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STATE OF SOUTH CAROLINA

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In The Court of Appeals

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Letitia H. Verdin, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

PATRICK DEAN LOWRANCE,

APPELLANT

APPELLATE CASE NO. 2013-000320

RECORD ON APPEAL

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1 Q Okay. Did y'all talk about anything else? Did
2 y'all talk about the shooting itself?

3 A He was like -- he was like man -- he was like,
4 man, what's up, man. He was like, uh, they say you shot
5 at a police or shot at some lady. They got you on the
6 news or whatever. I was like, man, I ain't shot at
7 nobody, man. I ain't even want to talk about it no more.
8 I didn't want to say nothing else to him. We didn't talk
9 about that matter anymore.

10 Q So after you were in the car, where did y'all
11 go?

12 A He took me to my cousin Norman's house.

13 Q You went to Norman's house. Did you go in?

14 A Yeah. I was walking up to the door again.
15 That's when Norman's sister came out. She was like I
16 don't need to be there.

17 Q Why do you think she turned you away?

18 A I don't know. I guess from what we was talking
19 about, I guess they had seen the stuff on the news. I
20 guess they left like it was a danger for me to be at the
21 house or something.

22 Q What did you do next?

23 A He was getting ready to pull out of the yard.
24 I flagged him back down. He let me back in again and he
25 took me to his house.

1 Q What did y'all do once y'all got to Will's
2 house?

3 A Will was like, man, I don't want to see you
4 like that. He let me go to his house or whatever. When
5 I got to my house, I was trying to call people. I ended
6 up getting in contact with my wife. She was at my mom's
7 house. That's when I -- my family was like, man, just
8 turn yourself in cause you ain't did nothing. So just do
9 that for your safety.

10 Q At this point, were you going to turn yourself
11 in? I mean, was that a thought in your mind?

12 A Yeah. I wanted to turn myself in. I just
13 wanted to talk to my family to make sure I was alright.
14 Because I mean, I had panicked. This my first time ever
15 being in a shootout. I didn't really know what to do.

16 Q Okay. Now, when you, uh, -- when you were
17 talking to your family, what happened next? Did the
18 police come? How did that work?

19 A I was talking to my wife. I was just trying to
20 get her to come to where I was. So that's when I told
21 Will, I was like, Will, go meet my -- go meet my family
22 so he could bring them to me or whatever. Then I was
23 going to work on turning myself in.

24 Q What happened next?

25 A I mean, Will got my family and brought my

1 family to me at the house. They came in. I was talking
2 to my wife. My wife and my sister came in. She left
3 back out. They was trying to see if I was alright and
4 everything. And then I wasn't there for about 20 minutes
5 or something. That's when the police came.

6 Q What did y'all when the police came?

7 A When the police came, Will and, I think, his
8 cousin left out first. They called everybody out. My
9 wife came out. Then I came out and surrendered.

10 Q What happened after you did that?

11 A Uh, the officers yanked me up and put me on the
12 stretcher. That's when I went to the hospital.

13 Q Now, do you remember anything at the hospital?
14 Do you remember Detective Conroy or anything like that?

15 A No. The first time I seen Detective Conroy was
16 in the last trial or whatever. In the court day or
17 whatever.

18 Q Now, I have to ask you and I have to ask you
19 point blank, did you shoot at those officers, Officer
20 Lane and Officer Cobb?

21 A No, I did not shoot at Officer Lane or Officer
22 Cobb.

23 MR. JOHNSON: I have nothing further at this
24 time, Your Honor.

25 THE COURT: Mr. Marchant.

1 **MR. MARCHANT:** Please the Court.

2 **THE COURT:** Yes, sir.

3 **CROSS-EXAMINATION**

4 **BY MR. MARCHANT:**

5 **Q** Mr. Lowrance, you're saying you went to Club
6 Swag the night before this happened?

7 **A** Yes, sir.

8 **Q** Your cousin, Mr. Pearson was not with you at
9 Club Swag?

10 **A** No.

11 **Q** But you're saying he was with you when you met
12 this fellow by the name of Lemetrius?

13 **A** Yeah. He was with me but we was separated in
14 the club. We weren't together in the club. When we go
15 to the club sometimes, we break off from each other.

16 **Q** So he never saw this person that you met called
17 Lemetrius at the club?

18 **A** No, he's never met Lemetrius at all. Norman
19 was like I need to chill. He knew I was having problems
20 with my wife or whatever. So he knew I was just trying
21 to hang out and stuff. He was just be aware if you going
22 to hang around. So I didn't want him to think that I
23 wasn't listening to him. They never met each other.

24 **Q** He never met this person you claim was in the
25 vehicle with you by the name of Tee, has he?

1 **A** No.

2 **Q** The night that you were with, uh, Mr. Pringle
3 who is seated back here on the back row, you went out to
4 the car that you were driving which is that SUV. It's a
5 Yukon, right?

6 **A** Yes. He was like come by and let me in the
7 car. I'm like hold up, man. He went on out. That's
8 when I went and got the keys from Meat. Then I came on
9 out. He was just standing outside. That's when he went
10 to the car.

11 **Q** You got in the front. He got in the passenger
12 side?

13 **A** Yeah. Then after that, he just -- he left.

14 **Q** Okay. While you were inside the vehicle, y'all
15 did some cocaine, isn't that true?

16 **MR. JOHNSON:** Judge, -- Judge --

17 **THE WITNESS:** No.

18 **THE COURT:** Can y'all approach?

19 **(WHEREUPON, a bench conference is held off the**
20 **record.)**

21 **THE COURT:** Sustained.

22 **BY MR. MARCHANT:**

23 **Q** So you and he separated?

24 **A** Yes.

25 **Q** You went back inside?

1 **A** Yeah. He just got in his car and left. I went
2 back in the club.

3 **Q** And from there, you claim that you and
4 Lemetrius and Tee go back to the Comfort Inn?

5 **A** Yes.

6 **Q** Did you go anywhere else before you went back
7 to the Comfort Inn besides what you testified to,
8 Godiva's?

9 **A** Yeah. We went -- we went to Swag. We went to
10 Godiva's. And we went to a couple of other pieces --
11 people houses.

12 **Q** Who are these people?

13 **A** I don't know. They was just acquaintances of
14 Lemetrius. I was just with Lemetrius just riding with
15 him.

16 **Q** How far were these people's houses from either
17 Club Swag or Godiva's?

18 **A** I really don't know. I was drug. I was just
19 riding. I don't know my way around Greenville like that.

20 **Q** I'm going to show you what's in evidence as
21 State's 107. I want you to step down for me, if you
22 will, Mr. Lowrance.

23 **A** Yes, sir.

24 (Witness complies.)

25 **Q** You agree with the testimony we've already had

1 that this is the Comfort Inn on Laurens Road?

2 A Yes, sir.

3 Q And that's where you stayed that evening?

4 A Yes, sir.

5 Q And the room that you rented was up here on the
6 fourth floor, number 427?

7 A Yes, sir.

8 Q And that room looks out towards the pool area?

9 A Yes, sir.

10 Q And the vehicle that y'all were in that day,
11 the Yukon, the next morning on the 28th, it was parked
12 over here?

13 A It was parked over here.

14 Q I want you to show on the map and I want you to
15 indicate, if you remember, where you claim you walked out
16 of the Comfort Inn that day with Tee.

17 A Uh, you come in from right here. (Pointing.)

18 Coming out right here, it's like a little side
19 door. You can come right here and make this left and
20 come out through the side door right here.

21 Q If you would for me, please, sir, put your
22 initials where you believe the door to be.

23 A (Drawing.)

24 Q And you would agree with me that this door that
25 you are talking about, it does not go through the lobby

1 area?

2 **A** No, it's right before you, uh, get to the
3 lobby.

4 **Q** So the lobby area is here?

5 **A** Yeah. You come pass the lobby. You can make
6 an immediate right and go down that hall and go outside.

7 **Q** And you seen the photographs of the lobby
8 area ---

9 **A** Yes, I have.

10 **Q** --- where the continental breakfast area is?

11 **A** Yes.

12 **Q** And then there's a window that looks out into
13 the parking lot this way, correct?

14 **A** Yes, sir.

15 **Q** Okay. Please have a seat.

16 **A** (Witness complies.)

17 **Q** Back up chronologically in time briefly. You
18 were with Mr. Pearson before you and Lemetrius and Tee
19 went to -- what was the name of the club again?

20 **A** Swag.

21 **Q** Swag. You were with Mr. Pearson earlier in the
22 evening the day before this happened?

23 **A** Yeah. We was just around the house or just
24 hanging out.

25 **Q** And the photographs that they've seen and we've

1 been showing, that silver Yukon, you were driving it that
2 day?

3 **A** On the 27th?

4 **Q** Yes, sir.

5 **A** Yes, sir.

6 **Q** And you went to Mr. Pearson's house by
7 yourself?

8 **A** Yes, sir.

9 **Q** Mr. Pearson got in the car with you?

10 **A** Yeah, he got -- him and his uncle, we, uh, --
11 we went to the store.

12 **Q** And you heard Mr. Pearson's testimony about
13 seeing the gun on the console?

14 **A** Yeah. He said he seen the gun on the console.
15 But I mean, if it was a gun on the console, I would have
16 been aware that there was a gun to my immediate right on
17 the console.

18 **Q** Mr. Pearson is not quite blood to you but he's
19 like a cousin to you. Isn't that correct?

20 **A** Yeah. We grew up -- he knew me since I was
21 small. His mom knows my mama. We all go over to each
22 other house for Sunday dinner and stuff like that.

23 **Q** Good relationship with him?

24 **A** Yes, sir.

25 **Q** So you leave the Comfort Inn and you say you go

1 to a number of places, residences house that you are not
2 familiar with. Eventually, you end up back at the
3 Comfort Inn?

4 **A** Yes, sir.

5 **Q** And you were in the room that you rented?

6 **A** Yes, sir.

7 **Q** And the room that you rented, you were staying
8 by yourself in that room, isn't that correct?

9 **A** Yeah. I rented it, uh, by myself. But I mean,
10 I wasn't in the room by myself. Me, Tee and several
11 other people were in and out of the room. We had a party
12 that night.

13 **Q** These other people come from Swag or the houses
14 you went to?

15 **A** They come from different places.

16 **Q** Mr. Lowrance, I need you to elaborate on that
17 for me. You say different places. We talking
18 Greenville? We talking Spartanburg? Columbia?

19 **A** Nah. I mean, people that we were associating
20 with, you know what I'm saying, we was telling them we
21 was having a little get together. That's the places they
22 came from.

23 **Q** You don't know where they came from?

24 **A** I can't -- I can't distinctly say I know where
25 this individual right here came from. I know where this

1 individual right here came from.

2 Q They didn't come from the club with you?

3 A Some of them may have come from the club.

4 Q May have. You admit to being up all night,
5 smoking weed and drinking and you basically had a party
6 in the room is what you testified to, is that correct?

7 A Yeah. I mean, that --

8 Q You wake up the next morning and you're telling
9 this jury it's you, this fellow by the name of Lemetrius
10 and Tee?

11 A Yes, sir.

12 Q And the only description you can give of Tee is
13 that he's a little shorter than Lemetrius and he's
14 caramel or honey brown?

15 A Meat a lil -- Meat kind of built, you know what
16 I'm saying. Tee just --

17 Q I'm asking you about Tee, sir. The description
18 you gave to Mr. Johnson was a little shorter than
19 Lemetrius.

20 A Yeah, a little shorter than Meat. He's like a
21 caramel or honey brown. And he's kind of -- he's got a
22 little weight on him.

23 Q And you claim Lemetrius is taller than you,
24 heavier than you and you claim that he's got long hair?

25 A Yes, sir.

1 Q And it's your testimony that it was his car,
2 not yours?

3 A Yes, sir.

4 Q And did you know that the car was stolen?

5 A No, sir. I found out the car was stolen once I
6 was in custody. I thought that the car was fine. I
7 mean, we would be going to the mall, driving everywhere
8 in the car.

9 Q But you have, in fact, been convicted of being
10 in possession of a stolen vehicle?

11 A The last trial I was in. Other than that, I
12 had never been convicted of it.

13 Q But you would admit to this jury and this court
14 that you were convicted?

15 A Of what?

16 Q Yes or no. Convicted of possession of that
17 stolen vehicle.

18 A Yeah. In the last trial, they found me guilty
19 of being in possession of a stolen vehicle of the day
20 prior to the incident.

21 Q This fellow, Lemetrius, you are indicating to
22 this jury that he let you drive it whenever you wanted?

23 A He wouldn't let me drive it all the time.
24 Whenever I asked could I get together with him, whenever
25 he had time, he would let me.

1 Q Whenever you needed it, he let you roll around?

2 A Whenever I could get in touch with him and call
3 him and talk to him, he would let me drive it.

4 Q The morning you claim you were with him and
5 Tee, you and Tee leave out the side entrance that you've
6 indicated at the Comfort Inn?

7 A Yes, sir.

8 Q You get in the vehicle. You get in the front
9 seat or the back seat?

10 A Me and Tee was sitting in the back seat.

11 Q What side of the vehicle were you sitting on in
12 the back seat?

13 A I was sitting -- it would be the left side
14 because I was sitting behind Meat.

15 Q Behind the driver?

16 A Yes, sir.

17 Q And Mr., uh, -- what's his last name?
18 Lemetrius?

19 A I don't know his last name. I just know him by
20 Meat. The only reason I know Lemetrius is because I
21 heard a female calling him one time.

22 Q So Meat is going to take you to -- what's her
23 name's house?

24 A A friend girl of mine's house. Her name is
25 Laila.

1 Q Okay. And you've heard the testimony from the
2 officer. And you've seen the vehicle that that car chase
3 of Officer Cruell's is time stamped at 9:30 or 9:31 in
4 the morning.

5 A Yes, sir.

6 Q You agree that that was the time of the morning
7 that y'all left?

8 A I don't really recall the time. I mean, if
9 it's on record, I'll know by that, just by what's been
10 said in the courtroom. But that morning, it wasn't like
11 it was nine o'clock and I got to be somewhere, like that.

12 Q Were you still intoxicated from the evening
13 before?

14 A I was still a little, a little woozy or
15 whatever.

16 Q When is the last time you smoked marijuana on
17 the day of this incident? You said y'all were up
18 partying until like 4:00 or 5:00 in the morning?

19 A That night?

20 Q You didn't smoke any that morning?

21 A Uh, when I got up.

22 Q So you smoked a joint of some marijuana when
23 you woke up in the morning?

24 A Yeah. We was smoking all that night.

25 Q When you get in the car, you get in the back

1 seat behind Meat?

2 A Yes, sir.

3 Q You get on 85 to go to your friend Laila's
4 house?

5 A Yeah, that's where he was going to take me to.

6 Q Where does she live?

7 A She live near my cousin. I don't know the name
8 of the neighborhood or nothing. I just know she lives
9 near my cousin.

10 Q She lives near Norman?

11 A Yes, sir.

12 Q You talking about that cousin?

13 A It's a, uh, -- you get off on Augusta Road to
14 go to my cousin's house. You past the -- you turn right
15 there at Pandora's box. She lives over in that area.

16 Q The cousin you are referring to, I'm asking
17 you, is Norman Pearson?

18 A Yes, sir. Norman Pearson.

19 Q That area of town. I'm going to show you
20 State's 66, which is Detective Flavell described a
21 Quality Inn motel receipt from -- it's dated 9/25. There
22 was a female listed on that receipt. Is that the same
23 person you are talking about?

24 A No. That's not the same -- that's not the same
25 person I'm talking about. The person I'm talking about

1 is Laila.

2 Q Laila. Okay. So the person on that receipt
3 that was found on the hotel room that you rented in your
4 duffle bag, who is that?

5 A It's a different female that I had dealings
6 with.

7 Q She white, black, Hispanic?

8 A Uh, she's like Colombian or something. I don't
9 know.

10 Q So you are in the car. You're telling this
11 jury you're getting on 85 because Meat's taking you up to
12 -- over back towards your cousin's house. The police get
13 behind you?

14 A Yes, sir.

15 Q You see the blue lights?

16 A The lights -- I seen when the lights came on.

17 Q How did you see the lights?

18 A The screen was down. The lights from the
19 police car was reflecting off the screen. I turned
20 around. That's when I knew the police was behind us.

21 Q Let me make sure I'm clear. You're sitting in
22 the back left passenger seat.

23 A Yes, sir.

24 Q The lights turn on because the DVD player is
25 down.

1 **A** I mean, it's so tinted back there. Once the
2 lights came on --

3 **Q** You saw the lights because they were flashing
4 in the DVD player?

