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VOLUME THREE OF THREE

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM ANTHONY WALLACE,

APPELLANT

APPELLATE CASE NO. 2014-001786

RECORD ON APPEAL

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1 BY MS. SAMPSON:

2 Q Do you remember when they came and showed you a
3 photo lineup that you couldn't sign? Do you remember
4 that?

5 A Yes.

6 Q I'm going to show you what's been marked as
7 State's Exhibit 140. Is this what was shown to you?

8 A (Nods in the affirmative.)

9 Q I need you to say yes?

10 A Yes.

11 Q And you couldn't sign at that time, could you?

12 A No.

13 Q Which one did you indicate?

14 A The one I signed, the one that has the date on
15 it.

16 Q Did they put the initials and the date?

17 A I can't remember.

18 Q You didn't?

19 A I didn't?

20 Q Did you do this writing?

21 A Not the --- I know they did the initial on there
22 twice.

23 Q Did you pick the photograph?

24 A Yes.

25 Q Does this accurately depict what you were shown

1 that day?

2 A Yes.

3 MS. SAMPSON: At this time, Your Honor, I'd ask
4 to introduce State's Exhibit Number 140 into evidence.

5 MR. HAWKS: No objection.

6 THE COURT: 140 without objection.

7 (WHEREUPON, State's Exhibit 140 was admitted into
8 evidence.)

9 BY MS. SAMPSON:

10 Q And from the --- when they came and talked to
11 you, while you were in the hospital ---

12 A Yes.

13 Q Were you able to talk to them?

14 A Yes.

15 Q Did they tell you who did this to you?

16 A No. I told them.

17 Q Did they suggest to you at all that you should
18 say it was William Wallace?

19 A No.

20 Q Did they suggest to you at all that you should
21 say it was DeAndre Diggs?

22 A No.

23 Q Did you understand what was going on?

24 A I understood everything.

25 Q Your medicine wasn't interrupting your thoughts

1 or anything like that?

2 A I didn't have any medicine in my system at the
3 time they questioned me or when I told them what
4 happened.

5 Q Did you know DeAndre Diggs at all?

6 A Never seen him a day in my life before.

7 Q Okay.

8 That's it. Thank you, Raquel.

9 THE COURT: Cross?

10 MR. HAWKS: May it please the Court.

11 CROSS-EXAMINATION:

12 BY MR. HAWKS:

13 Q Good afternoon, Ms. Weston.

14 A (There was no response.)

15 Q I am going to address some of the stuff you said
16 on direct eventually, but I'd like to first go back to
17 before this incident. You said you knew Athell for
18 three years?

19 A Yes.

20 Q And how long have you worked for him?

21 A Since 2011.

22 Q Okay. And what kind of work do you do for him?

23 A He was under a disability program where I was
24 taking care of him that they would pay me for taking
25 care of him.

1 Q Who paid you?

2 A Community Long-term Care USC Disabilities
3 Services. I'm not sure.

4 Q Okay. And you stated on direct that Athell was a
5 drug dealer?

6 A That's what he said he did.

7 Q And did you do any other type of work for Athell
8 besides the nursing stuff?

9 A No.

10 Q But you did say that you would hold money for
11 him?

12 A Yes.

13 Q And how many times would you say you've held
14 money for him or how long have you been doing it?

15 A He would just put the money in it bag and give it
16 to me and I would put it up.

17 Q And how long has that been going on?

18 A (No response.)

19 Q Just an estimate.

20 A A couple months to a year. I'm not sure.

21 Q Did he pay you for that?

22 A No.

23 Q And you also supply him with a home base for his
24 business, the other apartment?

25 A That was for him to have a place to stay so he

1 would have a roof over his head.

2 Q Okay. And do you know if Athell keeps guns in
3 the apartment?

4 A No.

5 Q And how long have you known Jamal Pratt?

6 A I knew Jamal around the time that I met Athell.
7 They were friends.

8 Q So a few years?

9 A Yes.

10 Q Okay. And him and Athell were very close?

11 A Yes.

12 Q Does he also work for Athell?

13 A Nobody worked for Athell.

14 Q Okay. Now, let's go to the incident. You said
15 the night before you worked through the night, seven
16 to seven?

17 A Yes.

18 Q And you went to bed right when you got home at
19 7:00 a.m.?

20 A Around 7:30, 7:45.

21 Q And at that time, you went straight to bed?

22 A Yes.

23 Q And then you were woken up by the phone call
24 around ten or a little after ten?

25 A Between 10:00 and 10:30.

1 Q So you got maybe three hours of sleep?

2 A Probably.

3 Q Okay. And when was the last time you had slept?

4 A Prior to going to work at seven.

5 Q Okay. So do you sleep during the day when you
6 have an overnight shift?

7 A Yes.

8 Q Now, when Athell call you, he told you to bring
9 all the money over or just some of it?

10 A He just said to bring the money..

11 Q And did you bring all of it?

12 A Yes.

13 Q You said on direct that was about \$10,000?

14 A Yes.

15 Q But you first told officers you only brought
16 \$2,000?

17 A No, I did not.

18 Q You didn't?

19 A No.

20 Q And when you first talked to officers, you said
21 you didn't know who the other man on the ground was?

22 A That's not true.

23 Q You didn't say that?

24 A No, I didn't.

25 Q And when you were inside the apartment, did you

1 see --- how many guns did you see?

2 A Wallace had a gun, Diggs had a knife.

3 Q I'm sorry?

4 A I want to say Diggs had a gun, but I'm not sure
5 but they distinctly remember that knife being in his
6 hand, but Wallace had the gun in his hand.

7 Q Okay. So only one gun in the apartment?

8 A That's not what I'm saying. I'm saying what I
9 saw.

10 Q You only saw one?

11 A Yeah.

12 Q Okay.

13 A I'm saying that I know for sure that Wallace had
14 a gun. I'm not sure if Diggs had one in his hand or
15 not. I just remember the knife being in his hand.

16 Q And you didn't see other guns?

17 A No.

18 Q And you didn't see the shotgun thing that you saw
19 in the car?

20 A I only saw it in the car.

21 Q And you mentioned on direct that Mr. Wallace went
22 outside several times?

23 A Yes.

24 Q Do you know how many times?

25 A He kept walking back and forth. I can't give you

1 a count of how many times he went in and out.

2 Q And did Diggs go outside other than the time you
3 mentioned on direct?

4 A Honestly, I'm not sure. He might have went
5 outside with Wallace, but I know he did go outside
6 that last time that he stayed out there.

7 Q Okay. And you thought Diggs' name was Darryl?

8 A I didn't know what his name was.

9 Q But you told police it was Darryl?

10 A I knew it started with a D.

11 Q You didn't tell police it was Darryl?

12 A I don't know. I knew it started with a D. I
13 just told them what I thought that I had heard.

14 Q And you thought you heard Darryl?

15 A No. I heard something that started with a D.

16 Q Okay. And the man whose name starts with a D,
17 he's the one that tied you up?

18 A Yes.

19 Q And he was the one that you said was choking the
20 victims?

21 A I didn't say that. Neither one of them choked
22 them. I said that Diggs burned Athell with an iron on
23 his leg and on his face and then Diggs took the trash
24 bag that was tied around Athell, and he pulled him
25 back in the room.

1 Q You never told police that you thought you heard
2 choking sounds?

3 A I mean, that was two years ago. I can't remember
4 every vivid thing that I would have said to them.

5 Q And in fact, when you first talked to the police
6 at Garners --- I'm sorry, at Beckham Swamp, you told
7 them --- you told them that after the suspects asked
8 Mr. Johnson for money, he was taken into the back room
9 and the next thing you remember is being in the Buick?

10 A That's not what I said.

11 Q You didn't say that?

12 A Are you saying that they put Athell back in the
13 room and then between him putting him in the room and
14 I went in the car? Is that what you're saying?

15 Q I'm asking if you told police that after the
16 suspects asked Mr. Johnson for money and took
17 Mr. Johnson into the back of the apartment that the
18 next thing you remembered was going into the white
19 Buick?

20 A No.

21 Q So you didn't tell police that?

22 A No. I told him that Wallace shot Athell and he
23 shot Jamal, those four gunshots that went off in the
24 apartment.

25 Q And you didn't tell police first that it was two

1 males that drove you out to Beckham Swamp, just two
2 males?

3 A Are you saying that's --- I did not tell him
4 that?

5 Q Did you tell him that?

6 A Yes, I did.

7 Q Two black males?

8 A Yes.

9 Q So that's how you described them at first?

10 A No, I knew Wallace. I gave them his name. The
11 other boy I didn't know at that time. I didn't know
12 his name.

13 Q And going back to the choking thing, I know you
14 said you don't remember saying that, but did you say
15 that you tried to cover your ears when you heard those
16 noises?

17 A Yes.

18 Q How did you do that if your hands were tied?

19 A Diggs untied my hands. I covered my ears when
20 the gunshots went off.

21 Q You didn't cover your ears when you heard the
22 choking?

23 A I am sure --- I just remember the vivid points
24 that happened in the apartment.

25 Q Okay.

1 Q And did you tell police that you heard Darryl
2 say, "You got a lot of mouth on you," to Athell?

3 A He said something to Athell, and I can't remember
4 exactly what it was, but if that's what I told them,
5 that's probably what he said.

6 Q Okay. Now, when you first told the police about
7 the iron and the burning, you actually told them it
8 was Wallace who did that?

9 A No, I did not.

10 Q You didn't?

11 A No.

12 Q Would it surprise you if you knew that never
13 happened?

14 A That it never happened? It happened..

15 Q It happened, okay. And you didn't mention that
16 in your statement. In, I'm sorry, in what you told
17 the officers on the 29th, you didn't mention the
18 burning?

19 A Yes, I did. I told them every single thing that
20 happened that I remembered in that apartment that I
21 saw.

22 Q Did you ever tell any investigators that you
23 actually saw Mr. Wallace or anyone shoot Athell or
24 Jamal?

25 A I didn't see them.

1 Q Okay. Did you ever tell any investigators that
2 Wallace tried to kill you?

3 A No. I told them Diggs shot me.

4 Q So on direct you said that you and Wallace left
5 the apartment out the back. Is there a back entrance
6 to the apartment?

7 A No, there's not.

8 Q So you went out the front door?

9 A We went out the front door. We walked behind the
10 building of the apartment.

11 Q Okay. And before that happened, Diggs had untied
12 you?

13 A Yes.

14 Q He cut the tie with a knife?

15 A Yes.

16 Q How come you didn't leave then?

17 A I didn't know what to do. I had never been in
18 that situation. I was scared. I didn't know whether
19 Diggs was outside the door. I didn't know.

20 Q Was Wallace holding a gun to your side when he
21 walked you out to the car?

22 A He had a gun in his other hand because he had
23 just shot Athell and he shot Jamal.

24 Q But you didn't tell police that, that he had a
25 gun to you when you walked out to the car?

1 A He didn't have a gun to me. He was holding my
2 left hand. He had the gun in the other hand, but he
3 didn't have it to me, forcing me to walk. He was
4 holding my hand.

5 Q Okay. And when you got to the car, Diggs was
6 inside the car?

7 A Yes.

8 Q And I think you said he was in the front or the
9 back?

10 A I'm not sure whether he was in the front or the
11 back, but all I know is Wallace ended up driving.

12 Q And you said on direct that you saw the long gun,
13 the rifle ---

14 A Sitting in the passenger's seat beside Wallace.

15 Q Okay. But you told Ms. Sampson that it was in
16 the backseat?

17 A No, I did not. I said the passenger's seat.

18 Q You didn't tell Ms. Sampson ---

19 A No, I did not. I said the passenger's seat. The
20 passenger's seat is in the front where the driver's
21 seat is.

22 Q Okay. Did the backseat have a lot of stuff in
23 it?

24 A I was sitting behind Wallace and Diggs was
25 sitting on the other side. They had all the bags.

1 They had took my pocketbook, the bag with the money in
2 it, and the blue bag where Athell kept all his
3 supplies and the things that he urinated with.

4 Q Did you ever see a blue suitcase in the house?

5 A I don't have a blue suitcase.

6 Q Did you see a blue suitcase in the car?

7 A The only thing blue was Athell's medical bag.

8 Q Did you see any suitcase?

9 A I'm not sure.

10 Q Okay. Did anyone force you into the car?

11 A Well, I would say they kind of did when they told
12 me to get in the car and drive them somewhere and they
13 both had guns and Wallace had just shot Athell and
14 Jamal.

15 Q Did anyone hold a gun on you while you were
16 inside the car?

17 A No.

18 Q Did anyone threaten you while you were inside the
19 car?

20 A No.

21 Q In one of your statements --- I'm sorry, one of
22 the times you talked to police, you described the
23 route almost exactly that was taken to Beckham Swamp.
24 Did anyone suggest that route to you?

25 A No.

1 Q You just remembered it?

2 A Yes.

3 Q And when the car stopped at Beckham Swamp, did
4 Darryl or Diggs force you out of the car?

5 A Wallace told me to get out of the car. First he
6 told Diggs to go throw the gun in the lake. Wallace
7 told me to walk with Diggs to go throw the gun in the
8 lake.

9 Q But no one forced you out of the vehicle?

10 A They didn't force me, but Diggs --- I mean,
11 Wallace told me to get out of the car with Diggs.
12 They both had guns.

13 Q You didn't tell police that Darryl ordered you
14 out of the car?

15 A No, I did not. Wallace told Diggs to get out of
16 the car and he told me to get out of the car also
17 while Wallace stayed inside the car.

18 Q And then you told police Darryl grabbed a gun out
19 of your Tweety bag?

20 A Yeah, he did because he had to go throw the gun
21 supposedly in the lake.

22 Q So Darryl shot you, Ms. Weston?

23 A Diggs shot me.

24 Q Or Diggs, I'm sorry. And he was behind you as
25 you were walking into the woods?

1 A I walked in the woods. He pushed me. I fell.

2 He started shooting at me.

3 Q So he was behind you?

4 A Yes.

5 Q But he shot you in the forehead?

6 A He started shooting at me. I fell. He was
7 shooting at me. There was a bullet in my head and
8 there was a bullet in my arm, so obviously he shot
9 towards my head.

10 Q Did you look back at him?

11 A I fell. My eyes were closed and he started
12 shooting at me.

13 Q Okay. Could you see his face while he was
14 shooting?

15 A My eyes were closed.

16 Q When you got to the hospital, you told the
17 doctors you weren't sure you were shot.

18 A Yes. Because I didn't feel anything. I told
19 them my hand was hurting real bad. I had no idea that
20 I had a bullet in my head, but I just knew there was
21 blood coming from my cranial area.

22 Q And were you given any medicine at that time?

23 A No, I was not. I wasn't given any type of
24 medicine.

25 Q Were you given an I.V.?

1 A No --- honestly --- well, I'm not sure. I know
2 for sure I wasn't given any type of medicine because I
3 was talking to the investigators and I was also
4 talking to the triage guy and the guy that was
5 handling my hand.

6 Q No one gave you any medicine?

7 A No.

8 Q Did you also have paper bags on your hands?

9 A Paper bags, as in what?

10 Q Some sort of bag around your hand or both of
11 them, I'm sorry?

12 A I'm not sure.

13 Q You don't remember.

14 MR. HAWKS: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 BY MR. HAWKS:

18 Q When Wallace told you to walk in the woods with
19 Diggs, did he have a gun?

20 A I'm not sure. He was sitting in the car in the
21 driver's seat.

22 MR. HAWKS: Nothing further, Judge.

23 THE COURT: All right. Thank you very much.

24 Redirect..

25 MS. SAMPSON: Just briefly, Your Honor.

1 REDIRECT EXAMINATION:

2 BY MS. SAMPSON:

3 Q Almost done, Raquel. When you walked into the
4 apartment, did Mr. Wallace have a gun?

5 A Yes.

6 Q When he --- when you got tied up, did Mr. Wallace
7 have a gun?

8 A He was in the back room. Diggs tied me up.

9 Q Diggs tied you up. Were they together?

10 A No.

11 Q Were they together in the apartment, Mr. Wallace
12 and Mr. Diggs?

13 A In the apartment when this all happened, yes.

14 Q Yes.

15 A They were together.

16 Q And who was in the apartment when the shots were
17 fired?

18 A Wallace.

19 Q Did you fire any shots?

20 A No.

21 Q And when you left and got in the car, did
22 Mr. Wallace have a gun?

23 A Yes.

24 Q And when you got out of that car on Beckham Swamp
25 Road, Mr. Diggs shot you?

1 A Yes.

2 Q Was Mr. Wallace still there?

3 A He was in the car.

4 Q He was there at Beckham Swamp though?

5 A Yes.

6 Q Any doubt in your mind?

7 A No.

8 Q Any doubt in your mind that he's the one that
9 took the money?

10 A No.

11 Q Okay. Any doubt in your mind that Mr. Wallace,
12 the man sitting over there, was the man involved in
13 this?

14 A No doubt at all.

15 MS. SAMPSON: No further questions.

16 MR. HAWKS: Briefly, Judge.

17 THE COURT: Okay.

18 RECROSS-EXAMINATION:

19 BY MR. HAWKS:

20 Q Almost done, Ms. Weston. Just to clarify a few
21 things. You told police the other man's name was
22 Darryl?

23 MS. SAMPSON: Your Honor, he's going beyond the
24 scope of my redirect.

25 THE COURT: Sustained.

1 BY MR. HAWKS:

2 Q And you told --- you told police first you didn't
3 hear any gunshots?

4 MS. SAMPSON: Objection, Your Honor. He is going
5 beyond the scope of my redirect.

6 THE COURT: No, that's relevant. That's
7 admissible.

8 MR. HAWKS: Thank you.

9 BY MR. HAWKS:

10 Q You told police first you didn't hear any
11 gunshots?

12 A Where.

13 Q At Garners Ferry Road?

14 A I did not tell them that.

15 Q You never told them that?

16 A Never.

17 MR. HAWKS: Nothing further.

18 THE COURT: Ms. Weston, you may step down. Have
19 a nice day.

20 All right. Ladies and gentlemen, it's about a
21 quarter till five, and I think probably the next
22 witness will go beyond what I promised you of when we
23 would stop for the evening. You are not to discuss
24 this case with anyone in any way, shape, or form. You
25 are to keep an open mind about this case. Further, I

1 have told you and instructed you all the way back to
2 Monday that you're not allowed to look at any news
3 media accounts, social media, Facebook, Twitter,
4 instant message, anything you can imagine to discuss
5 anything about this case, nor are you allowed to do
6 any research on your own about this case or any issue
7 raised in this case. You made a commitment to each
8 other. You made a commitment to the parties. You've
9 made a commitment to the court that you would follow
10 that instruction that I gave you on Monday and I
11 expect you to adhere to that instruction.

12 Now, for tomorrow, we will not be starting until
13 10:15, okay. I accept full responsibility for that.
14 That's nobody else's responsibility in the room but
15 mine, but due to things that have been scheduled for a
16 significant period of time, we will not be starting
17 until 10:15, so I apologize for the delay. That is in
18 no way, shape, or form supposed to be inferred as to
19 the parties in any way, shape, or form. I take full
20 responsibility for that. If you'll be in your jury
21 room at 10:15 tomorrow morning.

22 For the juror that had an issue with tomorrow
23 afternoon, do you all want to wait a few minutes and
24 let me get an idea of what time we think we'll finish
25 tomorrow, Mr. Foreman?

1 THE FOREMAN: Yes, sir.

2 THE COURT: Okay. If you'll retire to your jury
3 room. It won't take me but just a couple of minutes.
4 I'll come let you know about timing for tomorrow.

5 Everyone remain seated.

6 (WHEREUPON, the jury left the courtroom at 4:47
7 P.M.)

8 THE COURT: All right. What's the State's plan
9 for tomorrow morning?

10 MS. SAMPSON: Your Honor, we just have one
11 witness left.

12 THE COURT: Okay.

13 MS. SAMPSON: Just Scott McDonald is all we have
14 left.

15 THE COURT: And what's your anticipation on that?

16 MS. SAMPSON: I don't plan on having him up there
17 that long.

18 THE COURT: What does the State predict on
19 direct?

20 MS. SAMPSON: Thirty minutes if --- oh, I forgot
21 there's a video, maybe an hour. I forgot about the
22 video.

23 THE COURT: Okay. All right. And then we have
24 to do directed verdict motions after that and the jury
25 charge. So what's the defense's plan on introducing

1 evidence at this point?

2 MR. KRZYSTON: Just a minute, Judge.

3 MS. SAMPSON: Can I ask Your Honor if we could at
4 least advise the defendant tonight to take up some of
5 the time. I know we normally do that after the case.

6 THE COURT: Hold on.

7 MR. KRZYSTON: Judge, we just need a decision on
8 whether we're going to testify or not, but beyond that
9 we don't plan on introducing anything.

10 THE COURT: I'm sorry. About three people
11 coughed at one time and I didn't hear you, Mr.
12 Krzyston.

13 MR. KRZYSTON: I said we still need a little bit
14 of time to discuss with Mr. Wallace whether or not he
15 would like to testify.

16 THE COURT: Okay.

17 MR. KRZYSTON: Beyond that I don't think we will
18 have too much additional.

19 THE COURT: Okay. Can you define what too much
20 additional means in that, is that nothing or is
21 that...

22 MR. KRZYSTON: I have short cross for McDonald.

23 THE COURT: No, I'm not talking about cross. I'm
24 talking about...

25 MR. KRZYSTON: We're not accepting putting up

1 witnesses at this point.

2 THE COURT: Okay. All right. Let's go ahead and
3 do his right to testify, and I can go back over it
4 with him tomorrow if he needs to.

5 All right. Mr. Wallace, go ahead and stand up
6 for me, okay. Mr. Truitt, will you place him under
7 oath.

8 WILLIAM WALLACE,
9 after being duly sworn, testified as follows:

10 THE COURT: All right. Now, Mr. Wallace, you
11 and I have to have a conversation about your
12 constitutional rights, okay?

13 THE DEFENDANT: Yes, sir, Judge.

14 THE COURT: Okay. Now, I'm going to go over this
15 with you. Nothing that I say is meant to trick you or
16 confuse you or anything else. I'm going to have a
17 conversation with you. If you don't understand
18 something I say or you don't understand a word that I
19 say, you just let me know. You're not going to bother
20 me or offend me, okay.

21 At this time, I'm going to explain to you some of
22 your rights. If you do not understand anything that I
23 say, please just let me know. If you want me to
24 explain anything in more detail, just let me know
25 that, too. Do you understand so far?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. We now have reached or we're
3 about to reach the stage, and this actually won't come
4 until the State officially rests. I'm just doing it
5 tonight for a little bit of expediency, but we have
6 now reached the stage where tomorrow, after the
7 State's last witness testifies and they rest, assuming
8 they survive directed verdict, we will have reached
9 the stage of the trial where you may present your
10 defense.

11 You have the right, Mr. Wallace, to claim the
12 protections given to you by the Fifth Amendment to the
13 Constitution of the United States of America. This
14 amendment states in part that no person shall be
15 compelled in any criminal case to be a witness against
16 himself.

17 This means that you cannot be required to testify
18 in this case. You have the right to testify on your
19 own behalf, however, nobody can or will make you
20 testify. This is a personal right and nobody can
21 waive this right except you personally.

22 If you decide to testify, you will be subject to
23 the same rules that govern other witnesses, and you
24 may be examined and cross-examined on any relevant
25 issue in this case.

1 In addition, if you have any convictions
2 involving dishonesty or false statements or for crimes
3 punishable by imprisonment for than one year and I
4 determine that the probative value of admitting that
5 evidence outweighs its prejudicial effect, the
6 solicitor will be able to introduce your record for
7 the purposes of attacking your credibility.

8 If you decide to testify, this decision on your
9 part must be made freely, voluntarily, and
10 intelligently with the knowledge of the protections
11 given to you by the Fifth Amendment and the
12 consequences of your decision to testify.

13 If you decide not to testify, I will tell the
14 jurors that they cannot give the fact that you do not
15 testify any consideration whatsoever and that there is
16 to be absolutely no prejudice to you because you did
17 not testify.

18 This decision is left entirely up to you as to
19 whether or not you testify. You may talk with your
20 attorney or your family or anyone else, but the final
21 decision will be left entirely up to you.

22 Do you understand what I have explained to you so
23 far?

24 THE DEFENDANT: Fully understand, Your Honor.

25 THE COURT: Very good. Do you have any questions

1 about what I've explained to you so far?

2 THE DEFENDANT: Not one at all.

3 THE COURT: All right, sir. Have you and your
4 lawyer --- and I don't want you to tell me the details
5 of the conversation, but have you had an opportunity
6 to discuss this issue of whether or not you testify
7 with your lawyers?

8 THE DEFENDANT: Yes, sir, Your Honor.

9 THE COURT: Okay. Very good. I'm assuming ---
10 and I will give you more time to continue to discuss
11 this issue with your lawyers before I ask you whether
12 or not you are going to testify. Do you understand
13 that?

14 THE DEFENDANT: Yes, sir, Your Honor.

15 THE COURT: Okay. I don't want you to feel
16 rushed or pressured. You certainly do not have to
17 make this decision until after you have heard all of
18 the State's evidence and the directed verdict motions
19 before you would be required to make this decision.
20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. So I do this out of an
23 abundance of caution tonight to make sure that you
24 understand in case you all want to discuss it this
25 evening or in the morning or whatever that may be so

1 that you understand what I will be asking of you and
2 requiring of you.

3 Where are we on his prior convictions if he were
4 to testify?

5 MS. SAMPSON: Oh, I don't know that we ever did.

6 THE DEFENDANT: It's back to 2002 ---

7 THE COURT: Hang on.

8 MS. SAMPSON: We have it.

9 THE COURT: You can have a seat, Mr. Wallace.
10 Thank you very much for standing up.

11 MS. SAMPSON: We never settled his record. I'm
12 sorry, Your Honor. We haven't done it yet. He has a
13 2007, he was convicted of voluntary manslaughter and
14 assault and battery with intent to kill, possession of
15 a weapon during a violent crime. I would argue those
16 come in, Your Honor.

17 THE COURT: So he's got a 2007 voluntary
18 manslaughter, ABIK, and a possession of a weapon
19 during the commission of a violent crime.

20 MS. SAMPSON: Yes, sir.

21 THE COURT: Okay. Is that it? And I assume the
22 argument is under the five factor test we are way too
23 close to the charges that are brought here today. Is
24 that right?

25 MS. HINES: Yes, Judge.

1 THE COURT: Okay. I'll consider it overnight.
2 At this point, for your purposes --- for purposes for
3 your conversations, my initial reaction to hearing
4 that is that if he testifies they would not be
5 admissible due to the fact that they are so close in
6 nature to the crimes that have been charged in this
7 case in the five factor test, which is the United
8 States Supreme Court that goes through the five
9 factors that I have to consider on whether or not
10 allowing this to come in. One of the major
11 considerations that I have to make is the similarity
12 of crimes. I will continue to research that issue and
13 let you know definitively in the morning, but my gut
14 reaction is it's too close. I'm not saying that
15 affirmatively. That's the way I'm leaning right now.

16 Okay. So here is the next question. What do you
17 want me to tell the jury about tomorrow? I mean, does
18 everybody think we're arguing and charging right after
19 lunch tomorrow?

20 MS. SAMPSON: Yes, sir. Well, it depends on the
21 defense does.

22 MS. HINES: Yes.

23 MS. SAMPSON: I'm sorry. I was...

24 THE COURT: What I'm trying to figure out is what
25 to tell the jury. Do you think we're arguing and

1 charging lunchtime tomorrow? Is that a fair
2 statement? I'm not holding anybody to this.

3 MR. KRZYSTON: Yes, sir.

4 This isn't me saying this is it, end of story.
5 I'm just saying for purposes of scheduling do you
6 think that's a fair assessment?

7 MR. KRZYSTON: Yes, sir.

8 THE COURT: All right, sir. I'm going to tell
9 them that, you know, there's a chance, though no
10 guarantee that they would be deliberating early
11 tomorrow afternoon, and so we will see where that goes
12 from that. I'm not going to tell them anything more
13 definitive than that. Does anybody have an objection
14 to me telling them that?

15 MS. SAMPSON: No, sir.

16 THE COURT: Mr. Krzyston?

17 MR. KRZYSTON: No, sir.

18 THE COURT: Very good. Any other legal issues
19 before we break until the morning?

20 MS. SAMPSON: Nothing from the State.

21 MR. KRZYSTON: Not from the defense.

22 THE COURT: Okay. Again, I'll do by best to be
23 here by 10:15. Worst case scenario, I'll be here at
24 10:30 and I'll be ready to go.

25 Were there any issues with shaving that I need to

1 address?

2 MS. HINES: No, Your Honor.

3 THE COURT: The shaving issue got resolved?

4 MS. HINES: Yes, Your Honor.

5 THE COURT: Good. Very well, thank you very
6 much.

7 (WHEREUPON, Court was adjourned for the day.)

