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ORIGINAL

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY  
Court of General Sessions  
The Honorable Edgar J. Dickson, Circuit Court Judge

SC Court of Appeals

Appellate No.: 2012-212566  
Civil Action No. 2012-GS-38-0114; 0124

The State ..... Respondent,

v.

DARIUS RASEAN RANSOM

..... Appellant.

RECORD ON APPEAL  
Volume 2

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INDEX

Order of December 11, 2013 Remanding to Circuit Court for Reconstruction  
of the Record.....1

Order of January 16, 2014 Including Proceedings of Reconstruction hearing  
as Part of Transcript.....2

Order of January 30, 2014 Denying Reconsideration.....4

Jury Verdict Form.....6

Indictment Nos. 2012-GS-38-0114, 124.....8

Appellant’s Motion for Reconsideration.....12

Appellant’s Memorandum in Support of his Motion for Reconsideration.....14

Transcript of Trial on July 16-18, 2012.....19

Transcript of Reconstruction Hearing on January 3, 2014.....511

Defendant’s Affidavit dated July 25, 2011, State’s Trial Exhibit 1.....573

Defendant’s Affidavit dated July 26, 2011, State’s Trial Exhibit 2.....576

Defendant’s Affidavit dated July 26, 2011, State’s Trial Exhibit 3.....579

Certificate of Counsel.....582

1 MR. WISE: I would ask the Court to grant a new trial.  
2 with respect to the jury's decision on assault and bat-  
3 tery of a high and aggravated nature.

4 I would ask the Court to grant a new motion. I would  
5 say because the Court has heard all the evidence that the  
6 jury had a sufficient issue about what happened here from  
7 the proof that was brought forth.

8 I would ask the Court to consider allowing Mr. Ransom  
9 the opportunity to have another trial, given the state of  
10 the evidence produced.

11 THE COURT: All right, sir. Anything from you,  
12 Solicitor, in response?

13 SOLICITOR: Just that I think the verdict is supported  
14 by the evidence, and I would disagree with him, Your  
15 Honor.

16 The jury came back and asked for several definitions  
17 under the statutes, and that was presented to them. I  
18 believe it was a jury issue, and they have spoken.

19 We would ask that you deny the motions at this time.

20 THE COURT: Okay. All right. Mr. Wise, first of  
21 all, with regard to my ruling on admitting the confession,  
22 I am going to deny your motion for the same reasons I've  
23 set forth earlier on that.

24 With regard to your general motion regarding the  
25 evidence that was presented, I am going to deny your

1 motion as to that.

2 I would again note and hopefully preserve for the  
3 record the fact that you have maintained your objection  
4 to the confession throughout the trial, so that objection  
5 has been maintained.

6 I would deny your motion for a new trial as to those  
7 grounds, but I will note your objection to my rulings.

8 MR. WISE: Thank you.

9 THE COURT: Let's go ahead and get started with the  
10 sentencing.

11 Solicitor, if you would please tell me about Mr.  
12 Ransom's prior record.

13 SOLICITOR: Yes, sir. May it please the Court,  
14 Your Honor?

15 In regard to Mr. Ransom's prior record, he has a  
16 2005 adjudication in the Family Court on a charge of as-  
17 sault and battery of a high and aggravated nature.

18 He has -- as far as an adult record, he has a handful  
19 of magistrate level offenses, and then he had a petit lar-  
20 ceny from 2008. It looks like he might have gotten juve-  
21 nile probation revoked at that period of time.

22 He's got a minor possession of beer from 2010, and  
23 that is it as far as a prior record goes.

24 THE COURT: All right.

25 MR. WISE: I would have to double-check that, Your

1 Honor.

2 SOLICITOR: Your Honor, that's the Defendant's  
3 prior record. At the time of the incident, he was  
4 twenty-one years old. At the time he's twenty-two.

5 Mr. Harrison's family members are here, and I do  
6 believe he wishes to address the Court at the appropri-  
7 ate time.

8 THE COURT: Okay. Mr. Harrison, stand up here and get  
9 close to the microphone for me.

10 MR. HARRISON: All right, I'm kind of disappointed  
11 in the verdict because my heart stopped beating and I had  
12 a hole in my lung, you know. My stomach bothers me, and  
13 I lost my job and everything.

14 That's about it.

15 THE COURT: Okay. Thank you, sir.

16 SOLICITOR: Your Honor, I've been doing this now for  
17 over seven years, and I've prosecuted probably seventy-  
18 five homicide cases in that period of time.

19 These facts are as serious as probably any of those  
20 homicides I've tried.

21 I've met with Mr. Harrison quite a few times in the  
22 last months and met with his family members when they  
23 came up for the initial bond hearing. He had just gotten  
24 out of the hospital at that point in time. Actually,  
25 they didn't feel like he was able to kinda get out and  
about at that point in time.

1 Talking to them and seeing him, I'm now seeing the  
2 effect this injury has had on him. I didn't know what he  
3 was like before, but he is very frail at this time.

4 I would note, Your Honor, that his family told me  
5 when they came up for the initial bond hearing that Mr.  
6 Harrison, as he testified, had lived in his home for eight  
7 years prior to this occurring. Since this thing happened  
8 to him he has never been back there. He was afraid to  
9 go back there after the incident occurred and he got out  
10 of the hospital.

11 That is pretty tragic and shameful. Your Honor, I  
12 usually don't at this point in time ask Your Honor for a  
13 specific sentence. This is one of the rare times that I  
14 would do that. These facts are about as brutal and as  
15 violent as I can imagine, and I think it justifies a  
16 substantial sentence from Your Honor.

17 Obviously, Mr. Ransom has been convicted of burglary  
18 first and he can be sentenced to life in prison, and I  
19 think this is a situation had Mr. Harrison not lived  
20 that that would be an appropriate sentence -- if he had  
21 not survived this attack.

22 As I told the jury, I don't think that fact really  
23 has anything to do with Mr. Ransom, the fact that he did  
24 not die. It has everything to do with Mr. Harrison, Your  
25 Honor.

1 I would just ask that he be punished for his actions.

2 Thank you, Your Honor.

3 THE COURT: Thank you, Mr. Sorenson.

4 I'll be happy to hear from the attorneys for the  
5 Defendant.

6 MR. WISE: Thank you, Your Honor. Present in the  
7 Court is Ms. Williams, the Defendant's mother, and she  
8 would like to speak to the Court, and then Darius would  
9 like to address the Court, and then after that maybe  
10 I would have some comments.

11 THE COURT: All right. State your name for the  
12 record, please.

13 MS. WILLIAMS: My name is Janet Williams.

14 I would like to say I'm sorry for what happened to  
15 the Harrison Family but in my heart I just know that  
16 Darius did not do it. He has not been a violent person.

17 I'm just telling you how I feel. I feel like the  
18 Solicitor is over here to paint a bad picture and that  
19 is his job. He said Darius was charged with assault and  
20 battery of a high and aggravated nature, but he was not  
21 ever convicted. It was a thing that come up when they  
22 was children.

23 But everything you say is not right and is not fair.  
24 Yes, you want Darius to get the maximum sentence but  
25 people who commit murder don't get the maximum sentence.

1 I'm asking you to be as lenient as you could. That  
2 is all I'd have, sir.

3 THE COURT: Thank you, Ms. Williams.

4 All right. Darius, I'll be glad to hear what you  
5 have to say.

6 DEFENDANT: I'm twenty-two, and I've never been in-  
7 carcerated my whole life. Never been in any type of  
8 trouble my whole life. For the first time, I got a fam-  
9 ily and two kids, a mother who loves me, a fiance that I  
10 love and kids I want to give a home.

11 Like I said, how I feel right now -- nobody is in-  
12 terested in the way I feel, but in my heart I know I  
13 did not commit this crime.

14 I never had a father growing up. I haven't seen my  
15 father since I was two years old when he abused me and  
16 my mother. People are always telling me you're gonna  
17 be just like your father, but I don't know my father.  
18 My father got life in prison, and now everybody is going  
19 to look at me and say, well, you're just like your father.

20 I let myself down, let my family down, and most of all  
21 I let my kids down.

22 I know in my heart I did not commit this crime like  
23 the jury say. I have not did it, and I know once I get  
24 incarcerated and go up the road there's a guarantee that  
25 I won't amount to nothing and I will be lost.

1 I'm going to ask you to please look into my heart  
2 and listen to my voice. I did not commit this crime,  
3 and I'm sorry. I ask you please to not take my life away,  
4 please. Please.

5 THE COURT: Anything further?

6 MR. WISE: Just a few other things I want the Court  
7 to know about Darius. I don't think they ever came out  
8 during the trial.

9 His mother is here, and that reflects the kind of  
10 family support that he has. I say this to let the Court  
11 know that I think Darius really has the opportunity to  
12 do some good in his life. He will have to deal with this,  
13 but, as the Court knows, his mother works at the deten-  
14 tion center. He was working before he was arrested, was  
15 working at (inaudible) for a while. He was taking com-  
16 puter engineering classes at Trident Tech.

17 The Court, I think, heard reference to some of the  
18 medical issues he has. Some statements about his en-  
19 larged heart and a cyst on his kidney. I submit to the  
20 Court that certainly punishment is going to be imposed,  
21 but he is the kind of guy, I think, that can serve a  
22 sentence and come out and be productive. I'm asking the  
23 Court on his behalf and on his mother's behalf to give  
24 him that opportunity.

25 THE COURT: Thank you, Mr. Wise.

1           Let's stand down for a few minutes.

2           (The Court took a brief recess and the matter was  
3 then resumed)

4           THE COURT: All right. I'm ready to do the sentenc-  
5 ing in this case. If there is anybody who can't control  
6 themselves during this time, I would ask you to leave  
7 now.

8           All right, Mr. Ransom, the jury has heard the evi-  
9 dence in this case and they have convicted you of burg-  
10 lary in the first degree and assault and battery of a high  
11 and aggravated nature.

12          There was testimony you broke into Mr. Harrison's  
13 house without any provocation and beat him unmercifully.  
14 You are asking the Court now for mercy after the convic-  
15 tion.

16          The sentence of the Court for assault and battery of  
17 a high and aggravated nature is that you be committed to  
18 the South Carolina Department of Corrections for a per-  
19 iod of twenty years.

20          As to the burglary first, it is the sentence of the  
21 Court that you be committed to the State Department of  
22 Corrections for a period of thirty years. These sentences  
23 are concurrent.

24          You will be given credit for time served.

25          MR. WISE: Your Honor, we have one request.

1            Obviously with a sentence like this, Darius is going  
2            to the Department of Corrections. Apparently his sister  
3            is here and he has some other family members here. He  
4            wanted me to inquire if he would be allowed to remain in  
5            Orangeburg until this weekend to possibly arrange some  
6            time when they could all get together.

7            THE COURT: Okay.

8            -----END OF REQUESTED TRANSCRIPT-----

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1 CERTIFICATE

2 I, HARRIET P. BENNETT, Official Court Reporter for  
3 South Carolina Court Administration, hereby certify that  
4 the foregoing Transcript was prepared from the records of  
5 Harry Dot Walker to the best of my ability, having been  
6 heard in the Court of General Sessions for Orangeburg  
7 County on July 16, 17, 18, 2012.

8 FURTHER, I certify that I am neither of kin nor  
9 counsel to any party to this action, nor do I have any  
10 interest in the matter.

