

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRENTON MALIK BARNES,

APPELLANT

APPELLATE CASE NO. 2014-002771

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT # 323 (VIDEO-BAKERY); STATE'S EXHIBIT # 324 (VIDEO);
STATE'S EXHIBIT # 325 (VIDEO-ALE HOUSE); STATE'S EXHIBIT # 404 (LETTER-
T. BARNES); STATE'S EXHIBIT # 440 (CD)**

1 The common purpose may not have been to kill and
2 murder, but if it was unlawful and criminal and in the
3 execution of this common purpose a homicide is
4 committed by one as a probable or natural consequence
5 of the acts done in pursuance witness of a common
6 design, then all present participating in the common
7 design are as guilty as the slayer. Mere presence at
8 the scene is not sufficient to prove someone guilty of
9 a crime. A defendant's presence where a crime is
10 being committed or mere association with a person who
11 commits a crime does not make a defendant an
12 accomplice or aider and abettor of a person committing
13 the crime.

14 Now, during this trial, you heard testimony about
15 a purported written statement made by defendant
16 Trenton Barnes. This evidence is admitted solely
17 against Defendant Barnes. It is not to be considered
18 by you in any way, shape, or form to indicate the
19 guilt of the codefendant indeed, you cannot consider
20 that evidence against the codefendant. It can be
21 considered by you only in connection with your
22 determination of whether or not the Defendant Barnes
23 is guilty or not guilty of these offenses. It is
24 limited solely to him and is admissible only against
25 him at this trial.

1 Now, the length of the prison sentence rests in
2 the sole discretion of the trial court. You have
3 heard testimony concerning the penalty a person can
4 serve for the crimes alleged in these indictments. In
5 determining the guilt or innocence of these
6 defendants, you cannot consider any possible penalty
7 for any particular crime.

8 The punishment for crimes is a matter for me to
9 determine and should never be considered by you in any
10 way whatsoever in arriving at an impartial verdict as
11 to the guilt or innocence of these defendants.

12 In this case, the State of South Carolina is not
13 seeking the death penalty against either defendant.
14 Now, we're on page 23, okay. Just a couple more
15 minutes and I'll be done.

16 Let me say something to you about your
17 deliberations. Deliberation is defined as a careful
18 consideration weighing up with a view to a decision.

19 The genius of our jury system is it allows 12
20 good men and women from 12 totally different
21 backgrounds, life experiences and perspectives to
22 consider the evidence, talk about it and ultimately
23 reach a verdict. We call them deliberations for a
24 reason. You are to consider the evidence in this case
25 carefully and deliberately and discuss it in a calm,

1 thorough and courteous manner. Remember, you are not
2 partisans or advocates for either side favoring one
3 side over the other. You are essentially a judge.

4 You are the judge of the facts. Your sole
5 interest is to find the truth from the evidence you
6 have heard in this courtroom. Listen to the views of
7 all of your fellow jurors. Consider other people's
8 points and their points of view and talk through and
9 discuss the evidence.

10 Remember, if you are doing something
11 deliberately, you should not be in a hurry and you
12 should not be in a hurry here. This case is very
13 important to all sides and this is their only day in
14 court. When you retire to the jury room you should
15 discuss with your fellow jurors to reach agreement if
16 you can. Your verdict must unanimous. Each of you
17 must decide the case for yourself, but you should do
18 so only after you have impartially considered the
19 evidence, discussed it fully with each other and
20 listened to the views of your fellow jurors. Do not
21 be afraid to change your opinion if the discussion
22 persuades you that you should, but do not come to a
23 decision simply because other jurors think that it is
24 right. It is very important that you attempt to reach
25 a unanimous verdict but, of course, only if each of

1 you can do so after having made your own decision.

2 Do not change an honest belief about the weight
3 and the effect of the evidence simply to reach a
4 verdict. In other words, do not change your opinion
5 solely for the sake of reaching a unanimous verdict.

6 Now, okay the last final instruction. In just a
7 few moments, you're going to go back to your jury
8 room. You are still not going to be allowed to
9 discuss the case, okay. Because I have one more
10 matter of law that I'm required to take up with the
11 attorneys. Your sign that you may start deliberating
12 is when all of this comes back in your room, okay. So
13 that's the sign. So when all the evidence has been
14 admitted comes back in your room, that's your sign
15 Mr. Foreman, that you may begin deliberations.

16 Now, my three alternates, you are going to come
17 out of the jury room, okay. You will be placed in a
18 separate room. Okay. You are not allowed to discuss
19 the case period. You can talk about how cold it was
20 this morning or what's going on with our football team
21 or whatever else you want to, but you cannot discuss
22 the case, okay. My three alternates, Mr. Dye,
23 Ms. Sutton, they know. They're going to keep you in a
24 completely separate room.

25

1 Okay. Now, I have my notes to make sure I tell
2 you everything. One thing juries like to do is they
3 like to tell the judge their counts, okay. I don't
4 ever want to know the counts. There is no reason you
5 should ever tell me your count. Your count is your
6 count. It is not for me or anybody else to know. So
7 if you need to communicate with me, you should never
8 communicate to me your specific count, okay.
9 Number two, every single one of you 12 must be in the
10 room to deliberate, okay. So if someone goes to the
11 restroom, someone need a smoke break, somebody needs
12 to step out and stretch their legs, deliberations have
13 to stop. All 12 of you must be in the room to be
14 actively deliberating on the case.

15 Now, there have been videos that are played in
16 this case. Okay. Some of those videos are in
17 evidence, Okay. We worked diligently last night and
18 this morning to get those to play on a computer so I
19 could just give you a computer in the room. That's
20 not going to work, okay. So what I'm going to do is I'm
21 going to have the TV moved into your jury room so that
22 you can play something if you need to play it, okay.
23 So if you need to play something or you say I want to
24 see this or I want to see that, we will do what we
25 need to maneuver that around. Just let the bailiffs

1 know we want to watch videos and we'll coordinate what
2 we need to coordinate to set that up.
3 Remember, you're not allowed to deliberate until your
4 exhibits come back in the room and the alternates come
5 out. Okay. Now, last thing. This is your verdict
6 form, okay.

7 Now, listen, I told you in the very beginning,
8 and I told you today and I'm going to tell you again.
9 You have to consider each of these defendants
10 individually from each other. Okay. You have to
11 consider one defendant, and then you have to consider
12 the charges for that defendant separately and
13 individually.

14 Consider the second defendant and consider the
15 charges for that defendant separately and
16 individually.

17 Now, I have to create a verdict form, okay. So
18 there is no priority to whose name is on here first
19 and whose name is on here second. I simply have to
20 put somebody first and somebody second. You can go
21 through it in whatever order you want to. What I've
22 done is --- and I'm going to show this to you,
23 Mr. Foreman. I've gone through each charge with each
24 defendant. We the jury by unanimous consent find the
25 defendant Trenton Barnes --- there is no significance

1 at all to him being first. I have to put somebody
2 first, okay. Then I go through each charge, murder,
3 kidnapping, burglary, attempted armed robbery and then
4 not guilty and guilty under each. There is no
5 significance to not guilty being first and guilty
6 being second. I have to put one first and I have to
7 put one second. Don't read anything into it. It's
8 simply we have to fill out a form that makes sense
9 that's easy to use.

10 Okay. On the second page, we the jury by
11 unanimous consent find the defendant Lorenzo Young and
12 each of the four charges are listed and a block for
13 each and then there is a spot for you to sign, Mr.
14 Foreperson. Okay. So this is your verdict form. You
15 will take this with you. At this point in time, I
16 want you to retire to your jury room. Do not discuss
17 the case. Your sign that you may begin deliberations
18 is when the bailiffs bring in the evidence. Okay.
19 Thank you very much.
20 Everyone remain seated.

21 (WHEREUPON, the jury left the courtroom at 10:22
22 A.M.)

23 THE COURT: Okay. Any exception to the charge
24 other than those previously stated?

25 MS. CAMPBELL: Your Honor, the only thing we

1 would have is in the definition of attempted armed
2 robbery when you talk about the taking and carrying
3 away, the term attempt wasn't in that part of it. It
4 basically came across as there had to be an actual
5 taking and carrying away. The only other thing we
6 have is we did email you last night, I believe, about
7 just adding in the language of the hand of one, hand
8 on that charge. I noticed after I closed actually
9 that that verbiage hand of one, hand of all is not in
10 there.

11 THE COURT: Right.

12 MS. CAMPBELL: That's typically in there.

13 I believe in attempt armed robbery, you define,
14 attempt in the beginning of it, but then you define
15 that there had to be a taking and caring away
16 permanently depriving, that language.

17 THE COURT: How do you want me to cure the hand
18 of one?

19 MS. CAMPBELL: If you could bring them back and
20 talk about, refresh that about one part we talked a
21 about two or more people combining together to do an
22 act and also refer to the of hand of one is the hand
23 of all. I would prefer, but I imagine they would
24 object, to reading the whole thing. I imagine they
25 wouldn't want that. Mr. Schnee?

1 MR. SCHNEE: Judge, I have absolutely no comment
2 on the attempted armed robbery. I honestly didn't hear
3 or not hear what the State says, so I'll defer to
4 what's in your notes. As to the hand of one, hand of
5 all, I would object to adding any such verbiage. The
6 hand of one is the hand of all is not a law in South
7 Carolina. It is merely a way of defining accomplice
8 liability and your charge as a whole has explained
9 accomplice liability. To bring the jury back out to
10 explain just that would be clearly overemphasizing
11 something that is not even in the law in this state.
12 I'm asking Your Honor not to recharge them on
13 anything.

14 THE COURT: That's why we should have just used
15 the charge in the charge book because it says that.

16 MS. CAMPBELL: I'm sorry.

17 THE COURT: Ms. Pinnock.

18 MS. PINNOCK: Your Honor, we just would have the
19 same objection Mr. Schnee does. Bringing them back in
20 to say that one thing would be putting emphasize on
21 that one charge. I can recite exactly what you used,
22 but you say a number of times that one person would be
23 responsible for the other person's actions. I think
24 you said it at least twice. Not that that covers any
25 issues, but we should have the same concerns that it

1 would be putting emphasize on that charge. I believe
2 Your Honor's charge covered it sufficiently and I have
3 no opinion or position with the attempted armed
4 robbery because I didn't notice that.

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

6 (WHEREUPON, the jury entered the courtroom at
7 10:27 A.M.)

8 THE BAILIFF: The jury panel is present, Judge.

9 THE COURT: Okay. Ladies and gentlemen, I'm
10 going to go back over one of the crimes with you that
11 I discussed earlier. It was brought to my attention
12 that I may have misstated something, so I'm going to
13 read this one more time to make sure that you
14 understand it. That's the charge of attempted armed
15 robbery. Both defendants are charged with attempted
16 armed robbery. An attempt is an effort to accomplish
17 a crime which does not succeed. An attempt includes a
18 specific intent to do a particular criminal act along
19 with an act falling short of the act intended.

20 The State must show more than mere preparation
21 and intent. There must be some overt act committed in
22 the effort to commit the crime.

23 Intent means intending the result which actually
24 occurs not accidentally or involuntarily. Intent may
25 be shown by the acts and conduct of the defendant and

1 other circumstances from which you may naturally and
2 reasonably infer attempt. In order to prove this
3 offense, the State must prove beyond a reasonable
4 doubt that the defendant attempted to take property
5 from the presence of another person. Property is in
6 the person or presence of a person if it is within the
7 person's reach, inspection, observation or control so
8 that the person could, if not overcome with violence
9 or prevented by fear, keep possession of the property.

10 The State must also prove beyond a reasonable
11 doubt that the defendant attempted to carry away the
12 property intending to permanently deprive the owner of
13 that property intending to presently deprive the owner
14 of that property and to keep the property for the
15 defendant's own use.

16 The slightest removal of the property or the
17 attempted slightest removal of the property or the
18 complete possession of the property even for an
19 instant by the defendant is sufficient to show a
20 taking and carrying away of the property.

21 The attempted taking and carrying away of the
22 property must have been done with violence or by
23 putting the owner of the property in fear of violence.

24 Finally the State must prove beyond a reasonable
25 doubt that the defendant was armed with a deadly

1 weapon during the robbery. A deadly weapon is any
2 article, instrument or substance which is likely to
3 cause death or great bodily harm.

4 Whether an instrument has been used as a deadly
5 weapon depends on the facts and circumstances of each
6 case. The following are examples of instruments which
7 may be deadly weapons, a pistol, a shotgun, a rifle, a
8 knife, a sling shot, metal knuckles, gasoline, lighter
9 fluid and a gun may be a deadly weapon even if it is
10 not operating.

11 I also explained to you the law concerning where
12 two or more people combine together to commit an
13 unlawful act or a crime. This is commonly known in
14 our law as the hand of one is the hand of all or the
15 act of one is the act of all. All right.

16 Thank you very much. Return to your jury room.
17 Do not begin deliberations until the evidence comes
18 back.

19 (WHEREUPON, the jury left the courtroom at 10:31
20 A.M.)

21 THE COURT: All right. Any exceptions other than
22 those I already stated?

23 MS. CAMPBELL: No, sir.

24 MS. PINNOCK: Your Honor, just one thing
25 previously stated. We take exception to the

1 recharging of hand of one is the hand of all.

2 THE COURT: Any exceptions other than those
3 already stated?

4 MR. SCHNEE: No, Your Honor, other than the
5 recharge. Thank you.

6 THE COURT: All right. Make sure the clerk has
7 your phone number, and let's get the evidence back and
8 the alternates out.

9 (WHEREUPON, the jury began deliberations at
10 10:33.)

11 (WHEREUPON, the jury sent out a note at 11:09.)

12 THE COURT: So we've got a note requesting the
13 definition of all the charges so my general practice
14 is just to send the entire charge back. Does anybody
15 have an objection to that.

16 MS. CAMPELL: No, sir.

17 MR. SCHNEE: No, Your Honor.

18 MR. KRZYSTON: No, objection.

19 THE COURT: There's an instruction that usually
20 goes with that when you do it on the front end like
21 when I tell them it's going back in the beginning, and
22 that instruction says I will give you a copy of these
23 instructions in written form. During your
24 deliberations, you may refer to these instructions to
25 guide your decision making. You must consider the

1 instructions as a whole and not follow some and ignore
2 others. Please return these instructions at the time
3 your verdict is rendered.

4 Do you have a problem with me sending that back
5 just as a little note instead of bringing them back in
6 here and telling them that?

