alleged in the indictment are murder,
10 discharging a firearm into a dwelling, possession of a weapon
11 during the commission of a violent crime, and four counts of
12 attempted murder.

13 Now, to these charges, the defendants have entered pleas
14 of not guilty. These pleas of not guilty places the burden of
15 proof on the State to prove the guilt of the defendants to
16 you, the jury, beyond a reasonable doubt.

17 I charge you that there are two defendants in this case,
18 ladies and gentlemen, each of whom is charged with the
19 offenses as previously stated. The case of each defendant and
20 the evidence and the law concerning that defendant should be
21 considered separately and individually. Your verdict does not
22 have to be the same for both defendants. The fact that you
23 may find one defendant guilty or not guilty should not control
24 your verdict as to the other defendant.

25 Where more than one person is charged with a crime, if

1 the evidence warrants it, you may convict one and acquit the
2 other, or you may acquit both, or you may convict both. It
3 will depend upon your view of the testimony and evidence. You
4 must take each defendant and consider the evidence as to that
5 defendant and my instructions to you on the law. You will
6 then write a separate verdict of guilty or not guilty for each
7 individual defendant as to each charge.

8 Now, as I mentioned above, the indictments in this case
9 allege seven separate and distinct offenses against each
10 defendant. You must decide each charge separately on the
11 evidence and the law applicable to it, uninfluenced by your
12 decision as to any other charge. The defendants may be
13 convicted or acquitted on any or all of these offenses. As
14 stated previously, you will be asked to write a separate
15 verdict of guilty or not guilty for each charge alleged in the
16 indictment as to each defendant.

17 Now, I remind you, ladies and gentlemen, that the fact
18 that the defendants were arrested, charged, and indicted in
19 this case is not evidence in this case and cannot be
20 considered by you as evidence of guilt in this case, nor does
21 it create any presumption or inference of guilt. The
22 indictment is simply the formal written instrument which
23 contains the charges made against the defendants. It is the
24 formal document by which this case is brought into this court.

25 It is vital to understand, ladies and gentlemen, that the

1 defendants are presumed under the law to be innocent of these
2 charges. The defendants have no obligation to prove their
3 innocence. It is a fundamental rule of our law that a
4 defendant, irrespective of the seriousness of the charges
5 against him, is always presumed innocent of the crimes for
6 which he is charged, unless and until his guilt has been
7 proven by evidence that satisfies you, the jury, beyond a
8 reasonable doubt.

9 The presumption of innocence is not a mere legal theory
10 or a legal phrase. The presumption of innocence is very
11 important and you need to understand that this presumption
12 accompanies the defendants from the time of their arrest and
13 appearances in this court and continues with them even after
14 you retire to the jury room to deliberate. In other words,
15 the defendants receive the benefit of the presumption of
16 innocence until the very end of this trial when you, the jury,
17 will deliberate upon the evidence and decide whether the State
18 has proven their guilt beyond a reasonable doubt.

19 Now, what is a reasonable doubt in the law? A reasonable
20 doubt is the kind of doubt that would cause a reasonable
21 person to hesitate to act. Proof beyond a reasonable doubt is
22 proof that leaves you firmly convinced of the defendants'
23 guilt.

24 Now, there are very few things in this world, ladies and
25 gentlemen, that we know with absolute certainty; so even in

1 criminal cases the law does not require proof that overcomes
2 every possible doubt. However, if, based on your
3 consideration of the evidence, you are firmly convinced that
4 the defendant is guilty of the crime charged, you must find
5 him guilty. If, on the other hand, you think there is a real
6 possibility that he is not guilty, you must give him the
7 benefit of the doubt and find him not guilty.

8 Please understand that reasonable doubt may arise from
9 evidence which has been presented in the case or from the lack
10 of evidence in the case. It is your responsibility to
11 determine whether or not reasonable doubt exists as to the
12 guilt of the defendants.

13 I charge you that the defendants are entitled to every
14 reasonable doubt arising in the whole case. If, upon any
15 issues of fact essential to conviction and a verdict of
16 guilty, you have a reasonable doubt as to how that issue
17 should be resolved, it would be your duty to resolve that
18 reasonable doubt in favor of the defendant.

19 Now, during this trial, ladies and gentlemen, you and I
20 have had separate duties to perform. As the trial judge, it
21 is my responsibility to preside over this trial, and I also
22 have the duty to rule upon the admissibility of evidence
23 offered during the process of this trial. In that regard, you
24 are to consider only the competent evidence before you, and
25 you are all -- you are to disregard from your mind any

1 testimony that was ordered stricken from the record of this
2 case during the progress of the trial, if there was any. And
3 you are to consider only the testimony which has been
4 presented from this witness stand, together with any exhibits
5 admitted into the record of this case and any stipulations of
6 counsel made into the record.

