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Volume IV of IV

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Robert E. Hood, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LORENZO BERNARD YOUNG,

APPELLANT

APPELLATE CASE NO. 2014-002548

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #323 (VIDEO) AND STATE’S EXHIBIT #325 (VIDEO)**

1 uncommon. It's actually quite typical, and then crime
2 scene gets called in because they find some key
3 evidence, and that's documented. What did they find?
4 Ammunition box, Magtech 45 GAP. That's the same ammo
5 that was found at the bakery, same type of ammo,
6 consistent with, where was it --- and this becomes
7 important, too, under the bed. Also under the bed an
8 empty ammo tray and 45 GAP unfired bullet, the same
9 markings as those in the murder at Tommy Circle in a
10 plastic cup under the bed. Forty caliber unfired
11 bullets, two of them in the dresser drawers. Like
12 Rolanda Coleman said where he puts his ammunition.
13 Two unfired bullets also consistent and you heard
14 Ms. Cromer's testimony, which we'll get to. Glock
15 magazine. Glock magazine in Rolanda Coleman's purse
16 where it was found I believe near the bed. Then the
17 gloves box in the top of the closet containing GSR
18 gunshot residue. Now, what they didn't find, again,
19 was a red hoodie or a gray hoodie, and they didn't
20 find a firearm and first about those hoodies, I submit
21 and I turn your attention to that web search on the
22 phone, that media release.

23 They know what they're looking for are gray and
24 red hoodies. Let's get rid of them all, and
25 especially with Lorenzo, you're going to have those

1 photographs from the cell phone, those red hoodie
2 selfies from just days before the murder. Not one red
3 hoodie found and the baseball cap is found and firearm
4 during the cross. Again, we get back to that phone
5 and you'll have that video clip where Lorenzo Young is
6 identified as being the person in the camo and the
7 jacket and what's he saying? They have their guns.
8 He is pulling it out. Put that 45. Put that Glock or
9 we Glock boys. I don't know. You'll have it around
10 there. Put it up to the camera. Firearm. And you
11 heard Ms. Cromer's testimony that is consistent with
12 the Glock. Now, because of the quality of it, you
13 couldn't make out the caliber but that's a Glock just
14 days prior to this incident that Lorenzo had, and
15 we'll get back to the Glock. Was that firearm
16 anywhere to be found? No. You know why? It could
17 connect him to the scene. He knew about it. He knew
18 about the shell casings.

19 The gloves with GSR. Now, the gloves, those
20 aren't very identifying. Might not --- we are didn't
21 say he was a rocket scientist. He might not think to
22 get rid of everything just like that ammo box that
23 happened to be under the bed or a couple of casings
24 that --- or unfired bullets that he missed, and
25 remember, they had five days to dispose of the

1 evidence in this case so let's talk about some of the
2 witnesses. I apologize, my voice, too. It must be
3 the courtroom.

4 Donald Moore, very important. Ignore him, but he
5 is Trenton Barnes' friend. He told you that's my boy,
6 and now he claims only to have met Lorenzo Young one
7 time even though it's clear from the testimony from
8 Ms. Barnes, Trenton's own mother that Troy, Trenton
9 and Lorenzo hung out together. It wasn't uncommon for
10 them to stay at the house, but he only met him one
11 time.

12 July 2nd. I believe Ms. Campbell asked do you
13 remember meeting with police and telling them about
14 seeing Mr. Young with a gun because right now he just
15 claims he lied. I lied, I lied, I lied about
16 everything. But back on July 2nd what did he tell
17 police? What did he tell police that would be
18 corroborated by other evidence in this case. Thursday
19 prior to the incident he saw --- he kind of heard
20 about a plan to rob the Ale House.

21 Then the night before the incident he saw Young
22 with a Glock. Kids in the street, he said go in the
23 house and follow them in. Lorenzo was in the red
24 hoodie that night, didn't even believe at that time
25 that he should get paid for this information because

1 again if you get to the informants, even this wasn't
2 okay, under anybody or by anyone's standards. I
3 shouldn't even get paid for this.

4 Video, initially he said he recognized the hat
5 snap back, baseball cap, and the red hoodie that
6 Lorenzo always wears, shown the lineup, picks out
7 Lorenzo, a/k/a Shyne, Lorenzo's nickname. Told police
8 that Trenton Barnes and Lorenzo Young were the
9 shooters. But then on October 20th you heard this
10 testimony, too. He met with investigators from our
11 office, an attorney present. At that point he said
12 oh, just one little lie or claimed to. Then on
13 November 3rd in front of these two men it's all a lie.
14 I only lied because my nickname is Shorty at this.
15 Then there's the stepfather whose name is Shorty. I
16 thought I might be implicated in some way. The
17 problem is he had information that was not released to
18 the media about the struggle, about what happened and
19 what actually occurred inside the bakery. He knew a
20 lot. Then November 4th in a meeting, he finally says,
21 oh, it was all lie. Remember, too, and I believe it
22 was testified to that after this, he actually became a
23 real informant for the police, Donald Moore. Judge
24 his credibility. Like I said, we didn't pick him.
25 That's his friend.

1 Rolanda Coleman, the mother of Lorenzo's two
2 children. You saw how hesitant she was to take this
3 stand under subpoena court order. Didn't want to be
4 here, didn't want to testify, but she did. And what
5 did she have to tell you, because this is important,
6 too. She knew Trenton and Troy Stevenson. They hang
7 out with Lorenzo. On the night of the incident, she
8 was sleeping at her house and Lorenzo Young had her
9 phone. You have the phone records in this case.
10 We'll get to that. She knew he was at Troy's house
11 also corroborated by the other information in this
12 case. The house just up the street from the bakery.

13 So Lorenzo's mom went and picked him up around
14 five, 6:00 A.M., whatever, and he came in with a
15 t-shirt. Now this is the morning of the murder.
16 We're talking July 1st. The morning of the murder,
17 with a t-shirt, and he had a gun when he came home.
18 He took off his shirt, wrapped that gun and put it in
19 the baby's crib. She doesn't know much about guns, but
20 Young had said the gun was a 45. She didn't know what
21 meant, but now you have a better idea about what it
22 means.

23 Remember, she was hesitant to tell you about when
24 she had seen the gun or when she talked about the gun
25 but then finally she admitted yes, it was the day

1 before and he had brought that gun. He had that gun
2 the night, the morning he came home. Then how
3 convenient is this. Lorenzo and Rolanda go to work
4 together. Then when they come home, that gun is just
5 mysteriously missing. No one can find it, but she
6 also testified no one would know where it was, but
7 Lorenzo or someone he told.

8 He told you there was an argument --- she told
9 you there was an argument between Young his mother
10 about the gun; that he often hid them in the dresser
11 drawers and the day after the incident; they saw this
12 on the news and Young's mother told him to find that
13 gun and get it out of the house. Identifies Trenton
14 in the hoodie, but yet says I can't ID the person in
15 the red hoodie. With as much information as she came
16 forward with, she was still protecting the father of
17 her children. Still protecting him and what helps
18 corroborate that? On the day of the search warrant
19 and she admitted in her testimony that initially said
20 she didn't know when Lorenzo was last seen. Why did
21 she lie about that? Because she was scared he would
22 get in trouble and I believe Ms. Bambach referred to
23 credibility. You either believe somebody or you
24 don't. It's not --- it's just as simple as that.
25 Well, the reality is you can believe some of what a

1 witness says. You can believe all of what a witness
2 says or you don't have to believe anything that a
3 witness says, and yes, I agree, consider her motives.
4 Consider her bias. Consider her demeanor on the
5 stand.

6 She also says I seen Trenton with a gun before,
7 too, but it's a different one than the one I saw
8 Lorenzo with. The cell phone in the grandmother's
9 name is Aretha Coleman, but Lorenzo used it.

10 Latoya Barnes. As Ms. Campbell said, give her
11 credit because she has two sons charged with this
12 crime and their actions, their choices, it's not her
13 fault and she wanted the person responsible held
14 accountable to a certain extent. She is the mother of
15 them. She lives at Lucille Drive with them. It's not
16 uncommon for Lorenzo Young to come and stay over just
17 as he did on this night.

18 Lorenzo and Trenton were together night.
19 However, Troy went to the club with his friends. The
20 defendants were not at the house. I can't remember
21 the time period, but it's several hours before this
22 incident occurs. Then she gets a phone call which you
23 will have those records. We'll talk about that call
24 from Young to the house phone. At that point She
25 states that she picks up and Lorenzo wanted to talk to

1 Marquis Johnson and she handed him the phone. Then
2 she gets a second call about ten, 15 minutes later,
3 somewhere in that timeframe from Young, and Young says
4 they are down the street.

5 At that point she says, well, tell Trenton he
6 needs to come home. She stated that Troy went to get
7 his brother all three were back at the house and when
8 she got up in the morning, that Young left and
9 corroborates what Rolanda Coleman said, someone picked
10 them up. Now, the clothing they were wearing that
11 night, she was able to describe to police and to you.
12 It was a red hoodie that Lorenzo was wearing and
13 Trenton that gray jacket that he always wears, it has
14 a tear. Troy didn't want it anymore. And then that
15 dark colored shirt, which look at that person in the
16 video, I submit the actual lookout in this case who
17 doesn't come in, hoodie wrapped up tight, dark colored
18 shirt. The bakery is within walking distance. She
19 knows because she goes to the Ale House bar. She saw
20 the video. She remembers police coming to the house
21 with a search warrant. Why? Probably to arrest her
22 kids and Trenton went with them, but then she went to
23 the police station to be with Trenton and tells Troy
24 come along too because they're looking for him.

25 There is the recorded phone call between

1 Investigator McCoy and Ms. Barnes in August. Now, on
2 the stand she claimed it wasn't Trenton. Difficult,
3 but then when questioned, she admitted on redirect ---
4 she admitted --- no. I apologize. It was introduced
5 later through Investigator McCoy's portion of the
6 recorded phone call where he's inquiring about the
7 about the video and she states, I know my kids. It
8 was Trenton in the gray hoodie. I know my kids. I
9 know them from they fingers to they [sic] toes. She
10 also said, I believe, she recognized Lorenzo in the
11 video she received a letter from Trenton. Now, this
12 letter that you'll have before you, she turned it over
13 to Troy's attorney where Trenton confesses what he
14 did. That's his handwriting. That's how he signs his
15 letters, and then the informants. Like I said, I'm
16 only getting to some of the witness testimony you have
17 before you. You heard from Alfred Wright who
18 testified that Young approached him in the law
19 library. I believe he was researching this stand your
20 ground for another inmate. At that point he said he
21 learned that three people went to rob a club. Three
22 people, but it was closed, so they went to rob the
23 bakery next door. Young and Stevenson, A/K/A Trigg
24 entered with guns. She resisted and Young shot two
25 times. They didn't get any money. Said Little Trap,

1 A/K/A Trenton was the lookout. It's here I'll remind
2 you because this is the testimony that will become
3 important. It doesn't matter if Trenton was just the
4 lookout. Although, I submit the other evidence in
5 this case shows that he actually is the one, by his
6 own admission, that went into that bakery, but either
7 way, it doesn't matter. The hand of one is the hand
8 of all.

9 Then you have Michael Peterson A/K/A Big Unc.
10 Young telling them, asking them, you already know a
11 lot about the law. What did he say? Not too much,
12 but, you know, if you want to talk. Young said don't
13 tell nobody about this, but I set up a sweet lick in
14 and out job. Told the lady to give me the money,
15 right. She said the money was in the back. She acted
16 like she was calling the police, so I started
17 shooting. Well, I didn't mean to, I guess. I got
18 scared, so little homie with me seen the blood and
19 started running, so I ran, too.

20 Peterson's response? You didn't have to kill
21 her. Young: I panicked and they can't prove nothing
22 because we had gloves and masks on. And all they
23 found --- all they got were the shell casings and I
24 think that some people in the hood told them what
25 clothes we had on.

1 Mr. Peterson also overhears the conversation
2 between Troy and Lorenzo while they're in lock-up, and
3 you heard about Young's responses and defense counsel
4 I believe got up here and attempted to draw out the
5 lock-up dorm, the SHU, whatever, but she didn't really
6 want to draw out what wasn't convenient for her.
7 Let's be clear. You've been taught. It's easy to
8 hear through these walls and again, what did he
9 testify to in Young's responses? All they got is the
10 shell casings man, all they got is the shell casings.