7 MR. SCHNEE: I think you should probably just
8 change the language at the beginning of it to say you
9 are now receiving ... Other than that I'm fine with
10 that.

11 THE COURT: I'll change to you are now receiving
12 a copy of these instructions in written form. Is that
13 okay?

14 MR. SCHNEE: That works for me.

15 MS. CAMPBELL: That includes the attempt language
16 you included?

17 (WHEREUPON, Court's Exhibit Number 19 was
18 marked for identification only.)

19 THE COURT: I fixed that when I went back. You
20 can't send part of it back. The law is pretty clear
21 that sending part of charge or recharging on just one
22 section is completely inappropriate, because if I just
23 sent that back, I wouldn't have anything about
24 reasonable doubt or presumption of innocence or trying
25 to influence one thing over another. That's why we

1 have to send it all back. Do you want to agree with
2 that? I think that's the status of the law.

3 MS. CAMPBELL: That's it.

4 THE COURT: Is that your understanding,
5 Mr. Schnee?.

6 MR. SCHNEE: In terms of sending it back, I think
7 you have to send it all back. Only other question I
8 have is do you have page numbers on that?

9 THE COURT: Yes.

10 MR. SCHNEE: In addition to that getting mis---
11 you know, messed around.

12 THE COURT: I have all the pages numbered and let
13 me go through to make sure they're all here.

14 (Pause.)

15 But I've looked up that issue before,
16 r. Krzyston, and I think the appellate courts are
17 pretty clear that when in doubt --- you can't go wrong
18 with sending it all back.

19 MR. KRZYSTON: I understand, Judge.

20 THE COURT: It's when you start picking stuff out
21 ---

22 Okay. So I'm going to change the front language
23 to you are now receiving a copy of these instructions.

24 MS. GARFIELD: Just for the record, Judge, we
25 have the TV where you asked for it.

1 THE COURT: Okay.

2 MS. GARFIELD: It has been cleaned. Defense
3 counsel.

4 THE COURT: How are they going to know how to use
5 it?

6 MS. GARFIELD: That's my concern. It's like a
7 computer. It has to be plugged up.

8 THE COURT: Can you show my law clerk how to do
9 that?

10 UNIDENTIFIED WOMAN: Yes, sir.

11 THE COURT: If they want to see something on the
12 big screen the law clerk can do it. All right. Thank
13 you very much.

14 MS. BAMBACH: Thank you.

15 THE COURT: Thanks for everybody being close by.
16 I appreciate it.

17 VERDICT

18 THE COURT: Okay. It's my understanding that we
19 have a verdict in the case. I gave this warning at
20 the beginning of the trial. Let me give this again.
21 I understand that this is a very emotional case
22 regardless of what side of the case you're on. I have
23 the deepest respect for all families involved in this
24 case and the situations that you must be going
25 through. However, if you cannot contain yourself or

1 control your emotions during this process, now is your
2 opportunity to leave the courtroom. I will not
3 tolerate any outbursts or anything else of that
4 nature. This is a courtroom, and we are going --- all
5 of us are going to be respectful to this jury in
6 whatever decision that they have made. So being
7 emotional is understandable. Crying is
8 understandable. Any type of outburst, clapping,
9 screaming, making statements, anything like that is
10 going to be completely and totally inappropriate and
11 more than likely I'm just going to take you into
12 custody if you do it, okay.

13 So if you can't leave --- if you cannot follow
14 that instruction, please leave now. No one will think
15 of less of you in any way, shape, or form and somebody
16 will be able to tell you what happened in a matter of
17 minutes, so if there's anybody that doesn't believe
18 they can follow that instruction, please leave now.
19 All right. We have a verdict; is that correct,
20 Ms. Pendergrass?

21 THE CLERK: Yes, Your Honor.

22 THE COURT: Okay. Let's bring them in.

23 (WHEREUPON, the jury returned to open court with
24 a verdict at 1:30 P.M.)

25 THE COURT: All right. Thank you, Ms. Sutton.

1 All right. Mr. Foreman. It's my understanding you
2 have a verdict.

3 THE FOREMAN: Yes, sir.

4 THE COURT: Is that correct?

5 THE FOREMAN: Yes, Your Honor.

6 THE COURT: Is it unanimous?

7 THE FOREMAN: Yes.,.

8 THE COURT: If you would please fold it and hand
9 it to Ms. Sutton.

10 All right. I find the jury is in its proper
11 form. Ms. Pendegrass, if you will please publish.

12 THE CLERK: The State of South Carolina versus
13 Trenton Barnes and Lorenzo Young. Indictments 754,
14 755, 756, 745, 746, 747, 749. We the jury by
15 unanimous consent find the defendant Trenton Barnes as
16 to the charge of murder on indictment 2014-GS-40-752,
17 guilty. As to the charge of kidnapping on
18 indictment 2014-GS-40-754, guilty. As to the charge
19 of burglary second on indictment 2014-GS-40-755,
20 guilty. As to the charge of attempted armed robbery
21 on indictment 2014-GS-40-756, guilty.

22 We the jury by unanimous consent find the
23 defendant Lorenzo Young as to the charge of murder on
24 indictment 2014-GS-40-745 guilty. As to the charge of
25 kidnapping on indictment 2014-GS-40-746, guilty. As

1 to the charge of burglary second degree on
2 indictment 2014-GS-40-747, guilty.

3 As to the charge of attempted armed robbery on
4 indictment 2014-GS-749 guilty. This is signed
5 foreperson, juror number 54, November 19th, 2014.
6 Mr. Foreman, are these your verdicts and the verdicts
7 of the entire jury?

8 THE FOREMAN: Yes, ma'am.

9 THE COURT: All right. Polling?

10 MR. KRZYSTON: Please, Your Honor.

11 MS. BAMBACH: Please, Your Honor.

12 THE COURT: Okay. Ladies and gentlemen, the
13 clerk is going to ask you two questions. She will
14 call out your juror number first. The first question
15 will be is this your verdict and is it still your
16 verdict --- or are these your verdicts and are they
17 still your verdicts. As your number is called, if you
18 would please respond out loud to Ms. Pendegrass.

19 THE CLERK: Juror number 54, are these your
20 verdicts?

21 JUROR: Yes.

22 THE CLERK: Are they still your verdicts?

23 JUROR: Yes.

24 THE CLERK: Juror number 99, were these your
25 verdicts?

1 JUROR: Yes.

2 THE CLERK: Are these still your verdicts?

3 JUROR: Yes.

4 THE CLERK: Juror number 214, were these your
5 verdicts?

6 JUROR: Yes, ma'am.

7 THE CLERK: Are they still your verdicts?

8 JUROR: Yes, ma'am.

9 THE CLERK: Juror number 171 are these your
10 verdicts?

11 JUROR: Yes.

12 THE CLERK: Are they still your verdicts?

13 JUROR: Yes.

14 THE CLERK: Juror number 33, were these your
15 verdicts?

16 JUROR: Yes, ma'am.

17 THE CLERK: Are they still your verdicts?

18 JUROR: Yes, ma'am.

19 THE CLERK: Juror number 283 were these your
20 verdicts?

21 JUROR: Yes.

22 THE CLERK: Are they still your verdicts?

23 JUROR: Yes.

24 THE CLERK: Juror number 283, were these your
25 verdicts?

1 JUROR: Yes, ma'am.

2 THE CLERK: Are they still your verdicts?

3 JUROR: Yes, ma'am.

4 THE CLERK: Juror number 74, were these your
5 verdicts?

6 JUROR: Yes.

7 THE CLERK: Are they still your verdicts?

8 JUROR: Yes.

9 THE CLERK: Juror number 250, were these your
10 verdicts?

11 JUROR: Yes.

12 THE CLERK: Are they still your verdicts?

13 JUROR: Yes.

14 THE CLERK: Juror number 41, were these your
15 verdicts?

16 JUROR: Yes, ma'am.

17 THE CLERK: Are these still your verdicts?

18 JUROR: Yes, ma'am.

19 THE CLERK: Juror number 258, were these your
20 verdicts?

21 JUROR: Yes, ma'am.

22 THE CLERK: Are they still your verdicts?

23 JUROR: Yes, ma'am.

24 THE CLERK: Juror number 220, were these your
25 verdicts?

1 JUROR: Yes.

2 THE CLERK: Are they still your verdicts?

3 JUROR: Yes.

4 THE CLERK: Juror number 303, were these your
5 verdicts?

6 JUROR: Yes.

7 THE CLERK: Are they still your verdicts?

8 JUROR: Yes.

9 THE CLERK: The jury has been polled, Your Honor.

10 THE COURT: Thank you very much. Ladies and
11 gentlemen, as I told you from the very beginning of
12 this trial, and I think one of the first things I
13 probably said to you was thank you on behalf of
14 everybody present. Jury duty is a very important
15 service that you pay to your community.

16 Jury service is right up there with voting and
17 other things or part of your responsibility as a
18 citizen within our community, and you have been here
19 for an extended period of time. It's really almost
20 eight days. We had one of those days was a holiday,
21 but you have given a significant portion of your life
22 and time away from your family, your work and your
23 friends to be a contributing member of our society and
24 on behalf of all the circuit court judges here in the
25 courthouse, I want to say thank you for service. I

1 know I've done that before. You are probably tired of
2 hearing me say that, but do want you to know how much
3 your service means to me. You have all been
4 attentive. You have all been on time. This is the
5 first trial I can remember in a long time where I
6 haven't lost one or two jurors throughout the trial
7 due to a family event or a sickness or something like
8 that. You all have stayed with me, paid attention,
9 paid close attention to everything that has been done,
10 and I want to personally say thank you.

11 Now, the prohibition against talking to anybody
12 in this case or anybody at all about this case is now
13 lifted upon you, and you are welcome and free to
14 discuss this case with anyone that you see fit. Let
15 me do say this to you, though.

16 Sometimes lawyers want to contact jurors to say
17 what did I do that you liked or didn't like. What
18 would have been more effective, what would have
19 helped. That's perfectly normal and natural for them
20 to do this. If you want to speak with one of the
21 lawyers about the case, you are welcome and free to do
22 so. However, if you do not, you just simply to say I
23 choose not to talk to you. You have the right to not
24 be harassed by anybody about your jury service. If
25 you inform somebody you to not want to talk with them

1 about jury service, and they continue to harass or
2 bother you, you call the clerk of court's office and
3 they get a circuit court judge on that quickly and
4 we'll deal with that situation. If you'll retire to
5 your jury room and thank you very much for your
6 service. Everyone remain seated while the jury is
7 dismissed.

8 (WHEREUPON, the jury left the courtroom at 1:36
9 P.M.)

10 THE COURT: All right. We're going to take a
11 five minute break and come back in for post-trial
12 motions and sentencing.

13 (WHEREUPON, a short break was taken.)

14 THE COURT: All right. Post-trial motions?

15 MR. KRZYSTON: Your Honor, Mr. Young would move
16 for a retrial based on the brevity of deliberations.
17 In this case there were over 450 exhibits. The jury
18 deliberated for a total of under three hours. Based
19 on the brevity of those deliberations, we would ask
20 for a new trial. We would also request a new trial on
21 the basis that these trials were joint trials. Prior
22 to coming to trial on this matter with Mr. Barnes, we
23 requested that the trials be severed and that we
24 proceed alone. That motion was denied. During the
25 life of the trial, evidence was admitted against

1 Mr. Barnes which inculpated Mr. Young. It is our
2 contention that that evidence was incorrectly admitted
3 and we would move again for a new trial based on the
4 admission of that evidence, the denial of our
5 severance motion and the denial of any objections and
6 requests to keep that evidence out of the trial
7 altogether.

8 Judge, we would also move for a new trial based
9 on the fact that the limiting instruction --- the
10 limiting instruction that was given in regard to the
11 previously mentioned materials are insufficient as,
12 Your Honor, is aware and as I have objected a number
13 of times. I did indicate that I was in a position
14 where I must request relief, but object to the
15 sufficiency of that relief. I feel compelled to draw
16 the court's attention to the fact I feel in no way can
17 that limiting instruction had any effect on the jury.
18 I think it's an impractical request of the jury to
19 sever the consideration of evidence in that manner,
20 and for that reason, I move for a new trial.

21 I would also review --- excuse me, renew all
22 previous motions and objections made during and before
23 the life of this trial. I would reassert those
24 motions and objections and move for a new trial based
25 on the motions and objections.

1 THE COURT: All right. Your motions are denied.
2 Mr. Schnee.

3 MR. KRZYSTON: Thank you, Judge.

4 THE COURT: Mr. Schnee.

5 MR. SCHNEE: Thank you, Your Honor. May it
6 please the Court. I too renew all my prior motions
7 and objections. I also request a new trial based on
8 the admission of substantial amounts of information
9 that would not been admitted had these been separate
10 trials, particularly there were a number of jailhouse
11 snitches who all testified that Lorenzo Young
12 confessed to them. The jurors heard all that. It
13 inculpatd Trenton Barnes. Absent Lorenzo being here
14 in trial as a joint trial, those would not be
15 admissible. I still believe those are inadmissible
16 under 804(b)(3) as I but in my brief that I submitted
17 last week to Your Honor.

18 All the other issues that we have raised
19 throughout the trial of mistrials or severance even
20 part way through, I renew all of those.

21 THE COURT: Thank you very much.

22 MR. SCHNEE: One other issue as a matter for the
23 sentencing, I direct Your Honor's attention to Aiken V
24 Byers. It was a South Carolina Supreme Court case
25 that actually came out last week dealing with juvenile

1 offenders convicted of murder and other offenses where
2 he is facing life without parole.

3 It essentially explains the Miller holding from
4 the US Supreme Court. What I'm asking for, Your
5 Honor, is a deferred sentencing for Trenton Barnes. I
6 need to be able to present proper mitigating evidence
7 dealing with my client's age and particular
8 circumstances. I would like to have some of his
9 mental health doctors be able to present Your Honor
10 with a full understanding that I could not provide
11 myself.

12 I would like to get a couple of his school
13 teachers in. I do not believe this would be a very
14 long delay. I know next week is a no court week. I'm
15 sure I would be able to get the witnesses available by
16 then. I don't know if Your Honor would even have a
17 court reporter or not. If not, any time after that at
18 the Court's convenience just dealing with scheduling,
19 but I am asking for deferred sentencing.