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9 THE COURT: All right. I got two more notes
10 talking about next week from the jurors as to whether
11 or not they will be here. What I told them, as I told
12 you all I would tell them, is that I anticipate them
13 getting the case some time today. I told them that if
14 they were deliberating this afternoon, that I would
15 take them to a very reasonable hour, and if they were
16 not finished with their deliberations, I would bring
17 them back Monday morning to continue deliberating,
18 that I was not going to keep them late tonight unless
19 they wanted to stay, and I would not keep them over
20 the weekend.

21 Can you mark those for me?

22 (WHEREUPON, Court's Exhibit Numbers 14 and 15
23 were marked for identification only.)

24 THE COURT: All right. Anything else before we
25 bring them in?

1 MS. HINES: Judge, just for the record on that,
2 we would object to what you told them. I think that
3 if their concern is coming back next week and you've
4 told them that if they're not finished with their
5 deliberations today that they will come back next
6 week, that might rush them to finish today and decide
7 on an improper basis, so for the record, I'd like to
8 object to that.

9 THE COURT: There's no foundation or basis for
10 that. That's not what I said. I told them that they
11 were not going to be rushed. They would be able to
12 move at their own pace. Whatever they needed to do
13 they could do. All right. So bring them in.

14 (WHEREUPON, the jury entered the courtroom at
15 10:30 A.M.)

16 (WHEREUPON, State's Exhibit Numbers 141 through
17 145 were marked for identification only.)

18 THE BAILIFF: The jury is seated.

19 THE COURT: Thank you, Mr. Dye. Welcome back,
20 ladies and gentlemen.

21 We will continue now. Ms. Sampson, you may call
22 your next witness.

23 MS. SAMPSON: Thank you, Your Honor. The State
24 calls Scott McDonald.

25 SCOTT MCDONALD,

1 after being duly sworn, testified as follows:

2 THE CLERK: Please have a seat. State your full
3 name.

4 THE WITNESS: Scott McDonald.

5 DIRECT EXAMINATION:

6 BY MS. SAMPSON:

7 Q Good morning.

8 A Good morning.

9 Q And is it Lieutenant now?

10 A Captain.

11 Q Captain. How do you guys go through the ranks?
12 What are they? I don't even know what they are.

13 A In investigations, you're an investigator, then a
14 sergeant, then a lieutenant, then a captain, and then
15 a major.

16 Q So you're right below Major Smith?

17 A That's right.

18 Q How long have you been with the Richland County
19 Sheriff's Department?

20 A Twenty-six years.

21 Q And you went through the ranks like you just
22 described?

23 A Right. I started out on the road as a road
24 deputy the first six years. I've been in
25 investigations the last 20.

1 Q The last 20?

2 A Yes.

3 Q As an investigation, do you receive training?

4 A Yes.

5 Q What kinds of training have you received?

6 A I attended the criminal justice academy upon
7 being hired by the sheriff's department. Prior to
8 that, I received a degree, a B.S. in criminal justice
9 from U.S.C. in 1986. Since that time, I've had
10 numerous seminars, classes on all aspects of law
11 enforcement, interrogation, interview, crime scene
12 reconstruction, blood spatter analysis, cell phones,
13 which has kind of been my specialty the last few
14 years.

15 Q I'm going to talk about that a little bit. You
16 said it's kind of been your specialty. When did you
17 start getting trained on just cell phones?

18 A Back in 2001, actually on a murder I was working
19 on here in Richland County, where cell phones become
20 very important to the case. At that time, I started
21 talking with several of the engineers and people at
22 the cell phone companies and learning about the
23 sectors and the towers and how that could help an
24 investigation.

25 Since that time, I've attended numerous classes,

1 seminars around the country ever learning more about
2 this investigative tool.

3 In 2007, I had a cell phone investigations class
4 put on by the Public Agency Training Council in
5 Lexington, South Carolina. That is a three day class
6 introducing us to how to utilize cell phone technology
7 in investigations.

8 From there in May of 2008, I attended the World
9 Mobile Forensics Conference in Chicago, which was a
10 week long conference where we had speakers come in
11 from around the world to discuss the latest trends and
12 innovative technologies that assist law enforcement
13 with this type thing.

14 June 2002, I had another class in mobile
15 forensics training that dealt with the downloading of
16 the cell phones and the information that could be
17 obtained from these cell phones.

18 November 2012, I had another class with advanced
19 smart phone technology and cell phone forensics, which
20 went further into the plotting and mapping of these
21 cell phones records, as well, as some of the
22 information we can obtain from smart phones when we
23 download them.

24 I worked on approximately 150 or more cell phone
25 records since 2001 and downloaded over 200 cell phones

1 in that time, as well.

2 Q Have you ever been certified as a witness in cell
3 phone investigations?

4 A I have, seven times in State Court.

5 Q Are you a member of any association?

6 A I am a member of the National Association of
7 Technical Investigators.

8 MS. SAMPSON: At this time, Your Honor, I'd ask
9 that Lieutenant --- Captain McDonald be certified ---
10 be qualified as an expert witness in the field of the
11 cell phone investigations.

12 MR. KRZYSTON: Voir dire, Judge.

13 THE COURT: Yes, sir.

14 MR. KRZYSTON: Captain McDonald, you stated your
15 B.A. was in criminal justice?

16 THE WITNESS: Bachelor of science in criminal
17 justice.

18 MR. KRZYSTON: Okay. I'm sorry. You haven't
19 undergone any --- when I say formal, I mean, college
20 degree type courses for computers or forensics
21 examination of computers, just those classes that you
22 talked about?

23 THE WITNESS: Seminars and classes around the
24 country over the last eight, nine, ten years.

25 MR. KRZYSTON: Approximately how many of those

1 have you attended?

2 THE WITNESS: Four to five. In addition to that,
3 I've spent hundreds of hours speaking with engineers,
4 cell phone computer compliance personnel, as well,
5 getting the details, getting an understanding of how
6 these systems work and how they operate and how to
7 better present these for court and utilize them in
8 investigations.

9 MR. KRZYSTON: And specifically with regard to
10 the conferences, two to three days long? Three to
11 four days long?

12 THE WITNESS: The conference was a week long.

13 MR. KRZYSTON: Okay.

14 THE WITNESS: And actually I attended two of
15 those, one in Chicago in 2008 and one just this past
16 summer in Myrtle Beach, as well. It's the same ---
17 they meet every year. It's a world conference where
18 technology from around the world is explained and
19 talked about.

20 MR. KRZYSTON: Do they issue any kind of
21 recognized certifications after those courses?

22 THE WITNESS: Not at these seminars. I do have
23 certifications from some of the seminars I've been to,
24 I mean, some of the classes I've been to. One in
25 November 2012, there was actually a court ---

1 testifying in court certification that we had to pass
2 a written test and practical test at the end of the
3 class.

4 MR. KRZYSTON: Have any of those courses dealt
5 with the platform on which the Android phone is based?

6 THE WITNESS: Yes.

7 MR. KRZYSTON: And do you understand the basic
8 level programming that is behind the Android?

9 THE WITNESS: I understand the basics of an
10 Android. I can't tell you the programming and all
11 that. That's not what we get into. What we get into
12 is, when we download the phone, is some of the
13 information we can gather from that phone that can
14 better help us in our investigations. I can't tell
15 you how an Android phone works or is programmed, no.

16 MR. KRZYSTON: Okay. So you couldn't say exactly
17 how it works or if there could be hidden files or
18 something like that?

19 THE WITNESS: To a minute degree, not to an
20 in-depth degree on that, no.

21 MR. KRZYSTON: Okay. Thank you, Investigator.

22 (Pause.)

23 No objection, Judge.

24 THE COURT: All right. Ladies and gentlemen,
25 this witness will be an expert in the area of cell

1 phone investigation. As I have explained to you
2 before, normally a person is not allowed to give
3 opinion testimony, but certain witnesses based upon
4 their training, skill, experience, knowledge or
5 education may testify in the form of an opinion. He
6 will be allowed to give opinion testimony in the area
7 of cell phone investigation. That does not mean that
8 you must accept his opinion, but it is evidence for
9 you to use in any way you see fit and give it the
10 weight and credibility you believe is appropriate as
11 you are required to do with each and every witness
12 that appears before you.

13 Ms. Sampson.

14 MS. SAMPSON: Thank you, Your Honor.

15 BY MS. SAMPSON:

16 Q So I want to take you back to June of 2012. What
17 was your capacity in law enforcement at that time?

18 A I was a lieutenant in the major crimes unit at
19 the Richland County Sheriff's Department.

20 Q And as a lieutenant, what was your job?

21 A As a supervisor over the major crimes unit, I was
22 tasked with supervising the investigations of all
23 assaults, robberies, suicides, homicides, those type
24 crimes.

25 Q How did you become involved in this case?

1 A I was notified by Sergeant Robinson, who heard
2 the call go out on the air and was close by. I
3 responded to Beckham Swamp Road about a shooting and a
4 victim. He notified me immediately and said he was en
5 route and he would update me as more information would
6 come in. Of course, we learned that were two other
7 victims at another location, and I got investigators
8 headed to that location, as well.

9 Q Okay. And Beckham Swamp Road, what county is
10 that in?

11 A Richland County.

12 Q And did you get a search warrant for the
13 apartment at Garners Ferry Road?

14 A Yes, we did. Major Smith, who was also involved
15 in this case, typed that search warrant. I took it
16 and met with Judge Davis to get that search warrant
17 signed so the lab could process the residence.

18 Q Did you get a search warrant for Kimberly
19 Conway's car?

20 A I believe that was a consent to search, if I'm
21 not mistaken on that.

22 Q And how did you become --- at some point you
23 become aware that Mr. --- let me start over. Did you
24 contact anybody to try to locate Mr. Wallace once he
25 became a suspect?

1 A Once we learn the information from Ms. Weston,
2 from investigators and officers at the scene with her,
3 that William Wallace was involved, I began to do some
4 background. I did contact Corporal Hayhurst with our
5 fugitive team, told him we were getting warrants in
6 hand, and we began searching for Mr. Wallace.

7 Q At some point, he notified you that they had
8 found Mr. Wallace?

9 A Later that afternoon, yes, about 3:30, quarter
10 till four, I was notified that he was under arrest.

11 Q Did you go to the location where he was arrested?

12 A I did. I responded to the scene along with
13 Sergeant Robinson and some other investigators at Bush
14 River Road right near I-26.

15 Q Was he cooperative at that time?

16 A He was.

17 Q Did you speak with him on site?

18 A I did.

19 Q What did you speak to him about at that time?

20 A Upon my arrival, you know, I went to talk to the
21 officers briefly. I introduced myself to Mr. Wallace
22 and asked him to come over to my vehicle. He was in
23 handcuffs at this point. I placed him in my vehicle
24 in the passenger front seat. Sergeant Robinson, who
25 was also with me, got in the rear seat of my Tahoe. I

1 advised him of his verbal Miranda rights at that
2 point, asked him if he understood them. He said he
3 did. He wanted to know what was going on, what this
4 was all about. That's when I explained to him it was
5 in reference to the shooting earlier that morning
6 involving Ms. Weston, Athell Johnson, and Mr. Pratt.

7 Q At that point did you take him back to
8 headquarters?

9 A Not immediately. I had requested Investigator
10 Lee from our CSI section to come to the location for
11 GSR testing on Mr. Wallace's hands.

12 Q Did they do that?

13 A They did.

14 Q Then did you take him back to headquarters?

15 A Yes.

16 Q And once you got to headquarters, what happens?

17 A We came into my office. Myself and Sergeant
18 Robinson, we began talking to him some more about what
19 had happened. Said we'd like to hear his side of the
20 story. He was denying any involvement whatsoever,
21 said he had taken his aunt to work that morning in her
22 car and returned home to Denny Terrace, Denny Road,
23 and stayed there until his girlfriend picked him up
24 later that afternoon.

25 Q At that time were you making him talk to you?

1 A No.

2 Q Could he have stopped talking to you if he wanted
3 to?

4 A Yes, I explained to him out on the scene that he
5 had the right to stop talking at anytime. He could
6 stop talking until he had an attorney present. He
7 fully understood his rights. He was talking
8 voluntarily.

9 Q And at some point, the jury has already heard,
10 but at some Stan Smith comes in?

11 A Right. Prior to Stan Smith coming in, if I can
12 elaborate a little bit further.

13 Q Yes.

14 A Robinson and I kept talking to him. He kept
15 denying, kept denying any involvement whatsoever.
16 Coincidentally, shortly before the interview started,
17 I noticed some phone records had come in that I had
18 been waiting on from Mr. Wallace's phone from
19 T-Mobile. I received these from SLED.

20 MR. KRZYSTON: Objection based on pretrial
21 rulings --- excuse me, objections.

22 THE COURT: All right. Very well.

23 BY MS. SAMPSON:

24 Q Go ahead.

25 A As he continue denying his involvement and us

1 telling him we had a surviving eyewitness that placed
2 him at the scene, he continued to deny involvement. I
3 pulled up the phone records. While Sergeant Robinson
4 and I continued to talk with him, I started looking at
5 the phone records. I was able to quickly focus in
6 around the time of 11:50, I think is time I pulled up,
7 which was about the time Ms. Weston, I believe,
8 somewhere around that time, came out of the woods.
9 There was a call at that point. I actually plotted
10 the location of the cell tower that he was hitting off
11 of that time, which was 6936 Cheval Street, which is
12 off of Leesburg Road in close proximity to the crime
13 scene at 8100 Garners Ferry ---

14 MR. KRZYSTON: Objection, Judge. Could we
15 approach?

16 THE COURT: Sure.

17 (WHEREUPON, a bench conference was held in the
18 presence, but not within the hearing of the
19 jury.)

20 THE COURT: Overruled.

21 MR. KRZYSTON: Thank you, Judge.

22 BY MS. SAMPSON:

23 Q And can --- you stated that you were able to look
24 up, match cell towers to where his cell phone --- is
25 that on the records you get or how do you do that?

1 A The records that come in give the date, the time
2 of calls and text messages that were made on the
3 phone. The phone calls give us a physical location of
4 the towers, beginning and ending towers, during a
5 conversation. So I look at that information, I look
6 up the tower to see where it's located and then I put
7 that on a simple map called Microsoft Streets and
8 Trips. I put on that map the crime scene location of
9 8100 Garners Ferry Road and then put the cell phone
10 tower of 6936 and showed him that, according to the
11 records I was looking at, that he was in close
12 proximity to that tower on Cheval Street at 11:50 that
13 morning, which refuted his story about being back on
14 Denny Terrace where he said he had been all morning.

15 Q Did he respond?

16 A That that point he kind of ducked his head down
17 like that and, you know, kind of quit talking for a
18 minute. We continued to talk to him about this a
19 little about and Major Smith, about this time, is when
20 he came.

21 Q Now, I'm going to talk to you a little bit about
22 the cell phone records. I think this is a good time
23 to talk about those.

24 Did you --- can you explain to this jury about
25 how that works or would it help --- I know you

1 prepared a Power Point that kind of demonstrates that
2 and would kind of help explain that to the jury?

3 A Right.

4 MR. KRZYSTON: Objection, Judge. Could we
5 approach?

6 (WHEREUPON, a bench conference was held in the
7 presence, but not within the hearing of the
8 jury.)

9 BY MS. SAMPSON:

10 Q Can you come down?

11 A Yes, ma'am.

12 Q All right. Now, you were explaining to the jury
13 cell phone records. Is this what you received or
14 something similar? Or did you make this yourself?

15 A These aren't the raw records that I got from
16 T-Mobile. These are the records after I had imported
17 them into the software that we have at the sheriff's
18 department that is called ACISS. We import the
19 records into there. It gives us the same information
20 that's provided by T-Mobile that's in a more user
21 friendly application.

22 MR. KRZYSTON: Objection. Approach?

23 (WHEREUPON, a bench conference was held in the
24 presence, but not within the hearing of the
25 jury.)

1 THE COURT: All right. Ladies and gentlemen, go
2 back to your jury room. Do not discuss the case.
3 Keep an open mind. We will be back with you in just a
4 minute.

5 (WHEREUPON, the jury left the courtroom at 10:48
6 A.M.)

7 THE COURT: So has the defense seen this before?

8 MS. HINES: (Nods in the affirmative.)

9 THE COURT: So what's the objection?

10 MR. KRZYSTON: This particular Power Point slide,
11 no, Your Honor.

12 MS. HINES: Well, we've seen the information from
13 ACISS. We have seen this information.

14 MR. KRZYSTON: I have seen the cell phone
15 records, but that's not the cell phone records and
16 based upon your prior ruling ---

17 THE COURT: Okay. You two represent one person.
18 One person talk.

19 MR. KRZYSTON: I'm sorry.

20 THE COURT: Have you seen what's on this screen
21 before, yes or no?

22 MR. KRZYSTON: We have seen that information, but
23 that is not the cell phone records themselves.

24 THE COURT: Okay. So what is your objection?

25 MR. KRZYSTON: You have just ruled that the Power

1 Point slide would not be shown, that only the cell
2 phone records would be shown and that is clearly a
3 Power Point slide.

4 THE COURT: You said you've seen this
5 information, Mr. Krzyston. Yes or no, have you seen
6 this information?

7 MR. KRZYSTON: Yes, Judge.

8 THE COURT: Go through --- do you know how to
9 work this Captain McDonald?

10 MS. SAMPSON: This is the only one I'm going to
11 show.

12 THE COURT: Are you going to show anything else
13 off the Power Point besides this?

14 MS. SAMPSON: Not based on --- and this because
15 they've seen that.

16 THE COURT: Okay.

17 MR. KRZYSTON: And again my objection was ---

18 MS. SAMPSON: And that was --- and I won't do
19 that since I don't know --- that was something that
20 Scott McDonald did as far as where the towers were.

21 THE COURT: Okay.

22 MS. SAMPSON: I believe they've seen that, but I
23 don't want to swear on it.

24 THE COURT: Have you seen the map, yes or no?

25 MR. KRZYSTON: Yes.

1 THE COURT: Okay. You can use that for
2 demonstrative purposes.

3 MS. SAMPSON: That's exactly what we're doing.

4 THE COURT: Okay. Go back to the one, the screen
5 before, with the street addresses on it. Have you ---

6 MS. SAMPSON: I'm sorry, this one?

7 THE COURT: Have you seen this?

8 MR. KRZYSTON: We have seen that, Your Honor.

9 THE COURT: Okay. You can use that.

10 MS. SAMPSON: That's the one with the map.

11 THE COURT: The map you can use that for
12 demonstrative purposes. Go ahead, Captain.

13 MS. SAMPSON: I'm sorry. It has arrows. I don't
14 know if they've seen that.

15 MR. KRZYSTON: We have not seen that, Judge.

16 THE COURT: Okay. Now, the one previously with
17 the arrows on it, the arrows are just for
18 demonstrative purposes. That's --- I mean, you could
19 put them up on a board and use a marker and draw an
20 arrow, so I mean, you know --- that's fine. The one
21 with the yellow circles, if they have not seen that,
22 that does not need to be used.

23 Okay. What else?

24 MS. SAMPSON: That's it. That was just a blow
25 up, but we cannot use that if they haven't seen it.

1 That was just an aerial shot. We were using that for
2 demonstrative purposes to show Garners Ferry Road and
3 the cell towers and the crime scene.

4 THE COURT: It has the location of the Garners
5 Ferry Road and cell phone tower location?

6 MS. SAMPSON: And this is the crime scene.

7 THE COURT: Okay. That's admissible for
8 demonstrative purposes.

9 MS. SAMPSON: Before you bring them back, can I
10 have one minute so I can fix it so that doesn't pop
11 up?

12 THE COURT: Yes.

13 (Pause.)

14 MR. KRZYSTON: And perhaps I can use the prior
15 ruling, and I didn't mean to be bring up an
16 unnecessary objection.

17 THE COURT: What I didn't want is information up
18 there that you hadn't had access to before.

19 MR. KRZYSTON: Certainly, Judge.

20 THE COURT: All right. Tell me when you get
21 whatever deleted you need to get deleted.

22 MS. SAMPSON: I deleted everything. I want to
23 start where we were. Okay. We're fine.

24 THE COURT: Bring them back in.

25 (WHEREUPON, the jury entered the courtroom at

1 10:52 A.M.)

2 THE BAILIFF: The jury is seated, Your Honor.

3 THE COURT: Okay. Now, you have to help me with
4 the lights, okay? I'm not in the same position as
5 you. Does that help or hurt?

6 THE FOREMAN: That's okay. Thank you.

7 THE COURT: Okay. All right.

8 BY MS. SAMPSON:

9 Q So Captain McDonald, please continue, and explain
10 to the jury what this is.

11 A Okay. As I was saying, these are the cell phone
12 records of William Wallace, 803-404-8062, which is a
13 T-Mobile cell phone number. When I received the cell
14 phone records from SLED, who did the exigency request
15 earlier on the incident date, I take those records, I
16 import them into the system at the sheriff's
17 department which is called ACISS. It has a phone
18 function in there that when you dump the records in
19 there, it spits them out in this format. I'll go over
20 each column for you in just a second.

21 Q Okay. And just so we're clear, you're only
22 talking about --- we're not talking about last one
23 with the names, but can we just talk about the ---

24 A Okay. I was going to explain the names.

25 Q Just --- if you would not, it would be better.

1 A Oh, okay. So this column here is just an
2 arbitrary number I have to make up for this particular
3 file, so that's irrelevant. This is just a call
4 number 215, 216. When I got these phone records it
5 was for several days prior up until the incident date,
6 so there were calls before this. You get over here,
7 this is the start time of the phone call, which on
8 this particular one it's 6/28/2012 at 7:30:56 a.m. in
9 the morning.

10 This column here is the ending time of that
11 conversation. Next, is I or O, you'll see. I'm
12 sorry, that's the duration of the call there. Zero
13 seconds. That could have been dialed and never got
14 picked up, something like that.

15 This is the direction of the call, inbound or
16 outbound. These are calls that were dialed out by
17 Mr. Wallace's phone. These were calls that were
18 called in to Mr. Wallace's phone here. These are the
19 particular numbers here. If he called a number ---
20 actually this is an inbound call, so this is the
21 number that called in to his number. If he called
22 outbound down here, this is the number he called.

23 Q And so I see that you have DeAndre Diggs, so he
24 called him and he called him back it looks like. Is
25 that right; would that be fair?

1 A That's correct. That was around --- you have a
2 call at 8:19, 8:26 and 8:27, back and forth calls.

3 Q And another one at 8:40; is that correct?

4 A Yes, at 8:40:59. That's correct.

5 Q And that chronicled the whole day of June 28,
6 2012?

7 A Right. His last call was at 13:42 hours, 1:42 in
8 the afternoon military time and that was the last
9 activity on that phone before he was apprehended.

10 Q Now, I'm going to show you the next slide that
11 you have. Can you tell the jury what that is?

12 A That is a chronological listing of the calls
13 beginning --- I started about eight in the morning ---
14 a call at 8:19 in the morning is hitting off a tower
15 during the conversation at 3315 Two Notch Road, which
16 is inbound Two Notch Road near West Beltline. This
17 was significant because during the investigation, we
18 learned that Vernell Wallace worked at DSS right
19 across the street in that general area, so he had
20 indicated to us during his verbal statement that he
21 had taken her to work that morning. That was
22 consistent with being in that area.

23 Q I'm going to interrupt you for a minute. These
24 addresses that are listed on here, these are the
25 addresses of the cell phone towers, correct?

1 A These are the cell phone towers. This just means
2 he was in the area. I can't say that he was at 3315
3 Two Notch Road. I can say he was in that general
4 area.

5 Q Do you know how much area a tower covers or does
6 it vary?

7 A It varies from tower to tower. It can be a mile,
8 a couple miles. It can be up to ten miles. It just
9 depends. Traditionally in the city or the urban area,
10 you find towers that their signals may go a mile, two
11 miles something like that where in the country they
12 may go much further, that's based on population and
13 usage.

14 Towers in a city have a lot more users on them
15 that they would in the country sometimes. In the
16 country they can space them a little further than they
17 can in the city because each tower has a load on it
18 and can accept only so many calls. That's why you
19 find so many in and around the city.

20 Q What's the next significant call to you?

21 A The next significant one to me would probably be
22 this one at 8:56.

23 Q Why is that?

24 A He starts the conversation hitting off a tower in
25 the Springdale West Columbia area at 357 Wattling Road

1 and completes the call hitting off the tower on
2 Pendleton Street in downtown Columbia. In between
3 these two locations is Columbia Farms, just over the
4 Gervais Street bridge, where Mr. Diggs worked where he
5 was picked up that morning.

6 Q And what is the next --- or you can just go
7 through however it works for you. What is the next
8 thing that is significant to you?

9 A Well, probably here at 9:21m we see that 6936
10 Cheval Street, which is over off Leesburg Road.
11 Leesburg and the incident location at 8100 Garners
12 Ferry Road are in fairly close proximity within a mile
13 or two of each other. We start getting closer to the
14 crime scene at this point.

15 Of course, he stated to us that he was home on
16 Denny Road during this timeframe, so we knew that was
17 in error.

18 Q If he was on Denny Road, would his phone ping off
19 Garners Ferry Road?

20 A No.

21 Q What is the next significant one?

22 A Next would be at 9:59, 10:09, 11:50, 8260 Garners
23 Ferry Road. That's within a few hundred yards of the
24 incident location at 8100 Garners Ferry Road. Hitting
25 there from 9:59 and 10:09 a.m. Then at 11:50, he is

1 hitting back at that Cheval Street tower again. It
2 appears he is probably on the move at this point.

3 Then Pringle Road is over in that same area off
4 Leesburg Road, hitting off that tower at 11:51, and
5 then we have a little gap before he is hitting back
6 off Frost Avenue, which is very very close proximity
7 to Denny Road, which is where he said he was around
8 noon time.

9 Q Anything else on this particular slide?

10 A Yeah. 4479 Rosewood Drive at 13:41 and 13:42
11 it's in close proximity to Tashonda Toatley's
12 residence that we heard her testify to earlier this
13 week. She lives down off Rosewood on Aralia Drive.
14 That would put him down in that area of town about
15 1:30, 1:40 in the afternoon.

16 Q And I just want to make sure that we're clear.
17 Where it says 8260 Garners Ferry, that's in close
18 proximity to the incident location?

19 A Right, 8100 is the incident location, and 8260 is
20 the tower, so he was within a few hundred yards of the
21 incident location ---

22 Q Okay.

23 A --- based on that tower. This is just a diagram
24 on a map and you can hit the arrow button.

25 Q I'll try. All right.

1 A This is just an illustration. The first call
2 that I talked about at 8:19, 3315 Two Notch Road,
3 Columbia, that's the tower right there. I'm sorry.
4 Right there. DSS is kind of across the street right
5 here. The very next call at 8:26 and 8:27, he is
6 hitting off this tower on Forest Drive, 2510 Forest
7 Drive. I'm not saying he is right here on Forest
8 Drive. He is somewhere in this general area
9 approximately. From there we go down to 1309 Rosewood
10 Drive at 08:40 hours.

11 The next one is 1230 Pendleton Street at 08:44,
12 08:55 and 08:56 hours, and remember one of those calls
13 he is actually hitting off the beginning of the call
14 was at Wattling Road and the end of the call was on
15 Pendleton. And let's see, the chicken farm is right
16 here. Columbia Farms is right in here. That would be
17 consistent with him being in that general area around
18 that time.

19 Then the next one is at 8:58 hours, 1650 Hampton
20 Street, which is downtown.

21 Q You need go back, I'm sorry. Then what is this?

22 A This final is an illustration of the cell phone
23 tower at 8260 Garners Ferry Road. There is the actual
24 tower there in the aerial photograph. He is hitting
25 off the tower on the incident date that morning at

1 9:59 hours and 10:09 hours and this, of course, is the
2 apartment complex right here at 8100 Garners Ferry
3 Road. That's what I call crime scene one, the initial
4 crime scene. So I'm not saying he was here at this
5 tower. I'm saying he was in this general area around
6 this tower at those times, according to the phone
7 records.

8 Q Thank you. You can sit back down.

9 So is that some of the information you provided
10 or discussed with Mr. Wallace when he is giving you
11 his version of what happened?

12 A That's correct.

13 Q And at some point, does captain --- sergeant ---
14 Major Smith walk in?

15 A Major Smith came to check on the progress of the
16 interview.

17 Q Is that normal for him to do that or for people
18 to come in and out while you're doing the interview?

19 A It's normal. He does that. I do that at times
20 if I'm not directly involved in the interview. He
21 came by to check on the progress, introduced himself.
22 At that time, Mr. Wallace indicated he didn't want to
23 talk to Robinson and myself any further. He wanted to
24 talk to Major Smith alone.