11 Michael Schaefer, Young. Same dorm, played
12 cards. Young told them that he along Trap and Trigg,
13 we later learned their names, went out to rob a club,
14 said he was wearing a red hoodie, Schaefer told him
15 too, now they're talking. I robbed a bank and let's
16 be clear. Who would you confide in. Who would you go
17 to? Mr. Wright is charged with murder. Peterson,
18 charged with murder, kidnapping. Another armed
19 robber. Michael Schaefer actually doing 12 years now,
20 which he pled guilty to. They're talking about it.

21 Then Schaefer said about New Years he felt kind
22 of bad, and he said to Young, you know, I really wish
23 I hadn't robbed that bank and Young responded I
24 shouldn't have shot that bitch.

25 What was his demeanor like? Well, he was cool,

1 calm and collected. It was like he wasn't even in
2 jail. Assess their credibility. Their stories aren't
3 the same. They varied because --- who is telling
4 them? Mr. Young, different versions, yes. That's
5 what happens and what's he do? With each of these, he
6 is kind of seeking out advice and he is also having to
7 justify his actions. She resisted. I guess I got
8 scared. I didn't mean to. Well, those two, and then
9 what else and then what else did Mr. Peterson tell
10 you, you know, he was asked repeatedly, do you
11 remember this. You're not hoping for anything. You
12 don't really want anything. He was like not
13 necessarily, not necessarily, and then finally the 4th
14 or 5th time when Mr. Schnee I believe asked him, well,
15 why? Why did you do this? Why are you saying this?
16 Well, because I know how it feels to lose your mom. I
17 lost my mom when I was 13 years old. All these
18 people, fellow murderers, colleagues, even this crime,
19 he needed to justify why he did it to them. Judge
20 their credibility and if they were going to make up
21 something just to help themselves, why not make it
22 easy.

23 Remember, I believe counsel crossed him. This
24 was on the media, this was on the news. Okay well,
25 say they told me two went in. There was a brief

1 struggle, leave it at that. That's what he told me.
2 That's what he said, but he knew names. They had
3 different stories about going into the back room with
4 a cell phone, calling the police.

5 Mr. Young is telling him these things.

6 Now, the forensics in this case and basically I
7 believe both defense counsel kind of said there is no
8 forensics. There are no forensics and what they don't
9 have is problematic. Well, as Ms. Garfield stated in
10 her opening, this isn't CSI. We're not on TV, but we
11 do actually have some forensic evidence in this case.
12 Evidence that points to who? Lorenzo Young and
13 Trenton Barnes.

14 I'll start with DNA. Jennifer Clayton at SLED,
15 and she was crossed extensively. Specifically about
16 the spoon and who was included in that spoon? Whose
17 DNA is on that spoon? Lorenzo Young, Trenton Barnes
18 and Kelly Hunnewell. What else did she tell you and
19 I'm --- numbers aren't my thing, but 76 percent to
20 86 percent I believe of the entire population in the
21 world is eliminated as having contributed to that
22 mixture of DNA on the spoon, and this number, this big
23 number he wrote out, I believe she said that's only
24 when we have a complete profile. I'm never going to
25 get this kind of number when I have a mixture.

1 Then he referred to one and three, went down the
2 table, Ms. Simpson, Ms. Garfield, Ms. Campbell, one in
3 three, pick them, Ms. Campbell eel elementary school
4 is going to be on that spoon. Well, remember all the
5 swabs that were taken in this case. Out of the 15 or
6 so, who is included on that spoon? Trenton Barnes,
7 Lorenzo Young and Kelly Hunnewell who we know touched
8 the spoon and let's think about this spoon. It's at a
9 bakery. She is using it probably its been washed
10 after a previous use and then it's sterilized because
11 that spoon is in a pot of hot boiling water before she
12 uses it to fend off her attackers.

13 And we know --- I believe that he said at some
14 point --- I'm not sure what he said about the victim's
15 DNA only the spoon, but we know she touched it and
16 what a big coincidence that Lorenzo Young and Trenton
17 Barnes are included on that spoon, but you know who
18 else is not or who is not on that spoon who was
19 excluded? Troy Stevenson.

20 He was eliminated. Just like that 76 to 86
21 whatever it was percent of the entire population, and
22 the entire population wasn't at Tommy Circle. They
23 didn't live in close proximity. The friends and
24 family hadn't testified because this evidence comes
25 out later.

1 She did also there was a 40 caliber shell casing
2 that she found with unidentified DNA on it. Transfer.
3 Shell casings get kicked around the scene, things of
4 that nature. Just because you have one doesn't
5 necessarily mean you're going to put your DNA on it or
6 it will be there. That's a shell casing. Not a spoon
7 that we see on the video that was absolutely used in
8 the crime which during that struggle, sweat, things of
9 that nature that hot room, that hot bakery, Trenton
10 Barnes, Lorenzo Young, Kelly Hunnewell. Now, are we
11 saying you just have to rely on the DNA evidence? No,
12 because no one piece of evidence are we telling you to
13 rely on when you make this decision. You consider all
14 the evidence in this case, all the testimony in this
15 case and you determine who it points to.
16 Fingerprints, also a big deal in a lot of cases. It's
17 not unusual for this argument. Well, you didn't dust
18 for prints. You didn't find any fingerprints. They
19 means they didn't do it.

20 Well, what did you have in this case?
21 Investigators told you they had the video. It didn't
22 appear that the defendants had touched anything in a
23 way that fingerprints would actually be recovered from
24 that item because you heard the testimony, smudge
25 marks, a number business, the length of time you touch

1 something, the nature of touching something itself,
2 all that matters because they're volatile. While
3 they're unique and individual to us, they're easily
4 contaminated for lack of a better word, but that's not
5 so important because remember the defendants had on
6 gloves, so I submit even he knew the best way not to
7 leave fingerprints. They had on gloves and anything
8 else that touched --- you see the video, not long
9 enough to leave a fingerprint. Conversation overheard
10 by Peterson. Again, they ain't got nothing but the
11 shell casings, nothing but the shell casings. He knew
12 the concept of fingerprints so well. Why else would
13 you wear gloves in July.

14 Then you had the testimony of Ila Simmons, one of
15 the analysts in the trace evidence department at SLED.
16 She talking you about gunshot residue. Yes, gunshot
17 residue is very particular. The particles and the
18 nature of gunshot residue when they find it is only
19 found in I guess gunshot residue. Gunpowder. It
20 means you fired a gun, around a gun, in close
21 proximity of a gun. Now, it can be transferred from
22 item to item. Now, on people and this was important
23 testimony.

24 You have to collect that gunshot residue within
25 six hours of a person firing the firearm or handling

1 something when it has gunshot residue on it. If it's
2 not within that six hour time period, they won't even
3 test people. So remember, doing any kind of GSR
4 testing on the defendants in this case wouldn't have
5 told them anything. It wouldn't have even being done,
6 and what did she find? That each individual glove
7 on --- or each individual know that was packaged
8 together had GSR on it.

9 Again, access to black gloves, gunshot residue,
10 but what wasn't present in that home? A firearm. A
11 firearm we know Lorenzo had. He had access to
12 firearms, and you heard from an expert, and I didn't
13 put everything up here, but what are a few things that
14 she told you, Ms. Cromer, regarding firearms and tool
15 marks examinations. It's unusual --- I left out the
16 not --- to not have a firearm at least two firearms,
17 the number two, were present she found that a 45 GAP
18 shell casings were from a GLOCK and a 45 GAP had the
19 same markings, shell casings at the scene, bullet in
20 Mr. Young's home along with that ammo box with the
21 Magtech ammunition which was which was found at the
22 scene and the Glock 45, she testified regarding those
23 still shots that you have before your consistent with
24 the Glock. When I talk about Glocks, I go to
25 Ms. Bambach's cross-examination. She said you can buy

1 a Glock anywhere. You can get it at Academy Sports
2 and she named off all the different places and the
3 makes of them, Glock, Glock, Glock, I don't know how
4 long the list was, but all of them were Glock
5 manufactured. Remember, we're not saying that they
6 can't be purchased by people just generally. What
7 Ms. Cromer testified to is that she usually doesn't
8 see it. The cases she sees it in are involving law
9 enforcement, which we definitely don't have in this
10 case and these are high end firearms. Like I said,
11 what a big coincidence for Mr. Young that that Glock
12 or that a Glock is in his possession and these caliber
13 shell casings and bullets are in his home.

14 Now, the timeline of events for when this
15 incident happened, now, remember, I don't know if a
16 big deal would be made of it, but this is my one and
17 only opportunity to address you. You have several
18 videos in this case and you have records. You have
19 phone records for the phones. The key ones being for
20 Lorenzo Young with those calls to Lucille Drive where
21 Troy was staying at the home of Trenton and Troy. You
22 also have the Ale House video where it was testified
23 that the timestamp was just a little bit off from the
24 bakery as well as the phone records will probably not
25 be exact, but what you do know from the timeline in

1 case is that at 3:00 A.M. Kelly Hunnewell arrived to
2 work. At 3:05 she got a call or Lorenzo Young called
3 Lucille Drive --- because remember, they're staking
4 out the Ale House, but unfortunately you heard
5 Mr. Spain testify they didn't always close at a
6 specific time. So they got there and is when they're
7 getting there, that final vehicle, employees are
8 leaving at 3:09, too many people, that final vehicle
9 departs at 3:12 A.M, which you can see on the video.
10 Then at 3:14 A.M. what's seen is a subject wearing a
11 hooded sweatshirt comes from behind the building and
12 walks down the exterior bakery wall. A second hooded
13 subject joins him several moments later. Two subjects
14 remain there for several minutes looking toward he
15 open front door of the bakery. One of the subjects
16 walks to the other side of the building while the
17 other remains at the corner kind of facing the camera.
18 I believe at this point, too, around 13, 14:00 A.M.,
19 and like I said, the times may vary just a bit, but
20 they're close in proximity. You get a call from
21 Lorenzo Young to Lucille Drive. Then what happens
22 within minutes later, 3:17 a third subject appears to
23 be in a hooded sweatshirt. Now, he comes up from the
24 street versus from behind the building. They remain
25 outside the building walking back and forth and

1 attempting to peer in a window. At 3:21 two of the
2 subjects walk toward the front of the building behind
3 the parked vehicles.. At 3:36 A.M. two of the subjects
4 are observed fleeing the scene, and as I said the
5 bakery times around 3:40 is when you'll see the murder
6 occurred, and they're a little bit off. What does
7 this do, when that third person arrives, there's 15
8 minutes. We don't have audio outside of what's going
9 on and what's being talked about, but we know that
10 people are leaving the Ale House, more testimony
11 corroborated. This lick, the one they plan, it
12 failed, and Kelly Hunnewell, she is there at work.
13 And that bakery door remember was open. A light was
14 on. Crime of opportunity. And at 3:44 A.M. Officer
15 Brayboy was dispatched to the scene. Fifteen minutes
16 after that third individual arrives and you see him in
17 the video, the lookout, and the lookout, remember the
18 lookout, the shooters or at least the people with the
19 firearms and the person that caused the fatal shot I
20 submit based on the evidence and testimony you've
21 heard from Dr. Durso in the video, that is all
22 consistent with that being Trenton Barnes, the person
23 in that gray hooded sweatshirt, the person with the
24 40 caliber pistol, evidence that the defendants were
25 at the at the scene. What do you have them there.

1 Well, you have a lot. You have the video of the
2 crime. What else do you have? Rolanda Coleman,
3 Trenton is in the gray hoodie. I don't know who is in
4 the red hoodie. I submit again who is she protecting,
5 the father of her children. Still doesn't want to get
6 him in trouble.

7 Lorenzo Young is identified. I'm sorry. Still
8 protecting. Alfred Wright, Lorenzo Young, three
9 people, he's told three people they went to rob a
10 club. It was closed at Ale House, corroborated, so we
11 went to the bakery next door. Young and Stevenson
12 A/K/A Trigg, entered with guns, she resisted and Young
13 shot two times. They didn't get any money. Little
14 Trap A/K/A Trenton was the lookout. Again, three
15 individuals, the hand of one is the hand of all. It
16 doesn't matter if it was Trenton or Troy, but in this
17 case I submit supports Trenton as the shooter.