7 Furthermore, I have the additional duty to charge you on
8 the applicable law of this case and, in that regard, I am the
9 sole judge of the law of this case. It is your duty to accept
10 and apply the law as I state it to you. If you have any
11 preconceived ideas as to what the law is, or what the law
12 ought to be, and it does not agree with what I tell you the
13 law is, you are obligated under your oath to abandon these
14 preconceptions, because you are sworn to accept the law
15 precisely as I state it to you.

16 In this trial, you are the sole and exclusive judge of
17 the facts, and I am the judge of the law. Do not infer that I
18 have any opinion about the facts in this case from anything I
19 have said during the course of this trial in ruling upon the
20 admissibility of evidence or otherwise, or from anything that
21 I say during the course of this charge to you. In this
22 regard, the law simply does not permit me to have an opinion
23 about the facts. As jurors, it is your duty alone to
24 determine the effect, value, weight, and truth of the evidence
25 presented during the course of this trial.

1 In determining what the facts in this case are, you must
2 judge the credibility, which simply means the believability,
3 of the witnesses and the value of weight to be given to their
4 testimony. You alone must decide the force, effect, and truth
5 of the testimony. Now, in making this decision there are many
6 things that you may, and should, take into consideration, such
7 as the appearance and manner of the witness on the stand, a
8 characteristic often referred to as the demeanor of the
9 witness.

10 Was the witness forthright or hesitant? Was the
11 witness's testimony consistent or did it contain
12 discrepancies? What was the ability of the witness to know
13 the facts about which he or she testified? Did the witness
14 have a cause or reason to be biased and prejudiced in favor of
15 the testimony he or she gave? Was the testimony of the
16 witness corroborated or made stronger by other testimony and
17 evidence or was it made weaker or impeached by such other
18 testimony and evidence?

19 As jurors, please understand you have the right to
20 believe a small portion of a witness's testimony and discard
21 the larger portion or vice versa. You may believe all of a
22 witness's testimony or none. You may believe the testimony of
23 a single witness against that of many witnesses or the other
24 way around.

25 In exercising your mental processes and attempting to

1 decide the truth, the law simply requires that you exercise
2 your good judgment, your common sense, your sense of logic and
3 reason, and your experiences in life. You then apply these
4 attributes to the evidence and apply the law as I state it to
5 you, and thus arrive at a verdict.

6 Now, there are two types of evidence which are generally
7 presented during a trial: direct evidence and circumstantial
8 evidence.

9 Direct evidence is the testimony of a person who claims
10 to have actual knowledge of a fact, such as an eyewitness. It
11 is evidence which immediately establishes the main fact to be
12 proved.

13 Circumstantial evidence is proof of a chain of facts and
14 circumstances indicating the existence of a fact. It is
15 evidence which immediately establishes collateral facts from
16 which the main fact may be inferred. Circumstantial evidence
17 is based on inference and not on personal knowledge or
18 observation.

19 The law makes absolutely no distinction between the
20 weight or value to be given to either direct or circumstantial
21 evidence. Nor is a greater degree of certainty required of
22 circumstantial evidence than of direct evidence. You should
23 weigh all of the evidence in the case. If, after weighing all
24 the evidence, you are not convinced of the guilt of the
25 defendants beyond a reasonable doubt, you must find the

1 defendants not guilty.

2 Now, there has been evidence presented during the course
3 of this trial that witnesses have made prior statements which
4 are not consistent with the witnesses' present testimony. You
5 may use this evidence to decide whether to believe the
6 witness. You may also use evidence of the earlier
7 contradictory statements to determine the truth of those
8 statements. It is up to you to decide whether to believe the
9 earlier statements or the testimony given at trial.

10 If a witness is shown to have knowingly testified
11 untruthfully concerning any material matter, you may consider
12 this in determining whether to trust the witness -- witness's
13 testimony as to other matters. You may reject all testimony
14 of that witness or give all or part of the testimony the
15 weight that you think it deserves.

16 Is there a problem?

17 AUDIENCE MEMBER: No, sir.

18 THE COURT: Please sit down.

19 A person who has a past criminal record, ladies and
20 gentlemen, is competent to testify during a trial. A past
21 record does not affect the ability of that witness to testify.
22 The past record may only be considered by you, if at all, in
23 determining the witness' believability. Remember, you are the
24 sole judges of the facts in the case and of the believability
25 of any and all of the witnesses.

1 Ladies and gentlemen, now during the course of the trial,
2 you heard the testimony of police officers. Please understand
3 that the testimony of a police officer is not entitled to more
4 weight than that of any other witness. You are the sole judge
5 of the credibility of a witness, and you are not to give more
6 weight to a police officer's testimony solely because he or
7 she is a police officer. Rather, you should judge an
8 officer's testimony by the same standard that you apply to all
9 other witnesses.