20 THE COURT: All right.

21 MR. SCHNEE: I have a copy of the case printed
22 out if Your Honor ---

23 THE COURT: I'm reading it. Your other motions
24 are hereby denied.

25 MR. SCHNEE: Thank you, Your Honor.

1 MS. GARFIELD: Judge, our interpretation of the
2 case that Mr. Schnee is referencing, we agree with his
3 assessment.

4 THE COURT: I'm sorry. I didn't hear you.

5 MS. GARFIELD: We agree with Mr. Schnee in our
6 interpretation of the case. We agree that he does
7 need to have a hearing.

8 THE COURT: So you have no objection to deferred
9 sentencing for Mr. Barnes based upon the new Supreme
10 Court case that came out a week ago.

11 MS. GARFIELD: No, sir.

12 THE COURT: So with the consent of the State and
13 at the request of Defendant Barnes, his sentencing
14 will be deferred. How long do you think you need to
15 do it, Mr. Schnee?

16 MR. SCHNEE: My main concern would be his mental
17 health doctor just in terms of scheduling with
18 whatever he has to do. I don't believe his testimony
19 would be very lengthy. It would probably no more than
20 fifteen or twenty minutes.

21 THE COURT: How long to you need prepare, not how
22 long do you need for the hearing. I'm sorry if I
23 misspoke.

24 MR. SCHNEE: I think I can get everything done
25 within a week or two in terms of having all the

1 witnesses.

2 THE COURT: Okay.

3 MR. SCHNEE: Just in terms of scheduling an
4 actual hearing, my only concern would be the doctor's
5 schedule in particular. No matter what, we can get
6 this done within the month of December. I can't see
7 any reason why we wouldn't.

8 THE COURT: Do you want to talk about scheduling?

9 MS. CAMPBELL: Yes, Your Honor. We would like it
10 to be sooner rather than later. I don't know what
11 your schedule is and your court reporter's schedule
12 is. There is no court next week, however, he
13 indicated to me he could be ready next week just
14 depending on your schedule.

15 THE COURT: I mean, we could get a court reporter
16 next week. Getting a court reporter is not hard.

17 MS. CAMPBELL: We'll ask ---

18 THE COURT: Do you think you could be ready be
19 ready by Tuesday or Wednesday of next week?

20 MR. SCHNEE: Judge, if you give me an opportunity
21 the next couple of days to contact the witnesses to
22 see if they are available, I would not have a problem
23 with that at all.

24 MS. GARFIELD: I prefer Tuesday, just for some
25 child care issues.

1 MR. SCHNEE: I don't want to give, Your Honor a
2 definite day.

3 THE COURT: Okay. At this point in time let's
4 plan on next Tuesday and Mr. Schnee, you need to let
5 my office know quickly. By quickly I define quickly
6 as by the end of the day tomorrow if that's not going
7 to work.

8 MR. SCHNEE: Yes, sir.

9 THE COURT: Okay. If there's some major
10 scheduling issue, otherwise we'll do Tuesday once we
11 get confirmation from Mr. Schnee that Tuesday works
12 then we can pick a time.

13 MS. CAMPBELL: Only other thing that we would
14 request, is there is anything that he intends to use
15 in mitigation, if we could get a copy of that at some
16 time before the hearing so we would have an
17 opportunity to review it.

18 THE COURT: Sure.

19 MR. SCHNEE: If I actually get a report or
20 anything, I will. I'm sure I'll be able to get school
21 records and things. I'll turn that over.

22 All right. Mr. Barnes' sentencing --- do you
23 understand what we're doing?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you understand why we're doing

1 it.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. So with the consent of
4 the State and at the request of Defendant Barnes and
5 pursuant to the new South Carolina Supreme Court case
6 on point, according to the attorneys, we are going to
7 defer Mr. Barnes' sentencing and this time is
8 tentative scheduled for next Tuesday. We're not
9 setting a time. Mr. Schnee is going to inform us by
10 the --- inform the court and the solicitor's office by
11 the end of the day tomorrow if there is not a time
12 that works next Tuesday, next Tuesday is a no court
13 week, so the sooner I know the better so we can
14 arrange a time and the court reporter.

15 MR. SCHNEE: Yes, sir. Thank you.

16 THE COURT: Is that clear, Ms. Garfield?

17 MS. GARFIELD: Yes, sir.

18 THE COURT: All right. Mr. Barnes can go ahead
19 and be taken out.

20 SENTENCING

21 (WHEREUPON, Mr. Barnes left the courtroom.)

22 THE COURT: All right. Bring Mr. Young forward
23 for sentencing.

24 THE COURT: Okay. Ms. Simpson.

25 MS. SIMPSON: Thank you, Your Honor. May it

Sentencing

1 please the Court. With respect to Mr. Lorenzo Young
2 and the facts of the case and what your sentence will
3 be, I think they speak for themselves. We leave it in
4 your discretion. I would like to tell Your Honor that
5 he was out on bond for charges from four separate
6 incidents, from one incident burglary second degree
7 nonviolent, as well as grand larceny, a second
8 incident date, another burglary second nonviolent, as
9 well as grand larceny.

10 Then from June 6th of 2012, he was out on bond. I
11 believe all of these are currently pending in our
12 office, Your Honor, burglary first degree, possession
13 of a weapon during the commission of a violent crime,
14 one count of criminal conspiracy, three counts of
15 kidnapping, three counts of armed robbery, another
16 count of kidnapping, as well as assault and battery
17 first degree and then finally, Your Honor, from I
18 believe just a short period within the week prior to
19 this murder occurring, he was out on bond for burglary
20 first degree and that charge is still pending, as
21 well. His juvenile record, I'll just hand up for Your
22 Honor to review. It's fairly minimal.

23 THE COURT: Have you seen this, Mr. Krzyston?

24 MR. KRZYSTON: I have, Your Honor.

25 MS. SIMPSON: And, Your Honor, as far as victim

Sentencing

1 impact, Chandra Cleveland Jennings is present with the
2 family in this case and is going to speak on behalf of
3 Ms. Kelly Hunnewell's family.

4 I believe she will be introducing them as they
5 stand. Whenever Your Honor is ready.

6 THE COURT: Just one moment.

7 (Pause.)

8 THE COURT: What does the burglary carry?
9 Fifteen?

10 MS. SIMPSON: Fifteen to life.

11 THE COURT: And the attempted arm robbery is 20;
12 is that correct?

13 MS. SIMPSON: Yes, Your Honor.

14 THE COURT: You said the burglary carried what?

15 MS. GARFIELD: Burglary first, fifteen to life.

16 You're talking about what he's convicted of,
17 burglary second is nonviolent.

18 MS. SIMPSON: Oh, I thought you were speaking of
19 his pending charges.

20 MR. KRZYSTON: Up to fifteen.

21 THE COURT: That was my understanding. I just
22 want to double check.

23 Okay. Who would like to speak?

24 MS. SIMPSON: This is Chandra Cleveland Jennings.

25 MS. Jennings: Thank you, Your Honor. This is

Sentencing

1 the Hunnewell family. Two of the children have been
2 separated from the family since this whole incident.

3 Today I would like to read to you a letter that's
4 written by her daughter Amber and her son.

5 It says to my mother's killers, thank you for
6 taking every piece of love I ever had. Not only did
7 you take my mother, but what you did led to my baby
8 sister being taken away, as well.

9 I do not want you to get the death penalty. I
10 want you to rot in jail. I want you to think about
11 this every day of your guilt.

12 Try reversing the situation. What if it were
13 your --- turn it the other way around. Think for a
14 couple of years.

15 My mother did everything. My mother did not do
16 anything to you, so why would you kill her? She did
17 everything to make sure we were safe. She worked
18 early in the morning so that she could wake us up in
19 the morning.

20 So what was your motive? Whatever it was, I hope
21 you know you have left a six-year-old girl, an
22 eight-year-old girl, an 11-year-old boy and a
23 14-year-old girl alone in this harsh world.

24 My mom was my best friend, the one I could always
25 go to. I just wanted to make her proud in life, to

Sentencing

1 see her face when I graduated from high school, but
2 thanks to you, I can't. You have no idea how many
3 nights I stay up crying wishing you didn't do what you
4 did.

5 I can still hear my little sister crying when we
6 got the news. I remember my six-year-old sister
7 asking me when will mommy be home, and I cried knowing
8 the answer but could not tell her. I did not have the
9 heart to tell her.

10 I hope you're happy with yourself. Your mother
11 should be proud. Sincerely, Amber.

12 THE COURT: Thank you, ma'am. Thank you all for
13 being here. Thank you for being here throughout the
14 trial.

15 MS. SIMPSON: Your Honor, I would just like to
16 note her mother --- I know they stood and were
17 recognized, but her mother Nancy, as well as her
18 brother, as well Anthony Vaughn, sister April and
19 sister-in-law Mary Vaughn were present in that group,
20 as well. And one more thing I neglected, Your Honor,
21 this defendant while he's been incarcerated has had a
22 number of disciplinary issues at the Alvin S. Glenn
23 Detention Center to include things such as spitting on
24 officers and things of that nature.

25 Even during the course of this trial it's my

Sentencing

1 understanding that he spit on one of the deputies
2 working in this courthouse, and that would be all for
3 the State.

4 THE COURT: All right. Mr. Krzyston.

5 MR. KRZYSTON: Thank you, Your Honor. May it
6 please the Court.

7 THE COURT: Yes, sir.

8 MR. KRZYSTON: Thank you. Your Honor, Mr. Young
9 has maintained his innocence since he was initially
10 arrested on this matter. When he was initially
11 arrested, he was 18 years of age. At the time he had
12 two kids, still has two children, and was holding
13 doing two jobs. Again, Mr. Young main takes his
14 sentence. We ask for a sentence to be imposed in the
15 range of 30 years.

16 THE COURT: All right. Mr. Young, you do not
17 have to, but you are welcome to tell me anything you
18 wish to. It's your decision.

19 MR. KRZYSTON: He does not wish to speak, Your
20 Honor.

21 THE COURT: Very well. Thank you very much. I
22 understand that.

23 All right. We're going to start with the
24 kidnapping charge. I know I explained this during the
25 trial. I'm going to explain this again. Under South

Sentencing

1 Carolina code section 16-3-910, the kidnapping charge,
2 the conviction will stand. However, the sentence will
3 be vacated and that is pursuant to 16-3-910, when
4 there is a charge --- a case that involves kidnapping
5 and murder in the same incident, then the sentences
6 are not allowed to run together and the sentence must
7 be vacated so I'm beginning by vacating the kidnapping
8 section. I did not create that law. I'm merely
9 enforcing that law, and I have read multiple cases on
10 the issue, and I am confident that I am required to
11 vacate any kidnapping sentence. I'm not vacating the
12 conviction. The conviction will stand. I'm merely
13 vacating the sentence imposed. On the burglary in the
14 second degree, the sentence of the Court is that you
15 be committed to the State Department of Corrections
16 for 15 years. You are not allowed to have any contact
17 with the victim's family. On the attempted armed
18 robbery, the sentence of the Court is that you be
19 committed to the State Department of Corrections for
20 20 years. You're not allowed to have contact with the
21 victim's family. On both of those charges, you will
22 be given credit for time served that you have
23 currently done.

24 On the murder charge, the sentence of the Court
25 is that you be committed to the State Department of

1 Corrections for a sentence of life without the
2 possibility of parole. All of these sentences are to
3 be run consecutive to each other. Thank you very
4 much.

5 MS. SIMPSON: Thank you, Your Honor, Your Honor.

6 THE DEFENDANT: I didn't do shit. I didn't do
7 nothing.

8 (WHEREUPON, Court's Exhibit Number 20 was
9 marked for identification only.)
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Vicki Everhart, Transcriptionist for Karen Ambroziak, Official Court Reporter for the 5th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 10th through 19th days of November, 2014.

February 26, 2015

/s/ Vicki Everhart

Vicki Everhart,
Transcriptionist for

Karen Ambroziak,
Circuit Court Reporter

STATE OF SOUTH CAROLINA

)

GENERAL SESSIONS

)

County of Richland

)

2014-GS-40-752

2014-GS-40-754

2014-GS-40-755

2014-GS-40-756

)

)

STATE OF SOUTH CAROLINA,

)

)

vs.

)

TRANSCRIPT OF RECORD

)

TRENTON BARNES,

)

)

DEFENDANT,

)

December 12, 2014
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

DOLLY JUSTICE GARFIELD, ASSISTANT SOLICITOR
LUCK CAMPBELL, ASSISTANT SOLICITOR
Attorneys for the State

MARK SCHNEE, ESQ.
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

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CERTIFICATE OF REPORTER 76

STATE'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Evaluation	5	
2	Jail school records	5	20
3	Jail discipline records	5	
4	CD jail phone calls	5	
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DEFENDANT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Social assessment	9	
2	Emails	16	

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<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Outline - juvenile records	11	
2	School records - sealed	76	
3	Letter	76	

1 (WHEREUPON, State's Exhibits Nos. 1 - 4 were marked
2 for identification only.)

3 MR. SCHNEE: Judge, briefly.

4 THE COURT: Hold on. I don't know that we're on the
5 record yet. I need to sign some sheets.

6 MR. SCHNEE: Okay.

7 (Pause.)

8 THE COURT: All right. Good morning, everybody.
9 We're on the record in the State of South Carolina vs.
10 Trenton Malik Barnes, indictment number 2014-GS-40-756,
11 755, 754, 752, and we're here for the purposes of
12 sentencing.

13 Mr. Barnes was previously convicted via a jury trial
14 within the past few weeks. I don't remember the exact
15 date pursuant to Aiken vs. Byars which is a South Carolina
16 Supreme Court case that literally came out during the
17 middle of the trial.

18 The Supreme Court has made Miller vs. Alabama
19 retroactive, essentially, and applied the Miller vs.
20 Alabama which is a United States Supreme Court case and
21 says it takes effect in South Carolina.

22 Anytime you're sentencing a juvenile, and the
23 possibility of a sentence of life without parole, whether
24 it is mandatory or not mandatory, that certain factors
25 need to be taken into consideration before sentencing that

1 individual, and so that is the purpose of this hearing.
2 That is the reason for the delay in the hearing.

3 All right. So is everybody ready to proceed?

4 MR. SCHNEE: Yes.

5 MS. GARFIELD: The State ready.

6 THE COURT: Ms. Garfield.

7 Mr. Schnee?

8 MR. SCHNEE: Judge, may it please the Court. There
9 are a couple of witnesses that I've had subpoenaed. One
10 of them is here, Mary Howk. She is a -- a school teacher
11 from the Alvin S. Glenn Detention Center.