18 Let me go back. I'm getting ahead of myself.

19 Michael Schaefer what did he say that Young said,
20 and he said it several times. You heard him. Well, I
21 shouldn't have shot that bitch. Michael Peterson.
22 Lorenzo Young don't tell nobody I set up a sweet lick.
23 She acted like she was calling the police so I shot.
24 Can't prove nothing because we had gloves and masks
25 on. All they found were shell casings. I think some

1 people in the hood told them the clothes we had on.
2 What else puts them there, Trenton Barnes' own letter
3 confessing, admitting and then finally to Latoya
4 Barnes, yeah, it was Trenton with the gray on; like I
5 said, I know my kid's build. I know them from they
6 [sic] fingers to they toes. I know my kids and the
7 DNA on that spoon.

8 Like I said, it's not one thing or two things.
9 It's the evidence in its totality that we're asking
10 you to consider. With respect to Lorenzo Young who
11 says it wasn't me, I wasn't there. There is nothing
12 connecting me to this crime whatsoever. That's their
13 defense. Latoya Barnes. She puts Trenton and Lorenzo
14 together. Those phone calls that she testified to,
15 3:05, 3:15 just before this crime. She puts him in
16 the red hoodie. He is at the house. He goes, he
17 leaves and he is there the next morning.

18 You also have Donald Moore, and I I'm not going
19 to go through all the details of their testimony
20 again, but you heard it and we went through it.
21 Donald Moore said Lorenzo is one of the shooters.
22 Evidence from the search warrant at
23 What did they find? We went through it. The shell
24 casings or the unfired bullets were consistent with
25 the shell casings. The ammunition and what they

1 didn't find. Not one red hoodie, gray hoodie, or
2 firearm, and we know he had it based on the evidence
3 you have in this case. Rolanda Coleman, that gun he
4 had that morning that mysterious goes missing. That
5 gun he wrapped up and put in the baby's crib, just
6 gone. Yeah, he has nothing do with it. Alfred
7 Wright. We went through that. Michael Schaefer.
8 Michael Peterson's testimony.

9 The phone records in this case. Video, the GSR
10 on the gloves, the DNA on the spoon, the video from
11 the phone examination, the Glock 45 that he discusses,
12 the red hoodie selfies.

13 Now, remember that video 6/25/2013 the red hoodie
14 selfies just two days before the crime or three on the
15 phone, the search history, finding our, I submit, what
16 police know. What do I need to get rid of.

17 Q They know --- he knows they're looking for him.
18 I submit he knows kind of what the word on the street
19 is.

20 Now, the evidence with respect to Trenton Barnes
21 you have the letter. I'll get to that, to his own
22 mother confessing to the crime, and what does he say?
23 I'm sorry for blaming Troy.

24 Video, and I point this out because one of
25 defense counsel's argument for Mr. Barnes is that if

1 you actually believe he was there and that this isn't
2 some terrible investigation and police misconduct and
3 rush to judgment or pressure, if you believe he was
4 there, then it isn't malice, and oh, yeah, he is just
5 protecting his brother. He was only 16 at the time,
6 but you look at that video and Sergeant Reese went
7 through those actions. They came in. Trenton came in
8 behind Lorenzo. Nobody forced him to go in and he had
9 his gun out, too, in seconds. Lorenzo goes straight
10 to the woman. He knows something happened, but rather
11 than turn around and go out that door they came from,
12 he proceeds around, gets up to her and fires at least
13 two shots, one of them killing her and no one forced
14 him to pull that trigger. As Ms. Campbell
15 demonstrated one, two, with Lorenzo, three, four,
16 five, multiple shots.

17 No one was forcing him.

18 This goes to that letter that you read.

19 The DNA on the spoon. Again, Alfred Wright,
20 Michael Schaefer and Rolanda Coleman identifies him as
21 being the person on the video in the gray hoodie..

22 Again, evidence that would link them to the
23 description of what was released on the media, no gray
24 hoodie or red hoodie or guns found at the house, but
25 by his own admission, Troy had a gun. Nothing found

1 at the house, and then mother --- his mother, Latoya
2 Barnes, hesitantly reluctantly identified him on the
3 stand. Now, back when she talked to police, she
4 identified him quickly, but her hesitation is
5 understandable.

6 Then letter from Trenton Barnes. Remember the
7 date of this letter, March 31st, 2014, and in this
8 letter it's kind of --- it cuts both ways because he
9 is saying well, I didn't really want to do it. Renzo
10 was hanging out at the house. My brother Troy ---

11 MR. KRZYSTON: Objection, Your Honor.

12 THE COURT: Overruled.

13 MR. KRZYSTON: Thank you.

14 MS. SIMPSON: And you can only use this testimony
15 with respect to Trenton Barnes' guilt. You'll be
16 instructed that you can only consider it as to him and
17 his actions, and what you read in the letter is he
18 ends up going. He was like I really didn't want to do
19 it. I didn't want to go, but I was being told, come
20 on, let's do it. There is really nothing better to
21 do. And what were they going to do, make some easy
22 money and he said that they go down and again, he was
23 like damn, they're closed, referring to the Ale House.
24 I apologize I didn't read the line on the last letter.
25 And he says that said, come on let's go back to my

1 house, then he said you see that lady over there. I
2 said no I don't see nobody. He was like come on man,
3 and we was by the door, and I seen a lady walk past
4 and I looked back and then I see Troy waving his hand
5 telling me to come back. Then Renzo walked into the
6 place. I went in behind him. Then he grabbed her and
7 put the gun to her and told to get in front of her.
8 Then she swung at me and I closed and I jumped and I
9 got scared ma. I didn't mean to do it. I'm sorry. I
10 said it was Troy because I was scared. He admits to
11 being there and going in.

12 Again, is he maybe trying protect his brother
13 some, yes, is he minimizing his own role, yes because
14 the evidence in this case doesn't support that Lorenzo
15 forced him to do it. He wasn't just a victim. He
16 went there willingly and when they arm themselves,
17 like I told you earlier, Trenton Barnes. Like I said
18 earlier, they are young men, but when they arm
19 themselves, they became attempted armed robbers,
20 burglars, kidnappers and when they we want into that
21 room or that bakery, that business, guns out face
22 masks, gloves on hands and they chose to pull the
23 trigger, they became killers and murderers. Their
24 actions caused the death of Ms. Hunnewell.

25 And let's be clear. She did not have to die.

1 There was no way and nothing has been testified to
2 that she would have been able to identify them. He
3 said they got nothing. If it was a robbery gone
4 wrong, they could have just ran out the door, the open
5 door they came in, and they saw her before with the
6 spoon.

7 I submit they knew she didn't have a gun. She
8 was working at a bakery and they saw it, and they went
9 in, but they didn't have to kill her. There's no
10 evidence that she could identify them and finally, and
11 I know I've said it several times, but some of the
12 most powerful information and evidence that they want
13 you to ignore is yes, it's sad, but judge its
14 credibility especially with respect to Trenton Barnes.
15 His own mother, Latoya Barnes, identified him as being
16 the person in that gray hoodie who committed this
17 crime. In response to Investigator McCoy's question,
18 I mean, yeah, it was Trenton with the gray hoodie on.
19 Like I said, I know my kid's build. I know them from
20 they [sic] fingers to they toes. I know my kids..

21 Now that's just some of the evidence that you
22 heard in this case. I submit that it is more than
23 enough. It is proof that should leave you firmly
24 convinced of each of these defendant's guilt and
25 consider the evidence admissible to them relevant to

1 them regarding their actions and is the roles they
2 played, because in this case how else do you defend
3 the indefensible? That classic defense, attack the
4 police. I wasn't there. Shoddy investigation. You
5 can't believe the witnesses. All that just doesn't
6 work, so I beg you, review this evidence in its
7 totality. Again, it doesn't matter if Trenton was the
8 lookout or the person in the door. The hand of one is
9 the hand of all. The act of one is the act of all and
10 each of them is responsible specifically before you
11 today Lorenzo Young is responsible for the actions of
12 Trenton Barnes, and Trenton Barnes responsible for the
13 actions of Lorenzo Young.

14 It doesn't matter which gun killed her. It
15 doesn't matter who went in first.

16 I submit that the defendants are guilty of
17 murder, attempted armed robbery, burglary second
18 degree violent and kidnapping, and when you go back in
19 that jury room, you will do here in just a few moments
20 and deliberate, I ask you to remember a famous quote
21 from President Theodore Roosevelt. He said that no
22 man is above the law. No man is below it and we ask
23 no man's permission when we require him to obey it.

24 Now, it is said that truth is the mother of
25 justice, and it is your job, your duty here today in

1 this case with these facts to seek justice and find
2 the truth, and I submit that after you have reviewed
3 all the evidence in this case, there will be only one
4 just verdict as to each Lorenzo Young and Trenton
5 Barnes and that is a verdict of guilty, guilty of
6 murder, attempted armed robbery, kidnapping and
7 burglary second degree violent. Guilty for Trenton
8 Barnes of murder, kidnapping, attempted armed robbery
9 and burglary second degree violent. Thank you.

10 THE COURT: Thank you Ms. Simpson. All right.
11 Ladies and gentlemen, we've been going for about two
12 hours. We're going to take a quick a five to ten
13 minute break you still have not heard all the closing
14 arguments or my charge on the law. You are not
15 allowed to discuss this case in any way, shape or
16 form. Keep an open mind. Do not discuss the case.
17 We'll be back with you in just a few minutes.

18 THE JUROR: Thank God.

19 (WHEREUPON, the jury left the courtroom at 4:30
20 P.M.)

21 THE COURT: All right. Let's take about a five
22 minute break.

23 (WHEREUPON, a short break was taken.)

24 THE COURT: Yes, sir.

25 MR. KRZYSTON: As the hour is growing late, we

1 thought it might be helpful to suggest that we finish
2 closings, finish Mr. Schnee's closing, finish my
3 closing, allow the jury to be released for the day,
4 charge them in the morning and proceed with
5 deliberations tomorrow morning.

6 My closing could take 20 to 30 minutes. I'm not
7 sure how long Mr. Barnes' closing will be, but just as
8 we approach the witching hour for the courthouse
9 deputies, I just want to offer that for the court.

10 THE COURT: All right. We'll cross that bridge
11 when we get there. Okay.

12 (WHEREUPON, the jury entered the courtroom at
13 4:39 P.M.)

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

15 THE COURT: Okay. Thank you. Mr. Krzyston.

16 MR. KRZYSTON: Thank you, Your Honor. May it
17 please the Court.

18 THE COURT: Yes, sir.

19 CLOSING STATEMENT:

20 MR. KRZYSTON: An ancient Greek thinker once
21 said, the law is reason free from passion. He said
22 that because it underlines a basic idea that all good
23 justice systems seek to follow, and that idea is that
24 a person should be tried on a case on the facts of the
25 case and not the emotions that drive the case.

1 This same idea is important to our case today,
2 and the reason that this same idea is important to our
3 case today is because each and every one of you
4 sitting in this box swore an oath to render a verdict
5 on the evidence and law alone.

6 Rendering a verdict on the law and evidence alone
7 requires us to temporarily put aside our feelings for
8 Ms. Hunnewell. Be sure there is not one single person
9 in this courtroom that doesn't feel pain and sorrow
10 for Ms. Hunnewell, for her children, and for her
11 family, but ladies and gentlemen, your duty requires
12 that we put that aside for the moment; that we render
13 the verdict on the evidence and law that is before
14 you.

15 Now, in a moment, the Judge is going to instruct
16 you on the law, and you will hear that murder is
17 defined as the killing of any person with malice
18 afterthought (sic) express or implied or inferred.

19 What you don't see in this definition is a line
20 that says but only if the victim is a mother or but
21 only if the victim has a family and the reason that
22 you don't see that in this definition and in the law
23 is because those things have nothing to do with
24 whether Lorenzo Young is guilty of breaking the law.

25 Those are things that are sad. Those are things

1 that touch our emotions, every single one of us, but
2 those are exactly the things that we have to put aside
3 temporarily. Those are exactly the things that we
4 cannot consider when we render a verdict on the guilt
5 or innocence of Mr. Young.

6 You've heard a great deal about the emotional
7 side of this case. The side of this case that causes
8 us all to shudder, and the reason that you've heard
9 all about that emotion, all about her children, all
10 about her family is because the government is light on
11 fact, plain and simple.

