

VOLUME THREE OF THREE
STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOSHONDA MONIQUE MICKENS

APPELLANT

APPELLATE CASE # 2013-002014

RECORD ON APPEAL

CARMEN V. GANJEHSANI
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

ERNEST A. FINNEY, III
Solicitor, Third Judicial Circuit
Sumter County Courthouse
141 N. Main Street
Sumter, SC 29150-4965
(803) 436-2185

Attorneys for Respondent

INDEX

INDEX	i
TRIAL TRANSCRIPT	1
OPENING STATEMENT BY MS. BARR.....	63
OPENING STATEMENT BY MR. GRIFFITH.....	69
OPENING STATEMENT BY MR. MCKNIGHT	74
TESTIMONY	
JUANDALYN MILLER	80
JOSHUA JAMES	157
LT. LEE DAVIS	167
MICHAEL C. BRANDT	205
ANGELA BECKER.....	248
DR. BRADLEY MARCUS.....	266
DELORIS BROWN	341
INVESTIGATOR PAMELA WRENN	355
JEFFREY SCOTT	377
DR. MATTHEW FITTS	394
AGENT VERONA GIBSON.....	426
JENNIFER CLAYTON.....	442
SUZANN CROMER.....	456
ILA SIMMONS	472
JEFFREY SCOTT	488

MELISSA SKIPPER	565
DAVID BLACK	647
LAKISHA BELL	669
JAMES GQUAN HENRY	776
PAMELA WRENN	875
DR. BRADLEY MARCUS	967
APRIL WILLIAMS	990
LATASHA WILLIAMS	1014
HARRISON MCKNIGHT	1032
CHARLENE MICKENS	1053
CLOSING STATEMENT BY MR. BROWN	1073
CLOSING ARGUMENT BY MR. MCKNIGHT	1088
CLOSING ARGUMENT BY MR. GRIFFITH	1108
CLOSING ARGUMENT BY MS. BARR	1117
VERDICT	1159
SENTENCING	1186
INDICTMENT	1190
SENTENCING SHEETS	1193
CERTIFICATE OF COUNSEL	1197

April Williams-Cross by Barr

1 Around Thanksgiving he stayed home. He always be
2 with his mom on Thanksgiving.

3 Q Okay. What about on December the 10th of
4 2007?

5 A Okay. December 10th of 2007, I can't
6 recall.

7 Q The morning that you woke up, and you say
8 you saw your son in the room at 4:00 o'clock in
9 the morning, what did he have on?

10 A A pair of boxers and a tee shirt most
11 likely.

12 Q Most likely?

13 A Yes.

14 Q Okay. That's not based on what you
15 remember. That's just based on kind of how he
16 normally went to bed.

17 A I didn't pull his cover down to see Ms.
18 Barr.

19 Q I understand. If he didn't have a
20 vehicle, how would he get around to see Ashley?

21 A TPK Or she'll come get him.

22 Q Say again, ma'am?

23 A Either walk or she will come get him.

24 Q Where did Ashley live?

25 A I'm thinking she stays somewhere in back

April Williams-Cross by Barr

1 side of Darlington. On the back road of
2 Darlington, I am thinking.

3 Q Do you often see him sometimes riding with
4 P.J.?

5 A No. I heard of him, but, no, ma'am.

6 Q Say again, ma'am.

7 A I have heard of him, but, no, ma'am.

8 Q You heard of P.J.?

9 A Yes.

10 Q And you would have heard of P.J. from your
11 son Laquincy; right?

12 A No, that is not true.

13 Q Laquincy sometimes people would call him
14 by a nickname Scrap?

15 A Yes, ma'am.

16 Q You've heard people refer to him that way
17 before; right?

18 A Yes. Oh, his uncle gave him that name.

19 Q Oh, okay. I got you right. When did you
20 find out that your son had been arrested for a
21 burglary and a murder that happened in Hemingway?
22 When did you find that out?

23 A September the 9th, it was on a Friday. My
24 daughter's birthday was September 2nd.

25 Q September the 9th of what year, Ms.

April Williams-Cross by Barr

1 Williams?

2 A 2011.

3 Q 2011?

4 A Yes.

5 Q Was it 2011 or 2010?

6 A I am going to say, if I am not mistaken,
7 it was 2011.

8 Q 2011?

9 A If I am not mistaken. 2011.

10 Q Is it possible that you could be mistaken
11 about the year that he was arrested?

12 A No, I don't think it was. Because...

13 Q You think you are pretty accurate about
14 that?

15 A I am not sure.

16 MS. BARR: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q Ms. Williams, I am going to hand you a
20 copy of your son's arrest warrant for burglary.
21 Do you see that?

22 A No, I can't. I don't have my glasses.

23 Q Do you have them with you?

24 A No, I don't.

25 Q So can you read that at all? Can you read

April Williams-Cross by Barr

1 that name there?

2 A Yeah, I see his name.

3 Q What does that name say?

4 A Laquincy Williams.

5 Q And do you see the date there by the
6 Judge's signature?

7 A Yeah, I see 8/26/10.

8 Q Say again, Sweetie, I am sorry.

9 A 8/26/10.

10 Q 2010.

11 A Uh-huh. (Affirmative.)

12 Q So this arrest warrant would suggest to
13 you that he was arrested in August of 2010; is
14 that right?

15 A That's what I see.

16 Q So if that in fact happened, then you are
17 off by an entire year as to when your recollection
18 of him being arrested for this case.

19 A No, It's not my recoll -- repeat that
20 again, please, ma'am.

21 Q Yes, ma'am. If the arrest warrant is
22 correct, and it shows that an arrest warrant was
23 signed against him on 2010, if that true.

24 A Uh-huh. (Affirmative.)

25 Q Then you are off by an entire year in

April Williams-Cross by Barr

1 terms of when you say he was arrested, because you
2 just told us he was arrested 2011; right? Right?

3 A Uh-huh. (Affirmative.)

4 Q Is that correct?

5 A That's, yes.

6 Q So if you're mistaken about when he was
7 arrested by an entire year, it's certainly
8 possible that you are mistaken about the date that
9 you woke up and found him in the bedroom.

10 A No, that did happen. No, ma'am, that's
11 now, I am not mistaken about that, ma'am.

12 Q How are you so certain about November 2nd
13 2007, but you are off by an entire year as to when
14 he was arrested?

15 A Because like I said, he was home with me,
16 because we took the kids down to the day-care
17 center.

18 Q Now, Ms. Williams, candidly, your son
19 being arrested for murder, that's a pretty big
20 deal.

21 A Yes, that is.

22 Q That is something that you are going to
23 remember; correct?

24 A Yes, ma'am.

25 Q And because that is such a serious charge,

April Williams-Cross by Barr

1 that's probably a day you are never going to get;
2 right? Right?

3 A I believe.

4 Q Is that correct?

5 A I am not going to forget what day, yeah.

6 Q Yeah, the day your son calls you and says,
7 mom, I've just picked up and charged with murder.
8 You are going to remember that; right?

9 A He didn't call me. I was there when they
10 picked him up, ma'am.

11 Q Oh, you were there when the police came
12 to house?

13 A Yes.

14 Q So when the police came and say, ma'am, we
15 have got a warrant for son's arrest for murder.
16 My point is, that's going to be an important--

17 A They didn't tell me what they had him for.
18 They just picked him up. They didn't tell me
19 anything. They just put him in the truck. They
20 said they didn't have to tell me anything.

21 Q I understand. During 2007, Shonda would
22 come by and pick up Scrap?

23 A No.

24 Q How would he get to Shonda's house?

25 A When they get together I guess. He left

April Williams-Cross by Barr

1 the house whenever she would come by and pick him
2 up.

3 Q Shonda used to rent vehicles for Laquincy;
4 didn't she? She used to go to the airport and
5 rent vehicles for him?

6 A For who?

7 Q For Laquincy. For Scrap.

8 A No, Laquincy didn't have no license. Back
9 then he didn't drive no car.

10 Q Ma'am?

11 A He didn't have license to drive no car.
12 So she couldn't -- so he couldn't rent none.

13 Q Oh, Scrap didn't have a license back then.

14 A Not at that time.

15 Q And he didn't have a car.

16 A No, ma'am.

17 Q Would you see Shonda in a rental car
18 sometimes, with her driving the rental car?

19 A Yes.

20 Q You see her doing that all---

21 A Yes.

22 Q ---the time.

23 A Yes, ma'am.

24 Q And the two of them would be in the rental
25 car together sometimes that she would get; right?

April Williams-Cross by Barr

1 A I would take her to get it. That's how
2 they got around in her rental car.

3 Q And do you remember in November seeing her
4 driving a gray rental car?

5 A No, ma'am.

6 Q November of 2007?

7 A No, ma'am. Not to my recollection.

8 Q She just rented cars all the time; didn't
9 she?

10 A Pretty much. Because she didn't have her
11 own transportation.

12 Q Do you ever ask her why she didn't buy a
13 car like everybody else?

14 A Why would I? I've never known, not me,
15 she's a single parent how could she. I mean...

16 Q When people would talk P.J., they would
17 also call him by the nickname dog?

18 A I don't know nothing about no Dog and P.J.
19 I had heard this thing when my son got locked up.
20 I don't know him. And I don't want to get to know
21 him.

22 Q Ma'am, what day of the week was it that
23 you woke up in November and your son was in the
24 bed at 4:00 o'clock in the morning?

25 A It had to be on a Friday, because he took

April Williams-Cross by Barr

1 to the baby day-care. It had to have been Monday
2 through Friday to take the baby to day-care.

3 Q Well how do you know it had to be a
4 Friday, as opposed to a Monday, Tuesday, Wednesday
5 or Thursday?

6 A Like I said, it had to be between Monday
7 and Friday to take the baby to Olla Mae Brown's to
8 day-care.

9 Q Okay. So is it your testimony that this
10 was the day he woke up and 4 o'clock in the
11 morning, and he was in the bed, that was either---

12 A Monday through Friday.

13 Q Monday through Friday. Do you have a
14 specific recollection as to what day of the week
15 it was?

16 A No, I do not.

17 Q Who is Lakasha Williams?

18 A That's my baby girl.

19 Q Okay. How old is Lakasha?

20 A She turned 27 yesterday.

21 Q She lives with you?

22 A No, I stay with her now.

23 Q And that's on the Third Loop Road address?

24 A Yes, ma'am.

25 Q And Mr. Laquincy Williams lives there with

April Williams-Cross by Barr

1 you as well?

2 A Yes.

3 Q Prior to this case, did the three of you
4 all have a discussion about the date that this
5 murder and burglary happened?

6 A No, ma'am.

7 Q So you're telling this jury that leading
8 up to the trial of the case, you, your daughter
9 and your son never mentioned the date that this
10 murder happened?

11 A He don't talk about it. He really didn't.
12 Laquincy, when they picked him up, he was because
13 he know due to my health and what had happened to
14 me and the medication that I'm on, he spared me
15 this.

16 Q Okay. He spared you?

17 A I mean, he really did the best he could.
18 But I was so happened I was there when the officer
19 picked him up.

20 Q How many times did you meet with his
21 lawyer this week?

22 A He had to come get me. I mean, I was out
23 on a break.

24 Q I'm sorry.

25 A I did not meet with him. Not Mr.

April Williams-Cross by Barr

1 McKnight, no.

2 Q How many times did talk with Mr. McKnight
3 about the alibi?

4 A No.

5 Q You never talked to him about the alibi?

6 A No.

7 Q So he didn't know what you were going to
8 say?

9 A No, he didn't.

10 Q Okay. You said somebody had to come get
11 you.

12 A I was downstairs taking my blood pressure
13 pills, he had to come get me from the outside.

14 Q How did you get him from Florence today?

15 A My baby girl, Lakasha.

16 Q Lakasha?

17 A Uh-Huh. (Affirmative.)

18 Q Ma'am, you love your son.

19 A That's my only son.

20 Q And that's your only son.

21 A Yes, sir.

22 Q And you certainly don't want anything to
23 happen to him; do you?

24 A Yes, ma'am.

25 Q You said that when they came up and locked

April Williams-Cross by Barr

1 him up, you said back in 2011 they didn't tell you
2 what he was being locked up for.

3 A Ma'am, I can't tell you that.

4 Q When did you find out what he was being
5 locked up for?

6 A When he called me later on that night.

7 Q Okay. The same night?

8 A I want to think he did.

9 Q So if your dates are correct, that would
10 have been two years ago is when you learned what
11 he was being charged with; is that right?

12 A When they locked him up and he called me.

13 Q In that two-year period did you ever go to
14 the sheriff's office here in Williamsburg County
15 and tell them listen, y'all have got the wrong
16 person locked up for this, because my son was home
17 with me the day this happened.

18 A If I can recall, I tried to tell you that,
19 but you told you I wasn't supposed to talk to you
20 on the phone. I called you.

21 Q You tried to tell me that.

22 A Yes. Yes. But I had gotten Mr. Carraway,
23 and I was trying to call you. And he told me you
24 couldn't talk to me because you were the
25 prosecutor.

April Williams-Cross by Barr

1 Q When did you do that?

2 A Oh, it had to be after I got in contact
3 with Mr. Carraway. And I called you that next
4 day.

5 Q Okay.

6 A And you said you couldn't talk to me,
7 because you were the prosecutor.

8 Q When did you call anybody at the
9 sheriff's -- If I told you
10 I can't talk to you because I am the prosecutor,
11 then who is the officer you spoke with to tell
12 them that your son didn't do this because he was
13 home with you?

14 A I didn't call over here to Williamsburg
15 County and tell anybody nothing about my son, and
16 didn't do this.

17 Q What about the FBI? Did you ever call
18 anybody at the FBI to say he didn't do it?

19 A No.

20 Q Ever call anybody at sled?

21 A Why would I?

22 Q Is that a no?

23 A No. I would take it as a no.

24 Q Don't you think that is pretty important
25 information?

April Williams-Cross by Barr

1 A If you didn't listen, why would they
2 listen to me? You are the one pulling the case
3 against him. If you didn't listen me, who else
4 was going to listen to me?

5 Q So it never occurred to you?

6 A Like I said; no, ma'am.

7 MS. BARR: Your Honor, that's all the
8 questions, I have. Thank you, ma'am.

9 THE COURT: Any redirect, Mr. McKnight?

10 MR. MCKNIGHT: No redirect, Your Honor.

11 THE COURT: Mr. Griffith?

12 MR. GRIFFITH: No questions, Your Honor.

13 THE COURT: Please let me see the
14 attorneys real quick.

15 (Whereupon, the attorneys approach the
16 bench and confer with judge.)

17 THE COURT: Mr. McKnight.

18 MR. MCKNIGHT: We would call Lakasha
19 Williams.

20 Lakasha Williams, Being first
21 duly sworn, testified as follows:

22 Direct Examination by Mr. McKnight:

23 Q Yes, ma'am, please state your name for the
24 record.

25 A Lakasha Williams.

Latasha Williams-Direct by McKnight

1 Q And where do you live?

2 A I live at [REDACTED] Florence,
3 South Carolina.

4 Q How many children do you have?

5 A I have two.

6 Q What are their names?

7 A Lakeem Jackson and Lamia Mack.

8 Q How old is Lakeem?

9 A Lakeem is 6. Lamia is 3.

10 Q Do you -- where do you work right now?

11 A I work at Ashley Furniture.

12 Q What do you do them?

13 A Sales.

14 Q Tell me a little bit more about you. Who
15 is your mother?

16 A My mother is April Williams

17 Q Do you see here in the courtroom?

18 A She is in the black right there.

19 Q Okay. Do you have any siblings? Do you
20 have any brothers and sisters?

21 A Absolutely. I have a brother, Laquincy
22 Williams. And I have sister Laura Lynn Williams.

23 Q And do you see your brother here in the
24 courtroom today?

25 A Right. He is right there in the blue

Latasha Williams-Direct by McKnight

1 shirt.

2 Q Right here.

3 A Right.

4 Q I want to take you back in time to 2007.

5 What do you remember about 2007?

6 A I had my first child.

7 Q When did you have your child?

8 A [REDACTED].

9 Q And this would be September 20 -- at that
10 time were you working?

11 A Yes, I was working at Sam's club photo
12 lab.

13 Q And what were you doing in the photo lab?

14 A I was photo technician.

15 Q Do you recall the month of November?

16 A Yes.

17 Q Where were you living?

18 A I was living at [REDACTED]

19 [REDACTED]n.

20 Q Okay. And where is that?

21 A It's in Darlington, South Carolina.

22 Q And who were you living there with?

23 A My mom and my brother. And my sister
24 lived there from time to time.

25 Q Describe for me your daily routine back in

Latasha Williams-Direct by McKnight

1 November of 2007.

2 A Well back in November of 2007, was really,
3 you know, a rough year for me. I had my son, and
4 my mom was, you know, I just lost my uncle. And
5 my mom was sick. And, you know, single parent.
6 So, you know, I was working a part-time job
7 although I was working full-time hours. You know,
8 just trying to make it as a single parent pretty
9 much.

10 Q And what would you do during the day?
11 Like after you had your child and you went back to
12 work, what did you -- how to start day off? What
13 did that consist of?

14 A Well like I said, my brother would help me
15 out for time to time when my mom couldn't help me
16 out or my sister when she couldn't help me out.

17 Q How would your brother help you out?

18 A Well he would take him to day-care and sit
19 with him until I got off work. Or pick him up
20 from day-care when I can't get there.

21 Q Why wouldn't you let your mom keep your
22 child?

23 A Because my mom was very ill back in
24 November.

25 Q What's your mother's routine like during

Latasha Williams-Direct by McKnight

1 the day?

2 A During the day?

3 Q Yeah. Do you know what time she usually
4 gets up?

5 A Yeah, my mom wake up -- she wake up like 5
6 o'clock in the morning.

7 Q Now let's think back to November. And
8 let's think back to around November 1st and 2nd of
9 2007. Do you remember that time?

10 A Yeah, around that time it was very
11 difficult. Like I told you, my mom took sick.
12 Just getting a lot of help from my brother really
13 did, you know, step in and help me out with my
14 son. And helped take care of my mom. That's
15 pretty much.

16 Q What time was your child going to
17 day-care?

18 A He had to be at day-care between, no later
19 than 10.

20 Q Okay. And so what time did he normally
21 get there?

22 A Around eight. Well around 8:30 no later
23 than 9.

24 Q Were you the only person in the home
25 working?

Latasha Williams-Direct by McKnight

1 A At that time I was.

2 Q So everybody was pretty much depending on
3 you.

4 A Yes.

5 Q Had you not been working, which you have,
6 kept your child in day-care? Put him or her in
7 day-care?

8 A Yes, I was working. Well, pretty much if
9 I wasn't working, I would have kept him myself.

10 Q Well you were working because you had to.

11 A Right.

12 Q Now with regard to November 2nd, do you
13 specifically remember the day of November 2nd
14 2007?

15 A Yeah, I do remember. Like the time frame
16 and everything, but I remember I had to work
17 November 2nd. Like I said, my mom not too long
18 got out of the hospital. I know my brother was
19 there to there to take my son to day-care. I
20 think he took him around like nine or 9:15
21 something like that.

22 Q Are you sure about that?

23 A I am positive.

24 Q Now do you know why we are here today?

25 A Uh-huh. (Affirmative.)

Latasha Williams-Direct by McKnight

1 Q And are you aware of the fact that your
2 brother is facing some very serious charges?

3 A Absolutely.

4 Q Do you know if your mother or you
5 attempted to contact the solicitor's office?

6 A No.

7 Q You don't remember -- do you recall your
8 mom trying to call her -- call Laquincy's lawyer
9 at the time or anybody here in Williamsburg
10 County?

11 A Right, with the incident?

12 Q Yes.

13 A Yes, we all have; yes.

14 Q And how, who did you try to contact?

15 A Carraway. He had two public defenders.

16 Q Okay.

17 A And neither one of them quite worked out.
18 And that was it, I mean.

19 Q Do you know if your mother tried to tell
20 them where Laquincy was on the date that they
21 allege he committed this murder?

22 MS. BARR: Judge, that would be hearsay.
23 So we would object.

24 THE COURT: Sustained.

25 Q Did you try to communicate to anyone in

Latasha Williams-Direct by McKnight

1 the law enforcement or any other lawyer, where
2 your brother was on that day?

3 A No.

4 Q But it's your testimony here today that
5 Laquincy was at your mom's resi -- or where you
6 guys were living.

7 A Right.

8 Q On November 2nd 2007.

9 A Because he dropped my son off at day-care
10 for me.

11 Q Do you recall what time he left?

12 A I can't recall what time he left.

13 However, I can recall he had to be there before by
14 9:30, or no later than 10. Because after that
15 time, he can't go if he is not there.

16 MR. MCKNIGHT: Court's indulgence. Your
17 Honor, that's all my questions for this witness.

18 THE COURT: Mr. Griffith.

19 MR. GRIFFITH: I have no questions for
20 this witness.

21 THE COURT: Ms. Barr.

22 Cross Examination by Ms. Barr:

23 Q Good afternoon, Ms. Williams.

24 A Good afternoon.

25 Q You indicated that you were living in the

Latasha Williams-Cross by Barr

1 home with your mother back in November of 2007?

2 A Yes, ma'am.

3 Q And Laquincy Williams, your brother, has a
4 nickname Scrap?

5 A Correct. Uh-huh. (Affirmative.)

6 Q And people periodically refer to him as
7 Scrap.

8 A Uh-huh. (Affirmative.)

9 Q I need you to say yes or no for the
10 record.

11 A Oh, I'm sorry. Yes.

12 Q And of course, he is close friends with
13 Toshonda Mickens; correct?

14 A Yes.

15 Q Toshonda Mickens is the the young lady
16 that is seated all the way to the end of the
17 defense table; correct?

18 A Yes.

19 Q And they kind of grew up together. Regard
20 each other as brother and sister; is that right?

21 A Yes.

22 Q November of 2007, Toshonda was living on
23 Jarrett Street in Florence?

24 A November 2nd, no, I think she was at her
25 mom's.

Latasha Williams-Cross by Barr

1 Q Okay. Where would the mom be?

2 A [REDACTED] St.

3 Q Ma'am?

4 A [REDACTED] St., Apartment [REDACTED], Darlington,
5 South Carolina.

6 Q Oh, Shonda has roots in Darlington as
7 well?

8 A Her mom lived in Darlington at the time.

9 Q Do you remember her living on Jarrett
10 Street in Florence?

11 A Yes.

12 Q Ma'am?

13 A Yes.

14 Q And in November of 2007, Shonda was
15 driving around in a rental car?

16 A I don't know. I don't know nothing about
17 what car she was driving around.

18 Q You didn't ever---

19 A I don't even think she even had a car back
20 then.

21 Q You don't think she had a car back then?

22 A No, I don't think she had a car back then.

23 Q Had you ever seen her driving a rental car
24 in 2007?

25 A Yes. I mean I can't recall what kind of

Latasha Williams-Cross by Barr

1 car it was. I knew she was driving around in a
2 rental car. As far as what kind of car she was
3 driving around in, I can't tell you that.

4 Q Your brother didn't have a license?

5 A I think he did have a license around then,
6 I am not sure.

7 Q In 2007?

8 A I'm not sure, I think so. Somewhere in
9 there.

10 Q But he didn't have a car.

11 A Right, he didn't have a car.

12 Q Did your mom have a car?

13 A No.

14 Q Did you have a car?

15 A I did.

16 Q It wouldn't have been unusual for Toshonda
17 to come pick up Scrap---

18 A No.

19 Q ---at this time?

20 A No, I mean they was pretty close.

21 Q And Scrap also was friends with P.J.
22 Williams?

23 A I don't know as far as friends. I knew he
24 knew him from Toshonda. But as far friends, I
25 never seen them hang out or anything like that.

Latasha Williams-Cross by Barr

1 Q So you knew that your brother Scrap was
2 friends or knew P.J. through his friendship with
3 Shonda.

4 A Yes, I knew Laquincy knew P.J. through
5 Shonda.

6 Q What kind of car did P.J. drive?

7 A I don't know anything about P.J. I've
8 seen him once or twice.

9 Q There were times in 2006 and 2007, where
10 Scrap would be on McKeever Road in Florence?

11 A I can't recall 2006, whether he was on
12 McKeever Road.

13 Q You don't recall you and your brother
14 being at a location on McKeever Road in Florence
15 in late 2006?

16 A What -- when we were supposed to have been
17 there, I mean?

18 Q I am just curious as to your memory. If
19 you don't remember, that's fine.

20 A No, not in 2006.

21 Q And I won't ask you any of the particulars
22 about it.

23 MS. BARR: Permission to approach the
24 witness?

25 THE COURT: You may.

Latasha Williams-Cross by Barr

1 Q Don't tell me what it is. I just want you
2 to read it to yourself, okay.

3 A Which part?

4 Q Just that part there.

5 A Oh.

6 Q Does that refresh your memory?

7 A Yes.

8 Q Okay.

9 A Absolutely.

10 Q So in 2006, you and Laquincy for whatever
11 reason, the two of you were on McKeever Road in
12 Florence, South Carolina.