12 I also have subpoenas out to Richland School District
13 1, and I was informed that someone from the school
14 district would actually be here today with the school
15 records, someone from their legal department specifically
16 dealt with the special ed classes. I have not seen that
17 person. I have known -- none of those records. I'm
18 asking Your Honor to enforce the subpoena and get someone
19 from the school district in order to turn over those
20 records, because I think they are invaluable for Your
21 Honor in this determination.

22 THE COURT: Who was the last person your talked to at
23 the school district?

24 MR. SCHNEE: My investigator talked to Ms. Scott.

25 THE COURT: And who is she?

1 MR. SCHNEE: Ms. Scott is the in-house legal counsel
2 for the school district.

3 THE COURT: Okay. So she is actually an employee of
4 the school district?

5 MR. SCHNEE: Yes, Your Honor. That's my
6 understanding.

7 THE COURT: Okay. Do you have -- what's her phone
8 number?

9 MR. SCHNEE: I do not personally have that is the
10 problem. My investigator was handling that.

11 THE COURT: Where is your investigator?

12 MR. SCHNEE: She is, I believe, at a doctor's office
13 this morning. She has been in and out of the hospital. I
14 talked to her yesterday, and she told me that --

15 THE COURT: What is Ms. Scott's first name?

16 MR. SCHNEE: I can check my emails and look for it if
17 Your Honor wants. She said that Ms. Scott was going to be
18 here this morning; that she confirmed it with her
19 assistant.

20 THE COURT: Well, I need to know her name so I can
21 call her and make her to come up here.

22 MR. SCHNEE: Yes, Your Honor.

23 THE COURT: In order to enforce the subpoena, I have
24 to have the information to enforce the subpoena.

25 MR. SCHNEE: Yes, Your Honor. If you'll just give me

1 a few seconds.

2 THE COURT: Do you have the subpoena?

3 MR. SCHNEE: I do not have a copy of it.

4 THE COURT: Do you have a copy of the subpoena that
5 you issued?

6 MR. SCHNEE: My investigator got the subpoena issued
7 and served it.

8 Judge, I don't have her first name, but I have a
9 phone number for her.

10 THE COURT: What's the phone number?

11 MR. SCHNEE: (803)231-7404.

12 THE COURT: Christine, call this woman. Find out
13 where she is.

14 Okay. All right. Anything else before we begin?

15 MR. SCHNEE: Other than -- other than those records,
16 Your Honor, I would like to present as an exhibit and have
17 it marked as Defense, somebody, or a Court's Exhibit.

18 This is an outline of a book. It's called Social
19 History Assessment. It's written by Dr. Arlene Andrews.
20 She is one of the premier experts on assessing social and
21 personal histories. She does a lot of work in death
22 penalty litigation cases.

23 This is an outline of essentially what an assessment
24 should be done in those types of cases. I believe that
25 does need to be done here.

1 From the people I talked to, this takes approximately
2 12 to 18 months to get that accomplished. As a matter for
3 the record, I am asking Your Honor for proper funding and
4 time to do all of that.

5 THE COURT: All right. That motion is denied.

6 MR. SCHNEE: Yes, Your Honor. I would like to have
7 this made an exhibit, though.

8 THE COURT: That's fine.

9 (WHEREUPON, Defendant's Exhibit No. 1 was marked for
10 identification only.)

11 MR. SCHNEE: Other than that, Your Honor, I am ready
12 to proceed.

13 THE COURT: All right.

14 Would the State care to present anything at this
15 point in time?

16 MS. GARFIELD: Your Honor, we will reserve our
17 introduction of anything for reply.

18 THE COURT: Okay.

19 All right. Mr. Schnee, you may begin.

20 MR. SCHNEE: Judge, may it please the Court. First
21 I'd like to pass up to Your Honor a community evaluation
22 that was done by the Department of Juvenile Justice.

23 As Your Honor is aware, my client was in -- I believe
24 in March of 2013 charged with a minor offense that was
25 dealt with. That was adjudicated in family court.

1 As far as Your Honor -- as Your Honor is aware, part
2 of the standard process is an evaluation. I would like to
3 hand a copy up to Your Honor and make a copy as part of an
4 exhibit, as well.

5 THE COURT: Okay.

6 MR. SCHNEE: The State has a copy of it.

7 MS. GARFIELD: No objection, Your Honor. We are
8 actually prepared to introduce that through a Department
9 of Juvenile Justice representative.

10 THE COURT: Okay. And would everybody be of the
11 opinion that I need to seal this since it's a juvenile
12 record?

13 MS. GARFIELD: Yes, sir, absolutely.

14 MR. SCHNEE: Yes, Your Honor.

15 THE COURT: Okay. Do you have an objection to that?

16 MR. SCHNEE: No.

17 THE COURT: Okay. And do you have an objection to
18 that?

19 MS. GARFIELD: No, sir, we do not.

20 THE COURT: All right. This report, which is a
21 report of the Department of Juvenile Justice will be made
22 a Court's Exhibit, so it will be Court's Exhibit number 1
23 for purposes of this hearing. It will be sealed only to
24 be opened by future judges in whatever hearings may be in
25 the future.

1 (WHEREUPON, Court's Exhibit No. 1 was marked for
2 identification only.)

3 THE COURT: For the record, the reason that I'm
4 sealing the report is it does deal -- it is a report on
5 Mr. Barnes created by the Department of Juvenile Justice
6 at a time period where he was a juvenile. It was created
7 as part of a juvenile case; is that correct, Ms. Garfield?

8 MS. GARFIELD: Yes, sir.

9 THE COURT: Okay. And so out of an abundance of
10 caution, in the -- I've never been a family court judge,
11 and I never practiced in family court much at all in my
12 entire life, but the time that I did, it was in criminal
13 court. All of those records were kept sealed.

14 So out of an abundance of caution for Mr. Barnes, I
15 will review the report, but I will make it a sealed part
16 of the record.

17 MR. SCHNEE: Yes, Your Honor, that's fine.

18 THE COURT: What do you want me to look at in this,
19 Mr. Schnee?

20 MR. SCHNEE: Well, to be honest, Judge, a lot of the
21 background information dealing with family history, his
22 educational history, obviously the facts of the particular
23 offense have no bearing.

24 It actually goes through much of his school. The
25 individualized education program, the IEPs. I've got

1 emails from Mary Howk, to and from Mary Howk. She is my
2 first witness, Your Honor. She is a school teacher at
3 Alvin S. Glenn.

4 THE COURT: Okay.

5 MR. SCHNEE: I would pass it up. It essentially
6 shows that he was held back early on. It shows that
7 Trenton is a slow learner.

8 I think the last diagnosis was a specific learning
9 disability but not identified as any particular type of
10 learning disability. That's what it appears from the
11 limited records that I've been able to obtain.

12 THE COURT: Okay. All right. Do you want to go
13 ahead and call your first witness?

14 MR. SCHNEE: Yes. Yes, Your Honor. I do call Mary
15 Howk at this time.

16 THE COURT: Okay.

17 MR. SCHNEE: In terms of the evaluation, I just ask
18 you to read the whole thing.

19 THE COURT: Yes, sir, understood.

20 All right. Ms. Howk, please come forward and raise
21 your right hand.

22 MARY HOWK, after being duly sworn,
23 testified as follows:

24 THE COURT: If you'll have a seat on the witness
25 stand. State your full name for the record and spell your

1 last name.

2 THE BAILIFF: Watch your step, please.

3 THE WITNESS: My name is Mary Howk, H-O-W-K.

4 DIRECT EXAMINATION:

5 BY MR. SCHNEE:

6 Q Ms. Howk, thank you for coming.

7 A Uh-huh.

8 Q Could you please tell the Court where you're
9 currently employed, and what your experience is and your
10 education?

11 A I'm a full-time teacher with Richland School District
12 1 employed at the Alvin S. Glenn.

13 Q I'm sorry.

14 (Pause).

15 THE COURT: I'm dealing with something.

16 (Pause).

17 Okay. Thank you.

18 BY MR. SCHNEE:

19 Q Please tell the judge your educational experience and
20 where you're working.

21 A Okay.

22 Q And your background.

23 A Again, I'm a full-time teacher at the Alvin S. Glenn
24 Detention Center. I'm with Richland School District 1.
25 I'm certified in special education and learning

1 disabilities.

2 THE COURT: Okay.

3 THE WITNESS: Okay.

4 BY MR. SCHNEE:

5 Q Did -- at some point, did you meet Trenton Barnes?

6 A Yes. Trenton entered our program August 15th, 2013,
7 and he stayed with us until he turned 17. He left us
8 November 26th the same year.

9 Q Okay. And were you one of his direct teachers?

10 A Yes. There are only two of us, and I had him half
11 the day. The other teachers had him the other half of the
12 day.

13 Q Okay.

14 A I say teachers because we had a transition period.
15 We had a long-term sub who was later replaced by a
16 full-time teacher.

17 THE COURT: Did you say November of what year?

18 THE WITNESS: November 26th, 2013.

19 THE COURT: 2013.

20 THE WITNESS: He was with us 50 classroom days.

21 THE COURT: Okay.

22 BY MR. SCHNEE:

23 Q Could you describe a little bit about how the
24 classrooms work at Alvin S. Glenn?

25 A We -- I teach biology, math, and GED. I'm also the

1 Special Ed contact. The other teacher teaches language
2 arts and social studies. Half the day I have one group.
3 The other teacher has the other group, and then we switch
4 and switch groups. So I have each student about
5 two-and-a-half hours a day.

6 Q. Okay. And what grade equivalent was Trenton Barnes
7 in when you were teaching him at age 16?

8 A I do not have our pretesting criteria, but he had
9 some math disabilities. I believe he was elementary
10 level. I don't have those specific scores, though.

11 Q Okay. Do you know if prior to coming into Alvin S.
12 Glenn he ever finished, say, the 9th grade?

13 A He was a repeating 9th grader.

14 Q Okay. So that's approximately where he was when he
15 was with you, right?

16 A He tested much lower than that in reading and math.

17 Q Oh, so he tested lower than that?

18 A Yes, yes.

19 Q And I believe you sent me -- last night you faxed me
20 some e-mails that you had with the Richland School
21 District.

22 A Right. I asked Trenton if he was in Special Ed, and
23 he said it had been dropped. When I was subpoenaed, I
24 sent out these emails trying to figure out more about his
25 status.

1 You have my only copy, but 2008, he was classified as
2 mentally disabled. Later that was changed to a specific
3 learning disability which is a very generic term, and then
4 in 2011 he was dropped because they determined he no
5 longer classified as met the criteria for learning
6 disability.

7 THE COURT: You mean dropped from the program?

8 THE WITNESS: Yes.

9 THE COURT: Hold on one second.

10 (Pause.)

11 Okay. Thank you.

12 MR. SCHNEE: Judge, at this time the e-mails
13 specifically has some dates. I'd like to introduce that,
14 as well.

15 THE COURT: Any objection?

16 (Indicates in the negative.)

17 Okay.

18 (WHEREUPON, Defendant's Exhibit No. 2 was marked for
19 identification only.)

20 BY MR. SCHNEE:

21 Q In terms of the actual classroom environment, how
22 would you describe Trenton as a person as a student?

23 A I didn't have any problems with Trenton in my class.
24 He was cooperative. If he needed help, he would ask for
25 help, and he wasn't consistent in his work. Some days he

1 didn't put forth a lot of effort. On one of his report
2 cards, I said he was very capable and he tried.

3 Q Okay. Would you consider Trenton to be a leader or a
4 follower?

5 A I think he was more of a follower.

6 Q Okay. Have you ever had interaction with members of
7 his family?

8 A I had his older brother Tony Barnes.

9 Q Okay. And what was your interaction with Tony?

10 A I had him for a year-and-a-half. He was very
11 difficult at the beginning, and then we got a good working
12 relationship. He progressed a lot academically. Tony was
13 definitely a follower.

14 Q Okay. And you met Tony because he was also at Alvin
15 S. Glenn?

16 A Yes, yes.

17 Q And he -- you're aware of where he currently is?

18 A Yes.

19 Q And where is that?

20 A Well, he's serving in an adult correctional facility
21 for manslaughter.

22 Q Okay. And that's -- that's one of his older
23 brothers?

24 A Yes.

25 Q Okay. Did you ever -- I don't suppose you ever met

1 Troy Stevenson.

2 A Yes, I did.

3 Q Okay.

4 A Briefly. I don't remember a lot about Troy.

5 Q Okay. That's also another brother of Trenton's.

6 A Okay.

7 Q Are you also aware that he is also charged with the
8 same murder that we're here about today?

9 A Not really.

10 Q Okay.

11 A I don't -- I don't get into the crimes of my
12 students.

13 Q Okay.

14 A Try not to.

15 Q Did Trenton have any disciplinary problems with you?
16 Did he cause fights? Did he cause problems?

17 A Not in my classroom.

18 Q Okay. And you were with him about half a day for a
19 few days?

20 A Yes, about two-and-a-half hours.

21 MR. SCHNEE: Judge, that's all I have for this
22 witness.

23 THE COURT: Cross-examination?

24 MS. CAMPBELL: Yes, sir.

25 CROSS-EXAMINATION:

1 BY MS. CAMPBELL:

2 Q Ms. Howk, you have come to court before on a number
3 of occasions and testified on behalf of some of your
4 students?

5 A Yes, ma'am.

6 Q And approximately how many times have you been to
7 court and testified for your students, do you remember?

8 A Maybe two or three times a year.

9 Q Two or three times a year, and I want to show you
10 what's been marked as State's Exhibit No. 2 first. Do you
11 recognize those?

12 A Yes.

13 Q Are those the records? I think you actually provided
14 those to us this morning.

15 A These are the exit grades that he earned while he was
16 at Alvin S. Glenn.

17 Q And we copied these --

18 A Yes.

19 Q -- and this is the records you provided for us?

20 A Yes.

21 MS. CAMPBELL: Your Honor, at this time we'd offer
22 State's Exhibit No. 2.

23 MR. SCHNEE: No objection.

24 (WHEREUPON, State's Exhibit No. 2 was admitted into
25 evidence.)

1 THE COURT: Very well.

2 BY MS. CAMPBELL:

3 Q You mentioned that you -- one of your specialities
4 is --

5 A Special Ed.

6 Q Special Ed.

7 A Learning disabilities.

8 Q Learning disabilities.

9 A Right.

10 Q And did you find that Mr. Barnes suffered from any
11 learning disabilities in your short time with him?

12 A He was very low in math, but he was able to progress
13 quickly. I think he needed a lot of one-on-one attention,
14 and the advantage we have in that environment is there are
15 no distractions. They get a lot of attention, so he made
16 progress.