11 April 26, 2013

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I N D E X

WITNESS/DESCRIPTION PAGE NO.

Reconstruction Hearing

EXHIBITS:

Court's Exhibit No. 1 ..... 55

Court's Exhibit No. 2 ..... 55

Certificate of Court Reporter ..... 62

1 THE COURT: Thank you. You may be seated.

2 My understanding that this is the State verses Darius  
3 Ransom, and it is indictments 2012-GS-38-0114 and 0124; is  
4 that correct?

5 MR. SORENSON: Yes, sir..

6 THE COURT: All right.

7 I have an order back from the Court of Appeals that  
8 they wanted me to schedule a hearing, and, I think, the  
9 closing arguments in this case and the jury selection, they  
10 wanted it reconstructed on the record.

11 Is that your understanding, Mr. Sorenson.

12 MR. SORENSON: Yes, sir.

13 It is my understanding that there is an issue dealing  
14 with closing arguments that transcripts are not existing,  
15 and then the -- this was the case so we initially had struck  
16 a jury. I believe I had made a Batson Motion that Your Honor  
17 granted. As a result of that we ended up re-striking the  
18 jury. I think in that initial jury strike with the Batson  
19 Motion that they wanted us to attempt to reconstruct what  
20 happened during that.

21 THE COURT: Okay.

22 Mr. Wise, that's your understanding as well?

23 MR. WISE: It is, Your Honor.

24 THE COURT: Okay. And for the record, Mr. Wise, you  
25 represented Mr. Ransom at the trial and Mr. Stroud was

1 co-counsel?

2 MR. WISE: That is correct, Your Honor.

3 THE COURT: Okay. And today, Ms. Diaz?

4 MS. DIAZ: Yes.

5 THE COURT: You are the appellate counsel; is that  
6 correct?

7 MS. DIAZ: Yes, Your Honor.

8 THE COURT: Okay.

9 All right, and it's my understanding, we've had a  
10 meeting in chambers. We're going to try and put -- go over  
11 the jury selection on the record and then go back and do the  
12 closing arguments, is that what y'all are asking me to do,  
13 and then make a finding about whether we had constructed the  
14 record so there can be a meaningful review of this by the  
15 Court of Appeals; is that correct, Ms. Diaz?

16 MS. DIAZ: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. WISE: Your Honor, if I may?

19 THE COURT: Yes, sir, Mr. Wise.

20 MR. WISE: In relation to the closing argument I -- my  
21 position has been that even if Mr. Sorenson basically  
22 repeats his and I repeat mine that that would not be  
23 adequate to reconstruct the closing arguments part of this.  
24 It's my understanding that there was some objection, that I  
25 imposed some objections to Mr. Sorenson's closing, and as I

1 stand here now, I'm -- I can't -- I'm not comfortable  
2 remembering what those objections were, what his statements  
3 -- what his comments might have been, what my objections  
4 were, what the Court's ruling was. So although I would  
5 certainly reread my closing I don't think that would address  
6 the problems that exist in this case.

7 THE COURT: Okay.

8 Ms. Diaz, you are the appellate counsel. Did you want  
9 us to just address that issue or do you want us to read the  
10 closings into the record?

11 MS. DIAZ: I think for a complete record since both  
12 closing arguments are missing, I think we need to have them  
13 both in the record.

14 THE COURT: Okay.

15 MS. DIAZ: But I agree with Mr. Wise in that I don't  
16 necessarily think that's going to cure the issue of the  
17 objections.

18 THE COURT: Okay, but you still think as part of the  
19 record we need to do that?

20 MS. DIAZ: Yes, Your Honor.

21 THE COURT: All right. Okay. Then we'll go forward in  
22 that.

23 Let's take up the -- take up the jury selection. And  
24 what I'm going to do is, I have my strike list that I will  
25 go forward and just kind of read in the record what we did

1 and then if y'all will just follow along and tell me if  
2 there's anything that you believe is in error, okay.

3 Regarding the first jury, this is a one where the  
4 Batson Motion was made.

5 The first juror was Ernest Marshall. He was Juror No.  
6 121. The state struck him. Mr. Marshall was a black male.

7 The next juror called was Pamela Wyatt. She was Juror  
8 No. 164. She was a black female. No one objected to her,  
9 and she was the first juror seated.

10 The next juror called was Matthew Avinger, Juror No. 4.  
11 He was a white male. The defendant used a strike to strike  
12 Mr. Avinger.

13 The next juror called was Alice Johnson, Juror No. 105.  
14 She was a black female. The defendant used a strike to  
15 strike Ms. Johnson.

16 The next juror called was Jeanette Bailey. She was  
17 Juror No. 5. She is a black female. There was no objection  
18 to her as a juror and she was seated as juror number two.

19 The next potential juror called was Tony Metzger  
20 (verbatim). He was Juror No. 130. A white male. The  
21 defendant used his third strike on Mr. Metzger.

22 The next potential juror called was Wilfred Arant. He  
23 was Juror No. 2, a white male. Defendant used his fourth  
24 strike to excuse Mr. Arant.

25 The next potential juror called was Annie Charley,

1 Juror No. 30, a black female. No objection by either party  
2 and she was seated is juror number three.

3 Jasmine Jones, Juror No. 111, also a black female. No  
4 objection by either party to her being seated and she was  
5 seated as juror number four.

6 Senetta (verbatim) Shaw, Juror No. 166, a black female.  
7 No objection by either party as to her being seated as a  
8 juror and she was seated as juror number five.

9 Herbert Adams, Juror No. 1, a black male, no objection  
10 by either party to him being seated as a juror and he was  
11 seated as juror number six.

12 Nesbit Brown, Juror No. 25, black male. The defense  
13 objected, asked that he be excused as a juror and that was  
14 the defendant's strike number five.

15 Nathaniel Robinson, Juror No. 160, also a black male.  
16 The defendant used his sixth strike to excuse him as a  
17 juror.

18 Douglas Davis, a white male, Juror No. 47. No one  
19 objected to him being seated as a juror and he was seated is  
20 juror number seven.

21 René Prichard, Juror No. 147, a white female. There  
22 were no objections to him being -- to her being seated as a  
23 juror and she was seated as juror number eight.

24 Matthew Thompson, Juror No. 181 was a -- is a black  
25 male. The defendant used a strike have him excused. It was

1 the seventh strike by the defendant.

2 Jefferson Ashby, Juror No. 3, also a black male. The  
3 defendant used the eighth strike to excuse him from being  
4 seated as a juror.

5 The next potential juror called Charlotte Frazier,  
6 Juror No. 61, a black female. No parties took exception to  
7 her being seated as a juror and she was seated as juror  
8 number nine.

9 Jody Welch, Juror No. 186, a white female. No party  
10 took an exception to her being seated as a juror. she was  
11 seated as juror and she was seated as juror number 10.

12 Charles Bales, Juror No. 6, a white male. The  
13 defendant took exception to him being seated as a juror and  
14 used his ninth strike regarding Mr. Bales.

15 The next potential juror was Marion Kinsey, Juror No.  
16 115, a white male. Neither party took any exception to him  
17 being seated as a juror and he was seated as juror number  
18 11.

19 Lorraine Gramlin, Juror No. 70, a white female. The  
20 defendant took exception to her being seated as juror and  
21 used his 10th strike to excuse her as a juror.

22 The next potential juror was Tiara Robinson, Juror No.  
23 161, a black female. There was no objection to her being  
24 seated as a juror and she was seated as juror number 12.

25 MS. DIAZ, do you need me to go over the alternates just

1 for the record?

2 MS. DIAZ: I --

3 MR. SORENSON: I would say yes, Your Honor.

4 THE COURT: Okay.

5 MR. SORENSON: I believe, according to my notes, one of  
6 the alternates was part of my Batson Motion.

7 THE COURT: Okay. All right.

8 MS. DIAZ: That was going to be my thought.

9 THE COURT: Well, I'll continue them.

10 The next potential juror called as a first alternate  
11 would be Casandra James, Juror No. 97, a black female.  
12 State took exception to her being seated as an alternate and  
13 used a strike.

14 Harry Fanning, the next potential juror, Juror No. 56,  
15 white male. The defendant excepted -- took exception to him  
16 being seated as juror and used a strike.

17 The next potential juror was Savannah Kitrell, Juror  
18 No. 116, a white female. She was seated as alternate number  
19 one, without objection by either party.

20 The next potential juror or alternate was Ethel Fraser,  
21 Juror No. 63, a black female. No party objected to her  
22 being seated as an alternate and she was seated as alternate  
23 number two.

24 THE COURT: All right. Now, Mr. Wise -- I mean Mr.  
25 Sorenson, then I believe you made a Batson?

1 MR. SORENSON: That would be correct, Your Honor.

2 THE COURT: Do you recall --

3 MR. SORENSON: Looking back, I do have my notes from  
4 that jury strike, Your Honor.

5 THE COURT: Yes, sir.

6 MR. SORENSON: And the one thing, just if I could make  
7 one correction that I have when you were going through the  
8 jury selection. I'm not really sure it matters, but Juror  
9 186 --

10 THE COURT: Jody Welch?

11 MR. SORENSON: -- yeah. You indicated that juror was a  
12 white female.

13 THE COURT: Oh, I'm sorry.

14 MR. SORENSON: It is a white male.

15 THE COURT: It is a white male. I'm sorry. That is my  
16 mistake. Let me correct that right now. White male. Yes,  
17 sir. Thank you for a paying attention, Mr. Sorenson.

18 MR. SORENSON: You're welcome, Your Honor.

19 According to my notes there appears to be three jurors  
20 that I took exception to Mr. Wise's striking. That was  
21 Juror No. 4, Mr. Avinger, Juror No. 130, Mr. Metzger and  
22 then Juror No. 56, Mr. Fanning, who was one of the  
23 alternates, the strike that Mr. Wise used during the  
24 selection of our first alternate. They were all three of  
25 them were white males. There were a couple other either

1 white males or females that he did strike that I don't  
2 believe, looking at my notes, I had an objection to, and I  
3 suspect in looking at those they were all a little bit  
4 elderly, a little bit older, at least, and I know he had  
5 also struck some African-Americans that were in that same  
6 age range, and this was a case where our victim was an  
7 elderly gentleman. So I understood the reason for those  
8 strikes, but those three, Mr. Avinger, Mr. Metzger and Mr.  
9 Fanning, were all born either -- I believe all in the 80s.  
10 So they would be younger. Had kind of working class type  
11 jobs. One worked, Mr. Avinger, for a company called CSSI.  
12 Mr. Metzger was a welder and then Mr. Fanning was a helper,  
13 I believe he indicated his job was at Fanning construction  
14 helper. I believe my objection was to the three of them was  
15 that there were other jurors that were basically a kind of  
16 blue collar working class type African-American jurors that  
17 were seated while he struck those three jurors.

18 Looking to my notes I don't see where any of them had  
19 stood up and indicated they knew any of our witnesses or  
20 anything of that nature that would have been another reason  
21 to strike -- I mean, that was the initial kind of prima  
22 facie evidence I put forward to the Court for those --  
23 challenging those three strikes.