13 A Right.

14 Q And you indicated that your mother tried
15 to call, you said, Carraway?

16 A Yeah, it was Carraway and someone else. I
17 forgot.

18 Q I got you. And Legrand Carraway, that's
19 who you are referring to; right?

20 A He's a public defender. I don't know his
21 first name.

22 Q I understand. Legrand Carraway would have
23 been the public defender in 2007? Did you -- you
24 don't have any reason to dispute that; do you? If
25 I tell you that's the case, you wouldn't argue

Latasha Williams-Cross by Barr

1 with me about that; would you?

2 A I mean, come again, I don't quite
3 understand what you are asking me.

4 Q If I were to tell you that Legrand
5 Carraway was the public defender in 2007, through
6 2010, you wouldn't dispute that; would you?

7 A No, I don't know anything about that.

8 Q Now you indicated that there was attempts
9 to contact a lawyer, but you candidly admitted
10 that you never tried to contact the police; right?

11 A Right.

12 Q And your brother by this time was facing
13 murder charges; right?

14 A Correct.

15 Q That is a very serious crime; right?

16 A It is.

17 Q And certainly if you had information that
18 he did not commit the crime, because he was
19 someplace else, that would be really important
20 information; correct?

21 A Right.

22 Q And you love your brother.

23 A I do.

24 Q You certainly don't want to see him get
25 convicted for something he didn't do; right?

Latasha Williams-Cross by Barr

1 A Right.

2 Q And if you had this important information,
3 you would want to share it with law enforcement;
4 wouldn't you?

5 A Not if I don't know what is going on, or,
6 you know, what was going on in the situation.

7 Q Well if somebody attempted to call my
8 office to find out, couldn't you easily call the
9 police office and find out?

10 MR. GRIFFITH: Objection, Your Honor. I
11 think it calls for speculation on her part. What
12 she would do if...

13 THE COURT: Rephrase your question.

14 Q Yes, ma'am. It would have easy and simple
15 for you to pick up the telephone and call the
16 Williamsburg County Sheriff's Office; right?

17 A Not if it -- not if I don't know what is
18 going on and it's none of my business; no, ma'am.

19 Q But if you wanted to know, you could have
20 placed a phone call; right?

21 A Well I wouldn't put myself there if I
22 don't know the situation or what's going on. I
23 don't want to comment on anything or call anything
24 come out, where the fact I wasn't there; right.

25 Q But you testified that your mom's normal

Latasha Williams-Cross by Barr

1 practice was to get up to at 5:00 a.m.?

2 A Yes. At the time, she would, you know,
3 she was sick when my uncle had passed. But she
4 was working at Honda plant.

5 Q Did you see your brother take your
6 children or your child to day-care?

7 A I couldn't see that, because I was already
8 on my way to work at Sam's Club. So there is no
9 way I could be on my way to work and see him. But
10 I know my son went to day-care, and I know who
11 took him to day-care.

12 Q And what time did you leave to go to work
13 that day?

14 A I left around 8:30, 8:45.

15 Q Do they have to sign in at day-care?

16 A Absolutely.

17 Q Do you have any paperwork indicating that
18 your brother signed your child in on November 2nd
19 2007?

20 A I wasn't aware I needed to bring any.

21 Q So that's a no you don't have any?

22 A I don't; no, ma'am.

23 Q What day of the week was that on?

24 A I can't recall.

25 Q Who would take the your child to day-care

Latasha Williams-Cross by Barr

1 after your brother was locked up?

2 A If like I said, if my brother was locked
3 up, we made arrangements with his dad.

4 Q With the child's father?

5 A Right.

6 Q If in 2007, if Laquincy were staying the
7 night somewhere else, or if he was out of town, or
8 wherever, just was not home with you and your
9 mother, who would, and you had to work---

10 A Right.

11 Q ---who would have taken your child to
12 day-care?

13 A Like I said before I got on the stand, my
14 sister would come there occasionally. We'll make
15 arrangements as well.

16 MS. BARR: I beg the court's indulgence.
17 That's all the questions I have.

18 THE COURT: Any redirect?

19 MR. MCKNIGHT: No, redirect, Your Honor.

20 THE COURT: You may step down.

21 MR. MCKNIGHT: And there is no redirect
22 from Mr. Griffith, either.

23 THE COURT: Well he was---

24 MR. MCKNIGHT: Never mind.

25 THE COURT: ---your witness.

Latasha Williams-Cross by Barr

1 MR. MCKNIGHT: It's lunch time.

2 THE COURT: Ladies and gentlemen, is their
3 lunch here? It should be.

4 THE CLERK: It should be.

5 THE COURT: Ladies and gentlemen, I have
6 taken the liberty of ordering you a small snack
7 lunch that will tie you over, because we are
8 trying to finish this case so we don't have to
9 come back tomorrow. So we are going to proceed.
10 And I want to keep you all together. So we are
11 going to take about 45 minutes to eat. If you
12 need to smoke or anything like that, one of the
13 bailiffs will take you out. And I'm going to let
14 you eat back there, and please do not discuss
15 anything about the case while you are back there.
16 Thank you, ladies and gentlemen.

17 (Whereupon, court breaks for lunch at 1:22 p.m.)

18 THE COURT: Specifically in the charge, is there any
19 objection to the charge or anything for me to look at?

20 MR. MCKNIGHT: Not from the defendant
21 Laquincy Williams, Your Honor.

22 MR. GRIFFITH: Not from the defendant
23 Mickens, Your Honor.

24 THE COURT: Ms. Barr?

25 MS. BARR: No. No objection, Your Honor.

Latasha Williams-Cross by Barr

1 THE COURT: Very well. We just have a few
2 witnesses left and then we will break for motions.
3 And then depending upon how I rule on those, we
4 make break for the evening. Let's bring our jury
5 in. '

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Mr. McKnight, you may call
9 your next witness.

10 MR. MCKNIGHT: Your Honor, at this time
11 the defendant Laquincy Williams calls Mr. Harrison
12 McKnight to the stand.

13 THE COURT: Mr. McKnight, come forward and
14 sworn.

15 Harrison McKnight, Being first duly
16 sworn, testified as follows:

17 THE COURT: You may proceed.

18 Direct Examination by Mr. McKnight:

19 Q Mr. McKnight, good afternoon.

20 A Good evening.

21 Q I'm going to ask you, first of all, are
22 you and I related in any way?

23 A Not that I know of.

24 Q Now I am going to ask you some questions,
25 and if at any time you don't understand me, I am

Harrison-McKnight-Direct by McKnight

1 going to need you to ask me to clarify and I will
2 do so. Okay.

3 A Okay.

4 Q Now the lady sitting there with the orange
5 jacket on is taking down what it is we are saying.
6 And if you say uh-uh or uh-huh, she's going to
7 write that down. But if we read it back later, we
8 won't be able to tell by reading it whether or not
9 you meant yes or no. So it is important for you
10 to say yes or no, okay.

11 A Okay.

12 Q Your official title is what?

13 A Correct.

14 Q No, what is your official title?

15 A Williamsburg County Coroner; yes, sir.

16 Q How long have you been coroner?

17 A 36 years.

18 Q And you say 36?

19 A Yes.

20 Q So that means you became coroner in the
21 70's?

22 A 1977.

23 Q Yes, sir. As coroner, what are some of
24 your responsibilities?

25 A Some of my responsibilities?

Harrison-McKnight-Direct by McKnight

1 Q Yes, sir.

2 A Check all suspicious deaths, accidents,
3 suicides, homicides, and unexplainable death. And
4 to determine the cause of death and the manner of
5 death.

6 Q Yes, sir. What type of training have you
7 had in your capacity as coroner?

8 A Well we have coroner's association, and we
9 go to continuing education 2 or 3 times a year.

10 Q Have you been to any schools for training
11 as coroner?

12 A Yes, through the coroner's association.

13 Q What are the names of those schools?

14 A Well we have different places Columbia,
15 Myrtle Beach.

16 Q Okay.

17 A Elsewhere.

18 Q What is your educational background?

19 A Twelfth grade. High school education.

20 Q And I think you are my parent's age. Did
21 you graduate from Tomlinson?

22 A No, sir.

23 Q Or was it St. Mark?

24 A St. Mark.

25 Q You graduated from St. Mark.

Harrison-McKnight-Direct by McKnight

1 A High school.

2 Q And what year did you come out of St.

3 Mark?

4 A 1962.

5 Q Yes, sir. Did you have an opportunity to
6 investigate a murder -- a death in Williamsburg
7 County on or about November 2nd 2007?

8 A Yes, sir.

9 Q Do you recall the name of the deceased
10 person?

11 A James McNeal.

12 Q Yes, sir. And did you go out to the scene
13 of where the body was?

14 A Yes, I did.

15 Q Where was the body located?

16 A In the house.

17 Q And where was that house located?

18 A In Hemingway, South Carolina.

19 Q Do you recall where in Hemingway it's
20 located?

21 A Donnelly Community.

22 Q Okay. Do you recall what the street
23 address was of the house?

24 A I think it's [REDACTED] Hemingway.

25 Q [REDACTED].

Harrison-McKnight-Direct by McKnight

1 A Right.

2 Q Got you. Not like Peach Tree Street.

3 A Peach Street.

4 Q Okay. Describe for me the condition of
5 the body when you saw it.

6 A When I saw it?

7 Q Yes, sir.

8 A It had several bullet wounds to the body.

9 Q Was the the body bloody?

10 A Huh?

11 Q Was the body bloody?

12 A Yes.

13 MR. MCKNIGHT: Court's indulgence.

14 THE COURT: Yes, sir.

15 Q Let me ask you some questions while he's
16 getting this set up. What was the condition of
17 the blood on the body and around the body when you
18 saw it?

19 A Well like, murder whatever, you know.

20 Q I mean was the blood wet or dry?

21 A It was wet.

22 Q Do you know what time you arrived on the
23 scene?

24 A I think it was before, before 10 o'clock.

25 MR. MCKNIGHT: Permission to approach the

Harrison-McKnight-Direct by McKnight

1 witness.

2 THE COURT: You may.

3 Q Do you recognize that document?

4 A Yes.

5 Q What is it?

6 A A coroner's report.

7 Q And who was that report prepared by?

8 A Myself.

9 Q Is that report made up of your
10 observations that day?

11 A Yes.

12 Q Are there any statements on that report
13 from anyone else other than you?

14 A No, not really. The sheriff's department.
15 Sled.

16 Q There are statements on there from sled?

17 A Sled was there.

18 Q No, not who was there. But on that
19 report, are those your observations alone? Is
20 that what you saw?

21 A Yes. Yes.

22 MR. MCKNIGHT: Your Honor, at this time we
23 would move to move what's been marked as defense
24 exhibit No. 2 for ID into evidence.

25 THE COURT: Any objection?

Harrison-McKnight-Direct by McKnight

1 MS. BARR: Judge, may I just see what he
2 has? Judge, we wouldn't have any objection,
3 except that we would ask that the victim's Social
4 Security be redacted from that.

5 THE WITNESS: Yes, let's redact it.

6 THE COURT: Any problem with that?

7 MR. MCKNIGHT: Your Honor, court's
8 indulgence. Can I get a black marker and draw
9 through that?

10 THE COURT: You may. Other than having
11 darkened the Social Security number it is admitted
12 as defense No. 1.

13 THE REPORTER: 2.

14 THE COURT: It's still No. 2.

15 (Coroner's Report marked Defendant's No. 2
16 into evidence.)

17 THE COURT: Without objection. You may
18 proceed.

19 MR. MCKNIGHT: Thank you, Your Honor.
20 Permission to publish, Your Honor?

21 THE COURT: Yes, sir.

22 Q Before I can, Mr. McKnight, do you recall
23 what the temperature was on the day of the death?

24 A I don't recall temperature. It was a mild
25 all day; all I can say.

Harrison-McKnight-Direct by McKnight

1 Q You went inside the home where the body
2 was.

3 A Yes.

4 Q Did you note the temperature in the home?

5 A No.

6 Q Did you note the temperature -- did you
7 note the temperature set on what we call the
8 thermostat in the home?

9 A No, I did not.

10 Q Now on the very top of this document can
11 you see on that monitor beside you, Mr. McKnight?

12 A Yes.

13 Q At the very top in the left corner it
14 says, time coroner called.

15 A Uh-huh. (Affirmative.)

16 Q And you left that document -- that spot
17 blank; is that correct?

18 A Yes.

19 Q And the time arrived on the scene, you
20 left that spot blank; did you not?

21 A Yes.

22 Q Looking at the line that says time body
23 found, you left that portion blank; did you not?

24 A Yes.

25 Q Except for you circling a.m.; is that

Harrison-McKnight-Direct by McKnight

1 correct, sir?

2 A Yes.

3 Q You list who last -- on the spot who last
4 saw decedent alive, that's blank; is it not?

5 A Yes.

6 Q Okay. And the blank, what was decedent
7 doing when last seen. That was left blank; was it
8 not?

9 A Yes.

10 Q Now on the third to the last line, you
11 list funeral home call; did you not?

12 A Yes.

13 Q And you list what funeral home?

14 A Bartelle's.

15 Q What time did you call Bartelle?

16 A I didn't list the time of death. Only the
17 time it was called.

18 Q Yes, sir. Now do you know who from
19 Bartelle's came and handled the body?

20 A Isaac Bartelle.

21 Q Do you know---

22 A Funeral director.

23 Q I'm sorry?

24 A Funeral director.

25 Q He came.

Harrison-McKnight-Direct by McKnight

1 A Isaac.

2 Q is that who you are saying that took it?

3 A Yes.

4 Q When did Isaac take the body to MUSC?

5 A On the 3rd of November.

6 Q He took it on the 3rd of November.

7 A Yes.

8 Q And you know that Isaac took it.

9 A Well the funeral home, I don't know
10 exactly who took it.

11 Q So you don't know who drove the body to
12 MUSC?

13 A No, I don't know.

14 Q Did you go along with the body to MUSC?

15 A No, I did not.

16 Q Did you have a conversation, or did you
17 send any documentation to MUSC?

18 A No more than the burial and removal town
19 permit along with the body.

20 Q How did you the permit to MUSC?

21 A By the funeral home.

22 Q So you just gave that document to Isaac.
23 Whomever Isaac sent it to MUSC with, that's how it
24 got there; is that correct?

25 A Yes.

Harrison-McKnight-Direct by McKnight

1 Q Have you been trained in determining what
2 the time of death is?

3 A Yes.

4 Q What are some -- what are some of the
5 things that you would do to determine when the
6 person dies?

7 A Well according to the temperature of the
8 body or the condition of the body, rigor mortis or
9 whatever.

10 Q Did you take the temperature of this body?

11 A No, I did not.

12 Q What other things beside the temperature
13 of the body would you use to determine whether or
14 not the body -- what time, the approximate time of
15 death?

16 A By rigor-mortis.

17 Q Did you check this body for rigor-mortis?

18 A Yes.

19 Q What -- was there anything form of
20 rigor-mortis that you were able to detect?

21 A Yes, at that time.

22 Q And what time was that?

23 A Well, what time was that, I don't have the
24 time.

25 Q I got you.

Harrison-McKnight-Direct by McKnight

1 A Okay.

2 Q But you were was able to detect
3 rigor-mortis in the body?

4 A Yes.

5 Q And so we know, rigor-mortis, and you tell
6 me if I am wrong. I tell you what, because I
7 can't leave. Tell us what rigor-mortis is?

8 A That's stiffness of the body.

9 Q Okay.

10 A If a body lays there, I will say from 3 to
11 4 hours or whatever rigor-mortis usually starts
12 setting in, and the limbs start getting stiff.

13 Q And it's been your experience that
14 rigor-mortis starts to set in 3 or 4 hours after
15 the body.

16 MS. BARR: Objection. Leading.

17 THE COURT: Sustained.

18 Q How long after the body dies does
19 rigor-mortis set in?

20 A It depends on the temperature. Based on
21 the weather.

22 Q But you couldn't tell, because you didn't
23 take the temperature; correct?

24 A That's right.

25 Q Did you take any pictures of the body?

Harrison-McKnight-Direct by McKnight

1 A I did not.

2 Q Did you do any diagrams of the crime
3 scene?

4 A Could I say this?

5 Q Yes, sir.

6 A When I got there okay, sled, sheriff's
7 department, they were doing their work.

8 Q So you, when you got there, there was law
9 enforcement already there.

10 A Yes, sir. And It was like falling
11 through, do whatever they need to do, before I go
12 and start assessing the death or whatever. I
13 don't leave no stone unturned or whatever.

14 Q You don't like to leave any stones
15 unturned?

16 A That's right.

17 MR. MCKNIGHT: Court's indulgence.

18 THE COURT: Yes, 'sir.

19 Q Who helped you put the -- when you, what
20 do you do when you get ready to move the body,
21 take us through the process.

22 A What I get ready to move the body?

23 Q Yes, sir. When you walked in this house,
24 and saw the dead body, and it was your time to
25 perform your duties, what did you do to prepare

Harrison-McKnight-Direct by McKnight

1 the body to move it?

2 A Well that's when the funeral home comes
3 in.

4 Q How did you put the body, did you put the
5 body in a body bag?

6 A If my memory, I think it was in a body
7 bag.

8 Q This body bag, do you provide it, or does
9 the funeral home provide it?

10 A I provide it.

11 Q Okay. And how is the body bag, describe
12 it for us. The color, length. What, tell us
13 about it.

14 A I guess it's about 7 feet long. And it
15 has a zipper on it. Unzip it, and lay it open.
16 And lift the body in and zip it back up.

17 Q Can you seal it?

18 A Can you seal it?

19 Q Yes, sir.

20 A Not really.

21 Q So if someone were to open the body bag
22 after you zipped it up, there would be no way to
23 tell if it had been opened again.

24 A Not really.

25 Q Do you do anything to the body before you

Harrison-McKnight-Direct by McKnight

1 put it into the body bag? Do you wrap it any way?

2 Do you do anything?

3 A No, because when I'm sending it for an
4 autopsy or whatever, they told me to try to please
5 leave the body as you find it. They don't want
6 you disturbing the clothing or whatever on that
7 body. So I try not to disturb it anymore than to
8 get around.

9 Q You would agree with me that knowing what
10 the body temperature was at the time of your
11 arrival is important to an investigation.

12 A I beg your pardon?

13 Q You would agree with me that knowing what
14 the decedent's body temperature is when you do
15 your investigation is important to the police's
16 investigation.

17 A Yes.

18 Q Is there anywhere on your report where you
19 can record the temperature of the body?

20 A No.

21 Q Is there anywhere on your report where you
22 can record the temperature outside?

23 A No.

24 Q Is there anywhere on your report where you
25 can record the temperature inside a building or a

Harrison-McKnight-Direct by McKnight

1 house where the body is found?

2 A Not really.

3 Q Mr. McKnight, your coroner's report is
4 only one page long; is that correct?

5 A Yes.

6 Q What time did you pronounce the body,
7 pronounce the decedent dead? Do you recall?

8 A I don't recall.

9 MR. MCKNIGHT: Court's indulgence.
10 Permission to approach, Your Honor?

11 THE COURT: Yes, sir.

12 Q Please take your time to examine that and
13 tell us what it is, Mr. McKnight.

14 A This is a death certificate.

15 Q Who prepared it?

16 A I did.

17 Q On that death certificate, what time did
18 you, does that death certificate refresh your
19 recollection as to---

20 A Yes.

21 Q ---as to what time---

22 A Yes.

23 Q ---the body was pronounced dead?

24 A Uh-huh. (Affirmative.)

25 Q Can you tell us what time that was?

Harrison-McKnight-Direct by McKnight.

1 A The time pronounced at 10:00 a.m.

2 Q 10:00 a.m. Now help us understand this,
3 Mr. McKnight. The time you pronounce the body
4 dead is oftentimes different than the actual time
5 of death; is it not?

6 A That's right.

7 Q The time that you pronounce the body dead
8 is when you determine that it's dead.

9 A That's correct.

10 Q Now let me ask you this. What means do
11 you use to determine whether or not a person is
12 dead or playing possum? How do you do that?

13 A Well if you're dead you are not playing
14 possum.

15 Q I got you. Either you're dead or you
16 ain't. Well let me ask you, if I fell out here
17 right now, God forbid, and I die, how -- what
18 would you do to come down here to determine
19 whether or not that I was in fact dead. What
20 would you do?

21 A Examine you.

22 Q And as a part of your examination, what
23 would you do?

24 A What would I do?

25 Q Yes, sir.

Harrison-McKnight-Direct by McKnight

1 A I would check your pulse.

2 Q Uh-huh. (Affirmative.)

3 A Eyes, heart.

4 Q Okay. If your -- if you didn't feel a
5 pulse, and you didn't see, would you look to see
6 if I was breathing?

7 A Yes.

8 Q And after you did all that, that's how you
9 pronounce death.

10 A No more activities there.

11 Q And when there is no activity there, you
12 shook your head. What does that means?

13 A He is gone, dead.

14 Q Yes, sir.

15 MR. MCKNIGHT: Your Honor, I believe
16 that's all my questions: Please answer any
17 questions that Ms. Barr has for you.

18 THE COURT: Mr. Griffith.

19 MR. MCKNIGHT: I am sorry. Excuse me, Mr.
20 Griffith.

21 MR. GRIFFITH: I have no questions, Your
22 Honor.

23 THE COURT: Thank you. Ms. Barr.

24 MS. BARR: Very brief questions.

25 Cross Examination by Ms. Barr:

Harrison-McKnight-Direct by McKnight

1 Q Good afternoon, Mr. McKnight.

2 A Good afternoon.

3 Q Sir, I am going to, is it in? It's got
4 ID.

5 MR. MCKNIGHT: It's in.

6 Q I am going to publish what's been admitted
7 as Defendant's Exhibit No. 2, the coroner's
8 report. Can you see that from where you are, sir?

9 A Yes.

10 Q And on the report where it lists, position
11 of body, you have lying on the back on the bedroom
12 floor; is that right?

13 A Yes.

14 Q And on the part of the report where it
15 says condition of body, you have multiple gunshot
16 wounds. And I think that says to body.

17 A Yes.

18 Q Is that right?

19 A Yes.

20 Q And, sir, as it relates to the body of
21 James Allen McNeal the deceased on that day, well
22 let me ask you this. Before I ask you that
23 question, normal body temperature of a living
24 individual would be about 98 degrees; is that
25 right?

Harrison McKnight-Cross by Barr

1 A That's correct.

2 Q And as it relates to the body of James
3 Allen McNeal, you indicated that you did not take
4 his body temperature; is that correct?

5 A That's right.

6 Q Now, specifically, as it relates to the
7 victim in this case, if his body temperature were
8 say 90-degrees when you came out there, no
9 question he would have had multiple gunshot wounds
10 regardless of what his body temperature was;
11 correct?

12 A Right.

13 Q That was obvious to you; correct?

14 A That's correct.

15 Q So in terms of your finding on your report
16 the condition of his body as sustaining multiple
17 gunshot wounds, it wouldn't have been affected at
18 all by the body temperature at all; right?

19 A No, ma'am.

20 MS. BARR: Thank you, sir.

21 That's all the questions that I have.

22 THE COURT: Any redirect?

23 MR. MCKNIGHT: Your Honor, no redirect
24 from defendant Williams.

25 THE COURT: Thank you.

Harrison McKnight-Cross by Barr

1 MR. GRIFFITH: No redirect.

2 MR. MCKNIGHT: Your Honor, he, and we have
3 no problem releasing him.

4 THE COURT: Thank you. Mr. McKnight.

5 MR. MCKNIGHT: Mr. Griffith.

6 THE COURT: But you rest.

7 MR. MCKNIGHT: Permission to approach?

8 THE COURT: Yes.

9 (Whereupon the attorneys approach the
10 bench and confer with judge.)