17 Q And I think in these records you provided us when you
18 were referring to his math, strategy math I think it was
19 called --

20 A Uh-huh.

21 Q -- you said, "Trenton is making progress with his
22 math skills"?

23 A Uh-huh, yes.

24 Q And then you also taught him for Biology 1; is that
25 correct?

1 A Yes, yes.

2 Q You say, "Trenton's work is not always consistent,
3 but when he works hard, he can make really good grades"?

4 A Right, uh-huh.

5 Q And were you aware there was an assessment done when
6 Mr. Barnes was adjudicated -- not adjudicated, evaluated
7 for an unlawful pistol charge prior to this?

8 A No, ma'am. We didn't receive any of these records.

9 Q And you didn't know that he was actually tested as
10 far as his abilities?

11 A I had asked him if he was Special Ed and contacted
12 the school district, and they had just told me he was no
13 longer Special Ed. So I have didn't go any farther.

14 Q And they actually administered a test called the
15 WASI?

16 A Uh-huh. That's a psychological.

17 Q And a WIAT. You're familiar with those?

18 A The licensed psychologist administers those, so I
19 can't speak to those.

20 Q Okay. But did you know when they did of those
21 testing, they did not suggest he has a learning disorder
22 in reading or math?

23 A Well, he was dropped from special ed in 2011, but
24 they determined that he didn't meet the criteria.

25 Q Okay.

1 A So...

2 Q So that would tend to --

3 A From my standpoint, I knew I didn't need to write an
4 IEP so I didn't pursue --

5 Q And if you --

6 A -- any of those records.

7 Q If you had observed that about him, you would have?

8 A He definitely had difficulties and deficiencies in
9 math, but apparently, he didn't meet the criteria to be in
10 Special Ed for it.

11 Q But your assessment of him was Trenton was making
12 progress with his math skills?

13 A Yes, but he came in very low, very low, elementary
14 school level.

15 Q I apologize. I did not mean to interrupt.

16 A Uh-huh.

17 Q Also, you mention that you didn't ever have any
18 problem with Trenton in your class; is that correct?

19 A Yes, ma'am.

20 Q But in these records, there were problems that he did
21 have in class.

22 A In the other classrooms, yes, ma'am.

23 Q Specifically looking at State's Exhibit No. 2, the
24 second page, what does that show there as being a write up
25 for Mr. Trenton Barnes while --

1 A This is a write up from the replacement teacher,
2 James Enly (phonetic). It said both students were -- they
3 were reviewing -- they're working on the -- I can't read
4 his writing. They're supposed to be working on
5 assignments on the internet, and Trenton Barnes will be
6 banned permanently from using the computer. There's an
7 attached sheet --

8 Q Does it say why he was banned permanently from using
9 the computer --

10 A There is an attached sheet with the internet history,
11 and he was looking at various porn sites.

12 Q And who was one of the students that you mentioned
13 that was banned permanently from using the internet when
14 he was supposed to be doing his school work? What was he
15 doing?

16 A Trenton Barnes would be banned permanently. The
17 other student was Raquan Davis. He have would lose ten
18 weeks.

19 Q But Trenton Barnes was the one that was banned
20 permanently?

21 A Right, because this must have been his second
22 offense.

23 Q Must have been his second offense?

24 A Yes.

25 Q And because that would be when he would be banned

1 permanently, and that's when he was supposed to be doing
2 his school work?

3 A Right.

4 Q And the date that that occurred was on what date?

5 A September 10th.

6 Q Of 2013?

7 A 2013.

8 Q And when is the first time he actually entered
9 classes?

10 A August 15th, 2013.

11 Q So by September 10th after entering class on
12 August 15th, this would have been at least his second
13 violation?

14 A Yeah.

15 Q And the internet sites that he was looking at were
16 listed on the second page. I have it turned to now.

17 A Yes, porn sites.

18 MS. CAMPBELL: Your Honor, may I approach?

19 THE COURT: Yes, ma'am.

20 BY MS. CAMPBELL:

21 Q And your interaction with him was limited, but he
22 responded well in your class at least?

23 A It was controlled. I expect my students to work and
24 they do, so things didn't get out of hand.

25 Q Okay. And when I say limited, I meant in time it was

1 50 days?

2 A Yes.

3 Q And as far as any of his behavior elsewhere in the
4 jail, that would have been -- somebody else would have
5 done that?

6 A Someone else would have done a report.

7 MS. CAMPBELL: Thank you, ma'am. I don't have
8 anything further.

9 THE COURT: Anything else, Mr. Schnee?

10 MR. SCHNEE: No further questions. Thank you, ma'am.
11 I appreciate your coming.

12 THE COURT: Have a nice day, ma'am.

13 THE WITNESS: Thank you.

14 THE COURT: All right. The records that you
15 requested are on the way up here.

16 MR. SCHNEE: Yes, Your Honor, thank you.

17 My next witness is Latoya Barnes.

18 THE COURT: Okay.

19 (Pause).

20 THE WITNESS: Oh my gosh.

21 LATOYA BARNES, after being duly sworn,
22 testified as follows:

23 THE CLERK: Have a seat in the witness box. State
24 your name and spell it, please.

25 THE WITNESS: Oh. Oh my God. Latoya Barnes,

1 L-A-T-O-Y-A, B-A-R-N-E-S.

2 DIRECT EXAMINATION:

3 BY MR. SCHNEE:

4 Q Ms. Barnes, I just want to ask you a few questions
5 about your family history and social history from Trenton.

6 A Okay.

7 Q How many children do you have?

8 A Four.

9 Q Okay.

10 A Four boys.

11 Q How old are they?

12 A Twenty, 19, 17 -- 18. Trenton is already 18, and 15.

13 Q Okay. Now, your oldest son, what's his name?

14 A Antonio Barnes.

15 Q Okay. And he is currently serving a prison sentence
16 for manslaughter?

17 A Uh-huh, yes, sir.

18 Q Okay. And the next one now would be Troy Stevenson?

19 A Correct.

20 Q Who is charged with Trenton with this?

21 A Yes, sir.

22 Q Okay. And then you have Trenton, obviously, and then
23 your youngest son, what's his name?

24 A Tremain Stevenson.

25 Q How many of your children have been assessed for IEPs

1 in their education?

2 A Antonio, Trenton, and Tremain.

3 Q Okay. So everyone but Troy?

4 A Right.

5 Q And how long was Trenton in those special classes?

6 A Since elementary.

7 Q Okay.

8 A His IEP was mild mental. They changed it to
9 emotional, and then they changed it to a learning
10 disability. Then they dropped him when he got in the 8th
11 grade and went to the 9th.

12 Q Okay. In terms of your disciplining Trenton and
13 trying to teach him what to do, does Trenton have an anger
14 problem sometimes?

15 A Yes. He has a temper sometimes, gets easily upset.

16 Q Does he follow the rules, though, generally?

17 A Yes, he does.

18 Q Okay. Did -- did you ever have him -- ever have
19 problems with him going to school --

20 A No.

21 Q -- or was it just performance at school?

22 A No, not at all, never had a problem with him going to
23 school.

24 Q Okay. So he always went?

25 A Yes, sir.

1 Q And in the school environments, I guess we're going
2 to get into some of those records soon. Do you remember
3 was he -- was he disruptive in class? What do you
4 remember about that exactly?

5 A Off and on. He just -- you know, as far as him not
6 paying attention or something like that. Just out of
7 place, not being focused but other than a fighting or
8 anything, he never had a problem with that.

9 Q Okay. So he never caused any fights or anything?

10 A No.

11 MR. SCHNEE: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 (Pause).

14 BY MR. SCHNEE:

15 Q Do all four of your children have the same father?

16 A No.

17 Q All right. Who is the father of -- of Trenton?

18 A Thomas Morgan.

19 Q Okay. And does -- is he the father of any of your
20 other children?

21 A No, sir.

22 Q Okay. How involved was he as a father with Trenton?

23 A He never was involved.

24 Q Never involved?

25 A No.

1 Q Who was the father figure for Trenton?

2 A Who was the father figure? Calvin Jennings.

3 Q And when was -- when was he around?

4 A Every since Trenton was like maybe in the 3rd, 4th
5 grade all the way up until now, and he is not around at
6 this time.

7 Q Okay. So age nine to ten --

8 A Yeah.

9 Q -- until about age 15, 16?

10 A Sixteen, 17 yes, sir.

11 Q Okay. And there was -- there were no other male
12 father figures before that?

13 A No.

14 Q Okay. Did you work while Trenton was growing up?

15 A Yeah, off and on.

16 Q During the day or at night?

17 A Day and night. It was like a catering company, so it
18 was different times --

19 Q Okay. Who would take care of Trenton while you were
20 at work?

21 A While I was at work? Normally he would be in school,
22 you know, and if it was on the following weekend, my
23 oldest sister, she would have been there.

24 Q Okay. So you had other family members --

25 A Yes, sir.

1 Q -- helping out?

2 A Yes, sir.

3 Q Okay. Did Trenton move around a lot when he was a
4 kid to different homes or...

5 A Oh no. My kids were always with me.

6 Q Okay. Did you move around --

7 A No.

8 Q -- to different schools or anything else?

9 A No.

10 Q Okay. How would you describe Trenton in terms of his
11 interactions with other people his own age?

12 A He gets along good with kids his own age.

13 Q Okay. Does he naturally gravitate toward groups?

14 Does he -- is he more of a loaner? I'm just trying to
15 understand.

16 A Well, he is kind of quiet. You know, he is -- he is
17 not a hyper kid or anything. He pretty much falls in, get
18 in friends with friends but -- other kids but not really.
19 He is off to himself, you know.

20 Q Was he a leader or a follower any time he was with
21 groups of people?

22 A Follower. He wasn't a leader at all.

23 Q Who would have had influence over him that you know
24 from his friends that you've seen?

25 A No one because he -- he's just Trenton. He's off to

1 himself. He's -- you couldn't tell. He was just off to
2 himself.

3 Q Okay. Ma'am, I don't -- I don't have any other
4 questions about your family background, but obviously part
5 of this is a hearing for the judge.

6 A Uh-huh.

7 Q So if you want to tell the judge anything about
8 Trenton and about what you want for a sentencing, please
9 do so.

10 A Trenton, he's a good kid, you know. It's just a
11 complete mistake, you know. Our family and everyone is
12 truly sorry.

13 MR. SCHNEE: Thank you.

14 THE COURT: Would you like to ask her any questions?

15 MS. CAMPBELL: Yes, sir.

16 CROSS-EXAMINATION:

17 BY MS. CAMPBELL:

18 Q Hey, Ms. Barnes. I just want to go back a little bit
19 in those months right prior to when all of this happened.
20 You were aware that he got picked up on a charge back in
21 March of 2013?

22 A March?

23 Q Uh-huh.

24 A Was it February?

25 Q February or March. Was it February?

1 A February.

2 Q I misspoke. I apologize.

3 A Okay.

4 Q And did you remember what that charge was?

5 A I just know it was a gun charge. I don't...

6 Q It was a gun charge?

7 A The exact charge I can't remember.

8 Q And do you remember that he had a loaded Ruger nine
9 millimeter handgun with an obliterated serial number?

10 A I know it was gun charge.

11 Q Do you remember going, though, after he was arrested
12 or taken into custody on that charge --

13 A Yes.

14 Q -- and meeting with people who did an assessment on
15 him?

16 A Yes, ma'am.

17 Q Do you remember talking to those people about your
18 family history and everything?

19 A Yes, ma'am.

20 Q And the history as far as it's affected Trenton?

21 A Yes, ma'am.

22 Q And you were also aware that on two prior occasions
23 back in 2007 and 2010, he was arrested on other charges?

24 A On other charges?

25 Q Did you know that?

1 A Trenton?

2 Q Trenton.

3 A Are you sure? Because Trenton only --

4 Q Would it help you to look at that? Right there at
5 the bottom.

6 MR. SCHNEE: Judge, all of those charges were
7 dismissed.

8 THE WITNESS: I don't remember any of that.

9 THE COURT: She asked arrested. She didn't ask
10 convicted.

11 BY MS. CAMPBELL:

12 Q Correct.

13 Do you remember that?

14 A No.

15 Q You do remember going and talking to them sometime, I
16 think, in March or April of 2013, some three or four
17 months before this happened and talking about Trenton and
18 his background?

19 A Right.

20 Q And they asked about your whole family like we just
21 talked about, right?

22 A Uh-huh.

23 Q And do you remember telling them that you lived in
24 the Rochelle Heights community?

25 A Uh-huh.

1 Q And that Trenton has his own room?

2 A Yes, ma'am.

3 Q And do you remember telling them the neighborhood
4 is --

5 A He didn't have his own room, him and his youngest
6 brother.

7 Q Because he --

8 A There's only three bedrooms.

9 Q It's only three bedrooms. So he actually shared?

10 A I mean him and Tremain, I'm sorry.

11 Q Do you remember reporting that the neighborhood is
12 quiet?

13 A Yes.

14 Q With minimal crime?

15 A Right.

16 Q In a rural setting?

17 A Right.

18 Q He's allowed to have his friends over to spend the
19 night?

20 A Yes, ma'am.

21 Q And he is allowed to spend the night with his
22 friends, but he rarely does either; that he participated
23 in kid camps at a local church?

24 A Yes, ma'am.

25 Q And they specifically asked you about yourself and

1 your family, about mental illness or anything like that,
2 and you denied any domestic violence among immediate
3 family members?

4 A Domestic violence?

5 Q Uh-huh.

6 A No.

7 Q Or the use of illicit substances? Then they asked you
8 about his history growing up as well, right?

9 A Okay.

10 Q And they were -- when he was born, everything was
11 normal?

12 A Uh-huh.

13 Q That he met all of his developmental milestones
14 within expected timeframes?

15 A Yes, ma'am.

16 Q You deny that he had any major illnesses, seizures,
17 surgeries or loss of consciousness?

18 A Correct.

19 Q That he had never been psychiatrically hospitalized?

20 A No, ma'am. He don't.

21 Q That he had met with a counselor a couple of times,
22 and I think that was on the anger management you referred
23 to?