12 We've heard from a large number of witnesses and
13 they introduced an entire table of evidence. None of
14 which --- I repeat, none of which can definitively
15 connect Mr. Young to this crime scene at 93 Tommy
16 Circle. This case boils down to a couple sets of
17 facts, a couple sets of facts that show us the
18 government has failed to meet its burden in this case.
19 We can start with what you heard in opening. The
20 testimony of Theresa Baskin. You heard about the
21 cries and screams of terror, but what you didn't hear
22 is that there is any science definitively connecting
23 Mr. Young to this scene.

24 You were promised a witness in Mary Brown who
25 knew Lorenzo Young who supposedly saw him hours before

1 the crime in a red hoodie, but what you were given
2 when she took the stand was far short of what the
3 government promised.

4 They promised to bring you in witnesses and
5 evidence which would leave you firmly convinced of
6 Lorenzo's guilt. They brought in two or three
7 investigators to go over on that \$5,000 television,
8 and show you the video of the incident time and time
9 and time again. And just this morning, they brought
10 another investigator up here to show you still
11 pictures that were captured from the same video that
12 you've seen time and time and time again.

13 Why is that? Because the government is light on
14 fact. They promised witnesses, but what you got were
15 jailhouse snitches. What you got was a girlfriend
16 looking at 15 to life. Every single one of their
17 witnesses had something to gain. Who was Rolanda
18 protecting? Herself, because any reasonable person
19 facing 15 to life does what's necessary to stay home
20 with their children, ladies and gentlemen.

21 They're black, said the prosecution. You can
22 tell from the video. You can see their hands in the
23 video. Yet the lawyers can't stop talking about
24 gloves and this is despite the fact that SLED has
25 tested those at gloves for blood and then because they

1 didn't test positive for blood, they didn't test them
2 for DNA, ladies and gentlemen, in this courtroom with
3 this evidence, actions speak louder than words and
4 their actions and the State's actions tell us that is
5 they have failed to meet their burden.

6 The government said it did a complete
7 investigation; that they talked to everybody they
8 needed to talk to and that the 12 or 13 witnesses we
9 talked about didn't have anything to add to the
10 investigation. That's common sense, ladies and
11 gentlemen. How do you know what those people were
12 going to say? I can't read your minds. If I could,
13 this would be so much easier for me. It would be so
14 much easier for them, but nobody can read anyone's
15 mind.

16 The fact of the matter is they can get up here
17 and make excuse after excuse after excuse, but the
18 fact remains that they failed to do their job.

19 Again, actions speak louder than words, and their
20 actions tell us they failed to investigate and failed
21 to meet their burden. They showed you pictures of
22 Lorenzo in a sweatshirt and those pictures show the
23 upper third of that sweatshirt.

24 Those pictures can't tell us if that sweatshirt
25 is a red and white striped sweatshirt. Those pictures

1 can't tell us if that sweatshirt is solid red and
2 those pictures can't tell us if that sweatshirt is
3 consistent with the one that they paraded on the video
4 in front of you time and time again.

5 Again, they have introduced a table full of
6 evidence, a stack of poster boards that's no less than
7 six or seven inches and the reason they done that and
8 the reason they paraded that video in front of you
9 time and time again is because they are light on
10 facts.

11 They claim Lorenzo had a Glock. They introduced
12 no weapon, and even if he did have a weapon, there are
13 13 models of Glock firearm at a minimum that fired the
14 projectile that was located at 93 Tommy Circle on that
15 fateful morning.

16 The bullet that they found there, the bullet from
17 which that projectile left can be purchased at no less
18 than five locations in and around Columbia.

19 The says we excluded 70 percent of the population
20 from being at the crime scene (clapping.) good job.
21 That's a one to three match. That's as close as they
22 come to placing Lorenzo Young at the scene of the
23 crime.

24 Of the 300 million people in America today,
25 100 million are statistically likely to match the DNA

1 profile that they found at the scene. That's one
2 third of everybody in this courtroom. That's one
3 third of everybody in that jury box. You are
4 statistically likely to match the DNA that they have.

5 Ladies and gentlemen, that is not reasonable
6 doubt. One out of every three people, that by
7 definition is reasonable doubt, and what's more,
8 what's more, they found the DNA profile of an
9 unidentified male at the crime scene at 93 Tommy
10 Circle. Do not let them gloss over that fact. That
11 means they have the DNA profile of somebody at the
12 scene who they never arrested. They want to tell you
13 those 12 or 13 people didn't have any additional
14 information? When I was a young boy, my father gave me
15 some words of wisdom. He looked me in the eye, and he
16 said son, any job worth doing is worth doing
17 correctly. You could be a stock boy at the grocery
18 store or you could be president of the United States,
19 but son, whatever you want to do, if it's worth doing
20 at all, it's worth doing correctly and those are words
21 of wisdom that the government failed to put in its
22 pocket when investigating this case.

23 To convict Lorenzo Young in this matter would be
24 to ignore the fact, to ignore the evidence and the
25 science and to embrace the emotion that they have

1 flaunted in your face since they stepped foot in this
2 courtroom. There is nothing that they have introduced
3 that definitively connects Lorenzo to the crime scene
4 at 93 Tommy Circle and is no amount of excuse making,
5 no amount of glossing over the facts can change that,
6 ladies and gentlemen. The government failed to
7 establish beyond a reasonable doubt that Lorenzo Young
8 was there at 93 Tommy Circle. The government failed to
9 establish beyond a reasonable doubt that Lorenzo Young
10 was involved in this incident and the government
11 failed to meet its burden in this matter because of
12 it. Ladies and gentlemen, looking at the evidence or
13 lack thereof, the government failed to prove beyond a
14 reasonable doubt that Lorenzo is guilty of murder,
15 that Lorenzo is guilty of attempted armed robbery or
16 that Lorenzo is guilty of guilty of kidnapping or that
17 Lorenzo is guilty of burglary in the second degree.

18 Ladies and gentlemen, you deserve a better case.
19 We all do, but it's for precisely that reason that you
20 cannot convict Lorenzo Young. They failed to prove
21 their burden. They're pawning it off on you.

22 Ladies and gentlemen, you can't judge the case
23 you wish the government had given you. You must judge
24 the case that the government gave you, and it's
25 precisely for that reason that you cannot convict

1 Lorenzo Young on any of the counts as charged.

2 Thank you.

3 THE COURT: Mr. Krzyston.

4 Mr. Schnee?

5 MR. SCHNEE: May it please the Court, Your Honor.

6 THE COURT: Yes, sir.

7 CLOSING STATEMENT:

8 MR. SCHNEE: A few minutes ago, Ms. Simpson
9 claimed that the defense picked the witnesses in this
10 case. This is the State's witness list. Their chosen
11 witnesses to testify in this case. Officer Bowling,
12 Officer Bunton, Investigator Scott, Investigator
13 Rickburg, Investigator McKeller, Sergeant Smalls,
14 Officer Bracket, Captain Marsh, Captain Eargle,
15 Investigator Hilton, Lieutenant Smith, Assistant Chief
16 Riser, Officer Carol, Sergeant Adams --- the second
17 Sergeant Adams. This is a different one. Officer
18 Steadly, Officer Gilliam --- I'm sorry, Investigator
19 Gilliam, Sergeant Shuler, Sergeant Brown, Officer
20 Martin, Officer Ford, Deputy Linfert from the
21 sheriff's department, Sergeant Walls, Officer Labonte,
22 Investigator Reeves, Officer Webster, Officer Newman,
23 Officer Wiley, Officer Moore, Officer Beckman. The
24 list goes on. These are all the police officers that
25 the State put on the list and never called to the

1 stand (throwing paper down.)

2 But I picked those witnesses, right? Did my
3 client pick those witnesses? Did we pick Investigator
4 McCoy.

5 Let's talk about the State's chosen witnesses and
6 I'm going to start with DNA and I'm going to start
7 with one piece of evidence and we've talked about a
8 lot. It's this spoon right here.

9 This spoon that they are saying is definitively
10 linked to Kelly Hunnewell, Trenton Barnes and Lorenzo
11 Young.

12 Well, we certainly know Ms. Hunnewell is holding
13 those. We're certain of that. You have it right
14 here. You have it on video that she is holding that
15 spoon. Now, what did the DNA person actually say? She
16 did not say that Kelly Hunnewell is included in it,
17 that Trenton Barnes is included as a possible
18 contributor, that Lorenzo Young is included as a
19 possible contributor. Now, I suggest that you
20 probably watch this again. You'll notice that
21 Ms. Hunnewell swings it, hits one of them, not both
22 but one, so their theory that both of their DNA is on
23 here as is preposterous, as a matter of fact. What
24 the DNA expert actually said is that they could not be
25 excluded as a possible contributor.

1 She said that Kelly Hunnewell possibly her DNA
2 isn't even on there because it's such a tiny part of
3 the profile. That is the closest physical object that
4 you can see that both Ms. Hunnewell and whoever is
5 inside of that bakery have touched and the best that
6 they can come up with is well, there are 100 million
7 people in the United States who are just as likely or
8 unlikely to have contributed that sample. That's
9 their idea of solid forensics, of corroboration.
10 Fingerprints, never tested for any of them apparently.
11 Although in November of 2013, Investigator McCoy said
12 oh we absolutely tested for fingerprints. He
13 testified to that after swearing the same oath he
14 swore up there. Not only did he say he tested for
15 prints, he corrected himself on the transcript and
16 said I'm sorry, dusted for prints. That's not
17 misspeaking. I don't know if he's wrong or if they
18 just didn't find them. It doesn't really matter.
19 That's their chosen witness. Their chosen lead
20 investigator. The defendants didn't choose any of
21 that.

22 Now, let's get back to this corroboration issue
23 that they love to talk about.

24 The State says that they did not release a lot of
25 details from the video so they could determine if

1 witnesses are being truthful, that they actually have
2 independent knowledge. So what does the State present
3 to you? Let's see. We've got Michael Peterson. He
4 has a pending murder charge. Among other things, and
5 he says that Lorenzo confessed and said that they were
6 all going to the back room and she pulled out a cell
7 phone and he got scared and he shot her. Watch the
8 video. Watch it as many times as you want. It's
9 never going change. None of those things ever
10 happened. They claim corroboration. Yes, look for
11 corroboration, what is factually true that we can all
12 agree on. We can all agree that two people went into
13 that bakery. I think we can all agree that
14 Ms. Hunnewell never touched her cell phone. She
15 didn't pick it up and try to call anyone. I think we
16 can all agree they didn't walk towards the back room
17 to open up a safe that doesn't exist. Michael
18 Peterson is a liar. He made it up.

19 He has the same information that almost anyone
20 else on the street does, what the media policed, what
21 the police released to the media. Now, they began
22 getting nicknames from word at the jail in yeah, sure.
23 So what. That was how long afterwards? Who doesn't
24 know those names that has any idea about anything?
25 Anyone can find that out. Even said he watched it on

1 TV when he heard about it. So he knows the names of
2 who is arrested. Relevance. There is no
3 corroboration there. What does Michael Schaefer say?
4 Oh, he just says Lorenzo confessed. Lorenzo
5 confessed, Trenton is outside, Troy is inside. That's
6 fine because that's exactly what the news had said
7 from July 7th of last year on. That's not
8 corroboration. There is not a single unique fact, not
9 a single fact.

10 The State, they chose him as a witness. They put
11 him up. Alfred Wright, also pending murder charge,
12 same thing, not one single detail that wasn't released
13 to the media or anyone who doesn't have an internet
14 connection couldn't have looked up. Everything that
15 was hidden from the public is still hidden from all
16 these jailhouse snitches. Why? Because they didn't
17 talk to anyone. They made it up because they want a
18 deal and who gives them the deals? Them. The State
19 of South Carolina. The solicitor's office that is
20 prosecuting this case, and yet I'm going to point to
21 them a whole bunch. You know why. They love pointing
22 over here. Oh, let the record reflect someone
23 identified Lorenzo Young or someone identified Trenton
24 Barnes. Did you see a single witness get up on that
25 stand and say I watched Trenton Barnes shoot that

1 woman? No.

2 The closest thing they have is Rolanda Coleman.
3 She says well, he's small and is moving in a sneaky
4 way, so it must be him. That's her identification of
5 Trenton Barnes. The same woman who is facing 15 to
6 life for burglary, the same woman who is being
7 prosecuted by that office. The same woman who clearly
8 doesn't want to go to prison for 15 years to life with
9 a one-year-old and an eight month old child.