11 MR. GRIFFITH: Charlene Mickens is on the
12 second floor in the break room.

13 MS. BARR: Your Honor, the defendant
14 Toshonda Mickens is calling Charlene Mickens.

15 MR. GRIFFITH: Charlene Mickens.

16 MS. BARR: Judge, may we approach again,
17 please?

18 THE COURT: You may.

19 (Whereupon, the attorneys approach and
20 confer with judge.)

21 THE COURT: Ladies and gentlemen, Charlene
22 Mickens was not on the original witness list so
23 her name wasn't called out when I was asking if
24 the jurors potentially knew a witness. Her name
25 is Charlene Mickens. Does anybody on the jury

Harrison McKnight-Cross by Barr

1 know anyone by the name of Charlene Mickens?

2 (Whereupon, No Response.)

3 THE COURT: Thank you. You may proceed.

4 Charlene Mickens, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION by Mr. Griffith:

7 Q Will you give the court, please, your
8 name?

9 A My name is Charlene Mickens.

10 Q And what is your address?

11 A My address now is [REDACTED]
12 Apartment 32. And that's in Darlington, South
13 Carolina.

14 Q And how do you know Toshonda Mickens?

15 A That is my daughter.

16 Q And do you have other children?

17 A Yes, I do. I have two sons.

18 Q Ms. Mickens, I really just want to talk to
19 you about a time period in October through
20 November of 2007, where were you living at that
21 time?

22 A At that time, I was living still in
23 Darlington. But my address was [REDACTED].
24 Apartment [REDACTED].

25 Q Okay. During that time where was your

Charlene Mickens-Direct by Griffith

1 daughter living?

2 A At that time in 2007, you said?

3 Q Yeah.

4 A Okay she was living in Florence, and it
5 was on Jarrett Street. I can't remember the
6 correct address, but it was Jarrett Street.

7 Q And did you see her pretty often during
8 that time?

9 A Yeah, I see her pretty, you know, well my
10 job, I gets off late in the afternoon. So most of
11 the time I see her like when I get my grandkids
12 like that. Or but a lot of times we communicate
13 on the phone.

14 Q Okay. But she was spending a lot of time
15 coming to your house.

16 A Oh, yes. Yes.

17 Q And why---

18 A That's my only---

19 Q ---was she coming back and forth to your
20 house? I'm sorry.

21 A Okay. She was my only daughter. Like I
22 said, I have two sons. And I live in Darlington,
23 and during the time frame -- well, can you
24 rephrase? You just asked me why? I mean, I am
25 her mother. But I mean even you just asked me

Charlene Mickens-Direct by Griffith

1 why.

2 Q Was there was a specific purpose that she
3 kept coming to your house during that period of
4 time? Was there anything going on as far as---

5 A During the period of time what you are
6 asking is October and November of 2007? I need
7 you to be specific.

8 Q Wasn't she moving at that time?

9 A At that time she was back and forth from
10 my house. You know, at that time she was back and
11 forth from Florence to Darlington. Yes, of
12 course, to live with me.

13 Q She was in the -- during the course of
14 that period of time, you are saying she was moving
15 in with you.

16 A Back and forth, yes. I mean, we was
17 trying to get things together to put her stuff in
18 storage like that.

19 Q And so she was spending a lot time.

20 A A lot of time during that time; yes.

21 Q So she was pretty busy.

22 A Yes.

23 Q So when did she finish moving in with you?

24 A Well she finished moving in with me, it
25 was around, I don't know the exact date in

Charlene Mickens-Direct by Griffith

1 November, but it was around the end of November
2 her house got broken into. And, you know, that
3 was that because she was going through some things
4 prior in October. So that was it. And I am like,
5 you are home. Home. You are coming home.

6 Q And was why she moved in with you.

7 A Exactly.

8 MR. GRIFFITH: Okay. I don't have any
9 questions. Could you answer any questions that
10 Mr. McKnight might have.

11 THE COURT: Mr. McKnight.

12 Cross Examination by Mr. McKnight:

13 Q You frequently visited Toshonda's house;
14 didn't you?

15 A Sir?

16 Q You went over to Toshonda's house a lot;
17 didn't you?

18 A I did. My grandchildren are there, like I
19 said.

20 Q Did you often -- did you ever see Laquincy
21 over there?

22 A Yeah, I mean occasionally, yes, I did.

23 Q Did you ever see a guy named G there?

24 A Who is G?

25 Q Gquan. James Henry.

Charlene Mickens-Cross by McKnight

1 A I don't recall. Like I said, I live in
2 Darlington and my daughter lives in Florence.

3 Q And did you ever see a guy called P.J. or
4 Phillip Williams over there?

5 A Well yes, I have. But, when his presence
6 was there, I wouldn't stay.

7 Q Okay.

8 A So I couldn't tell you how often.

9 MR. MCKNIGHT: That's all my questions,
10 Your Honor.

11 THE COURT: Thank you. Ms. Barr.

12 Cross Examination by Ms. Barr:

13 Q Good afternoon, Ms. Mickens.

14 A Good afternoon.

15 Q Let me publish what's been previously
16 admitted as State's Exhibit No. 3. During this
17 time October to November of 2007, your daughter
18 would frequently rent vehicles from Hertz at the
19 airport in Florence.

20 A My daughter would frequent -- she would
21 rent vehicles not just in October, between October
22 and November.

23 Q Okay.

24 A She would rent, you know, that's the
25 service that we use. She used that service and I

Charlene Mickens-Cross by Barr

1 use it. And, we, you know, frequently would rent
2 from Hertz.

3 Q Okay.

4 A Because to me, it was a better way of not
5 really, personally with me, because using a car
6 rather than my own personal car, because not only
7 I did a lot, you know, of traveling. And she did
8 traveling. So we frequent used that company.

9 Q So you would often rent a vehicle even
10 though you had your own personal vehicle?

11 A I would. My mother lived in Maryland.

12 Q And Toshonda was she working at the time?

13 A At that time---

14 Q Yes, ma'am.

15 A ---of November?

16 Q October, November 2007.

17 A October, November 2007. No.

18 Q She wasn't working anywhere; was she?

19 A No, she wasn't.

20 Q And she frequently, although she wasn't
21 working, would rent vehicles from the airport in
22 Florence; right?

23 A Exactly.

24 Q Where would she get the money to rent
25 vehicles from the airport in Florence if she was

Charlene Mickens-Cross by Barr

1 not working?

2 A Okay, ma'am.

3 Q Yes, ma'am.

4 A I live in Darlington.

5 Q Yes, ma'am.

6 A She lives in Florence.

7 Q Yes, ma'am.

8 A Okay. How she get her money, I never
9 asked, okay. I just knew my grandkids was taken
10 care of. If she need anything from me, I provide
11 it.

12 Q Okay.

13 A I work.

14 Q Yes, ma'am. Did you ever see her driving
15 this type of vehicle, a gray or silver Mazda
16 vehicle in October/November 2007?

17 A I, back in 2007, ma'am, I can't recall
18 what type of car, because there were several cars
19 rented during the course of that year. So as far
20 as saying what type of car, what the tag was, I
21 can't tell you that. Because one thing with
22 Hertz, not only do they have, they don't have just
23 one type of car. You may go out there and there
24 are 3 cars with that name, but different tags.

25 Q Okay. You don't recall ever seeing her

Charlene Mickens-Cross by Barr

1 drive a silver or gray Mazda with Illinois tags in
2 October/November 2007?

3 A The name of the car?

4 Q Well---

5 A I answered yes of, you know, of her having
6 the car. But, you know, like I said, I can't tell
7 you what the name was---

8 Q Sure.

9 A ---or whatever, because It wasn't rented
10 by me.

11 Q I understand. And she would routinely get
12 rental cars, so no one, specific one, stood out to
13 you.

14 A No.

15 Q Okay. I understand. Do you see your in
16 this daughter picture?

17 A Can you bring it up, because I wear
18 reading glasses and I didn't get them out of the
19 car.

20 Q Do you see her?

21 A Yes.

22 Q This is your daughter here that I am
23 pointing next to the vehicle?

24 A Yes.

25 Q Standing next to her, that's Kenyatta;

Charlene Mickens-Cross by Barr

1 isn't it?

2 A Can you bring it up?

3 Q Sure. Do you want me to bring it to you?

4 A Yes, ma'am, I prefer.

5 Q Sure. Absolutely.

6 A I would do it on the screen.

7 Q Do you want me to do it on the screen?

8 A No. You know, I would have brought my
9 glasses.

10 Q That's okay. Can you see that now?

11 A You now, it's like the hood part or
12 whatever. I can't recall, but it's similar; yes,
13 to her. But like I said, I don't have my glasses.
14 But the facial, that is her. But the hoodie, I
15 can't really truly, ma'am, I really need my
16 glasses.

17 Q But you, when I talk about Kenyatta, you
18 know who I am talking about; right?

19 A When you say, Kenyatta?

20 Q Yes, ma'am. Kenyatta, Juandalyn Kenyatta
21 Miller. You know who I am talking about.

22 A I know Kenyatta. I really, truly when I
23 found out the real name is was the course of this.

24 Q Okay.

25 A So I knew the young lady as Kenyatta.

Charlene Mickens-Cross by Barr

1 Q I understand. And at the time that your
2 daughter Shonda was living on Jarrett Street in
3 Florence, Kenyatta would be at her house
4 frequently; right?

5 A Yes.

6 Q And sometimes if your daughter had to run
7 errands, Kenyatta would help take care of the
8 kids; right?

9 A Yes, that's correct.

10 Q And now you know the gentleman who is
11 seated next to attorney McKnight. The gentleman
12 in the blue shirt with the glasses you know that
13 fellow?

14 A Yes, I do.

15 Q And how do you know him?

16 A His mother and I are friends.

17 Q Okay.

18 A And I have known him, I just would say he
19 probably was maybe 6, 7. You know.

20 Q And, as a matter of fact, you lived in the
21 same apartment complex in Darlington that Laquincy
22 Williams and his folks used to live at; right?

23 A Correct.

24 Q And you and everybody you know referred to
25 Laquincy as Scrap. That's his nickname; right?

Charlene Mickens-Cross by Barr

1 A Yes.

2 Q Now you indicated that when Toshonda was
3 living on Jarrett Street and P.J. was around, you
4 didn't come around too often; right?

5 A No. I would come.

6 Q Right.

7 A And if his presence was there---

8 Q Yeah, you would leave.

9 A ---I would leave.

10 Q And the reason why you would leave is
11 because didn't approve of his relationship with
12 your daughter; right?

13 A No, that's, I haven't answered that. The
14 reason that I would leave is a mother knows. And
15 she feels when she meet someone for her child, if
16 she get a vibe, and I got this certain vibe.

17 Q Okay.

18 A But, you know, you can't tell your
19 children who they can be with.

20 Q I agree with you 100 percent on that. But
21 as it relates to P.J., you didn't, you would
22 not -- you did not like them being together.
23 That's fair to say; right?

24 A That's correct.

25 Q And the reason why you didn't like them

Charlene Mickens-Cross by Barr

1 being together is because P.J. was married.

2 A I found that out.

3 Q And also P.J. was involved with drugs;
4 right?

5 A I didn't live at my daughter's house,
6 ma'am. I can't answer that. As far as his
7 personal life, like I said, I wasn't around him.
8 So as far as his personal life, I don't know.

9 Q Did your daughter ever tell you that P.J.
10 was involved with drugs?

11 A Did she ever tell me?

12 Q Yes, ma'am.

13 A My daughter keep as far as something like
14 that, I am a very strict mother. I don't, you
15 know, I don't agree with that type of stuff. I
16 don't agree. I am very strict. And she, I mean I
17 wouldn't approve.

18 Q Okay. So in terms of the answer to my
19 question, your daughter did tell you the type of
20 lifestyle that P.J. led?

21 A No.

22 Q She didn't tell you he did drugs?

23 A That he did drugs?

24 Q Yes, that he sold drugs, used drugs,
25 whatever. That he was involved with drugs.

Charlene Mickens-Cross by Barr

1 A No.

2 Q She didn't tell you that. Okay. Now you
3 mentioned something about while your daughter was
4 living on Jarrett Street, her house was broken
5 into.

6 A Uh-huh. (Affirmative.)

7 Q Is that right?

8 A That's correct.

9 Q And the house was broken into. She told
10 you that?

11 A Did she tell me that?

12 Q Yes. How did you find out her house had
13 been broken into while she was living on Jarrett
14 Street?

15 A Two incidents. She called me. The last
16 incident -- no, the first incident, she called me.
17 And anytime my daughter calls me, I go over. And
18 a report was done on each incident.

19 Q With the City of Florence Police
20 Department; right?

21 A Exactly. The last---

22 Q Both times her house was broken into,
23 while she was living on Jarrett Street, it was
24 related to people looking for drugs; wasn't it?

25 A I don't know. Ma'am, I don't---

Charlene Mickens-Cross by Barr

1 Q What did she tell you? She told you they
2 were looking drugs; didn't she?

3 A She did not tell me that.

4 Q She was home at the time it happened?

5 A When the house got broken into?

6 Q Yes, ma'am.

7 A She was home.

8 Q Yes, ma'am. And people came into her
9 house with guns.

10 A When people came to her house with guns,
11 that was in November. I can recall, because we
12 took---

13 MR. GRIFFITH: I object, Your Honor, to
14 the relevance of this line of questioning.

15 THE COURT: Ms. Barr.

16 MS. BARR: Judge, I'll move on. I'll
17 move on.

18 Q Tell me what your daughter told you about
19 Gquan Henry or G.

20 A Like I said, ma'am, I don't know anything.

21 Q Okay.

22 A That name, G?

23 Q She didn't tell you she took a boy named
24 G. to the hospital in Florence?

25 A G.?

Charlene Mickens-Cross by Barr

1 Q Yes, ma'am.

2 A I know about a hospital incident, but I
3 don't whether it was somebody named G. I don't
4 know.

5 Q I am going to publish State's Exhibit No.
6 36. Have you ever seen that fellow?

7 A No.

8 Q Okay. And you said you know about an
9 incident in an hospital, but you didn't know the
10 person's name; is that right?

11 A That's correct.

12 Q Your daughter told you that she took
13 somebody who had been shot to the hospital in
14 McLeod's back on November 2nd?

15 A Did she tell me?

16 Q Yes, ma'am.

17 A That she took someone? No, I heard of the
18 incident about someone at the hospital. She
19 didn't personally say, mom, I took someone.
20 Somebody named which is her daughter's -- her
21 daughter's aunt called her and said that---

22 Q No, don't tell me what somebody else said.
23 My specific question is, did your daughter ever
24 tell you that she took somebody to the hospital---

25 MR. GRIFFITH: Objection, Your Honor.

Charlene Mickens-Cross by Barr

1 That would be hearsay.

2 THE COURT: It's the defendant.

3 Overruled.

4 Q Did your daughter ever tell you that she
5 took someone to McLeod Hospital who had been shot
6 in November of 2007?

7 A No, took someone that was shot, ma'am, in
8 2007?

9 Q Well, ma'am, at some, let me just do it
10 this way. And I'm not trying to twist your words.
11 I'm just trying to get it in a question. If
12 someone had been shot and you took somebody who
13 had been shot to the hospital, you would remember
14 that; right?

15 A Exactly.

16 Q That would be, follow me. That would be a
17 traumatic experience for you; right?

18 A Exactly.

19 Q Did your daughter at any point and time,
20 tell you she took somebody who had been shot to
21 McLeod Hospital in November of 2007?

22 A As far as somebody going to the hospital
23 that she transported to the hospital?

24 Q Yes, ma'am.

25 A This was the someone that she thought had

Charlene Mickens-Cross by Barr

1 maybe had gotten beaten up.

2 Q That's what she told you?

3 A And realized that, you know. So as far as
4 the name, I don't know.

5 MS. BARR: That's all the questions.

6 THE COURT: Any redirect?

7 MR. GRIFFITH: No redirect, Your Honor, at
8 this point.

9 MR. MCKNIGHT: No, sir.

10 THE COURT: Thank you. You may step down.
11 Anything further?

12 MR. MCKNIGHT: Nothing. The defendant
13 Laquincy Williams rests at this time.

14 MR. GRIFFITH: Your Honor, defendant
15 Mickens, rests at this time.

16 THE COURT: Does the state intend to
17 produce reply testimony?

18 MS. BARR: No, Your Honor. The state
19 rests.

20 THE COURT: Thank you. Ladies and
21 gentlemen, we have to few matters of law to take
22 up at this time. I am going to send you to the
23 jury room. Please do not discuss the case while
24 you are back there. Thank you.

25 (Whereupon, the following takes place

Charlene Mickens-Cross by Barr

1 outside the presence of the jury.)

2 THE COURT: Any motions to be made?

3 MR. MCKNIGHT: Yes, Your Honor.

4 THE COURT: Before I charge the jury, I
5 will give the stipulated facts.

6 MR. MCKNIGHT: Yes, sir.

7 THE COURT: When I bring them back out.

8 And here's what I -- just for the record here---

9 MR. MCKNIGHT: Yes, sir.

10 THE COURT: ---is what I am going to tell
11 them. That the facts that the parties requested
12 to take judicial notice on, November 2nd of 2007,
13 Hemingway, South Carolina, that the maximum
14 temperature was 79 degrees for the day. The
15 minimum temperature was 54 degrees. The
16 temperature at the measuring time at the NOA site
17 for Hemingway at 8 a.m. was 54 degrees. The sun
18 rose at 7:39 a.m. that day. And as we had not yet
19 turned our clocks back to daylight standard time.
20 It started on March 11th and was to end on
21 November 4th of year 2007.

22 MR. MCKNIGHT: Two days short of daylight
23 savings time. Yes, that's fine. From defendant
24 Williams that's---

25 THE COURT: Any objection to---

1 MR. MCKNIGHT: ---fine.

2 THE COURT: ---that?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: The state is fine with that.

5 MS. BARR: Yes, sir, Judge.

6 THE COURT: Any motions?

7 MR. MCKNIGHT: Yes, Your Honor. At this
8 time without taking the court through the motions
9 again, we reiterate the motions we made after the
10 jury was sworn, and again when the prosecution
11 rested with regard to their being a directed
12 verdict and our motion to suppress the statements
13 made by Dr. Bradley Marcus with regard to the
14 autopsy report.

15 MR. GRIFFITH: I would join in that
16 motion, Your Honor. As well as, reiterate the
17 motion for our directed verdict.

18 THE COURT: Thank you. Respectfully
19 denied.

20 MR. MCKNIGHT: Yes, sir.

21 THE COURT: Why don't -- you want to take
22 about 5 minutes, 10 minutes to give you an
23 opportunity for closing. Then we will argue and
24 charge.

25 (Whereupon, the court takes a short

1 recess.)

2 THE COURT: These type of trials are
3 emotionally charged enough. I don't know any
4 participation from the viewers. So if anybody
5 disrupts this court anymore, I will send them
6 straight to jail. If anybody doesn't understand
7 that, now is your opportunity to leave. Thank
8 you.

9 Let's bring our jury in.

10 (Whereupon the following takes place
11 within the presence of the jury.)

12 THE COURT: Ladies and gentlemen, the
13 parties have requested that I give you some
14 information that you can take judicial notice of.
15 And this is that on November 2nd of 2007, in
16 Hemingway, South Carolina, the maximum temperature
17 that day was 79 degrees. The minimum temperature
18 for that day was 54 degrees. The temperature had
19 the measuring time at the NOA site for Hemingway,
20 South Carolina at 8 a.m. was 54 degrees. On that
21 day the sun rose at 7:39 a.m. And at that point
22 and time, we had not yet turned our clocks back,
23 fall back to being on daylight standard time. We
24 were still on daylight savings time. Daylight
25 savings time started on March 11th. And it was to

1 end on November 4th of that year. So we were
2 still in daylight savings time. Is the state
3 ready to proceed?

4 MS. BARR: The state is ready, Your Honor.

5 THE COURT: Is the defense ready?

6 MR. MCKNIGHT: The defense is ready.

7 THE COURT: Ms. Barr.

8 MR. BROWN: Your honor, may it please the
9 court.

10 THE COURT: Mr. Brown.

11 MR. BROWN: Good morning, Ladies and
12 gentlemen. By the way of introduction, the most I
13 have spoken to you this week, has been when I have
14 been when I am dealing with witnesses. My name is
15 Tyler Brown. I am an assistant solicitor here in
16 Williamsburg, South Carolina with the third
17 circuit of South Carolina. Myself along with
18 Kimberly Barr are the assistant solicitors under
19 your elected solicitor Earnest A. Finney.

20 And it's been our pleasure to be here this
21 week with you, to help present this trial. I
22 want to start out before I get anywhere else in
23 this opening, while opening on the law, to thank
24 you for your services. Thank you for your time.
25 This has been a long trial. This has been one of

1 the longer ones I have participated in my time as
2 a prosecutor. You all have been here at 7 o'clock
3 at night most nights. You all weathered the flu
4 apparently. You all have -- we've been listening
5 to all trying through, as you all were coughing.

6 It is not missed on myself and Ms. Barr
7 and I, I think on these people on defense counsel,
8 it's not missed on them either. You all have been
9 there watching and paying attention. And I think
10 I can extend on behalf of both defense counsel and
11 the state, our sincere appreciation of everything
12 you all have done this week. Your jobs aren't
13 quite over yet though. In fact, soon your job is
14 actually going to employ come into effect.

15 Ladies and gentlemen of the jury are
16 aware, you are here today because you are the
17 deciders of the fact on the case against Laquincy
18 Williams and Toshonda MICKENS. It is y'all's job
19 after we finish the closing, after the defense
20 finishes the closing, after the judge finishes
21 charging the law, it is your job to determine
22 whether or not the state proved the guilt beyond a
23 reasonable doubt in this particular case.

24 Reasonable doubt is one of those terms
25 that you hear on Law and Order. You hear it and

1 it's used and so on and so forth. It's a term
2 that a lot of times people don't get told what it
3 means. Ladies and gentlemen, my job here as the
4 person who will speak to you, my job is to tell
5 you about the law. Particularly speaking, the
6 state closes, then the defense closes, then the
7 judge charges the law. When the defense puts up
8 evidence, at that point it changes to the state
9 and comes up and talks to you about the law. Then
10 the defense closes. Then the state closes then
11 the judge talks to you.

12 Today we are going to be talking about
13 what the law is. When we talk about reasonable
14 doubt, that is a term of art we use here in South
15 Carolina. That is a term of art that is used in
16 the law. Reasonable doubt according to South
17 Carolina, is the type of doubt that would cause
18 you to hesitate to act. Further, in proving
19 guilt beyond a reasonable doubt, we the state,
20 must leave you, ladies and gentlemen of the jury,
21 firmly convinced of both the defendant's guilt of
22 each and every one of the charges. That is our
23 obligation. That is our duty. The state has duty
24 we welcome.

25 Now, Ladies and gentlemen, I want to be

1 very specific and very clear with you. Our job is
2 not to disprove any and all doubt. That is
3 absolutely impossible. There are people who still
4 to this day doubt that we landed on the moon. If
5 you look for the doubt you can always find a
6 little doubt. But the question is, are you guilty
7 behind a reasonable doubt. One of our local
8 judges, he talks to us about this. Sometimes
9 after a trial, he will talk about back in the day
10 when he was a prosecutor. And he'll talk about
11 when he would finish a trial, and then he might
12 lose that trial, he would sometimes call jurors.
13 And he would ask them, what did I miss. I want to
14 be better a prosecutor. I want to be able to get
15 a conviction at this time. I want to know what I
16 need to do better to prove the case to you, Ladies
17 and gentlemen of the jury. And he talks about how
18 he would sit there and he would talk to them. And
19 they would say well, we listened to the evidence.
20 We heard all the testimony. We believe the
21 defendant did it, but we just didn't -- we didn't
22 think there was enough evidence. And he would
23 always hang up the phone and he would say, well if
24 they believed he did it, that means they firmly
25 convinced of it. They believe that he was guilty

1 beyond a reasonable doubt but just didn't get
2 there.

3 Ladies and gentlemen, if you believe the
4 individuals at the end of this case committed this
5 act, if you are firmly convinced of that fact, it
6 is going to be your legal obligation to convict on
7 the charge that you believe that. So question is,
8 what is Toshonda Mickens, what is Laquincy
9 Williams charged with today. That's something you
10 already know. They are charged with murder. They
11 are charged with burglary in the first degree.
12 They are charged with armed robbery. They are
13 charged with criminal conspiracy. Both of them
14 are charged with all four of those charges. And
15 Mr. Williams additionally is charged with
16 possession of a weapon during the commission of a
17 violent crime. So what does all that mean. What
18 do we have to prove. What does the statute
19 require us to show you, to convince you, to get
20 you to the point that they are guilty beyond a
21 reasonable; that you are firmly convinced that you
22 believe they did it.