24 A At Columbia Area Mental Health.

25 Q And that was when he was in 6th grade, 6th or 7th?

1 A Was it Tim? It's not Timothy Mullins. It was Tim at
2 Columbia Area Mental Health.

3 Q Who is Timothy Malone?

4 A Timothy Malone is at Baptist. He works at Baptist.

5 Q And when was he --

6 A That was for my oldest son, Antonio.

7 Q That was for your oldest son?

8 A Right.

9 Q Okay. Do you remember that they actually did some
10 testing on him, and that he didn't need any additional
11 trauma screening or any kind of trauma to be evaluated?

12 A Okay.

13 Q Specifically, they asked you about his behavior in
14 school, too. Do you remember that?

15 A Uh-huh.

16 Q And you responded he had the usual problems; that he
17 was suspended several times in elementary, middle, and
18 high school but couldn't recall particular grades or
19 reasons?

20 A Right.

21 Q That he was in special ed about one point.

22 A Yes, ma'am.

23 Q Partially for emotional problems?

24 A Emotional and mild mental.

25 Q And then he was dropped from that because he scored

1 out of it?

2 A Right and when he was going to the 9th grade.

3 Q And that was when he was in the 8th grade?

4 A Right.

5 Q Okay. Do you remember that you denied he was any
6 member of a gang or anything like that?

7 A Because I didn't know anything about that.

8 Q And then you described his friends as positive?

9 A His friends is positive, yes.

10 Q That's how you described his friends, positive.

11 A Positive.

12 Q A positive influence.

13 A Right, correct.

14 Q You indicated that you could just forbid Trenton from
15 associating with peers who are expected to engage in
16 negative behavior?

17 A Right.

18 Q And then you also said that you denied he had ever
19 experimented with alcohol or drugs or been sexually
20 active?

21 A Correct.

22 Q But none of that was true?

23 A None of that was true.

24 Q And then you talked about the types of things y'all
25 did together as a family, watched TV, movies?

1 A Uh-huh.

2 Q And he was very helpful and respectful?

3 A Yes, ma'am.

4 Q He had a great relationship with his brothers?

5 A Yes, ma'am.

6 Q And that generally he had a good relationship with
7 family?

8 A Yes, ma'am.

9 Q And just for the record, you've always been there for
10 him and supported him, right?

11 A Yes, ma'am.

12 Q And, in fact, at the time when this happened in the
13 New Rochelle Community there on Lucille Street, y'all had
14 been living there for over five years?

15 A Yes, ma'am, since 2008.

16 Q So his home life was fairly stable. He was attending
17 school, and you did whatever it took --

18 A Yes, ma'am.

19 Q -- to make sure he got what he needed?

20 A Yes, ma'am.

21 Q And it was your experience Trenton knows right from
22 wrong, doesn't he?

23 A Yes, ma'am.

24 MS. CAMPBELL: Thank you.

25 THE COURT: Anything else?

1 MR. SCHNEE: No further questions, Judge.

2 Thank you, Ms. Barnes.

3 THE WITNESS: Uh-huh.

4 MR. SCHNEE: Judge, other than the introduction of
5 school records, I have no other actual witnesses to
6 present.

7 THE COURT: Okay.

8 Ms. Barnes, I want to say this for the record so that
9 the record is very clear and that you were here throughout
10 for entire trial --

11 THE WITNESS: Yes, sir.

12 THE COURT: -- for your son, and during the first
13 part of it before you were called as a witness by the
14 State, there was a sequestration order --

15 THE WITNESS: Yes, sir.

16 THE COURT: -- which you followed, but that would --
17 the only reason that you weren't in the courtroom.
18 Throughout this trial, you've been present --

19 THE WITNESS: Yes, ma'am.

20 THE COURT: -- for your son, and I just want that --
21 the record to be clear of your support through him --
22 throughout this case, and your continued support of him.
23 I thank you for your comments. I thank you for being here
24 today. I know that this cases is very difficult for
25 you --

1 THE WITNESS: Yes, sir.

2 THE COURT: -- and your family on many different
3 levels, and I just wanted to personally say to you thank
4 you for your continued support throughout this case.

5 THE WITNESS: Thank you, sir.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you.

8 (Pause.)

9 THE COURT: Okay. Let's take a little break until
10 the school records get here. We had contacted the school
11 district.

12 Apparently, the records were requested incorrectly,
13 and they had informed the investigator that the records
14 were requested incorrectly.

15 I compelled them to show up with the records even
16 though they were requested incorrectly. We will fix that
17 paperwork issue in due course and in due time, but the
18 records are on the way up here.

19 I'm going to take a break so that I can read the
20 evaluation report. Are there any other long reports that
21 anybody wants me to read that I could read during this
22 break?

23 MS. CAMPBELL: Judge, we can -- Judge, we will hand
24 up that we're getting ready to introduce.

25 THE COURT: Okay. That's fine. That way I can go

1 ahead and read them when things are quiet, and I can be
2 focused on them.

3 MS. GARFIELD: Just for the record, Judge, we did
4 have marked State's Exhibit number 1, the community
5 evaluation. It's just been introduced.

6 THE COURT: Okay.

7 MS. GARFIELD: Will be withdrawing that exhibit.
8 State's number 2 I handed up to you.

9 THE COURT: I have that, yes. Five housing activity.
10 (WHEREUPON, State's Exhibit No. 5 was marked for
11 identification only.)

12 MS. GARFIELD: Your Honor, handing up State's
13 Exhibit 3 and 5, this would be discipline reports from the
14 jail and also his housing activity to reflect his stay at
15 the special housing unit.

16 THE COURT: All right. We're going to get an E.T.A.
17 on the school records, and I'm going to review these
18 reports. Then we'll come back on the record when that
19 happens. I hate to take a break like this, but I want to
20 make sure the record is complete with the school records
21 before we do anything else.

22 All right. We'll be in recess until the school
23 records individuals will show up. Thank you.

24 MR. SCHNEE: Thank you, Judge.

25 (WHEREUPON, a short break was taken.)

1 THE COURT: All right. We're back only the record in
2 the State of South Carolina vs. Trenton Malik Barnes for
3 the purposes of sentencing. The reason for the delay was
4 getting the school records from Richland School District
5 1. Who came from Richland School District 1?

6 What's your name, ma'am.

7 THE WITNESS: Your Honor, I am attorney Susan
8 Williams.

9 THE COURT: Okay.

10 THE WITNESS: In-house counsel --

11 THE COURT: So you work for the --

12 THE WITNESS: -- for Richland School District 1.

13 THE COURT: Okay. And so the school district has
14 provided the records. I have signed a court order. One
15 of the provisions in the court order for those records is
16 that both the solicitor's office and the defense is
17 required to destroy these records upon the termination of
18 the hearing.

19 Does the solicitor's office understand that?

20 MS. GARFIELD: Yes, sir.

21 THE COURT: And Mr. Schnee, do you understand that?

22 MR. SCHNEE: Uh, Judge, I do, but to the extent that
23 they may be necessary for me to retain according to
24 standard records retention policy and procedures under the
25 rules of professional conduct and rules of PCR, I would

1 think I have to keep them until case is completely
2 dissolved.

3 THE COURT: You will shred them after this hearing.
4 Do you understand that?

5 MR. SCHNEE: Yes, sir. I will do that.

6 THE COURT: Thank you very much.

7 All right. These records will be made a part of the
8 Court's record, and they will be sealed pursuant to a
9 court order for any future hearings that may come about in
10 this case. They will be a part of the record and an
11 official part of the record for any future reviewing
12 bodies to see.

13 Okay. Mr. Schnee, you may continue.

14 MR. SCHNEE: Judge, other than the records introduced
15 into evidence, I have no further testimony at this time.

16 THE COURT: Okay. All right.

17 Ms. Garfield?

18 MS. GARFIELD: Thank you, Your Honor. May it please
19 the Court. The State call Taylor Crawford with the
20 Department of Juvenile Justice.

21 THE COURT: All right.

22 TAYLOR CRAWFORD, after being duly
23 sworn, testified as follows:

24 THE CLERK: Have a seat in the witness box. State
25 your name and spell it, please.

1 THE WITNESS: Taylor Crawford, C-R-A-W-F-O-R-D.

2 DIRECT EXAMINATION:

3 BY MS. GARFIELD:

4 Q Mr. Crawford, where are you employed?

5 A South Carolina Department of Juvenile Justice in
6 Richland County.

7 Q And what are your duties with the Department of
8 Juvenile Justice?

9 A I am a probation officer. I provide supervision in
10 the community as well as recommendations and observations
11 for the court.

12 Q How long have you been in that capacity?

13 A Over three years.

14 Q Mr. Crawford, for the benefit of the judge who
15 doesn't have a lot of background in family court
16 procedures, can you just explain to the judge the
17 different alternatives one has when they are adjudicated
18 guilty of an offense -- a judge would have, I'm sorry.

19 A Well, generally there are a few options at an
20 adjudication hearing. Of course, the Department can
21 recommend that an evaluation be conducted which was done
22 in this case, as well as probation in the community with
23 the supervision of the Department of Juvenile Justice as
24 well as placement, determining sentences, commitments,
25 those sorts of things.

1 Q And when you talk about an evaluation, can you just
2 explain to the judge what entails an evaluation?

3 THE COURT: There's two kinds of evaluations, right?
4 One where you're in custody, and one where you stay in the
5 community.

6 THE WITNESS: Correct, Your Honor.

7 THE COURT: Okay.

8 THE WITNESS: We have a community evaluation which is
9 conducted while the juvenile is in the community, whether
10 in home or an alternative-placement setting as well as a
11 secure evaluation which here in Richland County is sent
12 to --

13 THE COURT: M.E.C.

14 THE WITNESS: -- the Midlands Evaluation Center.

15 BY MS. GARFIELD:

16 Q And that would be M.E.C.?

17 A Yes.

18 Q What all is -- who all conducts such an evaluation?

19 A Psychologists.

20 Q And that's at the Department of Juvenile Justice?

21 A While -- yes. They were employed by the Department.

22 Q Some are full time. Some are on contract basis?

23 A Correct.

24 Q Specifically in this case, Mr. Crawford, did you have
25 the opportunity to be familiar with Trenton Barnes?

1 A Yes, I'm familiar with his file.

2 Q And did he have involvement with the Department of
3 Juvenile Justice in his lifetime?

4 A Yes.

5 Q And specifically, if you'll just share with the judge
6 when his involvement with the Department of Juvenile
7 Justice began.

8 A Yes, just one moment.

9 (Pause).

10 Trenton was -- was in family court in 2007 for two
11 charges. They have been nolle prossed, however.

12 Q And what were those charges, Mr. Crawford?

13 A Malicious injury to personal property or animals, as
14 well as a trespassing.

15 Q And did he have further involvement?

16 A Another offense of simple assault which was also
17 dismissed in March or -- I apologize, August of 2010.

18 Q And specifically, did he have a third involvement
19 with the Department of Juvenile Justice in the spring
20 of 2013?

21 A Yes. At -- for that offense, he was adjudicated on a
22 weapons -- unlawful carrying of a pistol.

23 Q And do you have pertinent facts related to that
24 unlawful carrying of a pistol case?

25 A As -- as stated in the community evaluation report,

1 page two, I know that he was in possession of a loaded
2 nine millimeter handgun with an obliterated serial number.

3 Q And for such an offense where a juvenile is caught in
4 possession with a loaded gun, can he be detained?

5 A Yes, he can.

6 Q And in this case, was Trenton Barnes detained?

7 A Yes, he was the detained on February 21st, 2013, I
8 believe.

9 Q And where would he have been housed upon detention?

10 A Alvin S. Glen.

11 Q And that would be in the juvenile side of Alvin S.
12 Glenn Detention Center?

13 A Yes.

14 Q And when he was housed there, when -- does he have
15 any particular hearing after he is detained?

16 A Yes. Family court, the procedure is that a detention
17 hearing be held within 48 hours of the detention.

18 Q And was such a detention hearing held?

19 A Yes.

20 Q And what happened at that detention hearing?

21 A He was adjudicated delinquent for the possession of a
22 pistol.

23 Q For essentially adult terms, that would be pleading
24 guilty in juvenile terms?

25 A Correct.

1 Q And after he was adjudicated delinquent of the charge
2 of unlawful carrying of a pistol where he was caught with
3 that loaded gun, what happened to Mr. Barnes? What did
4 the judge order?

5 A There was a community evaluation ordered at that
6 time.

7 Q Well, at that time, was he released to go back to his
8 home?

9 A I believe he was.

10 Q And that would have been home with his mother who has
11 previously testified in court today?

12 A Yes.

13 Q At that time, would he have been given a certain date
14 to report to the Department of Juvenile Justice for his
15 psychological evaluations?

16 A Yes.

17 Q And did he complete those evaluations?

18 A He did.

19 Q And a report was generated?

20 A Yes.

21 Q Explain to the judge, the purposes for that report,
22 is it generated for the judge?

23 A Yes.

24 Q And why is it generated for the judge?

25 A Well, it was really designed to get some background

1 information on the juvenile, the family, such as family
2 functioning, also some psychological issues such as
3 behavioral observations, mental status, juvenile's account
4 of the offense as well as cognitive and academic
5 functioning, personality, emotional functioning,
6 diagnostic impressions and also from -- from all of that
7 information, the Department compiles recommendations and
8 needs of the juvenile.

9 Q And then that would have been presented before a
10 family court judge?

11 A Yes.

12 Q And that would have been used by the family court
13 judge during his dispositional hearing?

14 A Correct.

15 (Pause).

16 MS. GARFIELD: Where is the report?

17 THE COURT: The what?

18 MS. GARFIELD: The community evaluation that

19 Mr. Schnee --

20 THE COURT: I have my --

21 BY MS. GARFIELD:

22 Q I'm going to show you what's been marked as Court's
23 Exhibit number 1. Mr. Crawford, are you familiar -- have
24 you seen a copy of that report previously?

25 A Yes. This is the exact report that is in the

1 Department's file.

2 Q And that was the report generated concerning Trenton
3 Barnes?

4 A Yes.

5 Q And do you know what sort of sentence was fashioned
6 at his dispositional hearing?

7 A I do. According to his court order which was filed
8 on April 23rd, 2013, he was -- he received 12 months of
9 probation with a number of conditions.

10 Q And can you please share with the judge what those
11 conditions of probation were?

12 THE COURT: Well, when did he receive that?

13 BY MS. GARFIELD:

14 Q I thought -- I'm sorry. When did he receive this --
15 which was the dispositional hearing held?

16 A The dispositional hearing was head April 23rd, 2013.

17 THE COURT: Okay.

18 BY MS. GARFIELD:

19 Q And is that when the sentence would have been passed
20 down?

21 A Yes.

22 Q Is that when those conditions would have been imposed
23 upon Mr. Barnes?

24 A Correct.

25 Q Can you please share with the judge what those

1 conditions were?