24 THE COURT: Okay. Thank you.

25 Mr. Wise.

1 MR. WISE: Thank Your Honor.

2 THE COURT: What you recall about -- yes, sir?

3 MR. WISE: When the issue was raised, I think we  
4 discussed two criteria that I used in striking these jurors.  
5 And the first issue, I believe I raised, was the issue of  
6 just using peremptory strikes. In my opinion being that  
7 they -- you can use them for any reason as long as you don't  
8 use them for any discriminatory reason.

9 So, when you look at the composition of the jury, and I  
10 think the -- Mr. Sorenson correctly states that the issue  
11 was about white males. When you look at the composition of  
12 the jury, you had three white males that were struck. I'm  
13 sorry, three white males that were selected, a white female  
14 that was selected, black females, black males, and I think I  
15 argued at the time that it was my goal to insure some  
16 diversity, some representation of the community in the jury  
17 panel, and I think the court's concern was that anytime I  
18 used a peremptory strike I had to be able to give a non -- a  
19 kind of a race neutral reason for using that strike, and I  
20 think we disagreed about that, but that's what I offered up.  
21 I told -- I informed the Court and I think the Court can see  
22 I did not use all of my peremptive strikes. So if I were  
23 inclined to rid a jury panel of all white males, I would not  
24 have allowed the three white males to be sat.

25 Now, as to the individual jurors, one of the jurors,

1 Juror 130, based on my review of his facebook page, I saw  
2 that he indicated he was a hunter or liked to hunt,  
3 something along those lines, and that caused me some  
4 concern, but the other jurors I used my peremptory strikes  
5 to strike in an effort to not exclude white males but to  
6 include other members of the community in the jury panel.

7 THE COURT: Okay.

8 MR. WISE: I think there were -- he ran down these  
9 jurors so I think the Court can see, now looking back, that  
10 we did have a racially diverse jury. Whether or not it  
11 reflects the exact demographics of the community I think  
12 it's -- it's a decent proximity of the demographics and  
13 that's what I was going for.

14 It was not my intent to exclude white males, obviously,  
15 I didn't, but to include the community as part of the jury.

16 So I think that was my argument. I think I argued at  
17 the time there was no purposeful discrimination against  
18 white males as evidenced by who we sat. I argued about the  
19 need to insured racial and gender diversity of the jury,  
20 which I think I achieved, and I think I argued at the time  
21 that I was not seeking to exclude any racial or gender but  
22 to include all races and genders. And I believe those were  
23 my arguments regarding the -- my decisions on voir dire.

24 Then obviously the Court granted the motion and --

25 THE COURT: Yeah, but -- and the reason I granted the

1 motion was that I was not given a sufficient race neutral  
2 reason for you to do that.

3 Now, the only other comment, I want you to double-check  
4 your notes. According to my notes, Mr. Wise, you did use  
5 all of your -- you had 10 strikes and you used 10.

6 Can you just double-check?

7 MR. WISE: I will right now.

8 THE COURT: Thank you, sir. I want to make sure that  
9 we've got that right on the record.

10 MR. WISE: I did use all 10. You are correct.

11 THE COURT: That's what I thought. Okay.

12 MR. WISE: We sat Juror No. 130 -- I'm sorry, the first  
13 juror -- the first white male juror was No. 4, 130, 2 and 6.  
14 And then we had jurors -- they were struck, then Jurors 47  
15 186, 115, and I -- it's my recollection that I could have  
16 struck more white males, but I'm going to defer to the  
17 Court's notes on that.

18 THE COURT: Right. Okay, and I just read those notes  
19 into the record. Okay. Now, -- and I think that satisfies  
20 that part of the jury selection unless there's anything  
21 else.

22 Mr. Sorenson?

23 MR. SORENSON: The only thing, I would just like to  
24 point out, I'm not sure if this ultimately if this was  
25 pointed out at any point in time, but ultimately -- and I'm

1 not sure -- I don't have a recollection of Your Honor  
2 actually granting the Batson Motion as to all three of those  
3 jurors or as to one or two of them. I don't know, but  
4 ultimately those three jurors that I had indicated that my  
5 notes reflected I had a problem with, none of the three of  
6 them ended up on the second jury, for whatever that's worth.

7 THE COURT: Okay.

8 MR. SORENSON: I mean, none of those three; Mr.  
9 Avinger, Mr. Metzger or Mr. Fanning. None of them were even  
10 called when we picked our second jury that ultimately ended  
11 up deciding this case.

12 THE COURT: And as I saw it, if y'all would double  
13 check my calculations as far as the sitting jury on the case  
14 that I granted your Batson Motion on there were initially  
15 there would have been seven black females and one black  
16 males and four -- I mean -- excuse me, three white males and  
17 one white female. If y'all would just double check that, so  
18 we'll have that on the record.

19 MR. WISE: That's what I have.

20 MR. SORENSON: Yes, sir.

21 THE COURT: All right. All right, now --

22 MR. WISE: If I can't just add --

23 THE COURT: Yes, sir.

24 MR. WISE: -- along the same lines -- My strikes  
25 indicate I struck one black female, four black males, four

1 white males, one white female.

2 THE COURT: Okay. Do I need to go through and discuss  
3 the jury selection of the jury we sat, just for the record.

4 MR. SORENSON: I don't have the whole transcript, so I  
5 don't know if that's something that's missing or not.

6 THE COURT: Ms. Diaz, we're going to ask your direction  
7 with that.

8 MS. DIAZ: Your Honor, the transcript only notes just  
9 kind of what we just did where you called out names and who  
10 was seated or who was excused.

11 THE COURT: Uh-huh. (Affirmative response.)

12 MS. DIAZ: I believe that completely captures it. If  
13 you'd like for me to read off the names to double check for  
14 accuracy I can.

15 THE COURT: No, I think -- you mean on the jury that I  
16 struck -- that I granted the Batson Motion?

17 MS. DIAZ: No, I was talking about the next jury.

18 THE COURT: Okay.

19 MS. DIAZ: If you'd like me to double check that, I can.

20 THE COURT: Yeah, if you want to. If you want to read  
21 them into the record, go ahead.

22 MS. DIAZ: Okay. I have -- let me know if this is  
23 different from what y'all have.

24 Juror No. 14, -- sorry --

25 THE COURT: Okay. Well, let me do it. I've got mine.

1 I'll go over the list of the jury we sat. Okay.

2 MR. SORENSON: You want to compare that. I'm seeing  
3 what Ms. Diaz is looking at, the transcript. I haven't seen  
4 that. I think it's--

5 THE COURT: Okay. I'm going to go through, on my jury  
6 strike list, my note is that the first juror was -- Yeah.

7 The first juror that was presented as a possible juror  
8 was Lester Foster, who would have been Juror No. 60, a white  
9 male. There was no objection to him being seated by either  
10 party and he was seated as juror number one.

11 The next potential juror was Pamela Wyatt, Juror No.  
12 164. A black female. No objection from either party and  
13 she was seated as juror number two.

14 Susan Farris, Juror No. 57, a white female. Defendant  
15 took exception to Ms. Farris and she was excused as a juror.

16 The next potential juror was Bernice Johnson, Juror No.  
17 160, a black female. Neither party took exception to Ms.  
18 Johnson being seated as a juror and she was seated as juror  
19 number three.

20 MR. WISE: Your Honor, may I have one moment?

21 THE COURT: Sure.

22 (Pause.)

23 MR. WISE: I think the Court indicated Pamela Wyatt was  
24 160, it should be 164.

25 THE COURT: Oh, I apologize. It was 164. Thank you for

1 correcting me.

2 All right, Ms. Diaz?

3 MS. DIAZ: It's all right. He said 164, 57, then 160.

4 THE COURT: Well, it was -- Foster -- I'll go back over  
5 them and see if I can say it right this time.

6 MS. DIAZ: Okay.

7 THE COURT: The first juror was Foster, Lester Foster,  
8 was No. 60.

9 MS. DIAZ: Okay.

10 THE COURT: Pamela Ryant --

11 MS. DIAZ: That is inconsistent with the -- you can go  
12 on.

13 THE COURT: I don't know if that -- Let me see if I can  
14 find the transcript.

15 MS. DIAZ: I have a copy for Your Honor.

16 THE COURT: No, you've given me a copy. I just haven't  
17 placed it --

18 MR. SORENSON: It's at the back of that jury selection  
19 thing --

20 THE COURT: Yeah. Oh, yeah. Y'all bear with me.

21 MS. DIAZ: Line 21.

22 THE COURT: Line 21. What page is that page is that  
23 supposed to be on?

24 MS. DIAZ: 76, Your Honor.

25 THE COURT: 76. Okay. Okay, 76, Line 21?

1 MS. DIAZ: Yes, Your Honor.

2 THE COURT: Okay. Juror 14 seated. I don't know --  
3 well, I don't know where Juror 14 on Line 21. I have no  
4 idea where that came from. I have the original list of the  
5 jurors. We didn't even have a Juror 14 in my -- in the  
6 original jurors that were present. And Ms. Foster -- I  
7 mean, Mr. Foster was Juror No. 60, and he was the first  
8 person sat.

9 Yes, sir, Mr. Sorenson.

10 MR. SORENSON: My notes reflect that, also, Your Honor.

11 THE COURT: Okay. Mr. Wise, do your notes reflect that  
12 same thing?

13 MR. WISE: That there was no Juror 14?

14 THE COURT: Yes, and that Mr. Foster, Juror No. 60 was  
15 the first juror --

16 MR. WISE: Yes.

17 THE COURT: Okay. Okay.

18 MR. SORENSON: Just for the record, Your Honor, I've  
19 gone through -- I don't know if you still just want to go  
20 through and read. I've gone through and double checked the  
21 rest of it and it's all accurate with my notes.

22 THE COURT: Oh, it is.

23 Have y'all --

24 MR. SORENSON: I don't know if they've had a chance to  
25 double check that or not.

1 MR. WISE: I apologize. The third juror sat, you  
2 reflect what number?

3 THE COURT: 106.

4 MR. WISE: 106, okay. Thank you.

5 THE COURT: Well, have y'all -- Mr. Wise, have you had  
6 an opportunity to review these pages of the transcript about  
7 who was seated and who wasn't seated?

8 MS. DIAZ: Yes, Your Honor, but I've not had a chance to  
9 compare them to the notes as to actually was seated or not.

10 THE COURT: So you want me to go through the list again?

11 MS. DIAZ: I can look at it just right now. Sorry.

12 THE COURT: If you'll take your time. I'll give you  
13 time to do that, okay.

14 MS. DIAZ: Thank you, Your Honor.

15 THE COURT: Yes, ma'am.

16 (Pause.)

17 MS. DIAZ: Your Honor, it appears with the exception  
18 that first Juror 14, the remainder of the jurors in the  
19 transcript match the ones listed in Mr. Wise's notes.

20 THE COURT: All right, so I don't need to go any further  
21 with that; is that correct?

22 MS. DIAZ: No, Your Honor.

23 THE COURT: Okay. All right. Now, according to my  
24 review, and I'd like for y'all to look, this jury that sat  
25 had three black males, four black females, two white females

1 and three white males. Is that correct from y'all's --

2 MR. WISE: I'm going to need a moment.

3 THE COURT: Okay. If you'll double check behind me so  
4 we'll have that correct.

5 (Pause.)

6 THE COURT: Mr. Wise, have you had an opportunity to  
7 review those numbers?

8 MR. WISE: Yes, Your Honor, I did. They match up with  
9 what I have.

10 THE COURT: Okay. All right.

11 Now, Ms. Diaz, it's my understanding that we need to  
12 have the closings on the record and then we'll go over about  
13 whether there was any objection or not?