5 **A** I mean any time, like, a police car has ever
6 pulled me over, I been pulled over for speeding, you know
7 when the lights come on. They are bright.

8 **Q** There's no question that the police were behind
9 you and were signaling the vehicle to stop?

10 **A** Yeah.

11 **Q** No question?

12 **A** Yeah, it's no question. I just thought the
13 police might have been pulling him over for maybe
14 speeding or something like that.

15 **Q** So you are sitting in the back seat. You
16 turned around in your chair and look out the back window?

17 **A** I just took a glance. It wasn't like I turned
18 around and stayed around or nothing like that.

19 **Q** Tee and Lemetrius recognized that there was
20 lights on behind them?

21 **A** Yeah.

22 **Q** They turned around and looked as well?

23 **A** Me and Tee was like, hey, man, the police
24 behind you.

25 **Q** Tee turned around and looked as well?

1 **A** Yeah.

2 **Q** So you claim Meat punches it and y'all go up
3 85. You get off on Mauldin Road and head over at
4 Berkeley Pointe?

5 **A** Yes, sir.

6 **MR. MARCHANT:** Your Honor, may we approach
7 briefly?

8 **THE COURT:** Yes.

9 (WHEREUPON, a bench conference is held off the
10 record.)

11 **BY MR. MARCHANT:**

12 **Q** So you get off on Mauldin Road and go to
13 Berkeley Pointe. You never been in this area of town
14 before?

15 **A** No, sir.

16 **Q** You don't know anything about it?

17 **A** No, sir.

18 **Q** Showing you what's in evidence as State's 106.
19 Can you see this, Mr. Lowrance?

20 **A** No, I can't see it.

21 **Q** Come on and step down.

22 **A** (Witness complies.)

23 **Q** Showing you what's in evidence as State's 106.
24 You seen the other photograph. You're parked up here.

25 **A** Yes, sir.

1 Q Okay. And you get out of the car and you take
2 what's been shown in all those photographs of the clothes
3 at the bottom of the stairwell, that's all your stuff, is
4 that right?

5 A The stuff was in the duffle bag.

6 Q Just to be clear, we're talking about State's
7 105. Everything in this bag is what was found at the
8 bottom of the stairs. That's been the testimony of
9 Sergeant Shaw. All this stuff is yours?

10 A Yes, sir.

11 Q Is that right?

12 A Yes, sir.

13 Q None of this is Lemetrius' and none of it is
14 Tee's?

15 A No, sir.

16 Q All right. Take the stand again.

17 A (Witness complies.)

18 Q You carried all of that stuff in one trip from
19 the car?

20 A Yeah. I had it. It was packed down in my
21 duffle bag.

22 Q All that stuff was in the duffle bag that was
23 in the box?

24 A That was in the bag that I had.

25 Q These are your papers, right?

1 **A** Yes, sir.

2 **Q** We haven't opened this. But this has indicated
3 this is a gray hooded sweatshirt that was found down at
4 the bottom of the stairs. Got one brown jacket. This is
5 yours, right?

6 **A** Yes, sir.

7 **Q** Another gray hooded sweatshirt.

8 **A** Yeah, I mean everything in the box is mine.

9 **Q** I just want to be clear. Pair of blue jeans?

10 **A** Yes, sir.

11 **Q** Dress shirt?

12 **A** Yes, sir.

13 **Q** Black t-shirt?

14 **A** Yes, sir.

15 **Q** Blue t-shirt?

16 **A** Yes, sir.

17 **Q** Pair of Polo boots?

18 **A** Yes, sir.

19 **Q** Pair of Nike's?

20 **A** Yes, sir.

21 **Q** Several adult DVDs?

22 **A** Yes, sir.

23 **MR. JOHNSON:** Your Honor, where are we going
24 with this?

25 **THE COURT:** I'm going to allow him to

1 continue.

2 **BY MR. MARCHANT:**

3 **Q** Various CDs, DVDs?

4 **A** Yes, sir.

5 **Q** GPS?

6 **A** Yes, sir.

7 **Q** Black stocking cap?

8 **A** I don't recall that being mine.

9 **Q** Looks like, uh, a men's wallet.

10 **A** Yeah, that's my wallet.

11 **Q** That's where your Social Security card and
12 birth certificate came out of, correct?

13 **A** Yeah, that's where y'all took it out of.

14 **Q** Cell phone charger, watch, cigarettes, lotion,
15 what I would describe as a cell phone clip?

16 **A** Yes, sir.

17 **Q** More lotion, toothbrush, hairbrush.

18 **A** Yes, sir.

19 **Q** All right. Okay. And 1, 2, 3, 4, 5 black hair
20 -- air tree fresheners.

21 **A** Yeah, that wasn't in my bag though.

22 **Q** All right. You say these weren't in your bag?

23 **A** No, I don't recall them being in my bag.

24 **Q** You say this wasn't in your bag?

25 **A** I don't recall that.

1 Q All of this other stuff fit in this bag?

2 A Yeah. I put the shoes in and just laid the
3 other stuff on top of it.

4 Q So you claim that Tee is in front of you
5 walking down the stairs --

6 A Yes, sir.

7 Q -- the breezeway of 1300?

8 A Yes, sir.

9 Q Tee's in front. You're in the middle.
10 Lemetrius is behind you?

11 A Yes, sir.

12 Q Y'all argued?

13 A Yes, sir.

14 Q You're arguing because you claim Lemetrius
15 wouldn't stop for the police?

16 A No. We was just trying to tell him the only
17 thing we had to do is just pull over. At the time, we
18 didn't know nothing was wrong.

19 Q So the three -- you claim the three of you were
20 arguing?

21 A Yes, sir.

22 Q And you hear the walkie-talkie chirp?

23 A No, I heard -- I just heard somebody talking on
24 the radio.

25 Q So you heard somebody talking on the radio?

1 **A** Yes, sir. I heard the radio talk.

2 **Q** And you saw Officer Cobb?

3 **A** No, I never seen her. The first time I ever
4 seen her was in the first trial when she came to court
5 the first day. That's the first time I ever seen her.

6 **Q** So y'all are arguing. You're on the steps in
7 between Lemetrius that you claim is carrying this?

8 **A** Yes, sir.

9 **Q** And you telling this jury that he shot first or
10 the officer shot first?

11 **A** I don't know who shot first. Only thing I know
12 is shots start being fired.

13 **Q** Who shot you?

14 **A** I don't know who shot me. I mean, I don't know
15 if Lemetrius shot me or whoever he was shooting shot me.
16 I don't know who shot me. To this day, I don't know who
17 shot me.

18 **Q** But you were shot on the stairs?

19 **A** Yes, sir.

20 **Q** Then you testified that you took all of this
21 stuff, which you claim was in this bag down to the
22 landing area?

23 **A** Yes, sir. I had it on my side. I had this
24 stuff laid up on my side. When I got shot, I went down
25 to the bottom of the steps and was trying to gather

1 myself.

2 Q Let's talk about you being shot. You obviously
3 went to the hospital later that evening?

4 A Yes, I went to the hospital.

5 Q And the bullet is still in your arm?

6 A Yes, sir.

7 Q Now, you get shot. You continuing to argue
8 with Tee and Meat?

9 A Not once I had got shot. Before I got shot, --
10 I mean, before I got shot, we was on the stairwell, you
11 know, trying to see what was really going on. That's
12 when the radio and all this -- I mean, everything just
13 turned in to pandemonium. It went crazy real fast.

14 Q And you claim that Tee leaves out the back
15 first?

16 A Yes, sir.

17 Q And then you leave after him, but you don't
18 know --

19 A After the shots kept being fired, that's when I
20 started running. While they were still shooting.

21 Q And Lemetrius was still in that area when you
22 left out of that breezeway?

23 A Yes, sir. When I left out of the breezeway, I
24 guess he must have seen which way I went. He just came
25 in the woods and started calling my name.

1 Q So how far did you run out in the woods?

2 A I really can't remember. I was in a lot of
3 pain, man.

4 Q You told several friends and relatives that you
5 were behind Berkeley Pointe.

6 A I didn't tell them -- the only thing I knew was
7 I went into the woods. I didn't even know where we were
8 at the time.

9 Q You didn't know that you had pulled into
10 Berkeley Pointe Apartments?

11 A No. I never been to Berkeley Pointe.

12 Q Mr. Lowrance, you keep talking about your prior
13 testimony. I'm going to show you, uh, two pages and I'm
14 going to ask you to read this to yourself for a minute.
15 This is the examination last time. Starting here with
16 this question and the answer there.

17 A (Reading.)

18 Q I'm going to ask you again, Mr. Lowrance, did
19 you know where you were going?

20 A The reason I knew it was Berkeley Pointe was
21 because of everything that had happened.

22 Q So you run out the back and you start making
23 phone calls?

24 A Yes, sir.

25 Q The first person you called is Norman, isn't

1 that right?

2 A Yes, sir.

3 Q And you called him from your cell phone.

4 A Yes, sir.

5 Q Your cell phone number is 529-4086?

6 A Yes, sir.

7 Q And that cell phone is actually registered to
8 your mother-in-law, is that correct?

9 A Yes, sir.

10 Q And what's her name?

11 A Alyssa McCollough.

12 Q So you call Norman. Did you get him?

13 A Uh, just for -- just for a second.

14 Q You start calling his girlfriend Marlene, isn't
15 that right?

16 A Uh, yes, sir.

17 Q You called her a total of 19 times that day,
18 isn't that correct?

19 A I don't recall the number of times I called
20 her.

21 MR. CRANGLE: Your Honor, may we approach?

22 THE COURT: Yeah. Well -- yes.

23 Mr. Johnson, are you the one to argue it since
24 you've been the one questioning?

25 MR. JOHNSON: Uh, okay. Give me one second.

1 (WHEREUPON, a bench conference is held off the
2 record.)

3 **BY MR. MARCHANT:**

4 **Q** You called, uh, Norman six times that day?

5 **A** I don't know how many times I was calling
6 people.

7 **Q** You called your wife five times that day?

8 **A** Yeah. I tried to call her. She was in school,
9 I think.

10 **Q** You made multiple phone calls in between the
11 time you were shot and the time you were apprehended,
12 isn't that correct?

13 **A** Yes, sir.

14 **Q** And you testified to this jury that you were
15 not the individual that had this gun that was shooting at
16 the police?

17 **A** No, sir. I was not -- I didn't do the
18 shooting.

19 **Q** But you were, in fact, shot?

20 **A** I was shot.

21 **Q** You heard the testimony from the officers that
22 the exchange of gunfire that morning occurred
23 approximately 9:48 to 9:49 in the morning?

24 **A** I don't know exactly what time it was.

25 **Q** You been in here the whole time. You heard the

1 testimony?

2 A Yeah. I heard them say what time it was, but I
3 don't know exactly what time it was that day.

4 Q And you got over to Mr. Brockman's house about
5 6:30 that evening, is that correct?

6 A I don't know exactly the time.

7 Q You were in Mr. Brockman's house for about two
8 hours before law enforcement and Detective Flavell, who
9 was present and testified, had you -- called you out of
10 the home?

11 A I was trying to get in touch with my family.

12 Q Not what I'm asking you, sir. I'm asking you
13 were over at Mr. Brockman's house approximately two
14 hours?

15 A I don't know how long I was over there.

16 Q Your testimony to this jury is that in between
17 the time that you were shot, 9:49 in the morning, and the
18 time that you were apprehended at 8:30 in the evening,
19 correct?

20 A Yes, sir.

21 Q They came to Norman's -- Mr. Brockman's house
22 at 8:30 and called you out?

23 A Yes, sir. When they called me out, I came out.

24 Q And you done nothing wrong?

25 A No, sir. That's why my family told me to turn

1 myself in for my safety because if I didn't do nothing
2 wrong, everything would be alright. So I turned myself
3 in. When he called me out, I came out.

4 Q All right. So let's just round up to 10
5 o'clock in the morning, if you will. So from 10:00 to
6 11:00, 11:00 to 12:00, 12:00 to 1:00, 1:00 to 2:00, 2:00
7 to 3:00, 3:00 to 4:00, 4:00 to 5:00, 5:00 to 6:00, 6:00
8 to 7:00, 7:00 to 8:00 and 8:00 to 8:30, approximately 10
9 and a half hours, correct?

10 A That's in what? 10 and a half hours what?

11 Q The time you were shot to the time you were
12 apprehended. You were shot right before 10:00 a.m. in
13 the morning.

14 A I don't know what time I was shot.

15 Q You heard the testimony, sir.

16 A I heard the testimony.

17 Q You heard when the shots were fired?

18 A Yes, sir.

19 Q Roughly 9:50 in the morning. So from ten
20 o'clock until 8:30 when you were apprehended is ten and a
21 half hours, right?

22 A Yes, sir.

23 Q You had your phone with you the whole time?

24 A Yes, sir.

25 Q Your phone's working?

1 **A** Yes, sir.

2 **Q** You made numerous calls to numerous people?

3 **A** I was trying to call for help.

4 **Q** Did you ever call 911?

5 **A** No, sir. I did not.

6 **Q** You're familiar with 911?

7 **A** Yes, sir. I am.

8 **Q** You get the hospital and you came you don't
9 remember seeing Detective Conroy?

10 **A** The first time I ever seen him --

11 **Q** I'm just asking at the hospital, sir.

12 **A** The first time I seen him is when he came to
13 the trial last time.

14 **Q** Do you or do you not remember seeing Detective
15 Conroy in the hospital? Yes or no.

16 **A** No, I didn't ever see him at the hospital.

17 **Q** You've heard the other testimony about
18 Detective Flavell going back to the Comfort Inn and going
19 into the room you were in, correct?

20 **A** Yes, sir.

21 **THE COURT:** Will the attorneys approach for
22 just one moment?

23 **(WHEREUPON, a bench conference is held off the**
24 **record.)**

25 **MR. MARCHANT:** Thank you, Your Honor.

1 **THE COURT:** Thank you.

2 **BY MR. MARCHANT:**

3 **Q** Mr. Lowrance, you recall the testimony of
4 Detective Flavell finding your driver's license in Room
5 426 [sic], correct?

6 **A** Yes, sir.

7 **Q** You also recall Detective Flavell's testimony
8 about retrieving items out of your bag form the motel
9 room that day, don't you?

10 **A** Yes, sir.

11 **Q** Those items are in evidence, a couple of CDs
12 and a, uh, some sort of documentation from Lewis Blackmon
13 Hospital that's got your name on it.

14 **A** Yes, sir.

15 **Q** This is your bag?

16 **A** Yes, sir.

17 **Q** Everything in it is yours?

18 **A** Yes, sir.

19 **Q** A pair of jeans, black t-shirt, ten pair of
20 underwear, undershirt, gray t-shirt, pair of golf socks,
21 black and red t-shirt, a pair of underwear, white t-
22 shirt, yellow Polo long sleeve Ralph Lauren, paper
23 towels, white t-shirt, pair of black golf socks, pair of
24 black shorts, another pair of black shorts, pair of blue
25 shorts, pair of gray pants, pair of black and white

1 shorts, black short sleeve shirt, pair of golf socks, in
2 a separate bag within that bag, a pair of white thermals,
3 pair of jeans, another pair of golf socks and a pair of
4 underwear, a couple of belts, some deodorant, a pair of
5 socks, various other pair of socks in a second side,
6 deodorant and golf sock in the front. All of those your
7 stuff?

8 A Yes, sir.

9 Q Now, also heard the testimony of Forensics
10 Officer Shaw who collected this item, which is a gray t-
11 shirt, at Mr. Brockman's house?

12 A Yes, sir. This is the shirt I had on.

13 Q This is the shirt you were wearing?

14 A Yes, sir.

15 Q In fact, this is the projectile hole up here on
16 the top left corner?

17 A Yes, sir.

18 Q That's where you were shot?

19 A Yes, sir.

20 Q Through this shirt?

21 A Yes, sir.

22 Q I'm also showing the black hooded sweatshirt.
23 It looks like drawstrings around the front to tighten the
24 hood. There are two holes in this.

25 A Yes, sir.

1 Q Where you were shot as well?

2 A Yes, sir.

3 Q You heard the testimony that that's your blood?

4 A Yes, sir.

5 Q You also agree that you held this gun?

6 A Yeah, it was put on me.

7 Q Mr. Lowrance, this seems pretty heavy. How did
8 you carry it from behind the apartments where you claim
9 Mr. Meat gave it to you all the way to your cousin's
10 house?