23 Murder in South Carolina is designed or
24 defined as a killing of another individual with
25 malice aforethought. Those are all fancy words.

1 Especially about malice. I remember back in law
2 school I had no idea what that meant. Most people
3 would probably look at me and say you probably
4 haven't been out of law school very long. You are
5 pretty much right. But I did learn from having
6 been in law school.

7 Ladies and gentlemen, malice is there is
8 hatred. When that is disregard for human life.
9 When you do something intentionally with the
10 designed motive causing the action to take place.
11 Malice can be coming from numerous different ways.
12 There is express malice. It's when someone stands
13 there and someone says, I am going to kill. And
14 pulls a trigger. That's express malice, Ladies
15 and gentlemen. That can prove malice. There's
16 also implied malice when you have a regardless
17 disregard for another human life. This is things
18 that we might see; for instance, when you have
19 circumstances. Excuse me, Ladies and gentlemen.
20 That might be when you have conduct that is
21 showing complete disregard for human life. It's
22 where you might, I don't know, where you might
23 pull a trigger and shoot into someone's direction,
24 out of anger, maybe not meaning to hit them, but
25 it still hits them, because you had that disregard

1 for their life.

2 Ladies and gentlemen, in South Carolina,
3 we also recognize the felony murder rule. The
4 felony murder rule in South Carolina means that if
5 you kill someone in the commission of a crime, in
6 commission of a felony, if you kill them, even if
7 that's not what you went in intending to do, you
8 have still have malice. That shows malice in
9 South Carolina. Back in the jury room when you
10 all start deliberating, these are things you will
11 think about. Those are things you will talk
12 about. Those are things you must consider.
13 That's what you will decide. Do I believe that
14 Toshonda Mickens and Laquincy Williams, do I
15 believe that they had the malice in the killing of
16 this individual. Am I firmly convinced? Do I
17 believe beyond a reasonable doubt.

18 Armed robbery, Ladies and gentlemen, is
19 the second charge they are both charged with.
20 Armed robbery is when you take something from
21 somebody with force or intimidation, and you use a
22 deadly weapon. Ladies and gentlemen, I am going
23 to save you the trouble, a gun is a deadly weapon
24 in South Carolina. No one will argue that. When
25 you take an item from somebody, when you remove it

1 from them, when you force or intimidating, when a
2 hold a gun to them to say, give me your money,
3 that's armed robbery. It will up to you to
4 determine whether or not you are firmly convinced,
5 whether you believe beyond a reasonable doubt that
6 the individuals did this in this case.

7 Thirdly, they are charged with burglary in
8 the first degree. Burglary in South Carolina
9 generally means the unlawfully entering into
10 another person's house with the intent to commit a
11 crime therein. I will begin by telling you that
12 armed robbery is a crime. It is a felony. And if
13 they went into the house and they intended to
14 commit that crime in there, that in and of itself
15 is the crime therein.

16 Ladies and gentlemen, I also I don't think
17 it is disputed, but just to be clear, the house
18 was in fact a house they lived there. They
19 resided there. The victims lived in the back
20 bedroom where he died. To prove burglary in the
21 first degree, there also is an elevating factor
22 that we must prove. We also must prove that there
23 is a number of elevating factors in South
24 Carolina. Sometimes these are at nighttime. We
25 are not contending this happened at nighttime.

(1 Sometimes it's there are prior burglaries. We are
2 not contending there are prior burglaries in this
3 case. But other elevating factors other than a
4 weapon was used in the commission of a burglary.
5 The individuals had a gun when they went into the
6 house. That can be enough to elevate burglary in
7 the first degree. If an individual is hurt, which
8 by the getting killed, is being hurt. If an
9 individual is hurt, if he is nonparticipant and is
10 injured, that can elevate the burglary in the
11 first degree.

12 If you believe that they committed a
13 burglary first degree, are you firmly convinced,
14 if you believe beyond a reasonable doubt. Those
15 are the questions, you, Ladies and gentlemen are
16 going to have to answer. That next case, the next
17 charge they are both charged with is criminal
18 conspiracy. Criminal conspiracy is when there is
19 a meeting of the minds. When there is a decision
20 by two or more people; that we are going to do
21 this. We are going to commit this particular
22 crime. It requires maybe intending to commit a
23 felony. Just because someone is an active
24 listener into a conversation that doesn't rise
25 there. But when they start deciding, this is what

1 my job is, I am the get away driver. Your job is
2 to go into the house. Your job is to pull the
3 trigger if you have to do it. And your job is to
4 make sure we know that he is there. That is a
5 conspiracy, Ladies and gentlemen. If you
6 determine that both of these individuals were
7 involved in that conspiracy, it's going to be your
8 job to convict. And do you believe they did it.
9 Are you firmly convinced. Do you believe beyond a
10 reasonable doubt.

11 Finally, Laquincy Williams alone in
12 particular case, is charged with the use of a
13 firearm in the commission of a violent crime.
14 Murder is a violent crime. Armed robbery is a
15 violent crime. Burglary in the first degree is a
16 violent crime as defined in South Carolina. And a
17 gun is a weapon. If you believe that Laquincy
18 Williams in the completion of those acts, used a
19 gun, used a firearm, then it is your obligation to
20 convict. One thing that is important to note in
21 this case; is that, we are not contending that
22 Toshonda Mickens is the trigger person. We are
23 not contending that she went to the house. And so
24 some of you may be saying, why is she charged.
25 Why is she standing here today charged with

1 murder. Why is she standing here today charged
2 with burglary in the first degree. Why is she
3 today charged with armed robbery.

4 Ladies and gentlemen, South Carolina
5 recognizes the principle involved called the hands
6 of one, the hands of all. What that means you may
7 have heard it on TV, but here in South Carolina,
8 what that means is when two people have a meeting
9 of the minds to commit a felony; such as, an armed
10 robbery, such as a murder, such as a burglary.
11 When they go -- when one person goes in the
12 house, what one person is actions are, are the
13 responsibility of everyone. So for instance, if
14 we committed an armed robbery and I am the only
15 one holding the gun, and two others are there with
16 me, but they are there to as the look out, they
17 are just as responsible for anything that happens;
18 including, if I decide that I have to shoot and
19 kill the person that I am doing an armed robbery
20 on, they just are just responsible for the murder
21 and the armed robbery. South Carolina is clear on
22 that. But just because she didn't go into the
23 house, just because she was the get away driver,
24 if you determine that that is what you believe
25 happened, if you are firmly convinced of that, if

1 you believe beyond a reasonable doubt that she was
2 the get away driver in this, and you believe
3 beyond a reasonable doubt that these events
4 happened, that is now reason to find him guilty.

5 In fact, you will be legally obligated to
6 find guilt in that circumstance, because that is
7 the charge. That is what you swear to uphold the
8 law, not use your own version of the law. South
9 Carolina recognizes that the hands of one are the
10 hands of all. You have heard a lot of evidence in
11 this trial. A lot of people here the talk about
12 circumstantial evidence. A lot of people hear the
13 words of direct evidence. A lot of people believe
14 and you hear it all the time on the news, that
15 case will go forward on circumstantial evidence if
16 they don't have anything. To be clear, the law
17 does not recognize the difference, a distinction
18 or anything else, between circumstantial and
19 direct evidence.

20 And to be clear also, what I mean when I
21 say direct and circumstantial evidence is this.
22 Direct evidence is what you see, what you hear,
23 what you feel, what you particularly observe. And
24 what the witness on the stand, and you heard so
25 many. But what they particularly saw, observed,

1 and felt. I saw so and so shoot so and so. I was
2 there when we had a conversation; that we are
3 going to commit these crimes. That is direct
4 evidence. The testimony of Gquan, that is
5 considered direct evidence if you choose to
6 believe him. You can weigh how much you trust
7 him. You can weigh how much you believe him. You
8 can do that with every single one of the
9 witnesses. No two are more powerful than one.
10 You can do that. But that evidence is direct
11 evidence. That is evidence that have before you.
12 You have heard about circumstantial evidence.

13 Circumstantial evidence is what you have
14 perceive based on events around you, that lead you
15 to a conclusion. So say for instance, that we had
16 locked you in this courthouse for 3 days, that's
17 probably not hard to believe at this point. But
18 say, for instance, we had put you in a courtroom
19 and not let you see what is going on outside, and
20 at some point during this trial, I come into the
21 back door. I'm holding an umbrella, shaking the
22 water off of it, and I am dripping wet. You all
23 have circumstantial evidence it's raining outside.
24 That's what circumstantial evidence is. It's
25 evidence that leads you to conclusions.

1 So if you hear of DNA evidence of the
2 victim and the defendant on the same piece of
3 clothing, that would be circumstantial evidence
4 for you to consider; that that defendant was there
5 when that victim died. If you hear evidence about
6 DNA evidence blood being inside the car of the
7 victim, of one of the co-defendant's, you can make
8 that conclusion based on that circumstantial
9 evidence if that person was in that car while he
10 was bleeding, they were there. That is how that
11 you all have it. That is the authority you all
12 have. And that is the responsible you all have.

()
13 In a few moments, we will finish our
14 closings. In a few moments, the judge will charge
15 you. In a few moments, you are going to go back
16 in that room one last big time. And that's when
17 you 12 individuals become the 12 most powerful
18 people in the county, in the state, in the nation
19 and the world. You 12 people at that point are
20 given the exclusive ability to decide whether or
21 not you will believe. Whether you are firmly
22 convinced. Whether you beyond a reasonable doubt
23 that Toshonda Mickens and Laquincy Williams
24 committed these acts. If you go back there you
25 will be told before you go back there, at this

1 point presumed innocent.

2 Ladies and gentlemen, I will be the first
3 to tell you they are presumed innocent. Ladies
4 and gentlemen, I will be the first to tell you
5 they are presumed innocent at this point. You
6 will go back there and hear about their righteous
7 robe of innocence that they wear on them. When
8 you go back there, you became the power to take
9 that robe off of them. You at that point will
10 have the power, the right, the authority. And if
11 you believe, if you firmly convinced they
12 committed this, the responsibility, you at that
13 point will have that power to take that robe off
14 of them. You 12 people will be the only 12 people
15 who will be able to do that.

16 Ladies and gentlemen, I ask that as you
17 deliberate, you consider all the evidence. There
18 is a lot up here. Take the time to look through
19 it. Discuss what you saw. Discuss the witnesses.
20 Consider them. Consider whether or not they had a
21 reason to lie. Motive. Anything of that nature.
22 And when you consider all of that as I am going to
23 at the conclusion of this, you check the box
24 guilty of all counts. Thank you.

25 THE COURT: Mr. McKnight, or, Mr.

1 Griffith.

2 MR. MCKNIGHT: May it Please the court,
3 Your Honor.

4 THE COURT: Yes, sir.

5 MR. MCKNIGHT: Mr. Griffith, Your Honor,
6 Ms. Barr, Ladies and gentlemen of the jury, good
7 afternoon. We are almost to the end of the
8 journey we started on Monday. Which seems so, so
9 long ago. I know you all are ready to get home.
10 I know you all are ready to get back to your loved
11 ones and back to your lives. But for a few more
12 moments, I need you all to be with us here right
13 now. You have heard from several witnesses during
14 this whole week. The testimony has been lengthy.
15 The testimony has been detailed. And in some ways
16 it's been confusing. But in a few moments, you
17 are going to return to the jury room, after His
18 Honor has given you the law, and you are going to
19 have to start honoring the promise that you made
20 in the beginning. The promise that you would
21 listen, bring your respective experiences and
22 common sense to a part -- to this matter. Weigh
23 all the evidence bit by bit. Turn it inside out
24 and determine what the verdict is.

25 Now as I told you in my opening, the

1 burden in this case is beyond a reasonable doubt.
2 That means if we were holding the scales of
3 justice and we had to put evidence on it, the
4 evidence, when I say we put evidence on it, I mean
5 that the state, Ms. Barr, Mr. Brown, the evidence
6 that they put on it, it has to weigh so much or be
7 so heavy, that it tilts the scale, all the way in
8 over in their favor. Now, as I described to you
9 then, I gave you the analogy of garbage delivery
10 day. Meaning what? I have put my garbage can is
11 full, and I am rushing to court. And I know I
12 have got to put it out because it is Tuesday. And
13 if I don't put it out, I am going to end up with
14 more trash for the week. Well that doubt that I
15 have as I am driving down the road as to whether
16 or not I put it out, is what a reasonable doubt
17 is. It's what makes you hesitate to act. If you
18 have hesitate to pronounce the guilty verdict,
19 then that's reasonable doubt.

20 Now on behalf of my client, Mr. Laquincy
21 Williams, we thank you. We appreciate what you
22 have done here today. We appreciate what you've
23 done this week and the sacrifices that you have
24 made. But I need you to bear with me just a
25 little bit longer. I know you are talking of me

1 talking, but we've got to go through this
2 evidence. And I want to try to go through it
3 witness by witness. This will be the last time
4 you hear me or Mr. Griffith speak, because after
5 us Ms. Barr gets to be the last person up here.
6 So this is my last chance, and this is going to
7 maybe a little lengthy. But please understand, I
8 am not doing it just to talk. I'm doing it
9 because this is my last chance and I've got to get
10 it all out to you.

11 Now the first person you heard from was
12 Juandalyn Miller. And she testified as to, it's
13 not what she testified to, I want to talk about
14 the questions that were raised by her testimony.
15 She testified that they went and they rode around
16 and around, a what? A trailer park. For about 20
17 or 30 minutes before supposedly my client and
18 someone else, and Gquan, allegedly went into this
19 house.

20 Now you heard from every other witness
21 after that, that that area in Donnelly is not a
22 trailer park. You saw pictures in that area that
23 show you that there is brick house across the
24 street. There is a wooden house across from it;
25 that's it not a trailer park. And she even told

1 you she didn't know the difference between
2 Hemingway and Johnsonville. Can you rely on that.
3 Is that something that you can say definitely.
4 Yeah, they were there. And I will tell you,
5 court's indulgence. When they put up the picture,
6 when they put up State's Exhibit No. 47, and asked
7 her was this the house you went to. What did she
8 say? She said no. And Ms. Barr pressed her on
9 it. Are you sure this isn't the house. This is
10 not the house. Now this is supposedly somebody
11 that came there with them, and they want to you
12 believe that they were quote/unquote, "casing the
13 joint." Riding around, seeing if it viable.
14 Getting familiar with the scene. Well if she did
15 that, and if she saw that the way that they say
16 it, and when I say they, I mean the prosecution,
17 wouldn't she recognize the house that they claim
18 is the scene of the crime. She told you no, this
19 wasn't it.

20 The next person you heard from was Lee
21 Davis, the investigator from Florence. And he
22 testified as to what he saw and witnessed and
23 investigated with regard to a shooting victim at
24 McLeod Hospital. And he testified that what he
25 took off of Gquan was a multi-colored hoodie; that

1 he took this off, this hoodie. And that he took
2 these jeans. Now he also testified that -- excuse
3 me. Now you have to ask yourself, compare that
4 with what you heard then to what you heard to
5 every other time. And in particular from people
6 like Latesha Bell, who are we are going to talk
7 about in detail in a minute. But they all say
8 that the person who was in the house that did the
9 shooting, had on what? Dark colored clothing.

10 Now let's move a little forward for me.
11 Did you hear the prosecution ask ever, what
12 Laquincy had on during the robbery? No. There is
13 no testimony from him supposedly assuming that
14 Laquincy was there; that he had on black. I
15 wonder why that is. See they want you to assume
16 that he's the one. That's what they want you to
17 assume. Doubts.

18 The next person you heard from let's move
19 to Dr. Marcus. Dr. Bradley Marcus. Our autopsy.
20 But before we do that, let's move to him. He
21 testifies about the body and the condition that he
22 saw it, and what he saw. But you must ask
23 yourselves, are you willing to rely on what it is
24 he tells you. Now I'm not at all suggesting that
25 this doctor has done something that he is not

1 supposed to do. I think from his candor on the
2 stand, that's he is a stand up fellow. I really
3 do. But what I am suggesting to you is, we don't
4 know who had the body, from the time they took it
5 out of the house until the time they took it to
6 MUSC.

7 Now His Honor told you that the weather
8 that day, that the high was 79 degrees. Think in
9 your experience if you've ever sat in the car with
10 the windows up on a 79 degree day. It might as
11 well be 100. We don't know if that body sat in
12 that car all day. We don't know if they had the
13 air-conditioner on. We don't know if that person
14 who took it to MUSC did something with it. We
15 don't know if they juggled it and smashed it. We
16 don't know anything about how it was controlled.
17 But every other piece of evidence in this
18 courtroom, they pull out gloves and kits. And
19 they sit there on the stand, and they meticulously
20 take it out and they talk about how they don't
21 want to contaminate the evidence. And do all of
22 these things. But the body, what we call in the
23 law, the corpus delicti, that's just junk. You
24 can throw that any way you want. We don't care.
25 If you are going to rely that, you are then going

1 to be left to pick up the garbage and put it
2 together and fix it for them when had the chance
3 to do it right themselves. And then be asked to
4 pronounce guilt of murder, robbery, conspiracy and
5 possessing of a violent crime on my client. And
6 risk him being sentenced for that. No.

7 Now if they can take the time to put all
8 these fancy yellow markers out and document all
9 the bullets, and put it in a container and seal
10 it. And have sled down here and catalog it, and
11 tell you everything good thing about it. And then
12 toss the body in the back of somebody's station
13 wagon, we don't know who. And expect you to rely
14 on the results of testing for that. Is that
15 right? No. Ninety-nine and a half just won't do.
16 No, it will not.

17 Now let's talk about Investigator Scott.
18 He is -- he was the evidence tech and now he is to
19 a professor at Horry/Georgetown. And he tells you
20 about how the evidence was collected. But when
21 you ask him and press him on specific questions,
22 he is an expert on everything except the pertinent
23 facts. When you press him on certain questions, I
24 don't know. I don't remember. But if it is
25 something that the prosecution asks him, all of a

1 sudden, low and behold, he has an epiphany, he
2 knows it all.

3 Credibility of witnesses. Now you asked
4 him, I asked him, and he told you, it's not a
5 trailer park. I asked him and he told you that
6 the blood was dry. Some of it was, and some of it
7 wasn't. Now like the doctor told you and this is
8 consistent, where there is a lot of blood, it
9 dries what? It dries slower. And that's why when
10 they pull back the floor where the body was laying
11 and the blood had pooled, that's why you see that
12 pool of rich red blood. But all that other stuff
13 is dry.

14 Now the only person that took the time to
15 tell you what the weather was, was Melissa Skipper
16 Wallace. And she told you it was cloudy and 65
17 degrees outside. She took it. Which would lead
18 to tell you what the temperature was in the house.
19 Because if it's 65 outside when she gets there and
20 if it's 54, that means they've got what. They've
21 got -- it's not cold inside. They've probably got
22 it at a comfortable setting. Now remember when I
23 asked when asked Latesha Bell. Now I know
24 everybody in here can tell me, and you have got a
25 thermostat what you have it set on during a

1 particular time of year. Because we all know how
2 we like it. Some of us like it cool in the house.
3 Some of us like it toasty and warm. She don't
4 know. I don't know.

5 Now let's move to Ms. Bell. And let's
6 look at what we have we got from law enforcement
7 and tie it into to Ms. Bell. You'd expect them to
8 give you the best evidence; right. You'd expect
9 them to give you the person who was the lead
10 investigator on this, right. What did they give
11 you. They gave you Lee Lail Wrenn and her, I
12 don't no responses. We have been living this case
13 for 6 years. It's her report that she wrote.
14 It's her people that she talked to. If she can't
15 tell you whom she talked to. You know what else
16 is interesting, they didn't bring the officer on
17 scene.

18 You know what else is interesting, God
19 bless the dead. They can't tell you when they
20 talked to that boy's granddaddy or his uncle who
21 he calls his daddy. I wonder why. Why don't we
22 hear what it is he saw. Why is it that we don't
23 hear his first impressions when he saw his boy
24 dead on the ground. Why don't we hear from
25 anybody else but law enforcement as to what the

1 condition of the body was. Paul Harvey likes to
2 say, my favorite journalist. He likes to say, and
3 now we know the rest of the story. They have left
4 you to guess the rest of the story. And if you
5 have got to guess the rest of the story, then the
6 rest of the story must be a verdict of not guilty.

7 Questions? Can a regular person come in
8 there and say, I saw this body, I touched it, It
9 was cold. Can a regular person come in there and
10 tell you the blood was separating on the floor.
11 Can a regular person come in there and tell you,
12 what they saw, how they saw Latesha Bell act.
13 Probably. But you don't know. But what we do
14 know from the facts is that they charged her.
15 What we do know from the facts and from the
16 investigator's mouth, Lail's mouth, that she was
17 deceptive. What we do know and what the facts
18 suggest and if we had more evidence, we have an
19 idea as to when the boy died.

20 Now let's use some common sense about
21 robbery and people who steal and people who go
22 into houses to take stuff. I want you to be a bad
23 person for a minute. When you go to rob somebody
24 especially in a neighborhood with houses this
25 close together, are you going during the daylight

1 hours. No. Even the good book tells you the
2 thieves come what. At night. Daybreak. Sunrise
3 as his honor gives you. Now I want you to
4 understand so you know what sunrise is. Sunrise
5 is when the sun, assuming this is the horizon,
6 when the sun first breaks the horizon. That means
7 there is light coming up before the sun gets
8 there. It's already light. They are just going
9 to break in on a school day with school buses in
10 the middle of the day going to rob and kill.
11 There are some dumb people that commit crimes,
12 but there ain't nobody that dumb. No. He was
13 'dead long before then, and he wasn't killed by my
14 client. And you get a chance to get that answer
15 if they have certain people here.

16 Now we have got this master mind, this
17 P.J. fellow, where is he. Don't know. Not even
18 charged. And when do you ever hear the police
19 tell you they don't know whether or not a person
20 is charged with something. This lady has been in
21 law enforcement for almost 20 years. She's
22 bright. They don't let dumb people be
23 investigators. They don't. They don't bring them
24 in, if you are clueless, you don't get to wear
25 plain clothes and go around here and ask people

1 questions. They put their best on. That's what
2 the sheriff does. She is one of them. So for her
3 to sit here and tell you that she doesn't know
4 whether or not this guy has pending charges in the
5 State of South Carolina, is not believable. It is
6 not. Latesha Bell sits here and tells you that
7 her boyfriend is my height. I am short in case
8 you haven't noticed. I know that about 5 feet
9 5 inches, I am 65 inches tall.

10 MS. BARR: Objection. Counsel is arguing
11 facts not in evidence.

12 THE COURT: Counsel, do not argue facts
13 that are not in evidence.

14 MR. MCKNIGHT: What is the evidence is
15 that the length of the body of the decedent is 69
16 inches. And if divide 65 by 12, you get 5 feet 9
17 inches. Four whole inches taller than me.

18 MS. BARR: Objection again, Judge.

19 THE COURT: Sustained. Counsel will
20 refrain from using the analogy again.

21 MR. MCKNIGHT: He is supposed to be 5'6.
22 Have a seat. Are you going to sit there and
23 believe somebody who claimed they lived with a man
24 for years, and they can't tell you how tall he is.
25 It's the love of her life. When you are consumed

1 with a person, you know what, you know everything
2 about them. You know how tall they are. You know
3 how big they are. You know how small they are.
4 You know what they smell like when they first come
5 out of the shower. You know everything about
6 them. You love them. What else did Gquan tell
7 you. And I believe he was there, because he told
8 you what? He brushed the dog and we went in and
9 went on in. Who? You had him and who? Dog or
10 Black.

11 Now these investigators are thorough.
12 They thrive on inconsistencies. If I tell them
13 that I have got a on a blue suit today, but the
14 next day I say navy blue, they are going to be all
15 over. What do you mean by navy blue. Blah, blah,
16 blah. You mean to tell me for 6 years, or I sorry
17 for 3 years, they had this whole written
18 transcribed statement of Gquan and all of a sudden
19 today, low and behold, oh, it doesn't match up the
20 tape. No, that's what he told them then. That's
21 what he said then. That was there. And I want to
22 ask you, and you can reach your own conclusion.
23 They didn't bring P.J. here to testify. I wonder
24 why that is. Didn't -- they knew that I was going
25 to ask them if he got a deal. They knew that if

1 he got one, we was going to bring that out. Knew
2 it. Well what did they do? Hide him. Hide him
3 from your scrutiny. Hide him from your probing
4 questions. Hide him from that statement. That,
5 Ladies and gentlemen, has to leave you with plenty
6 of doubt.