14 MS. DIAZ: Yes.

15 THE COURT: Is that correct?

16 MS. DIAZ: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. WISE: Before we do that, would the Court mind  
19 making a copy of the Court's notes on the jury selection to  
20 be a part of the record?

21 THE COURT: I don't have any problems with that.

22 All right. I have -- and I've added -- I'll be glad to  
23 make my copies part of the Court record, though, I have at  
24 the bottom of this modified mine to indicate how many -- the  
25 racial and sexual division of the jury, which I did not do

1 the first time. Okay.

2 MR. WISE: Okay.

3 THE COURT: I'll have those copies made and made Court's  
4 Exhibits 1 and 2, and we'll submit those for appellate  
5 review.

6 MS. DIAZ: Yes, Your Honor. Thank you.

7 THE COURT: With the note -- with the note of those  
8 changes.

9 All right. Mr. Sorenson, I believe at the conclusion of  
10 the case -- that the defendant did not put up any defenses  
11 so you had the pleasure of opening?

12 MR. SORENSON: Yes, sir.

13 THE COURT: All right. Do you want me to have someone  
14 sit -- I can have some people sit in the jury?

15 MR. SORENSON: I'm good, Your Honor.

16 THE COURT: All right, sir.

17 MR. SORENSON: Just for the record, Your Honor.  
18 Attempting to do this kind of based off of my closing  
19 outline, which is pretty typical of how I do every closing  
20 argument. So is to do an outline that I then bring up and  
21 put on the podium kind of next to me and kind of --  
22 basically an outline for me to follow. It's not a word for  
23 word, I don't sit there and read it.

24 THE COURT: Right.

25 MR. SORENSON: So it's not going to be -- since what I

1 propose to do instead of just kind of instead of going  
2 through, is basically kind of go through my outline, because  
3 I'm sure that's 99 percent on target with what I would have  
4 gone through for the jury.

5 THE COURT: Okay.

6 MR. SORENSON: I don't really see any way where I can  
7 word-for-word attempt to come back and say what I said to  
8 the jury a year and a-half ago.

9 THE COURT: Right.

10 MR. SORENSON: This is the case, Your Honor, where I  
11 would have started off by --

12 MR. WISE: I'm sorry, Mr. Sorenson.

13 Your Honor, I just want the record reflect that if I do  
14 not object during Mr. Sorenson's rereading, it should not  
15 indicate, it should not be an indication that I didn't  
16 object during the actual trial.

17 THE COURT: No, I understand.

18 MR. WISE: Okay.

19 THE COURT: We'll so note that on the record.

20 MR. WISE: Thank you.

21 THE COURT: Go ahead, Mr. Sorenson.

22 MR. SORENSON: And Your Honor, I started off in this  
23 case by thanking the jury on behalf of the victim's family  
24 and also the citizens of Orangeburg County. As I told them  
25 the day before this wasn't going to be a long or complicated

1 case, but nonetheless it was one that was very important to  
2 all the parties involved, not only the victim, but also the  
3 defendant. I appreciated the attention they had given so far  
4 and I was confident they were going to give once they got to  
5 the point they were deliberating.

6 At that point in time, I went through and kind of  
7 explained, just briefly, what was going to happen now, that  
8 this was my last chance to address them.

9 I think part of this, Your Honor, is actually in the  
10 transcript that does exist. It's a very short part of  
11 either the tape was changed or for some reason it doesn't  
12 exist any more, but I just briefly explained to them what  
13 was going to happen, how this was my last chance to talk to  
14 them. That they knew the defendant was charged with first  
15 degree burglary and attempted murder, and that I was going  
16 to basically break my closing arguments with them into two  
17 parts. Initially I was going to talk about the charges and  
18 based on -- talk about the charges, and the fact that I said  
19 before you can convict somebody you have to actually prove  
20 that the crimes actually occurred. Then number two the  
21 facts that point conclusively to the defendant's guilt in  
22 this matter.

23 At that point in time I moved on and addressed the  
24 actual charges, burglary in the first degree. Defined that  
25 as the unlawful entry into a person's home without their

1 consent with the intent to commit a crime, accompanied by  
2 circumstances of aggravation. In this case, that would have  
3 been use of a deadly weapon, physical injury to a person not  
4 a part of -- who is not a participant of a crime.

5 Then moved on to attempted murder. This was a case, I  
6 believe, according to my notes, Your Honor, ultimately  
7 charged the jury not only attempted murder, but also the  
8 lesser included assault and battery of a high and aggravated  
9 nature and assault and batter, second degree. I went  
10 through and briefly defined those. Attempted murder, you  
11 have to prove the intent to kill and that you attempted to  
12 kill another with malice aforethought.

13 Then moved on to the lesser included of assault and  
14 battery of a high and aggravated nature, which involves  
15 unlawful injury to another and either great bodily injury  
16 results or is accomplished by means likely to produce death  
17 or great bodily injury. Defined great bodily injury, the  
18 substantial risk of death or serious permanent disfigurement  
19 or protracted loss of the function of a part of the body.

20 And then moved on to assault and battery, second  
21 degree. Unlawfully injures or attempts to injure another  
22 with moderate bodily injury. I defined moderate bodily  
23 injury as physical injury requiring medical treatment not  
24 rising to the level of great bodily injury.

25 Then moved on and the next thing I kind of addressed

1 was the defendant, Mr. Wise questioning of Dr. Zolki  
2 (verbatim) who is the doctor that testified for the state  
3 that he may have been trying to suggest the victim may have  
4 had a seizure and fell causing the injuries. I asked the  
5 jury if that made any sense.

6 My notes reflect at that point in time I was, you know,  
7 showing them some of the photographs that were in evidence  
8 from the scene. Addressing Dr. Zolki's testimony about  
9 multiple, serious, life-threatening injuries and then also  
10 the victim, himself's, testimony corroborating about what he  
11 told the responding officers a neighbor that testified, EMT  
12 and Dr. Zolki.

13 Then I go on to address -- let's see -- I've got what  
14 else does this prove. The back door is wide open with  
15 evidence it was forced, there's no trail of blood back there  
16 so we do the victim didn't leave that way. Addressing the  
17 burglary and then the defendant's statements that he gave  
18 both to a friend of his, Durell (verbatim) who testified and  
19 Lt. Shumpert. Then those little parts right there were  
20 dealing with the burglary.

21 And then moved on to address the attempted murder. I  
22 made a note here and kind of read, that I had, kind of  
23 gesturing with the axe handle that was allegedly used in  
24 this case. How much more malicious can you get. Pretty  
25 amazing that we weren't -- were trying a murder case instead

1 of just attempted murder. You can't be much more brutal or  
2 violent and to still have the victim here to testify.

3 So turn to look and see what kind of proves that  
4 intent, that malice that's required. In fact, the weapon  
5 that was used, the number of times that Mr. -- the victim  
6 was struck in the head and face. Blood spattered inside the  
7 residence, the victim's injuries. The skull fracture with  
8 epidural bleeding. He would have died if not treated.  
9 Additional bleeding on the brain, multiple facial, orbital  
10 and jaw fractures. Suffered a seizure, he was in the  
11 hospital for 50 days. His jaw was still wired shut 50 days  
12 later. A year later now, he's still having multiple issues;  
13 dizziness, unsteady on his feet. Looked at the disparity in  
14 the victim's and the defendant's sizes and physical  
15 conditions. I believe the victim is 61 years old.

16 Ultimately, at some point in there I addressed you  
17 can't open up Mr. Ransom's brain to see what his intent was,  
18 so you look at all those facts that I just addressed and if  
19 that's not malice then I'm not sure what is.

20 Turned to, if you don't find ultimately that intent to  
21 kill then there is no question about it that it was that he  
22 would be guilty of assault and battery of a high and  
23 aggravated nature and I'm not 100 percent sure, but  
24 typically in these cases I'm pretty sure in this case I had  
25 some boards with the elements kind of laid out that I would

1 have been addressing with the jury at that point in time.

2 Then I turned to what proves the defendant's guilty  
3 beyond any and all doubt and there was basically four things  
4 that I wanted to address. His testimony, the testimony of  
5 Durell Jenkins, the victim's cell phone and ultimately the  
6 defendant's statements to Lt. Shumpert. I believe I made  
7 comment that if this case had just had one or two of these  
8 the defendant would be guilty, but ultimately all four of  
9 these, you know, address his guilt beyond any and all doubt.

10 So the first was the victim's testimony. He ID'd the  
11 defendant, had seen him around a neighbor's trailer multiple  
12 times in the months leading up to the incident. He gave a  
13 description to law enforcement after the incident that fit  
14 the defendant's description, told Deputy Thorpe, at the  
15 time, that he was familiar with his attacker, but didn't  
16 know his name. And then there was no doubt, here in court  
17 yesterday, when he pointed out and ID'd the defendant in  
18 court.

19 Then moved on to Durell Jenkins, the defendant's friend  
20 who had known him for about a year. When the defendant was  
21 in Orangeburg he would stay at the victim's neighbor's  
22 trailer, consistent with what the victim indicated. The  
23 fact that the defendant needed money during this time  
24 period, as Mr. Jenkins testified. He testified about the  
25 frantic phone call he had received from an unknown number

1 which was the victim's telephone, asking him what did he  
2 tell him, that he had to do a lick, he busted the guy's head  
3 open, F'd him up, left him leaking. He only got about \$30,  
4 thought he would have a couple hundred dollars. I addressed  
5 those, you know, were the most honest words Mr. Ransom told  
6 anybody was what he told Mr. Jenkins right after this  
7 incident.

8         Once the defendant is caught he tries to back-track.  
9 Tell Durell Jenkins that he only said all that because he  
10 needed a ride. I asked the jury did that make any sense if  
11 you'd make all that up just to get somebody to give you a  
12 ride.

13         He wanted to talk initially to Durell because he was  
14 trying to find out exactly what he had told law enforcement  
15 up to that point in time.

16         Then I moved on to the dress and the victim's phone.  
17 The victim's phone had been found stuffed in the back of a  
18 patrol car that Mr. Ransom was transported after he was  
19 arrested, and had his, I believe, his victim's DNA on the  
20 phone and also made the comment if that's not enough that  
21 it's got the victim's blood on both screen and keypad. So  
22 we know he had to have gotten it at or around the time the  
23 victim was assaulted, wasn't a phone that he had come into  
24 possession of prior to the assault because of the victim's  
25 blood being on the phone.

1           Then I moved on to the defendant's statements was the  
2 fourth one. There was his writing -- law enforcement had  
3 gone back and re-interviewed him at his insistence, because  
4 he wanted to talk. He admitted to owning a red bandana,  
5 admitting to using the victim's phone, admitting to coming  
6 in through the back door, admitted to assaulting the victim  
7 four or five times. Still even at the end he was  
8 minimizing, you know, his involvement.

9           Then I briefly would have addressed something dealing  
10 with the defense. You know, I know Mr. Wise had made some  
11 comments in his openings about assumptions and assertions.  
12 The fact that those assumptions and assertions, don't let  
13 him make them because they are not evidence.

14           I don't have my other notes in there, so I'm not too  
15 sure what else I addressed dealing with him at that point in  
16 time.