11 A I just had it on me, just on me.

12 Q This thing must weigh a couple of pounds.

13 A I don't know how much it weigh.

14 Q Did you stick it in your waistband?

15 A I just had it on me. I mean, he put the gun on
16 me.

17 Q This thing is good and heavy. How did you
18 carry it from what you claim, Berkeley Pointe all the way
19 to your cousin's house? This is where the incident
20 happened?

21 A Yes, sir.

22 Q This is where you were apprehended?

23 A Yes, sir.

24 Q You carried it all the way from here to here
25 somehow. You heard Mr. Brockman's testimony that the

1 street that he lives on is not far from where he picked
2 you up.

3 A Yes, sir.

4 Q You carried it all the way over here. How did
5 you carry it?

6 A I don't really recall. I know I had the gun.

7 Q The whole time, you'd done nothing wrong?

8 A No, sir.

9 Q You are a victim of either Lemetrius or Officer
10 Cobb?

11 A I don't know who shot me.

12 Q Not at one point in time did you seek medical
13 treatment until law enforcement showed up and took you to
14 the hospital.

15 A Yeah, I went to the hospital when the police
16 came and got me out of the house.

17 Q From the time you got shot to the time they
18 took you to the hospital, you never got medical
19 treatment?

20 A After I got shot, I had passed out. Once I
21 woke up or whatever, I got together and was trying to
22 call my family to get help to see about the situation
23 because I didn't really know what to do. I was
24 panicking.

25 MR. MARCHANT: I have nothing further.

1 **THE COURT:** Mr. Johnson.

2 **MR. JOHNSON:** Briefly, Your Honor.

3 **REDIRECT EXAMINATION**

4 **BY MR. JOHNSON:**

5 **Q** Mr. Lowrance, first of all, he asked you how
6 you carried the gun. I don't know. I mean, do you carry
7 the gun like normal people? If you were carrying the
8 gun, you carried the gun, didn't you?

9 **A** Yes, sir.

10 **Q** Mr. Lowrance, you know what the motion of
11 discovery is, don't you?

12 **A** Yes, sir.

13 **Q** Have you seen that before in this case?

14 **A** Yes, sir. I got it a long time. While I was
15 in jail, they brung -- they brung -- they brung it to me.

16 **Q** Okay. Now, that's something that you and I
17 looked at together at some point?

18 **A** Yes, sir.

19 **Q** You remember going over the cell phone records?

20 **A** I think I might have looked at them a couple of
21 times.

22 **Q** If I showed them to you, would these be the
23 records, the cell phone records?

24 **A** For that day?

25 **Q** Yeah.

1 **A** I guess so if it's got that date on it.

2 **Q** Read over them.

3 **A** Okay. (Reading.)

4 Yes, sir.

5 **Q** All right. Now, on this record, I'm sorry.

6 I'm going to stand right here. It shows incoming calls.

7 **A** Yeah, that's the incoming call from my cousin.

8 **Q** I'm not asking you that. It's showing incoming
9 calls, right?

10 **A** Yes, sir.

11 **Q** It shows outcoming calls -- outgoing calls too,
12 didn't it?

13 **A** Yes, sir.

14 **Q** And 10/28/2011 is the day of the incident,
15 right?

16 **A** Yes, sir.

17 **Q** Now, outgoing calls actually -- that means you
18 made a phone call, right?

19 **A** Yes, sir.

20 **Q** You made calls going out. That means you made
21 a call?

22 **A** Yes, sir.

23 **Q** And call coming incoming, that means somebody
24 called you?

25 **A** That's right.

1 **Q** Now, I want to point here. I want you to tell
2 me if I'm reading this correctly. It looks like --

3 **MR. MARCHANT:** Your Honor, he either
4 remembers the record or he doesn't. Objection to
5 Mr. Johnson reading this information into the record
6 without asking a question.

7 **THE COURT:** If you will just ask him does he
8 -- does he remember these particular calls just like
9 before. If he's familiar with it, then I'll let you
10 ask him about it.

11 **BY MR. JOHNSON:**

12 **Q** Okay. Now, earlier, you stated that at some
13 point, you passed out?

14 **A** Yes, sir.

15 **Q** Okay. And when you were passed out, were you
16 making phone calls while you were passed out?

17 **A** Uh, I really never passed out before. That's
18 the first time I ever passed out.

19 **Q** Now, I asked you if you remember your cell
20 phone records because it shows the last outgoing calls at
21 10:48 a.m. The next one at 6:08 p.m. Does that sound
22 about right to you?

23 **A** The only thing I know is I passed out. It was
24 daylight. It was dark.

25 **Q** I have nothing further.

1 **THE COURT:** Anything else from this witness?

2 **MR. MARCHANT:** None from the State, Your
3 Honor.

4 **THE COURT:** Sir, you can step down.

5 Mr. Johnson, are you intending on calling any
6 other witnesses?

7 **MR. JOHNSON:** No, ma'am.

8 **THE COURT:** All right. So the defense rests?

9 **MR. JOHNSON:** The defense rests, Your Honor.

10 **THE COURT:** Okay. All right. Uh, Mr.
11 Marchant, do you have any reply testimony?

12 **MR. MARCHANT:** Can I have a moment with
13 Detective Conroy?

14 **THE COURT:** Sure.

15 While he's speaking with the detective, I will
16 tell you and I hope that you all do not mind. I
17 took the liberty -- you've worked so hard this week
18 with us, I took the liberty of ordering lunch for
19 you. If you do not want to have lunch, we're going
20 to have a little bit of an abbreviated break because
21 I want the attorneys to be able to argue and get
22 your charge on the law earlier in the afternoon
23 rather than later. If you want to go out and get
24 something different, that's fine. But we've got you
25 -- brought you in lunch from Publix. Lunch from

1 Publix, you can just choose what you want from what
2 all we have. It's sandwiches and whatnot. But if
3 anybody has any dietary concerns and needs to run
4 out, I will let -- allow you certainly to do that as
5 well.

6 Yes, sir.

7 **MR. MARCHANT:** Your Honor, the State does not
8 have any reply.

9 **THE COURT:** All right. All right. Well, uh,
10 these attorneys said that they thought they would
11 have all the testimony and evidence to you before
12 lunch on Thursday and they have done it. They came
13 close but they've done it. When we come back, we're
14 going to hear final arguments from the attorneys.
15 Let's break --

16 Is 45 minutes enough for you all to get some
17 lunch? If you need an hour --

18 **MR. MARCHANT:** Your Honor, that's a fair
19 amount of time.

20 **MR. JOHNSON:** Uh, yeah. Yeah, 45 minutes is
21 fine.

22 **THE COURT:** You think so? Okay.

23 We're going to break for 45 minutes. Please
24 don't discuss the case with anyone. Until we've
25 heard final arguments, you can't begin your

1 deliberations. Thank you.

2 (WHEREUPON, the jury exits at approximately
3 1:06 p.m.)

4 THE COURT: I'm not trying to rush y'all to
5 death. And I did do a copy of my charge for each of
6 you to have over the lunch break if you want to
7 argue from it.

8 MR. MARCHANT: Your Honor, the only
9 additional charge, I guess, I would request at this
10 time is this defendant has testified he was present
11 at the scene.. It's the State's position, I believe,
12 that it would be appropriate hand-of-one/hand-of-all
13 compass liability charge.

14 MR. JOHNSON: I don't believe that's any
15 testimony, you know, there's been no testimony that
16 he participated.

17 THE COURT: I'll think that one over on the
18 lunch break. But I will tell you before you do your
19 final arguments.

20 MR. MARCHANT: Thank you, Your Honor.

21 THE COURT: I'll take a look at that. Mere
22 presence is in there. It's in there. I put it in
23 there. I'll hear arguments from either side.. Okay.

24 MR. MARCHANT: Thank you, Your Honor.

25 THE COURT: Thank you. We'll be in recess

1 until a little before 2:00. Just before 2:00. Just
2 two o'clock. Two o'clock.

3 **MR. MARCHANT:** Mr. Pringle was still under
4 subpoena and I did not have the court release him.
5 Can I do that at this time, unless there is an
6 objection?

7 **THE COURT:** Any objection?

8 **MR. JOHNSON:** No objection.

9 **THE COURT:** All right.

10 **MR. MARCHANT:** Thank you, Judge.

11 **THE COURT:** Oh, and you renew all your
12 previous motions and your motion for directed
13 verdict as well?

14 **MR. JOHNSON:** I guess I should do that.

15 **THE COURT:** Okay. They are noted for the
16 record and preserved. I respectfully deny. Thank
17 you.

18 (WHEREUPON, a lunch recess is taken.)

19 **MR. JOHNSON:** I guess I'm concerned primarily
20 because I've thought about it. I guess the jury --
21 the jury probably were able to see your face and see
22 the --

23 **THE COURT:** That's why I had y'all stand
24 right where you stood. I had Mr. Marchant blocking
25 me here and then I -- remember I placed you in a

1 do so I can let them know if --

2 **THE COURT:** I only send it back if both sides
3 consent, so I won't send it back.

4 **MR. JOHNSON:** Your Honor, at this time, we
5 formally object to the accomplice liability charge,
6 the hand of one charge. I just want to put that --

7 **THE COURT:** Oh, yes. Your objection is
8 noted.

9 **MR. JOHNSON:** Yes, sir.

10 **THE COURT:** The objection is noted.

11 **MR. JOHNSON:** Thank you, Your Honor.

12 **THE COURT:** Mr. Marchant, you don't want to
13 open on law, do you?

14 **MR. MARCHANT:** No, Your Honor.

15 (WHEREUPON, the jury enters at approximately
16 2:14 p.m.)

17 **THE COURT:** All right. Ladies and Gentlemen,
18 we're now to the portion of trial in which the
19 attorneys will make their closing arguments to you.

20 Mr. Johnson?

21 **MR. JOHNSON:** Thank you, Your Honor. May it
22 please the Court?

23 **THE COURT:** Yes, sir.

24 **MR. JOHNSON:** Solicitor.

25 What if I told you guys that I saw a movie last

1 night called Independence Day? I'll tell you what
2 it is about. It has Samuel L. Jackson in it. And
3 he and John Travolta, they go to -- they work for
4 this guy named Marcellus Wallace. They go and --
5 they are pretty much gangsters. Their job is to
6 collect -- I think y'all see what I'm saying here.
7 I'm giving you a description of the wrong movie.

8 Descriptions matter. Descriptions are very
9 important. If there's anything I can tell -- do to
10 tell y'all that the movie I just described was
11 Independence Day? No. I can't tell you any
12 different and don't let them tell you any different.

13 Ladies and Gentlemen, in this case, there was a
14 description given. The description was quite clear
15 in a well lit lobby. You can look at the pictures
16 and you can see that. This person said they saw --
17 Officer Cruell said they saw this person with this
18 hat get in this car. Very particular. They want to
19 tell you different. Ladies and Gentlemen, don't let
20 them tell you any different.

21 Now, I'd like to go through some of the
22 charges. I'll start with the Failure to Stop. I'm
23 looking at my notes here, so I apologize if I look
24 down. In regard to the Failure to Stop, I guess the
25 first thing that we'd have to explain is my client's

1 presence in the car. Like I told you, he admits to
2 driving the car. He admitted to driving the car
3 prior to that day. Norman Pearson stated that he
4 was driving the car. My client admits that. Okay.
5 Now, we also talked about at the prior hearing, him
6 saying that obviously it was a stolen vehicle. He
7 admits to driving the vehicle. And that would
8 explain the conviction, now wouldn't it? So my
9 client's trying to be up-front. He did this thing
10 wrong.

11 Now, I know they try to make like that my
12 client may have said that he didn't know the vehicle
13 was initially stolen, but let me tell you this, how
14 do you think the car was driven? You have keys.
15 Keys to the car. You unlock it just like that. It
16 wasn't hot wired or nothing. Keys to the car. Why
17 wouldn't he believe that it was that person's
18 rightful car? I don't know how you steal a car that
19 has keys with it. If somebody wants to tell me how
20 to do that, I'll be a master criminal. How am I
21 going to steal somebody else's car and they not know
22 who I am and I have the keys?

23 Now, I guess the State is trying to say that he
24 was driving the car on that day. Uh, one of the
25 things they brought forth was the fingerprints.

1 What we know is they collected 26 fingerprints.
2 Nine were accounted for, 17 were not. He said they
3 plugged them into a database and then they compared
4 them to known samples, which was from my client.
5 Now, it came up there were 16 unaccounted for. What
6 we also know is that my client's fingerprints were
7 found on other parts in the car relative to the
8 driver's side? This is a car. I got a front door
9 and I got a back door. I got another back door and
10 I got a side passenger door. This is the passenger
11 side. This is the driver's side. Ladies and
12 Gentlemen, they found his prints over here. Ladies
13 and Gentlemen, they found his prints over here..
14 Somebody else was driving the car, Ladies and
15 Gentlemen. He got in the car with somebody else.
16 He wasn't always driving this vehicle. Why would
17 his prints be over here or back over there if he
18 wasn't going to drive -- if he wasn't riding in the
19 car at some point? So that supports that notion.
20 That supports that idea that he was all -- that he
21 also had ridden in the car and he wasn't just
22 driving it.

23 We also heard testimony from other people. I
24 already said Norman. We heard from Norman and even
25 from my client that Norman's cousin was in the car

1 too. Now, we heard from Pringle, as my client
2 called him T.P. He was in the car. The guy, Tron
3 testified. He said he'd never been in the car or
4 been around. And I'll talk about this later. He
5 been around it somehow. He didn't say how but he
6 had been around it. And Will Brockman stated that
7 he had seen it or something of that nature. So what
8 we know is you have a whole bunch of unsavory
9 characters around this car. That corroborates my
10 client's story. We have a whole bunch of idiots
11 around this car. A whole bunch of people doing
12 stupid stuff.

13 And finally -- and I'll come back to this.
14 I've said this initially. What we have from Officer
15 Cruell is that she saw somebody come down through
16 the lobby, six foot, 40 years old, long hair pulled
17 back into a pony tail maybe. Who was that?

18 Now, I guess I can kind of figure out what
19 happened with Officer Cruell because she stated
20 that, uh, she went back and looked up the picture
21 and decided that that person she saw was my client.
22 I guess all I can say is Officer Cruell aimed to
23 please. They caught this guy. Okay. Yeah. That
24 was him. But think about it. You know it's true.
25 I just came before you and described Pulp Fiction.

1 I told you it was Independence Day. You didn't
2 believe it. Don't believe this. Don't let them
3 tell you different.

4 Now, with regards to the, uh, Attempted Murder
5 times two on Officer Lane and Officer Cobb and what
6 goes along with that is Possession of a Weapon
7 During the Commission of a Violent Crime.
8 Obviously, somebody was shooting at them. They
9 obviously committed that Possession of a Weapon
10 charge. That's what -- that's what that means.
11 That means you're just not possessing a weapon.
12 It's possession of a weapon while you are shooting
13 at somebody. That's what the charge means. The
14 judge will tell you what that is, but I just wanted
15 to be clear in my own words what my interpretation
16 of the law is. The judge will tell you what it is.
17 I think you'll find it's pretty much consistent.

18 The first thing we know is -- I'd like to set
19 the background. Officer Cobb and Officer Lane --
20 first of all, I don't know who was shooting at him.
21 We don't know. Uh, there's other information that
22 they provide too. One is they don't know how many
23 people were down there. It's not like they can come
24 and tell you, no, there wasn't nobody else down
25 there. They can't do that. They can't do that.

1 Okay. So let's be clear on that. Let's be clear.
2 I even asked them the question. Couldn't there have
3 been somebody else down there? Yes. I mean, that
4 was the only possible logical answer to that
5 question. Couldn't somebody else be down there?
6 Yeah, of course.

7 Now, let's talk about something else on the
8 shooting because I think the evidence corroborates
9 my story. First of all, let's talk about the gun.
10 Now, Dr. Kandala testified that he tested this gun.
11 He found my client's DNA on it. He found two other
12 people's DNA on it. They found two other people's
13 DNA on it. First of all, what we know from my
14 client's testimony is that he had the gun. So we
15 expect his DNA to be on it. How else are you going
16 to hold a gun? So okay. We expect his DNA to be on
17 it. How else are you going to have a gun? You got
18 to hold the gun. You don't have any gloves, you got
19 to have a gun. But like I said, Dr. Kandala also
20 testified that two other people's DNA was on the
21 gun. How did it get there? I submit to you this
22 corroborates my client's story.