25 Q Did you allow him to do that?

1 A Yes.

2 Q How did do you that?

3 A Sergeant Robinson and myself excused --- you
4 know, we left the room, the office of mine. Major
5 Smith came in and talked to William further. We went
6 down to Sergeant Robinson's office, I believe, for 15
7 to 20 minutes before we were summoned back by Major
8 Smith.

9 Q And what happened --- did he tell you what had
10 happened or did you go back in and he told you in
11 front of William, or how did that work?

12 A He told us both to come back to my office and
13 when we got there, he said, you know, William had ---

14 MR. KRZYSTON: Objection. Hearsay.

15 THE COURT: Overruled.

16 BY MS. SAMPSON:

17 Q You can continue.

18 A Upon arrival back, he told us that William now
19 had a different version. He realized the phone
20 records had gotten him and he placed himself at the
21 scene of the crime, gave a version of events about
22 meeting somebody and them taking him over there to
23 point out Athell's apartment. He claimed he stayed in
24 the parking lot the entire time and that he didn't
25 have anything to do with what happened inside.

1 Q So the version that we heard from Major Smith
2 earlier is what you actually heard yourself, too?

3 A Yes, he had him recite it to us upon us
4 returning, and then at that point, Sergeant Robinson
5 and I went to take over the interview once again. We
6 were going to take this down as his statement.

7 At this point, Sergeant Robinson gave him his
8 written Miranda rights, which we heard testified
9 earlier this week and ultimately on the Waiver of
10 Rights, he would refuse or decline to go any further
11 at that point. Said he didn't want to give a written
12 statement.

13 Q Okay. You didn't require him to write it down,
14 did you?

15 A No.

16 Q But you heard from his mouth the same story that
17 Major Smith gave us?

18 A That's correct.

19 Q Were you ever able to corroborate anything he
20 told you in terms of Charlie, Mack or whatever his
21 name or any of that information?

22 A No.

23 Q Now, did you participate in the search of the
24 Denny Road address?

25 A I did. I did.

1 Q And what did you all find there?

2 A We found a burn pile upon arrival, and coming to
3 the back door of the residence, we had some difficulty
4 --- we had someone at the front, someone at the back.
5 We didn't know if anyone was there or not. I
6 initially came upon the burn pile, which interested me
7 thinking, you know, why they were having a burn pile
8 out there. It was kind of suspicious. Began to look
9 through that a little bit, found some paperwork,
10 appeared some letters from --- addressed to
11 Mr. Wallace.

12 Q Okay. Did you find any clothing?

13 A There was a pair of jeans on top of the burn
14 pile, but they weren't burned.

15 Q What did you do next in the course of your
16 investigation?

17 A Well, ---

18 Q Let me put it this way. After you spoke --- and
19 I kind of skipped ahead. After you spoke to
20 Mr. Wallace at headquarters, was he --- he was under
21 arrest at that point, correct?

22 A That is correct.

23 Q What happened to him?

24 A He was taken to the Alvin S. Glenn Detention
25 Center.

1 Q And so what did you do over the course of the
2 weekend?

3 A Well, actually this was on Thursday. The
4 following day, one of our priorities was to see if
5 Ms. Weston was available, alert and awake to talk to
6 and get further information from.

7 I actually, before I could inquire, I got a call
8 from Mr. Weston, Raquel's father, alerting me that she
9 was alert, awake in her hospital bed. She was still
10 in the hospital and very willing to talk to us.

11 At that point, Sergeant Isenhoward and myself
12 responded to the hospital. We also took a photo
13 lineup with us hoping that possibly she could sign it
14 this time after viewing it if she was able to identify
15 Mr. Wallace.

16 Q Was she able to do that?

17 A Yes, upon our arrival, she was in a room with her
18 mother. We talked to her briefly. She was very
19 awake, very alert, very coherent, understood exactly
20 what was going on, why we were there and she was very
21 willing to assist.

22 Sergeant Isenhoward presented the photo lineup to
23 her. She immediately went to Mr. Wallace's photo and
24 indicated that was the man that was involved in this
25 incident, and she was able to memorialize that on a

1 photo lineup affidavit using her left hand. Her right
2 hand had been injured in the shooting and she was
3 unable to use it.

4 Q Okay. Any --- did she hesitate at all in talking
5 to you all or anything like that?

6 A No.

7 Q And what about picking the photograph?

8 A No, not at all. The way we kind of did this,
9 Isenhoward kind of led the interview and I was writing
10 notes as she spoke, which were later memorialized on
11 my follow-up on this. She gave great detail about how
12 she got the call, how she arrived over there and all
13 the events that transpired.

14 Q So what did you do next?

15 A After talking with her --- excuse me for a
16 moment.

17 Q Would looking at your notes help refresh your
18 memory?

19 A It would.

20 (Pause.)

21 Later that afternoon, we did the search warrant
22 at Denny Road after speaking with Ms. Wallace.

23 In addition to the burn pile that we found, we
24 also found a traffic ticket in there that Vernell
25 Wallace had received with, I believe it was a 99 Buick

1 LeSabre, which was of great interest to us. We had
2 learned initially that there was some video from the
3 front gate of the apartment complex and once we
4 realized the vehicle we were looking for, made that
5 search a little easier as far as locating that vehicle
6 on the video.

7 Q Were you able --- did you get the video?

8 A Yes.

9 Q Were you ever able to review the video?

10 A Yes.

11 Q And were you able or someone able to make still
12 shots from that video?

13 A Yes.

14 Q I'm going to show you what's been marked as
15 State's Exhibits 141, 142, and 143 and ask you to
16 identify those.

17 A Yes, ma'am, these are still shots from the video
18 at 8100 Garners Ferry Road.

19 Q Do those copies accurately reflect what you saw
20 on the video?

21 A They do.

22 MS. SAMPSON: At this time, we'd ask to introduce
23 State's Exhibits 141, 142, and 143 into evidence.

24 MR. KRZYSTON: No objection, Judge.

25 THE COURT: Admitted without objection.

1 (WHEREUPON, State's Exhibit Numbers 141, 142, and
2 143 were admitted into evidence.)

3 THE COURT: All right. Hold on a minute.

4 MS. SAMPSON: Are they admitted, Your Honor?

5 THE COURT: Yes, ma'am.

6 BY MS. SAMPSON:

7 Q I'm sorry. I'm going to start with --- can you
8 see this or do you need to come down?

9 A I'll come down.

10 THE COURT: Do you want the lights on or off?

11 THE FOREMAN: Probably on for this one.

12 BY MS. SAMPSON:

13 Q Can you tell the jury what State's Exhibit 141
14 shows?

15 A This is a picture of a white Buick LeSabre, the
16 unique thing about this, the thing that Ms. Weston
17 told us about the vehicle that was unique, is not only
18 was it beat up and in bad shape, but the passenger's
19 side mirror here was missing. It was actually hanging
20 on the inside of the vehicle, it was broken but not
21 completely loose and it was on the inside of the
22 vehicle.

23 Q And where is this?

24 A This is at 8100 Garners Ferry Road.

25 Q Where at that apartment complex?

1 A At the front of the complex on Garners Ferry Road
2 right there. This is the entrance and exit of the
3 complex there.

4 Q And ---

5 A This was at ---

6 Q I don't know if you can see that?

7 A I can't see it exactly ---

8 Q Right, can I take it out and you can look?

9 A 10:05 and we know from the video it was 13
10 minutes fast at the time.

11 Q So it was a little before ten?

12 A A little before nine --- a little before ten,
13 yes.

14 Q And this is State's Exhibit 142.

15 A That's just close-up of the same angle, same
16 photo. Once again, you can see there is no passenger
17 mirror there. The cord for it is actually right here
18 and it's hanging on the inside of the vehicle.

19 Q This one is kind of blurry, but it's State's
20 Exhibit Number 143?

21 A That's a different angle. That's the vehicle as
22 it --- I believe, as it is leaving the premises.
23 Actually, no, arriving at the premises, arriving.

24 Q Okay. You can sit back down. Thank you.

25 Q So you were able to get the video. Were you able

1 to do anything else that weekend?

2 A Yes, we made contact with Vernell Wallace, who is
3 the owner of her vehicle at her place of employment.
4 Asked Ms. Wallace about the series of events on the
5 incident date. She did confirm that William brought
6 her to work that morning and had the car, as he does
7 most days, with him. We asked her where the vehicle
8 was at that point on this day when we went and talked
9 to her and ---

10 MR. KRZYSTON: Objection. Sustained.

11 BY MS. SAMPSON:

12 Q Were you able to get access to the vehicle?

13 A We were able to locate the vehicle later that
14 afternoon, yes, we were.

15 Q What did you do based on finding the vehicle?

16 A We had it towed in and got a search warrant to
17 process it and look through it to see if there's any
18 evidentiary items.

19 Q Did you see the vehicle yourself?

20 A I saw the vehicle myself and saw the mirror
21 hanging on the inside of the vehicle just as
22 Ms. Weston had described.

23 Q Let me show you what's been marked as State's
24 Exhibit 144 and 145. I ask you if you recognize
25 those?

1 A I do. These are photos taken by our CSI of
2 Ms. Wallace's vehicle.

3 Q And do those photos fairly and accurately depict
4 the way the car looked back in June of 2012.

5 A They do.

6 MS. SAMPSON: At this time I'd ask to introduce
7 State's Exhibit Numbers 144 and 145 into evidence.

8 MR. KRZYSTON: No objection, Judge.

9 THE WITNESS: I might also add, this is a view
10 from ---

11 MS. SAMPSON: Wait, wait, wait, he's got to rule.

12 THE COURT: Admitted without objection.

13 (WHEREUPON, State's Exhibit Numbers 144 and 145
14 were admitted into evidence.)

15 BY MS. SAMPSON:

16 Q Go ahead.

17 A Might I had these are pictures from the driver's
18 side, which has its mirror intact.

19 Q So this car has damage on this side of the
20 vehicle, too?

21 A Right, correct.

22 Q Yes.

23 (WHEREUPON, State's Exhibit Numbers 146 through
24 148 were marked for identification only.)

25 MR. KRZYSTON: No objection, Judge.

1 THE COURT: What number?

2 MS. SAMPSON: State's Exhibits 146 through 148,
3 I'd ask to publish them.

4 THE COURT: All right.

5 Admitted without objection.

6 (WHEREUPON, State's Exhibit Numbers 146 through
7 148 were admitted into evidence.)

8 BY MS. SAMPSON:

9 Q All right. So I'm going to just hold them so you
10 don't have to come back down. What does State's
11 Exhibit 148 show?

12 A This is a photograph of the passenger's side
13 mirror actually hanging on the inside of the vehicle.

14 Q So that's the inside with the door open?

15 A Yes, the door is open. The photograph was taken
16 of the door as it hung inside on the passenger's
17 sides.

18 Q And State's Exhibit Number 147.

19 A That is a picture of the vehicle in our forensic
20 garage taken with the door shut, the mirror missing.
21 It's hanging on the inside.

22 Q And State's Exhibit Number 146, is that just a
23 closer up shot of the front?

24 A That's just a close-up shots of the vehicle, same
25 area. You can see the passenger's mirror. Just the

1 part is still there hanging on the inside.

2 Q Is that what you saw on that video?

3 A That is correct.

4 Q So what was the next thing you did?

5 A The next thing I did was kind of look at some
6 more of the phone information. We got some telephone
7 numbers to look at that Mr. Wallace wanted to write
8 down from his ---

9 Q Let's go back to that. I think we skipped that
10 before. When he was arrested --- or at headquarters,
11 did you take his cell phone from him?

12 A Incident to the arrest, we did take his cell
13 phone from him and we had it downloaded.

14 MR. KRZYSTON: Objection, pretrial.

15 THE COURT: Overruled.

16 BY MS. SAMPSON:

17 Q Okay.

18 A We did download the phone for any items of
19 evidentiary value. Often times we find defendants
20 communicating with one another either through texts or
21 phone calls. Obviously in this case we know they were
22 communicating through the phone records. Sometimes we
23 will see pictures. There's a variety of things on
24 today's smart phones that can help us in an
25 investigation, so we did download that phone to see if

1 there was anything that could further assist us.

2 Q Did he ever ask for his phone back?

3 A Before he was transferred to Alvin Glenn, he
4 asked for his phone, he wanted to get some numbers off
5 there, which we obliged him, we gave him his phone
6 briefly. He was able to write down a few of the
7 numbers from the contacts in the phone. Once he was
8 finished, I took the card that Sergeant Robinson had
9 provided him to do this with and made a copy of it for
10 myself.

11 Q Okay. And what did you do with that information?

12 A I used that information to check the jail phone
13 call system Pay-Tel to see if he made any calls to
14 these numbers over the course of the next few days.

15 Q Did he?

16 A Yes, he did.

17 Q Did you listen to those calls?

18 A Yes, I did.

19 MR. KRZYSTON: Objection. We have a matter of
20 law, Judge.

21 THE COURT: All right. Ladies and gentlemen, if
22 you'll retire to your jury room. Do not discuss the
23 case. Keep an open mind. We'll be back with you in
24 just a few moments.

25 (WHEREUPON, the jury left the courtroom at 11:17

1 A.M.)

2 THE COURT: All right.

3 MR. KRZYSTON: Judge, I'm anticipating an issue
4 coming up, and we'd ask that this testimony be
5 proffered. I believe we're going to have an issue and
6 objection to the authentication of these records,
7 these calls. We just ask that you proffer it. That
8 way we don't...

9 THE COURT: Okay.

10 DIRECT EXAMINATION (Proffered):

11 MS. SAMPSON: So you listened to these calls?

12 THE WITNESS: I did.

13 MS. SAMPSON: Were you able to --- how were you
14 able to tell who was on the calls?

15 THE WITNESS: I had spoken with Mr. Wallace
16 myself. He identifies himself as Bumbee on these
17 calls when they say, "You have a collect call from..."
18 he gets on there and says "Bumbee," which is a
19 nickname he goes by. I recognized his voice. He was
20 placing these calls to known numbers to him, based on
21 the contacts in the cell phone. Most of the people
22 that he talked to on the phone were people we
23 interviewed in this case. His brother, his sister,
24 his aunt, several of the people that we interviewed,
25 so I recognized their voices, as well, when I heard

Direct of McDonald by Sampson
(Proffered)

1 these calls.

2 MS. SAMPSON: Specifically when he calls his
3 brother, did you later play those calls for Charles
4 Wallace?

5 THE WITNESS: Yes, we did.

6 MS. SAMPSON: Did he admit to you that that was
7 him on the phone?

8 THE WITNESS: He admitted that was him on the
9 phone talking to his brother.

10 MR. KRZYSTON: Objection, hearsay.

11 THE COURT: We're ---

12 MR. KRZYSTON: I completely zoned.

13 THE WITNESS: Charles, once --- he denied it
14 initially, but once we played it for him, he indicated
15 that yes, that was him talking to his brother William
16 Wallace on the phone.

17 MS. SAMPSON: Did he --- again, this is just for
18 foundation.

19 Did he tell you what he had done in relation to
20 those calls?

21 THE WITNESS: Charles?

22 MS. SAMPSON: Yes.

23 THE WITNESS: Charles had indicated he did go
24 over to Denny Terrace. However, when he got there,
25 the items that Mr. Wallace wanted removed had already

1 been taken and removed.

2 MS. SAMPSON: So, he in fact, acknowledged not
3 only that that was him on the phone, and that Wallace
4 had told him to go do stuff, but he actually had gone
5 to try to do them?

6 THE WITNESS: Wallace had him do a couple of
7 things. He wanted him to go get some evidence from
8 1203 Denny Road before the police got there and he
9 also wanted him to get word to Mr. Diggs that he got
10 him in this mess, he needed to get him out of this
11 mess and take care of the girl.

12 MS. SAMPSON: That's all on the call?

13 THE WITNESS: There's a series of calls, but the
14 basis of what's on these calls, yes.

15 MS. SAMPSON: The information you just said is
16 actually on the calls, it's not --- it was Charles
17 Wallace telling you, but that's what he told you?

18 THE WITNESS: Well, Charles Wallace also
19 confirmed to us that he did tell him --- we had a
20 series of interviews with Mr. Charles Wallace where he
21 would lie, then come a little clean, lie then come
22 little clean where he ultimately indicated that yes,
23 he told him what his brother had relayed to him that
24 needed to take care of the girl.

25 MS. SAMPSON: But specifically in terms of the

Direct of McDonald by Sampson
(Proffered)

1 calls that we're talking about from William Wallace to
2 Charles Wallace, on these calls, you can hear Mr.
3 William Wallace telling Charles Wallace to do certain
4 things?

5 THE WITNESS: He refers to him as Pooh, which is
6 his nickname that he goes by, yes.

7 MS. SAMPSON: And?

8 THE WITNESS: He asks to speak to Pooh. I think
9 an elderly female gets on there initially, and he
10 calls her Ma, something to that effect, and he says "I
11 need to talk to Pooh."

12 MS. SAMPSON: And you confirm with Charles that
13 he then gets on the phone?

14 THE WITNESS: Right.

15 MS. SAMPSON: There's different phone calls, but
16 at some point in different calls he asks him to remove
17 some things, to call Diggs, and to get with Tashonda
18 Toatley?

19 THE WITNESS: Yes, yes.

20 MS. SAMPSON: I just wanted to make it clear what
21 was on the calls versus what Charles Wallace had told
22 you.

23 THE COURT: All right.

24 MR. KRZYSTON: Thank you, Judge. Just briefly.

25 CROSS EXAMINATION (Proffered):

1 MR. KRZYSTON: McDonald, the first time you ever
2 met Mr. Wallace was on the 20th of June, correct?

3 THE WITNESS: William Wallace?

4 MR. KRZYSTON: Yes.

5 THE WITNESS: Yes.

6 MR. KRZYSTON: And you encountered him at
7 approximately 3:30, 3:45, when you were notified of
8 the arrest?

9 THE WITNESS: Yeah, and I drove to Bush River, so
10 closer to 4:00, probably.

11 MR. KRZYSTON: Okay. And then you spoke to him
12 there for about 15 to 20 minutes?

13 THE WITNESS: On the scene.

14 MR. KRZYSTON: And transported him back to
15 headquarters?

16 THE WITNESS: That's correct.

17 MR. KRZYSTON: And then at 6:15 he refused to
18 sign his Miranda waiver?

19 THE WITNESS: That's correct.

20 MR. KRZYSTON: So in totality we're talking about
21 two hours of time that you actually have talked with
22 Mr. Wallace and known him?

23 THE WITNESS: A little over two hours.

24 MR. KRZYSTON: Prior to this incident had you
25 ever heard his voice on the telephone?

Cross of McDonald by Krzyston
(Proffered)

1 THE WITNESS: Prior to this incident, no.

2 MR. KRZYSTON: And part of the two hours that you
3 were dealing with him from the scene in transportation
4 to headquarters, at headquarters, and at that
5 termination and interrogation, you were out of the
6 room or not in direct contact with Mr. Wallace,
7 correct?

8 THE WITNESS: That's not correct. I was in
9 contact with him all but maybe 15 minutes and even
10 after he invoked, he was taken to a detention cell so
11 we could prepare paperwork for his transport to Alvin
12 Glenn. I had further interaction, you know, taking
13 him over there when he was transported out to the
14 paddy wagon, that type of thing.

15 MR. KRZYSTON: Okay. But you weren't with him
16 the entire time. There was sometime that Major Smith
17 was talking to him alone?

18 THE WITNESS: About 15 to 20 minutes that Major
19 Smith talked to him was the only time that I was not
20 with him, yes.

21 MR. KRZYSTON: And you personally never talked to
22 him on the phone?

23 THE WITNESS: Mr. Wallace?

24 MR. KRZYSTON: Yes, sir.

25 THE WITNESS: No.

1 MR. KRZYSTON: Judge, at this point we would move
2 to exclude --- or we would object to the entrance of
3 those phone calls based on an inability to properly
4 authenticate them.

5 Under State v. Steadman and 901(b) of the Rules
6 of Evidence, which I'll get to in a minute, I don't
7 think Captain McDonald is the proper party to
8 authenticate. In Steadman, the individual who
9 authenticated the calls had a prior relationship with
10 the person whom she was identifying. She had talked
11 to that individual a number of times and I'm handing
12 up --- I'm sorry, Ms. Hines is handing up a case for
13 you and Ms. Sampson.

14 She talked to the individual that she identified
15 numerous times. She had a prior relationship with
16 him. She had even talked to him on the phone a number
17 of times and admittedly had trouble recognizing that
18 man's voice on the phone, that individual's voice on
19 the phone.

20 In State v. Vice, and I'm sorry, I do not have a
21 copy of this case, but it cites --- 259 S.C.30 states
22 that under 901(b) the jury could potentially
23 authenticate the voice of Mr. Wallace itself.
24 However, because the sheriff's department doesn't
25 record interrogations, they would have no basis for

1 authentication, so it could have been authenticated
2 that way. However, since we don't have a recording
3 that wouldn't be proper authentication, but based on
4 Captain McDonald's brief interactions with
5 Mr. Wallace, approximately two-and-a-half, three hours
6 in total, some of which may be a little bit less, I
7 don't think he's able to sufficiently authenticate
8 these records --- these calls.

9 THE COURT: All right. Response?

10 MS. SAMPSON: Your Honor, in looking at 901 in
11 terms of --- again, this is a recording. We're not
12 doing voice identification. That takes you directly
13 to six, which talks about telephone conversations, and
14 again, we can play them, but it starts --- as it was
15 already testified to by Sergeant Waters, with the
16 person having to identify themselves, which he will be
17 identifying himself as Bumbee and also with the other
18 person identifying himself as Pooh, Investigator ---
19 Captain McDonald already testified how he knows those
20 particular things and he had the person on the phone
21 call do that, as well, Your Honor, plus it's a record
22 kept in the normal course of business. We already
23 went through that and they discussed how they go
24 through --- how you would know that this is from a
25 particular person and also he has laid down the

1 foundation that it went to calls that Mr. Wallace made
2 to another that had already provided to him as being
3 the person whose name is Pooh.

4 MR. KRZYSTON: Judge, just again, our objection
5 was not based on hearsay, but an inability of Captain
6 McDonald to authenticate the records based on his
7 limited interaction with Mr. Wallace. Again, I don't
8 know that 901(b) states --- you know --- State v.
9 Vice's interpretation of who an appropriate party to
10 authenticate is, and I think it's based, again, on
11 State v. Vice's interpretation of 901, as well as
12 State v. Steadman.

13 MS. SAMPSON: The only other thing, Your Honor,
14 it talks about the phone calls, as well, that you can
15 look at the surrounding circumstances. Since he's
16 talking about a particular case and people, and he
17 actually mentions Ms. Weston's name in one of the
18 phone calls. You can use the surrounding
19 circumstances to identify the calls.

20 THE COURT: All right. The phone calls are in.
21 They're proper under 901 and the proper foundation has
22 been laid.

23 Now, are you getting into all of this --- do you
24 intend to get into all of what Charles Wallace told?

25 MS. SAMPSON: No, no, no.

1 THE COURT: You were just doing that to explain
2 the foundation, right?

3 MS. SAMPSON: Correct. I have already talked
4 about that he can't go into what Charles told him. I
5 did that for foundation, Your Honor.

6 THE COURT: Okay. Good.

7 MS. SAMPSON: I may, in front of the jury, if I
8 need to, say that he spoke to Charles Wallace and he
9 admitted that was him on the call. We can go ahead
10 and do that if we need to.

11 MR. KRZYSTON: Charles Wallace admitting that ---
12 what?

13 MS. SAMPSON: That that's him and William Wallace
14 on the call, and that's it. Not the particulars about
15 it or anything, but that it's the two of them on the
16 call.

17 MR. KRZYSTON: I would object to that based on
18 the confrontation clause, Judge.

19 THE COURT: What?

20 MR. KRZYSTON: Based on Mr. Wallace's right to
21 confront Charles about that statement. I don't think
22 --- I think absent Charles Wallace, I think that's
23 problematic for them to illicit that testimony.

24 THE COURT: He doesn't --- you don't need to say
25 anything about what Charles Wallace said to you and no

1 conclusions need to be drawn from what Charles Wallace
2 said to you in the questioning.

3 Now, the flip side of that is, if you get up
4 there and say you don't really know this is William
5 Wallace or you don't really know this is Charles
6 Wallace in cross-examination, you're going to open up
7 that door.

8 MR. KRZYSTON: Yes, Judge.

9 THE COURT: All right. Bring them back in.

10 MS. SAMPSON: Thank you, Your Honor.

11 (WHEREUPON, the jury entered the courtroom at
12 11:28 A.M.)

13 THE BAILIFF: The jury is seated, Your Honor.

14 THE COURT: All right. Thank you very much. You
15 may continue.

16 DIRECT EXAMINATION: (continued)

17 BY MS. SAMPSON:

18 Q I'm not exactly sure where we left off, so I'm
19 just going to start. So you listened to some phone
20 calls?

21 A That's correct. Alvin S. Glenn Detention Center
22 has a system. At the time of this incident, it was
23 called Pay-Tel, which records all phone calls placed
24 by inmates in the facility.

25 Q Were you able to hear the calls yourself?

1 A Yes, I was.

2 Q And did you hear anything where Mr. Wallace
3 identifies himself?

4 A Yes, he identified himself as Bumbee, which is a
5 known nickname for him.

6 Q Did he admit to you that was his nickname when
7 you spoke to him?

8 A Yes.

9 MS. SAMPSON: At this time we offer State's
10 Exhibit 133 into evidence.

11 THE COURT: Over defense objection. What's the
12 number?

13 MS. SAMPSON: 133.

14 (WHEREUPON, State's Exhibit Number 133 was
15 admitted into evidence.)

16 BY MS. SAMPSON:

17 Q Okay. I'm going to start with one call. They
18 may not be in the order that they were given, but I'm
19 going to play them. If you can tell me what they are
20 once we play them, okay?

21 A Can I see which one he is going to start? I can
22 tell you the time and date by looking at the ---

23 Q I'm going to hand you a report that we made and
24 see if this helps you refresh your memory, and I'll
25 show it to you.

1 A (indicating)

2 Okay, this particular call is going to ---

3 Q Just don't talk anymore. Will that help you?

4 A Yes.

5 MS. SAMPSON: This is just what we made.

6 THE COURT: Pause it for just a second. Can
7 everybody hear it? Okay. Sometimes it's hard to hear
8 in here, so if somebody can't hear, just raise your
9 hand and we'll try to maneuver things. I just wanted
10 to make sure everyone could hear.

11 (Nods in the affirmative.)

12 MS. SAMPSON: If we can have a moment to confer
13 with counsel about an issue?

14 THE COURT: Okay.

15 (Pause.)

16 (WHEREUPON, a bench conference was held in the
17 presence, but not within the hearing of the
18 jury.)

19 THE COURT: You may continue, Mr. Eaton. Thank
20 you.

21 MR. KRZYSTON: Objection, Judge.

22 THE COURT: Overruled.

23 (WHEREUPON, a phone call were played for the
24 jury.)

25 THE COURT: The jury cannot hear this at all.

1 MS. SAMPSON: We're going to rewind it.

2 (WHEREUPON, a phone call was played for the
3 jury.)

4 MS. SAMPSON: So before we listen to any more
5 calls, do you know what that 704 number they mention
6 is?

7 THE WITNESS: That's Tashonda Toatley's phone
8 number.

9 MS. SAMPSON: Okay. I'm going to play another
10 call.

11 (WHEREUPON, a phone call was played for the
12 jury.)

13 BY MS. SAMPSON:

14 Q Now, on that number 260-0925, whose number is
15 that?

16 A That's DeAndre Diggs' cell phone number.

17 Q That's who he said to get him to handle his
18 business on his end?

19 A "Tell our cousin to go have him take care of
20 business on his end."

21 Q All right. And the last call.

22 (WHEREUPON, the phone call was played for the
23 jury.)

24 BY MS. SAMPSON:

25 Q All right. So on that call he mentions Weston?

1 A Yes, he mentions Weston, and indicates that she
2 needs to be taken care of ASAP.

3 Q And those are calls that you heard from the Alvin
4 S. Glenn Detention Center?

5 A That's correct.

6 Q Were you --- at some point, you did talk to
7 Charles Wallace, correct?

8 A I had several conversations with William Wallace,
9 yes.

10 Q I'm not going to go into what he said, but you
11 were able to talk to him?

12 A Yes.

13 Q Did you try to find Tashonda Toatley?

14 A We did. Major Smith and I went out to her
15 residence several times. She eventually called the
16 sheriff's department over the weekend that first
17 weekend upon discovering the gun in her bedroom.

18 Q That gun was collected?

19 A That gun was collected, yes.

20 Q Did she allow you to search her apartment?

21 A She did. We were able to get in touch with her,
22 I believe, either Monday or Tuesday morning. She
23 agreed to come in for a statement and agreed to allow
24 us to go search her residence for any other items of
25 evidence. Obviously, due to the phone call, we were

1 looking for any money that may have been stashed
2 there, as well.