7 Now let's go back to Ms. Bell. Do you get
8 a chance to ask her, what was her demeanor like?
9 Oh, I am sorry. Let's go to her, maybe Mr. James'
10 grandfather. You don't get a chance to ask him or
11 hear what he says her condition was when she came
12 and knocked on the door. You don't. Now if she
13 is in the bed with a bloody boy that is being
14 shot, do you think she got any blood on her? Now
15 she is so certain about everything. I couldn't
16 see. It was dark. And then I don't know what
17 complexion the people were. And then it's, oh,
18 they are brown skinned. But the person who was in
19 there, the shooter, the killer that done cut the
20 deal with the state, what did he say. I did what?
21 Cut on the light. Cut on the light. There are no
22 shadows in light. Like in here. The light is on.
23 And the light is on in that bedroom.

24 Now is she going to say that this happens
25 at 8:30 in the morning. And you all saw the

1 blinds, because some of us had, you know, we had
2 them. These plastic venetian blinds. These
3 mini-blinds with that curtain there. That's not
4 opaque or meaning it don't keep the light on. She
5 said it is dark in the room at 8 o'clock in the
6 morning. And the sun has already been up for
7 about 35 minutes. But when you listen to what
8 Gquan said, he got to turn the light on. Why.
9 Because it's dark. Because this happened long
10 before eight o'clock. That boy was dead. That
11 girl knew it. She was there. And she this is a
12 story concocted by her.

13 Ladies and gentlemen of the jury, there is
14 no DNA that connects my client to that body.
15 Ladies and gentlemen of the jury, there are no
16 fingerprints, no fingerprints, no footprints, no
17 nothing that connects my client with the murder
18 scene. The only person you have there now that
19 you can verify that was there, was Gquan. And you
20 can't even tell why he was there. Or when he was
21 there. But I can tell you this, it was well
22 before that they said that this murder took place.

23 Now His Honor is going to charge you with
24 the law. He is going to -- it's going to take him
25 a while, but you have got pay attention very

1 carefully to what it is he says to you. He's
2 going to describe to you the elements of each of
3 the crimes that my client is charged with. And I
4 want you to understand this, you can find him
5 guilty of none of it. You can find him guilty of
6 one or two particular crimes. You can find him
7 guilty of all of but one of them. But that is up
8 to you.

9 The other thing that I will tell you; is
10 that, whatever your opinion is after you have been
11 charged and you go in that room and you have had a
12 chance to deliberate, if you feel a particular
13 way, don't go along to get along if your opinion
14 is something different from the masses. It must
15 be a unanimous verdict. All of you, all 12 must
16 reach the same verdict. All of you. So just
17 because one person has more experience or just
18 because this person is a little older, or what
19 have you, you have got your opinions. You can
20 disagree without being disagreeable. We can
21 respect our elders, but yet not be on the same
22 page or accord. We can respect young people and
23 disagree with them. But your opinion as to the
24 guilt or innocence of my client is solely your
25 opinion.

1 Now we call and I want you to understand,
2 my client does not have to prove a single,
3 solitary thing. Nothing. And as His Honor is
4 going to tell you in a few moments, you cannot
5 infer in any way whatsoever, that the fact that he
6 didn't get on the witness stand is something that
7 you can't -- if you interpret it that way, you are
8 wrong. You are breaking the law. You are
9 breaking His Honor's instructions. You are
10 breaking your promise. He doesn't have to proof
11 anything. We called the doctor back. Why.
12 Because you all heard all of this stuff about
13 somebody leaning over the body while it's in the
14 bed and standing over it and shooting it.

15 What did the doctor tell you. There's no
16 evidence of what? Tattooing. None. What did he
17 tell you? Some of the blood was dry, but he
18 can't -- he couldn't -- what is the most important
19 thing, Ladies and gentlemen, he couldn't tell you
20 what time. The estimate of time. Now we also
21 called Coroner Harrison. Mr. McKnight is a fine
22 person. And he has served this county well for
23 almost 36 years. And I cannot honestly, if I said
24 something bad about him, I would be lying. But
25 good people sometimes make mistakes. And good

1 people sometimes omit things. That's because they
2 are persons. And all of us, no matter how good we
3 are at particular things, some particular things,
4 sometimes we drop the ball. We do.

5 If you look at this coroner's report that
6 he took, and all the information you need to
7 answer a lot of doubts and questions you may have
8 is missing. He doesn't tell you what time he got
9 to the scene. He doesn't tell you the time -- and
10 what is most glaring is, he can't tell you when
11 the body was found. The doctor told you, had he
12 had more information in the coroner's report, he
13 would be able to give you the information that you
14 need. He told you that. Dr. Marcus told you
15 that. It is not on us to give you that
16 information, Ladies and gentlemen. It's not. And
17 if I could give it to you, I would. But it's the
18 duty of the coroner, it's the duty of law
19 enforcement to provide Dr. Marcus with that
20 information, and I am sorry, they didn't do it.
21 But the state has put it in your lap for you to
22 figure out and guess, guess, what went down. When
23 you could have known, known.

24 At a murder scene, we have a one page
25 report to rely on. And all we know is that

1 Bartelle's is the one that did the funeral. We
2 don't know who towed the body; where they left it.
3 How long it took them to get to Charleston.
4 whether or not they were smoking in the vehicle.
5 Whether or not somebody stopped down the road and
6 was curious, and just opened it up to look and see
7 how the body looked. We don't know any of that.
8 We won't know any of that, because we don't know
9 who drove the body. So we couldn't bring them in
10 ask them, to examine them; to say sir or ma'am,
11 what did you do. What was the temperature like in
12 the car. Didn't do any of that.

13 So, Ladies and gentlemen, you are left to
14 guess. You are left to speculate. You are left
15 to doubt. Your verdict that you speak today is
16 going to echo into the future. It will echo long
17 past today. Ask yourselves, will you be
18 comfortable hearing again what you spoke. That's
19 important. Webster's dictionary was created I
20 believe in the 1700's. It's the compilation of
21 words that make up our English language. This
22 book, concise, has all the words from A, until I
23 don't know Zephyr. I'd like for you to think of
24 this book as being the sum total of the evidence
25 that was presented to you this week. And within

1 it is contained everything that the prosecution
2 gave you in order for you to reach a verdict in
3 this case. But in order for you to do that, for
4 that to be that, I am going to take out what they
5 didn't give you, like accurate information from
6 the coroner or from anybody with regard to the
7 condition or treatment of the body. Believable
8 testimony from a supposed witness of the crime
9 even though all of her statements are filled with
10 inconsistency. And law enforcement themselves
11 didn't believe her and she was charged.

12 Credibility of Latesha Bell, of Jeff Scott. Was
13 it consistency. You got some of them saying the
14 blood was dry. Some of them saying it wasn't.
15 Some of them saying that it was separating. Some
16 of them saying it was tissue, when all we needed
17 was a more complete coroner's report in the case.
18 What you are left with, Ladies and gentlemen, are
19 lies, half truths, speculation and innuendo. Most
20 importantly, what you are left with, I am sorry,
21 is reasonable doubt. And you're also left with
22 the words, not guilty. Those are the words that
23 you 12 people must speak. Take this garbage that
24 they have given you for you to fix and mend and
25 make right. Put it in the trash. Give it back to

1 them, and tell them that you expect better. Let
2 them know that you deserve better. Thank you.

3 THE COURT: Mr. Griffith.

4 MR. GRIFFITH: Thank you, Mr. McKnight.
5 Thank you, Ladies and gentlemen of the jury for
6 sitting so patiently and listening to these folks.
7 And I hope you were listening. And I tried to
8 help you to form a picture of what the state was
9 trying to tell you didn't really fall into a nice,
10 neat package and we can all say, there you go.
11 There you have it. It didn't happen. It isn't
12 there. Many of you may have heard of John Wilkes
13 Booth, who shot President Lincoln. But many of
14 you may have not heard of a man named Mudd.
15 Dr. Mudd. You may have heard the term his name is
16 Mudd. The reason for that term is because
17 Dr. Mudd, when John Wilkes Booth jumped off that
18 balcony, he broke his leg. And Dr. Mudd, he came
19 to Dr. Mudd and Dr. Mudd fixed his leg up. Some
20 guy with a broken leg. Well I will fix it for
21 you. Okay. He is a doctor. This goes back to
22 the old saying, no good deed goes unpunished.
23 Because from that day forward when people say your
24 name is Mudd, because Mr. Mudd got into a lot of
25 trouble for helping somebody out. And the saying,

1 it's not what you know, it's who you know. You
2 ever heard that one? Well that can fall the other
3 way too.

4 Not necessarily what you know that can get
5 you in trouble, it's who you know sometimes.
6 Sometimes you may know the wrong people who can
7 get you into trouble. And when the time comes,
8 when the police pick up the bad people and they
9 say, start naming names. And they start thinking
10 of a name. And the next thing you know, they're
11 calling your name. Bill, John, any name they can
12 think of. So it's not what you know, it is who
13 you know. And this is the case that we have going
14 on right here. Ms. Mickens did pick up a guy who
15 was hurt and took him to the hospital. She
16 planned her day out. She was going to take her
17 kids to school---

18 MS. BARR: Objection. Calls for facts not
19 in evidence.

20 THE COURT: Sustained.

21 MR. GRIFFITH: You saw she went and got
22 her hair done. That was in evidence. She had a
23 plan to go get it done. She went and got her hair
24 done. Her day was interpreted because as you saw
25 in evidence, she took somebody to the hospital.

1 Then she went back and told the police about it.
2 So she told them where she found him. But this
3 young man she took to the hospital, he was shot.
4 He had some wounds. But the problem is that after
5 3 years, he was arrested, and he started to come
6 up with a -- he had to come up with a story.

7 The problem is that the stories that have
8 been told in here by the lady who was the witness,
9 at the home, Latasha Bell and his stories, don't
10 match. She said that she got out of the bed, got
11 to the end of the bed and crouched down. Covered
12 herself with a sheet. He said she didn't get out
13 of the bed. She said it was dark in there, I
14 couldn't see. He said I turned on the light first
15 thing. He said they walked in there and somebody
16 hit the victim in the head with a gun. Knocked
17 him to the ground. You don't get hit in the head
18 with a gun hard enough to knock you to the ground.
19 That's going to leave a mark. And the doctor said
20 oh, there was no marks on his head. Something
21 ain't right. He said he was shot there; that
22 that's where he was shot. He was shot. But the
23 forensics, wonderful investigators, people who
24 know their job, I asked more than one of them, did
25 you find any blood around the house. Did you find

1 where anybody else could have been there and
2 gotten hurt. No. Did you look. Oh, yeah, we
3 checked. We found no other blood. So it just
4 doesn't seem to match. Ms. Bell said that the
5 victim did not shoot anybody.

6 There's too many things not meshing
7 together here. Somebody isn't telling the truth.
8 There may be more than one person who is not
9 telling the truth. But there is just too much
10 doubt going on. There are just too many things
11 that don't add up. And if things don't add up,
12 you can't say that's how it happened. And this
13 young man, Mr. Henry, James Henry, he's telling
14 his story. And he wasn't shot there, because
15 there is no evidence that he was shot there. But
16 he was shot. We don't know how the story of how
17 they got shot. But we do know that he knew
18 somebody named P.J., who is in the federal prison,
19 was arrested.

20 P.J. is trying to work out some kind of
21 a/k/a Black; trying to work out some kind of deal
22 with the feds.

23 MS. BARR: Your Honor, we would object.

24 THE COURT: Sustained.

25 MS. BARR: There is no evidence in the----

1 THE COURT: There is no evidence---

2 MS. BARR: ---case paragraphing Black.

3 THE COURT: Concerning Black.

4 MR. GRIFFITH: There is evidence that
5 Mr. P.J. talked to the feds and the feds called
6 Williamsburg County Sheriff's Office. Because, he
7 says well I've got some information. That doesn't
8 happen because people are sitting in federal
9 prisons thinking, you know, I like it here. I
10 think I'll just start telling people more stories
11 while they're trying to get something. You know
12 that's how it works.

13 So then Mr. James Henry was arrested. And
14 the officers tell him that they can help him. And
15 he mentions, we asked him about it. He wanted the
16 special. So they had a lot to tell him. And so
17 he accepted it. But Mr. P.J., he also wanted the
18 special, so he started telling his story. The
19 state wants you to believe their story of the
20 events. All the evidence you heard that
21 surrounded all this story, the doctors getting up
22 and talking about blood and the all the DNA and
23 all that kind of stuff, that had absolutely
24 nothing to do with these two people sitting right
25 here. It had to do with a guy who was shot

1 somewhere, Mr. James Bell, his DNA and the
2 bullets. And then with the unfortunate victim who
3 perished in this incident. But there was no
4 evidence from all those experts that have anything
5 to do with these two people. Nothing.

6 The people that did tell you about any
7 kind of involvement going on, Ms. Jandalyn --
8 Juandalyn, excuse me, she said she didn't know
9 anything about it. If you recall, I asked her.
10 You really don't anything about this. She said,
11 no, I don't know anything about it. So I don't
12 know why she was here, but she was. Because she
13 knew some names who was named in the names. And
14 the names when P.J. got his special, her name was
15 mentioned. But she is unreliable. But the
16 special extended on, because she is not here on
17 trial. And Mr. P.J. is not here on trial. So the
18 stories just don't add up. And the doctor who is
19 not at all involved in this crime at all who just
20 examined the body, said, no, there was no injury
21 to the head. Those are the things that are
22 important. Some guy says, oh, yeah, we hit him in
23 the head. The doctor said, there's no injury to
24 the head. That's got to do something in your
25 head. That's got to make you think, huh.

1 The victim's girlfriend, got down off the
2 stand, came down here, and crossed out right
3 there, and showed you what she was doing at the
4 end of the day. But Mr. Henry said, she didn't
5 get out. And as I said, Mr. Henry was shot, but
6 he wasn't shot there as far as any evidence can
7 show. And every single one of the state's
8 witnesses who were experts said so.

9 Then of course, as I said, Ms. Bell said
10 she didn't hear anybody screaming and running out
11 of the building saying I was shot. She said the
12 victim didn't shoot anybody. So when she talked
13 to the officers, Ms. Bell, she told them her
14 story. And her story, as you know, has some
15 little oddities in it as well. And it's kind of
16 hard for us to piece together exactly what
17 happened when I think a few pieces of the puzzle
18 are left out. Have you ever worked a puzzle and
19 some of the corner pieces are missing. Or you are
20 missing a few pieces and you hate that.

21 Well the state has not proven their case
22 beyond a reasonable doubt, because the
23 inconsistencies just stand out in my mind. They
24 just are blaring problems with this whole thing.
25 And if you can't say, I know that the facts are

1 this and that. Then that leaves reasonable doubt,
2 and you should not find these people guilty.
3 Well, you know, you are thinking well, I don't
4 know, maybe they are guilty. Maybe they're not.
5 And I hate to see somebody walk probably, but our
6 laws are set up so that the innocent don't go
7 prison just over some little teeny thing. That is
8 to say, when someone says they are guilty, that
9 doesn't make them guilty. Back before we had the
10 United States, the British government would take
11 you in and they'd say, you are guilty. And if you
12 said, no, I am not, they'd beat you until you
13 said, yes, I am. But that's not the way it is
14 now. We don't have to, we are not going to
15 torture people until they confess. That's why
16 they don't have to testify. They don't have to
17 testify. They don't have to prove anything.

18 The state must prove to you beyond any
19 reasonable doubt that these did this crime.
20 Nothing connects my client, Ms. Tashonda Mickens,
21 to this crime. An unreliable witness who, well
22 look, if he said he hit the guy on the head with
23 the gun, and the doctor said the guy wasn't hit on
24 the gun, that makes him a liar. So there is no
25 one that has connected her with this crime. And

1 the good deeds she did, taking somebody to the
2 hospital who had been shot, comes back on her.
3 And so I would ask you to look at these
4 inconsistencies. If you see inconsistencies, I am
5 sorry, but in my conscience mind; that is, the
6 conscience mind, I won't speak for you. And I
7 won't speak for myself. I would say that the
8 evidence must prove beyond any reasonable doubt,
9 their guilt. And if it doesn't, you must find
10 them innocent. And I will again thank you very
11 much for your service. This is, and I hope you
12 have learned from it. And actually it can be a
13 traumatic experience sometimes, but at least you
14 kind of enjoy it in a way where, wow, this is just
15 quite an experience. Because it is. And it's a
16 privilege for us to have this ability in our
17 country. We can't be found guilty unless it is
18 beyond a reasonable doubt. And the state must
19 prove that we are guilty. We don't have to prove
20 that we're innocent.

21 Thank you, Ladies and gentlemen.

22 THE COURT: Thank you. Ladies and
23 gentlemen, we need to take a short break. We'll
24 take about a 15 minute recess. You can get a coca
25 cola or something like that; if you need go out

1 and smoke. Please do not discuss anything about
2 the case while back there. Thank you.

3 (Whereupon, the Court Breaks.)

4 THE COURT: You may bring the jury.

5 (Whereupon, the following takes place
6 within the presence of the jury.)

7 MS. BARR: Ladies and gentlemen, good
8 afternoon.

9 THE JURY: Good afternoon.

10 MS. BARR: I want to piggyback on some of
11 the comments that Mr. Brown and Mr. McKnight and
12 Mr. Griffith said to you all earlier. And I want
13 to thank you all for your diligent service. When
14 I started off on Tuesday telling you that we would
15 take a journey together, we really have taken a
16 journey together. And, folks, we have got about
17 one more mile to go, and we're almost there.
18 The lawyers, the witnesses, the judges, the judge,
19 law enforcement officers, we've all kind of ran
20 our mouth during our part of it.

21 And, folks, in a minute we are going to
22 turn the ball over to you. And you all have to
23 begin your deliberations and you have to determine
24 what the truth of the case is. You all remember
25 when I told you on Tuesday that the trial was the

1 search the for the truth. Well when you go back
2 into your room to deliberate, you will decide what
3 is true in this case. And obviously there is a
4 genuine dispute about what is true, or we wouldn't
5 have a trial. If everybody agreed about what
6 happened, we wouldn't need you guys. So I want to
7 thank you all for being attentive. And I want to
8 thank you in advance for your deliberations.

9 Now I am going to say something right now,
10 that you probably won't ever hear me say ever,
11 ever again. And that's, I agree with one thing
12 that Cesar McKnight said. Let me put this on
13 record, you are not going to hear me say that
14 again. And he said that credibility of witnesses
15 matter. Credibility of witnesses matter. And he
16 is 100 percent right about that. It does matter.
17 Because when we're talking about credibility,
18 we're talking about believability.

19 When a witness takes the stand and you all
20 are sitting, trying to determine, can I believe
21 that person. Can I believe what this person is
22 telling me. That's what we are talking about when
23 we say credibility. When I started my closing
24 arguments or preparing it and I started it before
25 the trial even started, and each night I would go

1 add some things and take some things out. And I
2 would just kind of modify it everyday when we
3 concluded testimony. And I had in my mind which
4 picture I was going to show you, which exhibit I
5 was going to show you during the course of my
6 closing argument. And as I sat today and I heard
7 some of the witnesses in the defense case, I
8 rethought what I was going to do in closing. And
9 I decided then that I was not going to show you
10 one single autopsy photo again. And I decided
11 that I not going to show you one single crime
12 scene photo again. They are not pretty pictures.
13 The images haunt me. What made me decide and
14 change how I was going do it is when I listened
15 to, and it's heartbreaking, but when I listened to
16 the mother's of defendants.

17 You know, as parents we do all we can do,
18 and try to raise our children right, and have to
19 go in the right direction. And sometimes you can
20 do all you can. You know, children are just going
21 to make wrong decisions in life. And honestly my
22 heart breaks for them. It really does. My heart
23 breaks for James McNeal's dad too, because he
24 wasn't able to sit here and see the actions of his
25 child be judged. He left this world after his son

1 passed. And it's unnatural. A parent is not
2 supposed to outlive a child. But, you know,
3 regardless of how this case comes out at the end
4 of the day, Toshonda Mickens and Laquincy Williams
5 will still be here.

6 If J. McNeal had been charged with selling
7 drugs or using drugs or whatever, he would be
8 sitting right in that table right where those
9 defendants are. And I would sitting right at that
10 table and I would prosecuting him for all his
11 wrongs. And he would have the defendant, he would
12 have the label of defendant. But Laquincy
13 Williams and Gquan Henry and Toshonda Mickens and
14 P.J. Williams took that choice from him. And when
15 I look at the case over all, it's just tragic all
16 the way around. It's just tragic. From every
17 vantage point, this case is just tragic and it's
18 disturbing. This lifestyle that these folks lead
19 is tragic and disturbing.

20 When I look at the young women involved in
21 this case, I look at the young men involved in
22 this case. Part of me just wants to grab them and
23 just shake some sense in to them. Because all of
24 this is senseless. It didn't have to happen. We
25 didn't have to be sitting here today on this case.

1 But for the choices that they made, and ultimately
2 God gives us free will. There were so
3 many choices, wrong choices made in this case. I
4 think about Juandalyn Miller, the first young lady
5 that testified. You all in 2007, this girl was
6 17-years-old, and she was a mother.

7 Now if I remember she says she is 22,
8 about 23 now. And she has an 8-year-old child.
9 So that means she would have had the baby when she
10 was like 14. So at 17-years-old she gets caught
11 up with the likes of Toshonda Mickens and P.J.
12 Williams and Scrap, at 17-years-old. And we see
13 the consequence of her choices. A beautiful young
14 woman with all these horrible choices. And when I
15 look at Latesha Bell, a beautiful young woman,
16 very intelligent young woman. And the choices
17 that she made has affected her life forever. I
18 don't know how you get over seeing your boyfriend
19 shot and killed in front of you. How do you do
20 that? How does a person react and respond when
21 they have been through that experience. I look at
22 the little Henry kid. Gquan Henry, 16-years-old
23 when this happened. The last time that he had
24 gone to school, he was 13-years-old. Wasn't even
25 enrolled in school when this happened. This was

1 during a week day. He was staying from this place
2 to this place to that place. Obviously didn't
3 have a lot of adult of supervision in his life.
4 He's testifying in a murder trial. And his mother
5 is not here. My God when I think about that, are
6 we really surprised that he would get caught up
7 and be associated with a Toshonda Mickens and
8 P. J. Williams and Scrap.

9 When that boy testified that when he got
10 out of the hospital for being shot three times,
11 and he walked out of the hospital with flip-flops
12 or bedroom shoes whatever he said, on his feet.
13 And within days of getting out of the hospital and
14 almost being shot to death and almost dying, he's
15 back over at the defendant's house, Toshonda's
16 house, asking her to buy him a pair of shoes. My
17 God that says a lot. And when I look at the case,
18 I have given Investigator Wrenn a hard time. She
19 worked incredibly hard in this case.

20 When I was looking at all the backgrounds
21 and all of players and witnesses involved and I
22 look at P.J. Williams in federal prison and
23 Juandalyn Miller, got arrested for a gun charge
24 and trafficking in drugs charges. And I looked at
25 Toshonda Mickens, having somebody break in her

1 house, and renting cars for drug dealers. And I
2 looked at Scrap and I looked at all these
3 dynamics. Gee whiz, I said, Wrenn, you are going
4 to have to get me some better witnesses. I mean,
5 come on. All these people with the lifestyle and
6 the records and the this and the that. And, you
7 know, she told me she said, listen, when somebody
8 is going to commit an armed robbery and a
9 burglary, they are not going to go by the local
10 church, and get the people at the church to go by
11 and get a gun and say come on let's commit this
12 armed robbery and this burglary of this drug
13 dealer's house. They are going to get people who
14 they know are willing to participate in something
15 like that. And inevitably it always interests me
16 and amuses me when I have defendant's talk about,
17 oh, well, you know, this person is a snitch. And
18 this individual got on the stand and wants a deal
19 with the state. This individual is not to
20 believed. And I almost laugh to myself sometimes.
21 Because I think, you know what, you all are
22 complaining about these witnesses and these
23 individuals and these persons who have knowledge
24 of the crime, but those are the individuals mind
25 you, that they chose. I didn't go pull somebody

1 off the street and say, tell me what you know
2 about this case.