23 Now, what else do we have of the gun? We have
24 the magazine. Now, I asked Dr. Kandala did he test
25 the magazine for DNA. He did. Okay. Now, he found

1. three people's DNA on the magazine. They didn't
2. find my client's DNA on the magazine. How are you
3. going to shoot a gun without a magazine? How does
4. that work? Here's the magazine and here's the gun.
5. I mean, if you take the safety off and you start
6. pressing the button, ain't nothing coming out.
7. Ain't going to come out. Ain't no bullets. In
8. order to shoot a gun, you got to put the magazine in
9. there.

10. Think about how you got to put it in there
11. because I asked Armstrong. You take it like this
12. and you grip it and you stick it like this and you
13. stick it in the gun. You don't have to stick it
14. hard, but you got to stick it in. Your hand touches
15. it. So in order to get the magazine in the gun, you
16. got to grip the magazine and stick it in. Who's DNA
17. he said is on this gun? A major contributor and two
18. trace contributors. Major contributor is not my
19. client. It wasn't him. Okay. They don't know who
20. it is. I submit to you it corroborates my client's
21. story.

22. Another thing you have with regards to the
23. testimony on this is he said that the trace
24. contributor with regards to the gun could have been
25. this guy, who is the major contributor. I'm going

1 to ask y'all to remember that. He said that one of
2 the, uh, trace contributors here could be this major
3 contributor right here.. We don't know who that
4 person is. I submit to you it corroborates with my
5 client's story.

6 Another thing I talked to Kandala about is how
7 DNA gets there or when it gets there. One of the
8 things that he can't tell you is how and when it
9 gets there. He can just tell you that it's there.
10 It's not as if he can say, oh, that DNA is on the
11 gun or Mr. Lowrance's DNA is on the gun. Therefore,
12 he shot the gun and did this and that. He can't do
13 that. That's not what he does. He testified to
14 that. That's not what he does.

15 Now, another thing we know is that we went over
16 these piles of clothes. I don't know which ones
17 they are. This is the one from the same shooting.
18 In it, they found my client's wallet. There are
19 some things peculiar about that that I'd like to
20 point out to you.

21 One of the things they didn't find was a room
22 key to the Comfort Inn. Who had the keys? They
23 found keys to the Quality Inn at the hotel. Who has
24 the keys to the Comfort Inn? How did he get in and
25 out of the room? I say somebody else had the keys.

1 Another thing that wasn't in there, found his birth
2 certificate and Social Security card. The most
3 important thing that wasn't in there was his
4 driver's license. Ladies and Gentlemen, if you have
5 a valid driver's license, if you have the right to
6 drive on this road, if your license is good, why you
7 going to leave it at the room if you intend on
8 driving? That don't make any sense. If I got a
9 good license, I'm going to use my license if I
10 intend on driving. Ladies and Gentlemen, that
11 doesn't make sense and don't let them tell you
12 different.

13 Now, we get through all the evidence and I told
14 you at the beginning you may hear these things and I
15 want to call your attention to the description and I
16 told you that I go last. That's the nature of the
17 things. The defense goes last. And we went last,
18 just like I told you. Made the statement going
19 through all this stuff with all these different
20 witnesses. I want to talk about that in a second.
21 But I told you we went last. Then my client's story
22 comes out. What I think is -- what he described his
23 actions were on that day, I think it explains a
24 whole lot of the evidence as it was. That's
25 something the State can't do. Allow me to explain.

1 First of all, when Detective Conroy was up,
2 what we do know is that in his police report, he
3 talked to Jose Caballero. Jose told him that he saw
4 the 1300 Building. When he saw the 1300 Building,
5 he saw the 1300 Building. When he saw the 1300
6 Building, he saw two people. Six feet tall, black
7 male. One of them got long hair. The other one
8 didn't. We don't know Jose. I don't where Jose
9 came from. Jose said this. This didn't come out of
10 thin air. This is what this man told him. I'm not
11 making this up. He put this in his report.

12 You also heard a story about Tooten Redcap.
13 Somebody called them and said Tooten Redcap, they
14 did this. And they are the Camelot. They make a
15 phone call and don't even go over there. That's not
16 good police work. Just follow up on the lead.
17 Follow up on the lead.

18 That brings me to my next point. Even the
19 Solicitor did this with my client. Talked about the
20 prior hearing. He talked about prior testimony and
21 new witnesses. People had not testified before.
22 They are here now. So they know my client's story.
23 They got two choices. Corroborate it, prove it
24 right or prove him wrong. Ladies and Gentlemen, I'm
25 going to tell you this, they didn't try to prove him

1 right. They tried to prove him wrong. Did they do
2 that? Did they explain all the actions? Did they
3 explain all the people, all the various things? No.
4 They didn't even try. The guy, Tooten Redcap, first
5 of all, I don't know if I believe that, but it's a
6 lead. And then the other two people that Caballero,
7 which is, I think, probably the most credible piece,
8 independent witness, they didn't even bring it up, I
9 did. That's called hiding the ball. Brought in
10 various witnesses to say, oh, I saw the car. I
11 couldn't see inside it. I didn't know who it was.
12 What's the point in that? What's that supposed to
13 do? Then they say, oh, well, you can see towards --
14 kind of in the front but you can't see in the back.
15 I still don't even know how many people are in
16 there.

17 Another thing they did was a new test was done.
18 We're talking about the hat. Talking about the hat.
19 Dr. Kandala stated that after the prior hearing, he
20 tested a hat. Now, you see where the hat is
21 relevant when the K-9 guy stated that they used the
22 hat and they were going to find whoever was wearing
23 the hat because Officer Cobb said the person that
24 was shooting at them was wearing a hat at the time.

25 Now, here's what's interesting to me. What we

1 do know is my client was shot. We do know my client
2 passed out. We know that from the inactivity on the
3 cell phone and him being in the area. What we also
4 know is the dog didn't track to him. He ain't even
5 moving. We got a stationery object. He right
6 there. He is as unmovable as this sweatshirt right
7 there. The dogs track it. Then the dogs pass over
8 to another track they said. Now, that tracker
9 didn't come. They said they passed it over to the
10 sheriff's office. They didn't track my client
11 either. Who were they looking for? Could it
12 possibly be people that Jose Caballero saw? Is that
13 possible?

14 You also heard and I asked Conroy this. There
15 was a prior hearing. He is the lead investigator.
16 He, you know, before this trial, they prepared for
17 it. I prepared too. No -- nothing wrong with that.
18 He prepared for it. But he also heard almost 100
19 percent of the time the testimony was a little bit
20 different, little details. Just trying to change up
21 a little bit of stuff. Little bit of details to
22 help support. But like I said, no matter how much I
23 described about Pulp Fiction, it ain't Independence
24 Day. It ain't the same movie. It's just not. I
25 don't know any way to put more emphasis on it, it

1 ain't the same move. Don't let them tell you
2 different.

3 Now, the thing that I also think is important
4 to say is that -- now, I brought up the dog and they
5 brought up the perimeter. They made some effort to
6 say that there was a perimeter set up and there was
7 all the police officers and nobody saw anybody.
8 Okay. Obviously, somebody was there. This incident
9 happened. Somebody was there. K-9 tracked
10 somebody. Somebody was there. This happened unless
11 this is an immaculate bullet and it just went, you
12 know, and that's how this works. These were
13 immaculate shots. Officer Cobb wasn't shooting at
14 nobody. Somebody was there at some point despite
15 the fact that no one saw anybody. So I want to --
16 let's be clear about that. Somebody did see
17 somebody. We're talking about Caballero again. He
18 saw these two characters. He saw them walking away.

19 Now, one of the things I think you'll find is
20 the Solicitor may try to have his cake and eat it
21 too. Let me explain. He's probably going to try to
22 say that these people, Lemetrius and Tee, did not
23 exist. Okay. I think they did. I think the
24 evidence corroborated that they did. He's also
25 going to say also, well, if they did exist, then my

1 client's still in it because he was part of the
2 whole mess. You can't have it both ways. That's
3 not how stuff works. You can't -- they just
4 throwing up stuff against the wall and sit fits --
5 and seeing if it sticks. Or as some people call it,
6 throwing crap up against the wall and seeing if it
7 sticks. Ladies and Gentlemen, it's still crap.
8 Crap is crap. You can't just do that.

9 They've got a theory. Choose a theory. Either
10 they believe that these people existed or they
11 didn't. They try and do anything they can just to
12 find this man guilty. I'll tell you what, if they
13 would just check out the story. You heard there was
14 a prior hearing. Just check out the -- just check
15 out the story and come back strong. These people
16 don't exist. Put somebody up on the stand. We
17 checked it out. They don't exist. They didn't do
18 that. They didn't do that. They couldn't do that
19 for you. That's unacceptable. Y'all can't accept
20 that. That's not that hard. They've got databases
21 and all different stuff. Check it out. They might
22 suggest we check it out. But Ladies and Gentlemen,
23 my client don't have to prove himself innocent, plus
24 his story checks out. These people don't believe
25 him. They never did.

1 Think about this. Officer Cruell is the person
2 that sees that there's a suspect, right? She sees
3 him, right? The next day, she finds out somebody's
4 been charged. They didn't even ask her. They just
5 charged the man. They didn't ask her nothing. If
6 I'm the person with the original information,
7 shouldn't I be privy, shouldn't you ask me
8 something. Shouldn't I know something? Doesn't
9 that make sense?

10 Now, something else I want to go through that I
11 believe is pertinent. You know, the standard in
12 criminal court is important to consider. I'd be a
13 poor attorney if I didn't argue this for my client.
14 This is very important. We've all heard of the
15 reasonable doubt standard. We all know what it is.
16 They have to prove my client guilty beyond a
17 reasonable doubt. Okay.

18 Now, the standard is not really complex. The
19 judge is going to tell you what it is. But I want
20 to tell you what it is in relation to other types of
21 cases. At the bottom, you have preponderance of the
22 evidence. That says, oh, I think he did it. And
23 that's all you need. That's civil cases. Those are
24 civil cases. You can do that in civil cases.
25 That's more likely than not. That's 51 percent and

1 49 percent or 50.01 percent or 49.99. That's
2 enough.

3 In the middle there, you have something called
4 clear and convincing evidence. Clear and convincing
5 evidence is what you, say for instance, in family
6 court, take someone's children. Something of that
7 nature. Say someone's rights. That's more than
8 preponderance.

9 And up here in between certainty, you have
10 reasonable doubt. Now you don't have to be certain
11 now. That's not what the law requires. You don't
12 have to be absolutely certain. That's not what it
13 requires. But reasonable doubt, I think you will
14 find described as the type of doubt that causes
15 someone to hesitate to act, to hesitate to find
16 someone guilty.

17 Ladies and Gentlemen, if you have that
18 hesitation, you must give my client that benefit of
19 the doubt. I know you have it. Go back to the movie
20 thing again. There's no way -- there's no way --
21 there's no way they can tell you what they are
22 describing is the same person that is that man
23 sitting over there. They can't do it.

24 Ladies and Gentlemen of the jury, I'm going to
25 ask you at this time to find my client, Patrick Dean

1 Lowrance, not guilty of Failure to Stop, not guilty
2 of Attempted Murder times two and not guilty of
3 Possession of a Weapon During the Commission of a
4 Violent Crime. Don't let them tell you different.
5 You won't let me tell you different and don't let
6 them. Thank you.

7 **THE COURT:** Thank you, Mr. Johnson.
8 Mr. Marchant?

9 **MR. MARCHANT:** May it please the Court?

10 **THE COURT:** Yes, sir.

11 **MR. MARCHANT:** Mr. Johnson, Mr. Lowrance.

12 Good afternoon, Ladies and Gentlemen. As I
13 explained to you when we opened this case, there was
14 going to be a significant amount of evidence because
15 I had to walk through evidence from three different
16 crime scenes. We had evidence from the Comfort Inn
17 where this incident started with Officer Cruell,
18 Wenwood Road, which is the Berkeley Pointe Apartment
19 complex where Officer Lane and Officer Cobb were
20 shot at and then Mooremont Avenue, where the
21 defendant was apprehended. If you will, bare with
22 me. I will try to be as brief as I can. I've got
23 to touch on various parts of evidence throughout
24 each of these crime scenes.

25 I want to first start with you chronologically.

1 We're going to start at the Comfort Inn where you
2 heard the defendant testify that he stayed at the
3 Comfort Inn and that he had rented the room on the
4 night of October the 27th through October the 28th.
5 If you will recall this incident at the Comfort Inn
6 started with Officer Cruell was driving through the
7 parking lot, which she indicated by this blue line.
8 She told you that she saw the vehicle in question,
9 which ya'll seen several pictures of a Yukon backed
10 into a parking spot here. She went behind the
11 vehicle, ran the tag and the tag came back to a
12 Honda Accord. That raised her suspicion.

13 She then called Officer Lane. Officer Lane
14 came to the Comfort Inn and he testified, as shown
15 by the red line, where he believed the car to be
16 parked. Now, there are various photographs at the
17 Comfort Inn both inside and outside where you can
18 see Officer Lane and Officer Cruell's car that was
19 parked there on the day that we took the pictures as
20 was testified, which was December of this past year.

21 Now, if you will recall, there is a window here
22 in the lobby area. That window looks out into this
23 parking lot. Officer Lane told you that when he was
24 inside the Comfort Inn, he sat down at the table and
25 he was sort of keeping an eye on the car out in the

1 parking lot. He also testified that he never saw
2 anyone get into the vehicle. He told you that he
3 could see the passenger side of the vehicle only
4 from where he was.

5 Who was also in the Comfort Inn that morning?
6 Arva Irby. She told you that she was working that
7 concession, continental breakfast area. She kind of
8 knew what was going on. She was nosy. She was also
9 keeping an eye on that area of the vehicle while she
10 was cleaning up. She was the one that saw the car
11 pull away. Remember, she didn't ever see anyone get
12 into that vehicle. If you were to believe the
13 defendant and believe the testimony that he exited
14 the side door here, which we are not disputing at
15 all that there was a side door, they would have had
16 to walk over here. Him and Tee. They would have
17 had to get in the back seat and wait on Lemetrius
18 supposedly to come through the lobby.

19 Now, did Officer Lane tell you he ever saw
20 anyone cross that window and go to that vehicle?
21 Keep in mind two people coming across the vantage
22 point for Officer Lane and Arva Irby. Did either
23 one of them tell you they saw him? No. The person
24 that told you they saw somebody come through the
25 lobby was Officer Cruell. And there was no denying,

1 no getting any way around what her description was.
2 That was a black male, 40, could have been younger,
3 potentially had long hair. We've never disputed
4 that. That's what she thought she saw that morning.
5 Now, you seen the black hoodie in evidence. It's
6 evident the defendant was shot wearing that black
7 hoodie. You see the strings, the drawstrings that
8 pulled the hood tight.

9 Officer Cruell is in the lobby. He walks by.
10 Goes out the front door. Goes around this way to
11 get in the vehicle. The vehicle pulls off. Arva
12 Irby tells him the guy just got in the car and
13 pulled off. What did she tell you about from her
14 vantage point how many people she could see in the
15 car? One. She told you she saw one person in the
16 front seat. One. The vehicle comes around the
17 front of the building, does not come through the
18 driveway area, the overhang out front. If you will
19 recall, there's a black vehicle parked here in the
20 photographs we took. That vehicle was not there on
21 the day in question. Officer Lane is standing
22 outside front while Ms. Cruell is going to her
23 vehicle. He wanted to be sure that he could see
24 which way the vehicle turned when it got out to
25 Laurens Road because he knew that it was a long

1 drive. The vehicle drives in front of him and goes
2 up Laurens Road and takes a right. What does he
3 tell you? I can see in the front of the vehicle and
4 there's only one person. I didn't see anybody else,
5 one person.

6 What's also significant about what Ms. Irby
7 tells you? The person that I saw in the front seat
8 of that vehicle, I believe they had a hooded
9 sweatshirt on. Okay. There's testimony that they
10 get down I-85. They head up I-85. You can see the
11 video. It's very clear from the vehicle the blue
12 lights illuminate. You can see it flashing off your
13 car. You can see it bouncing off the road sign on
14 the right side of the road. The vehicle cuts across
15 three lanes of -- three lanes of traffic. It
16 increases speed and attempts to evade Officer
17 Cruell's efforts to stop the vehicle and then gets
18 off of 85 on Mauldin Road. It's clear as day. This
19 intersection, you can see that car run the red
20 light. You can also see when Officer Cruell gets up
21 to the top of that off ramp, he's got to slow down.
22 Why does she slow down? The light's red.
23 Unfortunately, at that point in time, the car was
24 able to pick up enough speed to get away. She ends
25 up terminating the pursuit, so does Officer Lane.