3 Q I think you said this, but she came and gave you
4 a statement?

5 A She came and gave us a statement.

6 Q Voluntarily did that?

7 A Voluntarily.

8 Q Did you force her in any way?

9 A No.

10 Q Did you talk to her in the same manner that you
11 talked to Mr. Wallace in terms of, it's in an office,
12 not recorded, all that?

13 A Right, right.

14 Q Did you ever --- were you able to confirm that
15 Vernell Wallace had given her car to William Wallace
16 that day?

17 A Yes.

18 MR. KRZYSTON: Objection, hearsay.

19 THE COURT: Overruled.

20 BY MS. SAMPSON:

21 Q At some point, you all were able to talk to
22 Courtney Wallace, correct?

23 A That's correct, she did.

24 Q Did she give you a statement?

25 A She did.

1 Q Did you show her a photo lineup of DeAndre Diggs?

2 A Yes, we did.

3 Q Was she able to pick him out him?

4 A She was able to identify Mr. Diggs as being
5 present on the 28th, sometime after noon, around
6 12:00, 12:30.

7 Q At some point you spoke with Sandra Wallace?

8 A We did. I had received a message from
9 Ms. Wallace, I believe over the weekend, trying to get
10 in touch with me, trying to get in touch with her. I
11 found out she was working, wouldn't be available until
12 after 4:30, I believe. I did go and pick her up,
13 bring her in for a statement, as well. She was
14 instrumental in this case as helping us identify
15 Mr. Diggs. All we had was a nickname of Gottie and a
16 phone call.

17 Q And she confirmed Gottie was DeAndre Diggs?

18 A She did.

19 MR. KRZYSTON: Objection, hearsay.

20 THE COURT: Overruled.

21 BY MS. SAMPSON:

22 Q She gave you a statement?

23 A She did.

24 Q Did you do it in the same manner you did everyone
25 else?

1 A Yes, just sat and talked with her, and then we
2 committed it to written form.

3 Q And ---

4 A She memorialized it with her signature.

5 Q It wasn't recorded?

6 A No.

7 Q Did you force her?

8 A No.

9 Q Did you let her read it?

10 A Yes. I read it to her and allowed her to read it
11 before we signed it.

12 Q And did you go back to the hospital with --- to
13 Ms. Weston to show her a lineup with DeAndre Diggs?

14 A After receiving that last phone call, we were
15 very concerned for the safety of Ms. Weston. I had
16 ordered Investigator Boland to respond to the hospital
17 immediately. We set up a rotation to guard
18 Ms. Weston. We felt her life might be in danger. I
19 did respond therewith upon learning who Gottie was,
20 DeAndre Diggs, and I provided a photo lineup to
21 Ms. Weston in her hospital room.

22 Q Was she able to identify him?

23 A She was. She became very emotional after
24 identifying him, started crying and was very upset.

25 Q Any hesitation?

1 A No.

2 Q And at that point, I believe you did arrest
3 warrants for Mr. Wallace?

4 A For Mr. Diggs.

5 Q I'm sorry.

6 A After being positively identified, we did issue
7 warrants for Mr. Diggs. Once again, I notified
8 Corporal Hayhurst and the fugitive team, to apprehend
9 Mr. Diggs.

10 Q Were they able to do so?

11 A They were, they located him at his workplace,
12 Columbia Farms.

13 Q And at that point did you participate in the
14 interview of Mr. Diggs?

15 A I did.

16 Q And was he --- did he talk to you guys about what
17 had happened?

18 A He was very forthcoming. We were in Major
19 Smith's office. We advised him of his written Miranda
20 rights. He fully understood. I think maybe he
21 initially denied involvement. Once we laid some of
22 the facts out and the phone calls, he quickly became
23 cooperative and told us his role in this incident.

24 Q Did you talk to him in the same manner you talked
25 to Mr. Wallace?

1 A We did.

2 Q What I mean by that, you talked to him first
3 without taking any written statements, correct?

4 A Correct.

5 Q And then later you have him memorialize it by
6 making a written statement?

7 A That's correct.

8 Q And that's the same procedure you used with Mr.
9 Wallace, except ---

10 A He didn't want to give a written statement, but
11 yes, we did talk to him.

12 Q It's not video or audio?

13 A No.

14 Q All right. And I think you said this already,
15 but you did a statement from Ms. Toatley?

16 A Yes, we did. Actually right before Mr. Diggs was
17 arrested, she was in the office, and we were finishing
18 up her statement.

19 Q And it's your understanding that Mr. Diggs and
20 Ms. Weston didn't know each other?

21 A That's correct.

22 Q And did you participate in the interview of
23 Kimberly Conway?

24 A Not the initial interview. I did a follow-up
25 interview with her once we got some of the facts after

1 talking with Mr. Diggs. She was more forthcoming in
2 her second interview, and we took an additional
3 statement. Basically we learned that she had
4 transported Mr. Diggs back to work after ---

5 MR. KRZYSTON: Objection hearsay.

6 THE COURT: Sustained.

7 BY MS. SAMPSON:

8 Q You don't have to tell me what she said. Were
9 you able to talk to her?

10 A Yes.

11 Q No problems with her talking you?

12 A No, she was very cooperative.

13 Q At some point were you able to go to the Dollar
14 General, get a Dollar General video or have somebody
15 do that?

16 A Yes. I had Investigator Metz respond to Dollar
17 General over to the Bush River Road area and retrieve
18 a video there.

19 Q I think I may have skipped something. When you
20 first initially saw Mr. Wallace, was there anything
21 odd about his t-shirt?

22 A He was wearing what appears to be a freshly
23 bought t-shirt. Still had fold marks on it. I think
24 we found some evidence in the car where some Hanes
25 undershirts had been purchased. We found the receipt

1 for the Dollar General. That's when we sent

2 Investigator Metz out there to obtain the video.

3 Q That's already been introduced into evidence?

4 A That's correct.

5 Q And at some point, you also take a statement from
6 Latora Wallace?

7 A That's correct.

8 Q She was willing to speak to you all at that time?

9 A She was.

10 Q And at some point, did you all interview Nancy
11 Persons?

12 A Yes, I did.

13 Q She willingly cooperated?

14 A She willingly --- I think I went to her
15 apartment. She lived next door to the incident
16 location. I took a statement from her and presented a
17 photo lineup to her.

18 Q She couldn't accurately pick anyone, could she?

19 A She went to the defendant's picture, had great
20 certainty, but not 100 percent certainty.

21 Q And I want to move you to July 17th of your
22 interview process. Were you ever able to get access
23 to Mr. Wallace's keys?

24 A Yes, we checked out his property and got the key
25 out of his property at the Alvin Glenn Detention

1 Center. I went by Ms. Toatley's residence. The key
2 did fit her lock. He did have access to --- which is
3 discussed in the phone conversation where he wants his
4 brother to come get the key to Ms. Toatley's residence
5 to retrieve some items.

6 MS. SAMPSON: Beg the Court's indulgence.

7 (Pause.)

8 MS. SAMPSON: Just to be clear, because I think
9 we did this, but I need to make sure, the apartment on
10 Garners Ferry Road where this incident occurred,
11 that's in Richland County.

12 A 8100 Garners Ferry Road is in Richland County,
13 yes.

14 Q And Beckham Swamp, where the shooting of
15 Ms. Weston occurred, that's in Richland County?

16 A That's also in Richland County, yes.

17 Q And their travels to and from, is that all in
18 Richland County?

19 A All of that is in Richland County.

20 MS. SAMPSON: Nothing further, Your Honor.

21 THE COURT: All right. Ladies and gentlemen,
22 we're going to take a break, let you order lunch. Do
23 not discuss the case. Each an open mind. We'll be
24 back in probably about 10, 15 minutes. Thank you very
25 much.

1 (WHEREUPON, the jury left the courtroom at 12:04
2 P.M.)

3 MR. KRZYSTON: Judge, could we approach?

4 THE COURT: Yes.

5 MS. SAMPSON: Your Honor, I need to put something
6 on the record that I told them outside of the jury
7 about the phone calls. We can't put --- we introduced
8 133 into evidence, but there are portions of the calls
9 that talk about him having a leg monitor and maybe
10 being on probation and other stuff. If the jury ---
11 we would suggest that if the jury wants to hear them
12 later, that we would bring them in and just play
13 exactly what we just did instead of sending it back
14 with them because there is no way for me to just take
15 them off.

16 THE COURT: You're going to have to cut it.

17 MS. SAMPSON: No, no, no, not the ones we played.
18 I mean the ones ---

19 THE COURT: No, I'm saying that you're going to
20 have to cut out the portions of the inadmissible
21 testimony.

22 MS. SAMPSON: I can do that. I mean, I just ---
23 I can do that instead and make one with just the calls
24 with the cut off parts if you prefer. We can do that.

25 THE COURT: Yes.

1 MS. SAMPSON: We have a person upstairs who can
2 do that. We'll listen to it with you before we send
3 it to the jury.

4 THE COURT: Okay.

5 (WHEREUPON, there was a bench conference.)

6 THE COURT: Don't discuss your testimony with
7 anybody. You can step down.

8 (WHEREUPON, a short break was taken.)

9 THE COURT: All right. Bring them in, Mr. Dye.

10 (WHEREUPON, the jury entered the courtroom at
11 12:42 P.M.)

12 THE BAILIFF: The jury is seated, Your Honor.

13 THE COURT: Thank you very much. Mr. Krzyston,
14 cross-examination.

15 MR. KRZYSTON: Thank you, Judge. May it please
16 the Court.

17 CROSS-EXAMINATION:

18 BY MR. KRZYSTON:

19 Q All right. Good morning, McDonald. How are you
20 doing again?

21 A Good. How are you?

22 Q Oops. Afternoon already. Okay. On direct you
23 testified again that Timothy Lee performed a GSR test
24 on Mr. Wallace?

25 A That's correct.

1 Q And that test was eventually submitted to your
2 forensics lab?

3 A No.

4 Q Or excuse me, SLED's forensics lab?

5 A It was submitted to SLED's lab, yes.

6 Q And the results of that test were negative?

7 A Negative on ---

8 Q For particles that are consistent with gunshot
9 residue?

10 A Negative with who?

11 Q William Wallace?

12 A William Wallace, they were.

13 Q Okay. And you learned that --- Larry Weston
14 called you at Richland County?

15 A He called me the morning after this incident. I
16 was making a list of things we needed to do. The top
17 priority was talking to Raquel that day, if possible.
18 He actually called and told me Raquel was awake and
19 alert and we would be able to talk to her.

20 Q He is actually a lawyer, isn't he?

21 A I don't recall if he is or not.

22 Q So you're not aware that he is a former
23 solicitor?

24 A I'm not familiar with that.

25 Q But he did talk, obviously, with Ms. Weston while

1 she was in the hospital?

2 A I have no knowledge of that. It's her father, so
3 I'm assuming at some point, but I don't know that.

4 Q Right. But he called you and told you that she
5 was ready to talk to you?

6 A That she was awake and alert and if we wanted to
7 come and interview her we could.

8 Q And you arrived at the hospital with, I believe,
9 it was Isenhoward?

10 A Sergeant Isenhoward and myself.

11 Q And Larry Weston and Laura Martino were there?

12 A No, just Ms. Martino, her mother.

13 Q So by the time that you had arrived, Mr. Weston
14 had left?

15 A I don't know that he was ever at the hospital.

16 Q Okay.

17 A I talked to him on the phone. I don't know where
18 he was.

19 Q And you never took a statement from Mr. Larry
20 Weston?

21 A No. There's no reason to.

22 Q And you never took a statement from Ms. Martino?

23 A No.

24 Q And Ms. Weston was how old at the time of this
25 incident?

1 A I believe she was 22, I believe.

2 Q And she had just graduated college, correct?

3 A That's correct.

4 Q And she was living on her own?

5 A She had an apartment. She actually had two
6 apartments in her name, but yes, she was living on her
7 own.

8 Q And when you interviewed Ms. Weston, Ms. Martino
9 was in the room, correct?

10 A That's correct.

11 Q But you didn't feel the need to ask Ms. Martino
12 to leave?

13 A No.

14 Q When you were interviewing Ms. Weston, you said
15 that Isenhoward was doing the questioning?

16 A We both were, but Isenhoward --- I was writing
17 the notes as she responded to the questions.
18 Generally in these situations one person asks
19 questions and one will --- where we couldn't get a
20 written statement from her due to her condition, I was
21 taking notes on everything she said.

22 Q Because it's important for you to be complete,
23 fair and accurate?

24 A That's correct.

25 Q And then you used those handwritten notes to

1 generate the report that you were reading off of, or
2 that you were reading off of earlier on direct?

3 A I took my notes and formed them into my
4 investigative follow-up in this case, that's correct.

5 Q Okay. What did you do with your handwritten
6 notes after you synthesized them into a follow-up
7 report?

8 A They have been destroyed, thrown away.

9 Q So you destroyed your notes?

10 A I don't have a need for them. Everything in my
11 notes is in this report.

12 Q And when you were interviewing her, you showed
13 her another lineup with Mr. Wallace in it?

14 A That's correct. One had been shown the previous
15 day. She was unable to -- able to point to his
16 picture, but she was unable to memorialize that due to
17 her condition at the time. We went back and showed
18 her a lineup with Ms. Wallace. This time she was able
19 to sign with her left hand.

20 Q And you showed her a lineup with Mr. Diggs?

21 A At a later date, yes, I did.

22 Q And in that interview you learned that --- well,
23 that time she had told us William Wallace burned
24 Athell Johnson on the leg and on the face?

25 A We had learned that during an interview with her,

1 yes.

2 Q And then later on she told law enforcement or
3 their agents that it was actually Mr. Diggs who had
4 burned Mr. Johnson?

5 A I believe that's correct.

6 Q And, again, the burn locations were allegedly on
7 his leg?

8 A Yes.

9 Q And on his face?

10 A Yes.

11 Q And the initial lineup that Ms. Weston was shown,
12 that was presented by Investigator Boland, correct?

13 A That's correct. I created the lineup, asked
14 Boland to come by headquarters, retrieve it from me
15 and take it to the hospital.

16 Q And Mr. Boland, upon arriving at headquarters
17 asked you which person in the lineup was Mr. Wallace?

18 A I alerted him to which one was Mr. Wallace, yes,
19 sir.

20 Q So it's not Richland County's practice to give a
21 --- are you familiar with a double blind lineup?

22 A I'm not sure I've heard of it by that. I'm not
23 sure what you're talking about. I've heard of other
24 ways of presenting a lineup.

25 Q Well, if --- perhaps I'm calling it by the

1 incorrect name, but you've heard of a practice of
2 identification where the person conducting the
3 identification, in this case Mr. Boland, wouldn't know
4 who the subject on the lineup paper was?

5 A I've heard of lineups being presented that way,
6 yes.

7 Q But that was not done on that day?

8 A No, I informed him of who Mr. Wallace was.

9 Q And that was not done on any subsequent date or
10 any date thereafter? Each time --- I'm sorry. I'll
11 clarify for you. Each time Ms. Weston was presented a
12 lineup, the person conducting the identification knew
13 who and where Mr. Wallace was in the photo array?

14 A That's correct. Sergeant Isenhoward and I went
15 to her the following day. We were aware. We did not
16 influence her in any way. We just presented the
17 lineup to her and asked her if she saw any one in
18 these photos who committed these acts. She promptly
19 identified him. There was no suggestive part on our
20 part in anyway.

21 Q Now, Corporal Moreland found the projectiles at
22 Beckham Swamp Road, correct?

23 A I believe he indicated in testimony he found a
24 spot he believed was the crime scene down there.

25 Q I'm sorry, not the projectiles. I meant the

1 casing?

2 A I don't recall that.

3 Q And ---

4 A I believe he spotted some blood and a piece of
5 bamboo that was broken that he believed was probably
6 where the crime scene was.

7 Q And then that led to the identification and
8 eventually acquisition of a casing?

9 A That's correct.

10 Q And Corporal Moreland --- was he the one --- I
11 believe he was --- he was actually at the --- you said
12 crime scene number one, Garners Ferry, prior to coming
13 out to Beckham Swamp?

14 A That's my understanding.

15 Q And there was a crime scene established at
16 Beckham Swamp for a good two hours before Corporal
17 Moreland arrived, correct?

18 A I don't have the crime scene log in front of me,
19 so I can't answer that question.

20 Q And when Ms. Weston was talking to you guys, part
21 of what she told you was that when she got out of the
22 car at Beckham Swamp, William said that he wouldn't
23 hurt her?

24 A Correct.

25 Q And then Ms. Weston told you that as Mr. Diggs.

1 was walking her into the mirage of woods, as Mr. Diggs
2 called it, that William shouted from the car to throw
3 the gun in the water?

4 A That's correct.

5 MR. KRZYSTON: A moment, Judge.

6 (Pause.)

7 BY MR. KRZYSTON:

8 Q Going back to crime scene number one at Garners
9 Ferry Road, Ms. Weston told you that she heard choking
10 sounds?

11 A She did.

12 Q And she told you that William --- excuse me, that
13 William left the residence at one point, left the
14 location?

15 A William left several times, he was in and out
16 several times.

17 Q And in Mr. Diggs' version of events, that was him
18 leaving is what he told you?

19 A I don't recall that. Mr. Diggs left, went out to
20 the car and smoked a cigarette and waited on
21 Mr. Wallace.

22 Q And it was always Ms. Weston's assertion that
23 Mr. Johnson had been burned?

24 A She asserted that he had been burned with an
25 iron, yes.

1 Q And that was never suggested to her by police or
2 anything like? That was completely of her own
3 volition?

4 A That is what she related to us in the hospital,
5 yes.

6 MR. KRZYSTON: A moment, Judge.

7 (Pause.)

8 BY MR. KRZYSTON:

9 Q And going --- I'm sorry I'm jumping around a bit,
10 but going back to Garners Ferry, Ms. Weston originally
11 told you that it was, I believe, William who was
12 dragging Athell and Jamal back to the back rooms?

13 A That's correct. She did indicate that William is
14 the one that dragged them to the rear into the back
15 rooms.

16 Q And she didn't mention going back and forth into
17 the back rooms with William?

18 A She did. She mentioned to me several times, at
19 least a couple of times that William took her to a
20 back room and told her that Athell was going to die.
21 She pleaded for his life and asked him why. He said
22 because he violated me.

23 Q But again in her statement, it was William
24 dragging Jamal and Athell, not Diggs?

25 A That's what she related to us in the hospital,

1 that William dragged them to the back, that's correct.

2 Q And no audio or no video exists of any of
3 Ms. Weston's statements?

4 A No.

5 Q And originally she was telling you guys that the
6 suspect's name was D or Darryl?

7 A She had learned --- she had heard Mr. Wallace
8 call Mr. Diggs either D or Darryl, she believed. The
9 more she thought about it, she thought it was Darryl.

10 Q Okay.

11 MR. KRZYSTON: Court's indulgence.

12 (Pause.)

13 BY MR. KRZYSTON:

14 Q One last --- just a couple of questions. You
15 chose what was submitted to DNA for analysis?

16 A We generally have a meeting where we sit down
17 with DNA personnel, lab personal, the investigators
18 that are involved, and we come up with the most
19 probative items to be tested.

20 Q So you're the one who makes --- in conjunction
21 with --- you and the DNA folks, are the ones that make
22 the ---

23 A We consult on this. There's a group of us who
24 sit and discuss the most probative things in the case.

25 Q And you ---

1 A Those are submitted to the DNA lab; yes, that is
2 that correct.

3 Q So you guys just decide what's relevant in that
4 meeting and then order it tested?

5 A If we need to do further testing, we sometimes do
6 that, as well.

7 (Pause.)

8 Q And lastly, you chose to --- excuse me, you chose
9 not to test any of the items from Beckham Swamp, none
10 of the blood that was found on the reed?

11 A No. I mean, we believed that to be Ms. Weston's.
12 She was bleeding, you know, at that site, we had
13 Mr. Sturm come down and identify where he picked her
14 up coming out of the woods.

15 Q Not the head scarf that was found?

16 A No, we knew who that belonged to.

17 MR. KRZYSTON: Thank you. No further questions.

18 THE COURT: Redirect?

19 MS. SAMPSON: Briefly.

20 REDIRECT EXAMINATION:

21 BY MS. SAMPSON:

22 Q So just to be clear, the stuff you sent to be
23 tested were things you didn't know where they
24 belonged?

25 A Anything that we thought maybe we could ---

1 either we knew who the owner was or things to place
2 them on the scene. Obstacles that we were up against
3 in this case is, both Mr. Diggs and Ms. Weston
4 indicated multiple times that they wiped most of the
5 times down in the apartment with towels, the
6 wheelchair, the iron, all over the kitchen area, so
7 most of the crime scene had been contaminated by the
8 defendants according to the statement we got from
9 Ms. Weston and also from Mr. Diggs, who confirmed
10 that, that he had wiped things down.

11 So we went for casings and stuff like that from
12 the crime scene there on the off chance that maybe we
13 could get some DNA --- or the gun. Things like that
14 they may not have thought of.

15 Q Why didn't you submit the swabs of things that
16 were taken off the bathroom, like the blood in the
17 bedroom, the bathroom?

18 A Because we knew that was either Athell's or
19 Jamal's blood in there from the crime scene that had
20 occurred there. Upon the arrest of Mr. Wallace and
21 Mr. Diggs, upon looking them over, no one had any
22 injuries or anything could have conceivably been where
23 they left their blood behind. If so, we would have
24 tested it, obviously trying to place them at the
25 scene. Anyone who would pick up shell casings and

1 take them with him, he is kind of thinking of ahead.

2 MS. SAMPSON: No further questions, Your Honor.

3 RECROSS-EXAMINATION:

4 BY MR. KRZYSTON:

5 Q And you assumed that the blood found on the reed
6 was Ms. Weston's?

7 A Yes, we did.

8 Q And you assumed that the blood and the head scarf
9 with the blood on it was Ms. Weston's?

10 A Yes.

11 Q But you didn't know?

12 A We knew the head scarf was Ms. Weston's and ---

13 Q But that would have told you ---

14 A --- and she had been shot in the head and there
15 was a hole in the piece of material where presumably
16 the bullet went through, so yes; we knew who that
17 belonged to.

18 Q Okay. So based on what you know and what you
19 could have known, you made the assumption that those
20 things belonged to her?

21 A No, we knew those things belonged to her.

22 MR. KRZYSTON: Thank you.

23 THE COURT: Have a nice day, sir.

24 All right. Call your next witness.

25 MS. SAMPSON: At this time, Your Honor, the State

1 rests.

2 THE COURT: All right. Ladies and gentlemen, the
3 State has rested its case in chief. I have some
4 matters of law that I must take up outside of your
5 presence. You are still not allowed to discuss the
6 case in any way, shape, or form with anyone. If you
7 will retire to your jury room, I will try to get an
8 E.T.A. for food for you, but this will probably be an
9 extended break that will go into your lunch break, so
10 don't worry about coming back in the next 10 or 15
11 minutes. Thank you very much.

12 (WHEREUPON, the jury left the courtroom at 12:59
13 P.M.)

14 THE COURT: All right. Any motions by the
15 defense?

16 MR. HAWKS: Yes, Your Honor. At this time, the
17 defense would renew all prior pretrial and in-trial
18 motions and objections. Specifically the numerous
19 discovery violations and the mistrial motions we made
20 stemming from that and also the two 404(b) mistrial
21 motions we made, the first mentioning getting info
22 from the Alvin S. Glenn Detention Center website and
23 the second mentioning that they were helped in
24 locating Mr. Wallace through probation, and also I'd
25 like to renew my mistrial motion in the beginning of

1 pretrial about the venue change. Your Honor, we would
2 also move for a directed verdict. We do not believe
3 the State has met their burden of proof on any of the
4 charges.

5 THE COURT: All right. Response?

6 MR. EATON: Your Honor, as to the mistrial
7 motions, we were able to resolve all of those, and
8 Your Honor articulated that while there was not a
9 manifest necessity of a mistrial. As to the change of
10 venue motion, Your Honor articulated why that was not
11 necessary since none of the jurors were affected by
12 the news --- or had read the news or the press
13 release.

14 As far as the 404 objection, Your Honor, there
15 was a curative instruction. Even if there had not
16 been, that would have been a harmless error, Your
17 Honor. Finally the State has submitted substantial,
18 more than ample evidence, of each of the crimes, two
19 counts of murder, armed robbery, three counts of
20 kidnapping and the attempted murder of Ms. Weston. I
21 can elaborate on the elements if Your Honor would like
22 me to.

23 THE COURT: No. That's good.

24 Anything further, Mr. Hawks?

25 MR. HAWKS: Your Honor, I only point out that for

1 the attempted murder, there's been testimony that
2 Mr. Wallace instructed Diggs to throw the gun in the
3 water, both by Ms. Weston and Mr. Diggs. That would
4 be my specific reason for the directed verdict on the
5 attempted murder.

6 THE COURT: All right, sir. Under Rule 19 under
7 the South Carolina Rules of Criminal Procedure, in
8 considering the motion for a directed verdict, I have
9 to determine if there is any evidence supporting the
10 nonmoving party, and I must view the evidence and all
11 the reasonable inferences in the light most favorable
12 to the nonmoving party. I'm not to go to the
13 credibility of the evidence, but directly to the
14 existence of the evidence. At this time, there has
15 been sufficient evidence presented both direct and
16 circumstantial for each of the charges contained in
17 the indictment.

18 Further, my rulings on all previous motions will
19 remain the same based upon my previous explanations
20 for those rulings and all motions that were made that
21 were denied will stay denied based upon the reasons
22 that I gave earlier.

23 Okay. Thank you.

24 MR. HAWKS: Thank you, Judge.

25 THE COURT: All right. Mr. Wallace, I need you

1 to stand up one more time for me.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Now, last night you and I
4 talked just a little bit about your right to testify
5 and I went over the general instructions to you. Do
6 you need me to go over that with you again?

7 THE DEFENDANT: No, sir, Your Honor.

8 THE COURT: Okay. Now, are you sure about that?

9 THE DEFENDANT: Positive.

10 THE COURT: And do you understand that if you
11 need me to go over that conversation with you again,
12 that I'm more than happy to do that?

13 THE DEFENDANT: No, I don't need you to go over
14 it with me again.

15 THE COURT: And you understand that you have a
16 constitutional right to say nothing at all? If you
17 choose to say nothing at all, I will tell the jury
18 they cannot hold that against you in any way, shape,
19 or form. There is a very specific jury instruction
20 that I will read to them that tells them essentially
21 that it should not only even be a topic of
22 conversation in the jury room that you did not
23 testify.

24 However, in that same light, you also have the
25 right to take the stand and put on defense, any kind

1 of relevant defense that you want to, but if you do
2 that, then you're subject to cross-examination. If
3 you did decide to take the stand, I would not let your
4 prior convictions in. That is a substantial prejudice
5 under 403.. Your prior convictions have nothing to do
6 with truth or dishonestly or anything of that nature,
7 therefore their probative value I would not deem to be
8 outweighing the prejudicial effect due to the
9 serious nature and the violent classifications of
10 those crimes and your prior convictions. So if you
11 did testify, I would not let them get into your prior
12 record. Do you understand that?

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: Have you had enough time to talk to
15 your attorneys about whether or not you want to
16 testify in this case?

17 THE DEFENDANT: Yes, sir, Your Honor.

18 THE COURT: All right. And what is your decision
19 on that?

20 THE DEFENDANT: I'm not going to testify.

21 THE COURT: All right. I will put in my general
22 jury instructions, I will have my charge, which comes
23 straight out of the judge's trial bench book on what
24 to charge the jury when the defendant does not
25 testify, and that will tell them they cannot use that

1 against you in any way, shape, or form, that you are
2 exercising a constitutional right to which every
3 person in this country is entitled. Okay?

4 Thank you.

5 THE DEFENDANT: Appreciate it, Your Honor.

6 THE COURT: Okay. I thank you as well.

7 Appreciate that.

8 Do you intend on there being any other evidence
9 from the defense?

10 MR. KRZYSTON: No, Your Honor.

11 THE COURT: Let's do this, then.

12 Let's do the charge conference right now back in
13 chambers. We'll see where we are on food at the end
14 of that. You can go ahead and get Mr. Wallace's lunch
15 and things of that nature. We'll come up with a game
16 plan in the charge conference for closing arguments
17 and the timing of that. Okay.

18 MS. SAMPSON: Your Honor, if I may, the only ---
19 I mean, I know we need to go into chambers, but I want
20 to put on the record, I object to the mere presence
21 and if --- if we can talk about that in chambers.

22 THE COURT: Okay. Yes, we're going to talk
23 through the charges in chambers. We'll come back out
24 and put on any objections on the record that anybody
25 has.

1 Anything else?

2 MR. KRZYSTON: Thank you, Judge.

3 THE COURT: All right. The lawyers can come
4 back.

5 (WHEREUPON, a short break was taken.)