10 In this case, you also heard the testimony of individuals
11 who were qualified as experts. The rules of evidence
12 ordinarily do not permit witnesses to testify to opinions or
13 conclusions. An exception to this rule exists for witnesses
14 we call expert witnesses. A witness who, by education and
15 experience, has become an expert in some art, science,
16 profession, or calling may state an opinion as to a relevant
17 and material matter in which the witness claims to be an
18 expert and may also state the reasons for the opinion.

19 You should consider any expert opinion received in
20 evidence in this case and, like any other evidence, give it
21 the weight you think it deserves. If you decide that the
22 opinion of an expert witness is not based on sufficient
23 education and experience, or if you conclude that the reasons
24 given in support of the opinion are not sound, or that the
25 opinion is outweighed by other evidence, you may disregard the

1 opinion entirely.

2 Furthermore, an expert witness's testimony is to be given
3 no greater weight than that of other witnesses simply because
4 the witness is an expert. Further, you are not required to
5 accept an expert's opinion, even though it is not
6 contradicted.

7 Now, ladies and gentlemen, I instruct you and I emphasize
8 to you that the fact that the defendants did not testify is
9 not a factor to be considered by you in any way in your
10 deliberation and in your consideration on the question of
11 their guilt or innocence. It must not be considered by you in
12 any manner whatsoever.

13 A defendant has the constitutional right to remain
14 silent, and the assertion of this right must not be considered
15 by you in your deliberations. I repeat, under your oath, you
16 are to draw no conclusion whatsoever from the fact that the
17 defendants in this case did not testify. The fact that the
18 defendants did not testify should not even be discussed in the
19 jury room.

20 The burden of proof, as I have stated to you, is on the
21 State. The defendants are not required to prove their
22 innocence. The burden of proof remains on the State to prove
23 guilt beyond a reasonable doubt.

24 Now, in order to establish criminal liability, criminal
25 intent is required. For example, the mental state required to

1. be proven by the State for a particular crime might be
2 purpose, intent, knowledge, recklessness, or criminal
3 negligence. Criminal intent must be proven by the State
4 beyond a reasonable doubt. Criminal intent is always a matter
5 that must be determined by the jury from the circumstances
6 surrounding the situation.

7 There is no way to prove intent to a mathematical
8 certainty. There is no way that medical science can dissect a
9 person's brain and determine what the person had in mind; so
10 the law says that criminal intent may be inferred from the
11 circumstances shown to have existed. This is how you make a
12 determination of whether or not the element requiring intent
13 was present.

14 It is not necessary to establish intent by direct and
15 positive evidence, but intent may be established by inference
16 in the same way as any other fact by taking into consideration
17 the acts of the parties and all the facts and circumstances of
18 the case. Criminal intent is a mental state, a conscious
19 wrongdoing. It is up to you to determine what each defendant
20 intended to do based on the circumstances shown to have
21 existed.

22 Criminal intent can arise from action or a failure to
23 act. It may arise from negligence, recklessness, or an
24 indifference to duty or to consequences that is considered by
25 the law to be the equivalent of criminal intent.

1 I will tell you that if the defendant, ladies and
2 gentlemen, with malice aforethought, attempts to kill another
3 person, but by mistake injures or kills a different person,
4 the defendant still has the intent to kill. The intent to
5 kill is merely transferred from the original person the
6 defendant attempted to kill to the actual person killed or
7 injured.

8 Now, if a crime is committed by two or more people who
9 are acting together in committing a crime, the act of one is
10 the act of all. A person who joins with another to commit an
11 unlawful act is criminally responsible for everything done by
12 the other person which happens as a probable or natural
13 consequence of the acts done in carrying out the common plan
14 or purpose.

15 For example, two people can be guilty of a larceny or
16 stealing of farm equipment valued at more than \$2,000 when two
17 go to the scene and only one drives the equipment away. If
18 two or more people are together, acting together, assisting
19 each other in committing the offense, the act of one is the
20 act of all or, as it is sometimes said, the hand of one is the
21 hand of all.

22 Prior knowledge that a crime is going to be committed
23 without more is not sufficient to make a person guilty of that
24 crime. Mere knowledge that another person is going to commit
25 a crime, even if the defendant is present when the crime is

1 committed, is not sufficient to convict the defendant as a
2 principal.

3 Guilt as a principal is shown by actual or constructive
4 presence at the scene as a result of prior arrangement.
5 Therefore, a finding of a prior arranged plan or a common
6 scheme is necessary for a finding of guilt as a principal.
7 The State must prove beyond a reasonable doubt by competent
8 evidence that the theory of the hand of one is the hand of
9 all.

10 A principal in a crime is one who either actually commits
11 the crime or who is present aiding, abetting, or assisting in
12 committing the crime. When a person does an act in the
13 presence of and with the assistance of another, the act is
14 done by both. Where two or more, acting with a common plan or
15 intent, are present at the commission of a crime, it does not
16 matter who actually commits the crime. All are guilty. The
17 hand of one is the hand of all.