10 Investigator McCoy. On the stand, he listed
11 someone as a quote criminal informant that apparently
12 contacted the sheriff's department and then he had a
13 conversation with whoever this informant is. To this
14 day, I have no idea who it is. I asked him five
15 times. Who is it? Only answered it was an informant.
16 I don't even know what that person said. I don't know
17 that that the person exists.

18 They concealing it. Still concealing it.
19 Concealing it from the jury here today, more than year
20 afterwards, and they won't even give a name. We're
21 the ones to put witnesses up? Let's talk about who
22 else Investigator McCoy did or didn't do.

23 What he did clearly as he admitted on the stand,
24 is threaten Lorenzo Young with the death penalty, with
25 a needle in his arm. Am I the only one in this entire

1 world that thinks that is improper? Do you know what
2 that is, that's called a felony and guess who chooses
3 who prosecutes? That table right there. Do you think
4 they're going to end his career and throw every single
5 case he has ever worked on or will ever work on? He
6 knew it was improper. I don't think there is a single
7 person in the State of South Carolina would say that
8 when you're interrogating someone, you're allowed to
9 threaten them with a needle in their arm,
10 preposterous.

11 When he interviews Troy Stevenson in March 2014,
12 he even said hold on, hold on. I'm writing this down.
13 Where are the notes? He said they don't exist even
14 though clearly, as he admitted, he is on audio
15 recording saying he is writing it down. Now, he just
16 says well, he was saying that so he can process it.
17 Okay. Let me see a single thing from him that says he
18 even interviewed someone from March of 2014. He
19 didn't write that down in his case notes past December
20 of last year. What happened this entire year? Let's
21 see. They had a sweatshirt that they got at Trenton's
22 house. It was a dark blue sweatshirt, which they say
23 was wet. They found Trenton there. Well, they didn't
24 find a gray sweatshirt. They didn't find a gun and
25 they didn't find Troy Stevenson either. I'd be really

1 curious to see whose DNA is on the inside of that blue
2 sweatshirt. They never checked. They had a
3 year-and-a-half to check it. They could have done it
4 any day. They still haven't done it. Investigator
5 McCoy said he didn't even bother to follow up on it.

6 The gloves that allegedly have gunshot residue on
7 them, even though we've heard lots of testimony, see,
8 there were hands touching items. That's why they
9 dusted for fingerprints. That's why they did all of
10 these DNA tests. Great, they have GSR on a number of
11 sets of gloves from someone's closet. I have a set of
12 gloves on there. I guarantee there's GSR on those. I
13 go shooting all the time. So what. Do you know what
14 they didn't bother to do? Test the gloves on the
15 inside for DNA to see actually wore them, if anybody
16 ever wore them. Now, could I guarantee that would
17 actually result in useful information? I have no
18 idea. It's not my job to check that. It's theirs.
19 It's the State's job to try and they didn't try and
20 they didn't try for one of the most important reasons
21 why we're all here right now.

22 Ms. Campbell said it best during he closing
23 remarks, she begged you, begged you not to hold it
24 against the victim's family for anything the lawyers
25 have done that may have on offended you as jurors.

1 Well the victim's family, they're not on trial. Not a
2 single one of them even testified. Why would she be
3 concerned about you holding them responsible or
4 blaming them?

5 That is nothing short of a pathetic attempt get
6 to your emotions stirred up. That's all it is.
7 Emotion from you as jurors because they don't have the
8 facts, so they want emotion.

9 I already told you in my opening statement that I
10 expected this to be an emotional trial, and I don't
11 blame anyone for having emotions, but this is the
12 closing argument. This is the time when we're all
13 having to think about facts and analyze it with the
14 law. Emotion has no place in this room. Certainly
15 doesn't have any place in your deliberation room.
16 Yes, you're going to have emotions. Your job, and you
17 took an oath to push that to the side and think about
18 facts. Now when you're thinking about facts, let's
19 talk a little bit about what the law really is.

20 The State has the burden of proving each and
21 every element of each separate offense. They have to
22 convince you beyond a reasonable doubt.

23 Now, the judge will instruct you that a
24 reasonable doubt is something that if you doubt that
25 would not be reasonable based on if you are firmly

1 convinced. Another way of saying that is if it would
2 cause you to hesitate to act.

3 Now, this morning just like almost every morning,
4 wake up, take a shower. I start a pot of coffee. I
5 walk outside, take my dog out and let him do his
6 thing. This morning was faster than normal because it
7 was a little bit freezing. I walked back inside,
8 poured a cup of coffee and try to get ready for the
9 morning. I go to the refrigerator, bring the half and
10 half out. The past two weeks I've been in here, half
11 and half haven't done a lot. It expired on Sunday.
12 The milk expired on Sunday. Well, I had some
13 apparently yesterday, didn't even realize that it was
14 expired. I opened it up and I sniffed it. That
15 sniff, that's hesitation. I mean, I had used it the
16 day before. It's half and half, it's ultra
17 pasteurized and usually lasts quite a while anyway. I
18 still sniffed it. Your job as jurors is to sniff all
19 this and what I'll tell you right now that you need
20 to sniff is pretty much this, and you can throw out
21 almost all of these items, all of these photographs,
22 all of these diagrams, all of these other documents.
23 What does this really tell you? A woman was shot.
24 There were two guns, six bullet casings, two different
25 calibers. That's what all of that shows you. All of

1 that and not a single bit of it is in dispute. Your
2 job is to figure out who did it.

3 Well, actually I should rephrase that. That's
4 not your job. Your job to is to figure out if they
5 proved their case. You want to figure out who did it
6 and what happened, as curious animals that we are, we
7 always do, but that is not your job as jurors. Your
8 job is to hold them to their burden.

9 Now, you heard from Latoya Barnes that in August
10 of last year, she had a phone conversation with
11 Investigator McCoy and he told her unequivocally one
12 of your sons is going down for this. Well, at the
13 time they were both in jail. They were both charged
14 with the same things. What do you do? Well, you
15 wait. You see what the State has. You see where
16 they're going, and then you discuss it as a family.
17 You make a decision. Then in March 2014, Troy
18 Stevenson goes, talks to law enforcement. That was on
19 the 24th and then you have a letter, a letter from
20 Trenton Barnes dated March 31st. Seven days later,
21 seven days later he writes a letter saying he did it
22 all and that Troy had nothing to do with it.

23 Huh. That's rather convenient for Troy, isn't
24 it. It's rather convenient for Troy that he wasn't
25 home when his house was searched. It's rather

1 convenient for Troy that there was no gun found when
2 the house was searched, no gray hoodie nor him, and he
3 is also the one that's not on trial. That's rather
4 curious, isn't it? Why is he not on trial.

5 Because, you know, if the State believes that
6 letter as they want you to believe it, that it's the
7 truth, then why is Troy Stevenson still in jail. Why
8 are those charges still pending. Read that letter.
9 He didn't do anything. According to that letter, he
10 went down to stop everything and bring Trenton back.
11 The government is putting that letter up for you as
12 jurors. They want do you believe it, but they don't
13 believe it. If they believed it, they would be
14 required, as attorneys. We take an oath ourselves.
15 They would be required to dismiss all the charges
16 against Troy Stevenson. They would be required to do
17 it the minute they got that letter if they actually
18 believed it. They haven't done.

19 In just a few minutes, the judge is going to read
20 you what the law is and how to apply it in the case.
21 Thankfully, you won't have to hear anymore from me.
22 I'm almost done. When you go back to the jury room
23 and you're sitting there and you're waiting for all
24 this evidence to come in and you're tearing up all
25 those little pieces of paper to take an initial vote,

1 I want you to keep one thing in mind. This is the
2 only thing from the State that I actually agree with.
3 It came from Kevin Reese. I want to make sure I got
4 this, right. Before you take someone's liberty, you
5 need to be sure you have it right. Well, members of
6 the jury, you need to make sure you have this one
7 right. There is a 16-year-old child on trial for a
8 murder that he didn't do, for a burglary he didn't do,
9 for attempted armed robbery that he didn't do and a
10 kidnapping that he didn't do. Take the blame to save
11 his brother? He didn't do it. This is no evidence he
12 did it. The State knows it and that's why they have
13 all this, almost 450 exhibits and not a single one of
14 them that says anything about who is actually inside.

15 THE COURT: Thank you very much. Already.
16 Ladies and gentlemen. The time is now 5:20,
17 approximately, and I'm going to let you all make the
18 next decision. You're not going to make decision out
19 here. You're going to make it back in the jury room.
20 Here are your two choices. I'm giving you these
21 choices because I don't ever limit attorneys on time
22 because I want --- I don't want them to ever feel
23 pressure from me about how long you're allowed to talk
24 or not to. That's their opportunity to make closing
25 arguments. I want everybody to not feel any pressure

1 from me on keeping anybody to a specific time limit,
2 but I also don't want you to feel any pressure in
3 getting out of here tonight either, so your options
4 are this. I'll do whichever one you want to. It does
5 not matter to me. In my mind I'm probably 50/50 on
6 doing it either way. It doesn't matter to me. I'll
7 let you be the decisions on this. You are the
8 citizens of our community who have given up time from
9 your family, friends, and work to be here so you will
10 make the decision.

11 Option number one is I charge you on the law
12 right now, okay. That will take roughly 30 minutes.
13 That's not an exact number. That's just an average of
14 how long it takes me. Once that happens, you would go
15 back to your jury room. You would still not be
16 allowed to deliberate until all of the exhibits come
17 back in the jury room. Best case scenario that's
18 probably going to take at least 20 or 30 minuets
19 because of the number of exhibits that are involved.
20 You wouldn't be allowed to discuss the case at all
21 until those exhibits came in the room. Okay. At that
22 point in time, we would order you some kind of dinner
23 and you could deliberate for as long tonight as you
24 want to. It doesn't matter to me. I'm happy to stay
25 here as long as I need to, okay. That's option number

1 one. And then at some point tonight we would reach a
2 point in time where I kind of call it for the evening
3 and I say let's go home and come back tomorrow morning
4 and start again.

5 Option number two is for me to send you home now,
6 okay. So I can give you my normal evening
7 instructions, you're not allowed to discuss the case
8 with anybody. You're not allowed to do any research,
9 all these things. We come back and tomorrow morning
10 the first thing that happens is I charge you on the
11 law and between now and then we would be able to get
12 the exhibits together before we started and then you
13 would go back into your jury room and start
14 deliberating once exhibits come back.

15 Okay. So Mr. Foreman, I want you to go back to
16 your jury room. Do not discuss the case and come to a
17 consensus on whether or not you want to come back in,
18 get charged and keep working tonight or whether or not
19 you want to go home for the evening and come back
20 tomorrow morning to start with a jury charge and then
21 move into deliberations and then when you're --- when
22 you've made that decision, just come back in. You can
23 just write it on a note, give it to the bailiff and
24 we'll go from that point. Okay. Take however much
25 time you need. We're all going to be right here.

1 Just let us know when you're ready. Everyone remain
2 seated while the jury is excused.

3 (WHEREUPON, the jury left the courtroom at 5:24
4 P.M.)

5 THE COURT: All right. We're going to be bring
6 them back in. They want to go home. I think that's
7 reasonable given the hour and the amount of
8 information they collected today and the length of the
9 trial. You can bring them back in, Mr. Tolbert.

10 (WHEREUPON, the jury entered the courtroom at
11 5:27 P.M. and they handed a note to His Honor.)

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

13 THE COURT: All right. Ladies and gentlemen, I
14 got your note that said you want to go home tonight.
15 That's perfectly fine. We're going do that. I was
16 joking with the attorneys. Some of the judges, I
17 would say in the old days, but that would make myself
18 older than I want to be, but they would just keep you
19 here all night long. I think it's reasonable under
20 the amount of time that you've been here and the
21 amount of evidence that you've heard in the case to go
22 ahead and go home for the evening and start afresh
23 tomorrow morning when everybody has had a good night's
24 sleep and is ready to go. So I will let you go home
25 for the evening Now, you will recall that I have

1 previously instructed you in great detail that you
2 must decide this case solely on the evidence presented
3 in this courtroom. Because we're about to take a
4 break for the evening, I'm now reminding you of that
5 warning and I want you to once again if you will
6 commit to each other, to the parties in case and to
7 the court that you will not use any type of cell
8 phone, television, electronic device, computer, radio,
9 print media or anything else to get information about
10 this case, send information about this case, read,
11 view, listen to, look up, anything and I know I've
12 said this over and over and over again and I know
13 you're tired out of hearing me say this, but that's
14 how important it is. You are to decide this case
15 solely on the evidence presented in the courtroom.