6 THE COURT: All right. Anything before we bring
7 the jury in?

8 MS. SAMPSON: Nothing from the State, Your Honor.

9 MR. KRZYSTON: Nothing from the defense, Your
10 Honor.

11 THE COURT: Okay. Let me say this to everybody
12 in here. We've been in here a week --- for five days.
13 This is a very important case to both the State and
14 the defense, and this is going to be their final
15 opportunity to make their arguments to the juries ---
16 to the jury, excuse me, and that is a very important
17 part of the case, and I consider it a very important
18 part of the case, and it's not going to be interrupted
19 by you getting up and moving around or leaving or
20 coming back or anything else.

21 Here are the rules. You're going to remain
22 quiet. If you do not remain quiet, you are going to
23 be escorted from the courtroom. Okay. I don't want
24 any distractions. It's not fair to Mr. Wallace and to
25 his attorneys to have them distracted or to the State

1 and their attorneys to have any type of distractions.
2 It's not appropriate under the circumstances.

3 If you have any type of electronic device, I
4 don't care if it's a beeper or an iPad or cell phone,
5 anything I can't even imagine what it is, vibrate and
6 silent don't count. It needs to be off. There is no
7 checking messages, looking for messages, anything like
8 that. This is very important. I don't want any
9 distractions in here. I'm saying that out of extreme
10 fairness to all parties involved.

11 This is their day in court. They deserve their
12 final opportunity to address this jury uninterrupted
13 from things going on inside the courtroom. So if you
14 don't think you can comply with that or you don't
15 think you can follow those instructions, you can get
16 up and leave now and somebody can tell you what
17 happens. That's not going to bother me or offend me.
18 If you want to stay in here, then those are the rules
19 which I'm going to ask you to follow. So I say that
20 out of my sincere respect for both sides of this case
21 and the parties in this case or the extreme amount of
22 hard work that they have put in this case and the
23 preparation that they have put into it. I hope that
24 everyone in the audience does the same.

25 All right, Mr. Dye.

1 THE BAILIFF: Thank you, Your Honor.

2 (WHEREUPON, the jury entered the courtroom at
3 2:36 P.M.)

4 THE BAILIFF: The jury is seated.

5 THE COURT: Thank you very much. Ladies and
6 gentlemen, I hope you enjoyed your lunch.

7 Mr. Krzyston, does Mr. Wallace have any case they
8 wish to put up?

9 MR. KRZYSTON: No, Your Honor, the defense rests.
10 I would just move to renew all pretrial and trial
11 motions as well as objections and I would also move
12 for a directed verdict on the previously mentioned
13 grounds.

14 THE COURT: Thank you very much. I will deny all
15 of those motions based upon the reasons I have
16 previously stated and which are in the record.

17 Ladies and gentlemen, the defense has rested
18 their case at this point. As I told you in the very
19 beginning and I will tell you at the very end, they
20 have no obligation to present anything to you in any
21 way, shape, or form because under our laws,
22 Mr. Wallace is presumed innocent and the burden of
23 proof is upon the State.

24 At this point in time, we will move to what we
25 call closing arguments. As I told you at the

1 beginning of this case, the closing arguments are not
2 evidence, but they are the attorney's opportunities to
3 come before you and summarize what they believe the
4 evidence has shown.

5 The State will go first. Ms. Sampson?

6 MS. SAMPSON: Yes, sir, Your Honor. May it
7 please the Court?

8 THE COURT: Yes, ma'am.

9 CLOSING STATEMENT:

10 MS. SAMPSON: On June 28th, 2012, William Wallace
11 set out to commit the perfect crime. He got his
12 friend, DeAndre Diggs, to clock into work so he would
13 have an alibi. He used his aunt's car, a beat up, '99
14 Buick LeSabre to commit the crime. Then he picked two
15 victims that he thought no one would care about,
16 Athell Johnson and Jamal Pratt. Because Athell was
17 his friend, he knew that Athell sold drugs. He knew
18 that Athell would have drugs and money in his
19 apartment, so he drove to Garners Ferry Road to 8100,
20 went to Apartment 412 and began his crime. With an
21 AK-47 and a nine millimeter, he entered that
22 apartment, tied Athell Johnson and Jamal Pratt up.
23 Athell didn't put up much of a defense. He is in a
24 wheelchair.

25 He then gets the drugs, doesn't know, though, the

1 money is not there. That's when the perfect crime
2 started to go south. They had to call Raquel Weston
3 to come bring the money over, and she did. When she
4 got there, she sees Athell on the ground. She knows
5 something is up. She tries to leave, but William
6 Wallace drags her right back in, proceeds to take the
7 money, takes the drugs, put it in the car and goes
8 back to trying to commit the perfect crime.

9 They wipe down the place. They get rid of all
10 the evidence they can think of. Diggs goes to get the
11 car and William Wallace shoots Athell and Jamal, who
12 weren't putting up a struggle at all.

13 He doesn't shoot Raquel because he needs DeAndre
14 Diggs to be in as much trouble as him, so they take
15 her to a wooded area in the middle of nowhere and they
16 shoot her, not once, not twice, but three times in the
17 head.

18 This is where their perfect crime became an
19 imperfect problem because she lived and immediately
20 told everybody, "William Wallace shot me. William
21 Wallace shot my boyfriend. Go back to the apartment,"
22 and she says that on June 28th. She said that on
23 June 29th. She said that in July of 2012. She came
24 in here yesterday and told you the same thing.

25 Now, the defense is going to get up here after

1 me, and they have the luxury of going second, so
2 they're going to hear everything I say and everything
3 I do, and then they're going to get up here and try to
4 convince you of something else. It reminds me of when
5 you go to a magician or watch an illusion. They tell
6 you to look over here, and while you look over here,
7 they do something over here and you don't know how it
8 happened. Suddenly the woman is cut in half, the
9 rabbit appears out of the hat, because they're doing
10 something over here. They want you to watch the
11 illusions. Let's talk about the many illusions of the
12 defense.

13 The first illusion, recording the interviews is a
14 must. They went over that over and over and over,
15 didn't they? They didn't record this. They didn't
16 record that. Who cares, because we brought the people
17 who talked into this courtroom. You heard from them
18 from their mouths what happened. DeAndre Diggs came
19 in here and told you exactly what he did; that he shot
20 her in the head. Who cares that it's not recorded
21 when you heard the live testimony.

22 Shawn McDaniels told you, the FBI doesn't even
23 record, but apparently in Richland County, we better
24 do it or it didn't happen.

25 Next, firearm examination is not a reliable

1 science. I don't know about you guys but after all
2 that we heard yesterday, I think it was an
3 hour-and-a-half, what I got out of it was David
4 Collins says the bullet came from that gun. All that
5 other stuff doesn't matter. The bullet that was found
6 in Athell's head, the bullet that was found in Jamal
7 Pratt's head came from the gun that's in evidence that
8 was found in Tashonda Toatley's apartment that was
9 left there by William Wallace.

10 I think they're going to get up here and try to
11 tell you that DeAndre Diggs is a liar. He is facing
12 all this time and therefore, he is lying so that he
13 doesn't have to go to jail, but what they don't want
14 you to look at is he told that exact same story back
15 in July of 2012. He didn't say anything different
16 today or yesterday that he said before.

17 If he wanted to lie, he should have lied back
18 then. Instead, he came in here and he told you the
19 same thing. He is still facing life or 100 years or
20 whatever they said. Now, I've got sworn testimony to
21 use against them if I want to.

22 They say I have all this power? Let me just tell
23 you, I wish I had all that power because I would give
24 myself a raise. I don't have that kind of power. I
25 don't have the power to make him lie, and I sure don't

1 have the power to make him tell the truth, but he came
2 in here and he did.

3 They're probably going to want you to believe
4 that Raquel Weston is confused. They kept asking was
5 she lucid, had she had medication. What I want you to
6 remember is what they told you that her score was a 15
7 the same as yours would be, the same as mine would be,
8 the minute she got to the hospital back in 2012 when
9 she said William Wallace did this with a guy whose
10 name she didn't know.

11 While we're talking about Raquel Weston and
12 DeAndre Diggs let's remember and look at the real
13 evidence. They did not know each other, so why is it
14 they both pick William Wallace if he wasn't there? It
15 doesn't make any sense. The truth is he was there and
16 he did it.

17 Dr. Bradley works for law enforcement so you
18 shouldn't believe him. Dr. Bradley, the one that came
19 up here and testified about the bullets and doing the
20 examination that he was all excited down here.

21 He told you about the angle, that it was
22 downward. He told you about the bullets and that's
23 the cause of death. Really, does it matter that he
24 works for law enforcement? Did they die of heart
25 attacks? No. They died from bullets in their head.

1 It does not matter who he works for. They still would
2 have died from bullets in their head. He also talked
3 about the stippling, remember that, and the tattoo and
4 the burning? That they had to be close enough to the
5 gun for the heat to come out and cause burns in their
6 head. That's how close this was. I guess he made
7 that up too because he works for law enforcement.

8 Major Stan Smith is a liar. He didn't say that
9 to Stan Smith. Stan Smith just decided to come up
10 here and make that up because William Wallace is so
11 important? Well, there's a problem with that. Scott
12 McDonald heard it, too, so I guess he's lying, too.
13 These people are going to get up here and put their
14 pensions, their future at stake to convict William
15 Wallace, but not DeAndre Diggs? Didn't hear they did
16 anything like that with him, did you, because it
17 didn't happen.

18 William Wallace told them two different stories.
19 One, I wasn't there. I was at my aunt's house. I was
20 at my house. I wasn't anywhere near Garners Ferry
21 Road, but suddenly when they show them the phone
22 records and say well the tower puts you on Cheval
23 Street, puts you near Cheval Street, suddenly he is on
24 Cheval Street. The problem with that was, the tower
25 was on Cheval Street, not him, so his story started to

1 change, and it's this. This some G Mack came and got
2 me and took me and made me sit outside. While we're
3 talking about sitting outside, you're going to hear a
4 charge about mere presence. If you think he was just
5 merely there, that he wasn't doing anything, that you
6 can't convict him.

7 If after all the testimony you heard from the
8 past five days, you believe that, go right ahead and
9 find him not guilty, go right ahead, but I think you
10 know better than that.

11 No DNA means Wallace wasn't there. They're going
12 to come up here and talk about the illusion, well,
13 there's no DNA. In today's age there should be DNA
14 everywhere. We had an expert come in here and explain
15 to you why they wouldn't find DNA on the things they
16 tested. She explained to you it's not as easy as it
17 looks on TV. Let's remember one big thing. They
18 wiped all the good surfaces down. They were trying to
19 commit the perfect crime.

20 No GSR doesn't mean he didn't shoot a gun. I'm
21 assuming that's going to be another illusion that
22 they're going to come up here and tell you. Well,
23 there's no GSR on his hands.

24 I want you to remember the testimony you heard
25 that Ms. Berry told you that you only have a four to

1 six hour window, and even in that four to six hour
2 window you still may not have gunshot residue on your
3 hands. In you washed your hands, if you were in a car
4 and the wind blew, if you had the air conditioning on,
5 if it rained.

6 Let's talk about the things he did in between the
7 shootings. Remember, he drove. He went and ate lunch
8 at Ruby Tuesday. I guess maybe he washed his hands.
9 He went and bought something at Dollar General. Maybe
10 he put his hands in his pocket to pull the money out.
11 Most people don't carry their wallet in their hands.
12 There's plenty of reasons why he doesn't have gunshot
13 residue on his hands. They were going to point to,
14 well, the victims had gunshot residue on their hands.
15 Because they got shot, and she explained that to you,
16 as well.

17 I'm going to ask you to not be fooled by their
18 illusions. Instead, I want to take you down a trip,
19 down a journey of what really happened based upon the
20 evidence that you heard presented here this week.
21 Like we talked about, they got in that Buick and they
22 drove to 400, the apartment building.

23 You heard from DeAndre Diggs how they walked up
24 those stairs, sit around here and waited until they
25 could go in, and they went in to 412 and that's what

1 they saw.

2 Once they're there, Athell is not in his
3 wheelchair. He's asleep is on the couch. DeAndre
4 Diggs told you that. He told you how they go and get
5 a gun. He told you that, told you that they tie up
6 Diggs and Pratt. That's what DeAndre Diggs said in
7 2012. That's what he said in 2014.

8 Now, Raquel Weston told you there was an iron
9 when she gets there, right? Lo and behold, the police
10 go and take photographs. There is an iron just where
11 she said it was.

12 Mr. Krzyston went on and on yesterday with the
13 investigators about corroboration. Ladies and
14 gentlemen, that's the definition of corroboration.
15 She said there's an iron out. There is an iron out.

16 After they shoot Pratt, after they shoot Athell,
17 they take her to Beckham Swamp and Bluff Road to the
18 middle of nowhere. They take her down a dirt road, a
19 dirt road where she has never even been before.

20 She told you she didn't know what was about to
21 happen. They take her in those woods, they make her
22 go in front of them and they shoot her, leaving her
23 for dead. She told you that. The same story she told
24 in 2012, she came in here and told you. It was hard
25 for her. It was hard for her to talk about that, but

1 she did, right?

2 She came in here and told you all about that.
3 The thing that saved her was that poor boy Jay Sturm
4 and that Jeep. You want to talk about corroboration.
5 What did DeAndre Diggs tell you they saw as they were
6 leaving? A Jeep.

7 She gets in that car and tells him, "Take me to a
8 hospital. I've been shot." There's blood in that
9 car.

10 She left her shoes in that car. That's how fast
11 they had to get her out of there. She left her blood
12 on the seats as she sat there hoping to live after
13 being shot by Diggs and Wallace.

14 Now, investigators came and they look all over.
15 Remember they're going to talk about how lo and behold
16 they just find the place. They were looking, but what
17 you have to remember is that one of them said this. I
18 thought it was pretty good. I wrote it down. He said
19 that Corporal Moreland was a hunter so he knew what
20 the bamboo looked like. It took a hunter to find the
21 hunted. They looked for her. They looked for where
22 she had been and they found it. They found where she
23 had been, and they found it, good police work.

24 They're going to get up here and tell you about
25 all the police work they didn't do. We have a ton of

1 evidence right here, a ton. They did a lot of police
2 work. They found the blood from her head. They're
3 probably going to talk about, oh, they didn't test it.
4 It might not be her blood.

5 I guess it's just a coincidence that at the place
6 there's broken bamboo, where there's blood, they also
7 found her head wrap with a hole in it, but that just
8 might not be the place where she was shot. They go
9 back. Some other officers, as we've heard, go back to
10 412 just like she said, to go look for them, and they
11 had to unlock the door because it's locked.

12 Corroboration. They locked the door back because they
13 had her keys and they left them there. That's what
14 they found.

15 Now, you're going to get some instructions about
16 what murder is. Murder is the killing of another with
17 malice aforethought. Ladies and gentlemen, when you
18 drag a man who cannot walk by tied up garbage bags to
19 the point that his pants come down and then you shoot
20 him execution style in the head, that's malice
21 aforethought.

22 You put another man in the bathtub leaving him to
23 die in his underwear and also shoot him execution
24 style? That is malice aforethought. Remember what
25 Dr. Bradley told you, they're shot exactly the same.

1 Malice aforethought.

2 Police doing their job come in and mark
3 everything. Things that they don't even know if
4 they're important. They take computers. They don't
5 know. They're going to get up here and tell you that
6 they don't do a good investigation. Yes, they did.
7 They did their job. They did a good job. They find a
8 smashed bullet. Remember how Dr. Bradley talked about
9 how the hits --- and I believe Mr. Collins did this as
10 well, how they told you if a bullet hits something
11 hard, it will smash? That's corroboration. Remember
12 there was one gunshot that hit Athell and just grazed
13 him? Corroboration. A bullet casing.

14 Now, again, Mr. Wallace tried his best to commit
15 the perfect crime, but he missed something. Remember
16 how Diggs said he had some shells in his hand? He
17 left one on the bed next to where Athell was shot and
18 killed, exactly where it should be. Also left a
19 bullet in the hallway.

20 Now, I'm talking about this because, again,
21 they're going to get up and here and talk about how
22 bad the investigation is. They're taking pictures of
23 everything, so they can come in here and tell you they
24 did the best job they could to determine who did this.

25 After talking to everybody, you heard Scott

1 McDonald say and you heard Stan Smith say yesterday
2 about a burn pile, about how they went to the home and
3 found this burn pile. That was important to them
4 because why are people running around burning stuff in
5 the backyard? They find some clothes, other things
6 burned up.

7 Now, that might not be that important except for
8 when you listen to those calls that we heard today
9 where he is telling his brother, destroy the evidence,
10 get rid of it. Get rid of that girl. Get rid of
11 Weston. Now, that's more or less the story of this
12 case.

13 And I'm actually almost done. Considering how
14 long this trial was, I usually would close for a lot
15 longer, but this case is pretty cut and dried. You
16 heard from DeAndre Diggs, who is still facing all that
17 time. He admitted to what he did, and yesterday you
18 heard from Raquel Weston who talked about the worst
19 day of her life.

20 Now, Ms. Weston has absolutely no reason to come
21 in here and point out William Wallace unless it's
22 true. She might not have made the smartest choices in
23 being around these people as we talked about, but she
24 did. She took care of Athell Johnson when he couldn't
25 take care of himself. She talked to you about that.

1 She is believable. She is credible. Her story
2 matches Diggs.

3 Now, their going to get up here and they're going
4 to tell you there are some inconsistencies. Let's
5 talk about the things that are consistent. William
6 Wallace is the one thing that is completely
7 consistent.

8 How do you know they're telling the truth? The
9 words of William Wallace himself who calls his brother
10 as soon as he gets to Alvin S. Glenn and starts
11 telling him to get rid of stuff.

12 If he hadn't done anything, what is there to get
13 rid of? He says, "The only reason I'm in here is that
14 Weston girl. Tell that boy, our cousin, to handle his
15 part of the business, to get rid of her A.S.A.P. She
16 is the only thing that is keeping me in here," to get
17 rid of Grinches, which we heard was weed, to make sure
18 they went to Toatley's house and get the money and get
19 rid of that, that being the gun.

20 If he hadn't done all the things we talked about,
21 why do that? The last piece of corroboration we're
22 going to talk about is thanks to Lieutenant McDonald,
23 who for the last time is a captain, who knows how to
24 do cell phone records and the towers.

25 He got up here and was able to show you on a map

1 how you could follow where William Wallace went,
2 right, and what he did and how easy that was because
3 he knows how to do that and what he is doing because
4 McDonald is doing his job, how he could follow the
5 phone to go pick Diggs up at the chicken farm, take
6 him back to the apartment, and then back to his house
7 and back to the chicken farm.

8 William Wallace is charged with quite a few
9 things, attempted murder, murder times two, kidnapping
10 times three and armed robbery.

11 Now, the Judge is going to instruct you on what
12 that law is. You're going to hear about some lesser
13 included charges. I'm not going to give you all that
14 law again because at some point it becomes ad nauseam
15 and none of us want to listen to it anymore. Let me
16 tell you when and where and how all this happened.

17 Attempted murder occurred when they shot
18 Ms. Weston and thought she was dead and left her
19 there.

20 Armed robbery occurred when they had those guns
21 out and they made her give them that money and also
22 took Athell's suitcase and put it in the car. You
23 know they took the suitcase because what did he ask
24 his brother to get rid of? The suitcase. That's
25 armed robbery.

1 The kidnapping, I think that's pretty clear, but
2 the minute they step in that apartment and they don't
3 let anybody go where they want to, that's kidnapping.
4 They tie them up, both Athell and Jamal, that's
5 kidnapping. They drag them into the back, that's
6 kidnapping.

7 When Raquel Weston is tied up, kidnapping. Now,
8 they're going to say, oh, she was let go or don't
9 believe her. Do you think she willingly got in that
10 car and willingly went to the swamp and willingly got
11 shot, because if she didn't do that then it's
12 kidnapping.

13 Murder, we already talked about the shooting of
14 another with malice. I think we've talked ad nauseam
15 about how this case is malice.

16 Now, my job is almost over, but yours is about
17 begin. When you started on Monday, I'm sure none of
18 y'all thought you were going to be sitting in a murder
19 trial all week long, and you're probably wishing you
20 had figured out some way to get out of it, but you
21 didn't.

22 So now you have a job to do. You've done really
23 well at listening and paying attention and I thank you
24 for that, but now I ask that you go back there and do
25 your job because we, including myself, Mr. Eaton,

1 Mr. Coble, and law enforcement have done ours.

2 I ask that you go back there and consider the
3 evidence that you have on this table, that you'll have
4 back there with you, the testimony that you've heard
5 from Raquel Weston, DeAndre Diggs, law enforcement,
6 Tashonda Toatley, all the Wallaces. Look for all the
7 corroboration, because it's there allowed and clear.

8 When you do that and when you've talked about it
9 and you think about it, I ask you to come back with
10 the only verdict that makes any sense, the only
11 verdict that's logical and the verdict that's true,
12 that William Wallace is guilty.

13 He is guilty of two counts of murder, one for
14 Athell Johnson, one for Jamal Pratt, three counts of
15 kidnapping, one count of armed robbery, one count of
16 attempted murder.

17 Thank you.

18 THE COURT: Thank you, Ms. Sampson. Mr.
19 Krzyston?

20 MR. KRZYSTON: Thank you, Your Honor.

21 CLOSING STATEMENT:

22 MR. KRZYSTON: May it please the Court, Your
23 Honor.

24 THE COURT: Yes, sir.

25 MR. KRZYSTON: The law is reason free from

1 passion. We've all heard it, but this week we've
2 heard passionate things, passionate testimony,
3 passionate direct examination, and passionate
4 cross-examination.

5 Ms. Sampson got up here and told you, asked you,
6 who cares if the government doesn't record their
7 interrogations? Ladies and gentlemen, in a day and
8 age when we are confronted with a new government
9 scandal nearly every day, we all ought to care.

10 We spent a lot of time this week talking about
11 corroboration. We spent a lot of time this week
12 talking about what the government didn't do. Your job
13 doesn't begin today. It began on Monday, and you've
14 been doing it every day since then. You've before
15 listening, because I've been watching. You've been
16 watching the government, and you've been watching us.

17 You're almost done. I'm almost done.

18 Ms. Sampson is done. All we have left to do is talk
19 about the testimony, the inconsistencies that the
20 government cannot reconcile with their version of
21 events.

22 She talked about how Mr. Diggs could have lied
23 back in 2012. She talked about how Ms. Weston could
24 have lied back in 2012, but the testimony that you've
25 heard this week is on its face inconsistent. There

1 have been multiple points this week when the testimony
2 doesn't match up. There have been multiple points
3 this week where you've heard how Ms. Weston changed
4 her story, and there's been multiple points this week
5 where the government can't explain those
6 inconsistencies.

7 They said at the beginning of the trial we
8 welcome the burden of reasonable doubt, but do they?
9 While we're on the subject of reasonable doubt, I'm
10 going to give you an analogy. It's a simple analogy.
11 We all buy milk at the store. If it's just one day
12 past the expiration date on that carton of milk, you
13 smell it. You don't drink it first. You smell it.
14 That hesitancy, the hesitancy to drink that milk is
15 reasonable doubt. It's that simple.

16 The government also told you not to check your
17 common sense at the door, and we certainly agree with
18 that. Now, Mr. Hawks got up here on Monday morning
19 and told you that he is an avid reader and that
20 started when he was in grade school and his English
21 teacher told him to look for a deeper meaning.

22 The government doesn't want you to look for a
23 deeper meaning. They want you to take the
24 inconsistencies and the statements made by their
25 witnesses at face value. That's exactly the opposite

1 of what you should do.

2 It's your job to question those inconsistencies.
3 It's your job to look at those inconsistencies and
4 it's your job to say to the government that those
5 inconsistencies are unacceptable.

6 You heard from Investigators McDaniels, Boland,
7 and Isenhoward. You heard those testimonies. It's
8 your job to judge the credibility of those witnesses.
9 We heard from Major Smith and Captain McDonald about
10 how they interrogate folks, about how they take notes
11 during those interrogations and just this afternoon
12 you heard that Captain McDonald destroyed his
13 handwritten notes. Why would the government destroy
14 evidence? Why would the government choose to have
15 less evidence when they could have more? That's a
16 question that you will have to answer and that's
17 something that you will have to hold the government
18 accountable for.

19 Those investigators got up here, and they told us
20 time and time again that their goal is to be fair,
21 that their goal is to be accurate, that their goal is
22 to be complete and their goal is to be true.

23 You could have seen what everybody that took that
24 witness stand had to say for themselves, you could
25 have seen it with your own two eyes. You could have

1 heard it with your own two ears. Instead, instead you
2 heard it through the words of Captain McDonald and
3 Major Smith. They're the ones who typed up the
4 statements. They're the ones who approved the reports
5 and they're the ones who control what you hear.

6 In a day and age when the government cannot be
7 trusted, that is unacceptable. It is your job to tell
8 the government that is unacceptable.

9 Now, Ms. Weston got up here and testified
10 yesterday, and on direct examination it was a
11 passionate testimony. You could feel it, but you
12 could also feel that passion change to something
13 different on cross-examination.

14 Take note of her attitude on direct and take note
15 of her attitude on cross-examination. When Mr. Hawks
16 questioned her and when Mr. Hawks had her recount the
17 things that Ms. Sampson elicited on direct, none of
18 that passion was there. Take note of that difference.

19 Mr. Hawks pointed out numerous times how
20 Ms. Weston's statement differed. In 2012, she said it
21 was William Wallace who burned Athell Johnson first on
22 the leg and then on the face with a hot iron.
23 Yesterday she said it was DeAndre Diggs, and the day
24 before that, Dr. Marcus Bradley told us that Athell
25 didn't have any burns that were consistent with that,

1 that the only burns on Athell were from stippling.

2 The only one trying to pull the wool over your
3 eyes, the only one trying to create an illusion is the
4 government, and when a man's liberty is at stake,
5 that's unacceptable.

6 Ms. Weston told you that she didn't leave because
7 she felt scared. She told you, first that William
8 drug those folks down there. That's what she said
9 in 2012, to the back of the apartment and shot them.
10 Then she came up here yesterday and told you that it
11 was DeAndre who drug them back them back there and
12 that it was William who shot them, and that while all
13 that was going on, she was sitting on the couch and
14 she knew Mr. Diggs had left outside.

15 She said the reason she didn't get up off the
16 couch or grab anything in the apartment to defend
17 herself was because she was scared that Diggs might be
18 outside the door.

19 Ladies and gentlemen, I don't care if Jadeveon
20 Clowney is outside that door, your primal instincts
21 have got to kick in. You've got to try. She can't
22 reconcile that.

23 Now, Gottie or DeAndre Diggs took the stand. He
24 was facing not one but two life sentences plus 150
25 years. Do you think that's not an incentive to

1 misrepresent the truth?

2 He told us he tried to cancel himself out. He
3 looked at you in the eyes and said, "I tried to cancel
4 myself out." He said that more than once. He went
5 and moved the car, didn't leave then, never went to
6 the police, never called them up.

7 The police came and got him at the chicken farm,
8 and while we're on Mr. Diggs, if Mr. Diggs left that
9 house, left that apartment, moved that car, how did
10 William know where to take Raquel?

11 Mr. Diggs told you that when William got in the
12 car, he showed him some shell casings, but when
13 Ms. Hines asked Gottie what hands William had the
14 shells in, whose hands did Gottie look at? His own.
15 He sat there and looked left. He sat there and looked
16 right, and then he answered, "In his right hand." How
17 do you explain that?

18 Q Now, Gottie also told us that if he could have
19 gotten out of the situation, he would have. He had
20 ample opportunity to get out of that situation. He
21 had numerous times to do something about what was
22 happening allegedly.

23 He could have left when he moved the car. He had
24 access to guns at numerous points if things went down
25 like he said they went down.

1 There's at least two opportunities during all
2 these allegations that they laid out where Gottie
3 could have held anybody in that apartment at gunpoint,
4 especially William. Gottie could have held William at
5 gunpoint at Beckham Swamp Road, but he didn't.

6 He said he didn't intentionally try to harm
7 Ms. Weston. For somebody who is not trying very hard,
8 he hit her not once, he hit her not twice, he hit her
9 three times, and he sits up here and asks you to
10 believe his story of how this went down.

11 The government can't reconcile that. That's not
12 an illusion. That's not a magic trick. It is an
13 irreconcilable difference.

14 Now, he also told us that after they left Beckham
15 Swamp Road, they went to Palmland Drive, which is the
16 address of Sandra Wallace and that they unloaded the
17 AK-47 that supposedly was involved in the incident.

18 Now, on Monday, a lawyer by the name of D'Antoni
19 who was formerly a deputy, took the stand, and what he
20 testified to was that he went to that Palmland address
21 half an hour after all this was supposed to go down on
22 Beckham Swamp Road and that half an hour after this
23 supposedly happened, he was given consent to search
24 the Palmland Drive address, and it was his testimony
25 that the AK-47 was not in the house. It's not a magic

1 trick. It's not an illusion. It's an irreconcilable
2 difference, and it's an unacceptable one at that.