18 Present at the commission of a crime means to be
19 sufficiently near to aid and abet and assist in the commission
20 of the crime. However, mere presence at the scene of a crime
21 is not sufficient to convict one as a principal on the theory
22 of aiding and abetting. Intent is also necessary as a
23 necessary element, for there must have been a common design or
24 intent to commit the crime and the crime must have been
25 committed pursuant thereto with the person aiding and abetting

1 by some overt act.

2 Intent means intending the result which actually occurs;
3 not accidentally or involuntary. Intent may be shown by acts
4 and conduct of the defendant and other circumstances from
5 which you may naturally and reasonably infer intent. The
6 State must prove these elements beyond a reasonable doubt.

7 Now, the defendants, ladies and gentlemen, are charged
8 with the murder of Christian Drawhorn. The State -- the State
9 -- the State must prove beyond a reasonable doubt that the
10 defendants killed Mr. Christian Drawhorn with malice
11 aforethought.

12 Malice is hatred, ill will, or hostility toward another
13 person. It is the intentional doing of a wrongful act without
14 just cause or excuse and with an intent to inflict an injury
15 or under circumstances that the law will infer an evil intent.

16 Malice aforethought does not require that malice exists
17 for any particular time before the act is committed, but
18 malice must exist in the mind of the defendant just before and
19 at the time the act is committed. Therefore, there must be a
20 combination of the previous evil intent and the act.

21 Malice aforethought may be express or inferred. These
22 terms, "express" and "inferred", do not mean different kinds
23 of malice but merely the manner in which malice may be shown
24 to exist, that is either by direct evidence or by inference
25 from the facts and circumstances which are proved.

1 Express malice is shown when a person speaks words which
2 express hatred or ill will for another or when the person
3 prepared beforehand to do the act which was later
4 accomplished; for example, lying in wait for a person or any
5 other act of preparation going to show that the deed was
6 within the defendant's mind would be express malice. Malice
7 may be inferred from conduct showing a total disregard for
8 human life.

9 The defendants are also charged with discharging a
10 firearm at or into a dwelling. The State must prove beyond a
11 reasonable doubt that the defendants discharged or caused to
12 be discharged unlawfully a firearm at or into a dwelling.

13 A dwelling, ladies and gentlemen, is any building or
14 portion of a building in which a person ordinarily sleeps. A
15 building constructed as a dwelling that has never been
16 occupied cannot be considered a dwelling. However, a building
17 is a dwelling even if the residents are temporarily absent
18 from the building.

19 Now, the defendants are also charged with possession of a
20 weapon during the commission of a violent crime. The State
21 must prove beyond a reasonable doubt that the defendants were
22 in possession of a firearm or visibly displayed what appeared
23 to be a firearm during the commission of a violent crime.

24 Now, there are two types of possession, ladies and
25 gentlemen, actual possession and constructive possession.

1 Actual possession means that the weapon was in the actual
2 physical custody of the defendant, while constructive
3 possession means that the defendant had dominion and control
4 or the right to exercise dominion and control over the weapon.

5 A firearm means any machine gun, automatic -- automatic
6 rifle, revolver, pistol, or any weapon which will, is designed
7 to, or may be readily converted to expel a projectile.

8 In order to find the defendants guilty of possession of a
9 weapon during the commission of a violent crime, you must
10 first find the defendants guilty of either committing a
11 violent crime or attempting to commit a violent crime. I will
12 tell you that murder and attempted murder are violent crimes.
13 The State must prove beyond a reasonable doubt that the weapon
14 furthered, advanced, or helped in the commission of the crime.

15 The defendants are also charged with four counts of
16 attempted murder: one count of attempted murder of Derrick
17 Lamont Wilson, one count of attempted murder of Darrell
18 Antonio Davis, one count of attempted murder of Gavin Graves,
19 and one count of attempted murder of Christopher Kollock.

20 In order to prove this crime, the State must prove beyond
21 a reasonable doubt that the defendants attempted to kill
22 Derrick Lamont Wilson, Darrell Antonio Davis, Gavin Graves,
23 and Christopher Kollock with malice aforethought, either
24 express or implied.

25 Now, as I stated to you previously and I will say again,

1 while the defendants are charged with four counts of attempted
2 murder, in addition to murder, discharging a firearm into a
3 dwelling, and possession of a weapon during the commission of
4 a violent crime, you must decide each charge separately on the
5 evidence and the law applicable to it, uninfluenced by your
6 decision as to any other charge. The defendants may be
7 convicted or acquitted on any or all of the offenses charged.

8 Now, malice as I explained to you earlier, ladies and
9 gentlemen -- malice is as I have explained to you earlier.
10 Furthermore, malice aforethought again may be express or
11 inferred.