3 The defendants, Toshonda Mickens and
4 Laquincy Williams chose who would be witnessed to
5 their crimes. And it appears the evidence would
6 suggest, Laquincy Williams almost took out one of
7 the witnesses to his crimes. So when they have
8 gotten up here and suggested to you that the Henry
9 kid should not be believed and he is not credible,
10 ask yourself is that really true. You all heard
11 that boy testify yesterday. Did he sound to be
12 somebody that was just kind of making it up as he
13 went along. When you all looked at how he
14 testified and how he responded to questions, you
15 all feel in your heart you can believe him. I
16 submit to you that you can. Let me tell you the
17 reasons why. The many, many reasons why believe
18 you can believe what Mr. Henry told you. I have
19 been a lawyer for 18 years. I have had the
20 pleasure of trying a number of cases. And A lot
21 of times with witnesses, if they have an interest,
22 so to speak in the case, then you have to kind of
23 look at them with the greater scrutiny. If
24 they've got something to gain or lose by how the
25 case comes out, you really do have to look at them

1 with suspicion. That's what you're supposed to do
2 as jurors. Does that Henry guy hope that, you
3 know, one day when his case goes to trial, that
4 the fact that he came here and testified and told
5 you what happened, that that may help him.
6 Probably. Does that make what he's saying not to
7 be the truth. No. How do you know he's telling
8 the truth.

9 I don't know many people who facing a
10 murder charge, facing a burglary charge, facing an
11 armed robbery charge will when questioned by law
12 enforcement, tell you, well not only did so and so
13 and so do it, but I did it too. See when you are
14 first charged, and you want to just get out of it,
15 you can tell on everybody in the world. And you
16 can say Scrap did it and Shonda did it and P.J.
17 did it. You can name 10,000 people in the world.
18 But would a person who is not telling the truth
19 implicate himself.

20 That boy put a gun in his hand. He went
21 in somebody's house. Told the police not only did
22 I go in his house one time, I went two times. I
23 went three times. Are those the words of a liar.
24 Here's how you know he's telling the truth. Look
25 at other witnesses and what they said in the case.

1 Look at the DNA evidence in the case folks. Look
2 at the firearm's evidence in the case. That's how
3 the judge will instruct you, you judge the
4 witness' credibility. When you compare what that
5 person has said to what other witnesses have said,
6 and if it's consistent, you know they are telling
7 the truth. If you compare that person's testimony
8 to other evidence in the case and it's consistent,
9 you know they are telling the truth. How do we
10 know that Henry was in that house. Because the
11 defense would have you believe, or one of the
12 defendants would have you believe, he didn't even
13 get shot there in Hemingway. He got shot in
14 Florence. Well ask yourselves, other than him
15 saying that he got shot in house. How do you know
16 he got shot in the house. Because J. McNeal's
17 blood is on his pants? And that's their biggest
18 problem.

19 You want to know why we went on this dog
20 and pony show about the body and whether or not
21 the police followed the body from the crime scene
22 all the way down to Charleston and sat with the
23 body until the doctor came and did the autopsy.
24 You all really want to know why so much time was
25 spent on that? Because of DNA. If your defense

1 is, I wasn't there, I didn't do it, why would it
2 matter to you how the body got to MUSC. Really
3 now, why would that be important to you. If you
4 are not there, you didn't do it, you don't know
5 this person who got killed and you have absolutely
6 nothing to do with it, why would you spend so much
7 time talking about the body, how a dead body got
8 to the hospital at MUSC. It's because they don't
9 want you to think about the truth. Have you ever
10 trained a little puppy, trying to walk them and
11 all that other stuff. Have you ever seen a little
12 puppy kind of just going and going along the way,
13 and then all of a sudden and they get distracted,
14 and they start going off in another direction.
15 That's what defense wants you to do. They want
16 you to start sniffing like oh, wait a minute,
17 something about the body. Wait a minute, nobody
18 followed the body down to MUSC. Oh, wait a
19 minute, I think about this body thing at MUSC.
20 They want you to forget all about what Gquan
21 said. They want you to forget all about Toshonda
22 driving them to Hemingway and back. They want you
23 to forget all about going back to Florence smoking
24 marijuana, and then going back to the victim's
25 house. They want you to forget all about

1 Juandalyn Miller coming into court saying, we went
2 down there the first time and I told them whatever
3 you all are planning to do, you all need to take
4 me and the baby on back to Florence. They want to
5 you to be their little dog sniffing off on a trail
6 somewhere that doesn't lead to anything.

7 . You know, you were told in opening
8 statement that Ms. Mickens has two children. And
9 I sit there and look at some of those photo shots.
10 A photo of the front seat of the car that she was
11 driving, the rental car, and I saw the little
12 Dora, the explorer book bag in there. Do you all
13 remember that? Who takes their baby on an armed
14 robbery, burglary trip. Who does that? You were
15 told in opening statement that Ms. Mickens wasn't
16 there because she had signed her baby into
17 daycare. The was the oldest daughter. If that's
18 true, if that is true you all, if that is true,
19 how can you explain the book bag being in the car
20 when she goes back up to the hospital to meet with
21 the City of Florence police officers. Because if
22 your baby is in school, and you take your baby to
23 school, wouldn't you take the book bag with you,
24 with the baby? But see what happened was,
25 Juandalyn had already told them, you know, the

1 oldest daughter wasn't with her. The oldest
2 daughter was with the aunt. I had the baby.

3 And see you all know Juandalyn was a, Ms.
4 Miller was a reluctant witness. She didn't want
5 to be here. Probably the worse thing in the world
6 she got was a subpoena to come and testify in this
7 case. And it's clear that she hesitant; that she
8 was reluctant; that was not forthcoming. But, you
9 know, the human obviously part of her and the
10 human part of me outside this case, understands
11 that once this case is over, she's still got live
12 her life. So I can't be mad at her for not
13 wanting to be here. And when that girl welled up
14 and said, Laquincy always said, if anybody tells
15 on me, I swear to God, I am going to kill them. I
16 can't really fault her for not wanting to come up
17 here. But she was their friend. She had no
18 reason to testify that they went down to
19 Hemingway, circled around 20 minutes, and she told
20 them, take me home. And she wasn't squirming and
21 hesitating about who she was with. She was clear.
22 When I look at that girl, I am like, wait a
23 minute. I am babysitting for one defendant. You
24 are chauffeuring her around to get her hair done.
25 The other one you are sleeping with. They used

1 that girl from day one. Used her from day one for
2 everything that she could do for them. And now
3 they suggest to you that she is not telling the
4 truth.

5 P.J. Williams. Mr. Williams is somewhere
6 off in federal court serving time for drugs. And
7 you know what folks, if it bothers you that right
8 now today that he is not sitting over there right
9 with those defendants, take that out on me. Don't
10 take that out on the case, okay. Mr. Williams
11 will have his day. Every dog has his day. They
12 call him Dog. Mr. Williams, that dog is going to
13 have his day. Right now at this moment, you all
14 are called upon to judge the guilt or the
15 innocence of these two defendants. Gquan Henry
16 will have his day. Someone will be called upon to
17 judge him on his day. But on this day, we ask you
18 to judge the conduct of these two defendants.

19 And when I look at all four of the people
20 involved in here, and I remember what my colleague
21 said about the hand of one being the hand of all,
22 I really want to iterate a point to you that
23 always in criminal cases when we get to this
24 point, when we are in trial, the jury has been
25 sworn and there is judge sitting here, it amazes

1 me how before we get to court everybody is joined
2 at the hip. Oh we believe. We are little
3 brother. We are little sister. We are rolled on.
4 We're homey. We're all that. But when we go out
5 and decide to commit these crimes. But boy when
6 it's time for judgment day, when you are on
7 trial, oh, man, they fall out like teeth in gums.
8 You hear me. Nobody wants to be joined at the hip
9 then. But when you look at the conduct of these
10 four individuals, all a them had a specific role
11 to play. And I can tell you, based on the length
12 of time that it took us to get here, each of them
13 played their roles very well. P.J. was the
14 mastermind. It was his idea. He knew the victim.
15 He was also involved in drugs. He told them where
16 to go; how to get there. And was very, very
17 careful. Because he had enough sense, you know,
18 he couldn't go to Hemingway. Everybody knew him.
19 He couldn't go there. So he sends the three to go
20 there. And he waits until everything is done.
21 And he did his role there and what. When that
22 girl said they how they busted in the door and
23 they went straight to the bedroom, he gave them
24 very good instructions.

25 When I look at Toshonda Mickens, she

1 played her role. Again, very well. You see, when
2 you are planning a burglary and armed robbery, the
3 most important person in that room, is the person
4 providing the transportation. The person
5 providing the transportation has two jobs. Get me
6 there safely. Get me out safely. Did she get
7 them their safely. Absolutely. Two times. Did
8 she get them back safely. Absolutely. And if
9 wasn't for some people talking, they wouldn't be
10 sitting right now. And so she did her job very
11 well. And, you know, there was testimony that
12 P.J. owned a vehicle. But again, P.J.'s face was
13 known in Hemingway. Knew the victim; knew the
14 girl who lived with the victim. So they couldn't
15 use his car. Scrap, Laquincy Williams, didn't
16 have a car; didn't have a license. The little 15,
17 16-year-old boy didn't have a car; didn't have a
18 license. Toshonda wasn't working. But despite
19 the fact that she wasn't working, she had money to
20 get her hair done. She had money to put the baby
21 in daycare. She had money to rent cars, every
22 other week. And do you all why. It take me a
23 minute to sort it together. Do you all why she
24 kept renting cars rather than just kind of buying
25 a car. Because every time she rented a car or

1 different car, nobody would recognize the car.
2 See if somebody came with a gray vehicle in
3 Hemingway with an Illinois tag, and somebody was
4 for example, you know, all this stuff went bad and
5 then somebody came to the police and said, well I
6 don't know who did it, but right after the victim
7 got shot, I heard this -- I saw this gray car
8 speed away that had Illinois plates. Or I saw
9 this gray car speed away that had a South Carolina
10 tag, and da, da, da, and then you are busted. But
11 see if you get some innocuous colored vehicle with
12 foreign plates, nobody is going to be able to tie
13 that to you. And you all for three years, for
14 three whole years, nobody tied that car to
15 Toshonda Mickens. So her role in all this, she
16 performed it very well.

17 Now Scrap and Gquan, they were the muscle
18 men. They were -- their job was to go in the
19 house. And see if you needed two people with guns
20 in the house, because you needed one person to
21 watch the girl and one person to watch the guy.
22 And it went fine until they got in the bedroom.
23 Now Gquan testified that P.J. told them the victim
24 didn't have guns. Now you all, you all know P.J.
25 knew the the victim had a gun. I am satisfied

1 that he knew that. Part of me thinks or wonders
2 whether or not they are setting that kid up from
3 the jump. That kid goes in the house. And I am
4 not excusing him, believe you me. He is old
5 enough to know better. But he goes in the house.
6 The victim starts shooting at him. The victim is
7 deliberately aiming at the people who are coming
8 in his house now with guns. So he's purposely
9 trying to hit him.

10 The first hit I think the kid testified
11 that the victim first hit him, I can't remember if
12 he said shoulder or side; one of them. The second
13 hit was either the shoulder or the side. And then
14 he talks about this tussle between Scrap and the
15 victim. And said that Scrap shot him with the
16 victim's gun near the heart. You mean to tell me
17 the victim is deliberately aiming for him; doesn't
18 go anywhere near is vital organs. And Scrap
19 accidentally shot him near the heart. And that was
20 an accident. He may believe that in his mind, but
21 I would submit to you that that's probably not the
22 case. And when you think about it, when you
23 really think about it, wasn't that the way this
24 all turned out, wasn't that just wrapped up real
25 nice and clear and easy if that kid had died.

1 Because see if that kid had died, the police come
2 out, oh it's a home invasion. The kid comes into
3 the house with a gun. A homeowner who has a right
4 to protect his house, fires. It's a gunshot being
5 thrown back and forth and the intruder dies.
6 That's a wrap. The police ain't looking for
7 nobody else. That's a wrap. That's done. They
8 take him back to Florence after he comes out of
9 the house. And this part was really chilling. He
10 talked about being in the back seat of the car.
11 He was blacking in and out. And he was saying
12 that he was worried that he was going to die. And
13 he said the entire time Toshonda and P.J. and
14 Scrap are arguing that this is all the money that
15 they got. Nobody is arguing, oh, my God, oh, my
16 God, this kid is shot. They're not arguing over
17 there. They're not arguing, oh, my God, we shot
18 J. McNeal. They are arguing because this is all
19 the money I got.

20 Folks, when you are that cold hearted
21 individual, those are the types of people that you
22 have to separate from society. Really. And some
23 people may say well, Mr. McNeal was drug dealer.
24 And, you know, there may be people out there with
25 the attitude, well, they don't care. Folks that's

1 not the society that we live in. We live in a
2 civilized society. And the reality is, when they
3 made a conscious decision to go into that man's
4 house with firearms, then that tells me anything
5 that happened after that point, there are
6 accepting responsibility for. Because when you go
7 into somebody's house with a gun, that tells the
8 person in that house, and anybody else who may
9 hear about what happened later, that you are
10 prepared for one or two things. You are prepared
11 to kill, or you are prepared to be killed. And
12 when they made that decision, then they made the
13 decision that one day their actions would be
14 judged in the court of law.

15 And, folks, we are here nearing our
16 journey. We are almost here. This is nearly the
17 end of our journey. When I started off on Tuesday
18 by saying this is a search for the truth, Ladies
19 and gentlemen, I submit to you that we have
20 arrived at the truth. I submit to you that the
21 evidence in this case is overwhelming as to these
22 defendant's guilt. And I urge you if you firmly
23 convinced, that you return a verdict of guilty
24 against each and every defendant. I implore you
25 to do that. Not because it is what I want, but

1 because the facts and the law require it. Thank
2 you all again.

3 THE COURT: Ladies and gentlemen, it's
4 been a long week and I want to tell you, thank you
5 for your alertness throughout this trial. Ladies
6 and gentlemen all of the testimony and the other
7 evidence in this case has now been presented. The
8 attorneys have made their closing arguments, and
9 now is the time when I will charge you the law
10 that is to be applied in this case. I remind you,
11 Ladies and gentlemen, that during this trial you
12 and I have certain duties to perform. As the
13 trial judge, it is my responsibility to preside
14 over the trial of this case. And I also have the
15 duty to rule on the admissibility of evidence that
16 has been offered during this trial.

17 Ladies and gentlemen, you are to consider
18 only the competent evidence before you. If there
19 was any testimony ordered stricken from the record
20 in this case during this trial, you must disregard
21 that testimony. Ladies and gentlemen, you are to
22 consider only the testimony which has been
23 presented from this witness stand and the
24 exhibits that which have been made a part of the
25 record in this case. And any stipulations of

1 counsel and any facts to which this court has
2 taken judicial notice.

3 Ladies and gentlemen, I also have the
4 additional duty to charge you the law that is
5 applicable to this particular case. As the
6 presiding judge, I am sole judge of the law in
7 this case. And it is your duty as jurors to
8 accept and apply the law as I now state it to you.
9 If you already have some idea as to what the law
10 is or what you think the law ought to be, and it
11 does not agree with what I now you tell the law
12 is, you must abandon that idea, because Ladies and
13 gentlemen, you took an oath, and you are sworn to
14 accept and apply the law exactly as I state it to
15 you now.

16 In every case tried before -- in this
17 court before to jury, you as jurors become the
18 sole and the exclusive judges of the facts in this
19 case. As a trial judge, I cannot intimate, state,
20 comment or in anyway make a statement to a trial
21 jury about the facts in a case. Since you are the
22 jury, you are the sole judges of the facts in this
23 case. And you are not to infer by anything that I
24 might have said during the progress of this trial
25 in ruling on the admissibility of evidence or

1 otherwise or anything that I might say now during
2 the course of these closing instructions, that I
3 have any opinion about the facts in this case.

4 Ladies and gentlemen, the law simply does
5 not allow me to have an opinion about the facts,
6 because this is solely for you as jurors to
7 determine. And as jurors, it is your duty to
8 determine the effect, the value, the weight and
9 the truth of the evidence that has been presented
10 during this trial. Ladies and gentlemen, the
11 indictment in this case, Indictment No.
12 2011-GS-45-16 alleges 5 counts against each of the
13 defendants, Laquincy Williams Toshonda Mickens.

14 Count 1, alleges that the defendants
15 committed criminal conspiracy on about November
16 2nd 2007. Count 2, alleges that the defendants
17 committed burglary in the first degree on or about
18 November 2nd 2007. Count 3, alleges that the
19 defendants committed armed robbery on or about
20 November 2nd 2007. Count 4, alleges that the
21 defendants committed murder on about November 2nd
22 2007. And Count 5, alleges that the defendant
23 Laquincy Williams did possess or visibly display a
24 firearm during the commission of a violent crime
25 on or November 2nd 2007.

1 Ladies and gentlemen, as a I said before
2 we started this trial, and I remind you, that the
3 fact that the defendants were arrested, charged
4 and indicted is not evidence in this case and
5 cannot be considered by you as evidence of guilt.
6 Nor does it create any presumption or inference of
7 guilt. Ladies and Gentlemen, the indictment is
8 simply the formal written instrument which
9 contains the charge made against the defendants,
10 and it is the formal document by which this case
11 is brought into this court.

12 Now, Ladies and gentlemen, the defendants
13 have pled not guilty to the charges in the
14 indictment. And that plea puts the burden on the
15 state to proof the defendant's guilt. A person
16 charged with committing a criminal offense in
17 South Carolina is never required to prove his or
18 her innocence. I charge you that this is an
19 important rule of law that the defendant in a
20 criminal trial no matter how serious the charges
21 might be, will always be presumed to be innocent
22 of the crime for which the indictment was issued,
23 unless guilt had been proven by evidence
24 satisfying you of that guilt beyond a reasonable
25 doubt.

1 Ladies and gentlemen, the presumption of
2 innocence does not end when you begin your
3 deliberations but it accompanies the defendants
4 throughout the trial until you as jurors, reach a
5 verdict of guilt based on evidence satisfying you
6 of that guilt beyond a reasonable doubt. Ladies
7 and gentlemen, the presumption of innocence is
8 like a robe of righteousness placed about the
9 shoulders of the defendant which will remain with
10 the defendants until it has been stripped from
11 that defendant by evidence which satisfies you of
12 the defendant's guilt beyond a reasonable doubt.
13 The presumption of innocence is not a mere legal
14 theory that we use. It is not just a legal phrase
15 that is bantered about. But it is a substantial
16 right to which every defendant is entitled to
17 unless you the jury are satisfied from the
18 evidence of the defendant's guilt beyond a
19 reasonable doubt.

20 Now, Ladies and gentlemen, during a trial
21 there are two types of evidence that are generally
22 presented. There's direct evidence and there is
23 circumstantial evidence. Direct evidence is the
24 testimony of a person who claims to have actual
25 knowledge of a fact; such as, an eye witness. It

1 is evidence which immediately establishes the main
2 fact to be proved. Circumstantial evidence is
3 proof of a chain of facts and circumstances
4 indicating the existence of a fact. It is
5 evidence which immediately establishes collateral
6 facts from which the main fact may be inferred.
7 Circumstantial evidence is based on inference and
8 not on personal knowledge or observation.

9 Now, Ladies and gentlemen, the law makes
10 absolutely no distinction between the weight or
11 value to be given to either direct or
12 circumstantial evidence. Nor is a greater degree
13 of certainty required of circumstantial evidence
14 than of direct evidence. Ladies and gentlemen,
15 you should weigh all the evidence in this case.
16 And after weighing all the evidence if you not
17 convinced of the guilt of the defendant beyond a
18 reasonable doubt, you must find the defendant or
19 defendants not guilty.

20 Ladies and gentlemen, necessarily, you
21 must determine the credibility of witnesses who
22 have testified in this case. Credibility simply
23 means believability. And, Ladies and gentlemen,
24 it becomes your duty as jurors to analyze and
25 evaluate the evidence and determine which evidence

1 convinces you of its truth. Ladies and gentlemen,
2 in determining the believability of witnesses who
3 have testified in this case, you may believe one
4 witness over several witnesses or several
5 witnesses over one witness. You may believe a
6 part or the testimony of a witness and reject the
7 remaining parts of the testimony of that same
8 witness.

9 Ladies and gentlemen, you may believe the
10 testimony of a witness in its entirety or you may
11 reject the testimony of a witness in its entirety.
12 Ladies and gentlemen, you may consider whether any
13 witness has exhibited to you any interest, bias,
14 prejudice or other motive in this case. You may
15 also consider the appearance and the manner of a
16 witness while on this witness stand. Now, Ladies
17 and gentlemen, the rules of evidence ordinarily do
18 not permit witnesses to testify to opinions or
19 conclusions. An exception to this rule exists for
20 witnesses we refer to as expert witnesses. A
21 witness who by education and experience has become
22 expert in some art, science or profession may give
23 an opinion as to the subject matter the witness
24 claims to be an expert in. And may also give the
25 reason for that opinion.

1 Ladies and gentlemen, you should consider
2 any expert opinion given by a witness and like any
3 other evidence, give it the weight that you
4 believe it deserves. If you decide that the
5 expert witness' opinion is not based on sufficient
6 education and experience or if you decide that the
7 reason given in support of the opinion are not
8 sound or that the opinion is outweighed by other
9 evidence, Ladies and gentlemen, you may disregard
10 the opinion in its entirety. And an expert
11 witness' testimony is to be given no greater
12 weight than that of any other witness simply
13 because the witness is an expert.

14 Ladies and gentlemen, you do not have to
15 accept an expert's opinion even though it is
16 uncontradicted. Now, Ladies and gentlemen, I
17 instruct you and emphasize the fact that the
18 defendant did not testify, is not a factor to be
19 considered by you in any way in your deliberation
20 and in your consideration on the question of guilt
21 or innocence of each defendant. Ladies and
22 gentlemen, it must not be considered by you in any
23 manner whatsoever. A defendant has the
24 constitutional right to remain silent, and the
25 assertion of this right must not be considered by

1 you in any of your deliberations.

2 I repeat and under your oath, Ladies and
3 gentlemen, you are draw no conclusion whatsoever
4 from the fact the defendants in this case did not
5 testify. The fact that any defendant did not
6 testify should not even be discussed in the jury
7 room. The burden of proof as I have stated to
8 you, is on the state. The defendants are not
9 required to prove their innocence. And the burden
10 of proof remains on the state to prove guilt
11 beyond a reasonable doubt.

12 Now, Ladies and gentlemen, we have
13 discussed reasonable doubt throughout this trial.
14 And this begs the question, what is reasonable
15 doubt in the law. A reasonable doubt is the kind
16 of doubt that would cause a reasonable person to
17 hesitate to act. The state has the burden of
18 proving the defendant's guilt beyond a reasonable
19 doubt. Now some of you may have served as jurors
20 in civil cases where you were told that it was
21 only necessary to prove that a fact is more likely
22 true than not true; such as, by the greater weight
23 or the preponderance of the evidence. In criminal
24 cases the state's proof must be more powerful than
25 that. It must be beyond a reasonable doubt.

1 Ladies and gentlemen, reasonable doubt
2 is reason to proof that leaves you firmly
3 convinced of a defendant's guilt. Ladies and
4 gentlemen, they are very things in this world that
5 we know with absolute certainty. And in criminal
6 cases the law does not require proof that
7 overcomes every possible doubt. If based upon
8 your consideration of the evidence you are firmly
9 convinced that either or both defendants are
10 guilty of the crimes charged, you must find the
11 defendants guilty. If on the other hand if you
12 think that there is a real possibility that either
13 or both defendants are not guilty, you must give
14 that defendant the benefit of the doubt and find
15 him or her not guilty.

16 Now, Ladies and Gentlemen, the defendants
17 are charged with conspiracy. The state must prove
18 beyond a reasonable doubt that the defendants
19 combined with one or more persons for the purpose
20 of committing an unlawful act or of committing a
21 lawful act by unlawful means. There must be a
22 mutual understanding, agreement, or comment,
23 intention and plan. Mere passive knowledge of or
24 consent to the criminal conduct of another is not
25 enough to make that person a conspirator. There

1 must be to a guilty knowledge and participation.