1 Then they get a call across the radio from
2 Christ Church. There were already several units
3 that responded to that area that morning because
4 they heard the call of their fellow officer. They
5 were going to help respond and see if they could be
6 of assistance.

7 What happens next? One thing I want y'all to
8 be clear about. What I'm telling you is the way I
9 remember things. What Mr. Johnson's telling you is
10 the way he remembers things. You need to take it
11 upon yourselves that what you remember is the way it
12 happened. This is what I recall happened from the
13 times of the officers responding from their
14 testimony. If you believe it to be different, you
15 need to be sure that you go with what you remember,
16 all right?

17 This is what I submit to you happened. The
18 date's 10/28. The call comes out. Officer Cruell
19 responds to the Comfort Inn. Around 9 a.m., she's
20 checking the parking lot. She tells you roughly 15
21 minutes later, Officer Lane shows up. They spend
22 five or ten minutes inside the lobby. The car pulls
23 away. It is very clear from Officer Cruell's in-car
24 video as well as her testimony on the stand that
25 that chase up 85 began at 9:31 a.m.

1 She pursues the vehicle. Eventually terminates
2 that pursuit up at the Hitachi plant. And she
3 begins to help the trucker. Officer Lane testified
4 he did the same and they helped that trucker back
5 out. She testifies at 9:39 she heard over the radio
6 a call from Christ Church about a suspicious person
7 in the area that may be matching the description
8 that they had.

9 What happens next? Officer Kellett. He shows
10 up. Remember he told you he came down this way,
11 Fairforest to Wenwood and he stopped at Christ
12 Church and he talked to the security officer. The
13 security officer informed him of the person, the
14 suspect being in the area. He proceeds down here to
15 where he has circled in green, Wenwood Road. That's
16 where he stopped and he got out with the person that
17 was jogging. He told you there was no doubt in his
18 mind that that person was exercising, had headphones
19 in and did not match the description that had gone
20 out over the radio. Keep in mind, what time are we
21 talking about? 9:39. Shots were fired at 9:48.

22 Now, Kellett gets out at 9:40. He spends a
23 minute or two with the fellow. Then he proceeds on
24 to the Berkeley Pointe Apartment complex. He then
25 testifies to you. That he was in this area, the

1 roundabout area when that "shots fired" call came
2 out. He pulls into the parking lot. I asked him to
3 indicate with that same green marker where did he
4 park. He told you he straddled this line, which is
5 a speed hump. He gets out of the vehicle. Goes and
6 takes the corner of the 1300 Building. Was
7 communicating with Lane and Cobb about what's going
8 on. Did he tell you that he saw anybody out there
9 that morning other than law enforcement when this
10 incident occurred? Did he tell you that he saw
11 anybody running through the woods? Did he tell you
12 that he saw anybody walking down the sidewalk? Did
13 he tell you that he saw anybody around this
14 building? No. As a matter of fact, did any member
15 of law enforcement that responded. Did Fiedler tell
16 you? Did Cruell tell you? Did Cobb? Did Lane?
17 Did anybody see anybody out there that morning that
18 was not a resident of Berkeley Pointe?

19 What did the people at Berkeley Pointe tell
20 you? You heard from Ms. Taylor. Indicated here in
21 the yellow, she lives in this bottom floor apartment
22 of this building. Before the "shots fired" calls
23 came out, she walked down the sidewalk to talk with
24 her girlfriend outside of this building. She tells
25 you right about here is where that Yukon passed.

1 What does she tell you she saw inside? One person,
2 black male. She then leaves. Goes back to her
3 apartment.

4 She tells you she talked with Mr. Tucker. She
5 described him for you. It's obvious Mr. Tucker was
6 not here today. Excuse me. Mr. Tucker is a black
7 male. You heard from Mr. Mangle. He told you he's
8 a little taller than him, a little heavier than him
9 and he's got dreads. She tells you she talked to
10 him outside the apartment that day.

11 Mr. Mangle tells you he lived up here. This
12 apartment. He saw Officer Lane pull in that day.
13 He was going to talk to him about his car being
14 stolen. He was paying attention. At any point in
15 time did Mr. Mangle tell you that he saw anybody
16 that was not law enforcement or another resident
17 that he knew come or go from any of this area? No.

18 Had Officer Hammett come in. He tells you he
19 pulls in. Parks down here. Gets his dog out. He
20 comes around the building. Comes to the side where
21 Officer Cobb is. They come down. They clear the
22 stairwell so he can begin the search of this area.

23 He started tracking. He had a scent trail.
24 Why did he tell you he stopped that track? He knew
25 that there could be somebody down here playing in

1 the woods with a firearm that had fired what we know
2 now was nine shots at Officer Lane and Officer Cobb.
3 So for the safety of his fellow officers, he
4 stopped. He came back down and he started cross-
5 crossing. He started working that area. What did
6 he tell you? If my dog would have smelled another
7 track, it would have alerted me. Was there any
8 other track back there in the woods? No.

9 Now, if you believe the defendant, there were
10 three people there that day. How many tracks did
11 the dog handler who told you he had over 200 hours,
12 passed every certification if necessary, the dog
13 passed the same certifications for the county and
14 the city -- did they pick up on any other track?
15 No.

16 He tells you that at some point in time, his
17 dog tired out. He had to put it to rest for minute.
18 Later, the dog gained some time to rest. He comes
19 on the other side of Wenwood Road. And he starts a
20 track on the woodline here and he runs it down
21 towards Mauldin Road. Does he tell you he picks up
22 any track? No.

23 Officer Lane and Officer Cobb responded to this
24 area. They found the vehicle parked up here and
25 around and about. And you can see from the

1 pictures. What does Officer Cobb tell you about
2 that vehicle? The same vehicle that Officer Lane
3 and Officer Cruell saw at the Comfort Inn. If you
4 recall, Officer Cobb told you she switched over
5 channels so she could talk to Officer Cruell.
6 Officer Lane shows up. He identifies the car. How
7 does he identify? He identified both the radar
8 detector and the black air tree freshener that was
9 covering the vent. He told you he saw those items
10 at the Comfort Inn and he saw them again at Berkeley
11 Pointe. Why is that significant?

12 I find it extremely convenient when I asked the
13 defendant about his personal effects, which he
14 admitted were his down at the bottom of the
15 stairwell which he claims fit all into that bag that
16 there are five black air tree fresheners. But, oh,
17 no, these aren't his. I don't know how they got
18 there. Wallet's in there, Social Security card,
19 birth certificate, two pairs of shoes, lotion,
20 brush, clothes, phone charger. But the two things
21 in there that he says are not his, the air tree
22 fresheners and the ski mask. Convenient, ain't it?

23 Cobb tells you that she comes to the front of
24 this building. You see there are several pictures.
25 She gets over here, enters the walkway into the 1300

1 Building. She steps near the threshold. She gets
2 on her mic. She looks up. She's getting ready to
3 call out 1300 so she could tell dispatch where she
4 is. She can't remember whether or not she got that
5 out of her mouth because what happened? She was
6 fired upon. What did she tell you she did? She
7 went into the breezeway, charged the attack and
8 returned fire. What is the description of the
9 person that she described? I can tell from the
10 muzzle flash and the gunshots that it was a black
11 man whom I believed to be wearing a black ball cap.
12 You recall Officer Hammett's testimony? What did he
13 start the track off? Black ball cap. Did he ever
14 find another track? No.

15 Officer Cobb gets in the stairwell. She
16 attempts to come back out to the front of the
17 building to see if she could see down to the ground
18 floor. At that point in time, she has her firearm
19 out. There's a second exchange of gunfire. Fire
20 between both her and the defendant. She then
21 retreats behind the stairwell again, drops her clip,
22 reloads and waits. What is the next thing that she
23 hears? More gunfire.

24 You've heard Officer Lane when he testified
25 that he came into the breezeway. He came around.

1 He was not sure where Cobb was. He did not want to
2 use his weapon for fear that he may strike her.
3 What happened when he stepped in the threshold of
4 that breezeway? Somebody on the steps -- just like
5 Officer Cobb told you. Somebody on the steps, black
6 male with a black hat. That's what Cobb tells you.
7 What does Lane tell you? I couldn't see. It was so
8 dark in there. What I saw was a silhouette from the
9 muzzle flash. How many people did they talk about
10 seeing when the shots were fired? One. One person.
11 They never saw anybody else.

12 If you were to believe the defendant's story,
13 he tells you he is on those steps when he gets shot.
14 Did Officer Cobb ever hear any of this arguing
15 that's going on? No. The defendant told you we
16 were out there arguing. I was upset with him
17 because he had run from the cops. Had he just
18 stopped, probably would have just gotten a speeding
19 ticket. Isn't it convenient that Officer Cobb can't
20 hear any of this? Isn't it convenient that the
21 defendant, he has the discovery and he's trying to
22 fill in these gaps? She never saw anybody. Lane
23 never saw anybody. You can see in the photograph
24 where the six or seven shell casings are that were
25 discharged from Officer Cobb's gun is alleged.

1 She told you this is the bottom floor and this
2 is the breezeway where Officer Cobb and Lane
3 entered. She gets pinned back here. Here is this
4 half wall, which you can see in the photographs.
5 She tells you she looks over here. What does she
6 see? Nothing. What does she hear? Nothing. If
7 you believe the defendant, they were still arguing.
8 The defendant claims that Tee, who he can not
9 describe of other than caramel or honey brown, a
10 little shorter than Lemetrius. And then Lemetrius
11 happens to have long hair, doesn't have a last name,
12 doesn't know where he's from, doesn't know where he
13 lives, doesn't know any place that they went
14 together, but it's his friend. He's in the car with
15 him. They are smoking weed. They are drinking.
16 But he doesn't know squat about him. Ladies and
17 Gentlemen, is that credible? Is it believable?
18 We can't find Lemetrius and Tee because they
19 don't exist. We'd love to know where they are.
20 We'd love to know who they are. They don't exist,
21 Ladies and Gentlemen. He's seen his discovery and
22 he has testified and trying to get you to believe
23 that the evidence that we're giving you today is not
24 sufficient. There's some fathom person or persons
25 out there that did this, not him.

1 Lane tells you he enters. He's fired upon a
2 couple of times. He's here. He slams up against
3 the wall, ends up backing out. He goes and he
4 covers the corner. Why does he cover the corner of
5 that building? He comes and covers the corner of
6 this building so he can see down here and he can see
7 up here if anybody crossed him. What did he testify
8 to? Did he ever see anybody that was not law
9 enforcement?

10 Officer Lane backs out to the corner there, if
11 you will. We've had what I would consider three
12 rounds of gunshots. The first round is the
13 defendant shooting several times at Officer Cobb and
14 her returning fire. She then goes and takes cover
15 behind the stairwell. She testified we came up this
16 way and there was various gunfire in between her and
17 the defendant again. She goes back behind the
18 stairwell, reloads. Lane comes in. There's more
19 fire on him.

20 What does Starr Taylor and Mangle tell you?
21 The cops were being shot at. Ladies and Gentlemen,
22 I'm getting -- what I'm getting to is Officer Cobb
23 stepped around the corner that day and she was
24 ambushed. She was ambushed by the defendant. What
25 was his intent? What other intent could there be

1 than to kill Officer Cobb? Why would you discharge
2 your semiautomatic, fully automatic weapon? When
3 you get back in the jury room, pick this thing up.
4 See how much it weighs. All right. Discharged this
5 at Officer Cobb twice. Two separate occasions and
6 then once at Lane. What other intent could their
7 possibly be?

8 What I also want you to pay attention to is
9 when I asked Sergeant Shaw where he collected
10 things, he said they were numbered and he put the
11 number of the placard next to the item of evidence
12 that he collected. James Armstrong, the firearm
13 examiner, came in. And what does he tell you? He
14 tells you Cobb's weapon was discharged 14 times.

15 Looking at State's 59, here are the 14 shell
16 casings that came from Officer Cobb's gun. She
17 fired 14 times that day. Where did all of the
18 projectiles go? We don't know because various parts
19 of those projectiles shattered. The only thing that
20 James Armstrong can tell you with certainty about
21 those projectiles is that some did not come from
22 either her gun or the defendant's gun. Which ones
23 does he tell you? DS-14, where was DS-14 located?
24 I would suggest to you that if you go look at the
25 pictures, DS-14 is out here on the walkway. What he

1 can tell you is that it did not come from Officer
2 Cobb's gun. He can tell you it was insufficient
3 quality but bare similar characteristics to this
4 gun.

5 Also, DS-41. That was the projectile that was
6 found in the closet downstairs where the defendant's
7 clothes are. He found that projectile that had
8 penetrated through. It is big enough and has
9 sufficient markings such that he is able to tell you
10 with certainty that it came from this gun.

11 And he also talked about and indicated a lot of
12 other pieces of evidence that were collected. You
13 can look at the pictures. You can see there is
14 stuff all over the place. There is no doubt there
15 was a gundown going on that day. Officer Cobb was
16 at fear for her life. She returned fire. She was
17 fired upon. I'm not trying to get you to believe
18 that she didn't return fire and there aren't
19 projectiles and shell casings that come from her
20 gun. But where are the ones that we know come from
21 the defendant? One is through this closet here.
22 The other one had to have traveled out of the
23 breezeway because it lands out here.

24 There's also the overhang Sergeant Shaw is
25 talking about where you can see one, two, three.

1 marks. Told you those may or may not have been
2 ricochets because there was not enough information
3 to tell. But the direction of travel of those
4 bullets was towards the parking lot.

5 You've also seen -- you've also seen this door,
6 which is 1312. The door jam is pierced. You will
7 be able to see there's a projectile right through
8 it. The door is sliced open and the bullet bounced
9 off of the other side of the door frame. Again,
10 what was the intent of the defendant? There are so
11 many shots fired in that direction up the stairwell,
12 out the breezeway, exactly where Officer Cobb and
13 Officer Lane walked in.

14 Detective Conroy, as well as Detective Flavell,
15 showed up with several other officers. Conroy told
16 you there was roughly 70 officers out there between
17 his agency and other agencies in Greenville. It's
18 clear that the suspect got away. Remember, Hammett
19 told you he started tracking the track for about 45
20 minutes. He cleared that area before -- he cleared
21 that area before the county took over. The county
22 was unable to apprehend him. He wanted to be sure
23 there was no other threat back here. What does he
24 tell you? One trail, one track. Got to here. It's
25 obvious that the person headed the direction out of

1 the back of the apartment complex down near this
2 gulley and up here.

3 Why did he come down here? I submit to you
4 that when he gets down here, he can see all the cop
5 cars coming from either Mauldin Road or Fairforest.
6 He makes a u-turn. Starts heading this way. He
7 somehow gets out. There's one track. There's one
8 person there that day. Nobody else that's testified
9 on this stand, except the defendant, tells you about
10 anyone being out there. Nobody saw anything.
11 Nobody saw any person leave. Nobody saw any person
12 come from this vehicle.

13 Starr Taylor was in her apartment. She didn't
14 hear anybody arguing. She didn't see anybody out
15 there. What happened out there in the stairwell? I
16 submit to you this what happened. The defendant who
17 claims again that all of this stuff comes out of his
18 bag, I ask you to look at it back there in the jury
19 room. Is all that stuff in there? He tells you he
20 has it on his shoulder and he's walking down the
21 stairs when Lemetrius shoots him. He then places
22 his stuff down on the bottom floor.

23 You heard Sergeant Shaw testify about, I
24 believe it's State's 39. Look how the clothes are
25 found. They are not in a bag. I guess Lemetrius

1 took them. What comes out of that bag? The
2 defendant's birth certificate, his wallet, Social
3 Security card, pawn tickets. Sergeant Shaw also
4 talked about State's 38 and 37. That's a close up
5 of the clothes as they were found.

6 So I guess if you remember the defendant's
7 testimony, he took his shoes and put them in the
8 bottom of the bag and put all the other belongings
9 on top of it. Where are the shoes in this picture?
10 They are out to the side.

11 Sergeant Shaw then removed the upper clothing
12 to see if he could find any identification. He
13 finds the defendant wall -- the defendant's wallet.
14 And that information comes out of the wallet.
15 Conroy and Flavell tell you that they took that
16 Social Security card and that birth certificate and
17 they compared it to the Comfort Inn room. What was
18 the number that comes back? Dean Lowrance is
19 registered at room 427.