12 If facts are proved beyond a reasonable doubt sufficient
13 to raise an inference of malice to your satisfaction, this
14 inference would be simply an evidentiary fact to be considered
15 by you, the jury, along with the other evidence in the case,
16 and you may give it the weight you decide it should receive.

17 A specific intent to kill is not an element of attempted
18 murder, but there must be a general intent to commit serious
19 bodily injury. Intent means intending the result which
20 actually occurs; not accidentally or involuntary. Intent may
21 be shown by acts and conduct of the defendants and other
22 circumstances from which you may naturally and reasonably
23 infer intent.

24 Evidence of the character of the act, the character of
25 the instrument used, the manner in which it was used, the

1 purpose to be accomplished, and the resulting wounds or
2 injuries, if any, may be considered in determining the intent
3 with which the act was committed. Intent may also be inferred
4 when it is demonstrated that the defendants voluntarily and
5 willfully commit an act, the natural tendency of which is to
6 destroy another's life.

7 Now, ladies and gentlemen, I am now drawing near the end
8 of my charge and I want you to clearly understand that you are
9 not partisans or advocates for the State of South Carolina or
10 the defendants. It is your duty by your joint deliberations
11 to determine the truth in this case, giving to the defendants
12 the benefit of every reasonable doubt on each and every issue.

13 Then, to the facts which you determine to be true, you
14 should take and apply the law which has been given to you by
15 this Court and thus arrive at a verdict which speaks the truth
16 in this case. In fact, the word verdict, which has a Latin
17 derivative, means a true saying. Thus, when you have
18 accomplished these responsibilities, you will have satisfied
19 your oath as jurors and you will have discharged your duty to
20 this Court.

21 Now, once you retire to the jury room, the bailiff will
22 give the verdict form to the foreman. When you, the jury,
23 arrive at a verdict as to the offenses charged in this case,
24 the foreman will select the verdict as to the charge on the
25 verdict form.

1 If the State has failed to prove the guilt of the
2 defendant beyond a reasonable doubt, your verdict will be "not
3 guilty." Likewise, if the State has proven the guilt of the
4 defendant beyond a reasonable doubt, your verdict will be
5 "guilty." Now, once a decision has been made as to each
6 charge, the foreman will check whichever choice is the verdict
7 of the jury -- which is the verdict of the jury as to the
8 charge.

9 The verdict that you render, ladies and gentlemen, must
10 be the verdict of each and every juror. It must be your
11 unanimous verdict. All twelve jurors must agree on the
12 verdict which you authorize the foreman to write for the jury.

13 Ladies and gentlemen, I want you to further understand
14 that the order in which the choices of verdict appear on the
15 verdict form are not suggestive of any verdict on the part of
16 the Court. The verdict in this case is to be determined by
17 you, the jury, not the Court.

18 Furthermore, please understand that even though I will
19 give the verdict form to the foreman, it is not his verdict
20 alone. It is the verdict of all twelve of you and I emphasize
21 again that it must be unanimous.

22 I will now ask you to retire to the jury room, but do not
23 begin your deliberations until you are told to do so. The law
24 requires that I consult with the attorneys to make sure that I
25 have not left anything out of these instructions.

1 Now, after I have checked with the attorneys, the bailiff
2 will bring in the items which have been introduced into
3 evidence along with the verdict form and instruct you to begin
4 your deliberations. Now, during your deliberations should you
5 have any questions, you, Mr. Foreman, must reduce them to
6 writing, knock on the door and let my bailiff know and he'll
7 get the question to me and I'll answer it however the Court
8 deems appropriate.

9 Once you have reached a verdict, please knock on the door
10 again and let the bailiff know that you all have reached a
11 unanimous verdict as to each charge and I will get you back
12 into the courtroom as quickly as possible.

13 You all may -- let me ask you this before I have you step
14 to the jury room. Does everybody feel okay on the jury?
15 Anybody not feeling well? All right. If you all will, step
16 to the jury room, but do not begin deliberations until you're
17 told to do so.

18 (Whereupon, the jury exits the courtroom at 2:49 p.m.)

19 THE COURT: While the jury is exiting the courtroom, can
20 the lawyers come up and look at the items of evidence and make
21 sure everything is there?

22 (Whereupon, there is a pause in the proceedings.)

23 THE COURT: All right. Hold on a second. Any exception
24 -- before we go any further, any exception or objection to the
25 charge by the State?

1 MR. CLEMENTS: No, Your Honor.

2 THE COURT: Mr. Deberry?

3 MR. DEBERRY: No, Your Honor.

4 MR. BAILEY: No, Your Honor.

5 THE COURT: Okay.

6 (Whereupon, there is a pause in the proceedings as the
7 evidence is checked by counsel and the alternate jurors
8 are released by the Court.)

9 THE COURT: Please take in the items of evidence, Mr.
10 Lewis, along with the verdict forms. Where are the verdict
11 forms? The verdict forms are over here. Take those items of
12 evidence in and tell them they can begin their deliberations,
13 please, sir.