17           Then I ultimately concluded with the fact that the jury  
18 has to sit here quietly over these several days, told over  
19 and over they can't talk about the case. It's about time  
20 for that to change here. They're ultimately going to have  
21 the loudest voice in the courtroom. Nothing done here this  
22 week is going to undo the pain, suffering, damage that the  
23 defendant inflicted on the victim, but what your verdict can  
24 do is bring some justice, and we can't hold Mr. Ransom  
25 accountable for his actions.

1 We finished -- his statement. I think I was holding up  
2 his statement indicating he's sorry and made the comment  
3 that his actions were what was sorry in this case. I  
4 ultimately asked the jury to find him guilty of burglary  
5 first and attempted murder.

6 THE COURT: Okay. All right. Thank you, Mr. Sorenson.  
7 Mr. Wise, I know you possibly took notes during his  
8 closing?

9 MR. WISE: Yes, Your Honor.

10 THE COURT: And you're reviewing them as he was going  
11 through?

12 MR. WISE: That's correct.

13 THE COURT: Anything in there, in your notes indicate  
14 anything that Mr. Sorenson may not have covered in his  
15 closing?

16 MR. WISE: The only thing I wrote down is when Mr.  
17 Sorenson was giving his -- his closing now, he argued about  
18 ABHAN and then he argued assault and battery, second. My  
19 notes indicate that he also argued about assault and  
20 battery, first.

21 THE COURT: Okay.

22 MR. SORENSON: I've got that initially. I'd would have  
23 to look to see what Your Honor charged, because I had -- you  
24 know, I did this kind of addendum that I had attached to my  
25 outline.

1 THE COURT: Okay.

2 MR. SORENSON: I had all four of them, attempted murder,  
3 ABHAN and assault and battery first and assault and battery  
4 second, then I crossed out assault and battery first. I was  
5 kind of making the assumption that maybe Your Honor didn't  
6 charge that.

7 THE COURT: No, I did charge assault and battery, first,  
8 and that was one -- if y'all had not had a chance to review  
9 the verdict form. The verdict form, they had an opportunity  
10 to find him guilty of burglary in the first degree,  
11 attempted murder, assault and battery of a high and  
12 aggravated nature, assault and battery first degree, and  
13 assault and battery in the second degree were essentially  
14 the five choices.

15 MR. SORENSON: Well, I guess I can kind of go back and  
16 kind of --

17 THE COURT: Okay.

18 MR. SORENSON: I do have ABHAN, it was crossed out, so I  
19 -- I think I realize now I didn't cross out the whole thing.  
20 So I hope that explains it.

21 THE COURT: Okay.

22 MR. SORENSON: I had assault and battery first, kind of  
23 in between ABHAN and assault and battery second.

24 THE COURT: Uh-huh. (Affirmative response.)

25 MR. SORENSON: The definition I have written down was

1 unlawfully injures another during the commission of a  
2 burglary, robbery, theft or kidnaping or attempts to injure  
3 with the present ability to do so and the act is accompanied  
4 by means likely --

5 THE COURT: Well, the reason that that's crossed out --

6 MR. SORENSON: Is because that doesn't apply in this  
7 case.

8 THE COURT: Right, and the first part does.

9 MR. SORENSON: And my notes I don't have that first  
10 line.

11 THE COURT: Yeah.

12 MR. SORENSON: Now that I look at it, I just kind of  
13 looked at it initially and thought I'd crossed the whole  
14 thing out. So as far as the assault and battery second, I  
15 think the definition I would have given to the jury. The  
16 assault and battery first is unlawfully injures another  
17 during the commission of a burglary, theft or kidnaping.

18 THE COURT: Okay. All right.

19 Mr. Wise, anything else that your notes indicate that  
20 was in Mr. Sorenson's closing?

21 MR. WISE: No, Your Honor.

22 THE COURT: All right.

23 MR. SORENSON: Or anything that's different, I guess,  
24 from what I -- left out or different.

25 THE COURT: Yeah.

1 MR. WISE: I didn't notice anything significantly  
2 different or left out. You know, I continue to have this  
3 issue about, sometimes there are things that are said, as  
4 Mr. Sorenson indicated.

5 THE COURT: Right.

6 MR. WISE: Things that are not reflected in his notes.

7 THE COURT: Right.

8 MR. WISE: That's just I think impossible to recreate.

9 THE COURT: That's true. That's one of the problems you  
10 have with re-creation.

11 MR. WISE: That's true. And my notes here -- I would  
12 not have -- just my normal practice would not have been to  
13 write down any objections I would have made, because I would  
14 have assumed it was all being taken down.

15 THE COURT: Correct. Correct.

16 All right. Now, Mr. Wise, are you prepared to do your  
17 closing?

18 MR. WISE: Yes, Your Honor.

19 THE COURT: Okay.

20 MR. WISE: In like Mr. Sorenson, it's going to be more  
21 of an outline form.

22 THE COURT: Okay.

23 MR. WISE: Because --

24 THE COURT: That's the nature of where we are.

25 MR. WISE: Yes.

1 I would have started off -- in my closing, my notes  
2 indicate I started off by telling the jury I had a lot of  
3 information to cover and I needed their patience, saying it  
4 was a serious matter. I asked them to bear with me. That  
5 the issue in the case was very simple. The issue was that  
6 Darius did this, not whether he was present or knew about it  
7 or knows the person who did this, but was it him. Do the  
8 facts convince them, the jury, beyond a reasonable doubt  
9 that it was Darius.

10 I then argued that the state relies on two things, the  
11 statements to police and to Durell and the cell phone, and  
12 that would be their case. I argued that the state believes  
13 that's enough to send him to prison. I argued I believe  
14 they need more, they need something to corroborate that  
15 Darius did this and that in this case there was nothing to  
16 corroborate that Darius did this.

17 Looking at the objective physical evidence, the facts,  
18 the things that we know. We look at the evidence to  
19 corroborate, I started with the no finger prints, no finger  
20 prints anywhere in the house, not on the door. Have to  
21 believe that Darius pried open the back door, but left no  
22 prints, not even a partial finger print. No finger print on  
23 the axe handle, no finger prints on any appliance or table  
24 or surface in the entire house. That there were no finger  
25 prints, no DNA. There was no DNA of Darius anywhere in the

1 house. Not on the axe handle, not on Mr. Harrison, not on  
2 any surface. The best they had was DNA on the phone could  
3 be Darius and I would certainly hope they're not going to  
4 send people to prison on could be's especially when you know  
5 there's some similarity in Darius's DNA and Harrison's DNA.  
6 The fact that there's no DNA on the axe handle is especially  
7 important. The state used their most sensitive equipment to  
8 find DNA. If you touch it with a finger you could find no  
9 blood or DNA on that axe handle. I submit that means two  
10 things. I raised the obvious issue whether there -- whether  
11 Mr. Harrison was actually hit with the axe handle and  
12 confirms that Darius never touched the axe handle.

13 Another fact was there was no blood, no blood on Mr.  
14 Harrison -- no blood of Mr. Harrison was found on Darius or  
15 on anything in his possession. Certainly with all the blood  
16 at the scene if Darius was as close as he would have to be  
17 to do this, he would have some blood on him. Not on his  
18 clothes, not on his shoes, not on his person, on his shoes,  
19 under his finger nails, in his hair. There was not one drop  
20 of blood.

21 I submit to you there was no blood because he was not  
22 in the area where blood was being shed. You can't find  
23 evidence because no evidence was there. I submit to you if  
24 you found something physical or tangible connecting Darius.  
25 Remember the state is looking for it. They had the best

1 people going over this crime scene. Ketcherside was there,  
2 Lt. Shumpert was there, the SLED lab was doing the analysis.  
3 The could find nothing of or on Darius. You have to believe  
4 Darius was smart enough to outwit and outsmart the best the  
5 Orangeburg Sheriff's Office and SLED has to offer and then I  
6 argued, no offense, I submit he was not that smart.

7 Let's talk about what was not found on or with Darius.  
8 That was the interesting aspect of the case. Remember  
9 Darius did not know the police were looking for him or going  
10 to arrest him. He did not know Durell has arranged for him  
11 to be arrested. So if Darius had done this he would have  
12 thought he got away with it, so you would expect something  
13 on him to connect to the crime.

14 What are the facts -- what do the facts show about what  
15 evidence was on him. There was no money from the theft on  
16 Darius and that's significant. What happened to the money.  
17 You'd have expected him to have the money. Remember he did  
18 not know he was going to be stopped. Also there was no  
19 property purchased with the money, so where's the money. I  
20 argued, I submit there's no money found on Darius because he  
21 never had the money.

22 The red clothing, you have to start with this. There  
23 was nothing distinctive about the red clothing. Anyone  
24 could have had this type clothes, but more important Darius  
25 was never seen wearing or with red clothes. Remember Darius

1 only had a beige backpack. He didn't have enough room to  
2 carry red clothes. I submit the reason Darius was never  
3 seen wearing or with red clothes because he didn't have red  
4 clothes, therefore he was not the person who attacked Mr.  
5 Harrison.

6 Remember when Travis last saw -- my notes indicate I  
7 argued, remember when Travis last saw Darius he was wearing  
8 blue jeans and a black t-shirt. The red bandana. There was  
9 nothing unusual about the bandana. It's a bandana like any  
10 sold in any store. To me the interesting thing about the  
11 bandana is this, it's been said that Darius kept the bandana  
12 with him, if you saw him you saw a red bandana. So why  
13 would he not wear one in the crime.

14 The reason I'm hesitating when I'm doing this is I'm  
15 trying to remember if I argued all these. I don't know if  
16 Travis testified --

17 MR. SORENSON: He did not.

18 MR. WISE: He did not. So some of this I probably did  
19 not say, but this is what's in my notes.

20 THE COURT: Okay.

21 MR. WISE: It's a problem.

22 THE COURT: Yes.

23 MR. WISE: Okay. So I'll skip those things about Mr.  
24 Travis.

25 May I have one moment, Your Honor?

1 THE COURT: Sure.

2 (Pause.)

3 MR. WISE: Okay. I'm informed that although he didn't  
4 testify there was some reference to him. I'll just put this  
5 in the record, the Court of Appeals will ignore it if it's  
6 inappropriate.

7 THE COURT: All right.

8 MR. WISE: So why would he wear one in the crime knowing  
9 it would connect him to the crime. I submit that he  
10 wouldn't. Just plain common sense. Another thing not found  
11 on him.

12 The next thing was tools. Remember how the door was  
13 pried open but no tools or other objects were found in the  
14 area or on Darius. In the beginning, I spoke about the  
15 facts. These are the facts that there's no physical or  
16 tangible evidence to connect Darius to the crime.

17 And I talked about assumptions starting with the phone  
18 in the car. The assumption is that Darius put the phone in  
19 the car. The police searched Darius and showed nothing  
20 could be used to hurt him. He has a problem with having his  
21 hands cuffed. You have to believe he was able to get into  
22 the car with the cell phone and then take the cell phone out  
23 of his pocket, a pocket the police did not look in -- and to  
24 break the cell phone. Not just to break the cell phone, but  
25 to take it apart. Remember it was found in three pieces.