20 They go back to the comfort room, the Comfort
21 Inn room. Flavell told you when he went back to the
22 Comfort Inn, he went into the manager's office.
23 They went down a hallway, got on the elevator, went
24 up to the fourth floor, turned right out of the
25 elevator. The room was down on the left. The

1 defendant testified and agreed with me that the room
2 was somewhere on this side of the building and it
3 looked at the pool.

4 What does Flavell tell you he found in the room
5 that day? He went in and found the defendant's
6 driver's license, some other key cards, some other
7 motels. Here's the Quality Inn receipt to a --
8 Quality Inn, not Comfort Inn, from September of
9 Evelyn Loaiza-Alvarez. Look at the spelling on
10 this. A print for Ms. Alvarez came out of the car.
11 This is a month before this incident occurred.

12 What is the vantage point from the room up
13 here? We're looking at the swimming pool. It
14 doesn't look out to the parking lot. Mr. Johnson
15 would have you believe that an individual would
16 never drive a vehicle without their driver's
17 license. Why didn't he have his driver's license?
18 What time did Cruell tell you the chase started?
19 9:31. The defendant would have you to believe that
20 he has gotten in the car to go over to some girl's
21 house who is evidently not his wife at 9:31 in the
22 morning. What time do motels typically close out a
23 room? Checkout is 11:00, 12:00, right? He leaves
24 his driver's license and all of his clothes in the
25 room. Why does he do that? He does it because he

1 ain't coming back. Why is he not coming back? He
2 ain't coming back because he comes down to the lobby
3 and he sees those officers and he says, oh, you know
4 what, I got to get the heck out of dodge.

5 He walks past Cruell. He goes outside. He
6 gets in the Yukon and he starts up to Laurens Road.
7 He gets off of Laurens. He goes up to 85. He
8 subsequently ends up at Berkeley Point. He would
9 have you believe that he's sitting in the back seat
10 of that vehicle watching a video. Did you see a
11 video playing on Officer Cruell's in-car camera?
12 Did you see any movement in the back seat? Did you
13 see any figures? Why not? There was nobody in the
14 back seat. He was by himself in the driver's seat.
15 He's got to get out of there and he left all of his
16 important stuff because he was not expecting to find
17 law enforcement down there. And you know what?
18 Frankly, law enforcement told you they didn't expect
19 the guy that was driving the stolen Yukon to come
20 through the lobby there. They were caught off guard
21 just like the defendant was. Remember, Lane and Ms.
22 Irby did not see anybody get in the car. Why not?
23 Cause no one else was in that car except the
24 defendant.

25 The defendant would have you believe that he

1 left the area, went down and laid in the woods for
2 several hours. He then goes over to Mooremont
3 Avenue and he's picked up very near Mooremont Avenue
4 by Mr. Brockman. What did Mr. Brockman tell you?
5 Better yet, what did Mr. Brockman not want to tell
6 you?

7 You heard Mr. Brockman had a conviction for
8 trafficking cocaine. Don't know what happened with
9 that offense. Maybe somebody snitched on him. The
10 one thing that he refused to talk about, the one
11 thing that he refused to acknowledge is the most
12 significant and the most important thing that the
13 defendant told him. Why? Why would he not tell
14 you? Because he don't want to be the one to snitch.
15 He don't want to be the one that's responsible.

16 The defendant told him A, B and C. Detective
17 Flavell took Mr. Brockman's statement that evening
18 at Mr. Brockman's house. It was fresh in Mr.
19 Brockman's mind and it was accurate. What does Mr.
20 Brockman tell Investigator Flavell? Mr. Brockman
21 says, and I quote, Pat told me he was shot. He told
22 me that he shot at the police and a lady shot at him
23 first. I then asked him about his prior testimony.
24 You've heard a whole lot about the prior testimony.
25 It's very evident that we had another hearing at

1 another point in time. What did the Court Reporter
2 transcribe in that prior hearing? Question from me,
3 what did he tell you about being shot? Verbatim as
4 transcribed by the Court Reporter, he told me he
5 shot at them; they shot at him first. Word for word
6 from the defendant's mouth. He shot at the police.
7 Mr. Brockman twice has told two different people.
8 He told Investigator Flavell. He told this court.
9 Two separate occasions.

10 Now, Mr. Pearson. He's Mr. Lowrance's cousin as
11 they described each other although there is no blood
12 relation. What did Mr. Pearson tell you? He told
13 you the defendant was at his house that evening
14 prior to this incident occurring. He stayed at the
15 Comfort Inn. How did he know he stayed at the
16 Comfort Inn? He said he called me from his cell
17 phone because his number popped up. His name was
18 programed into that phone. What did he tell you the
19 number was? It's the same number law enforcement
20 traced.

21 What does Mr. Pearson tell you about whether or
22 not he has seen the defendant with that gun before?
23 He tells you that he saw him the day before in that
24 Yukon and this gun, this gun is on the center
25 console. This is not a concealable weapon. Mr.

1 Pearson and Mr. Lowrance are relatives. They say
2 they are cousins. Again, it's not blood, but that's
3 the way they talk about each other. You heard me
4 ask Mr. Lowrance if there were any problems between
5 the two of them. No. Why would Mr. Pearson come in
6 here and tell you that he saw this gun if it didn't
7 happen? He did it because it's the truth.

8 He saw the defendant with it the day before.
9 He told you there was no one else in the car with
10 him. The defendant called Mr. Pearson when this
11 incident happened. What does he tell Mr. Pearson?
12 He tells him the police got behind me, not us, me.
13 And I ran from them.

14 The defendant never told anybody that has
15 testified in here that there were multiple people.
16 He told his family member, "I ran from the cops." It
17 was me, not us, not they, not them, not other -- any
18 other synonym you want to use. Me. What does
19 Brockman tell you? He told you Pat told him he shot
20 at the police.

21 They end up over at Mooremont Avenue. You've
22 heard Detective Flavell indicate that he found a
23 gun. We found a jacket and a shirt. There's blood
24 on the jacket and blood on the shirt that comes back
25 to the defendant. There's a bullethole that his

1 pierced the black hoodie on two occasions. It's
2 gone through -- I submit to you that the jacket was
3 folded over. It went through here once and through
4 here once and then went through the gray t-shirt,
5 which Officer Cobb told you she saw somebody in a
6 gray shirt at the Comfort Inn. The bullet went in
7 the left shoulder. He told you it's still there.

8 Flavell tells you that occurred at about 8:30
9 that evening. He then went to the hospital. Conroy
10 went to the hospital to check on the defendant. He
11 did not collect any evidence. Why? The bullet is
12 still in his shoulder. The defendant tells you the
13 bullet is still in his shoulder.

14 You've heard the testimony from Dr. Kandala
15 about swabbing the gun. This ain't something that
16 you're going to have and you're going to carry
17 around in your pocket. This is a street weapon.
18 It's probably been passed around numerous times by
19 numerous people in numerous places. But the
20 defendant had it that day.

21 What does Kandala tell you about where he
22 obtained the majority of the DNA that comes back
23 from Mr. Lowrance? He testified that he got him
24 from the handle and the trigger area. If you recall,
25 I asked the defendant multiple times how did you

1 carry it, how did you get it there. I don't know.
2 It was just on me. Pick it up. It's heavy. He's
3 being evasive. He's not being honest with you,
4 Ladies and Gentlemen. He's trying to give you some
5 story to get you to buy. It just doesn't make
6 sense. It doesn't fit the evidence.

7 The evidence is Officer Cruell was at the
8 Comfort Inn that morning. She saw a car, a Yukon.
9 It had an improper tag. It came back to a Honda.
10 She went inside the investigate. She sees the
11 defendant come through. The defendant goes outside,
12 gets in the vehicle, runs from her, flees from her
13 up 85. You can see the blue lights in the video,
14 Ladies and Gentlemen. He testified to you he saw
15 them.

16 Get off on Mauldin Road. Go to Berkeley
17 Pointe. He's in a stolen vehicle that he's been
18 previously convicted of. He gets into the breezeway
19 of the 1300 Building. Cobb steps around the corner
20 just so she can tell dispatch where she is and she
21 is ambushed. Multiple shots at her. She returns
22 multiple shots. Then they engage in a second
23 exchange in the stairwell.

24 Lane comes around the corner. What happens to
25 him? He's shot at as well. Nine times. Nine times

1 this defendant shot at two officers for all they
2 knew as an improper tag on a vehicle. Why is he
3 shooting at them? He's shooting at them because he
4 knows he's rolling around in a stolen vehicle. He's
5 shooting at them because he knows he's out there
6 doing things he's not supposed to be doing.

7 Lemetrius didn't have the gun. He had the gun.
8 The defendant had the gun in the car. Probably had
9 some dope as well. He's running because he's doing
10 things that are against the law. And man, did he
11 take it to the extreme.

12 Ladies and Gentlemen, you will hear Judge
13 Verdin in a few minutes. She's going to go through
14 several charges with you, two counts of Attempted
15 Murder and Possession of a Weapon during the
16 Commission of a Violent Crime and Failure to Stop.
17 It's the State's position that we met the burden
18 necessary for you to go back and deliberate and
19 return a verdict of guilty. I submit to you there's
20 nothing else the Greenville Police Department can do
21 or bring to you here today to convince any further.
22 You have more than enough evidence that this
23 defendant is the one that shot at both Officer Lane
24 and Officer Cobb. He's the one that ran from
25 Officer Cruell.

1 The judge is going to tell you you don't have
2 to be certain by 100 percent. She's going to tell
3 you you have to be firmly convinced. I submit to
4 you, Ladies and Gentlemen, we are way past that
5 standard and that there is no doubt that exists in
6 this case that there was anybody out there at any
7 point in time other than the defendant. He is the
8 one that should be held accountable for this
9 offense. Again, I ask you to return a verdict on
10 all charges of guilty. Thank you.

11 **THE COURT:** Thank you, Mr. Marchant.

12 Mr. Foreperson, Ladies and Gentlemen of the
13 jury, you have seen and heard the evidence presented
14 as well as the arguments of counsel. It now,
15 therefore, becomes my duty and obligation to
16 instruct you on the law that is applicable in this
17 case. It will then be your duty and obligation to
18 begin your deliberations, through which process you
19 will decide the facts, apply the law as instructed
20 by the court and render fair and impartial
21 decisions.

22 It is your exclusive duty to determine what the
23 facts are. You do that based upon your own common
24 sense examination and evaluation of the testimony
25 and other evidence received during the trial of the

1 case. You twelve jurors will decide what weight,
2 value and effect that is to be given to any
3 particular testimony or other evidence received.
4 Your ultimate goal is to simply reach the truth in
5 this matter. And by doing so, you will have
6 fulfilled your obligation as jurors and that is to
7 give both the State and the defendant a fair and
8 impartial trial based upon the evidence presented
9 and the law applicable to this case.

10 In this case, the State of South Carolina
11 through the circuit solicitor has charged the
12 defendant with the criminal offenses known as
13 Failure to Stop for a Blue Light, two counts of
14 Attempted Murder and Possession of a Weapon during
15 the Commission of a Violent Crime. The allegations
16 charging the defendant with these crimes are set
17 forth in the indictments that have been previously
18 explained to you.

19 As I previously explained, the indictments are
20 not evidence in this case and may not be considered
21 by you as evidence against the defendant. The
22 indictments will be in the jury room with you but
23 serve only one purpose, and that is to serve as the
24 verdict forms on which the jury's unanimous decision
25 will be written.

1 As to the charges set forth in the indictments,
2 the defendant has entered a plea of not guilty.
3 That plea of not guilty has therefore placed upon
4 the State the burden of proving the allegations that
5 are set forth in the indictments, the burden of
6 proving each of the essential elements of any crimes
7 charged and therefore proving the guilt of the
8 defendant to the satisfaction of you 12 jurors
9 beyond a reasonable doubt before a verdict of guilty
10 can be returned as to any indictment.

11 The burden is never upon a defendant to prove
12 that he is not guilty or to prove that he is
13 innocent because, in some cases, that might not be
14 possible. The burden is always upon the State
15 because they made the allegations, to prove the
16 defendant guilty beyond a reasonable doubt. You are
17 further instructed that it is a vital, important and
18 cardinal rule of law that every defendant in a
19 criminal trial, no matter how serious the offenses
20 might be for which he stands charged shall always be
21 presumed innocent of those charges. And that
22 presumption of innocence shall be with the defendant
23 from the moment of his arrest and throughout the
24 course of the criminal process and even throughout
25 the course of the actual trial.

1 The presumption of innocence shall be with the
2 defendant even as you go into the jury room to begin
3 your deliberations and that presumption of innocence
4 shall be with him there and be with him forever
5 unless you 12 jurors determine that he is no longer
6 entitled to that presumption of innocence. It is
7 only if, unless and until you are satisfied of the
8 defendant's guilt beyond a reasonable doubt that he
9 would no longer be entitled to that presumption of
10 innocence.

11 I remind you that during this trial, you and I
12 have certain duties to perform. As the trial judge,
13 it is my responsibility to preside over the trial of
14 this case and I also have the duty to rule on the
15 admissibility of the evidence offered during this
16 trial. You are to consider only the competent
17 evidence before you. If there was any testimony
18 ordered stricken from the record in this case during
19 this trial, you must disregard that testimony. You
20 are to consider only the testimony which has been
21 presented from this witness stand and any exhibits
22 which have been made part of the record in this case
23 and any stipulations of counsel.

24 I have the additional duty to charge you the
25 law applicable to this case. As the presiding

1 judge, I am the sole judge of the law of the case.
2 And it is your duty as jurors to accept and apply
3 the law as I now state it to you. If you already
4 have any idea as to what the law is or what the law
5 ought to be and it does not agree with what I tell
6 you now the law is, you must abandon this idea
7 because you are sworn to accept the law and apply
8 the law exactly as I state it to you.

9 In every case tried in this court before a
10 jury, the jury becomes the sole and exclusive judge
11 of the facts in a case. A trial judge can not
12 intimate, state, comment on or make any statement to
13 a trial jury about the facts in a case. Since you,
14 the jury, are the sole judge of the facts of this
15 case, you are not to infer from what I have said
16 during the progress of this trial in ruling upon the
17 admissibility of evidence or otherwise or anything
18 that I say now during the course of this instruction
19 to you that I have any opinion about the facts in
20 this case. I do not. The law does not allow me to
21 have an opinion about the facts in this case. This
22 is a matter solely for you, the jury, to determine.
23 As jurors, it is your duty to determine the effect,
24 value, weight and truth of the evidence presented
25 during this trial.

1 The State has the burden of proving the
2 defendant guilty beyond a reasonable doubt. Some of
3 you may have served as jurors in civil cases where
4 you were told that it is only necessary to prove
5 that a fact is more likely true than not true, such
6 as by the greater weight or preponderance of the
7 evidence. In criminal cases, the State's proof must
8 be more powerful than that. It must be beyond a
9 reasonable doubt.

10 A reasonable doubt is a kind of doubt that
11 would make a reasonable person hesitate to act.
12 Proof beyond a reasonable doubt is proof that leaves
13 you firmly convinced of the defendant's guilt.
14 There are very few things in this world that we know
15 with absolute certainty. In criminal cases, the law
16 does not require proof that overcomes every possible
17 doubt.

18 If, based on your consideration of the
19 evidence, you are firmly convinced that the
20 defendant is guilty of the crimes charged, you must
21 find the defendant guilty. If, on the other hand,
22 you think there is a real possibility that the
23 defendant is not guilty, you must give the defendant
24 the benefit of the doubt and find him not guilty.

25 Facts and circumstances that merely place upon

1 the defendant a grave suspicion of the crime charged
2 or that merely raises speculation or conjecture of
3 the defendant's guilt are not sufficient to
4 authorize a conviction of the accused.

5 There are two types of evidence which are
6 generally presented during a trial, direct evidence
7 and circumstantial evidence. Direct evidence is the
8 testimony of a person who claims to have actual
9 knowledge of a fact, such as an eyewitness. It is
10 evidence which immediately establishes the main fact
11 to be proved. Circumstantial is evidence is proof
12 of a chain of facts and circumstances indicating the
13 existence of a fact. It is evidence which
14 immediately establishes collateral facts from which
15 the main fact may be inferred. Circumstantial is
16 based on inference and not on personal knowledge or
17 observation.

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

1 find the defendant not guilty.