14 (Whereupon, jury deliberations begin at 2:50 p.m.)

15 THE COURT: All right. We'll stand at ease. We'll stand
16 at ease.

17 (Whereupon, there is a break in the proceedings from 2:50
18 p.m. until 4:10 p.m.)

19 THE COURT: All right. It is my understanding that the
20 jury has reached a verdict on the charges. And I will remind
21 everybody in the courtroom to keep your emotions in check
22 whatever the verdict may be. Your failure to do so could
23 result in you being held in contempt of court and sentenced to
24 a period of incarceration. If you do not believe that you can
25 keep your emotions in check, now is your time to leave this

1 courtroom. Anything from the State before I bring the jury
2 out, Mr. Clements?

3 MR. CLEMENTS: No, Your Honor.

4 THE COURT: Mr. Deberry?

5 MR. DEBERRY: No, Your Honor.

6 THE COURT: Mr. Bailey?

7 MR. BAILEY: Nothing, Your Honor.

8 THE COURT: Bring me the jury, please.

9 (Whereupon, the jury enters the courtroom at 4:11 p.m.)

10 THE COURT: Madam Clerk?

11 THE CLERK: Ladies and gentlemen of the jury, have you
12 reached a verdict?

13 THE FOREMAN: We have.

14 THE CLERK: Thank you, sir.

15 (Whereupon, the verdict forms are delivered to the
16 Court.)

17 THE COURT: The verdicts appear to be in order. Madam
18 Clerk, you may --

19 THE CLERK: Thank you, Your Honor.

20 THE COURT: -- publish the verdicts. If the defendants
21 will stand for the verdicts.

22 VERDICTS OF THE JURY

23 THE CLERK: The State of South Carolina, County of
24 Marion, versus Shaheed Hayes. Verdict Form. Indictment
25 Number 2013-GS-33-0097.

1 As to the -- as to the charge of the murder of Christian
2 James Drawhorn, we, the jury, unanimously find the defendant,
3 Shaheed Hayes, guilty.

4 As to the charge of attempted murder of Derrick L. --
5 Derrick Lamont Wilson, we, the jury, unanimously find the
6 defendant, Shaheed Hayes, guilty.

7 As to the charge of attempted murder of Darrell Antonio
8 Davis, we, the jury, unanimously find the defendant, Shaheed
9 Hayes, guilty.

10 As to the charge of attempted murder of Gavin Graves, we,
11 the jury, unanimously find the defendant, Shaheed Hayes,
12 guilty.

13 As to the charge of attempted murder of Christopher
14 Kollock, we, the jury, unanimously find the defendant, Shaheed
15 Hayes, guilty.

16 Is this your verdict, say you one, say you all?

17 (Whereupon, the jury indicates in the affirmative.)

18 THE CLERK: Thank you.

19 MR. CLEMENTS: There's a second page.

20 THE CLERK: I'm sorry. As to the charge of discharging a
21 firearm into a dwelling, we, the jury, unanimously find the
22 defendant, Shaheed Hayes, guilty.

23 As to the charge of possession of a weapon during the
24 commission of a violent crime, we, the jury, unanimously find
25 the defendant, Shaheed Hayes, guilty.

1 Signed, James Michael Cullipher, Foreperson. Dated
2 8/8/2014.

3 Now, is this your verdict, say you one, say you all?

4 (Whereupon, the jury indicates in the affirmative.)

5 THE CLERK: State of South Carolina, County of Marion,
6 versus Blaton Smith. Indictment Number 2013-GS-33-0097.
7 Verdict Form.

8 As to the charge of the murder of Christian James
9 Drawhorn, we, the jury, unanimously find the defendant, Blaton
10 Smith, guilty.

11 As to the charge of the attempted murder of Derrick
12 Lamont Wilson, we, the jury, unanimously find the defendant,
13 Blaton Smith, guilty.

14 As to the charge of the attempted murder of Darrell
15 Antonio Davis, we, the jury, unanimously find the defendant,
16 Blaton Smith, guilty.

17 As to the charge of the attempted murder of Gavin Graves,
18 we, the jury, unanimously find the defendant, Blaton Smith,
19 guilty.

20 As to the charge of the attempted murder of Christopher
21 Kollock, we, the jury, unanimously find the defendant, Blaton
22 Smith, guilty.

23 As to the charge of discharging a firearm into a
24 dwelling, we, they jury, unanimously find the defendant,
25 Blaton Smith, guilty.

1 As to the charge of possession of a weapon during the
2 commission of a violent crime, we, the jury, unanimously find
3 the defendant, Blaton Smith, guilty.

4 Signed, James Michael Cullipher, Foreperson. Dated
5 8/8/2014.

6 THE COURT: Madam --

7 THE CLERK: Is this your verdict, say you one, say you
8 all?

9 THE COURT: Madam, let me see the verdict form? You said
10 -- as to the charge of discharging a firearm into a dwelling
11 the jury found him unanimously not guilty.