16 There is one final thing you that you need to
17 hear about this case and that's why you still can't
18 discuss it and you still can't talk about it amongst
19 yourselves is because you have not heard what the law
20 is as it applies to this case from the Court. So that
21 will be the first thing that we will do tomorrow
22 morning. We will do our best to have all the exhibits
23 already organized out and laid out so they're packaged
24 and ready to come back to you. As to your second
25 request that you made tonight, I will work on that. I

1 cannot promise it, Mr. Foreman, but I will do my best
2 to work on that and see what is available. All right.
3 Thank you very much. Everyone remain seated while the
4 jury is dismissed.

5 THE BAILIFF: What time, Your Honor?

6 THE COURT: Oh. Let's do 9:30, 9:30. Thank you
7 very much.

8 (WHEREUPON, the jury left the courtroom at 5:31
9 P.M.) anything before we break for the night?

10 MS. CAMPBELL: Your Honor, we think have a
11 scheduling matter. May I just approach in.

12 THE COURT: Sure.

13 MR. KRZYSTON: Nothing, Your Honor.

14 MR. SCHNEE: I don't have anything.

15 (WHEREUPON, there was a bench conference.)

16 THE COURT: All right. Now, let's --- if the
17 attorneys can be here tonight. The let's meet at nine
18 in the morning. All the attorneys or at least one
19 attorney from each party to the case, meet to organize
20 all the evidence so we have that part of it ready to
21 go. Okay.

22 (WHEREUPON, the proceedings were adjourned.)

23 (WHEREUPON, Court's Exhibit Numbers 17 and 18
24 were marked for identification only.)

25 NOVEMBER 19, 2014

1 THE COURT: All right. Now, have you been
2 through the evidence?

3 MS. GARFIELD: Our office has been through it.
4 Everything is clear, Judge.

5 THE COURT: Have you ---

6 MS. PINNOCK: Yes, we went through it.

7 THE COURT: Okay.

8 MR. SCHNEE: Yes, Your Honor. We fixed the
9 issues with the CDs. This is still the exterior of
10 the Ale House. The CDs are fine. They just work
11 on the laptop the solicitors have.

12 MS. GARFIELD: If they want to review it, they
13 have to come back in here.

14 MR. SCHNEE: I don't know if you want to tell
15 them ahead of time or wait and see if they ask.

16 MS. GARFIELD: It will play on this just not the
17 laptop.

18 THE COURT: How mobile is that thing?

19 MS. CAMPBELL: Very.

20 THE COURT: I'm sorry. I couldn't hear you.

21 MS. GARFIELD: It's easily.

22 THE COURT: Okay. Maybe we can just move that.
23 I mean, they need be able to watch it and discuss what
24 they want to discuss without the fear of everybody
25 seeing it. We'll cross that bridge when we get there.

1 All right. Now, listen, everybody that's out in
2 the audience I'm happy for you to be here. When they
3 come in, I'm going to charge them on what the law is.
4 I don't know how long that is, but it will be
5 approximately 30 minutes and the back door will be
6 locked. Don't get up, don't move, don't try to leave.
7 You're welcome to stay in here. I don't have a
8 problem with that. I'm just telling you, if you think
9 hey I think I may need to get up in the next 30 or 40
10 minutes, just go ahead and you may need to leave now.
11 I'm going to tell them what the law is they're going
12 to go out. If you want to leave now, just ahead and
13 leave. If not, once they come in, just stay seated
14 until I finish. All right. Let's bring them in.

15 (State's Exhibit Number 396 was withdrawn because
16 the State said it was not in evidence.)

17 (WHEREUPON, the jury entered the courtroom at
18 9:45 A.M.)

19 THE COURT: Good morning, ladies and gentlemen.
20 Welcome back. Has anybody viewed any news media, any
21 type of story about this case in any way, shape, or
22 form? If so, please raise your hand.

23 (There was no response.)

24 JURY CHARGE

25 THE COURT: Okay. At this point in time, as I

1 told you, I'm going to charge you. That's actually
2 the term on what the law is in South Carolina as it
3 pertains to this case. Now, this document that I'm
4 about to read to you is about 25, 26 pages, okay. So
5 as I go through it I will do my best to keep you with
6 me and keep you awake. I think it's actually good
7 that we came back this morning. That way you're fresh
8 and ready to go and ready to pay attention. Just stay
9 with me. As we go through it, then at the end, I'll
10 come down and give you the verdict form and all the
11 different things that you need.

12 The indictments have charged the defendants with
13 murder, attempted armed robbery, kidnapping and
14 burglary in the second degree. I remind you that the
15 fact that the defendants were arrested, charged and
16 indicted in this case is not evidence in this case,
17 and it cannot be considered by you as evidence of
18 guilt in this case, nor does it create any presumption
19 or inference of guilt. These documents are simply the
20 formal written instruments which contain the charges
21 made against the defendants. They are the formal
22 documents by which this case is brought into this
23 court.

24 I charge you that there are two defendants in
25 this case, each of whom is charged with murder,

1 attempted armed robbery, kidnapping and burglary in
2 the second degree.

3 The case of each defendant and the evidence and
4 the law concerning that defendant should be considered
5 separately and individually. Your verdict does not
6 have to be the same for both defendants.

7 The fact that you may find one defendant guilty
8 or not guilty should not control your verdict as to
9 the other defendant. Where more than one person is
10 charged with a crime, if the evidence warrants it, you
11 may convict one and acquit the other or you may acquit
12 both or you may convict both. It will depend on your
13 view of the testimony and the evidence. You must take
14 each defendant and consider the evidence as to that
15 defendant and my instructions to you on the law.

16 You will then write a separate verdict of guilty
17 or not guilty for each individual defendant, and I
18 will explain that to you at the end.

19 The indictments in this case allege several
20 different offenses against the defendants. The
21 charges are murder, attempted armed robbery,
22 kidnapping and burglary in the second degree.

23 Each indictment charges a separate and distinct
24 offense. You must decide each indictment separately
25 on the evidence and the law applicable to it

1 uninfluenced by your decision as to any other
2 indictment. The defendants may be convicted or
3 acquitted on any or all of the offenses charged.

4 You will be asked to write a separate verdict of
5 guilty or not guilty for each indictment. I remind
6 you that during this trial you and I have certain
7 duties to perform. As the trial judge, it is my
8 responsibility to preside over this trial, and I also
9 have the duty to rule on the admissibility of the
10 evidence offered during the trial. You are to
11 consider only the competent evidence before you.

12 If there was any testimony ordered stricken from
13 the record in this case during this trial, you must
14 disregard that testimony. You are to consider only
15 the testimony which has been presented from this
16 witness stand, any exhibits which have been made part
17 of the record in this case or any stipulations of
18 counsel.

19 I have the additional duty to charge you the law
20 applicable to this case. As the presiding Judge, I am
21 the sole judge of the law in this case, and it is your
22 duty as jurors to accept the law and apply the law as
23 I now state it to you. If you already have an idea as
24 to what the law is or what the law ought to be or
25 should be, and it does not agree with what I now tell

1 you the law is, you must abandon your own idea because
2 you are sworn. The oath that you took at the very
3 beginning of this trial to accept the law and apply
4 the law exactly as I state it to you.

5 In every case tried in this court before a jury,
6 the jury becomes the sole and exclusive judge of the
7 facts.

8 A trial judge, that is me, I cannot state,
9 comment on or make any statement to a trial jury about
10 the facts in a case since you the jury are the sole
11 judge of the facts in this case, you are not to from
12 anything that I have said during this trial or done
13 during this trial in ruling upon the admissibility of
14 the evidence or otherwise or anything that I say now
15 and during the course of this instruction to you that
16 I have any opinion about the facts in this case. The
17 law doesn't allow me to have an opinion about facts of
18 this case. This is a matter solely for you to
19 determine.

20 As jurors, it is your duty to determine the
21 effect, the value, the weight and the truth of the
22 evidence presented during this trial. Now, to these
23 charges the defendants have pled not guilty and that
24 plea puts the burden on the State to prove the
25 defendants guilty.

1 A person charged with committing a criminal
2 offense in South Carolina is never required to prove
3 himself innocent. I charge you that it is an
4 important rule of law that a defendant in a criminal
5 trial, no matter what the seriousness of the charge
6 may be will always be presumed to be innocent of the
7 crime for which the indictment was issued unless guilt
8 has been proven by evidence satisfying you of that
9 guilt beyond a reasonable doubt.

10 This presumption of innocence does not end when
11 you begin your deliberations, but it accompanies the
12 defendant throughout the trial until you reach a
13 verdict of guilt based upon evidence satisfying you of
14 that guilt beyond a reasonable doubt.

15 The presumption of innocence is like a robe of
16 righteousness placed about the shoulders of the
17 defendant which remains with the defendant until it
18 has been stripped from the defendant by evidence that
19 satisfies you of the defendant's guilt beyond a
20 reasonable doubt.

21 The presumption of innocence is not a mere legal
22 theory. It is not just a legal phrase. It is a
23 substantial right to which every defendant is entitled
24 unless you the jury are satisfied from the evidence of
25 the defendant's guilt beyond a reasonable doubt.

1 Now, I just explained to you that the State has
2 the burden of proving the defendants guilty beyond a
3 reasonable doubt. Some of you may have served as
4 jurors in civil cases where you were told that it is
5 only necessary to prove that a fact is more likely
6 true than not true, such as by the greater weight or
7 the preponderance of the evidence.

8 In criminal cases the State's proof must be more
9 powerful than that. It must be beyond a reasonable
10 doubt. Proof beyond a reasonable doubt is proof that
11 you leaves you firmly convinced of the defendant's
12 guilt. There are very few things in this world that
13 we know with absolute certainty. In criminal cases
14 the law does not require proof that overcomes every
15 possible doubt.

16 If based upon your consideration of the evidence,
17 you are firmly convinced that the defendants are
18 guilty of the crime charged, you must find them
19 guilty. If on the other hand you think there is a
20 real possibility that the defendants are not guilty,
21 you must give the defendants the benefit of the doubt
22 and find them not guilty.

23 Again, you are to consider each defendant and
24 each charge separately and individually from each
25 other. Now, there are two types of evidence which are

1 generally presented during a trial: Direct evidence
2 and circumstantial evidence.

3 Direct evidence is the testimony of a person who
4 claims to have actual knowledge of a fact. For
5 example, an eye witnesses. It is evidence which
6 immediately establishes the main fact to be proved.

7 Circumstantial evidence is proof of a chain of
8 facts and circumstances indicating the existence of a
9 fact. Crimes may be proven by circumstantial
10 evidence. The law makes no distinction between the
11 weight or the value to be given to either direct or
12 circumstantial evidence. However, to the extent that
13 the State relies on circumstantial evidence, all of
14 the circumstances must be consistent with each other
15 and when taken together point conclusively to the
16 guilt of the accused beyond a reasonable doubt.

17 If these circumstances merely portray the
18 defendant's behavior as suspicious, the proof has
19 failed. The State has the burden of proving the
20 defendants guilty beyond a reasonable doubt. This
21 burden rests with the State regardless of whether the
22 State relies on direct evidence, circumstantial
23 evidence or some combination of the two.

24 Now, as I told you in the very beginning of this
25 trial, you must determine the credibility of the

1 witnesses who have testified in this case.

2 Credibility simply means believability. It becomes
3 your duty as jurors to analyze and to evaluate the
4 evidence and determine which evidence convinces you of
5 its truth.

6 In determining the believability of the witnesses
7 who have testified in this case, you may believe one
8 witness over several witnesses, or several witnesses
9 over one witness. You may believe a part of the
10 testimony of a witness and reject the remaining part
11 of the testimony of that same witness. You may
12 believe the testimony of a witness in its entirety or
13 reject the testimony of a witness in its entirety.

14 You may consider whether any witness has
15 exhibited to you any interest, bias, prejudice or
16 other motive in this case. You may also consider the
17 appearance and the manner of a witness while on the
18 witness stand.