2 A Yes, ma'am. Obey all the rules and regulations of
3 his mother's home. His mother shall be made a party to
4 this order and shall comply with all referrals, attend
5 school with no unexcused absences, tardies, class cuts or
6 discipline problems.

7 Trenton's mother shall be active with his homework
8 and studying for tests. Trenton's mother can certify the
9 hours he is doing school work, and this can count as some
10 of his community service hours.

11 Trenton shall cooperate with individual counseling to
12 address age approach decision-making skills. Trenton
13 shall cooperate with the Bridge program which is an
14 alcohol and drug treatment outpatient treatment through
15 LRADAC, Richland area drug and alcohol commission, and
16 cooperate with all random drug screens as well as he shall
17 not consume any drugs and/or alcohol while on probation.

18 Trenton shall cooperate with a positive male mentor
19 to assist in structuring his leisure time and to serve as
20 an additional confidant. Cooperate and complete 100
21 community service hours, as well as cooperate with any and
22 all referrals deemed appropriate by the Department and
23 that the Department shall be allowed to share and receive
24 any information regarding the juvenile.

25 Q Are those the extent of the conditions?

1 A That is -- that is all.

2 Q Before this dispositional hearing, was Mr. Barnes
3 cooperative with his community evaluations?

4 A According to the activity notes in the file, he was
5 not completely compliant. One of the often stipulations
6 of a community evaluation is that random drug screens be
7 conducted throughout the evaluation which in the community
8 lasts up to approximately 60 days.

9 And according to the activity notes, he did fail a
10 drug screen during the community evaluation, and at that
11 time, he was he was ruled back into court for a
12 dispositional hearing.

13 Q And that failure on the drug screen, was that done
14 after the psychological assessment had been done at the
15 Department?

16 A Correct. Generally, if the report has already been
17 conducted and completed by the department prior -- prior
18 to the -- you know, the --

19 Q Final hearing?

20 A Final -- right, but if the report is completed before
21 the violation of the CE or community evaluation, then the
22 Department goes forward with the disposition and reflects
23 the actions and their recommendations.

24 Q And this -- the incident that we're in court for
25 today, you're aware -- you're familiar with this incident,

1 correct?

2 A Yes.

3 Q And you're familiar it occurred in July 2013?

4 A Yes.

5 Q And so the impositions or the conditions of probation
6 that had been ordered in April of 2013 were in effect when
7 this incident occurred; is that correct?

8 A Yes.

9 Q And Mr. Barnes was on probation at the time?

10 A Yes.

11 Q And --

12 A He was under intensive supervision.

13 Q Explain to the judge what intensive supervision is.

14 A Well, there are varying degrees of supervision at the
15 Department while the juvenile is in the community, and
16 intensive supervision is more of a weekly basis contact
17 and monitoring as opposed to standard probation which is
18 typically a monthly contact.

19 MS. GARFIELD: Thank you, Mr. Crawford. Please
20 answer any questions Mr. Schnee may have for you or Judge
21 Hood may have for you.

22 MR. SCHNEE: May it please the Court.

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION:

25

1 BY MR. SCHNEE:

2 Q Just a couple of real quick questions. You said
3 Trenton was charged in January 2007 with a trespass,
4 malicious injury to property?

5 A Correct.

6 Q Okay. That would have been when he was ten years
7 old?

8 A Correct.

9 Q Okay. Those were dismissed?

10 A Nolle prossed.

11 Q Which means prosecution ends?

12 A Correct.

13 Q Okay.

14 A I believe there was a competency evaluation requested
15 by his attorney at the time.

16 Q Okay. Would that be a mental health evaluation?

17 A I believe that's part of the competency, yes, sir.

18 Q Okay. And then three years later at age 13, it's a
19 simple assault?

20 A Correct.

21 Q And that was dismissed, as well?

22 A Yes, sir.

23 MR. SCHNEE: All right. That's all I have, Judge.

24 THE COURT: Anything else?

25 MS. GARFIELD: Nothing further.

1 THE COURT: Have a good day. Thank you.

2 THE WITNESS: Thank you.

3 MS. GARFIELD: Your Honor, next I'd like to introduce
4 State's Exhibit No. 4. This is a CD containing all of the
5 jail phone calls that have been made by Mr. Barnes since
6 he has been convicted. I just want to play with you two
7 excerpts from two phone calls that had been made.

8 THE COURT: Can we release the school records lawyer?

9 MR. SCHNEE: Yes.

10 THE COURT: Any objection from the State?

11 MS. GARFIELD: No, sir.

12 THE COURT: Okay. Thank you, ma'am. Have a good
13 day.

14 THE WITNESS: Thank you.

15 THE COURT: Okay. I'm sorry to interrupt you. I
16 meant to release her earlier.

17 MS. GARFIELD: That's fine. Let me -- we're going to
18 play you just two short excerpts from two phone calls.
19 One was made November 22, 2014 at the time of 19:51:02.
20 We're going to go just very briefly, Judge, midway through
21 the call to approximately around the eight minute mark
22 just so you can hear some of the things that Mr. Barnes is
23 telling the person on the other end about what he plans to
24 do at his sentencing hearing.

25 (Whereupon, a portion of a phone call was played.)

1 I'm sorry. If you could start it over since the
2 volume was not...

3 (The phone call was played again.)

4 Go back.

5 (Pause).

6 (The phone call was played.)

7 Just to summarize, Judge, he talks about how he is
8 not too much worried about his time. He is going get an
9 appeal, cuss out the solicitor. He is going to get on the
10 camera, do a shout out to Lorenzo, Trig, which would be
11 his brother, Troy Stevenson, and Antonio, which I believe
12 to be his brother.

13 The next call, Your Honor, is made on November 26th,
14 2014 approximately 21:03.

15 (The second phone call was played.)

16 Judge, just in conclusion, part of the case law is he
17 has to have an understanding and appreciation with
18 courtroom procedures and assisting with his attorney.

19 He is discussing the process, the waiver process, the
20 evaluations, how he is going to be presented in court and
21 how it's basically not necessary. He is 16 years old
22 deemed as an adult.

23 That is all regarding the jail phone calls, Your
24 Honor.

25 MS. GARFIELD: Okay. And, Your Honor, the last thing

1 that I'm going to address is we did hand you up State's
2 Exhibit number 5 which would be the housing records of the
3 defendant, Trenton Barnes, at Alvin S. Glenn Detention
4 Center. Those would be the housing records since November
5 of last year when the defendant would have been
6 transferred to the adult side of the Alvin S. Glenn
7 Detention Center.

8 We produced those records for Your Honor to reflect
9 his stay in the special housing unit which he has been in
10 approximately 80 days, over 80 days cumulatively, in the
11 last -- a little over a year while he has been in custody.

12 One last thing I just want to put on the record, Your
13 Honor, not for purposes of sentencing but purposes of the
14 record, the owners of Carolina Cafe, Lauren and Max Slater
15 had wanted to be here today. However, their daughter
16 recently had a baby, and they are in the State of Florida.

17 I just wanted to make sure that the Court is aware
18 that they wanted to be here, and they are here in spirit.
19 The victims, obviously, are present. I believe, Your
20 Honor, is aware of them just to be on the record that they
21 are present in the courtroom. That would be, again,
22 Ms. Nancy Hunnewell, who is the mother of Ms. Kelly
23 Hunnewell, Anthony Vaughn, her brother, Amber Hunnewell,
24 her daughter, Victor Hunnewell, her son, and a close
25 personal friend, Beth Cooper.

1 THE COURT: Any of them wish to address the court?

2 MS. GARFIELD: Beg the Court's indulgence.

3 (Pause.)

4 Your Honor, as far as addressing the Court, the
5 victim's family had hoped to rely on the presentation they
6 gave to you during Mr. Young's testimony. I would like to
7 make a copy of the letter a part of the Court's Exhibit.
8 We are trying to get a copy of that now, the letter that
9 was read in court.

10 THE COURT: All right. That's fine.

11 MS. GARFIELD: And, Your Honor, if you'll just hear
12 from -- Ms. Simpson has got a little bit more to add.

13 MS. SIMPSON: Your Honor, just additionally for the
14 record, if it pleases the Court, during the course of this
15 trial, it as -- we were made aware that both Trenton
16 Barnes and Lorenzo were making statements in the course of
17 being transported in and out of the courtroom about how
18 they were going to act out in the middle of the courtroom,
19 how they were going to turn it up, things of that nature.

20 I spoke with Deputy Locklear who actually heard these
21 statements from Trenton Barnes, and that occurred both, I
22 believe at pretrial he indicated, as well as during the
23 course of the trial as to what his behavior would be.

24 Additionally, Your Honor, we wanted to address why he
25 is in the pink jumpsuit here today.

1 MR. SCHNEE: Judge, I would object to that. That's
2 completely inappropriate and not necessary and has nothing
3 do with a viable sentence at issue today.

4 THE COURT: Overruled.

5 MS. SIMPSON: Thank you, Your Honor.

6 Specifically -- and we would argue that it goes to
7 his disciplinary and his behavior during the course of his
8 incarceration while awaiting sentencing, apparently -- and
9 this is according to Lieutenant Sligh who our office spoke
10 with, Mr. Barnes actually masturbated, I believe one time,
11 because he wanted to go to lock up in order to be with
12 Lorenzo Young and see Lorenzo Young.

13 When that didn't occur, he have again masturbated,
14 and at that point a hearing was actually conducted. They
15 deemed him appropriate to be placed in the jumpsuit. So
16 his goal was to get in lock up and, you know, this was the
17 behavior he chose to utilize in order to do it.

18 As far as for sentencing purposes, and one thing that
19 we would like to bring to Your Honor's attention, I guess
20 is appropriate at this time while we leave the sentencing
21 in the discretion of Your Honor because you've heard the
22 trial, the nature of what occurred that day to
23 Ms. Hunnewell, as far as the autopsy and the trajectory of
24 the bullet that actually caused her death, we do believe
25 that that supports the person in the gray hoodie who was

1 identified as Trenton Barnes.

2 That is consistent with the video where you can
3 actually see the muzzle of the gun, I guess the fired gun
4 powder as it fires, and the trajectory of the bullet from
5 her neck front to back and where it was -- the projectile
6 was ultimately located, essentially causing her to drown
7 on her own blood.

8 So, you know, under those circumstances, while yes,
9 Lorenzo Young went in fist, Mr. Barnes was directly behind
10 him with the gun out, face covered, and he is the one that
11 we believe fired the fatal shot without hesitation. So we
12 would just bring that to your attention.

13 Thank you, Your Honor.

14 THE COURT: Anything further, Mr. Schnee?

15 MR. SCHNEE: Yes, Your Honor. May it please the
16 Court. As Your Honor is aware, Aiken v. Byars is the
17 controlling case at this point.

18 The Court details what -- essentially outlines what
19 they anticipate an appropriate procedure to be. It says
20 that Your Honor is supposed to consider four factors --
21 actually five factors plus possible others.

22 First being the chronological age. As Your Honor is
23 aware, my client was 16 years old before his 7th --
24 probably about -- about six -- five or six months before
25 his 17th birthday.

1 Your Honor is to consider the family and home
2 environment that's surrounded my client throughout his
3 childhood all the way up to including when the offense
4 occurred.

5 Your Honor must also consider the circumstances of
6 the actual offense, particularly looking at his conduct,
7 how familial and peer pressure may have affected his
8 actions.

9 Your Honor, must also deal with the incompetencies
10 associated with youth, the possibility of
11 rehabilitation -- rehabilitation is a fifth factor.

12 In terms of the incompetencies associated with youth,
13 I think that's what -- I pointed out a few other cases.
14 Youth is a huge issue to consider by itself.

15 As Your Honor has some of these school records, I
16 would direct your attention to the psycho educational
17 re-evaluation report. It's one of the three packets.

18 It's listed as a confidential report which is stamped
19 received December 17th, 2010. I do want to point out that
20 my client was assessed. It appears to be in
21 December 2010.

22 They did a full scale IQ test, and their
23 determination is that his IQ is listed at a 69, which
24 based on his age and the age and everything else involving
25 his peer group, that means he exceeds at the ability for

1 logical thinking and reasoning above only two percent of
2 the children in his age group.

3 So 98 percent of the children are above him. When it
4 comes to verbal reasoning abilities, he measured at
5 5 percent of his peers, and the nonverbal reasoning, the
6 perceptual -- I'm sorry, the perceptual reasoning, they
7 listed the borderline range only above 3 percent of his
8 peers.

9 I, obviously, would ask Your Honor -- I know they
10 have been given to you already -- to look through the rest
11 of the school records, the last test scores that seem to
12 have been given to us, this is from the year -- it's -- I
13 have 2008 to 2009. That is the last one we got from
14 Richland School District 1 and for English, mathematics,
15 science, social studies, health, all those scores are
16 between Cs and Ds.

17 There is not a single score on there that would
18 indicate that he has the abilities. If you look through
19 the IEPs and what they have gone through, what their
20 recommendations were in terms of special education
21 classes, you already heard from Ms. Howks from Alvin S.
22 Glenn who knew he had learning disabilities and had
23 problems.

24 There is a decently long family history involved with
25 the DJJ assessment. I think when you combine all of that

1 along with the facts -- I will address the facts briefly
2 since Ms. Simpson did -- if you actually look at the
3 person in the gray sweatshirt, and that's the State's
4 contention is that Trenton Barnes is that person. That
5 person was not firing with an intent to kill. That person
6 was terrified based on the actions of Ms. Hunnewell and
7 was not looking where he was shooting and was running away
8 at the time.

9 Now, I'm not blaming Ms. Hunnewell for what happened.
10 Don't take that the wrong way, but the person that was in
11 there was not acting with a depraved heart or indifference
12 to human life.

13 The person in that gray sweatshirt was not smiling
14 trying to execute Ms. Hunnewell. Your Honor, is very
15 familiar with the video. I know you've seen it probably a
16 dozen times at this point.

17 When it comes to actual sentencing from my client,
18 what I'm asking Your Honor to do is consider all of the
19 factors that we discussed, and I'm asking Your Honor to
20 sentence him to 32 years.

21 He has to serve day for day for the murder charge
22 which means if he even ever gets old enough to get out at
23 that point, he will be in prison for twice as long as he's
24 ever been alive up to the time the crime occurred.