12 THE CLERK: I'm sorry.

13 THE COURT: Found him not guilty -- not guilty on that
14 charge. Okay. Now you can ask the question of them about the
15 verdict.

16 THE CLERK: Is this your verdict, say you one, say you
17 all as to Blaton Smith?

18 (Whereupon, the jury responds in the affirmative.)

19 THE CLERK: Thank you.

20 THE COURT: All right. All right. Anything from the
21 State at this time?

22 MR. CLEMENTS: Sir?

23 THE COURT: Anything from the State at this time?

24 MR. CLEMENTS: No, sir, Your Honor.

25 THE COURT: Mr. Deberry?

1 And as my grandfather used to tell me when I was a child,
2 everybody makes mistakes. It's whether or not you learn from
3 those mistakes. Unfortunately, the mistake involved here cost
4 somebody their life. It could have cost more lives.
5 Thankfully, it didn't cost more lives.

6 SENTENCE BY THE COURT

7 THE COURT: On Indictment 2013-GS-33-97, possession of a
8 weapon during the commission of a violent crime, each of the
9 defendants are hereby committed to the State Department of
10 Corrections for a period of five years.

11 As to each -- as to -- excuse me. As to Mr. Hayes,
12 discharging a firearm into a dwelling, the defendant is hereby
13 committed to the State Department of Corrections for a period
14 of ten years.

15 As to Defendant Hayes and Defendant Smith on the four
16 counts of attempted murder, each of the defendants are hereby
17 committed to the State Department of Corrections as to each
18 count of attempted murder for 30 years.

19 On the final charge of murder, each of the defendants are
20 hereby committed to the State Department of Corrections for
21 the balance of their natural life.

22 Each of these sentences are to run consecutive.

23 Anything else from the State?

24 MR. CLEMENTS: No, Your Honor.

25 THE COURT: Mr. Deberry?

WITNESSES

MARTIN BELL

Marion County Sheriff

DOCKET NO. 2013-GS-33-00097

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

FEBRUARY

TERM

2013

THE STATE

vs.

BLATON WAKEEM SMITH
WILLIE OBRIAN BETHEA
SHAHEED HAYES
JAMIE WILLIAMS

E. L. Clements, III

ARREST WARRANT NUMBER

M397251/M397255/M397259/M397263/M397277

M397260/M397261/M397262/M397279/M397274/
M397275/M397258/M397276/M397280/M397253/M397252/
M397254/M397256/M397278/M397257/M397265/M397271/
M397266/M397270/M397267/M397268/M397269/M397264

ACTION OF GRAND JURY

True Bill

Pauline R. Scott

Foreperson of Grand Jury

Date: Jan 31, 2013

VERDICT

Foreperson of Petit Jury

Date:

BOOK PAGE

2013 JAN 31 A 9 39

FILED

MARION COUNTY SC

Indictment for
MURDER;
DISCHARGING FIREARM INTO DWELLING;
POSSESSION OF WEAPON DURING
COURSE OF VIOLENT CRIME;
ATTEMPTED MURDER
(FOUR COUNTS)

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARION)

INDICTMENT FOR

MURDER

DISCHARGING FIREARM INTO DWELLING
POSSESSION OF WEAPON DURING COURSE OF
VIOLENT CRIME
ATTEMPTED MURDER
(FOUR COUNTS)

At a Court of General Sessions, convened on JANUARY 31, 2013 the Grand Jurors of MARION County present upon their oath:

COUNT ONE- MURDER

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES AND JAMIE WILLIAMS did in Marion County, on or about April 13, 2012, willfully, feloniously, and intentionally kill the victim, Christian James Drawhorn, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about April 13, 2012 in Marion County, in violation of Section 16-03-0010, 20 S. C. Code of Laws, 1976, as amended.

COUNT TWO- DISCHARGING FIREARM INTO DWELLING

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES, AND JAMIE WILLIAMS did in Marion County on or about April 13, 2012, discharge or cause to be discharged unlawfully, firearms at or into a dwelling house or other building or enclosure regularly occupied by persons; located at [REDACTED], in violation of Section 16-23-0440, S. C. Code of Laws, 1976, as amended.