2 Similarly, the mere fact that the
3 defendants may have associated with another person
4 or met with another person and discussed common
5 aims and interests, does not necessarily establish
6 proof of the existence of a conspiracy or that the
7 defendant was involved in a conspiracy. On the
8 other hand, it is not necessary that the agreement
9 be a formal one or that it be in writing; that the
10 person hold a meeting and expressly state the
11 terms and common plan or that the agreement be
12 stated in words between them. The agreement of a
13 criminal conspiracy may come in to being through
14 an implied mutual understanding and the willful
15 intentional and knowing adoption by two or more
16 persons of a common plan is sufficient. No overt
17 act need to be shown to establish a conspiracy and
18 a conspiracy may be shown by circumstantial
19 evidence and the conduct of the parties. And in
20 order to convict the defendants of conspiracy, the
21 state must proof beyond a reasonable doubt not
22 only that the defendants knew of the unlawful
23 conduct, but that each defendant agreed to combine
24 with the other persons for the purpose of
25 accomplishing the unlawful conduct.

1 Ladies and gentlemen, if a crime is
2 committed by two or more people who are acting
3 together in committing a crime, the act is one --
4 the act of one is the act of all. A person who
5 joins with another to commit an unlawful act, is
6 criminally responsible for everything that is done
7 by the other person which happens as a probable or
8 natural consequence of the acts done in carrying
9 out the common plan and purpose. And for example,
10 two people be can be guilty of killing another
11 person when only one of the two had a gun. And
12 there was only one bullet and only one of the two
13 fired the shot that caused the death. If two or
14 more people acting together, assisting each other
15 in committing the offense, the act of one is the
16 act of all. As it is sometimes said, the hand of
17 one is the hand of all. And prior knowledge of a
18 crime is going to be committed without more, is
19 not sufficient to make a person guilty of that
20 crime. And mere knowledge that another person is
21 going to commit a crime even if the defendant is
22 present when the crime is committed, is not
23 sufficient to convict the defendant as a
24 principal.

25 Guilt as a principal is shown by actual or

1 constructive presence at the scene as a result of
2 a prior arrangement. Therefore, a finding of a
3 prior arrangement, plan or common scheme is
4 necessary for a finding of guilt as a principal.
5 The state must prove beyond a reasonable doubt by
6 competent evidence that the theory of the hand of
7 one, is the hand of all. And the principal in a
8 crime is one who either actually commits the crime
9 or who is present, aiding, abetting or assisting
10 in committing the crime. Where a person does an
11 act in the presence of another with the assistance
12 of another, the act is done by both. Where two or
13 more are acting with a common plan or intent are
14 present at the commission of the crime, it does
15 not matter who actually commits the crime, all are
16 guilty. The hand of one is the hand of all.
17 Present at the commission of a crime needs to
18 sufficiently near to aid, abet and assist in the
19 commission of a crime. However mere presence at
20 the scene of a crime is not sufficient to convict
21 one as a principal on the theory of aiding and
22 abetting. Intent is also a necessary element for
23 there to have been a common design or intent to
24 commit the crime, and the crime must have been
25 committed pursuant thereto with the person aiding

1 and abetting by some overt act meaning and
2 intending the result which actually occurred. Not
3 accidentally or involuntarily. Intent may be
4 shown by acts and conduct of the defendant and
5 other circumstances from which you may naturally
6 and reasonably infer intent. The state must prove
7 these elements beyond a reasonable doubt.

8 Now, Ladies and gentlemen, the defendants
9 are each charged with first degree burglary,
10 pursuant to Section 16-11-311. And the state must
11 prove beyond a reasonable doubt that the defendant
12 entered the dwelling without consent. A dwelling
13 is any building or portion of a building in which
14 a person ordinarily sleeps. In order to prove
15 that the defendants entered the dwelling, the
16 state does not have to show that a defendant's
17 entire body entered the dwelling. In addition,
18 the state does have to prove that force was used
19 to gain entry.

20 Next, the state must prove beyond a
21 reasonable doubt, that the defendants intended to
22 commit a crime, either a felony or a misdemeanor
23 at the time of entry. The mere entry into a
24 dwelling without consent is not burglary if the
25 intent to commit a crime is formed after the

1 entry, it is not burglary. On the other hand, if
2 the defendants intended to commit a crime at the
3 time of the entry, it is a burglary even if the
4 intent was abandoned after the entry. And it does
5 not matter that the intended crime was not
6 completed. Intent maybe shown by acts and conduct
7 of the defendants and other circumstances from
8 which you may naturally and reasonably infer
9 intent.

10 Finally, the state must prove beyond a
11 reasonable doubt that either one when entering the
12 dwelling or in fleeing, the defendant or an
13 accomplice was armed with deadly weapon. The
14 defendants, Ladies and gentlemen, are each charged
15 with armed robbery pursuant to Section 16-11-330.
16 In order to prove the offense, the state must
17 prove beyond a reasonable doubt that the
18 defendants took personal property from the person
19 or presence of another person. Property is in the
20 presence of a person if it is within the person's
21 reach, inspection, observation or control so that
22 the person could if not overcome with violence or
23 prevented by fear, keep possession of the
24 property.

25 And the state must also prove beyond a

1 reasonable doubt that the defendants carried away
2 the property intending to permanently deprive the
3 owner of the property and to keep the property for
4 the defendant's own use. The slightest removal of
5 the property or the complete possession of the
6 property even for an instant by the defendant is
7 sufficient to show a taking and carrying away of
8 the property. The taking and carrying away of the
9 property must have been done with violence or by
10 putting the owner of the property in fear of
11 violence.

12 Finally, the state must prove beyond a
13 reasonable doubt the defendants were armed with a
14 deadly weapon during the robbery. Ladies and
15 gentlemen, the defendants are each charged with
16 murder. The state must prove beyond a reasonable
17 doubt that the defendants killed another person
18 with the malice aforethought. Malice is hatred,
19 ill will or hostility towards another person. It
20 is the intentional doing of a wrongful act
21 without just cause or excuse and with an intent to
22 inflict an injury or under circumstances that the
23 law will infer an evil intent.

24 Malice aforethought does not require that
25 the malice exist for any particular time before

1 the act is committed. But malice does -- must
2 exist in the mind of the defendant just before and
3 at the time the act is committed. Therefore,
4 Ladies and gentlemen, there must be combination of
5 the previous ill evil intent and the act. And
6 malice aforethought may be expressed or inferred.
7 And the term express may be inferred, but not mean
8 different kinds of malice but merely the manner by
9 which malice may be shown to exist; that is,
10 either by direct evidence or by inference from the
11 facts and the circumstances which are proved. And
12 express malice is shown by when a person speaks
13 words, which express hatred or ill will for
14 another. Or when the person prepared beforehand
15 to do the act which was later accomplished. For
16 example, lying in wait for a person or any other
17 act or preparation going to show that the deed was
18 within the defendant's mind would be express
19 malice. And malice may be inferred by conduct
20 showing a total disregard for human life. And
21 inferred malice may also arise when the deed is
22 done with a deadly weapon.

23 Now, Ladies and gentlemen, if one
24 intentionally kills another during the commission
25 of a felony, the inference of malice may arise.

1 If facts are proven beyond a reasonable doubt
2 sufficient to raise an inference to your
3 satisfaction then the inference would be an
4 evidentiary fact to be taken into consideration
5 by you along with other evidence in this case, and
6 you may give it the weight that you decide that it
7 should receive. Armed robbery is a felony.
8 Burglary in the first degree is a felony.

9 Now, Ladies and gentlemen, a deadly weapon
10 is an article, instrument or substance which is
11 likely to cause death or great bodily harm.
12 Whether an instrument has been used as a deadly
13 weapon depends on the facts and circumstances of
14 each case. The following are examples of
15 instruments which may be deadly weapons: a pistol,
16 a shotgun, a rifle. And a gun may be a deadly
17 weapon even if it not operable.

18 Now, Ladies and gentlemen, the defendant
19 Laquincy Williams, is also charged with possession
20 of a weapon during the commission of a violent
21 crime. The state must prove beyond a reasonable
22 doubt the defendant was in possession of a firearm
23 or visibly displayed what appeared to be a firearm
24 during the commission of a violent crime. A
25 firearm means any weapon which is designed to or

1 may be readily converted to expel a projectile,
2 which would include a pistol or a revolver. And
3 in order to find the defendant Laquincy Williams
4 guilty of possession of a weapon during the
5 commission of a violent crime, you must first find
6 the defendant guilty of either committing a
7 violent crime or attempting to commit a violent
8 crime. And I instruct you now that murder is a
9 violent crime. Burglary in the first degree is a
10 violent crime and armed robbery is a violent
11 crime.

12 Now, Ladies and gentlemen, the defendant
13 Laquincy Williams has raised the defense of alibi.
14 In order to establish an alibi, it must be shown
15 that the defendant was at another specified place
16 at the time the crime was committed and that there
17 -- it was therefore impossible for the defendant
18 to have been at the scene of the crime. Mere
19 denial at the presence of the scene of the crime
20 does not constitute an alibi. And there is no
21 burden on the defendant to prove an alibi. The
22 burden is on the state to prove beyond a
23 reasonable doubt that the defendant was actually
24 present at the scene of the crime. Actually
25 participated in it, or and was not somewhere else.

1 In other words, the state has the burden of
2 disproving the defendant' alibi defense.

3 Now, Ladies and gentlemen, for each
4 defendant there are two possible verdicts in which
5 you may find on each charge. In this case on the
6 charge of Indictment No. 2011-GS-45-16 Count 1,
7 criminal conspiracy, you may find each defendant
8 not guilty or guilty. Likewise on charge in Count
9 2 of that indictment burglary in the first degree,
10 you may find each defendant either not guilty or
11 guilty. On the charge of Count 3 of the
12 indictment of armed robbery, you may find each
13 defendant either not guilty or guilty. And on the
14 charge in Count 4 of the indictment, murder, you
15 may find each defendant not guilty or guilty. And
16 finally on Count 5 of the indictment that alleges
17 the charge of possession of a firearm during the
18 commission of a violent crime against Laquincy
19 Williams as to this charge you may find him not
20 guilty or guilty.

21 And, Ladies and gentlemen, there is no
22 significance whatsoever in the order which I state
23 the possible verdicts. It's simply that one must
24 be stated first.

25 Now, Ladies and gentlemen, your verdict

1 must be a unanimous one. All 12 of you must agree
2 on the verdict on each charge as to each defendant
3 must be deliberated upon independently and a
4 verdict rendered separately as to each charge.

5 And, Ladies and gentlemen, your decision must not
6 be based on sympathy, passion, prejudice, emotion
7 or any other consideration that is not in evidence
8 in this case.

9 Mr. Foreman, when the jury agrees on the
10 verdict, you will, actually as you go through the
11 process, this is your verdict form. And as I said
12 as to the charge of criminal conspiracy for
13 defendant, Laquincy Williams, you will have a not
14 guilty or guilty. And the same for defendant
15 Toshonda Mickens. Now, Ladies and gentlemen, and,
16 Mr. Foreman, when you go through this form and you
17 have finished it, please sign your name at the
18 bottom. Knock on the jury room door and inform
19 the bailiff that you have reached a verdict. You
20 will then be welcomed back in the court. And then
21 your verdict will be published.

22 Now, Ladies and gentlemen, I ask that you
23 return to your jury room, but please do not begin
24 your deliberations as we still have some matters
25 to discuss with the attorneys before you begin

1 your deliberations. Thank you, Ladies and
2 gentlemen.

3 (Whereupon, the following takes place
4 outside the presence of the jury.)

5 THE COURT: Any objections concerning the
6 charge?

7 MS. BARR: No.

8 THE COURT: Or any addition, Mr. McKnight?

9 MR. MCKNIGHT: None from the defendant,
10 Mr. Williams.

11 THE COURT: Mr. Griffith?

12 MR. GRIFFITH: None, Your Honor.

13 THE COURT: If you all want to get
14 together and make sure that the the evidence is
15 properly going back and the verdict form. Do you
16 all have any objections to me sending the jury
17 charge back there? Sometimes that stops
18 questions. I only do it if you all agree.

19 MS. BARR: No objection, Your Honor.

20 MR. MCKNIGHT: None from the defendant
21 Williams.

22 MR. GRIFFITH: None from defendant
23 Mickens.

24 (Whereupon, at 6:11 p.m. jury commences
25 deliberates.)

1 (Whereupon, at 7:09 p.m. jury reached verdict.)

2 THE COURT: You may bring the jury.

3 (Whereupon, the following takes place within the
4 presence of the jury.)

5 THE COURT: Mr. Foreman, have you and the jury
6 reached a verdict?

7 THE FOREMAN: Yes, it is.

8 THE COURT: Please pass it forward. The
9 verdict form appears to be in order. Will the
10 clerk, please publish the verdict. The defendants
11 will stand.

12 THE CLERK: In indictment No.
13 2011-GS-45-16 the State of South Carolina versus
14 Laquincy Williams and Toshonda Mickens. As to the
15 charge of criminal conspiracy, we the jury
16 unanimously find the defendant Laquincy Williams,
17 guilty. As to the charge of criminal conspiracy,
18 we the jury unanimously find the defendant
19 Toshonda Mickens guilty.

20 As to the charge of burglary in the first
21 degree, we the jury unanimously find the
22 defendant, Toshonda Mickens guilty. As to the
23 charge of burglary in the first degree, we the
24 jury unanimously find the defendant Laquincy
25 Williams guilty. As to the charge of armed

1 robbery, we the jury unanimously find the
2 defendant Laquincy Williams guilty. As to the
3 charge of armed robbery, we the jury unanimously
4 find the defendant Toshonda Mickens guilty.

5 As to the charge of murder, we the jury
6 unanimously find the defendant Toshonda Mickens
7 guilty. As to the charge of murder, we the jury
8 unanimously find the defendant Laquincy Williams
9 guilty. As to the charge of possession of a
10 firearm during the commission of a violent crime,
11 we the jury unanimously find the defendant
12 Laquincy Williams guilty. Dated this 13th day of
13 September 2013. And it is signed by for foreperson
14 Mr. Clayton Redding.

15 Members of the jury panel, was this your
16 verdict, if so say you all.

17 THE COURT: Please raise your hands if
18 this was your verdict.

19 (All jurors affirm.)

20 THE COURT: Thank you. You may be seated.
21 Do the defendants request polling of the jury?

22 MR. MCKNIGHT: We do, Your Honor.

23 THE COURT: Please poll the jury.

24 THE CLERK: Juror 144, is this your
25 verdict and still your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Juror No. 13, is this your
3 verdict and is it still your verdict?

4 THE JUROR: Yes, it is.

5 THE CLERK: Juror No. 1, is this your
6 verdict and is it still your verdict?

7 THE JUROR: It is.

8 THE CLERK: Juror No. 126, is this your
9 verdict and is it still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Juror No. 55, is this your
12 verdict and still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Juror No. 146, is this your
15 verdict and is it still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 5, is this your
18 verdict and still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror No. 69, is this your
21 verdict and still your verdict?

22 THE JUROR: Yes.

23 THE COURT: Juror No. 111, is this verdict
24 and is it still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror No. 126, is this your
2 verdict and is it still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror No. 55, is this your
5 verdict and still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror No. 146, is this your
8 verdict and is it still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 5, is this your
11 verdict and still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 69, is this your
14 verdict and still your verdict?

15 THE JUROR: Yes.

16 THE COURT: Juror No. 111, is this verdict
17 and is it still your verdict?

18 THE JUROR: Yes.

19 THE COURT: Juror No. 80, is this your
20 verdict and is it still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: And Juror No. 85. Is this
23 your verdict and is it still your verdict?

24 THE JUROR: Yes.

25 THE COURT: Thank you. The jury has been

1 polled and the verdict stands. Ladies and
2 gentlemen of the jury, I want to thank you for the
3 time you spent on this trial. I know each and
4 every one of you had something very important to
5 do this week. But I can assure you there is
6 nothing more important going on in Williamsburg
7 County than ensuring that justice is done. You
8 all come from your homes and your businesses and
9 you become part of a new family here. But you
10 all, the 12 jurors, who resolved this situation
11 for your county. So the State of South Carolina,
12 the County of Williamsburg and the City of
13 Kingstree and Hemingway, owe a great debt to you.

14 Now, Ladies and Gentlemen, I know they are
15 didn't -- they are not going to pay you a whole
16 lot, but that's just the way it goes. Again, the
17 service that you've done in your community has
18 been great and you need to know that. Ladies and
19 gentlemen, this counts as your service as jurors.
20 So you cannot be on a jury for the next year. And
21 you don't have to serve for next three years if
22 you don't want to.

23 Ladies and gentlemen, please don't let
24 anybody second guess your verdict. You can talk
25 to whoever you want to able this. Or if don't

1 want to talk anybody, you don't have to talk to
2 them. If somebody persists on talking to you
3 about your decision here, let one of the bailiffs
4 know and I will make sure that doesn't continue.

5 Ladies and gentlemen, again it is never
6 easy to hold the rights of a fellow citizen in
7 your hands. What you have done is probably the
8 hardest thing any citizen has to do. And I
9 appreciate your efforts. Now if you need an
10 excuse for work, and I know some of you have
11 businesses, and I hope this hasn't caused a
12 failure in your business. But I want you to know
13 in the end, what you have done is great for your
14 community. And It will be my honor to shake each
15 and everyone of your hands as you leave here. Do
16 you have something you want to tell them?

17 THE CLERK: And as Clerk of Court for
18 Williamsburg County, I would like to thank you all
19 for your service this week. I know it has not
20 been an easy trial for you, but we thank you very
21 much for your service.

22 THE COURT: Ladies and gentlemen, add at
23 7:45, I am going to sentence the defendants based
24 upon your verdict. You have been a part of this
25 trial since Monday, if you to want to come back in

1 the courtroom, if you all can have a special
2 place for them to sit, you are welcome to come
3 back in here and see what I do at this point and
4 time, because you have been involved in this for
5 so long. Thank you.

6 (Whereupon, the court takes a short
7 recess.)

8 THE COURT: Are there any motions at this time
9 by either of the defendants?

10 MR. MCKNIGHT: Your Honor, the jury we believe
11 that there are some errors on the part of the jury in
12 reaching their decision. We would respectfully ask that
13 you set that verdict aside.

14 THE COURT: Ms. Barr.

15 MS. BARR: Your Honor, certainly the case boiled
16 down to the credibility of certain witnesses in the
17 case. There was substantial evidence in the record
18 including direct evidence and circumstantial evidence by
19 which the jury could conclude both defendants are guilty
20 as charged. And we would respectfully request that the
21 defendant's motions be denied.

22 THE COURT: Mr. Griffith.

23 MR. GRIFFITH: Your Honor, the defendant
24 Toshonda Mickens would join in that motion. And
25 ask that the court set aside the jury verdict as

1 to Toshonda Mickens. In particular, those charges
2 that would involve murder and et cetera; in that,
3 there just wasn't enough evidence that she was
4 involved enough in this crime to receive that
5 verdict.

6 THE COURT: Ms. Barr.

7 MS. BARR: Your Honor, obviously the jury
8 concluded based on Your Honor's instructions of
9 accomplice liability; hand of one, hand of all.
10 They convicted her of criminal conspiracy.
11 There's evidence in the record that she planned an
12 armed robbery and the burglary.

13 And, Your Honor, under the hand of one
14 hand of all principal, she would be responsible
15 then as well as for the murder. And we would ask
16 that that motion be denied as well.

17 THE COURT: Did you want to say something
18 else?

19 MR. MCKNIGHT: I wanted to make another
20 motion.

21 THE COURT: I respectfully deny your
22 motion. The jury reviewed the evidence for over
23 an hour before they came to a verdict. And they
24 have a verdict so.

25 MR. MCKNIGHT: Your Honor, if you with the

1 court's permission, I would also like to make a
2 motion for a new trial. Reiterating the motions
3 that I made before to suppress the results of the
4 autopsy report as testified by Dr. Bradley, with
5 the same specific cases that I outlined before
6 with the same argument. I don't believe we can
7 belabor the point, but however, it's at this time
8 we would make a motion for a new trial.

9 THE COURT: Mr. Griffith.

10 MR. GRIFFITH: I would join in that
11 motion, Your Honor. As well, move for a
12 reconsideration of the sentence.

13 THE COURT: But I haven't sentenced yet.

14 MR. GRIFFITH: That is to say, the
15 verdict.

16 THE COURT: Ms. Barr.

17 MS. BARR: Your Honor, again, these
18 motions have been addressed by the court. It goes
19 to the evidence that is in the record. Again, a
20 substantial, in my opinion, overwhelming. We
21 again think that the jury's verdict again, both
22 defendants are supported by the evidence, and we
23 request that those motions as well be denied.

24 THE COURT: I respectfully deny your
25 motions. I think I made the correct rulings

1 during the course of the trial. And I believe all
2 the evidence was properly in.

3 MR. MCKNIGHT: Yes, sir.

4 MR. GRIFFITH: Your Honor, as well, we
5 would inform the court of our intent to appeal.

6 THE COURT: You will have plenty of time
7 to do that. But I will give you all about 25
8 minutes to talk to your clients and get any family
9 members that you want to have. But in the
10 meantime, if you all could secure the prisoners as
11 convicted prisoners. And then we will bring them
12 back in front of me at 7:45. Thank you.

13 MR. MCKNIGHT: Yes, sir.

14 (Whereupon, the court takes a short
15 recess.)

16 MS. BARR: May it Please the Court, I have
17 got Investigator Wrenn. I am going to get
18 Mr. McNeal's aunt, the victim's aunt, and ask
19 whether or not she wants to address the court.

20 THE COURT: Okay.

21 MS. BARR: In the meantime, Judge, I will
22 just provide the criminal histories of the
23 defendants.

24 THE COURT: Give Mr. Williams first.

25 MS. BARR: Yes, sir. Your Honor,

1 Mr. Laquincy Williams was convicted of driving
2 under suspension back in 2009. A simple assault
3 and battery 2010. Pubic disorderly conduct in
4 2002. And the rap sheets and dates are not in
5 chronological order. Carrying a concealed weapon
6 and simple possession of marijuana in 2003.
7 Possession of a controlled substance in 2005.
8 Public disorderly conduct in 2008. It looks like
9 malicious injury to personal property and criminal
10 domestic violence in 2009.

11 And, Judge, I believe that he was charged
12 in February of this year, in Florence County, with
13 the offense related to the possession of Xanax. I
14 think he was caught with like 36 pills. And was
15 charged with PWID. And I believe he served maybe
16 2 or 3 months in jail in Effingham and received a
17 time served sentence for that. I think that is
18 the extent of his convictions.

19 THE COURT: All right.

20 MS. BARR: Tashonda Mickens was convicted
21 of shoplifting in 2003. Shoplifting again in
22 2008. And It looks like that is it. Judge, I am
23 not sure where this is coming from, but both of
24 them are charged in May of 2008, with assault with
25 intent to kill or something. Discharging a

1 firearm into a dwelling in Darlington. But both
2 of those charges were dismissed at the preliminary
3 hearing.

4 THE COURT: All right.

5 MS. BARR: I am not sure if they are
6 related or not.

7 THE COURT: Mr. Griffith, or, Mr.
8 McKnight, do either one of you challenge the
9 record?

10 MR. MCKNIGHT: Your Honor, with regard to
11 the charges in Florence, he tells me that those
12 charges are dismissed.

13 MS. BARR: Judge, we have got Investigator
14 Wrenn here who handled the case, and she wanted
15 to address the court on behalf of the victim's
16 father.

17 THE COURT: Ms. Wrenn.

18 INVESTIGATOR WRENN: Yes, sir. During
19 while working this case, I met Mr. McNeal. And
20 quite honestly, you know, in our jobs we run
21 someone that we take to heart. And he would call.
22 I was out for a couple of months with surgery.
23 And he never failed to check on me. And I have to
24 say that he passed away this past year. He
25 honestly was trying to hold on until this trial.

1 And it was on my heart the week before he passed,
2 to go and see him. And I did. And when I walked
3 in the hospital room he could speak very well.
4 And if I mistaken he had cancer.

5 And I sat down on the bed with him, and I
6 said Mr. McNeal, I said do you know who this is.
7 And he always called me his buddy. And I sat on
8 the bed. And I said, Mr. McNeal, you and I both
9 know that you will not make it to court. And I
10 said, but I will make you a promise. I said I
11 told you that I am going to see this case through
12 with you. And I promise you that I stand up for
13 you in court. And that's what I'm doing. This
14 was his desire today, is to see, his words to me;
15 is that, the individuals that took my boy, see
16 justice.

17 THE COURT: Thank you. Would his aunt
18 like to say anything? Please state your name for
19 the record. Move the microphone a little closer.
20 What is your name?