3 Ladies and gentlemen, Ms. Weston and Mr. Diggs
4 sat up here and gave you inconsistency after
5 inconsistency. Ms. Weston tells you that Athell was
6 burned; that he screamed when the iron touched his
7 leg. Athell was a paraplegic. The State mentioned
8 that a number of times.

9 That is not a magic trick either, and that is
10 certainly not an illusion. When you reconcile the
11 differences, when you look at the differences that
12 they have given you in their statements and in their
13 testimony, you can only arrive at one conclusion, and
14 that's that we don't know what happened. They're
15 misremembering or they're mischaracterizing what
16 occurred.

17 Reasonable doubt, that hesitancy to drink the
18 milk. Ladies and gentlemen, that milk is rotten. I
19 suggest that you don't drink it. I suggest that you
20 hold the government accountable.

21 Ms. Sampson got up here and said the Richland
22 County Sheriff's Department did their best job on this
23 case, but as we all learned in sports and other
24 extracurricular activities when we were growing up,
25 sometimes your best isn't good enough.

1 William sits before you right now cloaked in a
2 veil of innocence, his liberty in the balance because
3 the State wants you to believe, on the face, their
4 allegations. Too many, too many irreconcilable
5 differences, ladies and gentlemen.

6 The only people putting on an illusion is the
7 government. The only people holding one hand up and
8 doing something with the other is the government. Why
9 would the government choose to have less information
10 when it could have more? I ask you to think about
11 this. Think about how the witnesses testified. Think
12 about how the government presented its case. It
13 wasn't chronological. It was always over the place.

14 Why is that? Because they're giving you an
15 illusion. Hold the government responsible. Take a
16 stand and tell them that is not acceptable.

17 Thank you.

18 THE COURT: All right. Ladies and gentlemen,
19 we've reached the point of the trial where it's my
20 opportunity to tell you what the law is in this case.

21 This is going to take a few minutes for me to do,
22 and you'll see a number of people exit the room.
23 That's because the back door is locked once I start.

24 So that's commonplace. Don't let that take you
25 by surprise. Once I start my charge, the back door

1 will be locked so you will be able to give me your
2 undivided attention in this matter as this is the law
3 as it pertains to the facts as you have heard this
4 week.

5 JURY CHARGE:

6 The indictments in this case have charged the
7 defendant with murder, two counts, armed robbery,
8 attempted murder, and three counts of kidnapping.

9 I remind you that the fact that the defendant was
10 arrested, charged and indicted in this case is not
11 evidence in this case and cannot be considered by you
12 as evidence of guilt in this case, nor does it create
13 any presumption or inference of guilt.

14 These documents are simply the formal written
15 instruments, which contain the charges made against
16 the defendant. They are the formal documents by which
17 these cases are brought into this court.

18 Now, each indictment that I read to you on Monday
19 charges a separate and distinct offense. You must
20 decide each indictment separately on the evidence
21 which you have heard and the law applicable to it,
22 uninfluenced by your decision on any other indictment.

23 The defendant may be convicted or acquitted on
24 any or all of the offenses charged. You will be asked
25 to write a separate verdict of guilty or not guilty

1 for each indictment that you have heard about. I'll
2 explain that to you at the very end.

3 The defendant has pled not guilty to these
4 indictments, and that plea puts the burden of proof on
5 the State to prove the defendant guilty. A person
6 charged with committing a criminal offense in South
7 Carolina is never required to prove himself innocent.

8 I charge you that it is an important rule of law
9 that a defendant in a criminal trial, no matter what
10 the seriousness of the charge may be will always be
11 presumed innocent of the crime for which the
12 indictment was issued unless guilt has been proven by
13 evidence satisfying you beyond a reasonable doubt.

14 This presumption of innocence does not end when
15 you begin your deliberations, but it accompanies the
16 defendant throughout the trial until you reach a
17 verdict of guilt based on evidence that satisfies you
18 of that guilt beyond a reasonable doubt.

19 The presumption of innocence is like a robe of
20 righteousness placed about the shoulders of the
21 defendant, which remains with the defendant until it
22 has been stripped from the defendant by evidence
23 satisfying you of the defendant's guilt beyond a
24 reasonable doubt.

25 The presumption of innocence is not a mere legal

1 theory. It is not a legal phrase. It is a
2 substantial right to which every single defendant is
3 entitled unless you the jury are satisfied from the
4 evidence of the defendant's guilt beyond a reasonable
5 doubt.

6 Now, what is reasonable doubt? The State has the
7 burden of proving the defendant guilty beyond a
8 reasonable doubt. Some of you may have served as a
9 juror in a civil case where you were told that it is
10 only necessary to prove that a fact is more likely
11 true than not true, such as by the greater weight or
12 the preponderance of the evidence.

13 In criminal cases, the State's proof must be more
14 powerful than that. It must be beyond a reasonable
15 doubt. Proof beyond a reasonable doubt is proof that
16 leaves you firmly convinced of the defendant's guilt.

17 There are very few things in this world that we
18 know with absolute certainty and in criminal cases,
19 the law does not require proof that overcomes every
20 possible doubt.

21 If based upon your consideration of the evidence,
22 you are firmly convinced that the defendant is guilty
23 of the crime or crimes charged; you must find the
24 defendant guilty.

25 If, on the other hand, you think there is a real

1 possibility that the defendant is not guilty, you must
2 give the defendant the benefit of the doubt and find
3 him not guilty.

4 I remind you that during this trial, you and I
5 have had certain duties to perform. As the trial
6 judge, it was my responsibility to preside over the
7 trial of this case. I also have the duty to rule on
8 the admissibility of the evidence which was offered
9 during this trial.

10 You are to consider only the competent evidence
11 before you. There was testimony ordered stricken from
12 the record in this case during this trial. You must
13 disregard that testimony.

14 You are to consider only the testimony which has
15 been presented from this witness stand, the exhibits
16 which have been made a part of this record, and any
17 stipulations of the lawyers.

18 I have also the additional duty to charge you the
19 law applicable to this case. As the presiding judge,
20 I am the sole judge of the law in this case.

21 It is your duty as jurors to accept and to apply
22 the law as I give it to you. If you have an idea of
23 what the law is or what the law ought to be, and it
24 does not agree with what I now tell you, you must
25 abandon your own idea because you are sworn to accept

1 the law and apply the law exactly as I give it to you.

2 In every case tried before this court before a
3 jury, the jury becomes the sole and exclusive judge of
4 the facts. A trial judge cannot state, comment on or
5 make any statement to a trial jury about the facts in
6 a case.

7 Since you the jury are the sole judge of facts,
8 you are not to infer from anything that I've said
9 during the progress of this trial in ruling upon the
10 admissibility of evidence or otherwise or anything
11 that I say now during the course of this instruction
12 to you that I have any opinion about the facts in this
13 case.

14 The law does not allow me to have an opinion
15 about the facts in this case. This is a matter solely
16 for you to determine. It is your duty to determine
17 the effect, the value, the weight and the truth of the
18 evidence presented during this trial.

19 Now, the evidence from which you are to decide
20 what the facts are consist of this; the sworn
21 testimony of the witnesses, both on direct and
22 cross-examination, regardless of who called the
23 witness, the exhibits that have been received into
24 evidence and any facts to which all the lawyers have
25 agreed or stipulated.

1 Now, some things are not evidence and you may not
2 consider them into figuring out what the facts are. I
3 will tell you that, what is not evidence. Number one,
4 the arguments and the statements by the lawyers are
5 not evidence. The lawyers are not witnesses. What
6 they have said in their opening statements, closing
7 arguments and at other times is intended to help you
8 interpret the evidence, but it is not evidence.

9 If the facts as you remember them differ from
10 what the lawyers said, your memory controls. The
11 questions and the objections of the lawyers are not
12 evidence.

13 Attorneys have a duty to their clients to object
14 when they believe a question is improper. Under the
15 Rules of Evidence, you should not be influenced by the
16 objection or by my ruling on the objection.

17 Some testimony has been excluded or stricken; or
18 I have instructed you to disregard it. You are not
19 allowed to consider that evidence.

20 Anything that you may have seen or heard while
21 court was not in session is also not evidence. You
22 are to decide this case solely on the evidence
23 received at trial.

24 Now, there are two types of evidence which
25 generally come out in a trial, direct and

1 circumstantial. Direct evidence is the testimony of a
2 person who claims to have actual knowledge of a fact,
3 such as an eyewitness. It is evidence which
4 immediately establishes the main fact to be proved.

5 Circumstantial evidence is proof of a chain of
6 facts and circumstances indicating the existence of a
7 fact. It is evidence which immediately establishes
8 collateral facts from which the main fact may be
9 inferred.

10 Circumstantial evidence is based on inference and
11 not on personal knowledge or observation. The law
12 makes absolutely no distinction between the weight or
13 value to be given to either direct or circumstantial
14 evidence nor is a greater degree of certainty required
15 of circumstantial evidence over direct evidence.

16 You should weigh all of the evidence in this
17 case. After weighing all of the evidence, if you are
18 not convinced of the guilt of the defendant beyond a
19 reasonable doubt, you must find the defendant not
20 guilty.

21 Now, you must determine the credibility of the
22 witnesses who have testified in this case.
23 Credibility is just a big word for believability. It
24 becomes your duty as jurors to analyze and to evaluate
25 the evidence and determine which evidence convinces

1 you of its truth.

2 In determining the believability of a witness or
3 the witnesses who have testified in this case, you may
4 believe a part of the testimony of a witness and
5 reject another part of the testimony of the same
6 witness. You may believe the testimony of a witness
7 completely or you may reject the testimony of a
8 witness completely.

9 You may consider whether any witness has
10 exhibited to you any interest, bias, prejudice or
11 other motive in this case. You may also consider the
12 appearance and manner of a witness while on the
13 witness stand.

14 Now, the Rules of Evidence ordinarily do not
15 permit witnesses to testify as to opinions or
16 conclusions. An exception to this rule exists for
17 what we call expert witnesses.

18 This is a witness who by some education or
19 experience has become an expert in some art, science,
20 profession or calling and is allowed to state an
21 opinion as to relevant and material matter in which
22 the witness claims to be an expert and may also state
23 their basis for the opinion.

24 You should consider any expert opinion received
25 in evidence in this case and like any other evidence,

1 you should give it the weight you think it deserves.
2 If you decide the opinion of an expert witness is not
3 based upon sufficient education and experience or if
4 you conclude that the reasons given in support of the
5 opinion are not sound or that the opinion is
6 outweighed by other evidence, you may disregard the
7 opinion entirely. An expert witness's testimony is to
8 be given no greater weight than that of another
9 witness simply because the witness is an expert.

10 Further, you are not required to accept an
11 expert's opinion even though it is not contradicted.
12 Now, there is a statement that is alleged to have been
13 made by the defendant, which has been admitted into
14 evidence in this case.

15 While the court has determined that the statement
16 is admissible, I instruct you that you make the
17 ultimate decision on whether or not the defendant made
18 the statement.

19 If the defendant did make the statement, you must
20 determine whether the statement was made by the
21 defendant voluntarily and of his own free will. This
22 means that the statement was not caused by pressure,
23 force, fear, threats, coercion or intimidation or by
24 hope or the promise of leniency or a reward of any
25 kind.

1 In determining whether the statement was
2 voluntary, you should consider both the
3 characteristics of the defendant and the details of
4 the questioning.

5 Some of the factors that you must consider are
6 the age of the defendant, the defendant's education or
7 lack of education, the defendant's mental ability or
8 capacity, the defendant's IQ or intelligence, the
9 defendant's background and environment, the place and
10 the length of detention, the nature of the questioning
11 and the advice or the lack thereafter to the defendant
12 of his constitutional rights including but not limited
13 to the right to remain silent, that any statement
14 could be used against him in a court of law, the right
15 to have a lawyer present, that if he could not afford
16 a lawyer, a lawyer would be appointed to represent him
17 without any cost, and that he could stop making a
18 statement at anytime.

19 You must carefully consider all the surrounding
20 circumstances before you give any weight to an alleged
21 statement. The State has the burden of proving beyond
22 a reasonable doubt that the alleged statement was
23 voluntary. If you determine it was, you may give the
24 statement any further consideration that you deem
25 proper. You must decide what weight, if any, should

1 be given to the alleged statement.

2 If you determine that the alleged statement was
3 not the free and voluntary statement of the defendant,
4 you should not consider the statement at all.

5 Now, I instruct you and emphasize that the fact
6 that the defendant did not testify is not a factor to
7 be considered by you in any way in your deliberations
8 and in your consideration on the question of the guilt
9 or innocence of the defendant. It must not be
10 considered by you in any manner whatsoever. A
11 defendant has the constitutional right to remain
12 silent, and the assertion of this right must not be
13 considered by you in your deliberations.

14 I repeat, under your oath, you are to draw no
15 conclusion whatsoever from the fact that the defendant
16 in this case did not testify. The fact that this
17 defendant did not testify should not even be discussed
18 in the jury room.

19 The burden of proof as I have stated to you is
20 upon the State. The defendant is not required to
21 prove his innocence. The burden of proof remains on
22 the State to prove the defendant guilty beyond a
23 reasonable doubt.

24 Now, we're about to get into the separate crimes
25 that are charged, and with each crime, in order to

1 establish criminal liability, the State has to prove
2 criminal intent.

3 For example --- and again, this is an example,
4 the mental state required to be proven by the State
5 for a particular crime might be purpose, intent,
6 knowledge, recklessness or negligence, criminal
7 negligence.

8 Criminal intent must be proven by the State
9 beyond a reasonable doubt. Criminal intent is always
10 a matter that must be determined by the jury from the
11 circumstances that surround the situation. There is
12 no way to prove intent to a mathematical certainty.
13 There is no way medical science can dissect a person's
14 brain and determine what that person had in mind, so
15 the law says that criminal intent may be inferred from
16 the circumstances shown to have existed.

17 This is how you make a determination of whether
18 or not the element that requires intent was present.
19 It is not necessary to establish intent by direct and
20 positive evidence, but intent may be established by
21 inference in the same way as any other fact by taking
22 into consideration the acts of the parties and all the
23 facts and circumstances of the case.

24 Criminal intent is a mental state, a conscious
25 wrongdoing. It is up to you to determine what the

1 defendant intended to do based upon the circumstances
2 shown to have existed.

3 Criminal intent can arise from action or a
4 failure to act. It may arise from negligence,
5 recklessness or indifference to duty or to
6 consequences that is considered by the law to be the
7 equivalent of criminal intent.

8 Now, the first substantive crime that I'm going
9 to cover with you is the crime of murder. The
10 defendant has two counts of murder, which are pending
11 against him in the indictments before you.

12 The defendant is charged with murder. Again, you
13 must consider each count of murder separately from the
14 other. The State must prove beyond a reasonable doubt
15 that the defendant killed another person with malice
16 aforethought.

17 Malice is hatred, ill will, or hostility towards
18 another person. It is the intentional doing of a
19 wrongful act without just cause or excuse and with an
20 intent to inflict an injury or under circumstances
21 that the law will infer an evil intent.

22 Malice aforethought does not require that malice
23 exists for any particular time before the act is
24 committed, but malice must exist in the mind of the
25 defendant just before and at the time the act is

1 committed.

2 Therefore, there must be a combination of the
3 previous evil intent and the act. Malice aforethought
4 may be expressed or implied. Now these terms, express
5 and implied, do not mean different kinds of malice,
6 but merely the manner in which malice may be shown to
7 exist. That is either by direct evidence or by
8 inference from the facts and circumstances which are
9 proved.

10 Express malice is shown when a person speaks
11 words or which express hatred or ill will for another
12 or when a person prepared beforehand to do the act
13 which was later accomplished. Malice may be inferred
14 from conduct showing a total disregard for human life.

15 The second charge that I'm going to cover with
16 you is attempted murder. Now, with the attempted
17 murder count that is pending before you, there will be
18 lesser included charges. So the defendant has been
19 charged with attempted murder, but there will be
20 multiple charges underneath that that if you believe
21 that he is not guilty of attempted murder, you can go
22 to each of the lesser included charges. I'll explain
23 that to you at the end, but I'm about to go through
24 those different levels of charges now.

25 The defendant is charged with attempted murder.

1 In order to prove this crime, the State must prove
2 that the defendant attempted to kill another person
3 with malice aforethought either express or implied.

4 Again, malice is hatred, ill will, or hostility
5 towards another person. It is the intentional doing
6 of a wrongful act without just cause or excuse and
7 with an intent to inflict an injury or under
8 circumstances that the law will infer an evil intent.

9 Malice aforethought does not require that malice
10 exists for any particular time before the act is
11 committed, but malice must exist in the mind of the
12 defendant just before and at the time of the act.

13 Therefore, there must be a combination of evil
14 intent --- previous evil intent and the act. Malice
15 aforethought may be express or inferred.

16 These terms express or inferred do not mean
17 different kinds of malice, but merely the manner in
18 which the malice is shown to exist. That is either by
19 direct evidence or by indifference from the facts and
20 circumstances which are proved.

21 Express malice is shown when a person speaks
22 words which express hatred or ill will for another or
23 when the person prepared beforehand to do the act
24 which was later accomplished.

25 Malice may be inferred from conduct showing a

1 total disregard for human life. If there are facts
2 proven beyond a reasonable doubt sufficient to raise
3 an inference of malice to your satisfaction, this
4 inference would be simply an evidentiary fact to be
5 considered by you, the jury, and along with the other
6 evidence in this case, you may give it the weight you
7 believe it should receive.

8 Now, with attempted murder a specific intent to
9 kill is not an element of attempted murder, but there
10 must be a general intent to commit serious bodily
11 injury.

12 Intent means intending the result which actually
13 occurs, not accidentally or involuntary. Intent may
14 be shown by acts and conduct of the defendant and
15 other circumstances from which you may naturally and
16 reasonably infer intent.

17 Evidence of the character of the act, the
18 character of the instrument used, the manner in which
19 it was used, the purpose to be accomplished, and the
20 resulting wounds or injuries may be considered in
21 determining the intent with which the act was
22 committed.

23 Intent may also be inferred when it is
24 demonstrated that the defendant voluntarily and
25 willfully commits an act, the natural tendency of

1 which is to destroy another's life.

2 Now, with attempted murder, if you find that the
3 State has not proven that the defendant is guilty of
4 attempted murder, you may then determine whether the
5 State has proven that the defendant is guilty of
6 assault and battery of a high and aggravated nature.

7 So what is assault and battery of a high and
8 aggravated nature? This is an unlawful act of a
9 violent injury to the person of another accompanied by
10 circumstances of aggravation.

11 Now, an assault occurs when a person unlawfully
12 attempts or offers to commit a violent injury upon
13 another person and they had the present ability to
14 complete the attempted injury.

15 An assault is the intentional creation of a
16 reasonable fear of immediate bodily harm. It is not
17 actually necessary that the attempted injury or harm
18 take place.

19 For example, if I walk up to you and when we are
20 within arm's reach, I draw back to hit you, I have
21 assaulted you. A battery is the unlawful touching of
22 another person by a person who has committed the
23 assault. An unlawful touching can be caused by a part
24 of the accused's body or any object that the accused
25 puts in motion.

1 A battery is the completion of the assault by
2 using or applying force to another person, however
3 slight, in a rude, angry, or resentful manner without
4 any legal justification for doing so.

5 Using my earlier example, if I carried through
6 the assault by hitting you, then that is the battery.
7 The State must also prove a circumstance of
8 aggravation.

9 A circumstance of aggravation include the use of
10 a deadly weapon, the intent to commit a felony, the
11 infliction of serious bodily injury, the great
12 disparity between the ages, physical conditions of the
13 parties, a difference in the gender of the parties,
14 the taking of indecent liberties or familiarities with
15 a female, the purposeful infliction of shame and
16 disgrace and the resistance of lawful authorities.
17 These are examples of aggravation.

18 Now, think of this like a tear in your head. So
19 if you find the defendant is not guilty of attempted
20 murder and the you believe the defendant is not guilty
21 of assault and battery of a high and aggravated
22 nature, you can then go to assault and battery in the
23 first degree.

24 Assault and battery in the first degree happens
25 when a person commits the offense of assault and

1 battery, if they injure another person, and the act
2 occurred during the commission of a robbery, burglary,
3 kidnapping or theft.

4 A person may also commit the offense of assault
5 and battery in the first degree if the person
6 unlawfully offers or attempts to injure another person
7 with the present ability to do so and the act either
8 is accomplished by means trying produce death or great
9 individual or occurred during the commission of a
10 robbery, burglary, kidnapping or theft.

11 Now, what is great bodily injury? Great bodily
12 injury means bodily injury which causes a substantial
13 risk of death or which causes serious permanent
14 disfigurement or protracted loss or impairment of the
15 function of bodily memory or organ.

16 All right. Continuing to go down my list, we
17 started with attempted murder. We went down to
18 assault and battery of a high and aggravated nature.
19 We just covered assault and battery in the first
20 degree.

21 You may get through those three and you may have
22 determined that the defendant is not guilty. Then you
23 then may go to assault and battery second degree. If
24 you find that the State has not proven that the
25 defendant is guilty of assault and battery in the

1 first degree, then you must then determine whether or
2 not he is guilty of assault and battery in the second
3 degree. A person commits the offense of assault and
4 battery in the second degree if the person unlawfully
5 injures another person or offers or attempts to do an
6 injury to another person with the present ability to
7 do so and moderate bodily injury to another person
8 results or could have resulted or --- excuse me,
9 moderate bodily injury means physical injury requiring
10 treatment to an organ system of the body other than
11 the skin, muscles, and connected tissues except where
12 there is penetration of the skin, muscles, and
13 connected tissues that requires surgical repair of a
14 complex nature or when the treatment of the injuries
15 requires the use of regional or general anesthesia.

16 So continuing down my hierarchy, if you start
17 with attempted murder, go to assault and battery first
18 degree --- assault and battery of a high and
19 aggravated nature, then assault and battery in the
20 first degree, then assault and battery in the second
21 degree, the last thing that you can consider is
22 whether or not the State has proven that the defendant
23 is guilty of assault and battery in the third degree.

24 A person commits the offense of assault and
25 battery in the third degree if the person unlawfully

1 injures another person or offers or attempts to injure
2 another person with the present ability to do so.

3 Now, once I show you your verdict form here in
4 literally just a few minutes, you'll understand that
5 as I go through it and I'll explain it a little bit
6 better.

7 Now, the next charge that the defendant is
8 charged with is kidnapping. The State must prove
9 beyond a reasonable doubt that the defendant knowingly
10 and unlawfully seized, confined, inveigled, decoyed,
11 kidnapped, abducted or carried away another person
12 without authority of law.

13 To do a thing unlawfully is to do it willfully
14 against the law. Knowingly means with knowledge,
15 consciously, not accidentally. Seize means to take
16 hold of suddenly or forcibly. Confine means to limit,
17 restrict or enclose within bounds, imprison, or shut
18 or keep in. Inveigle means to lure, entice or lead
19 astray by false representations, promises or other
20 deceitful means. Decoy means to lure or as if by
21 decoy. A decoy is something to entice a person into a
22 trap.

23 Kidnap is to remove a person against his will by
24 unlawful force or fraud. Abduct means to carry off
25 secretly or by force for an illegal purpose. Carry

1 away means to remove. The State does not have to
2 prove that the defendant did all of these things.
3 Instead, if you find beyond a reasonable doubt that
4 the defendant did any of these things, you may find
5 the defendant guilty of kidnapping. Something done
6 without authority of law, something which the law does
7 not sanction, permit, allow, condone or provide
8 justification for.

9 The kidnapping does not have to be for any
10 personal or monetary gain for any illegal purpose, but
11 may be for any reason whatsoever. Now, as to each
12 count of kidnapping, you must consider each and every
13 count, all three counts separately and distinct from
14 each other.

15 Now, the last crime that the defendant is charged
16 with is armed robbery. The defendant is charged with
17 armed robbery. In order to prove this offense, the
18 State must prove beyond a reasonable doubt that the
19 defendant took personal property from the person or
20 presence of another person.

21 Property is in the presence of a person if it is
22 within the person's reach, inspection, observation or
23 control so that the person could, if not overcome with
24 violence or prevented by fear, keep possession of the
25 property.

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

11 Finally the State must prove beyond a reasonable
12 doubt that the defendant was armed with a deadly
13 weapon during a robbery. A deadly weapon is any
14 article, instrument or substance which is likely to
15 cause death or great bodily harm. Whether an
16 instrument has been used as a deadly weapon depends
17 upon the facts and circumstances of each case.

18 The following are examples of instruments which
19 may be deadly weapons: a pistol, a shotgun, a rifle,
20 a dirk, a dagger, a knife, a slingshot, metal
21 knuckles, a razor, gasoline, fire bomb or Molotov
22 cocktail and lighter fluid. A gun may be a deadly
23 weapon even if it is not operating.

24 Now, we've gone through each of the crimes that
25 the defendant is charged with. You are to consider

1 them separately and distinctly from each other.

2 Now, if a crime is committed by two or more
3 people who are acting together in committing a crime,
4 the act of one is the act of all.

5 A person who joins with another to commit an
6 unlawful act is criminally responsible for everything
7 done by the other person which happens as a probable
8 or natural consequence of the acts done in carrying
9 out the common plan or purpose.

10 If two or more people are together acting
11 together, assisting each other in committing the
12 offense, the act of one is the act of all or as it is
13 sometimes said the hand of one, is the hand of all.

14 Prior knowledge that a crime is going to be
15 committed without more is not sufficient to make a
16 person guilty of that crime. Mere knowledge that
17 another person is going to commit a crime, even if the
18 defendant is present when the crime is committed is
19 not sufficient to convict the defendant as a
20 principal.

21 Guilt as a principal is shown by actual or
22 constructive presence at the scene as a result of a
23 prior arrangement. Therefore the finding of a prior
24 arranged plan or common scheme is necessary for a
25 finding of guilt as a principal. The State must prove

1 beyond a reasonable doubt by competent evidence the
2 theory of the hand of one, is the hand of all.

3 A principal in a crime is one who commits the
4 crime or who is present, aiding, abetting or assisting
5 in committing a crime. When a person does an act in
6 the presence of and with the assistance of another,
7 the act is done by both.

8 When two or more acting with a common plan or
9 intent are present at the commission of a crime, it
10 does not matter who actually commits the crime, all
11 are guilty. The hand of one, is the hand of all.

12 Present at the commission of a crime means to be
13 sufficiently near to aid and abet and assist in the
14 commission of a crime. Mere presence at a scene is
15 not sufficient to convict one as a principal on the
16 theory of aiding and abetting. Intent is also a
17 necessary element where there must have been a common
18 design or intent to commit a crime and the crime must
19 have been committed pursuant thereto with the person
20 aiding and abetting with some overt act.

21 Intent means intending the result, which actually
22 occurs, not accidentally or involuntarily. Intent may
23 be shown by acts and conduct of the defendant and
24 other circumstances from which you may naturally and
25 reasonably infer intent. The State must prove these

1 elements beyond a reasonable doubt.

2 All right. I'm almost done, okay.

3 Mere presence at the scene is not sufficient to
4 prove someone guilty of a crime. A defendant's
5 presence where a crime is being committed or mere
6 association with a person who commits a crime does not
7 make a defendant an accomplice or an aider and abettor
8 of the person committing a crime. The burden is on
9 the State to prove every element of the crime charged.

10 If you find after reviewing all of the evidence
11 that the State has proved that the defendant was only
12 present at the scene and that they have not proved
13 beyond a reasonable doubt any other participation in
14 the crime, then you must find the defendant not
15 guilty.

16 The law is that proof at the scene of --- proof
17 of --- being at the --- merely being present at the
18 scene is not sufficient to find someone guilty.

19 Excuse me.

20 Now, you have heard testimony concerning the
21 penalty a person can serve for the crimes alleged in
22 these indictments. In determining the guilt or
23 innocence of the defendant, you cannot consider any
24 possibly penalty for any particular crime.

25 The punishment for the crime or crimes is a

1 matter for me to determine and should never be
2 considered by you in anyway whatsoever in arriving at
3 a fair and impartial verdict as to the guilt or
4 innocence of the defendant.

5 All right. Final part. The final part of my
6 instruction are some rules for your deliberations.

7 You do not serve as a juror to be a partisan or
8 an advocate for either side. You were chosen because
9 both sides believed you could be fair and impartial
10 and decide the case solely on the evidence without any
11 bias or prejudice.

12 That means you use your experiences in life, your
13 good common sense, your sense of logic and reason.
14 You bring those things to bear on what you have heard.
15 Once you do that, you will be able to determine the
16 truth of this case.

17 Once you have decided the truth, you take the
18 truth and you apply it to the law that I have given
19 you. When you have done that, you will be able to
20 reach a verdict that will speak the truth of this
21 case. Let me tell you something about your
22 deliberations. Deliberation is defined as careful
23 consideration, weighing up with a view to decision.