COUNT THREE - POSSESSION OF WEAPON DURING COMMISSION OF VIOLENT CRIME

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES, AND JAMIE WILLIAMS did in Marion County, on or about April 13, 2012, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

548

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR MURDER, ATTEMPTED MURDER, DISCHARGING A FIREARM INTO A DWELLING, POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME AND FOUR COUNTS OF ATTEMPTED MURDER WITH THE AFORESAID NAMES(S) OF BLATON SMITH, WILLIE O. BETHEA, SHAHEED HAYES AND JAMIE WILLIAMS SHOWN THEREON

COUNT FOUR- ATTEMPTED MURDER

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES, AND JAMIE WILLIAMS did in Marion County, on or about April 13, 2012, with malice aforethought attempt to murder one, Derrick Lamont Wilson, by shooting into dwelling causing great bodily injury and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

COUNT FIVE- ATTEMPTED MURDER

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES, AND JAMIE WILLIAMS did in Marion County, on or about April 13, 2012, with malice aforethought attempt to murder one, Darrell Antonio Davis, by shooting into dwelling causing great bodily injury and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

COUNT SIX- ATTEMPTED MURDER

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES, AND JAMIE WILLIAMS did in Marion County, on or about April 13, 2012, with malice aforethought attempt to murder one, Gavin Graves, by shooting into dwelling causing great bodily injury and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

COUNT SEVEN- ATTEMPTED MURDER

That BLATON W. SMITH, WILLIE O. BETHEA, SHAHEED HAYES, AND JAMIE WILLIAMS did in Marion County, on or about April 13, 2012, with malice aforethought attempt to murder one, Christopher Kollock, by shooting into dwelling causing great bodily injury and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Marion
STATE VS.
Shaheed Hayes

AKA:

Race: Black Sex: M Age: 23DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Latta, SC 29565DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-33-00097A/W#: M397253Date of Offense: 4/13/2012S.C. Code §: 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15295

Clements, III, E. L.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8-8-14
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Kristal Smith

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2150Sentence Date: 8-8-14

STATE OF SOUTH CAROLINA

COUNTY OF Marion
STATE VS.Shaheed Hayes

AKA:

Race: Black Sex: M Age: 23DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Latta, SC 29565DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-33-00097A/W#: M397265Date of Offense: 4/13/2012S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15275

Clements, III, E. L.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8-8-14☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/Deputy Clerk: Sherry R. Rhodes/cgCourt Reporter: Kristal Smith

SCCA/217 (03/2011)

Presiding Judge: [Signature]Judge Code: 2160Sentence Date: 8-8-14

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PAGE 13

STATE OF SOUTH CAROLINA

COUNTY OF Marion
STATE VS.
Shaheed Hayes

AKA: _____

Race: Black Sex: M Age: 23DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Latta, SC 29565

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-33-00097A/W#: M397266Date of Offense: 4/13/2012S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15295

Clements, III, E. L.

SC Bar# _____

Defendant

Attorney for Defendant

SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8-8-17☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Sherry N. Rhodes / Krystal Smith

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2160Sentence Date: 8-8-17

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PAGE
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STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Marion

VS.

Shaheed Hayes

AKA:

Race: Black Sex: M Age: 23

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Latta, SC 29565

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-33-00097

A/W#: M397267

Date of Offense: 4/13/2012

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029

of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature]

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2160
8-8-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion
STATE VS.
Shaheed Hayes

INDICTMENT/CASE#: 2013-GS-33-00097

AKA: _____

A/W#: M397264Race: Black Sex: M Age: 23Date of Offense: 4/13/2012DOB: [REDACTED] SS#: [REDACTED]S.C. Code §: 16-03-0029Address: [REDACTED]CDR Code #: 3410City, State, Zip: Latta, SC 29565

DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☒ CONVICTED OF or ☐ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15295

Clements, III, E. L.

SC Bar# _____

Defendant

Attorney for Defendant

SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8-8-17☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.
Clerk of Court/ Deputy Clerk Sherry K. Rhodes/eyCourt Reporter: Kristal Smith

SCCA/217 (03/2011)

Presiding Judge D. [Signature]Judge Code: 2160Sentence Date: 8-8-17

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Marion

VS.

Shaheed Hayes

AKA:

Race: Black Sex: M Age: 23

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Latta, SC 29565

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Weapons / Discharging firearms into a dwelling

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-33-00097

A/W#: M397254

Date of Offense: 4/13/2012

S.C. Code § : 16-23-0440(A)

CDR Code #: 0052

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0440(A) of the S.C. Code of Laws, bearing CDR Code # 0052

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC § 17-25-45 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Clements, III, E. L.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion
STATE VS.
Shaheed Hayes

AKA:

Race: Black Sex: M Age: 23DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Latta, SC 29565DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Clements, III, E. L.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8-8-14☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
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§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2013-GS-33-00097A/W#: M397258Date of Offense: 4/13/2012S.C. Code § 16-23-0490CDR Code #: 0549

SENTENCE SHEET

PTUP

 days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 10th, 2015


Susan B. Hackett
Appellate Defender

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

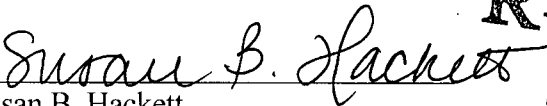
ATTORNEY FOR APPELLANT

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NOV 10 2015
SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 10th, 2015


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ATTORNEY FOR APPELLANT

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