19 Now, as I told you in the beginning, and I have
20 told you throughout this trial, there are certain
21 things that have happened in this case that are not in
22 evidence, and you must not consider them as evidence
23 in deciding the facts of this case: Number one, the
24 statements and the arguments of the attorneys. Number
25 two, the questions and the objections of the

1 attorneys, and number three, the testimony that I have
2 ordered you to disregard throughout this trial.

3 Now, the Rules of Evidence ordinarily do not
4 permit witnesses to testify to opinions or
5 conclusions. An exception to this rule exists for
6 witnesses that we call expert witnesses. This is a
7 witness who by education and experience has become an
8 expert in some art, science, profession or other
9 calling and may state an opinion as to relevant and
10 material matter in which the witness claims to be an
11 expert and may also state the reasons they claim to
12 give that opinion.

13 You should consider any expert opinion received
14 in evidence in this case and like any other evidence,
15 give it the weight you think it deserves. If you
16 decide that the opinion of an expert witness is not
17 based on sufficient education or experience or if you
18 conclude that the reasons given in support of the
19 opinion are not sound or that the opinion is
20 outweighed by other evidence, you may disregard the
21 opinion entirely. An expert witness's testimony is to
22 be given no greater weight than that of any other
23 witness simply because the witness is an expert.
24 Further, you are not required to accept an expert's
25 opinion even though it is not contradicted.

1 Now, I instruct you and emphasize to you that the
2 fact that the defendants did not testify in this case
3 is not a factor to be considered by you in any way in
4 your deliberations and in the consideration on the
5 question of the guilt or innocence of the defendants.
6 A defendant has the constitutional right to remain
7 silent. The assertion of this right must not be
8 considered by you in your deliberations. I repeat, you
9 are to draw no conclusion whatsoever from the fact the
10 defendants in this case did not testify. The fact
11 that these defendants did not testify should not even
12 be discussed in the jury room. The burden of proof as
13 I have told you from the very beginning of this case,
14 is on the state. The defendants are not required to
15 prove their innocence. The burden of proof remains on
16 the State to prove guilt beyond a reasonable doubt.

17 Now, in order to establish criminal liability,
18 criminal intent is required. For example, these are
19 examples, the mental state required to be proven by
20 the state for a particular crime might be purpose,
21 intent, knowledge, recklessness or criminal
22 negligence.

23 Criminal intent must be proven by the State
24 beyond a reasonable doubt. Criminal intent is always
25 a matter that must be determined by the jury from the

1 circumstances surrounding the situation.

2 There is no way to prove intent to a mathematical
3 certainty. There is no way that medical science can
4 dissect a person's brain and determine what that
5 person had in mind so the law says that criminal
6 intent may be inferred from the circumstances shown to
7 have existed. This is how you make a determination of
8 whether or not the element that requires intent was
9 present.

10 It is not necessary to establish intent by direct
11 and positive evidence, but intent may be established
12 by inference in the same way as any other fact by
13 taking into consideration the acts of the parties and
14 all the facts and circumstances of the case. Criminal
15 intent is a mental state, a conscious wrongdoing. It
16 is up to you to determine what the defendant intended
17 to do based upon the circumstances that are shown to
18 have existed.

19 Criminal intent can arise from an action or a
20 failure to act. It may arise from negligence,
21 recklessness or an indifference to duty or to
22 consequences that are considered by the law to be the
23 equivalent of criminal intent. The next thing I'm
24 going to do is go through each charge that the
25 defendant is charged with, each separate crime, and

1 explain each one of them to you and the elements of
2 those crimes each of them individually.

3 Now, the defendant are both charged with murder.
4 The State must prove beyond a reasonable doubt that
5 the defendants killed another person with malice
6 aforethought. Malice ask is hatred, ill will or
7 hostility towards another person. It is the
8 intentional doing of a wrongful act without just cause
9 or excuse and with the intent to inflict an injury or
10 under circumstances that the law will infer, an evil
11 intent. In its legal sense, however, malice does not
12 necessarily mean ill will toward the individual
13 injured, but signifies a general malignant
14 recklessness for the lives and safety of others or a
15 condition of the mind which shows a heart regardless
16 of social duty and fatally bent on mischief. Malice
17 aforethought does not require that the malice exists
18 for any particular time before the act is committed,
19 but malice must exist in the mind of the defendant
20 just before and at the time of the act that the act is
21 committed. Therefore, there must be a combination of
22 previous evil intent and the act. Malice may be
23 conceived at the very moment the fatal blow is given.

24 Malice aforethought may be express or inferred.
25 These terms express and inferred do not mean different

1 kind of malice, but merely the manner in which malice
2 may be shown to exist. That is either by direct
3 evidence or by inference from the facts and
4 circumstances which are proved. Express malice is
5 shown when a person speaks words or which express
6 hatred or ill will for another or when a person
7 prepared beforehand to do the act which was later
8 accomplished, for example, lying in wait for a person
9 or any other acts of preparation going to show that
10 the deed was within the defendant's mind would be
11 expressed malice. Malice may be inferred from conduct
12 showing a total disregard for human life. The law
13 says if one intentionally kills another during the
14 commission of a felony, the implication of malice may
15 arise. If facts are proved beyond a reasonable doubt
16 sufficient to raise an inference of malice to your
17 satisfaction, this inference would be simply an
18 evidentiary fact to be taken into consideration by you
19 along with other evidence in the case, and you may
20 give it the weight, such weight, as you determine it
21 should receive. The law allows the jury to infer
22 malice if you conclude the homicide was a proximate
23 direct result of the commission of a felony. For the
24 purposes of this case and for that regard, kidnapping
25 and burglary and attempted armed robbery would be

1 considered felonies under our law. You can imply that
2 malice existed if a person is in the commission of a
3 felony at the time of the attempted fatal blow.

4 Now, the defendants are also charged with
5 kidnapping. The State must prove beyond a reasonable
6 doubt that the defendant knowingly and unlawfully seized
7 or confined another person without authority of law.
8 To do a thing lawfully is to do it willfully against
9 the law. Knowingly means with knowledge and
10 consciously, not accidentally. The word seize means to
11 take hold of suddenly or forcibly. The word confine
12 means to limit, restrict, confine within bounds,
13 imprison, or shut, or keep in. The State does not
14 have to prove that the defendant did all of these
15 things, that being seize and confine. Instead if you
16 mind beyond a reasonable doubt that the defendant did
17 any of these things, you may find the defendant guilty
18 of kidnapping.

19 Something done without authority of law is
20 something which the law does not sanction, permit,
21 allow, condone or provide justification for.

22 Now, the kidnapping does not have to be for any
23 personal or monetary gain or any illegal purpose, but
24 may be for any reason whatsoever. Kidnapping is a
25 continuing offense which commences when one is

1 wrongfully deprived of freedom and continues until the
2 freedom is restored.

3 The next crime that the defendants are charged
4 with and these are in no particular order, is
5 attempted armed robbery. The defendants are charged
6 with attempted armed robbery. An attempt is an effort
7 to accomplish a crime, which does not succeed. An
8 attempt includes a specific intent do a particular
9 criminal act along with an act falling short the act
10 intended. The State must show more than mere
11 preparation and intent. There must be some overt act
12 committed in the effort to commit the crime. Intent
13 means intending the result which actually occurs, not
14 accidentally or involuntarily. Intent may be shown by
15 the acts and the conduct of the defendant and other
16 circumstances from which you may naturally and
17 reasonably infer intent.

18 In order to prove this offense, the State must
19 first prove beyond a reasonable doubt that the
20 defendants attempted to take personal property from
21 the person or presence of another person. Property is
22 in the presence of a person if it is in --- within the
23 person's reach, inspection, observation or control so
24 that the person could, if not overcome with violence
25 or prevented by fear, keep possession of the property.

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

12 Finally the State must prove beyond a reasonable
13 doubt that a defendant was armed with a deadly weapon
14 during the robbery. A deadly weapon is an article, an
15 instrument or a substance which is likely to cause
16 death or great bodily harm. Whether an instrument has
17 been used as a deadly weapon depends on the facts and
18 circumstances of each case. The following are
19 examples of instruments which may be deadly weapons, a
20 pistol, a shotgun, a rifle, a knife, a sling slot,
21 metal knuckles, a razor, gasoline, lighter fluid.

22 A gun may be a deadly weapon even if it is not
23 operating.

24 Now, the last charge that the defendants are
25 charged with is burglary in the second degree. To

1 prove burglary in the second degree, the State must
2 prove beyond a reasonable doubt that a defendant
3 entered a building without consent and with the intent
4 to commit a crime in the building.

5 A building is defined as any structure, vehicle,
6 water craft or aircraft where any person lodges or
7 lives or where people assemble for the purpose of
8 business, government, education, religion,
9 entertainment, public transportation or public use or
10 where goods are stored.

11 Finally, the State must prove beyond a reasonable
12 doubt that when entering the building --- excuse me.
13 When entering while in --- excuse me.

14 (Pause.)

15 When entering while in the building or when
16 fleeing, the defendant or an accomplice was armed with
17 a deadly weapon or explosive. A deadly weapon as I
18 have explained to you before is an article, instrument
19 or substance which is likely to cause death or great
20 bodily harm. Whether an instrument has been used as a
21 deadly weapon depends upon the facts and circumstances
22 of each case. The following are examples of deadly
23 weapons, a pistol, shotgun, a knife, sling shot, metal
24 knuckles, razor, gasoline, lighter fluid and a gun may
25 be a deadly weapon even if it is not operating.

1 So finally the State must prove beyond a
2 reasonable doubt that number one when entering the
3 defendant or an accomplice was armed with a deadly
4 weapon or when entering or while in the building or
5 when fleeing the defendant or an accomplice caused
6 physical injury to anyone not participating in the
7 crime or when entering or while in the building or
8 when fleeing the defendant or an accomplice used or
9 threatened to use a dangerous object or when entering
10 or while in the building or when fleeing the defendant
11 or an accomplice displayed what appeared to be a
12 knife, pistol, revolver, rifle, shotgun, machine gun
13 or other firearm or the defendant entered or remained
14 in the building in the nighttime. Nighttime is the
15 period between sunset and sunrise during which there
16 is not enough daylight to recognize a person's face
17 except by artificial light or moon light.

18 Now, if two or more people combine together to
19 commit an unlawful act or a crime and in the execution
20 of that criminal act, a homicide is committed by one
21 of the actors as a probable or natural consequence of
22 the acts done, in pursuance of the common design, all
23 present, participating, all people who are present and
24 participating in the unlawful undertaking are as
25 guilty as the one who committed the fatal act.

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 honesty 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 of 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 inculpated 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

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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

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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

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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

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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

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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.)
10
11
12
13
14
15
16
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20
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22
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24
25

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

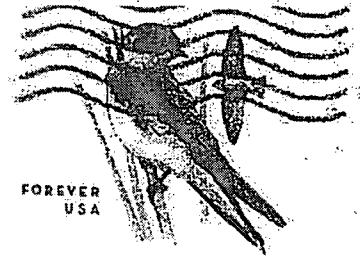
Karen Ambroziak,
Circuit Court Reporter

1615

201 John Mark dial dr
Columbia SC, 29209

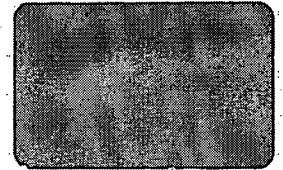
COLUMBIA SC 290

02 APR 2014 PM 4 L

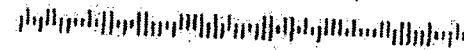


Bank Swallow

Latoya Barnes
2849 Lucille Dr.
Columbia SC, 29204



25204273149



THE ALVIN S. GLENN DETENTION
CENTER HAS NEITHER CENSORED NOR
INSPECTED THIS ITEM; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR THE CONTENTS.



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

© USPS 2012

Your Son
Trenton, B.