21 MS. MCNEAL: I don't have much to say. I
22 would just like to say, My name is Elizabeth
23 McNeal. I would just like to say that was one
24 thing that he really worried about, this case
25 coming trial. And he wanted justice, you know,

1 because, you know, after when J. got killed, you
2 know, really he wasn't bothering anyone until, you
3 know, somebody just killed him. Because really
4 that was one of his desires to see that this case
5 come to trial. And that's why I have been here,
6 because I know that was his wish. And I came to
7 him several times when they bond hearings and
8 different hearings for, you know, the people that
9 they had.

10 So, I know a lot about this case. I have
11 been working with it ever since it happened
12 whenever something came up. So like I said, I
13 know, you know, he's gone. But I am here. And,
14 I'm, you know, I think that he knows that this
15 case has come to trial and, you know, and justice
16 has been served.

17 THE COURT: Thank you, Ms. McNeal. Ms.
18 Barr.

19 MS. BARR: Judge, there is nothing else on
20 behalf of the state. Thank you.

21 THE COURT: Mr. Griffith, and when I asked
22 about her record, was that correct?

23 MR. GRIFFITH: Your Honor, she would
24 challenge any reference to a anything other than
25 two shopliftings, Your Honor. She had some

1 shopliftings.

2 THE COURT: Mr. McKnight, would you like
3 to speak on behalf of your client?

4 MR. MCKNIGHT: Yes, Your Honor I would. I
5 realize that on behalf of my client, I know that
6 he realizes the loss that has occurred. He
7 maintains that he is innocent. We know the jury
8 has spoken. We are not going to call that into
9 question. We do intend to appeal, but that will
10 be decided on another day. My client faces some
11 very, very, very dark days ahead. He is 28 years
12 old. You can't do what it is I do without
13 sometimes putting yourselves in someone else's
14 shoes.

15 And I think back to when I was 28. I am
16 39 now. And I had just gotten out of law school.
17 I had just started working here. And I know how
18 good the last 10 years, the past 10 years have
19 been for me in my own practice. I've got a niece.
20 I've got a nephew. And how bright the next 30, 35
21 years of my life look, God Willing.' And I know
22 for him, there is no brightness whatsoever like
23 that at all.

24 It's sad. It's very touching, because I
25 can imagine what it's like for Ms. McNeal to have

1 lost a loved one. I can imagine what my mother
2 would feel like had she lost one of her sons,
3 because she has two boys. And I can really feel
4 sorry for my client's mother, because she is going
5 to lose her son. Because he is going off to the
6 South Carolina Department of Corrections.

7 Your Honor, right now, you have the
8 ability to sentence my client to consecutive life
9 sentences. Just a whopping amount of time. Your
10 Honor, I ask on behalf of Mr. Williams
11 respectfully, for you not do that. I believe that
12 the ends of justice are served with the minimum
13 sentence for reach offense. And for you to run
14 them concurrent. Not to call it piled them on or
15 anything else. But it's not going to bring
16 Mr. McNeal back to just say we are going to do
17 life, plus another to life and make it
18 consecutive.

19 I really don't know what else other to say
20 on behalf of him. He's 28-years-old. He is the
21 father of one child. He has one on the way. He
22 doesn't have a high school diploma. He is working
23 on it. He works in construction and he's also
24 studying to weld. What I see because I do this
25 almost every day when I am not doing car wrecks,

1 but the one consistent theme, or one consistent
2 thing about characteristics of everybody who faces
3 themselves in this predicament, is virtually none
4 of them have an education. That's not, and I am
5 not making an excuse for what happened. I am just
6 stating the obvious for anybody listening that if
7 I meet a person who doesn't have a high school
8 education, I can almost predict with some
9 certainty that they are going to find themselves
10 in the confines of the South Carolina Department
11 of Corrections.

12 But I can say this, that I have worked
13 with Laquincy since the time I have been appointed
14 to represent him. He has been a pleasant fellow.
15 A very pleasant person. He has been by my office
16 a number of times. I did not -- I think I am
17 pretty good gauge of persons. I never felt
18 threatened by him. I never felt uncomfortable
19 being in his presence. And so I would ask Your
20 Honor, that you give him the minimum.

21 Maybe if you gave him the minimum, maybe
22 one day, somehow, someways, he could find himself
23 out of the South Carolina Department of
24 Corrections. Maybe. And that's a small, small,
25 small, infinitesimal maybe he can have some

1 glimpse of the goodness of life. Because it is
2 indeed a blessing to be able, I mean I sat there
3 and I wondered whether the jury is going to come
4 back. I said, you know, I can't imagine being in
5 that holding cell in the dark and waiting on Judge
6 Young to come out here and pronounce. You know
7 you just kind of put yourself in that place. And
8 I mean I know that I am going to walk out of
9 here---

10 THE COURT: And you are right, he put
11 himself in that place.

12 MR. MCKNIGHT: Right. But I in knowing
13 that, but I felt well, you know, I had then
14 remember me. And so I said, I am going to walk
15 out of this door and I am going to go home and I
16 am going to shower and I going to get me something
17 to eat. But the burden of that, I mean, it's not
18 even on me. And I just feel the punishment and
19 the weigh of it. And so I am not going to belabor
20 the point. But we ask that you give him, Your
21 Honor, the minimum.

22 THE COURT: Would your client like to say
23 anything to the court?

24 MR. MCKNIGHT: He has told me that he
25 does. So would you please allow him?

1 THE COURT: Yes, he certainly may. I
2 need to hear you.

3 THE DEFENDANT WILLIAMS: Your Honor, I am
4 in the courtroom today facing these charges, still
5 claiming innocence. It is hard, very hard, going
6 to jail for something that you know you didn't
7 have nothing to do with it. I know the people I
8 surround myself by, but I can't take that back.
9 If I could in any kind of way to, Ms. McNeal, I
10 would give condolences to you. I am sorry. I
11 know how it feels to lose a loved one. I lost
12 somebody who is very close to me. But between you
13 and me, I still have not did it. I did not murder
14 your nephew. And I don't -- I can't even explain
15 to you how it feels, because I really don't know
16 you. But from me to you, It wasn't me. Even
17 though I am facing the charges, I am walking out
18 of here whatever the judge may decide to do, he's
19 got the right to do it. But I am looking into
20 your eyes, into your eyes and letting you know
21 that it wasn't me. And I am sorry for your loss.
22 And, Judge, and I just ask you to have as much
23 leniency as possible on me.

24 I got a son out there, 8-years-old. I
25 never had a father. I never had a father. And I

1 have never known a father. My mother is my
2 father. And I just ask you and the court, please
3 let me be a father to my son at least at some
4 point in time in my life.

5 THE COURT: Thank you. Mr. Griffith, on
6 behalf of Ms. Mickens.

7 MR. GRIFFITH: Thank you, Your Honor.
8 Ms. Mickens, I have represented her. And she has
9 always been very easy to get along with, cordial
10 with me. And she is an intelligent young lady.
11 She has graduated from high school. She has a
12 job. She has two children. And she's enrolled in
13 college at this point. As well, Your Honor, she
14 has, you know, she hung around with the wrong
15 people. But she's got away from that and she
16 moved in with her mom and tried to straighten up
17 her life. At this point and time of course, it
18 may seem too late. But, Your Honor, we would just
19 ask that the court have mercy on her as much as is
20 possible, as far as the minimum sentence, Your
21 Honor.

22 THE COURT: But she realizes 30 years on
23 the murder charge.

24 MR. GRIFFITH: I understand, Your Honor.
25 And as far as possible, Your Honor, if the court

1 could put all the sentences as concurrent. And
2 she of course is facing a hardship and hard times.
3 Her children, her two children will be without for
4 some time, and we would just ask the court for as
5 much as leniency as the court can give at this
6 point. And let the court know that she is a
7 person who has tried to straighten her life out,
8 and tried to come along and do right.

9 THE COURT: Would she like to address the
10 court?

11 MR. GRIFFITH: She would like to address
12 the court, Your Honor, as well as her mother would
13 like to address the court.

14 THE DEFENDANT MICKENS: Yes, sir. I did
15 have dealings with a guy, P.J. As far as anything
16 pertaining, dealing with the murder, I am not
17 guilty. And I am going to fight this until the
18 day I die. So, Ms. McNeal, I don't know you, you
19 don't know me. I am so sorry for your loss of
20 your nephew, your son or however you chose to
21 address him. I didn't anything with this. All I
22 am guilty of is taking someone to the hospital.
23 That's it. And it landed me in a world of
24 trouble. And I regret to this very day that I
25 even done it. I hate that I even gave him a ride

1 to the hospital. If I hadn't, I wouldn't even be
2 here today. I wouldn't be here today.

3 I have two kids. At the time of this
4 incident, my daughter was one. And my oldest
5 daughter was 4 years old. So I have been raising
6 them by myself. From the time my oldest daughter
7 was born, I was a single mother for 10 years,
8 because my daughter today is 10-years-old. And my
9 youngest daughter is now 7. I've done left
10 Phillip alone. Once I have been going through
11 things, and a guy confessed and told me that my
12 troubles that I was through were behind him. So I
13 see that I am in world of trouble today behind an
14 individual that I am not sure what is going on
15 with him as far as these charges in this trial.
16 But I am just hear to let you know, Judge Young,
17 that I sincerely did not have nothing to do with
18 this. And I will fight until the day I die.
19 Again, Ms. McNeal, I am sorry for your loss. This
20 has been my first or second time seeing you. I am
21 sincerely sorry. And I pray that P.J., Gquan or
22 whoever else comes before trial; that they receive
23 justice, because apparently they had something to
24 do with this.

25 So, again, Your Honor, I thank you for

1 trying me in your courtroom. Ms. Kimberly Barr, I
2 thank you. And every other person with the
3 prosecution, I thank you. Mr. Timothy, I thank
4 you. Cesar McKnight, I thank you. I just thank
5 everybody. I am going to fight it. I have got
6 God in my heart. And God has last say so again.
7 Mr. Young, I thank you.

8 THE COURT: Yes, ma'am. Please state your
9 name for the record.

10 MS. MICKENS: Yes. Charlene Mickens. I
11 am Toshonda's mother. When she first, first of
12 all, I feel in my heart, it was, you know, from
13 the time that my daughter got picked up for this,
14 at first, I used to worry. You know, but I had to
15 get strong because when they took her away from
16 me, not only was she in jail, I was in jail too.
17 My life got totally changed for my two
18 grandchildren. I lived in Florence during the
19 week, and I lived in Darlington on weekends to
20 make sure that the kids went to school for 6
21 months. Okay.

22 I got her home. She turned her life
23 around; got a job. We never missed a roll call.
24 Even when she was working. Never missed a roll
25 call. And for me to be here on Monday, and I am

1 knowing that the bondsman that got her out, was
2 the bondsman that I used to work for his father.
3 And when they, you know, when she stood up and
4 said, their bond was revoked, I was stunned. I
5 wasn't prepared. If I was prepared, I would have
6 brought the letter with me. I called him as soon
7 as I walked out. And he was like, he didn't know
8 what was going on. So---

9 THE COURT: Well he didn't revoke his
10 bond, I revoked his bond.

11 MS. MICKENS: I understand. He called
12 down here, and he found out, you know, what it was
13 that it wasn't signed. You know, it was signed by
14 you. You know, so I accepted that. I accepted
15 that. But for some reason, I can't cry. I know
16 my daughter is, you know, I don't what sentence
17 you are going to give her or whatever. But God
18 has been keeping me strong, and I instill that in
19 her; that I can't cry. Maybe I will cry once I go
20 home. Even when they put the handcuffs on her and
21 took her out the door on Monday, God, kept me
22 strong.

23 My strength was keeping Laquincy's mother
24 strong. Somebody have to be strong. I still have
25 faith. Enemies have surrounded her with false

1 statements, but I am not mad. Because I know one
2 day, I will be able to wrap my arms around my
3 daughter. So whatever sentence that you give her
4 today, I will be sentenced too. Because I have to
5 change my life again for my two grandchildren.
6 That's all I have to say. Thank you.

7 THE COURT: Yes, ma'am. Would
8 Mr. Williams mamma want to say anything? I saw
9 him looking back at her, does she want to say
10 anything?

11 MR. MCKNIGHT: She does not, Judge.

12 THE COURT: She does not. Anything
13 further from the state?

14 MS. BARR: No, your honor.

15 THE COURT: Anything further from defense?

16 MR. MCKNIGHT: No, not from the defendant,
17 Williams, Your Honor.

18 THE COURT: How much time did they do in
19 prison before they had bonds issued?

20 MS. BARR: Your Honor, it looks like
21 Ms. Mickens was arrested on August 31st of 2010.
22 And she was released on October 22nd of 2010.
23 Mr. Williams was arrested on September 3rd of
24 2010. And I think he was released in December of
25 2011.

1 MR. MCKNIGHT: Your Honor, my client tells
2 me that he did 19 months in the detention center.

3 MR. GRIFFITH: Your Honor, my client tells
4 me she wasn't released until January of 2011.

5 THE COURT: I am going to give them credit
6 for time served. I will let the Department of
7 Corrections work that out at the time.

8 MR. MCKNIGHT: Yes, sir.

9 MS. BARR: And, Judge, Ms. Mickens'
10 attorney is correct. She was released on
11 January 28th of 2011. My apology.

12 THE COURT: So they do about 6 months, 5
13 months, she did.

14 MS. BARR: Mr. Williams did more time--

15 THE COURT: Correct.

16 MS. BARR: ---than Ms. Mickens did.

17 THE COURT: He did what, 19 months?

18 MR. MCKNIGHT: Right that's what it says.

19 THE COURT: She did about 5. You know my
20 only regret tonight as we sit here at 20 after
21 eight on a Friday evening, we don't have all the
22 students in Kingstree, in Williamsburg County, who
23 are students in this courtroom, to see what is
24 happening and what happens when you lead a life as
25 these people led. Consumed by drugs. Total

1 selfishness. They could care less about those
2 others in the world.

3 I am still shocked at the degree of
4 violence that these people would go to. Even to
5 the degree of violence of going in the house. I
6 think that's a homeowner's worse nightmare. It
7 almost seems from what the testimony that the jury
8 believed, that from the time that they came
9 through the door, when they bumped the door, the
10 decedent, the victim, was probably dead 2 minutes
11 later; how quickly life can end at the hands of
12 another. But I don't know where these defendants
13 thought this was going to end up the way they were
14 living their life. Constantly on drugs.
15 Constantly not caring about their fellow humans.
16 But he had something they wanted. And by gosh,
17 they were going to get it.

18 Believing that young man who was bad as he
19 is, in the hospital, dumped him off, and taking
20 off to go do what she wanted to do, seemed pretty
21 heartless to me. Before I said, I think this was
22 a one event. So that's why the sentences are
23 going to be concurrent. They did the same thing,
24 and it was called different things as it went in.
25 The burglary, the murder and the burglary and the

1 armed robbery were one act. So I am not sure If
2 they -- I am going to stack them on top of each of
3 each other. But I don't know that that's going to
4 make a whole lot of difference. But I certainly
5 do think that Mr. Williams, this would have been a
6 far less egregious thing that he decided he was
7 coming in and shooting. I mean I can't think of
8 anything more scary to a homeowner. You don't
9 stand a chance. You don't stand a chance when
10 somebody comes in, in the middle of the night, or
11 early morning when you are tired and attacks you.

12 I see little reason in giving him a whole
13 lot of mercy tonight. And quite frankly this
14 could have almost been a capital case. But the
15 state chose not to pursue that.

16 As far as Laquincy Manuel Williams, on the
17 charge of possession of a -- on criminal
18 conspiracy. Please stand.

19 MR. MCKNIGHT: He can't get up. They have
20 him cuffed.

21 THE COURT: It doesn't make any
22 difference.

23 MR. MCKNIGHT: Okay.

24 THE COURT: The sentence on criminal
25 conspiracy is 5 years. On the charge of armed

1 robbery he is committed to the State Department of
2 Corrections for a period of 30 years. On the
3 charge of burglary in the first degree, he is
4 sentenced to life in prison. And on the charge of
5 murder, he is sentenced to life in prison.

6 For Toshona Mickens although she was a bad
7 player in this, she was not the one who actually
8 pulled the trigger and went in and did the home
9 invasion. On the charge of murder, she is
10 sentenced to the State Department of Corrections
11 for a period 30 years. On burglary in the first
12 degree, she is sentenced to the State Department
13 of Corrections for a period of 30 years. On the
14 charge of armed robbery, she is sentenced to the
15 State Department of Corrections for a period of 30
16 years. And on the charge of criminal conspiracy,
17 she is sentenced to 5 years in the State
18 Department of Corrections.

19 Again, and I feel for the mother's back
20 there. They just tried to do what you can, but I
21 am sorry. I am sorry for you and I am sorry for
22 their children. But they have to stand for their
23 own actions. And my sentences will be executed at
24 this point. Thank you.

25 MR. MCKNIGHT: Your Honor, before you

1 dismiss everyone, there is a charge of possession
2 of a weapon during a violent crime.

3 THE COURT: But I'm not---

4 MR. MCKNIGHT: I don't recall.

5 THE COURT: I didn't. Possession of a
6 weapon during a violent crime is 5 years.

7 MR. MCKNIGHT: And that's for Mr.?

8 THE COURT: That's for Mr. Williams. He
9 was the only one charged for that.

10 MR. MCKNIGHT: Correct, yes, sir.

11 -----End of Requested Transcript of Record---

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

I, Margaret T. Sullivan, Court Reporter, for the Third 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 proceedings had and evidence introduced in the General Sessions Court on September 9th-13th, 2013, in Williamburg County, Kingstree, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

3/27/14
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/21

WITNESSES

Inv. Pamela Jean Wrenn
Williamsburg County Sheriff's Office

AMENDED

DOCKET NO. 2011-GS-45-016

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

JULY TERM 2013

THE STATE

vs.

**JAMES GQUAN HENRY
LAQUINCY MANUEL WILLIAMS
TASHONDA MONIQUE MICKENS**

ARREST WARRANT NUMBER

M-685103; M-685110, M-685112; M-685105, M-685111;

M-685113, M-685109; M-685108, M-685106, M-685107

M-685102; M-685104

ACTION OF GRAND JURY

TRUE BILL

Date

Foreperson of Grand Jury

Date

VERDICT

Foreperson of Petit Jury

Date

Indictment for

**CRIMINAL CONSPIRACY, BURGLARY IN
THE FIRST DEGREE, ARMED ROBBERY,
MURDER, AND POSSESSION OF A
WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME**

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

13 JUL 25 11 32 21
CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
**CRIMINAL CONSPIRACY, BURGLARY IN
THE FIRST DEGREE, ARMED ROBBERY,
MURDER, AND POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME**

At a Court of General Sessions, convened on July 25, 2013 the Grand Jurors of
WILLIAMSBURG County present upon their oath:

COUNT ONE – CRIMINAL CONSPIRACY

That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of criminal conspiracy in that they did unlawfully and willfully unite, combine, conspire, and agree with each other and/or others to commit the criminal offenses of burglary and/or robbery of the victim, James Allen McNeal, in violation of section 16-17-410 of the South Carolina Code of Laws.

COUNT TWO – BURGLARY IN THE FIRST DEGREE

That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of burglary in that they did unlawfully enter the dwelling of the victim, James Allen McNeal, without consent, during the nighttime, and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, one or more of the defendants was armed with a firearm or other deadly weapon, and further, that one or more of the defendants caused physical injury to the victim, who was not a participant in the crime, in violation of section 16-11-311 of the South Carolina Code of Laws.

COUNT THREE – ARMED ROBBERY

That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of armed robbery in that they did, while armed with a firearm or other deadly weapon, take possession of and carry away money or other items of personal property belonging to the victim, James Allen McNeal, in violation of section 16-11-330(A) of the South Carolina Code of Laws.

COUNT FOUR - MURDER

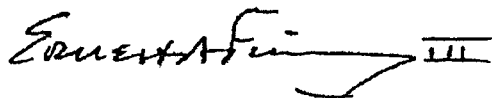
That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of murder in that they did willfully, feloniously, and intentionally kill the victim, James Allen McNeal, with malice aforethought, by shooting him with a firearm, and that the said victim did die a proximate result thereof, in violation of section 16-3-10 of the South Carolina Code of Laws.

COUNT FIVE – POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME

That the defendants, Laquincy Manuel Williams and James GQuan Henry, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of possession of a firearm during the commission of a violent crime in that they did willfully and unlawfully possess or visibly display a firearm during the commission of the violent crimes of burglary, armed robbery, and/or murder, in violation of section 16-23-490 of the South Carolina Code of Laws.

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

Solicitor



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

30-1/2

COUNTY OF Williamsburg

STATE VS.

Toshonda Monique Mickens

AKA:

Race: 2 Sex: F Age: 29

DOB: SS#:

Address:

City, State, Zip: Florence, SC 29505

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY: Kimberly V. Barr

8443

Defendant

Attorney for Defendant

SC Bar#

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

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

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

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

SPECIAL CONDITIONS:

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
§ 44-53-450(C) (Conditional Discharge)	\$350
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter: Margaret Stagger

SCCA/217 (06/2010)

INDICTMENT/CASE#: 2011-GS-45-0016

A/W#: M685103

Date of Offense: 11/2/2007

S.C. Code §: 16-3-10

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code: 215

Sentence Date: 13 Sept 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

15-116

COUNTY OF Williamsburg

STATE VS.
Toshonda Monique Mickens

AKA:

Race: 2 Sex: F Age: 29

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Florence, SC 29505

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

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Burglary in the 1st degreein violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Kimberly V. Barr 8400

Barr, Kimberly

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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

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

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

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

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ _____

§ 44-53-450(C) (Conditional Discharge) \$350 \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

INDICTMENT/CASE#: 2011-GS-45-0016B

A/W#: M685103 NO WARRANT

Date of Offense: 11/2/2007

S.C. Code §: 16-11-311CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code: 2156Sentence Date: Sept 13, 2013

STATE OF SOUTH CAROLINA

COUNTY OF Williamsburg
STATE VS
Toshonda Monique Mickens

AKA:

Race: 2 Sex: F Age: 29DOB: [REDACTED] SS# [REDACTED]

Address:

DL#:

V Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Armed Robberyin violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST Kimberly V. Barr 8443

Barr, Kimberly V

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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

SPECIAL CONDITIONS:

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	
TOTAL	\$	

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

IN THE COURT OF GENERAL SESSIONS 1195/0-30INDICTMENT/CASE#: 2011-GS-45-0016CA/W#: M685103 NO WARRANTDate of Offense: 11/2/2007S.C. Code § 16-11-330(A)CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code: 8156Sentence Date: 13-2-2013

STATE OF SOUTH CAROLINA

COUNTY OF Williamsburg

STATE VS.
Toshonda Monique Mickens

AKA:

Race: 2 Sex: F Age: 29

DOB: SS#:

Address:

City, State, Zip: Florence, SC 29505

DL#: SID#:

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

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0049

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

ATTEST

Barr, Kimberly V SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
§ 44-53-450(C) (Conditional Discharge)	\$350
3% to County (if paid in installments)	
TOTAL	

Clerk of Court/ Deputy Clerk

Court Reporter.

SCCA/217 (06/2010)

IN THE COURT OF GENERAL SESSIONS

0-5

INDICTMENT/CASE#: 2011-GS-45-0016 D

A/W#: M685103 No warrant

Date of Offense: 11/2/2007

S.C. Code §: 16-17-410

CDR Code #: 0049

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0049

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

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

ATTEST

Barr, Kimberly V SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
§ 44-53-450(C) (Conditional Discharge)	\$350
3% to County (if paid in installments)	
TOTAL	

Clerk of Court/ Deputy Clerk

Court Reporter.

SCCA/217 (06/2010)

IN THE COURT OF GENERAL SESSIONS

0-5

INDICTMENT/CASE#: 2011-GS-45-0016 D

A/W#: M685103 No warrant

Date of Offense: 11/2/2007

S.C. Code §: 16-17-410

CDR Code #: 0049

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0049

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

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

ATTEST

Barr, Kimberly V SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
§ 44-53-450(C) (Conditional Discharge)	\$350
3% to County (if paid in installments)	
TOTAL	

Clerk of Court/ Deputy Clerk

Court Reporter.

SCCA/217 (06/2010)

Presiding Judge

Judge Code: 2456

Sentence Date: 8/13/2013

CERTIFICATE OF COUNSEL FOR APPELLANT

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

October 2, 2014



Carmen V. Ganjehsani
Appellate Defender

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

ATTORNEY FOR APPELLANT