25 I don't know how anyone could ever say that more time

1 would be appropriate for someone of this age. The
2 possibility of rehabilitation. He hasn't finished school.
3 He hasn't developed his life. He has goals that you can
4 see on various assessments. He had plans. He had ideas.
5 He have had desires of what to do.

6 This is -- this is the age where it's most important
7 that he actually has the ability to change his behavior,
8 and that's why the courts have been ruling for the past
9 two years that children are indifferent. That's what I'm
10 asking Your Honor to do, consider him to be different.

11 I know the facts of the case, for Your Honor to say a
12 life sentence would be the easiest thing in the world, and
13 it might even be upheld. I don't believe that's
14 appropriate for Trenton Barnes. I don't believe it's
15 appropriate for any 16 year old.

16 So that's what I'm asking for, Your Honor, is a
17 sentence of 32 years day for day since the day he was
18 arrested. The only other aspect, for the record, on the
19 kidnapping charge, I'd ask Your Honor to find that there
20 is no sex offender registry requirement, put that on the
21 sentencing sheet.

22 THE COURT: Anything further from the State?

23 MS. CAMPBELL: Your Honor, I would just address one
24 thing. We brought up the school records. We know from
25 his mother's own admissions that he was suspended on

1 multiple occasions for acting out in school.

2 I note that he was expelled from school on
3 November 29th, 1996. According to one of the forms that
4 we were provided, I would submit that none of his
5 disciplinary records that were provided by the school and
6 his reason for expulsion was not included, as well.

7 The only other thing I would note is there is an
8 approximately two-year difference between the ages of
9 Lorenzo Young and this defendant.

10 THE COURT: All right. The sentence of this Court on
11 the kidnapping -- is there anything you want to tell me
12 first, Mr. Barnes? You have the right to speak to me if
13 you want to. You certainly do not have to. It's
14 completely and totally your decision.

15 If you'd like to address me, you may. If not, you do
16 not have to. It's your choice, okay.

17 MR. SCHNEE: He is not going to be addressing the
18 Court.

19 THE COURT: Okay. That's fine, and I understand
20 that.

21 Let's start with the kidnapping for the record.
22 Pursuant to 16-3-910, the sentencing on the kidnapping
23 case is vacated because he is going to be sentenced on a
24 murder case out of the same exact set of facts, and I will
25 find for the record that there is no sex offender registry

1 required. So the kidnapping conviction stands. However,
2 the sentence pursuant to South Carolina code section
3 16-3-910 is vacated. I've explained that before. I don't
4 think anybody disagrees that that's what has to be done.

5 On the attempted armed robbery, the sentence of this
6 Court is that you be committed to the State Department of
7 Corrections for 20 years. You are to be given credit for
8 time served.

9 On the burglary in the second degree violent, the
10 sentence of this Court is that you be committed to the
11 State Department of Corrections for 15 years. You are to
12 be given credit for time served.

13 Now -- all right. So we have this new case out
14 called Aiken vs. Byars. It's based upon Miller vs.
15 Alabama which is a United States Supreme Court case.

16 The case goes through essentially five different
17 factors that every court must consider before sentencing a
18 juvenile. So at the time of this offense, it's undisputed
19 that Mr. Barnes was a juvenile. He was 16 years old.

20 Now, this case is properly before this court because
21 of the seriousness of the offense with which he was
22 charged. He is allowed to be tried in adult court even
23 though at the time of the offense, he was a juvenile.

24 However, the South Carolina Supreme Court has made it
25 very clear -- and they actually made it very clear during

1 the trial -- that I am required to take into account how
2 children are different and how those differences --
3 counsel against irrevocably sentencing them to a lifetime
4 in prison.

5 So the United States Supreme Court and the South
6 Carolina Supreme Court have gone through the factors which
7 every court must consider now when sentencing a juvenile
8 to potentially a life without parole situation whether
9 it's mandatory or non-mandatory, it must go through.

10 And in reading through these cases, and I spent
11 significant time reading both the Supreme Court case, the
12 United States Supreme Court case, and the South Carolina
13 Supreme Court case, and one of the things that stuck out
14 to me is a quote from one of them that appropriate
15 occurrences for sentencing juveniles to the harshest
16 possible penalty will be uncommon.

17 I think what the courts are trying to say in that
18 scenario is that it will be a very unique situation where
19 a juvenile qualifies for a sentence of life without
20 parole.

21 The courts have also gone on to say that the youth
22 has significant constitutional significance meaning that
23 something -- beyond just me knowing that he was 16 at the
24 time of the offense, I have to consider it more than that.

25 That's really where they must go into the factors. I

1 have to fully explore the impact of the age of the
2 defendant on the sentence that I give in this case and
3 carefully and thoroughly consider the factors of his youth
4 in looking at him.

5 So to go through these factors -- and the only way I
6 know how to is one at a time. I'm going to start with the
7 chronological age of the offender. At the time of the
8 offense, he was 16 years old including -- and I have to
9 consider the hallmark features of youth. I think that
10 would be youth in general, including immaturity and a
11 failure to appreciate the risks and the consequences.

12 I also have to go into the family and home
13 environment that surrounded this offender. Now, I will
14 say that Ms. Barnes -- and Ms. Barnes has given
15 information to the DJJ officials in his original
16 evaluation on his juvenile charge.

17 Mr. Barnes -- although he grew up for a period of
18 time without a significant father figure in his life, Ms.
19 Barnes was a mother that was present in his life by all
20 accounts.

21 This is somebody who grew up in a home. I'm familiar
22 with the area of where the home is and where they lived,
23 and it's certainly not some of the areas in our community
24 where I believe that some children have no choice but bad
25 situations where they grow up.

1 I mean, she provided a stable home for him. He was
2 in good schools. She was in Richland School District 1.
3 His mother was present. She obviously loves him. She
4 obviously cares about him. She has obviously provided for
5 him.

6 She was present throughout this entire trial. She
7 was with him when he gave his confession to the police,
8 and she was present during this trial and is present here
9 today and testified as to their home effect and their home
10 life at that point in time.

11 So his family and home environment that surrounded
12 the offender, I think, is probably better than the
13 majority of criminal defendants that I sentence in a
14 normal week or in a normal month.

15 I have many, many young offenders who stand before me
16 almost every time I hold criminal court that have little
17 to no parental support in the courtroom. Their parents
18 aren't there, and they are nowhere to be found.

19 Mr. Barnes is certainly in a better situation than
20 that with a mother that obviously loves him and cares
21 about him and has supported him even through his prior
22 criminal incident and through his issues at schools and
23 continues to support him now.

24 The circumstances of the homicide offense I find to
25 be a very important factor in this case. I believe, based

1 upon the evidence that was presented and based upon the
2 jury verdict that was rendered, that Mr. Barnes was
3 directly responsible for this incident. I believe that he
4 was one of the individuals inside the bakery that evening
5 in the early morning hours.

6 According to the evidence presented and the verdict
7 of the jury, he clearly fired the shots and more than
8 likely fired the fatal blow upon Ms. Hunnewell.

9 So I do not find him in a situation where he is
10 driving the getaway car or moving a weapon or doing
11 something else. He directly went into the building. He
12 directly participated in the crime. He directly attacked
13 Ms. Hunnewell, and he directly shot Ms. Hunnewell.

14 He is one of the two defendants based upon the
15 evidence that's been presented so far who is directly
16 responsible for this case, so I have to consider the
17 extent of his participation in the conduct.

18 I think those kind of factors are going to what was
19 their involvement in the crime, and that's why I put on
20 the record and how familial and peer pressures may have
21 affected him.

22 I have been presented with no information at all as
23 to either one of those factors that he was under any type
24 of undue influence or pressure from anybody else.

25 Now, the incompetencies that are associated with

1 youth -- and the first one is, as an example according to
2 the Court, is an inability to deal with police officers or
3 prosecutors. I find that he was able to deal with the
4 police officers in this case.

5 He asked for his mother to be present with him, and
6 all of us that handle criminal cases that that is a very
7 common thing for someone in that age range to do.

8 Those cases go back a long time in this county of 15,
9 16, 17 year olds asking for their parents to be present
10 during police questioning. The Columbia Police Department
11 agreed to do that. They agreed to let his mother be
12 present. He goes on through a very lengthy conversation
13 with the Columbia Police Department about the case.

14 So he did have an ability to deal with police
15 officers, and his ability to assist his own attorneys. I
16 find that he has been aware, awake, present, knowing
17 what's going on, communicating as he needs to assist in
18 his own defense.

19 At one point pretrial, he made the decision on his
20 own to ignore an order of two different circuit court
21 judges. So he obviously understood and was able to assist
22 his own attorneys. The other thing I take into
23 consideration in number four is his prior participation in
24 the criminal justice system.

25 I mean, this is a young man who at the time of this

1 incident was on intensive probation through the Department
2 of Juvenile Justice, had appeared before a Richland County
3 family court judge at least once, maybe twice, and had
4 been adjudicated guilty of the offense.

5 And that offense -- if he had been an adult, that
6 offense would have been a felony offense. Possession of a
7 pistol with obliterated serial number is a felony offense,
8 have been through a community evaluation, had sat down
9 with DJJ officials, had no difficulty in communicating
10 with them.

11 In fact, in the DJJ report, when he explained the
12 incident surrounding the gun, he said, "I saw the gun. I
13 saw an opportunity to make money and sell the gun," and
14 goes on to say that the examiner essentially "You would
15 have done the same thing. If you saw a gun, you would
16 have got it, taken it and sold it, too."

17 So this is somebody who is very capable of
18 understanding that he was going on, communicating with
19 what's going on, assisting his own attorneys, dealing with
20 the police.

21 There is nothing in any of these reports that says he
22 doesn't understand what's going on or know what's going
23 on, or he's lost or he is incapable of communicating or
24 participating in this.

25 I think the one thing that stands out to me more than

1 anything is that this was a 16 year old who had began to
2 touch the criminal justice system, came in front of a
3 family court judge on the recommendation of DSS -- or DJJ
4 or others, was placed on intensive supervision, and within
5 three months of being placed on intensive supervision, or
6 thereabout three months, is out committing a serious
7 violent felony.

8 Even if there were no homicides in this case, there
9 was a violent felony robbery that was done in the middle
10 of the night, was perpetrated on a single female in a
11 building that probably didn't even have any money in it to
12 steal.

13 That was completely and totally senseless, not that
14 any crime ever makes any sense. I'm not saying that, but
15 this particular act was truly senseless, and the death of
16 Ms. Hunnewell did not have to occur.

17 Further, during the commission of the crimes, the
18 defendants covered their face, at least may have covered
19 their hands, may have not, and at least two firearms were
20 present during the commission of that crime.

21 So there is no doubt that anybody participating in
22 that crime knew or should have known or should have been
23 completely aware of what was going on, the gravity of this
24 situation, the potential dangers that could occur and were
25 actively participating in the crime.

1 Further, I have reviewed his jail records even while
2 in custody at the Alvin S. Glenn Detention Center. He
3 continues to misbehave, to not follow the rules, to not
4 follow the process. That is required while in custody,
5 and those are all the different factors that I come into.

6 The last thing that I have to consider is the
7 possibility of rehabilitation, and I am considering that
8 in the fact that he was given an opportunity to
9 rehabilitate after illegally possessing a firearm in our
10 community and instead of participating in the program and
11 doing the things that he needed to do, he chose to go out
12 and commit a violent serious felony within our community.
13 So that is my consideration in the possibility of
14 rehabilitation.

15 All right. I don't know if I'm supposed to put all
16 of that on the record or not because frankly none of us in
17 the room have ever done this before.

18 The case does not outline a specific inquiry that I'm
19 supposed go through or any -- it says specifically that
20 the US Supreme Court doesn't lay out specific agenda that
21 is supposed to occur; that it will be left to the sound
22 discretion of the trial court judges.

23 I have reviewed his school records. I have reviewed
24 the DJJ report. I have reviewed the jail reports from the
25 jail. I have heard his mother. I have heard one of his

1 teachers. I have reviewed every report and every record
2 that has been given to me. I've also listened to the
3 testimony of each and every witness that has been present,
4 and I am considering all that and coming up with the
5 appropriate sentence in this case.

6 Okay. All right. Anything else from the State?

7 MS. GARFIELD: No, sir.

8 THE COURT: Anything else from you, Mr. Schnee?

9 MR. SCHNEE: No, Your Honor.

10 THE COURT: All right. Mr. Barnes, the sentence of
11 the Court on the murder is that you be committed to the
12 State Department of Corrections for a period of 50 years.
13 You are to be given credit for time served. Good luck to
14 you.

15 MR. SCHNEE: Thank you, Your Honor.

16 THE COURT: All right.

17 MS. CAMPBELL: Thank you, Your Honor.

18 MS. GARFIELD: Thank you.

19 COURT REPORTER: I need to make sure I have the
20 exhibits back, as well.

21 THE COURT: This is one more Court's Exhibit that
22 needs to be sealed.

23 COURT REPORTER: Okay.

24 (WHEREUPON, Court's Exhibit No. 2 was marked for
25 identification only.)

1 MS. GARFIELD: Your Honor, if I can just --

2 THE COURT: Yes, ma'am.

3 MS. GARFIELD: -- get the letter.

4 THE COURT: Yes, ma'am. That's fine.

5 (WHEREUPON, Court's Exhibit No. 3 was marked for
6 identification only.)

7 MS. CAMPBELL: Your Honor, we're going to turn these
8 records over to the Clerk's Office to destroy.

9 (Ms. Campbell hands documents to the courtroom
10 clerk.)

11 THE COURT: Wonderful.

12 MR. SCHNEE: My copy is going to go to the Clerk of
13 Court, the Clerk of Court.

14 (Mr. Schnee left the courtroom.)

15 (Whereupon, the proceedings were concluded.)
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Richland County, South Carolina, on the 12th day of
December, 2014.

September 8, 2015

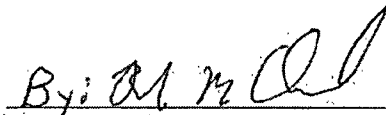
Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

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."

May 12th, 2016

By: 

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Attorney for Appellant

Robert M. Dudek
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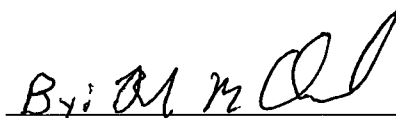
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ATTORNEY FOR APPELLANT

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May 12th, 2016

A handwritten signature in black ink, appearing to read "W. Joseph Maye", is written over a horizontal line.

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