1 He'd have to be able to conceal it in the seat and then get  
2 out of the car still in handcuffs and no one suspect  
3 anything. That was quite a feat, hard to believe that could  
4 happen. Police assume put the phone in the car. I submit  
5 the facts do not tell us that. The security related to the  
6 car, access to the car was not as good as it should be  
7 especially considering Thorpe says he searched it at the end  
8 of the shift. Then says he found the phone two days later  
9 and could not explain why. Submit with all the people  
10 around the night this happened trying to figure out what  
11 happened, the police, the EMS, the civilians. Submit last  
12 thing anyone can say is there was any security attached to  
13 this car. More important issue related to the phone,  
14 assumption that Darius took the phone from Mr. Harrison in  
15 the attack, the assumption goes like this, Darius had the  
16 phone, Darius took the phone and therefore Darius attacked  
17 Mr. Harrison.

18 I argue that -- the problems we know Mr. Harrison  
19 suffered a head injury, we know that he passed out. Unsure  
20 how long he passed out. Submit the injuries certainly would  
21 effect his ability to remember and recall. Submit he knows  
22 what happened and when. So even if we -- even if we assume  
23 the phone taken was taken at the time of the assault, given  
24 the issues that would result from head injuries certainly  
25 does not mean Darius took the phone. Submit the fact

1 consistent with someone else taking the phone.

2 I argued the fact that is that you cannot be sure of  
3 the time of the panic phone call related to this incident.  
4 The assumption is one immediately followed the other. The  
5 fact is that nobody knows if they were within minutes of the  
6 other or were they hours apart. The assumption only makes  
7 sense if they are within minutes.

8 The facts -- another problem with the facts concerns  
9 regarding the crime scene. Submit photos of the scene do  
10 not reflect what the state wants you to assume happened.  
11 Photos are inconsistent with what Mr. Harrison says. He  
12 says he was attacked at the door, got up, struggled to go  
13 out of the door. So why would the blood be all over the  
14 kitchen floor.

15 Just not clear what happened and how it happened. The  
16 simple answer is Harrison does not remember what happened.  
17 Whatever happened the facts, pictures, it is not what the  
18 state wants you to see happened. Submit these photos cast  
19 doubt on what happened. As to the identification submit the  
20 fact Harrison does not know who was in his house.

21 Six reasons. If he knew it was the person from the  
22 neighbors house he would have told Mr. Jennings. He would  
23 have provided a better description than just a black male,  
24 although he gave details of what happened. He did not say  
25 he knew the person. Two, if he knew it was a person from the

1 neighbor's house he would have told Officer Thorpe that. He  
2 would not have described the person simply as a black male.  
3 He could have provided other information -- if he could have  
4 provided other information certainly he would have provided  
5 it. If he told Investigator Shumpert he -- if he told  
6 Investigator Shumpert, Investigator Shumpert would have  
7 written it in his report. Why, that's where he writes all  
8 the important information or he would have said something at  
9 the preliminary hearing. Remember the case came up at the  
10 preliminary hearing. He would have said something then to  
11 correct Shumpert. Would have told -- she said he was  
12 articulate, conscious and alert, would have told Dr. Zolti.  
13 He described -- Dr. Zolti described him as conversant and  
14 awake. He did not -- He did not ID Darius because he did  
15 not know him.

16 Then I went on to talk about the statements he made. He  
17 made three, denies knowledge, indicates it was someone else,  
18 implicates himself.

19 The state's assumption, the first two are lies, the  
20 last one is the truth. That is the assumption they want you  
21 to accept and send Darius to prison. Let's take a look at  
22 the last statement, look at the facts. Remember he had  
23 already given two statements. This is important, what is  
24 going on at the time of the last statement. It was an  
25 emotional time. Darius was emotional. He was crying. He

1 had documented physical conditions. He mother was there.  
2 She was not well, just got out of the hospital. Lt. Shumpert  
3 wanted a statement although Darius says he does not know  
4 anything. Shumpert would not take no for an answer. The  
5 fact that he pressured him, Shumpert pressured him, called  
6 him a liar. When Darius writes a statement Shumpert is not  
7 satisfied because it does not say what he needs it to say.  
8 He needs a confession. Why? Because he knows without it  
9 there's no case. Police didn't know who did this, Mr.  
10 Harrison didn't know who did this, and needed a confession  
11 to make the case. And all they needed were the words, I did  
12 it. He clears the room and that's what he got. That was  
13 enough for him, but it should not be enough for you. We  
14 don't know what happened in the interrogation room. If we  
15 could we could have the facts about what went on. They  
16 could have been video tapped, could have been audio tapped.  
17 There's no video tape. The fact, anything behind closed  
18 doors, no witnesses, everything is done in secret, so  
19 there's no way for you to know. The key, this is the key,  
20 assumption. Assumption that Lt. Shumpert is telling you the  
21 truth. No problems, no issues, no pressures. The facts we  
22 do not know. So why would he confess? Simply because he  
23 was beaten down. I argued imagine this, you're placed under  
24 duress, you're taken to jail, you ask for a lawyer. The  
25 fact is, you don't get a lawyer, instead you get a tag team

1 of your mother and the county's lead investigator, the best  
2 detective, Lt. Shumpert. What do you think is going to  
3 happen. Not only do you have no one on your side, but you  
4 have everyone against you. Your heart should sink just  
5 thinking about it. The fact that no one is willing to  
6 accept what Darius is saying, no one. Not even his mother  
7 was on his side. So this confession is what you get  
8 Defeated people confess just to get it over with.

9 The facts are obvious he did not want to talk. If he  
10 wanted to talk to Shumpert he would have picked up the phone  
11 can called him. The fact that is that he didn't. The fact  
12 is that his mother gets Shumpert and brings him out. Why?  
13 We don't know. The fact is if he wanted to confess he would  
14 have done so when Shumpert got there. Not make his first  
15 statement. I submit that statement was truthful, a truthful  
16 statement to Shumpert. The facts, he's in jail. Up pops  
17 Shumpert and his mother, they take him to a room and they  
18 begin, both of them to work on him. He makes a statement.  
19 What happens, they reject it. Put yourself in this  
20 position. When does this end, is it going to be hours, is it  
21 going to be days. Who's going to stop this? Not Lt.  
22 Shumpert, certainly not his mother. What happens? What do  
23 you expect happens, he confesses. He finally confessed  
24 because he wanted to get it over with. These people right  
25 here looked you in the face. This situation is a real

1 example of why we are supposed to give people lawyers who  
2 ask for them. It prevents things like this, like false  
3 confessions.

4 I talked about false confessions. Things you have to  
5 remember is this, is that we all know that people confess to  
6 crimes they did not commit simply just cannot accept that --  
7 I argued this. I argued it. You simply just cannot accept  
8 what Darius says, even the state does not accept anything he  
9 says. The state accepts or rejects things Darius said to  
10 fit the case. They did it, they reject that. Says we went  
11 through the back door. That's rejected. They want this  
12 just to be about Darius. Asked to speak to Darius, they  
13 accept that when, in fact, his mother asked -- the  
14 assumption is the fact that fit the case are true, the facts  
15 that do not are rejected. They did not and you should not  
16 accept Darius's statement as a whole. And I talked about  
17 the statement. Darius did this because of the statement to  
18 Durell. The issue is Darius the person who actually attacked  
19 Mr. Harrison or does he know about it and says he did it.  
20 Remember the state says it was him. The fact, calling  
21 Darius -- calling Darius because he needs a ride home. The  
22 fact, Durell does not respond. He makes up the story  
23 Durell's words friend is johnny on the spot. Just like he  
24 told Durell when Durell saw him in jail. He had to make up  
25 the story to get him to respond. Some of you are going to

1 think who would say something like that who had not done it,  
2 but you know what, Darius was right. Simply asking for a  
3 ride home, Durell would not help. When he makes up the  
4 story Durell helps. Maybe not the best course of action,  
5 but those facts cut against the assumption that he committed  
6 this crime. Remember after his arrest he cooperated. He  
7 had nothing to hide. You cannot ignore Darius's openness  
8 when dealing with the police. Remember he gave DNA without  
9 a search warrant, is that the act of a guilty person.  
10 That's why we need corroboration, and that is a problem  
11 because there is none.

12 I have some notes about who was this Trey fellow.  
13 Obviously he didn't testify. I'm going to read these notes  
14 and I guess they will corroborate with the transcript.

15 Who was this Trey fellow. Police work on the  
16 assumption that Darius committed the crime and never  
17 investigated the person identified as Trey. Travis is Trey.  
18 They did not even consider him. Darius is called Drey. Not  
19 a big jump. Travis/Trey. Expect they would investigate  
20 especially this case when we have a person who in Travis who  
21 is involved in this case. What do we know about Travis?  
22 Travis lives within a few feet of the victim. He's the only  
23 person who saw red clothes. He obviously fit the description  
24 because the clothes are his. Something that is significant,  
25 he was around with Officer Thorpe and his car were at the

1 scene, giving him access to the car. At least search his  
2 home, look for clothes, look for money, take his DNA. None  
3 of this was done because the police assumed it was Darius.

4 So what happened is we know it did not happen the way  
5 Harrison says. There was no chasing. Does not make sense  
6 since Darius broke in and was searching for an axe handle.  
7 Even Harrison did not know where it was. So this was  
8 consistent with someone who has been in the house before.  
9 Who would do this. Fact, we know men are in and out of  
10 Harrison's house. Ten to 15 men in 15 months. People come  
11 and go. Last facts indicate it was not Darius. Remember  
12 the call to Durell was after the incident. If you believe  
13 it happened as the state says you would have to believe he  
14 would attack Harrison without a means to get away and then  
15 try to find a get-a-way driver. Use your common sense.  
16 That is unlikely to happen. No one would commit a crime  
17 like this when they would have to remain in the area after.

18 Then I argued some legal questions. At this point I'm  
19 obligated to discuss legal issues that have to do with each  
20 crime. Why isn't there -- no indication he intended to  
21 kill. Judge will tell you -- define attempted murder, it's  
22 none here. Assumption one, Darius -- Harrison was hit with  
23 a stick. Getting hit with a stick does not equal intent to  
24 kill. As to the first assumption doctors said injuries come  
25 from a stick or a fist. Fact, no blood on the stick --

1 submit if a person is hit, not stabbed, not shot, but hit no  
2 matter how bad the injuries that result that does not mean  
3 the person striking the blow intended to kill the person,  
4 just an assumption. Hit someone and they fall as a result  
5 and injure themselves -- is my push or strike enough to say  
6 I was attempting to murder?

7 Facts indicate if anything occurred it was an assault.  
8 Harrison was unsteady on his feet. Submit he drinks more  
9 than he likes to let on. Beer can on the step, beer can on  
10 the trailer tongue. Only a drinker drinks and throws the  
11 beer cans on the ground.

12 Assumption, all injuries came from the stick. But if  
13 he is unsteady on his feet is it from the drinking or  
14 unsteady on his feet as a result of being hit. Either way,  
15 he is likely to fall and hurt himself further. Either the  
16 doctor said he could have suffered a seizure. Assumption,  
17 another assumption, all blows from the stick. Fact, we just  
18 do not know whether blow from stick or fist and what  
19 injuries from blows and what from falling.

20 Discussed the injuries to Mr. Harrison. Mr. Harrison  
21 had injuries to his head only, only blood came from his  
22 head. No blood from Darius, no blood on the axe handle, but  
23 there was blood on the trailer tongue. Submit the facts  
24 tell us -- submit the facts tell us that the blood on the  
25 trailer tongue came from his head based on the fact that he

1 hit his head on the trailer tongue, the tongue is metal.  
2 Submit hitting head on the trailer tongue would cause  
3 serious injuries.