2 Necessarily, you must determine the credibility
3 of witnesses who have testified in this case.
4 Credibility simply means believability. It becomes
5 your duty as jurors to analyze and to evaluate the
6 evidence and to determine which evidence convinces
7 you of its truth. In determining the believability
8 of witnesses who have testified in this case, you
9 may believe one witness over several witnesses or
10 several witnesses over one witness. You may believe
11 part of the testimony of a witness and reject the
12 remaining part of the testimony of that same
13 witness. You may believe the testimony of a witness
14 in its entirety or reject the testimony of a witness
15 in its entirety. You may consider whether any
16 witness has exhibited to you any interest, bias,
17 prejudice or other motive in this case. You may
18 also consider the appearance and manner of a witness
19 while on the witness stand. In other words, you are
20 to judge a witness' credibility in the same way you
21 would judge a person's credibility in your daily
22 life.

23 As I stated to you, the rules of evidence
24 ordinarily do not permit witnesses to testify to any
25 opinions or conclusions. An exception to this rule

1 exists for witnesses we call expert witnesses, a
2 witness who by education and experience has become
3 an expert in some art, science, profession or
4 calling may state an opinion as to relevant and
5 material matter in which the witness claims to be an
6 expert and may also state the reasons for the
7 opinion. You should consider any expert opinion
8 received in evidence in this case and, like any
9 other evidence, give it the weight and value you
10 think it deserves. If you decide that the opinion
11 of an expert witness is not based on sufficient
12 education and experience or if you conclude that the
13 reasons given in support of the opinion are not
14 sound or that the opinion is outweighed by other
15 evidence, you may disregard the opinion entirely.
16 An expert witnesses' testimony is to be given no
17 greater weight than that of other witnesses simply
18 because the witness is an expert. Further, you are
19 not required to accept an expert's opinion even
20 though it is not contradicted.

21 In order to establish criminal liability,
22 criminal intent is required. For example, the
23 mental state required to be proven by the State for
24 a particular crime might be purpose, intent,
25 knowledge, recklessness or criminal negligence.

1 Criminal intent must be proven by the State beyond a
2 reasonable doubt. Criminal intent is always a
3 matter that must be determined by the jury from the
4 circumstances surrounding the situation. There is
5 no way to prove criminal intent to a mathematical
6 certainty. Civil law says that criminal intent may
7 be inferred from the circumstances shown to have
8 existed. This is how you make a determination of
9 whether or not the element requiring intent was
10 present. It is not necessary to establish intent by
11 direct evidence, but intent may be established by
12 inference in the same way as any other fact, by
13 taking into consideration the acts of the parties
14 and all the facts and circumstances of the case.

15 Criminal intent is a mental state of conscious
16 wrongdoing. It is up to you to determine what the
17 defendant intended to do based on the circumstances
18 shown to have existed. Criminal intent can arise
19 from an action or failure to act. It may arise from
20 negligence, recklessness or an indifference to duty
21 or to consequences that is considered by the law to
22 be the equivalent of criminal intent.

23 If a crime is committed by two or more people
24 who were acting together in committing a crime, the
25 act of -- the act of one is the act of all. A

1 person who joins with another to commit an unlawful
2 act is criminally responsible for everything done by
3 the other person which happens as a probable or
4 natural consequence of the acts done in carrying out
5 the common plan and purpose. If two or more people
6 were acting together, assisting each other in
7 committing the offense, the act of one is the act of
8 all or as it sometimes is said, the hand of one is
9 the hand of all. Prior knowledge that a crime is
10 going to be committed without more is not sufficient
11 to make a person guilty of that crime. Mere
12 knowledge that another person is going to commit a
13 crime, even if the defendant is present when the
14 crime is committed is not sufficient to convict the
15 defendant as a principle.

16 Guilt is a principle that is shown by actual or
17 constructive presence at the scene as a result of
18 prior arrangement. Therefore, a finding of a prior
19 arranged plan or common scheme is necessary for a
20 finding of guilt as a principle. The State must
21 prove beyond a reasonable doubt by competent
22 evidence the theory of the hand of one is the hand
23 of all. A principle in a crime is one who either
24 actually commits the crime or who is present aiding,
25 abetting or assisting in the committing of crime --

1 of a crime. When a person does an act in the
2 presence of and with the assistance of another, the
3 act is done by both. Where two or more acting with
4 a common plan or intent are present at the
5 commission of crime, it does not matter who actually
6 commits the crime. All are guilty. The hand of one
7 is the hand of all. Present at the commission of a
8 crime needs to be sufficiently near to aid and abet
9 and assist in the commission of a crime. However,
10 mere presence at the scene of a crime is not
11 sufficient to convict one as a principle on the
12 theory of aiding and abetting. Intent is also a
13 necessary element for there must have been a common
14 design or intent to commit the crime and the crime
15 must have been committed pursuant thereto with the
16 person aiding and abetting by some overt act.

17 Intent means intending the result which
18 actually occurs, not accidentally or involuntary.
19 Intent may be shown by acts and conduct of the
20 defendant and other circumstances from which you may
21 naturally or reasonably infer intent. The State
22 must prove these elements beyond a reasonable doubt.

23 As I stated to you before, mere presence at the
24 scene is not sufficient to prove someone guilty of a
25 crime. The defendant's presence where a crime is

1 being committed or a mere association with a person
2 who commits a crime does not make a defendant an
3 accomplice or an aider and abetter of the person
4 committing the crime. The burden is on the state to
5 prove every element of the crime charged. If you
6 find, after reviewing all the evidence, that the
7 State has proved the defendant was only present at
8 the scene of a crime and that they have not proved
9 beyond a reasonable doubt any other participation of
10 the crime, then you must find the defendant not
11 guilty. The law is that proof at the scene of a
12 crime is not sufficient to find someone guilty.

13 The defendant is charged with failing to stop
14 for a blue light. In order to prove this crime, the
15 State must prove beyond a reasonable doubt that the
16 defendant was driving a motor vehicle, that the
17 defendant was driving a motor vehicle on a road,
18 street or highway of this state, that the defendant
19 was signaled to stop by a law enforcement vehicle by
20 means of a siren or flashing light and that the
21 defendant did not stop.

22 In determining whether or not there are
23 mitigating circumstances which would justify the
24 defendant's failure to stop for a blue light, you
25 may consider actual road conditions, actual roadside

1 conditions, other conditions such as lighting and
2 weather, officer, driver and/or passenger safety and
3 any other circumstances you believe to reasonably
4 mitigate the alleged violation. An official signal
5 requiring a motorist to stop may be a siren or
6 flashing lights, but both are not required. An
7 attempt to increase the speed of the vehicle or in
8 some other manner avoid the pursuing law enforcement
9 when signaled by a siren or flashing light may be
10 considered as evidence of failure to stop for a blue
11 light. However, it is merely an evidentiary fact to
12 be taken into consideration by you along with all
13 the other evidence in the case and to be given the
14 weight you decide it should receive.

15 The defendant is also charged with two counts
16 of attempted murder. In order to prove this crime,
17 the State must prove the defendant attempted to kill
18 another person with malice aforethought either
19 expressed or implied. Malice is hatred, ill-will or
20 hostility towards another person. It is the
21 intentional doing of a wrongful act without just
22 cause or excuse and with an intent to inflict an
23 injury or under circumstances that the law will
24 infer an evil intent. Malice aforethought does not
25 require that malice exist for any particular time

1 before the act is committed. Both malice must exist
2 in the mind of the defendant just before and at the
3 time the act is committed. Therefore, there must be
4 a combination of the previous evil intent and the
5 act.

6 Malice aforethought may be expressed or
7 inferred. These terms "expressed" and "inferred" do
8 not mean different kinds of malice but merely the
9 manner in which malice may be shown to exist. That
10 is either by direct evidence or by inference from
11 the facts and circumstances which are proved.

12 Expressed malice is shown when a person speaks
13 words which express hatred or ill-will for another
14 or when the person -- excuse me -- when the person
15 prepared beforehand to do the act which was later
16 accomplished. For example, lying in wait for a
17 person or any other acts of preparation going to
18 show that the deed was within the defendant's mind
19 would be expressed malice.

20 Malice may be inferred from conduct showing a
21 total disregard for human life. Inferred malice may
22 also arise when the deed is done with a deadly
23 weapon. A deadly weapon is any article instrument
24 or substance which is likely to cause death or great
25 bodily harm. Whether an instrument has been used as

1 a deadly weapon depends on the facts and
2 circumstances of each case. The following are
3 examples of instruments which may be deadly weapons:
4 a pistol, a shotgun, a rifle, a dirk, a dagger, a
5 knife, a slingshot, metal knuckles, a razor,
6 gasoline, a fire bomb, a Molotov cocktail and
7 lighter fluid. A gun may be a deadly weapon even if
8 it is not operating. If facts are proved beyond a
9 reasonable doubt sufficient to raise an inference of
10 malice to your satisfaction, this inference would be
11 simply an evidentiary fact to be considered by you,
12 the jury, along with other evidence in the case and
13 you may give it the weight you decide it should
14 receive.

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

23 Evidence of the character of the act and
24 character of the instrument used, the manner in
25 which it was used, the purpose to be accomplished

1 and the resulting injuries may be considered in
2 determining the intent with which these acts were
3 committed. Intent may also be inferred when it is
4 demonstrated that the defendant voluntarily and
5 willfully commits and act, the natural tendency of
6 which is to destroy another's life.

7 The defendant is charged with Possession of a
8 Weapon during the Commission of a Violent Crime.
9 The State must prove beyond a reasonable doubt that
10 the defendant was in possession of a firearm or
11 visibly display what appeared to be a firearm during
12 the commission of a violent crime or the intent to
13 commit a violent crime. A firearm means any machine
14 gun, automatic rifle, revolver, pistol or any weapon
15 which will, is designed to, or maybe readily
16 converted to expel a projectile.

17 In order to find the defendant guilty of
18 possession of a weapon during the commission of a
19 violent crime or an attempt to commit a violent
20 crime, you must first find the defendant guilty of
21 either committing a violent crime or attempting to
22 commit a violent crime. Attempted murder is a
23 violent crime. In order to find the -- in order to
24 find the defendant guilty of possession of a weapon
25 during the commission of a violent crime, you must

1 first find the defendant guilty of attempted murder.
2 If you do not find the defendant guilty of attempted
3 murder, you can not find the defendant guilty of
4 possession of a weapon during the commission of a
5 crime. The State must prove beyond a reasonable
6 doubt that the weapon furthered, advanced or helped
7 in the commission of the crime.

8 Ladies and Gentlemen, your verdict must be a
9 unanimous one. Mr. Foreperson, when the jury agrees
10 on the verdict, you will write the verdict on the
11 back of the indictments and sign your name as the
12 foreperson. Then knock on the jury room door and
13 inform the bailiff that you have reached a verdict.
14 At that time, we'll receive you back in the
15 courtroom. I ask that you now return to your jury
16 deliberation room but do not begin deliberating
17 until you receive, uh, the indictments and all the
18 evidence in this case. That will be your signal to
19 begin deliberating. Thank you so much for your
20 service.

21 (WHEREUPON, the jury exits at approximately
22 3:47 p.m.)

23 MR. MARCHANT: No exception from the State,
24 Your Honor.

25 THE COURT: All right.

1 **THE COURT:** Everybody's here. They want to
2 watch the video.

3 **THE BAILIFF:** You want us to get it?

4 **MR. MARCHANT:** Yes, sir.

5 **THE COURT:** Will you ask her to get it, let
6 us bring it in?

7 (WHEREUPON, there is a pause.)

8 (WHEREUPON, the jury enters at approximately
9 5:46 p.m.)

10 **THE COURT:** It's my understanding that you
11 wanted to see the traffic video and we've got that
12 cued up for you.

13 (WHEREUPON, State's Exhibit 1 is played for the
14 jury.)

15 **THE COURT:** All right. Does anyone need to
16 see it again? (No response.)

17 All right then. I ask you to return to your
18 jury room and continue your deliberations.

19 (WHEREUPON, the jury exits at approximately
20 5:53 p.m. and jury deliberation continues.)

21 (WHEREUPON, Court's Exhibit 1 is marked for
22 identification purposes.)

23 (WHEREUPON, the Court resumes at approximately
24 6:07 p.m.)

25 **THE COURT:** We have a verdict. Is everybody

1 in? All right. (Pause.)

2 Before y'all bring them in, wait just one
3 second.

4 Will you step back outside one moment? I'm so
5 sorry.

6 I should have said this before. I know this is
7 an emotional case and it's been tried before. I
8 just want to be very, very clear that no matter
9 which way this case goes, and I have no idea which
10 way it will go, but I do not tolerate any kind of
11 outburst or anything in my courtroom period. I will
12 exercise the full measure of my contempt powers if I
13 have an outburst like that. This jury has taken
14 time away from their lives and have listened, I
15 think, as intently as any jury could have listened.
16 I'm just not going to put up with them having any,
17 uh, -- for them to have to deal with any kind of
18 outburst. All right.

19 (WHEREUPON, the jury enters at approximately
20 6:09 p.m.)

21 THE COURT: I understand that the jury has
22 reached a verdict. Is that correct?

23 THE JUROR: That is correct.

24 THE COURT: All right. Will you please hand
25 the indictments to the bailiff?

1 **(WHEREUPON, the verdict forms are handed to the**
2 Court.)

3 **THE COURT:** All right. The verdict forms
4 appear to be in order. If you will, publish them
5 please, Madam Clerk.

6 **THE CLERK:** Yes, Your Honor. Your Honor,
7 this is case number 2012-GS-23-1423, the State
8 versus Patrick Dean Lowrance indictment for Failure
9 to Stop for Blue Light. The verdict is guilty.
10 Signed, Foreperson, Hutch Persons. 2012-GS-23-1424,
11 indictment for Attempted Murder, the verdict is
12 guilty. Signed, Foreperson, Hutch Persons. 2012-
13 GS-23-1425, indictment for Attempted Murder, the
14 verdict is guilty. Signed, Foreperson, Hutch
15 Persons. 2012-GS-23-1426, indictment for Possession
16 of a Weapon During the Commission of a Violent
17 Crime, the verdict is guilty. Signed, Foreperson,
18 Hutch Persons.

19 If this each of your verdict, please raise your
20 right hand.

21 **(WHEREUPON, each juror responds.)**

22 **THE CLERK:** Thank you.

23 **THE COURT:** Ladies and Gentlemen, I speak on
24 behalf of both these attorneys involved in this
25 case. We thank you so much for your service in this

1 case. I'd like to speak to you before you leave, so
2 I'll ask you now to go back to your jury
3 deliberation room. I know there are some things
4 that you need to get, your phone and things like
5 that. But again, thank you so much for your
6 service.

7 (WHEREUPON, the jury exits at approximately
8 6:11 p.m.)

9 THE COURT: We'll come back and I'll hear
10 motions in a moment and I will also come back and do
11 sentencing. However, is there anything that we need
12 to take up before I let the jury go from the State?

13 MR. MARCHANT: Nothing from the State, Your
14 Honor.

15 THE COURT: Anything from the defense?

16 MR. JOHNSON: Nothing from the defense.

17 THE COURT: All right. I'll be back in just
18 a moment. I'm going to let them go and then we'll
19 move straight to sentencing.

20 (WHEREUPON, a short recess is taken.)

21 THE COURT: All right. We ready to move to
22 sentencing?

23 MR. MARCHANT: The State's ready, Your Honor.

24 THE COURT: I think I know plenty about the
25 facts of the case. Is there anything that you

1 wanted to bring to my attention particularly about
2 the facts?

3 **MR. MARCHANT:** Your Honor, nothing with
4 respect to the facts. You've heard them. The
5 jury's heard them. They've rendered their verdict.
6 His prior record, his significant prior record
7 anyway was this previous conviction in this case. I
8 believe he did have a misdemeanor or two conviction
9 out of Spartanburg county.

10 The State does have a position with respect to
11 sentencing. Officer Taci Cobb would like to address
12 the Court before Your Honor imposes sentence.

13 **THE COURT:** All right. What's the State's
14 position?

15 **MR. MARCHANT:** Your Honor, I typically
16 wouldn't do this, but I need to explain to you the
17 negotiations that Mr. Johnson and I have which
18 probably landed us here today. Mr. Lowrance is
19 accused of robbing the Wendy's on Mills Avenue near
20 Greenville Memorial Hospital approximately five days
21 before this incident. He went inside the Wendy's at
22 closing time. Attempted to get to the safe area.
23 Several employees -- the allegations anyway, Your
24 Honor, of several employees pulled out their
25 personal effects. Nothing of value was subsequently

1 taken. At that point in time though inside, uh, the
2 manager had actually been outside removing the
3 trash. She got in her car once she saw him go
4 inside and fled.