24 The genius of our jury system is that it allows
25 12 good men and woman from 12 completely and totally

1 different backgrounds, life experiences, and
2 perspectives to consider the evidence, talk about it
3 and reach a verdict.

4 We call them deliberations for a reason. You are
5 to consider the evidence in this case carefully and
6 deliberately and discuss it in a calm, thorough and
7 courteous manner.

8 Remember, you are not a partisan or an advocate
9 for either side favoring one side of the other. You
10 are a judge. You are a judge of the facts. Your sole
11 interest is to find the truth from the evidence you
12 have heard in this courtroom. Listen to the views of
13 your fellow jurors. Consider other people's points
14 and their points of view. Talk through and discuss
15 the evidence. Remember if you are doing something
16 deliberately, you are not in a big hurry. You should
17 not be in a hurry here. This case is very important
18 to each side and this is their only day in court.

19 When you retire to your jury room, you should
20 discuss the case with your fellow jurors to reach
21 agreement if you can. Your verdict must be unanimous.

22 Each of you must decide the case for yourself,
23 but you should do so only after you have impartially
24 considered all the evidence, discussed it with your
25 other jurors, and listened to the views of your fellow

1 jurors. Do not be afraid to change your opinion if
2 the discussions persuade you that you should, but do
3 not come to a decision simply because other jurors
4 think it is right. It is important for you to reach a
5 unanimous verdict, but, of course, only if each of you
6 can do so after having made your own decision. Do not
7 change an honest belief about the weight and the
8 effect of the evidence simply to reach a verdict. In
9 other words, do not change your opinion solely for the
10 sake of reaching a verdict.

11 Okay. Now, there are 11 different possible
12 verdicts in this verdict form that I'm going to give
13 you, Mr. Foreman, and I'm going to go over it with
14 you. Let me give you just some further words of
15 instructions.

16 Now, all 12 of you have to be in the room to
17 deliberate. So if somebody needs to smoke or somebody
18 needs step out and call a family member, or for any
19 situation, whatever it may be, the deliberations have
20 to stop. You don't have to stop talking. You can
21 still talk about other things, but deliberations have
22 to stop. All 12 of you have to be in there to
23 deliberate.

24 All right. Number two, your verdict must be
25 unanimous. That means all 12 of you must be in

1 agreement as to each charge separately and distinctly
2 from each other.

3 Now, when you go back in the jury room, you're
4 not going to be allowed to discuss the case. Okay.
5 The sign that you can discuss the case is when all of
6 the exhibits come into your room, okay. So even ---
7 I'm about to send you back in there in the next three
8 minutes. When I send you back there, you can still
9 not discuss the case. When was bailiffs bring in the
10 evidence, okay, that's your sign that you're free to
11 deliberate, okay.

12 Now, there were phone call recordings that were
13 played. If you need to hear those or you want to hear
14 those, we can provide you with a computer to where you
15 can listen to those. That's perfectly permissible and
16 we can make all that happen, so you would just need to
17 let me know in a note that we want to hear the
18 recordings and we'll provide a computer in there so
19 you can listen to it.

20 Now. Hold on. I got all my notes.

21 Okay. There is no point in time where you ever
22 need to communicate with me about what your count is,
23 okay. So when I started doing this, jurors loved it
24 and jury foremen just loved to tell me, this is our
25 count, Judge. This is where we are. I don't need to

1 know that. Nobody needs to know that. That is purely
2 a decision for you all in your room. So there is no
3 point in time where you should ever say to me, you
4 know, this is what our specific count is, okay.

5 Now, this is your verdict form. I'm going to go
6 over it here with you. You're going to have it with
7 you in the back.

8 Now, there is no particular order to how I put
9 these things on here, okay. I got to do it some way,
10 so do not read anything into it. I have to categorize
11 the charges and I've listed it out by the alleged
12 victims in the case. So I've done it this way. I
13 have to put one word first and one word second. None
14 of it means anything. It just has to get on paper.
15 You can see on number one as to, "We unanimously find
16 as to the murder of Mr. Johnson:" not guilty or
17 guilty. "As to the armed robbery of Mr. Johnson:" not
18 guilty or guilty. "As to the kidnapping of
19 Mr. Johnson:" not guilty or guilty. Okay?

20 Then you move over "As to the murder of
21 Mr. Pratt:" guilty or not guilty, kidnapping of
22 Mr. Pratt not guilty or guilty, kidnapping of
23 Ms. Weston not guilty or guilty.

24 Now, this is where your verdict form becomes a
25 bit more complicated. "As to the attempted murder of

1 Ms. Weston:" not guilty or guilty. If you find
2 guilty on number seven, then stop, okay.

3 There is a note that explains that. If you do
4 not believe that the State has proven that beyond a
5 reasonable doubt, then you are allowed to consider
6 assault and battery of a high and aggravated nature.
7 If you do not believe the State has proven that beyond
8 a reasonable doubt, you are allowed to consider the
9 first degree. If you do not believe that, the second
10 degree, and if you do not believe that, the third
11 degree. Okay. So on any of the lesser included, if
12 you reach a unanimous decision that the State proved
13 those beyond a reasonable doubt and you are for
14 guilty, then you would check that and then not go
15 further on any of the charges. Does that make sense?

16 Starting with number seven, they could all say
17 not guilty, but only one of them could say guilty.
18 Does that make sense? Okay. All right. So that's
19 your verdict form. It has a spot for you to sign at
20 the end and date.

21 Okay. Last thing. It's four o'clock on Friday
22 afternoon. You've been here since Monday morning
23 about 8:30. I understand that. There will probably
24 be --- it will probably be around 4:15 before the
25 evidence gets back to you and you begin your

1 deliberations. You will have to tell me how slow or
2 how fast or --- I can't judge your time on how much
3 time you need. I'm happy to stay here as long as we
4 need to stay here tonight. I have no objection to
5 that at all. There will come a point in time where
6 courthouse staff has to go home. I will not make you
7 come back on Saturday or Sunday, but if you do not
8 reach a verdict tonight, which is perfectly fine and
9 perfect permissible, you are allowed to take as long
10 as you want to. There is no time constraint on you in
11 any way, shape, or form. I will never do that to you,
12 constrain you on your left time. You can come back on
13 Monday morning and you will begin again with your
14 deliberations then and go forward until you reach a
15 verdict.

16 So do not think I am trying to constrain you in
17 time in any way, shape, or form and you communicate
18 with me. It's --- if you're going for an hour and you
19 decide we better go ahead and order dinner, let me
20 know and we'll order dinner. We'll stay into the
21 evening. We'll stay --- at some point tonight, if I
22 am not hearing anything from you and you have not
23 reached a verdict, I'll stop everything, send you home
24 for the weekend and we will come back Monday morning
25 and we will continue.

1 I do not want anybody to feel any pressure about
2 any time in any way, shape, or form. Okay. If you'll
3 return to your jury room. Do not discuss the case.
4 Your sign that you can discuss the case is when the
5 evidence comes back.

6 THE BAILIFF: Remain seated.

7 (WHEREUPON, the jury left the courtroom at 4:08
8 P.M.)

9 THE COURT: All right. Anything as to the charge
10 before we break?

11 MS. HINES: Yes, Judge.

12 It appeared to me from hearing you on the AB/HAN
13 charge, it sounded to me like you may have read the
14 old AB/HAN prior to June 2nd.

15 THE BAILIFF: Quiet, please.

16 MS. HINES: As opposed to the new statutory
17 definition. I would ask that you ---

18 THE COURT: Do you have that?

19 MS. HINES: It's in the statute. I don't have
20 the statute with me, but it's unlawful injuries and
21 causing great bodily injury or a means likely to
22 produce death or great bodily injury. It's in the ---
23 I don't have the statute with me.

24 It just sounded to me when you were going through
25 the circumstances of aggravation that sounded like the

1 old law to me as opposed to the new law.

2 THE COURT: Do you have that statute number?

3 MS. HINES: I don't have it, Judge. I apologize.

4 (Pause.)

5 It should be --- I believe it's in the same
6 statute as the attempted murder and all the other
7 assault, attempted murder is 16-3-29. I believe all
8 five levels of assault are in the same statute.

9 THE COURT: All right. Bring them back in. I'm
10 going to charge them the statute. Anything else?

11 MS. HINES: That's all.

12 THE COURT: Okay.

13 (WHEREUPON, the jury entered the courtroom at
14 4:11 P.M.)

15 THE COURT: All right. This won't take long.

16 THE BAILIFF: The jury is seated, Your Honor.

17 THE COURT: I would blame this on my law clerk,
18 but her last day was Wednesday, so I'm taking full
19 responsibility for this one. The lawyers very
20 correctly brought to my attention that one of the
21 statutes I read you was wrong, so we had a change in
22 the law a few years ago, and I read the old law
23 instead of the new law, so I accept full
24 responsibility for this.

25 It deals with in your attempted murder, lesser

1 included, one of them is called assault and battery of
2 a high and aggravated nature. Ignore the definition
3 that I read to you. It was the one about
4 circumstances of aggravation, and the correct
5 definition for that statute is this: A person commits
6 the offense of assault and battery of a high and
7 aggravated nature if the person unlawfully injures
8 another person and great bodily injury to another
9 person results or the act is accompanied by means
10 likely to produce death or great bodily injury.

11 Now, great bodily injury is defined in our
12 statute, and great bodily injury means bodily injury
13 which causes a substantial risk of death or which
14 causes serious permanent disfigurement or a protracted
15 loss or impairment of the function of a bodily member
16 or organ.

17 So, that's the --- that one needs to be changed
18 from what I told you before and I read that to you
19 straight from the statute, and I accept full
20 responsibility for it.

21 So return to your jury room. Do not discuss the
22 case until the evidence comes back.

23 (WHEREUPON, the jury left the courtroom at 4:14
24 P.M.)

25 THE COURT: All right. Anything else?

1 MS. SAMPSON: On the charges, no, sir.

2 THE COURT: Yes, on the charges.

3 MS. SAMPSON: Vance just has what ---

4 MR. EATON: On the calls, Your Honor, we were
5 able to redact.

6 THE COURT: Okay.

7 MR. EATON: We were able to cut the audio file so
8 it just starts after that mention of a GPS monitor.

9 THE COURT: Okay.

10 MR. EATON: This was the one with the three calls
11 that was played and we started after it. This one has
12 the exact same as the first one, but redacted.

13 THE COURT: Okay. All right.

14 MS. SAMPSON: Your Honor, while we're --- could
15 we put on the record --- while we were in chambers,
16 just for clarification and to have a complete record
17 in chambers in the charging conference, you asked the
18 defense did they want the lessers on --- for murder,
19 for voluntary manslaughter and a lesser of strong
20 armed robbery and they elected for neither of those.
21 I just needed that on the record.

22 THE COURT: All right.

23 All right. Anything else.

24 THE COURT: Okay. Make sure Jackie has your
25 phone numbers.

1 Now, it's the attorneys' responsibility, along
2 with the court reporter, to make sure that the
3 evidence that ends up in that room is the correct
4 evidence, so if you are an attorney in this case, do
5 not leave this courtroom until you're satisfied that
6 the correct evidence goes back to the jury.

7 (WHEREUPON, the jury began deliberations at 4:25
8 P.M.)

9 THE COURT: All right. During the break, we got
10 some notes. I'm going to make them Court's exhibits.
11 The first one was, "What do the alternates do?" The
12 alternates were pulled out and were not part of the
13 jury deliberations at all.

14 The next one was, "Can we have coffee, water and
15 Pepsi and Advil?", and the last one was "Can we please
16 bring in the recording from the jail which was done?"
17 We will make those courts exhibits.

18 (WHEREUPON, Court's Exhibit Numbers 16, 17, and
19 18 were marked for identification only.)

20 All right. It's my understanding we have a
21 verdict; is that right, Mr. Dye?

22 THE BAILIFF: Yes, Your Honor.

23 THE COURT: All right. Bring them in.

24 Hold on. I got ahead of myself. All right.

25 Now, listen everybody, regardless of what side of this

1 case you're on, this is very emotional. To say that
2 it's not, is for me to ignore people's general life's
3 characteristics and I certainly understand that and
4 appreciate that, and I say that to both families that
5 are present here today. However, if you cannot
6 contain yourself during this process of taking this
7 verdict, then now is your free opportunity to leave,
8 okay.

9 I'm not going to tolerate any loud outbursts or
10 clapping or anything like that. I've told you since
11 Monday that this trial is not for entertainment. None
12 of that is going to be tolerated. People may cry if
13 that is a natural reaction or be upset that is a
14 natural reaction, but no screaming or yelling or
15 calling out or clapping or anything like that.

16 If you don't think you can handle yourself in
17 that manner, you need to go ahead and leave now.
18 You're not going to upset or bother me. Whatever
19 happens is going the same whether you're in here or
20 not and someone can tell you about it. That's the
21 expectation of the court. I thank you very much to
22 call the spectators that have been here this week,
23 you've done a very good job of following the
24 instructions. We've had very minimal intrusions. On
25 behalf of myself, I sincerely appreciate that and I

1 know the parties do, too.

2 I appreciate that very much. Bring them in.

3 (WHEREUPON, the jury returned to open court with
4 a verdict at 5:51 P.M.)

5 THE BAILIFF: The jury is seated, Your Honor.

6 VERDICT:

7 THE COURT: Thank you, Mr. Dye.

8 Mr. Foreman, it's my understanding you've reached
9 a verdict; is that correct.

10 THE FOREMAN: Yes, sir.

11 THE COURT: Is it unanimous?

12 THE FOREMAN: Yes, sir, it is.

13 THE COURT: All right. If you'll hand it to
14 Mr. Dye, please.

15 All right. The verdict is in its proper form.

16 Madam Clerk, you may publish.

17 THE CLERK: Indictment numbers 2013-GS-40-4547,
18 4548, 4549, 4550, 4551, 4553, 4554, the State of South
19 Carolina vs. William Anthony Wallace. We the jury, by
20 unanimous consent, find the defendant William Anthony
21 Wallace as to the charge of murder of Athell Johnson
22 on indictment 2013-GS-40-4548 guilty.

23 As to the charge of armed robbery of Athell
24 Johnson on indictment 2013-GS-40-4549, guilty.

25 As to the charge of kidnapping of Athell Johnson.

1 on indictment 2013-GS-40-4550, guilty.

2 As to the charge of murder of Jamal Pratt on
3 indictment 2013-GS-40-4554, guilty.

4 As to the charge of kidnapping of Jamal Pratt on
5 indictment 2013-GS-40-4551, guilty. As to the charge
6 of kidnapping of Raquel Weston on indictment
7 2013-GS-40-4553, guilty. As to the charge of
8 attempted murder of Raquel Weston on indictment
9 2013-GS-40-4547, guilty. And this is signed
10 foreperson Juror Number 216, August 15th, 2014.

11 Mr. Foreman, are these your verdicts and the
12 verdicts of the entire jury?

13 THE FOREMAN: Yes, ma'am.

14 THE COURT: All right. Polling?

15 MR. KRZYSTON: Yes, Your Honor.

16 THE COURT: All right. Ladies and gentlemen, the
17 clerk is going to call out your juror number. Then
18 she is going to ask you two questions. The first
19 question is are these your verdicts. The second
20 question is are these still your verdicts.

21 If you will answer out loud. She will call you
22 by juror number.

23 THE CLERK: Juror Number 216, are these your
24 verdicts?

25 THE JUROR: Yes, ma'am.

1 THE CLERK: Are they still your verdicts?

2 THE JUROR: Yes, ma'am.

3 THE CLERK: Juror Number 185, are these your
4 verdicts?

5 (There was no response.)

6 THE CLERK: Juror Number 185?

7 JUROR: Oh, yes, ma'am.

8 THE CLERK: Are these still your verdicts?

9 JUROR: Yes, ma'am.

10 THE CLERK: Juror Number 312, are these your
11 verdicts?

12 JUROR: Yes, ma'am.

13 THE CLERK: Are these still your verdicts?

14 JUROR: Yes.

15 THE CLERK: Juror Number 306, are these your
16 verdicts?

17 JUROR: Yes, ma'am.

18 THE CLERK: Are these still your verdicts?

19 JUROR: Yes, ma'am.

20 THE CLERK: Juror Number 308, are these your
21 verdicts?

22 JUROR: Yes, ma'am.

23 THE CLERK: Are these still your verdicts?

24 JUROR: Yes, ma'am.

25 THE CLERK: Juror Number 166, are these your

1 verdicts?

2 JUROR: Yes, ma'am.

3 THE CLERK: Are these still your verdicts?

4 JUROR: Yes, ma'am.

5 THE CLERK: Juror Number 168, are these your
6 verdicts?

7 JUROR: Yes, ma'am.

8 THE CLERK: Are these still your verdicts?

9 JUROR: Yes, ma'am.

10 THE CLERK: Juror Number 263, are these your
11 verdicts?

12 JUROR: Yes, ma'am.

13 THE CLERK: Are these still your verdicts?

14 JUROR: Yes, ma'am.

15 THE CLERK: Juror Number 183, are these your
16 verdicts?

17 JUROR: Yes, ma'am.

18 THE CLERK: Are these still your verdicts?

19 JUROR: Yes, ma'am.

20 THE CLERK: Juror Number 169, are these your
21 verdicts?

22 JUROR: Yes, ma'am.

23 THE CLERK: Are these still your verdicts?

24 JUROR: Yes, ma'am.

25 THE CLERK: Juror Number 159, are these your

1 verdicts?

2 JUROR: Yes, ma'am.

3 THE CLERK: Are these still your verdicts?

4 JUROR: Yes, ma'am.

5 THE CLERK: Juror Number 181, are these your
6 verdicts?

7 JUROR: Yes, ma'am.

8 THE CLERK: Are these still your verdicts?

9 JUROR: Yes, ma'am.

10 THE CLERK: The jury has been polled, Your Honor.

11 THE COURT: All right. Thank you. Is there
12 anything before I release the jury?

13 MS. SAMPSON: Nothing from the State, Your Honor.

14 MR. KRZYSTON: Nothing from the defense, Your
15 Honor.

16 THE COURT: All right. Ladies and gentlemen, on
17 behalf of all the circuit court judges up here and all
18 the courthouse staff, I want to say a sincere thank
19 you to you for your service this week. It has been
20 rare that we have had a jury that has gone this long
21 where we haven't gone through all the alternates and
22 had issues with people sleeping or not paying
23 attention or other things in the trial. You all did
24 an excellent job throughout this week. You paid
25 attention throughout the entire trial. You were on

1 time, you were ready to go and you have fulfilled your
2 jury duty service very well, and I thank for your
3 service this week.

4 Now, you are entitled to an exemption in circuit
5 court for the next two years, so if you get called
6 this year or 2015 or 2016 in circuit court, you can
7 claim an exception. You just need to tell them that
8 you served in the calendar year --- are my years off?
9 Yes, in the calendar year of 2014 and you will be able
10 to claim your exemption.

11 This whole week I've told you that you are not
12 allowed to discuss the case with anybody. Now, that
13 the case has concluded, you are allowed to discuss the
14 case with anybody you see fit or that you deem
15 appropriate. Sometimes lawyers will want to contact
16 you to say what was effective, what was not effective,
17 to get some kind of critique, or other people may want
18 to contact you about your service this week. Here is
19 how that works. You can talk to anybody you want to
20 with no restrictions from the court in any way, shape,
21 or form. However if somebody contacts you about your
22 jury duty and you do not wish to speak with them, and
23 they do not honor that request --- you just tell them
24 that you do not wish to speak to them and if they do
25 not honor that request or they continue to bother you,

1 you call Ms. McBride, the clerk of court up here and
2 they will get a message to a circuit court judge and I
3 promise you that will be dealt with swiftly, quickly,
4 and without any hesitation.

5 We do not allow our jurors to be harassed in any
6 way, shape, or form. If you want to speak to people,
7 the lawyers or anybody else if they contact you about
8 the case, you are free to do so. If you will retire
9 to your jury room, we have some ending instructions
10 for you before you are dismissed.

11 Thank you very much. Everyone remain seated.

12 (WHEREUPON, the jury left the courtroom at 5:58
13 P.M.)

14 All right. I'll be back in about five minutes
15 for post-trial motions.

16 THE COURT: All right. Post-trial motions?

17 MS. HINES: Judge, at this point, we would move
18 for a new trial based on all of our objections and
19 motions and our motions for a mistrial given the
20 totality of the circumstance. We believe that that
21 would merit a new trial and we would move for a new
22 trial based on all of the arguments that we made
23 throughout the course of the trial and the totality of
24 the circumstances.

25 THE COURT: All right. Thank you very much.

1 That motion is denied based upon the previous rulings
2 that I have made throughout this case.

3 All right. Is everybody prepared for sentencing?

4 MS. SAMPSON: Yes, sir.

5 MS. HINES: Yes, Judge.

6 THE COURT: All right. I need some sentencing
7 sheets.

8 THE COURT: All right. Ms. Sampson.

9 MS. SAMPSON: May it please the Court.

10 THE COURT: Yes, ma'am.

11 MS. SAMPSON: At this point, clearly you have
12 heard all the facts of the case. The only thing that
13 the State would like to add is, on his prior record as
14 you have already heard, was voluntary manslaughter,
15 possession of a weapon during the commission of a
16 violent crime and assault and battery with intent to
17 kill all from 2007. He was released from custody on
18 May 1st of 2012. This incident happened 58 days
19 later.

20 Based on all of that, the State has served him
21 with life without the possibility of parole notice.
22 We would be asking that for his sentence.

23 I do believe that his mother would like to
24 address the court and his sister would like to address
25 the court at the appropriate time.

1 THE COURT: Whose mother and sister?

2 MS. SAMPSON: I'm so sorry, Athell Johnson's
3 mother is here and Keisha Pratt is here.

4 THE COURT: Okay. Where is Mr. Johnson's mother?
5 What's your name, ma'am?

6 THE MOTHER: My name is Myrna Fields.

7 THE COURT: Hello, Ms. Fields.

8 THE MOTHER: I am Athell's mother. Not only did
9 Mr. Wallace took my son's life, he took two years of
10 my life. Before my son was killed, I was working on
11 my job over 16, 17 years.

12 Once my son was killed, I felt depression. My
13 doctor took me out of work.. I'm going through
14 counseling, grief counseling, and I'm still not over
15 my son. My son was a father and if he would have been
16 living, he would have celebrated his 27th birthday on
17 Sunday. I'm asking you to please don't give
18 Mr. Wallace the opportunity ever to take another
19 person's life. No one deserves to be killed like my
20 son was killed. I can't hate Mr. Wallace because
21 hating him is not going to bring my son back.

22 No matter what sentence you give Mr. Wallace, my
23 son still will never come back. I'm just asking that
24 he never have the opportunity to do what he did to my
25 son to nobody else. I would never wish what I've been

1 through in the last two years on nobody.

2 My son, like I say, was a father. His oldest
3 daughter is ten years old. She knows what's going on.
4 She is going through counseling. She knows that her
5 daddy will never be able to be in her life, neither
6 the rest of his kids.

7 That's all I have to say.

8 THE COURT: Thank you, Ms. Fields. Yes, ma'am,
9 what's your name?

10 THE SISTER: My name is Keisha Pratt.

11 THE COURT: Okay, Ms. Pratt.

12 THE SISTER: I am Jamal's baby sister.

13 THE COURT: Okay.

14 THE SISTER: Words can't really describe what
15 this did to me because our mom was also murdered and
16 the guy that did that to her is out, and I just --- I
17 just feel like he don't deserve it because mom didn't
18 deserve what she got.

19 That's just --- that's just how I feel about it.
20 Words can't describe what I feel. I just feel like he
21 don't deserve to ever walk the streets again because
22 my brother will never walk the streets again. He was
23 only 23 years old. Now, I'm 23, you know. That's
24 just not enough life. He didn't live long enough to
25 even have a child, you know. He would have been 25 on

1 the 25th of last month, of June. It's just --- he
2 didn't live long enough, and I don't feel like he
3 deserves to be out anymore.

4 THE COURT: Thank you, ma'am. Thank you for
5 being here.

6 Does anybody else need to speak, Ms. Sampson?

7 MS. SAMPSON: I do not believe so, Your Honor.
8 No, that's it.

9 THE COURT: All right. Very well.
10 All right. Mr. Krzyston.

11 MR. KRZYSTON: Nothing from the defense, Judge.

12 SENTENCING:

13 THE COURT: All right. This is a mandatory life
14 without parole case. The defendant has a prior
15 conviction for voluntary manslaughter and for assault
16 and battery with intent to kill, both of which are
17 defined as most serious under the South Carolina Code
18 of Laws. Based upon that and based upon the proper
19 service of the notice for life --- notice of intent to
20 seek life without parole, the charge --- the sentence
21 on every single charge in this case is life without
22 parole.

23 On the murder --- on the two murder counts and
24 the attempted murder counts, those are all three
25 consecutive to each other and the remaining charges

1 are concurrent to the third consecutive life sentence.

2 Good luck to you, Mr. Wallace. You have ten days
3 to appeal that. Do you understand that?

4 THE DEFENDANT: Fully understand.

5 THE COURT: Sir?

6 THE DEFENDANT: Fully understand.

7 THE COURT: Thank you very much.

8 (WHEREUPON, the proceedings were concluded.)

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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Vicki Everhart, Transcriptionist for Karen Ambroziak, Official Court Reporter for the 5th 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 trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 11th through 15th days of August, 2014.

October 20, 2014

/s/ Vicki Everhart

Vicki Everhart,
Transcriptionist for

Karen Ambroziak,
Circuit Court Reporter



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

1197

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 21, 2015

Richland County Clerk of Court
Attn: Jim Truitt
P.O. Box 2766
Columbia, SC 29202-2766

Re: The State v. William Anthony Wallace
2013-GS-40-4547 - 4551; 2013-GS-40-4553, -4554

Dear Jim:

Our office is representing the above individual in their appeal to the Court of Appeals. In order to properly prepare the appeal, we need copies of the following documents and/or exhibits:

- (1) State's Exhibit #86 – Exigent Forms;
- (2) State's Exhibit #87 – Records (Alltel)

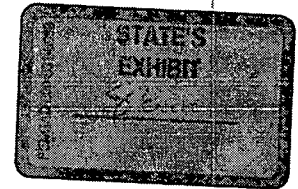
Feel free to send the requested documents via email to ajackson@sccid.sc.gov. If you have any questions, please do not hesitate to contact me. Thank you in advance for your kind assistance in this matter.