4 Then I talked about first degree burglary, why is there  
5 first degree burglary, assumptions one, Darius did it, two,  
6 he had a stick, three, he hit Harrison inside the house.  
7 Had to cause injuries from committing the burglary. If  
8 Harrison hit head on the tongue that caused injuries then  
9 obviously the burglary -- as injuries would have happened on  
10 the porch and not in the house. Have to be convinced it  
11 cross the threshold inside before the blow was struck. If  
12 not a burglary -- real issue considering Mr. Harrison's  
13 ability to recall. All these become very important in this  
14 case, I submit, in spite of where the blood may have been  
15 found in the house the issue is where the injury occurred  
16 and if that injury occurred by hitting head on the tongue  
17 and bleeding inside or if the injury occurred on the porch  
18 then there was no burglary and you should find Darius not  
19 guilty of that charge.

20 Based on what we know cannot be said with certainty  
21 that Harrison knows when this happened, where it happened.  
22 Obviously if the person did not have a stick it is not  
23 burglary.

24 Lastly I want to focus on assumptions. The last area  
25 with my open. The assumptions. This is a problem in this

1 case, there are too many assumptions. Let me detail some of  
2 them. One, simple assumption. Red on the stick is blood.  
3 Turns out there's no blood on the stick. More significant,  
4 assumptions two, Darius had the phone and Darius took the  
5 phone. Obviously, you can come into possession of something  
6 that you did not take because you have it especially in a  
7 situation like this doesn't mean you took it. Three, he  
8 called Durell and said he hurt someone. I talked about that.  
9 Four, another assumption that there's no Trey -- another  
10 assumption is that there's no Trey -- there is a Trey.  
11 Five, Darius is telling the truth when he says things  
12 consistent with the state's theory but lying when he says  
13 things that are inconsistent. These assumptions should  
14 cause you to pause. They should cause you to have doubt  
15 about who was there, what happened, who did what. Did  
16 Darius do this or was he just there. Did Trey do this, did  
17 someone else do this. Here's the point, it is, as I said in  
18 the beginning there are some facts, but there are  
19 assumptions. Start relying on those assumptions that they  
20 want you to convict Darius. Assume Darius was telling the  
21 truth when he said something they like, assume he's lying  
22 when he said something they don't, but they cannot have it  
23 both ways.

24 Takes up full circle back to the evidence. You need  
25 some physical, tangible evidence to corroborate the state's

1 theory, corroborate that Darius was there -- corroborate not  
2 that Darius was there or knew about it but that Darius did  
3 this.

4 Then I have a note, Your Honor, that I would address  
5 some of the issues of Mr. Sorenson's closing at this point.

6 Frankly, Your Honor, at this point in my closing I  
7 would have done that, Mr. Sorenson's closing, I can't tell  
8 what arguments I made at that point in response to the  
9 things that I put here. I have a number of things circled on  
10 my notes from Mr. Sorenson's closing but not how I responded  
11 to them.

12 THE COURT: Okay.

13 MR. WISE: Then I argued submit you have to be very  
14 hesitant to convict. Indeed, you should, as you would be  
15 required to when provided this type of evidence is to render  
16 a verdict of not guilty. Thank you.

17 THE COURT: Okay. All right.

18 Mr. Sorenson, you took notes while he was arguing?

19 MR. SORENSON: Absolutely not, Your Honor.

20 THE COURT: You didn't?

21 MR. SORENSON: No, but I don't have any recollection of  
22 any objecting during his closing arguments. I'm not too  
23 sure there was anything that would be an appellate matter  
24 dealing with his closing arguments. I was listening as he  
25 was going through and there was nothing that jumped out at

1 me as something that I thought -- greatly from the facts or  
2 anything of that nature.

3 THE COURT: All right.

4 Now, Mr. Wise, I know you noted when we were getting  
5 ready -- that you did not object -- the fact that you did  
6 not object while he was doing his reconstruction of his  
7 opening, was not to indicate that you did not object at the  
8 time of the original trial?

9 MR. WISE: Yes, sir.

10 THE COURT: Okay. I believe you've indicated to me that  
11 you don't have anything in your notes that indicated that  
12 you objected; is that correct?

13 MR. WISE: That is correct.

14 THE COURT: But it would not have been your policy to  
15 note that?

16 MR. WISE: That is correct.

17 THE COURT: Okay. All right. Do you have any independent  
18 recollection now that we have gone through the closing  
19 arguments, do you have any independent recollection that you  
20 objected to anything that Mr. Sorenson said during his  
21 closing?

22 MR. WISE: Your Honor, having been through this process,  
23 as I sit here I still don't recall what I might have  
24 objected to.

25 THE COURT: Okay. Well, let me note just for the

1 record, I -- you know, my notes do not indicate -- whereas  
2 they're not 100 percent accurate or anything like that, I'm  
3 not trying to indicate that, that there was anything about  
4 an objection at the closing by any party.

5 Generally speaking if I note something when I'm  
6 listening to the closing, something that I might think is  
7 important I do note in my notes of your closing, Mr. Wise,  
8 your point of emphasis during your closing was the too many  
9 assumptions to convict him and I believe that, to me, was  
10 one of the points that you were trying to emphasize for the  
11 jury.

12 The only objection that I have noted in my notes is  
13 before the closing and that was an objection that you made  
14 in my failure to charge burglary second, which I did not  
15 charge in this case, but I do not have any objection or any  
16 notes of any objection, you know, during the actual closing  
17 nor do I have any independent memory of an objection.

18 Now, looking over my witness list and like that, I note  
19 Mr. Sorenson did not have co-counsel; is that correct?

20 MR. SORENSON: That is correct, Your Honor.

21 THE COURT: Okay. And Mr. Wise, you had Mr. Stroud as  
22 co-counsel?

23 MR. WISE: That is correct, Your Honor.

24 THE COURT: Have you talked to him to see if he has any  
25 independent recollection?

1 MR. WISE: I did.

2 THE COURT: And?

3 MR. WISE: He does not recall -- he doesn't recall much  
4 of what was argued during closing.

5 THE COURT: Okay. All right. Thank you.

6 Ms. Diaz, do I need to get an affidavit from Mr. Stroud  
7 about that?

8 MS. DIAZ: Your Honor, I believe on the record is  
9 sufficient, but if Your Honor would like one, if you feel  
10 it's more complete that's fine, but I think saying it on the  
11 record is fine.

12 THE COURT: Okay. All right. Can I see y'all back in  
13 chambers one second. Or do you have something you need to  
14 address?

15 MR. SORENSON: Just real quick while I'm thinking about  
16 it, Your Honor. If I can just put on the record that in  
17 reviewing my -- my closing outline I don't have anything  
18 noted anywhere that Mr. Wise had objected. I'm not saying I  
19 necessarily would have noted if he had, but there is nothing  
20 noted in there nor do I have any independent recollection or  
21 any objection that he made during that -- my closing  
22 argument.

23 THE COURT: Okay.

24 Now, we're going to take a break for just one second,  
25 because I want to talk to y'all about one thing and then

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we'll come right back.

(Court in recess for short break.)

(Court in session after short break.)

THE COURT: Y'all can be seated. Thank you.

Okay.

MR. WISE: Can I have one moment?

THE COURT: Sure.

MR. WISE: Thank Your Honor.

THE COURT: Okay. Bear with me one second. We're getting copies so I can get them marked.

All right. We're going back on the record just so we can get a couple of things. We made -- All right. My notes from the first jury strike marked as Court's 1 for purposes of this hear -- for this reconstructed record.

(Court's Exhibit No. 1, notes from first jury strike, was marked.)

THE COURT: And the next -- the jury that we sat had a -- is marked as Court's Exhibit No. 2.

(Court's Exhibit No. 2, jury that was seated, was marked.)

THE COURT: To clarify on the record, just so there won't be any question about it. Court's Exhibit No. 2, the first witness -- I mean, excuse me, the first potential juror was Alexie Nemhard (verbatim) and she was -- even though she came up on the first jury list the second time

1 the clerk ran the jury, she was not called. Mr. Wise I  
2 believe your notes indicate the reason that she was not  
3 called. Would you read that in the record?

4 MR. WISE: Yes, Your Honor. I have a note that  
5 indicates specifically best friend of defendant's cousin.

6 THE COURT: That's right. And so this had already been  
7 run at that time and since her name appeared on there that  
8 was my decision not to have her struck. I believe there's  
9 some discussion in record about some issue -- I believe the  
10 cousin's name is Ms. Williams.

11 MR. WISE: That would be Darius's mother.

12 THE COURT: Oh, okay. I believe there was some  
13 discussion on the record about the contact that -- maybe a  
14 family member was trying to have with another member of the  
15 jury which was another reason why out of an abundance of  
16 caution her name was deleted from the jury list.

17 Okay. Now, anything else we need to put on the record,  
18 Mr. Sorenson?

19 MR. SORENSON: Not from the state, Your Honor.

20 THE COURT: All right. Mr. Wise?

21 MR. WISE: Your Honor, I did have some argument I'd like  
22 to make for a brief --

23 THE COURT: Yes, sir.

24 MR. WISE: Unlike my closing.

25 THE COURT: Sir? Oh, no. Thank you, sir. Sorry.

1 MR. WISE: Your Honor, I think the Court has seen by  
2 this point that the issue that I had with the reconstruction  
3 is not related to the initial Batson issue, okay. I think  
4 we had enough information, I had enough information that we  
5 could go back and we could lay that out in some detail, but  
6 the problem I always had is this, in the reconstruction of  
7 the closing arguments my position has been and after we've  
8 been through the process it remains. It is impossible to  
9 recreate that.

10 What I'm asking the Court to do is to return this  
11 matter to the Court of Appeals indicating that we cannot  
12 reconstruct the closing arguments and the objections and  
13 just let them deal with it as they think best, based on the  
14 information that they have.

15 I think to do anything less than that is to try to  
16 resolve Mr. Ransom's appeal based on conjecture about what  
17 happened. There is, Your Honor, simply no way to know what  
18 statements were made, what objections I made, the Court's  
19 ruling on those objections and any instructions as a result  
20 of the Court's ruling. Whether or not there were even any  
21 objections made, too much time has passed. It's not the  
22 defendant's fault. As the Court sees, there were several  
23 issues in this trial that we had to deal with and when  
24 you're talking about something like the closing arguments I  
25 submit to the Court you just can't re-create it. That is a

1 process where people get on their feet and they have, as we  
2 both do, Mr. Sorenson and I do, we have an outline of the  
3 things that we want to focus on, but the arguments and the  
4 comments and how we filled in the blanks is something that  
5 just happens when we're up there looking the jury in the  
6 eye. Things occur when we're standing there. I think you  
7 see that here, little things that people kind of remember  
8 remember differently.

9 There were several issues raised over the trial about  
10 witnesses testimony, inconsistent statements, Darius's  
11 statements, Lt. Shumpert's statements. Just -- Officer  
12 Thorpe. Just a lot of information that we fought about. I  
13 submit that the record, as it's going to be, right now,  
14 after everything we've done is simply inadequate. I submit  
15 that -- I'm not an appellate lawyer, but if that is a ground  
16 for a new trial, then it would be. But the -- it's just  
17 inadequate what we've been able to do and I don't think  
18 anybody's trying to do anything except try to do the best  
19 they can.