5 The gun that was used in this incident was used
6 in that incident as well. There were, uh, seven
7 rounds fired at that employee and the other
8 employee. So he has several other charges of
9 attempted murder at this time.

10 Prior to that date -- and that date was 10/23
11 of '11. He also has a pending charge on July 6 of
12 '11 of unlawful carrying of a pistol where he was
13 stopped with Mr. Pearson over in Mauldin. That case
14 originally was in PTI and is now pending with me.

15 **THE COURT:** Okay.

16 **MR. MARCHANT:** I tell you all that, Your
17 Honor, because negotiations between Mr. Johnson and
18 I reached a standstill. The State had offered to
19 resolve all these charges for a sentence of 25
20 years.

21 **THE COURT:** Uh-huh.

22 **MR. MARCHANT:** I told Mr. Johnson once we
23 proceeded to trial, of course, the negotiations were
24 off and it was all fair game. I can not tell the
25 Court at this point in time what the State's

1 position is going to be on the Wendy's case. I will
2 have to evaluate that. But I will tell you that the
3 negotiations that I had with Mr. Johnson is that I
4 assured him that by wrapping up all these charges,
5 the State would not elect to seek life without
6 parole. This conviction being the most serious
7 conviction for the attempted murder. He has the
8 attempted murder pending at the Wendy's. I'll
9 certainly have to reevaluate the State's position on
10 that case and decide whether or not we're going to
11 move forward.

12 So I believe that 25 years was a very fair
13 offer to resolve two shooting incidents. This is
14 one of the most unusual circumstances that I've seen
15 in the time that I've been here. A man took the
16 opportunity to take the lives of two officers,
17 primarily Officer Cobb who was unarmed at the time.
18 She did not have her firearm drawn. She did not
19 have her taser out. Nothing of defense did she have
20 removed from her duty belt. When she stepped into
21 that breezeway, she was ambushed. There's no other
22 way to describe it.

23 **THE COURT:** It's a curious set of facts.
24 There's just -- there's no getting into his head
25 about this.

1 **MR. MARCHANT:** She moves to the rear of the
2 building. Officer Lane comes across to attempt to
3 determine where she is. He's shot at as well. The
4 evidence presented was nine rounds over the course
5 of three different sets of exchange of gunfire.

6 The State's position is that this man no only
7 does not have any respect for human life, but for
8 law enforcement. It's the State's position that
9 somebody that is this careless and this reckless is
10 the most dangerous person that society has to deal
11 with. And for that reason, there's nothing I don't
12 think the court can do other than impose the maximum
13 sentence on these charges for the acts that he has
14 been convicted of by the jury here today.

15 **THE COURT:** All right. Yes, ma'am.

16 **OFFICER COBB:** Your Honor, I don't want any
17 pity on my part for what I'm about to say. But I
18 have suffered a lot from this and I view myself as a
19 strong person. I been in the military for 13 years,
20 law enforcement and things of that nature.

21 I suffered a lot of financial loss from them.
22 I went to the VA and I have compounded PTSD. I've
23 been diagnosed with Post-Traumatic Stress syndrome.
24 I don't want any pity on that. I've got my
25 medication. I'm on the right track and everything.

1 But like, uh, Mr. Marchant said, he has no
2 regard for anyone's life. For everything I've been
3 through, my children have been through, my family
4 have been through -- my children have nightmares
5 about this still. They found out about this. I
6 don't want anyone else to have to go through this.
7 He has no regard for those people at Wendy's. he
8 has no regard for my life, for any of these
9 officers' lives. He's a danger to society. Not
10 only would they loss their -- worse case scenario,
11 they would loss their lives. It's the traumatic
12 stress that they would get from something like this.

13 The financial loss because at the time I was
14 single. I was a single mother of three. I was put
15 on administrative duty for about a month. I lost
16 all my side jobs. I lost my vehicle in that
17 process. It got repossessed because of the fact
18 that I couldn't make my ends meet because I could
19 only be strictly on, you know, my hourly wage
20 instead of the side jobs that I relied on to catch
21 back up. I had to take a lot of unpaid time off. I
22 had no more leave left because of the fact that I
23 was not able to function as a police officer. I was
24 not able to make the decisions that I needed for
25 this job.

1 Like I said, I don't want a pity party. I just
2 want to reiterate the fact that no one else should
3 have to go through something, this that I've gone
4 through.

5 **THE COURT:** Well, I thank you, ma'am. And I
6 am so sorry for what you've gone through. But I
7 really admire you for the way that you've come back
8 from this and tried to get the help that you need to
9 get back on track about it. You are a brave woman.

10 Anything else from the State?

11 **MR. MARCHANT:** Nothing else from the State,
12 Your Honor.

13 **THE COURT:** Mr. Johnson?

14 **MR. JOHNSON:** Thank you, Your Honor.

15 **THE COURT:** And let me just start by saying,
16 Mr. Johnson and I say this to Mr. Marchant to, but I
17 just want to say for the record I don't think
18 anybody could have tried this case more vigorously.
19 You tried it in front of one jury and got a hung
20 jury. But I don't think anybody could have tried
21 this case more vigorously or better than you tried
22 it. I commend you for all your efforts on behalf of
23 your client.

24 **MR. JOHNSON:** Thank you, Your Honor. Just a
25 little bit to address what the Solicitor's said as

1 far as negotiations. I'm a defense attorney. Okay.
2 That's what I do. Okay. So these things are
3 relative. I understand, uh, what they are saying
4 that my client did and the jury's spoken at this
5 point. That's something we're dealing with. But
6 obviously, as far as negotiations are concerned, if
7 it were to be my opinion, just speaking on those
8 alone, I don't see how those are fair. There was no
9 negotiations really. It was 25. It was 25. There
10 was no negotiations. So I just want to make that
11 clear to the court.

12 **THE COURT:** I see.

13 **MR. JOHNSON:** Not to say that we were coming
14 back. No, it was 25. It was always 25.

15 As far as my client is concerned, I think you
16 heard a bit about his background. He also has a
17 wonderful family here that's standing behind him
18 there.

19 **THE COURT:** Here supporting him throughout.

20 **MR. JOHNSON:** Supporting him. Supported him
21 throughout. So I mean, somebody with a family like
22 that, and I'm speaking towards the sentence, if he
23 had the opportunity to be released, I do think
24 he'd have a good system, a good base about which he
25 could potentially land on his feet. I do think

1 that's important with regards to sentencing is if
2 somebody would have an opportunity to be
3 rehabilitated or would have the family or the
4 wherewithal to be able to overcome anything that
5 he's been found guilty of or pled guilty of for that
6 matter.

7 As he told you, he's college educated.
8 Although he's not with his wife, obviously, he's
9 been in jail. He's married. He does have a son. I
10 also ask you -- he's exercised his right to a trial.
11 I know there's always been a lot of people that they
12 know if you go to trial, you're going to get more
13 time than if you just pled guilty. I ask you not to
14 consider that.

15 **THE COURT:** I don't subscribe to that.

16 **MR. JOHNSON:** Yes, ma'am. Also like I said,
17 with a defense attorney, it's a relative thing. I
18 guess considering the jury has spoken and the jury
19 said he had done this, I supposed, uh, and his
20 position nobody is dead. I ask you to take that --

21 **THE COURT:** That's the only blessing here.

22 **MR. JOHNSON:** Yeah. I ask you to take that
23 into consideration as well. Your Honor, that's all
24 I have to say. I don't believe my client has much
25 to say.

1 **THE COURT:** Sure.

2 **MR. JOHNSON:** I think you heard from him. I
3 understand he told you about himself. You can look
4 at him and see his mannerisms and different things
5 of that nature. I'm not sure if his family has
6 anything they wish to say.

7 Do you?

8 **UNIDENTIFIED SPEAKER:** I'd just like to say--

9 **THE COURT:** Tell me your name please, ma'am.

10 **UNIDENTIFIED SPEAKER:** My name?

11 **THE COURT:** Yes, ma'am.

12 **UNIDENTIFIED SPEAKER:** I'm Patrick's mother.

13 **THE COURT:** Yes, ma'am.

14 **UNIDENTIFIED SPEAKER:** Patrick is not -- I
15 raised him. I was a single parent for years. I
16 raised him to the best of my ability, gave him a
17 good start. He went through high school, played
18 sports all during. High school basketball. I sent
19 him to college. Uh, Patrick just got on the wrong
20 track, hanging with the wrong people. I do know
21 that Patrick got on drugs. That does alter one's
22 character. But he's not a violent person. He never
23 has been. I still feel like he has potential. He's
24 a good boy. He just got on the wrong track with the
25 wrong people. So I hope you would take that into

1 consideration.

2 **THE COURT:** I will. I know you must be
3 absolutely heartbroken here today.

4 Anything else? Oh, yes, ma'am. I'm so sorry.

5 **UNIDENTIFIED SPEAKER:** Walisha Davis.

6 **THE COURT:** Yes, ma'am.

7 **UNIDENTIFIED SPEAKER:** I'm Patrick's older
8 sister. I been in his life since he was first
9 brought into this world. I watched him grow up.
10 I'm just devastated right now. As my mother said,
11 we come from a very strong Christian background.
12 It's just a situation where things were going on in
13 his personal life that he got involved with and with
14 the wrong crowd. But what I will say and want the
15 courts to know is that this is perhaps the trail of
16 his life for a short time in the 27 years of his
17 life. He's a young man, smart, with potential. I
18 just don't want to see his life wasted away in
19 prison. I guess I see this point in his life where
20 he's really on life support and whether or not the
21 plug is pulled where his life begins or what happens
22 at this point. I ask you just to allow him to live.
23 Allow him to have a second chance and to have a
24 second chance in life.

25 **THE COURT:** Thank you, ma'am.

1 Yes, sir.

2 **UNIDENTIFIED SPEAKER:** My name is Johnny
3 Davis.

4 **THE COURT:** Yes, ma'am. Yes, sir. I'm
5 sorry.

6 **UNIDENTIFIED SPEAKER:** I'm Patrick's uncle.
7 She's my sister. I'm the uncle. I hear all these
8 things about Patrick and it's just hard for me to
9 fathom for -- I heard his confession that he's done
10 some of those things that we never been a party to.
11 In our religious upbringing in the Pentecostal
12 Apostolic faith, we don't believe in even smoking,
13 let alone drugs and all this. Patrick was brought
14 up that way. I always known Patrick to be more of a
15 shy reserved following type.

16 In my mind and from what I've heard from some
17 of the fellows in the street, Patrick is actually
18 taking a hit right now for some other fellows. He
19 has been placed in a position that if he don't take
20 the fall, he'll probably be killed. He's gone
21 through some things that he's not even verbalizing
22 to us. He got mixed up, as my sister said, with the
23 wrong group. It is my profound believe that he
24 never fired a shot at anyone. I can't see him doing
25 it knowing him all of his life up until this past

1 few years or what have you. The word on the street
2 is he got involved with some wrong fellows. And if
3 he don't take the fall for it, he will take the fall
4 for it if he walk.

5 I don't know how that impacts your decision,
6 ma'am, but young people nowadays are just careless
7 with your life doing the wrong thing. There are
8 consequences when you do things like that. My heart
9 goes out to this young lady, the police officer that
10 was shot at, whoever shot at her. If it was
11 Patrick, I don't endorse that, ma'am. No, ma'am. I
12 don't want to carry any firing gun because I don't
13 want to be responsible for nothing like that if I
14 lose my temper or something. But I will ask that if
15 there's anything you can do beyond this point to
16 give him another chance, I would ask you.

17 I run a small appliance store. We'd be glad --
18 I've seen him take washing machines, dryers and tear
19 them down and rebuild them. Skills he have.
20 Getting mixed up with the wrong people is his
21 downfall. The penalty he should pay for that is the
22 rest of his life. I understand -- I respect the
23 police. I've trained police officers. I've been a
24 firefighter and an EMT. I've been involved in
25 society. But if there's anything you could do,

1 Judge, the family would appreciate it. Thank you
2 for the time being spent.

3 **THE COURT:** I thank you, sir, for being here.
4 Yes, sir.

5 **UNIDENTIFIED SPEAKER:** Ma'am, my name is
6 Lawyer Watson. I'm a pastor in Spartanburg, South
7 Carolina. I have the highest respect for the police
8 department. I do a lot of work with the Spartanburg
9 county and the city police department. I normally
10 have my coin. It's a pledge to pray for the police
11 officers and civil officers every day.

12 I am Patrick's cousin. He and my daughter are
13 a couple of months apart. He was really a part of
14 my family and extremely close to my daughter so much
15 so that one would think that they are sisters and
16 brothers. The situation that Patrick has found
17 himself in is really hard to us. We're not familiar
18 with that part of Patrick at all. It's very
19 surprising that we are here in this situation. But
20 his family, we love him. We continue to pray for
21 him. He does have a support system. We do ask for
22 the mercy of the court.

23 **THE COURT:** Thank you, sir, for being here.

24 Mr. Lowrance, you've got a wonderful family.
25 There's no doubt about that. I can't imagine what

1 they are going through right now. I will say that -
2 - I will say that throughout this trial, you
3 impressed me as being a very polite person and you
4 impressed me as being an intelligent person in my
5 conversations with you. Very much so. Even when I
6 had to speak with you about something on the stand,
7 you were apologetic and as kind as you'd be about
8 it. That was impressive to me.

9 I, like your family, have only seen one
10 snapshot of you, have only seen this part of you,
11 this person that you could be. But on the other
12 hand, there is evidently a very different side to
13 you, a very different side to you that shocks us all
14 and a side that I can not tolerate. I simply can
15 not tolerate a person who, in a situation like this,
16 or really any situation where they were merely
17 facing arrest, that's -- you know, it's no small
18 thing, but merely facing arrest -- uses that weapon
19 to fire two different -- on two different occasions
20 numerous bullets at two law enforcement officers.
21 We hear all about your family. We hear all about
22 your son and your wife. These people have families.
23 These people have families and they are not doing
24 this to hassle you. They are not doing this to get
25 rich. They are doing this because it's something

1 they feel called to do. And to think that this poor
2 woman has to go to the VA to be treated for
3 something that you did out of callus disregard and
4 meanness. And her children are suffering because of
5 what you did. It boggles the mind. It boggles the
6 mind.

7 I can't let that pass. I can't let that go. I
8 want to give you another chance. I want nothing
9 more. If I had some way to say Patrick Lowrance
10 will be a person who thinks of other people and not
11 himself and a person who doesn't pull a gun when he
12 thinks that -- whenever he wants to, if I thought I
13 had something that I could do to make you that
14 person tomorrow, I'd let you walk out this door.
15 But the simple fact of the matter is you can't be in
16 society, you can not be in society and do this
17 period.

18 How long has he served in jail already?

19 **MR. MARCHANT:** Your Honor, he was arrested
20 10/27 of '11. By my calculations, he's been in 443
21 days.

22 **THE COURT:** I don't punish anyone for ever
23 going to trial. It's your right to go to trial. I
24 don't hold that against you in any way. I take into
25 consider your very light record, very limited prior

1 record. That's another thing that boggles the mind.
2 It just boggles the mind that you did these things.
3 But, when it all comes down to it, if I take into
4 consideration the seriousness of what you did, it
5 was not just one shot, it was repeated shots. It
6 wasn't just at one officer, it was at two officers.
7 And you knew they were officers. When I take that
8 into consideration, the sentence of the court is 28
9 years, credit for 443 days time served. On the
10 other attempted murder, 28 years, 443 days time
11 served. That's concurrent. Five years, credit for
12 443 days on the weapons charge concurrent. And
13 three years on the Failure to Stop for a Blue Light,
14 credit for 443 days. I wish you the best of luck.

15 And ma'am, you are in our thoughts.

16 **MR. MARCHANT:** Thank you, Your Honor.

17 **THE COURT:** Thank you.

18 **(WHEREUPON, the proceedings conclude at**
19 **approximately 6:40 p.m.)**
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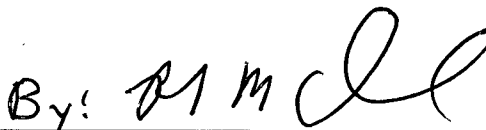
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SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

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

April 1, 2016

By: 

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