Sincerely,

Angela Jackson
Administrative Specialist

Dave
4-21-15

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LAW ENFORCEMENT DIVISION
STATE SURVEILLANCE AND INTELLIGENCE**



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- b) conspiratorial activities threatening the national security interest, or
- c) conspiratorial activities characteristic of organized crime

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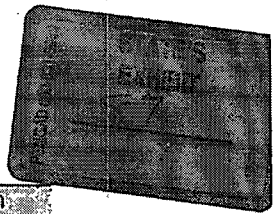
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28 Jun 2012**Legal Affairs – Law Enforcement Relations**

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MSISDN	IMSI	IMEI	Event Type	Start Time	Direction
18034048062	310260540119329	35458304068711	Voice	6/26/2012 12:09:05 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 07:50:40 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 07:51:32 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 08:55:31 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 09:11:32 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 09:56:39 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 10:03:22 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 10:48:53 AM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 11:10:10 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 11:16:50 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 11:24:22 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 11:58:20 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 12:09:10 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 12:32:29 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 12:34:08 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 01:12:35 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 02:10:26 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 02:24:43 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 02:30:11 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 02:41:02 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 02:41:19 PM	Incoming
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18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:09:56 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:11:22 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:16:03 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:34:59 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:35:43 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:36:10 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:36:49 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:36:55 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:38:39 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 03:43:19 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:43:43 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:47:39 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:47:47 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:48:14 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:48:33 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:49:25 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:49:46 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 03:54:07 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 03:54:58 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 03:55:39 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 03:56:44 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 03:57:06 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 03:57:28 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 03:58:26 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:01:22 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:02:58 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:07:37 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:08:53 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:09:22 PM	Incoming
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18034048062	310260540119329	NA	SMS	6/26/2012 04:10:35 PM	Outgoing

18034048062	310260540119329	NA	SMS	6/26/2012 04:11:54 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:13:05 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:13:25 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:14:06 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:15:45 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:16:04 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:16:33 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:17:24 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:17:57 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:19:11 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:19:17 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:20:18 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:22:28 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:22:59 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:23:07 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:24:23 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:25:02 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:25:56 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:26:57 PM	Incoming
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18034048062	310260540119329	NA	SMS	6/26/2012 04:29:42 PM	Outgoing
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18034048062	310260540119329	NA	SMS	6/26/2012 04:40:32 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:43:24 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 04:46:07 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:48:54 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:53:47 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 04:55:11 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:55:44 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 04:57:04 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 04:57:57 PM	Incoming
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18034048062	310260540119329	NA	SMS	6/26/2012 05:10:14 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 05:12:52 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 05:13:29 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 05:13:50 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 05:14:16 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 05:14:44 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 05:17:13 PM	Incoming
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18034048062	310260540119329	NA	SMS	6/26/2012 05:26:44 PM	Outgoing
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18034048062	310260540119329	35458304068711	Voice	6/26/2012 05:27:59 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/26/2012 05:28:45 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/26/2012 05:31:52 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 06:37:05 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 06:59:11 PM	Incoming
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18034048062	310260540119329	35458304068711	Voice	6/26/2012 07:46:04 PM	Incoming
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18034048062	310260540119329	35458304068711	Voice	6/26/2012 07:55:20 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/26/2012 07:56:26 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 08:00:14 PM	Incoming
18034048062	310260540119329	NA	SMS	6/26/2012 08:00:19 PM	Incoming
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18034048062	310260540119329	NA	SMS	6/26/2012 08:11:55 PM	Incoming
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18034048062	310260540119329	35458304068711	Voice	6/27/2012 01:06:08 AM	Incoming
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18034048062	310260540119329	NA	SMS	6/27/2012 06:24:39 AM	Incoming
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18034048062	310260540119329	NA	SMS	6/27/2012 07:07:50 AM	Incoming
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18034048062	310260540119329	NA	SMS	6/27/2012 07:13:49 AM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 07:14:16 AM	Incoming
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18034048062	310260540119329	NA	SMS	6/27/2012 07:16:06 AM	Outgoing
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18034048062	310260540119329	NA	SMS	6/27/2012 07:39:30 AM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 07:40:02 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:41:45 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:54:21 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:05:42 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:14:13 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:47:51 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:48:17 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:49:14 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:55:12 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:56:26 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:57:23 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:59:53 AM	Incoming
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18034048062	310260540119329	NA	SMS	6/27/2012 09:31:27 AM	Incoming
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18034048062	310260540119329	NA	MMS	6/27/2012 09:31:35 AM	Incoming
18034048062	310260540119329	NA	SMS	6/27/2012 10:08:29 AM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 10:11:18 AM	Incoming
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18034048062	310260540119329	35458304068711	Voice	6/27/2012 10:47:28 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 10:56:42 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 11:34:53 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 12:27:56 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 12:28:50 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 12:38:11 PM	Outgoing

18034048062	310260540119329	35458304068711	Voice	6/27/2012 12:43:28 PM	Outgoing
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18034048062	310260540119329	35458304068711	Voice	6/27/2012 12:47:30 PM	Outgoing
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18034048062	310260540119329	35458304068711	Voice	6/27/2012 01:56:48 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 01:59:06 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 02:28:51 PM	Incoming
18034048062	310260540119329	NA	SMS	6/27/2012 02:29:38 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 02:30:48 PM	Incoming
18034048062	310260540119329	NA	SMS	6/27/2012 02:34:17 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 02:34:48 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 02:50:22 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 03:06:58 PM	Incoming
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18034048062	310260540119329	35458304068711	Voice	6/27/2012 03:14:12 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 03:21:05 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 03:23:42 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 03:47:09 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 04:50:46 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 05:06:59 PM	Outgoing
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18034048062	310260540119329	35458304068711	Voice	6/27/2012 05:10:54 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 05:25:05 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:12:56 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:13:54 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:14:37 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:41:32 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:51:03 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:53:35 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:54:31 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 06:56:36 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:05:18 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:12:04 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:22:48 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:38:42 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 07:41:26 PM	Outgoing
18034048062	310260540119329	NA	SMS	6/27/2012 07:44:30 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:17:16 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 08:18:18 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 09:20:40 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 09:22:54 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 09:32:16 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 09:39:55 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/27/2012 10:30:37 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/27/2012 10:31:23 PM	Incoming
18034048062	310260540119329	NA	SMS	6/28/2012 07:30:56 AM	Incoming
18034048062	310260540119329	NA	SMS	6/28/2012 07:31:30 AM	Incoming
18034048062	310260540119329	NA	SMS	6/28/2012 07:31:31 AM	Incoming
18034048062	310260540119329	NA	SMS	6/28/2012 07:42:55 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:19:33 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:26:04 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:27:42 AM	Incoming
18034048062	310260540119329	NA	SMS	6/28/2012 08:29:09 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:40:59 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:44:04 AM	Outgoing

18034048062	310260540119329	NA	SMS	6/28/2012 08:51:05 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:53:31 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:56:41 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 08:58:06 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 09:04:54 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 09:21:32 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 09:59:14 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 10:09:57 AM	Outgoing
18034048062	0	NA	MMS	6/28/2012 10:31:30 AM	Incoming
18034048062	310260540119329	NA	MMS	6/28/2012 10:31:40 AM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 11:50:28 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 11:51:15 AM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 12:19:10 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 12:46:07 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 12:53:42 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 12:55:25 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 01:09:09 PM	Incoming
18034048062	310260540119329	35458304068711	Voice	6/28/2012 01:41:35 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 01:41:47 PM	Outgoing
18034048062	310260540119329	35458304068711	Voice	6/28/2012 01:42:06 PM	Outgoing

Connected To	First LAC	First Cell ID	Last LAC	Last Cell ID	Duration(Min utes)	Duration(Seconds)
18032206890	9193	2171	9125	57123	48.08	2,885
18034047268	9193	2176	9193	2176	0.07	4
18033813791	9193	2176	9193	2176	0.02	1
18034469502	9125	52972	9125	52972	0.68	41
18034469502	9193	2972	9193	2972	0.87	52
17042310904	9193	2972	9193	2972	2.52	151
18034469502	9125	52972	9125	52972	0.43	26
18034469502	9193	2972	9193	2972	0.18	11
18032206890	0	0	0	0	0.00	0
15024168910	9193	2977	9193	2977	0.90	54
18037273591	9193	2977	9125	52972	0.18	11
18037147419	9193	2951	9193	2973	0.30	18
18037147419	9193	5342	9193	5342	0.02	1
18035298438	9193	5178	9193	5178	0.02	1
18034469502	9193	5172	9193	5172	1.00	60
18034227726	9193	2977	9125	52972	0.55	33
456	0	0	0	0	0.00	0
18032206890	9193	2977	9193	2977	2.92	175
14044265746	9193	2977	9193	2977	1.17	70
18034469502	9193	2972	9193	2972	0.72	43
18036953631	9193	2972	9193	2972	1.57	94
15024168910	9125	52972	9125	52972	0.42	25
15024168910	9193	2972	9193	2972	0.07	4
18033639752	9193	2972	9193	2972	3.10	186
15024168910	9193	2977	9125	52972	0.57	34
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
17042310904	9193	2977	9193	2977	0.10	6
18033630775	0	0	0	0	0.00	0
17042310904	9193	2977	9193	2977	0.03	2
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18034047268	9193	2972	9125	52972	0.08	5
18033630775	0	0	0	0	0.00	0
18034047268	9125	52972	9125	52972	0.05	3
18033630775	0	0	0	0	0.00	0
18034047268	9125	52972	9125	52972	0.22	13
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18034469502	9193	2972	9125	52972	1.28	77
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0

18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18033630775	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032206890	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032206890	9193	2068	9193	2166	0.47	28
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032206890	9193	2176	9193	2176	0.25	15
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
17042310904	9193	2176	9193	2176	1.85	111
18034228759	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18034228759	0	0	0	0	0.00	0
18034228759	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032206890	9193	2176	9193	2176	2.98	179
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18034469502	9193	2176	9193	2176	2.08	125
18433676469	0	0	0	0	0.00	0
18034766952	9193	2176	9193	2176	0.00	0
18032972059	9193	2171	9193	7123	5.17	310
129	0	0	0	0	0.00	0
129	0	0	0	0	0.00	0
18032206890	9193	2176	9193	2176	0.25	15
18032206890	9193	2171	9193	2171	8.07	484
18032206890	9193	2171	9193	2171	0.07	4
18032206890	9193	2176	9193	2176	0.05	3
18032206890	9193	2176	9193	2176	0.07	4
18032206890	9193	2171	9193	7123	84.47	5,068
18033813183	0	0	0	0	0.00	0
18033813183	0	0	0	0	0.00	0
18033813183	0	0	0	0	0.00	0

129	0	0	0	0	0.00	0
18037768847	9193	2171	9193	2171	0.50	30
18032972059	9193	2176	9193	2176	7.40	444
18033813183	0	0	0	0	0.00	0
18034047268	9193	2171	9193	2171	0.13	8
18034048062	9193	2171	9193	2171	0.73	44
18034047268	9193	2171	9193	2171	0.18	11
18034766952	9193	2171	9193	2171	2.33	140
18032382706	9193	2176	9193	2176	0.53	32
18032206890	9193	7128	9193	2176	29.83	1,790
18034047268	9193	2176	9193	2176	2.88	173
14044265746	9193	2176	9193	2176	2.48	149
18032206890	9193	2176	9193	2176	16.00	960
12156098779	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18034766952	0	0	0	0	0.00	0
18034766952	0	0	0	0	0.00	0
18034766952	0	0	0	0	0.00	0
18034766952	0	0	0	0	0.00	0
18034766952	0	0	0	0	0.00	0
18034766952	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032206890	9193	2176	9193	2176	0.07	4
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032206890	9193	2171	9193	2171	0.05	3
18034766952	9193	2176	9193	2176	0.07	4
17042310904	9193	2176	9193	2176	0.87	52
18034766952	9193	2171	9193	2171	0.28	17
18035294529	9193	2176	9193	7128	0.93	56
18034766952	9193	2176	9193	7128	0.80	48
18035294529	9193	2176	9193	2178	0.77	46
17042310904	9193	2171	9193	2171	0.00	0
17042310904	9193	2171	9193	2171	0.02	1
17042310904	9193	2171	9193	7123	1.90	114
17042310904	9193	2176	9193	2176	0.17	10
17042310904	9193	2176	9193	2176	0.47	28
+12156098779/T YPE=PLMN@smte xt.com	0	0	0	0	0.00	0
208	0	0	0	0	0.00	0
208	0	0	0	0	0.00	0
+12156098779/T YPE=PLMN@smte xt.com	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18032972059	9193	2263	9193	2263	0.02	1
18032600925	9193	2263	9193	2263	1.10	66
18032972059	9193	2951	9193	2973	0.05	3
18037484042	9193	2972	9193	2972	3.57	214
18034469502	9193	2957	9193	2957	0.52	31
18032974563	9193	2957	9193	2958	0.08	5
18032206890	9193	2316	9193	5087	1.30	78

18032206890	9193	5086	9193	5086	0.47	28
18032974563	9193	5081	9193	5081	2.35	141
18034469502	9193	5081	9193	5081	0.53	32
18032972089	9193	5086	9193	5086	0.03	2
18032206890	9193	5082	9193	2311	1.92	115
18033943158	9193	2953	9125	52972	2.82	169
18032972163	9126	52863	9126	52363	0.75	45
18034228759	9126	52363	9126	52363	0.12	7
18034228759	9126	52363	9126	52363	0.07	4
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18433676469	0	0	0	0	0.00	0
18034047268	9193	2972	9193	2972	0.07	4
18034047268	9193	2977	9193	2977	2.82	169
18032206890	9193	2977	9193	2977	0.28	17
18034766952	9193	2977	9193	2977	0.33	20
18034047268	9125	52972	9125	52972	0.58	35
18034469502	0	0	0	0	0.00	0
18032972163	9193	2447	9193	2447	2.43	146
18032431731	9193	7128	9193	7128	0.78	47
18034047268	9193	2171	9193	2171	2.37	142
14044265746	9193	2171	9193	2171	0.07	4
14044265746	9193	2171	9193	2171	0.30	18
18034766952	9193	2171	9193	2171	0.25	15
18032164212	9193	2171	9193	2171	0.63	38
18034047268	9193	2171	9193	2171	0.05	3
18034766952	9193	7123	9193	2171	0.37	22
18034766952	9193	2171	9193	2171	1.67	100
18032974563	9193	2176	9193	2176	2.20	132
18034766952	9193	2176	9193	2176	0.45	27
18035697991	9193	7128	9193	2176	1.60	96
18034469502	9193	2176	9193	2176	2.98	179
18035697991	9193	2176	9193	2176	1.37	82
18032974563	9193	7128	9193	2176	1.12	68
18034228759	9193	2171	9193	2171	7.80	468
18037768847	9193	2171	9193	2171	2.45	147
18037768847	9193	2171	9193	2171	0.22	13
18034228759	0	0	0	0	0.00	0
18032206890	9193	2176	9125	52171	60.90	3,654
18032600925	9125	57123	9125	52171	3.15	189
18034131438	9125	52171	9125	52171	1.20	72
18032600925	9193	2176	9193	2176	8.80	528
18032206890	9193	2176	9125	57123	56.85	3,411
14044265746	9125	57123	9125	52171	3.60	216
17042310904	9193	2176	9193	2176	0.03	2
17042310904	9193	2176	9125	52171	30.70	1,842
12156098779	0	0	0	0	0.00	0
202	0	0	0	0	0.00	0
202	0	0	0	0	0.00	0
18032974563	0	0	0	0	0.00	0
18032600925	9193	5342	9193	5342	0.40	24
18032600925	9193	5173	9193	5173	0.73	44
18032600925	9193	5173	9193	5173	0.25	15
18032974563	0	0	0	0	0.00	0
18032600925	9193	5083	9193	5083	0.45	27
18032206890	9193	5008	9193	5008	0.12	7

18032206890	0	0	0	0	0.00	0
18034228759	9193	5008	9193	2218	4.18	251
18032974563	9193	5616	9193	5008	0.45	27
18034228759	9193	2217	9193	5178	11.58	695
18032206890	9193	5176	9193	2078	0.93	56
18034766952	9193	2972	9193	2972	0.02	1
18032963999	9126	52363	9126	52363	0.60	36
18032431731	9126	52363	9126	52363	0.05	3
+12156098779/T YPE=PLMN@smte xt.com	0	0	0	0	0.00	0
+12156098779/T YPE=PLMN@smte xt.com	0	0	0	0	0.00	0
18032206890	9193	2976	9193	2976	0.12	7
18032206890	9193	2087	9193	2087	0.47	28
18032206890	9193	2176	9193	2176	0.23	14
18034047268	9193	2163	9193	2171	1.48	89
18037147419	9193	2098	9193	2098	0.52	31
18034766952	9193	5343	9193	5341	0.55	33
18034469502	9193	2211	9193	2211	2.07	124
18034047268	9193	2423	9193	2423	0.08	5
18034047268	9193	2423	9193	2423	0.18	11
18034766952	9193	2423	9193	2423	1.57	94
					4.92	29,065

WITNESSES

(S) Scott McDonald

- Richland County Sheriff

ARREST WARRANT NUMBER

1903060

ACTION OF GRAND JURY

TRUE BILL

Valencia Martin

Foreperson of Grand Jury **JUL 19 2013**
Date:

VERDICT

10

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4004548

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2013

91

**THE STATE
vs.**

William Anthony Wallace

**Indictment for
MURDER**

SC Code: 16-03-0010

CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

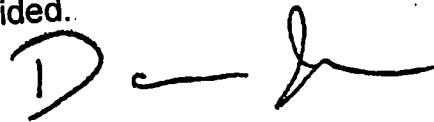
INDICTMENT

At a Court of General Sessions, convened on JULY 17, 2013, the
Grand Jurors of Richland County present upon their oath:

MURDER

That William Anthony Wallace did in Richland County, on or about June 28, 2012, willfully, feloniously, and intentionally kill the victim, ATHELL JOHNSON, with malice aforethought, either express or implied, by means of GUNSHOT WOUND, and the victim did die as a proximate result thereof on or about JUNE 28, 2012 in Richland County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

1212

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

AKA: Richland
 Race: Black Sex: Male Age: 31
 DOB: SS#
 Address: William Anthony Wallace
 City, State, Zip: 16-11-0330(A)
 DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Armed Robbery

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC 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: 13964 Defendant Wm Wallace Attorney for Defendant SS SC Bar # 100666
 Solicitor 13964

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of LIFE days/months/years and or payment PAROLE years
 and/or to pay a fine of \$ 2013 65404547; provided that upon the service of 2013 65404547 days/months/years and or payment
 of \$ 2013 65404547; 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: 2013 65404547
☒ 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 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: \$ 2013 65404547 plus 20% fee: \$ 2013 65404547 days/hours Public Service Employment

Payment Terms: 2013 65404547

☐ Set by SCDPPPS 2013 65404547

Recipient: 2013 65404547

*Fine:
 \$14-1-206 (Assessments 107.5%) \$100
 \$14-1-211 (A)(1)(Conv. Surcharge) \$100
 \$14-1-211 (A)(2)(DUI Surcharge) \$12
 \$56-5-2995 (DUI Assessment) \$25
 \$56-1-286 (DUI Breath Test) \$500
 \$47.12 (Public Def/Prob) \$25
 \$14-1-212 (Law Enforce. Funding) \$100
 \$14-1-213 (Drug Court Surcharge) \$50
 \$50-21-114 (BUI Breath Test Fee) \$40/ea.
 \$56-5-2942(J) (Vehicle Assessment) \$5
 \$90.7(SCCJA Surcharge)
 3% to County (if paid in installments)
 TOTAL

Clerk of Court/Deputy Clerk: Janette McBride
 Court Reporter: Ambrogio

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013 -GS- 40 - 4549
 A/W#: 2012A4010600013
 Date of Offense: 6-28-12
 S.C. Code §: 16-11-0330(A)
 CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. 2013 65404547

May serve W/E beginning 2013 65404547

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ 2013 65404547 Beginning 2013 65404547
 \$ 2013 65404547 Paid to Public Defender Fund

Other: 2013 65404547

17-25-45

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

Presiding Judge: Re Howard
 Judge Code: 2164
 Sentence Date: 8-15-14

ORIGINAL

JAN 1967

WITNESSES

(S) Scott McDonald

- Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600013

ACTION OF GRAND JURY

TRUE BILL

Valencia Martin

Foreperson of Grand Jury

Date:

JUL 19 2013

VERDICT

14

Foreperson of Petit Jury

Date:

DOCKET NO. 2013GS4004549

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2013

91

THE STATE

vs.

William Anthony Wallace

**Indictment for
ARMED ROBBERY**

SC Code: 16-11-0330(A)

CDR Code: 0139

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on JULY 17, 2013, the
Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That William Anthony Wallace did in Richland County on or about June 28, 2012, commit robbery by feloniously taking from the person or presence of ATHELL JOHNSON, by means of force or intimidation, goods or monies of ATHELL JOHNSON, such goods or monies being described as US CURRENCY, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended)

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



DAN JOHNSON, SOLICITOR

1216

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS

AKA: Black Sex: Male Age:
 DOB: SS#:
 Address:
 City, State, Zip:

DL# SID#
☐ CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: kidnapping of the S.C. Code of Laws, bearing CDR Code # 0095
 In violation of § 16-03-0910
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or Lewd Act) (defendant's initials)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Jameson 15864 Wh Wh SS 100666
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of LIFE ~~without~~ PAROLE ☐ under the 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: 2013-6-5-40-45-47
☒ 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 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 \$
 §47.12 (Public Def/Prob) \$500 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$
 §14-1-213 (Drug Court Surcharge) \$100 \$
 §50-21-114 (BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 §90.7(SCCJA Surcharge) \$5 \$
 3% to County (if paid in installments) \$
 TOTAL \$

Clerk of Court/Deputy Clerk: Jeannette McBride
 Court Reporter: Ambrogio

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013 -GS- 40 - 4550
 A/W#: 2012A4010600014
 Date of Offense: 6-28-12
 S.C. Code §: 16-03-0910
 CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP:

 days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning
 Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ Beginning
 \$ Paid to Public Defender Fund

Other:

17-25-45

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

Presiding Judge: Re Hord
 Judge Code: 2164
 Sentence Date: 8-15-14

ORIGINAL

ORIGINAL

WITNESSES

(S) Scott McDonald
- Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600014

ACTION OF GRAND JURY

TRUE BILL

Valencia Martin
Foreperson of Grand Jury
Date: JUL 19 2013

VERDICT

∞

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4004550

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2013

91

**THE STATE
vs.**

William Anthony Wallace

**Indictment for
KIDNAPPING**

**SC Code: 16-03-0910
CDR Code: 0095**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

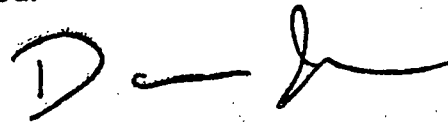
INDICTMENT

At a Court of General Sessions, convened on JULY 17, 2013, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That William Anthony Wallace did in Richland County on or about June 28,
2012, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away one ATHELL JOHNSON, without authority of law, in violation of
Section 16-03-0910, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

AKA: Black Sex: Male Age: SS#
 Race: Black Sex: Male Age: SS#
 DOB: SS#
 Address: SS#
 City, State, Zip: SS#
 DL# SS# SID# SS#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: kidnapping 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
 In violation of 16-03-0910 ☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or Lewd Act) (defendant's initials)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, ☐ Recommendation by the State.
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: 15964 Defendant SS Attorney for Defendant 100666
SS SC Bar # SS SC Bar # SS

WHEREFORE, the Defendant is committed to the LIFE State Department of Corrections PAROLE County Detention Center, PAROLE
 for a determinate term of LIFE days/months/years; provided that upon the service of PAROLE days/months/years and/or payment
 and/or to pay a fine of \$ PAROLE; plus costs and assessments as applicable; the balance is suspended with probation for
 of \$ PAROLE; 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: 2013 GS 40 4547
☒ 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 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: \$ PAROLE plus 20% fee: \$ PAROLE

Payment Terms: PAROLE

☐ Set by SCDPPPS PAROLE

Recipient: PAROLE

*Fine:
 §14-1-206 (Assessments 107.5%) \$ PAROLE
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ PAROLE
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ PAROLE
 §56-5-2995 (DUI Assessment) \$12 \$ PAROLE
 §56-1-286 (DUI Breath Test) \$25 \$ PAROLE
 §47-12 (Public Def/Prob) \$500 \$ PAROLE
 §14-1-212 (Law Enforce. Funding) \$25 \$ PAROLE
 §14-1-213 (Drug Court Surcharge) \$100 \$ PAROLE
 §50-21-114 (BUI Breath Test Fee) \$50 \$ PAROLE
 §56-5-2942(J) (Vehicle Assessment) \$40/ea. \$ PAROLE
 §90.7(SCCJA Surcharge) \$5 \$ PAROLE
 3% to County (if paid in installments) \$ PAROLE
 TOTAL \$ PAROLE

Clerk of Court/Deputy Clerk: Jeanette McBride
 Court Reporter: Ambrogio

SCC/J217 (11/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013 GS- 40 - 4551
 A/W#: 2012A4010600015
 Date of Offense: 6-28-14
 S.C. Code §: 16-03-0910
 CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP PAROLE

PAROLE days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. PAROLE

May serve W/E beginning PAROLE
 Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ PAROLE Beginning PAROLE
 \$ PAROLE Paid to Public Defender Fund

Other: PAROLE

17-25-45

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

Presiding Judge: Re Hurd
 Judge Code: 2164
 Sentence Date: 8-15-14

ORIGINAL

ORIGINAL

WITNESSES

(S) Scott McDonald
– Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600015

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date:

JUL 19 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4004551

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2013

91

**THE STATE
vs.**

William Anthony Wallace

**Indictment for
KIDNAPPING**

**SC Code: 16-03-0910
CDR Code: 0095**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on JULY 17, 2013, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That William Anthony Wallace did in Richland County on or about June 28,
2012, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away one JAMAL PRATT, without authority of law, in violation of Section
16-03-0910, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

AKA: Black Sex: Male Age:
 DOB: SS#:
 Address:
 City, State, Zip:
 DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Kidnapping 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
 In violation of §
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC 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: Charles J. [Signature] 15964 SC Bar # Defendant Wh Wh Attorney for Defendant [Signature] SC Bar # 100666

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, years
 for a determinate term of LIFE days/months/years and or payment
 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: 2013 6140 4547
☒ 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 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
 \$47.12 (Public Def/Prob) \$500
 \$14-1-212 (Law Enforce. Funding) \$25
 \$14-1-213 (Drug Court Surcharge) \$100
 \$50-21-114 (BUI Breath Test Fee) \$50
 \$56-5-2942(J) (Vehicle Assessment) \$40/ea
 \$90.7(SCCJA Surcharge) \$5
 3% to County (if paid in installments)
 TOTAL

Clerk of Court/Deputy Clerk Janette McBride
 Court Reporter: Ambrosia

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013 -GS- 40 - 4553
 A/W#: 2012A4010600017
 Date of Offense: 6-28-13
 S.C. Code §: 16-03-0910
 CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP
 days/hours Public Service Employment

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

May serve W/E beginning
 Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ Beginning
 \$ Paid to Public Defender Fund

Other:

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

Presiding Judge Pe Hard
 Judge Code: 2-16-4
 Sentence Date 8-15-14

ORIGINAL

ORIGINAL

WITNESSES

(S) Scott McDonald
- Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600017

ACTION OF GRAND JURY

TRUE BILL

Talencia Martin

Foreperson of Grand Jury

Date:

JUL 19 2013

VERDICT

126

Foreperson of Petit Jury

Date:

DOCKET NO. 2013GS4004553

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2013

91

THE STATE

vs.

William Anthony Wallace

**Indictment for
KIDNAPPING**

SC Code: 16-03-0910

CDR Code: 0095

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on JULY 17, 2013, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That William Anthony Wallace did in Richland County on or about June 28,
2012, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away one RAQUEL WESTON, without authority of law, in violation of
Section 16-03-0910, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA: Fickland
 Race: Black Sex: Male Age:
 DOB: SS#:
 Address:
 City, State, Zip:
 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 of the S.C. Code of Laws, bearing CDR Code # 0116
 In violation of § 16-03-0010
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC 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: April Simpson 15864 wh wh SS 100666
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, years
 for a determinate term of LIFE WITHOUT PAROLE or PAROLE Southful Offender Act not to exceed days/months/years and or payment
 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: 2013 65 40 4548
☒ 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 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 \$
 §47.12 (Public Def/Prob) \$500 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$
 §14-1-213 (Drug Court Surcharge) \$100 \$
 §50-21-114 (BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 §90.7(SCCJA Surcharge) \$5 \$
 3% to County (if paid in installments) \$
 TOTAL \$

Clerk of Court/Deputy Clerk: Jeanette McBride ggg
 Court Reporter: Ambrosia

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013 -GS- 40 - 4554
 A/W#: I903059
 Date of Offense: 6-28-12
 S.C. Code §: 16-03-0010
 CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP
 days/hours Public Service Employment

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

May serve W/E beginning
 Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 prmts. of \$ Beginning
 \$ Paid to Public Defender Fund

Other:

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

Presiding Judge: Re Hood
 Judge Code: 2164
 Sentence Date: 8-15-14

ORIGINAL

ORIGINAL

WITNESSES

(S) SCOTT MCDONALD

- RCSD

ARREST WARRANT NUMBER

1903059

ACTION OF GRAND JURY

TRUE BILL

Valencia Martin

Foreperson of Grand Jury JUL 19 2013

Date:

VERDICT

30

Foreperson of Petit Jury

Date:

DOCKET NO. 2013GS4004554

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2013

91

THE STATE

vs.

William Anthony Wallace

**Indictment for
MURDER**

SC Code: 16-03-0010

CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on JULY 17, 2013, the
Grand Jurors of Richland County present upon their oath:

MURDER

That William Anthony Wallace did in Richland County, on or about June 28, 2012, willfully, feloniously, and intentionally kill the victim, JAMALL PRATT, with malice aforethought, either express or implied, by means of GUNSHOT WOUND, and the victim did die as a proximate result thereof on or about JUNE 28, 2012 in Richland County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended

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

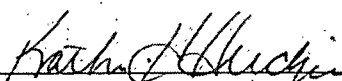


DAN JOHNSON, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

September 16th, 2015


Kathrine H. Hudgins
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

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."

September 16th, 2015


Kathrine H. Hudgins
Appellate Defender

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

RECEIVED
SEP 16 2015
SC Court of Appeals

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Robert E. Hood, Circuit Court Judge

ORIGINAL

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SEP 16 2015

SC Court of Appeals

RESPONDENT,

THE STATE,

V.

WILLIAM ANTHONY WALLACE,

APPELLANT

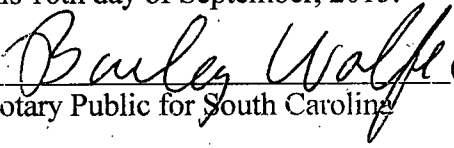
APPELLATE CASE NO. 2014-001786

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Caroline M. Scrantom, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 16th day of September, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 16th day of September, 2015.


Notary Public for South Carolina (L.S.)

My Commission Expires: October 24, 2021