20 The issue, to summarize it, is if this happens, Mr.  
21 Sorenson is doing his argument, I object, maybe I'm right,  
22 maybe I'm wrong. If I was right, maybe the Court gave an  
23 instruction, maybe it didn't. Maybe the instruction cured  
24 the problem, maybe it didn't. There is simply no way to  
25 tell. I think the Court of Appeals, and they have the

1 ability to make their decision based on the transcript that  
2 they have. I guess the issue that the Court of Appeals is  
3 going to be faced with is whether or not the solicitor's  
4 comments infected the trial with unfairness as to make the  
5 resulting conviction a denial of due process and I'm not  
6 standing here saying it did or it didn't. All I'm saying is  
7 I just don't know. We can't know. We can't at this point we  
8 can't tell exactly what happened because we can't  
9 definitively recreate the closing arguments.

10 There is some case law, Your Honor, that deals with  
11 this, but I don't know that the Court needs to review the  
12 case law because I think it's clear what our position is.

13 THE COURT: Though I don't mind you submitting the case  
14 law to me.

15 MR. WISE: Okay. Well, I'll hand it up after this.

16 THE COURT: Okay.

17 MR. WISE: Your Honor, I think that's it. The issue is  
18 not just -- obviously if there was an objection, and if  
19 there was the objection and how the Court dealt with the  
20 objection. It's just too much. It's just too much unknown  
21 to insure that Darius has a full and fair appeal when  
22 there's just so much that we don't know, and he didn't do  
23 anything.

24 THE COURT: Well, we do have all the testimony in the  
25 record.

1 MR. WISE: We do, absolutely, and if the Court of  
2 Appeals can look at that testimony and they'll make their  
3 decision.

4 THE COURT: Mr. Wise, and I don't mean to interrupt  
5 you, but one of the things he was charged with was attempted  
6 murder and he was found not guilty of attempted murder.

7 MR. WISE: Absolutely.

8 THE COURT: Okay.

9 MR. WISE: Absolutely. And I -- Your Honor, I don't  
10 disagree with anything the Court says, I just think the  
11 Court of Appeals should base their -- we should say to the  
12 Court of Appeals you have what we have and that's the best  
13 we can do. We'll give them the Batson Motion but that's the  
14 best we can do.

15 THE COURT: All right. Thank you.

16 MR. WISE: Can I have one moment?

17 THE COURT: Yes, sir.

18 MR. WISE: Thank you, Your Honor.

19 THE COURT: Thank you, Mr. Wise.

20 Mr. Sorenson, do you want to make any statement on the  
21 record?

22 MR. SORENSON: Just real briefly, Your Honor.

23 I think we have given our best effort to recreate the  
24 record or reconstruct the record. I would note that there  
25 are three of us here who were involved in the trial and the

1 representation Mr. Wise has made from talking to Mr. Stroud,  
2 three lawyers and the judge involved in the trial, none of  
3 which have any recollection or any notation of any  
4 objections being made during closing arguments. Other than  
5 that, I think we have done our best to reconstruct the  
6 record and obviously it's going to be up to the Court of  
7 Appeals ultimately to determine if that's the case.

8 THE COURT: Okay. All right. Gentlemen and lady, I  
9 appreciate everything y'all did.

10 Mr. Wise, I believe you're going to get that case law  
11 to me and as soon as I have an opportunity to review my  
12 notes I'll get back with y'all with my decision.

13 MR. SORENSON: Thank you, Your Honor.

14 THE COURT: Sure.

15 All right. We're in recess. Thank y'all. Y'all have  
16 a good weekend.

17 (This proceeding was concluded.)

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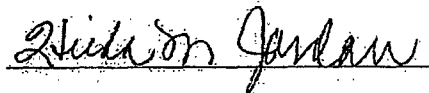
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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE RECONSTRUCTION HEARING IN THE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 3 DAY OF JANUARY, 2014.

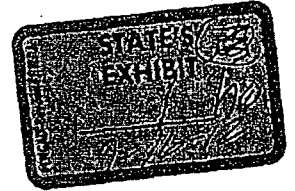
I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

August 18, 2014

ORANGEBURG COUNTY SHERIFF'S OFFICE  
CENTRAL INVESTIGATIVE DIVISION  
DEFENDANT AFFIDAVIT



Date: 7/25/2011 Time: 9:52pm Place: 1032  
Defendant Name: DARIN RANSON  
Address: [REDACTED]  
Social Sec [REDACTED]  
Age: 21 Date of Birth: [REDACTED] Phone Number: [REDACTED]

My rights are as follows: DR 1. I have the right to remain silent; anything I say can be used against me in Court. DR 2. I have the right to talk to a lawyer for advice before I am asked any question. If I cannot afford a lawyer, one will be appointed for me before any questions if I wish. DR 3. If I decide to answer questions now without a lawyer present, I will still have the right to stop answering at any time. DR 4. I also have the right to stop answering at any time until I talk with a lawyer. DR

Darin Ranson  
I understand the rights above and initialed each. I have been advised of the rights above by L. T. Shumper of the Orangeburg County Sheriff's Office and wish to make the following statement.

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I declare that the statement above is made freely and voluntarily without promise or hope of reward or leniency and without fear or threat of physical harm, by any person.

I swear or affirm that this statement is the truth, the whole truth and nothing but the truth, so help me God.

\_\_\_\_\_  
Signature of Defendant

Witnesses:

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\_\_\_\_\_  
 Notary Public  
 Sworn to before me this \_\_\_\_\_  
 Day of \_\_\_\_\_, 20\_\_\_\_  
 My Commission Expires \_\_\_\_\_

ORANGEBURG COUNTY SHERIFF'S OFFICE  
CENTRAL INVESTIGATIVE DIVISION  
DEFENDANT AFFIDAVIT



Date: 7/24/11 Time: 1:38 Place: Bamberg County

Defendant Name: Darius Ransom

Age: [REDACTED]

SC 24477

My rights are as follow: D.R. 1. I have the right to remain silent; anything I say can be used against me in Court. D.R. 2. I have the right to talk to a lawyer for advice before I am asked any question. If I cannot afford a lawyer, one will be appointed for me before any questions if I wish. D.R. 3. If I decide to answer questions now without a lawyer present, I will still have the right to stop answering at any time. D.R. 4. I also have the right to stop answering at any time until I talk with a lawyer. D.R.

I understand the rights above and initialed each. I have been advised of the rights above by [Signature] of the Orangeburg County Sheriff's Office and wish to make the following statement.

Mr. George Kum to me after he was bruise and battery  
up he ask me to call 911 I tried but the phone I  
had was not working, so tell him to go to the next  
door neighbor and they will assit you. I was  
walking out to my Aunt and stay there about 2  
hours The person who have done it was a guy  
fre, dez and another character who they call Scrap  
I had nothing to do with it all I been trying to  
do is get home to my 2 daughters and couldn't even do that  
there was no witness no one around I just assume  
they did it because of how they was acting  
and you know actions speak louder than words.

Q. Did you use George Harrison's Phone  
to call Darrell?

A. yes

Q. Did you call him at 7:15pm and  
told him to pick you up from his  
Cricket?

A. yes

Q. Do you own a Red Bandana?

A. yes

~~Q. Did you asked to speak to me?~~

~~A. yes~~

~~P.R.~~

~~D.R.~~

~~P.R.~~

~~P.R.~~

*Dir*

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*Dir*

*Dir*

*Dir*

I declare that the statement above is made freely and voluntarily without promise or hope of reward or leniency and without fear or threat of physical harm, by any person.

I swear or affirm that this statement is the truth, the whole truth and nothing but the truth, so help me God.

*Dominic Lavoie*  
 \_\_\_\_\_  
 Signature of Defendant

Witnesses: *[Signature]*

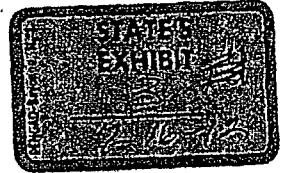
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\_\_\_\_\_  
 Notary Public  
 Sworn to before me this \_\_\_\_\_  
 day of \_\_\_\_\_, 20\_\_\_\_  
 My Commission Expires \_\_\_\_\_

ORANGEBURG COUNTY SHERIFF'S OFFICE  
CENTRAL INVESTIGATIVE DIVISION  
DEFENDANT AFFIDAVIT



Date: 7/26/11 Time: 2:00 Place: Bamber County  
Defendant Name: Darius Ransom SSN: [REDACTED]  
Age: 21 Date of Birth: [REDACTED] Phone Number: [REDACTED]  
Address: [REDACTED]

I understand my rights and have initialed each. I have been advised of the rights by [Signature] of the Orangeburg County Sheriff's Office, and wish to make the following statement.

I Darius Ransom is 21 I have high blood pressure an Enlarge Heart, a Siss and a Timer on my right kidney I went threw a bad situation I just flip I never a day in my life put my hands on anyone I am truly sorry and ask for your forgiveness. I went in Mr. George house wath u him to use his fone again and all of a sudden I hit em 4 to 5 times scare I was crying and left a guy name tre has his fone and a couple of dollars all I have been threw was just trying to get home to my girls. we went threw the back door and that was that. I'm sorry for the pain and suffering I have put Mr. George and my family.

~~D.R.~~

~~P.R.~~

~~D.R.~~

~~P.R.~~



Page 3 Defendant Affidavit

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D.K.  
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D.K. D.K.  
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D.K.  
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I have read the above thoroughly. I have made the necessary corrections and initialed each to make this a factual and complete representation.

Dennis Karon  
Signature of Defendant

\_\_\_\_\_  
Witness

[Signature]  
Witness

\_\_\_\_\_  
Notary Public  
Sworn to before me this \_\_\_\_\_  
Day of \_\_\_\_\_, 20\_\_\_\_  
My Commission expires \_\_\_\_\_

**RECEIVED**

MAR 30 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

The Honorable Edgar J. Dickson  
Appellate No.: 2012-212566  
Indictment Nos.: 2011-GS-38-0114, 0124

The State ..... Respondent

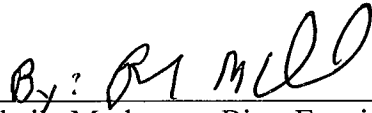
vs.

Darius Ransom-Williams ..... Appellant.

**CERTIFICATE OF COUNSEL**

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."

*Signature to follow*

By: 

\_\_\_\_\_  
Sheria Marlovon Bias, Esquire  
RICHARDSON PLOWDEN & ROBINSON, P.A.  
1900 Barnwell Street  
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803-771-4400

Robert M. Dudek  
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Appellate Division  
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PO Box 11589  
Columbia, SC 29201-1589  
(803) 734-1330 – Telephone  
(803) 734-1397 - Fax  
*Counsel for Appellant Darius Ransom Williams*

March 30, 2015

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

MAR 30 2015

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DARIUS RANSOM-WILLIAMS,

APPELLANT

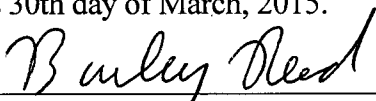
APPELLATE CASE NO. 2012-212566

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 30th day of March, 2015.

  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 30th day of March, 2015.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 24, 2021