3-31-14

Wassup Ma they got me in lock up for 25 days for some
Crazy stuff ~~they~~ go let me stay in the dorm but I came down here so
I can talk to Troy. I'm down here with Troy and Renzo. I talk to Troy
about the case. I'm ready to talk back with them ~~people~~ and tell them the
truth ma tell that Troy ain't nothing to with it I should of ~~had~~ told them that.
~~that~~ Troy really come down there to get me. Ma what really happen was I
was on the phone with Ty. Indika Iul Sub and Renzo was on the phone with
~~Indika Iul Sub~~ baby mama we was the only ~~one~~ two up and he got
off the phone and was like let me talk tell you when you done. Then
he was like got this lul lick and then I was like I don't know bruh.
I'm hoodin talking to my lady and he was like money ~~was~~ first
I ain't tell him ~~you~~ or no yet so I wake Troy up and ask him
what should I do and he ~~said~~ well no don't go with that man ~~and~~
and he went back to ~~sleep~~ sleep I went back in my room Renzo
was back on the phone then Ty had text me Renzo got off the
phone and was like you ready and I told him I'm hoodin then he started
talking bout how much money was go be there then he said let's
go broope it out we ain't got to do nothing then we went out side
and I ~~bruh~~ ^{said} I ain't tryna go to jail and ~~he~~ said on my baby you
ain't going to jail lul bruh he ask me do I have a gun and I said
no but I know way one at he said way at and I said I
know way shortly be putting his gun at out side so I took him
to it and he pulled out his gun and said which one you want
and I said the small ^{one} then we started back walking then
I said what type of lick ~~is it~~ is it because I don't
be on that other stuff I just take moped's and dirt bikes and he
was like just a lul lick so we was at the bar down the street
from the house it started raining hard and I was like I'm bout to go home

and he said hold on 101 break then he was like damn they
 closes 66 I said come on let's go back to my house then he
 said you see that lady over there I said I don't see ~~anybody~~
 he was like come on then we was by the door and I saw a
 lady walk pass and I looked back and seen her walking with ~~her~~ hand
 telling me to come back then renzo walk into the place and
 I went behind him then he grabed her and put the gun to her
 head and told me to get in front of her unt. she ~~was~~ ^{was} ~~was~~ ^{was}
 up and I closed my ~~and~~ ^{and} I got scared ma I didn't ~~want~~ ^{want} to ~~do~~ ^{do}
 I'm sorry I said it was true because I was scared to ~~go~~ ^{go} to
 jail with renzo by myself I'm sorry ma. I ~~will~~ ^{will} ~~will~~ ^{will}
 come home ~~ma~~ ^{ma} I'll be good ma. I promise. I
 kiss you ma. I should never listen to renzo I just
 wanna ~~be~~ ^{be} with you people ~~help~~ ^{help} telling me
 I'm going to prison for a long time ~~for~~ ^{for} you ma. I
 just wanna come home real soon not no ~~more~~ ^{more} ma.

Love
 You

MAMA

Your Baby Boy
 Orenthos

1619

WITNESSES

(S) Matthew David McCoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602374

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000745

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

**THE STATE
vs.**

Lorenzo Bernard Young

**Indictment for
MURDER**

SC Code: 16-03-0010
CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

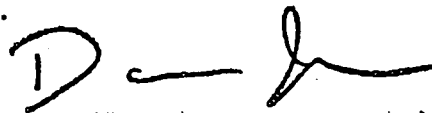
INDICTMENT

At a Court of General Sessions, convened on February 19, 2014,
the Grand Jurors of Richland County present upon their oath:

MURDER

That Lorenzo Bernard Young did in Richland County, on or about July 1, 2013, kill the victim, Kelly Hunnewell, with malice aforethought, either express or implied, by means of gunshot, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



DAN JOHNSON, SOLICITOR

162
ARREST WARRANT
2013A4021602374

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
City of Columbia

THE STATE 1320652
against

Lorenzo Bernard Young

Address: Rd.
Columbia, SC 29204-1513

Phone: SSN:
Sex: M Race: B Height: 5 7 Weight: 175

DL State: SC DL #:

DOB: Agency ORI #: 04001

Prosecuting Agency: Columbia Police Department

Prosecuting Officer: Matthew David McCoy - 22066

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN
A copy of this arrest warrant was delivered to
defendant **Lorenzo Bernard Young**
on **7-6-2013**

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
City of Columbia)

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant **Matthew David McCoy** who
being duly sworn deposes and says that defendant **Lorenzo Bernard Young**
did within this county and state on or about **7/1/2013** violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of **City of Columbia**)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on July 1, 2013, while at 93 Tommy Circle, in the City of Columbia/County of Richland, one Lorenzo Bernard Young did
commit the crime of Murder / Murder in that the defendant and two co-defendants killed the victim with malice aforethought, acting
in concert, two defendants entered the building unlawfully at that location armed with semi-auto handguns and with the intent to
commit an armed robbery therein. One defendant remained outside as a lookout. Two defendants approached the victim from behind
pointed handguns at her and confined her movements without authority of law by grabbing her wrist. The victim attempted to
protect herself and both defendants inside the building fired their handguns. The victim was struck once killing her. The defendants
then fled the scene. The incident was captured by surveillance cameras. Two co-defendants confessed and placed the defendant at
the scene and as one of the shooters.

Signature of Affiant

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
City of Columbia)

Affiant's Address **#1 Justice Square**
Columbia, SC 29201-
Affiant's Telephone **(803)545-3500**

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about **7/1/2013** defendant **Lorenzo Bernard Young**
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of **City of Columbia**) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on **7/6/2013**

[Signature] (L.S.)
Signature of Issuing Judge
Angela Ladson
Judge Code: **6846**

Judge's Address **City Of Columbia Municipal Court**
Columbia, SC 29202

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the indictment comes now the Defendant who was
TO:

In violation of §

of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45

The charge is:

☒ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

The plea is:

☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections for a determinate term of LIFE days/months/years of 16-03-0010 under the Youthful Offender Act not to exceed 100666 years and/or to pay a fine of \$ 17500; provided that upon the service of 16-03-0010 days/months/years and or payment of \$ 17500; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPSAttend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2985 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$47.12 (Public Def/Prob)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

\$90.7(SCCJA Surcharge)

3% to County (If paid in installments)

TOTAL

Clerk of Court/Deputy Clerk
Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2014

-GS-

40

745 ✓

ANW#:

2013 A402/602374

Date of Offense:

7-1-13

S.C. Code §:

16-03-0010

CDR Code #:

0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

1623

WITNESSES

(S) Matthew David McCoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602375

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000746

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

**THE STATE
vs.**

Lorenzo Bernard Young

**Indictment for
KIDNAPPING**

**SC Code: 16-03-0910
CDR Code: 0095**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

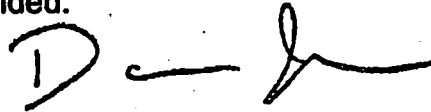
INDICTMENT

At a Court of General Sessions, convened on February 19, 2014,
the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Lorenzo Bernard Young did in Richland County on or about July 1, 2013, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Kelly Hunnewell, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

1625

ARREST WARRANT

2013A4021602375

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

THE STATE

1320852

against

Lorenzo Bernard Young

Address: Rd

Columbia, SC 29204-1513

Phone: SSN:

Sex: M Race: B Height: 5 7 Weight: 175

DL State: SC DL #:

DOB: 4 Agency ORI #: 04001

Prosecuting Agency: Columbia Police Department

Prosecuting Officer: Matthew David McCoy - 22066

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Lorenzo Bernard Young
on 7-6-2013

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 918Personally appeared before me the affiant Matthew David McCoy whobeing duly sworn deposes and says that defendant Lorenzo Bernard Youngdid within this county and state on or about 7/1/2013 violate the criminal laws of theState of South Carolina (or ordinance of ☐ County/ ☒ Municipality of City of Columbia)

in the following particulars:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on July 1, 2013, while at 93 Tommy Circle, in the City of Columbia/County of Richland, one Lorenzo Bernard Young did
commit the crime of Kidnapping/Kidnapping in that the defendant and two co-defendants killed the victim with malice aforethought,
acting in concert, two defendants entered the building unlawfully at that location armed with semi-auto handguns and with the intent
to commit an armed robbery therein. One defendant remained outside as a lookout. Two defendants approached the victim from
behind pointed handguns at her and confined her movements without authority of law by grabbing her wrist. The victim attempted
to protect herself and both defendants inside the building fired their handguns. The victim was struck once killing her. The
defendants then fled the scene. The incident was captured by surveillance cameras. Two co-defendants confessed and placed the
defendant at the scene and as one of the shooters.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

Affiant's Address #1 Justice Square

Columbia, SC 29201-

Affiant's Telephone (803)545-3500

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2013 defendant Lorenzo Bernard Young

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of City of Columbia) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 7/6/2013

Signature of Judge (L.S.)

Angela Ladson

Judge Code: 6846

Judge's Address City Of Columbia Municipal Court

Columbia, SC 29202

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO:

In violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of _____ days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$	
\$14-1-208 (Assessments 107.5%)	\$	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$47.12 (Public Def/Prob)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$
\$14-1-213 (Drug Court Surcharge)	\$100	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
\$90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	

Clerk of Court/Deputy Clerk
Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS(CSC w/minor 1st or Lewd Act)

Recommendation by the State.

Attorney for Defendant

County Detention Center,

under the Youthful Offender Act not to exceed _____ years

days/months/years and or payment

the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are

incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other:

SENTENCE VARIATED

Pursuant to 16-3-910

S.C. Code Ann.

☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge

Judge Code:

Sentence Date

1627

WITNESSES

(S) Matthew David McCoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602376

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000747

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

**THE STATE
vs.**

Lorenzo Bernard Young

**Indictment for
BURGLARY 2ND DEGREE (VIOLENT)**

**SC Code: 16-11-0312(B)
CDR Code: 0086**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on February 19, 2014,
the Grand Jurors of Richland County present upon their oath:

BURGLARY, SECOND DEGREE
(VIOLENT)

That Lorenzo Bernard Young did in Richland County on or about July 1, 2013, enter without consent and with the intent to commit a crime therein, a building of CAROLINA CAFE located at 93 Tommy Circle, and the defendant, Lorenzo Bernard Young, did enter the building in the nighttime, and/or did cause physical injury to any person who is not a participant, and/or is armed with a deadly weapon in the crime, and/or uses or threatens the use of a dangerous instrument, and/or displays what is or appears to be a pistol or other firearm in violation of Section 16-11-0312(B), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

1629

ARREST WARRANT

2013A4021602376

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

THE STATE

1320852

against

Lorenzo Bernard Young

Address: Rd

Columbia, SC 29204-1513

Phone: SSN:

Sex: M Race: B Height: 5 7 Weight: 175

DL State: SC DL #:

DOB: Agency ORI #: 04001

Prosecuting Agency: Columbia Police Department

Prosecuting Officer: Matthew David McCoy - 22066

Offense: Burglary / Burglary (Violent) (After 06/20/85) -
Second degree

Offense Code: 0086

Code/Ordinance Sec: 16-11-0312(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Lorenzo Bernard Young

on 7-6-2013

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

Personally appeared before me the affiant Matthew David McCoy who

being duly sworn deposes and says that defendant Lorenzo Bernard Young

did within this county and state on or about 7/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of City of Columbia)

In the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on July 1, 2013, while at 93 Tommy Circle, in the City of Columbia/County of Richland, one Lorenzo Bernard Young did commit the crime of Burglary Violent 2nd degree in that the defendant and two co-defendants killed the victim with malice aforethought, acting in concert, two defendants entered the building unlawfully at that location armed with semi-auto handguns and with the intent to commit an armed robbery therein. One defendant remained outside as a lookout. Two defendants approached the victim from behind pointed handguns at her and confined her movements without authority of law by grabbing her wrist. The victim attempted to protect herself and both defendants inside the building fired their handguns. The victim was struck once killing her. The defendants then fled the scene. The incident was captured by surveillance cameras. Two co-defendants confessed and placed the defendant at the scene and as one of the shooters.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

Affiant's Address #1 Justice Square
Columbia, SC 29201-

Affiant's Telephone (803)545-3500

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2013 defendant Lorenzo Bernard Young

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of City of Columbia) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 7/6/2013

Signature of Issuing Judge

Angela Ladson

Judge Code: 6846

Judge's Address City Of Columbia Municipal Court
Columbia, SC 29202

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

ORIGINAL

AFFIDAVIT

2013 JUL 22 PM 4:09
CLERK OF COURT
RICHLAND COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment, come now the Defendant who was
TO:In violation of § 16-1-2312(b) of the S.C. Code of Laws, bearing CDR Code # 0086☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentation to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 11500

Defendant

Attorney for Defendant

SC Bar # 100666

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2014 GS40745 + 749☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine: \$ _____
 §14-1-206 (Assessments 107.5%) \$ _____
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
 §56-5-2995 (DUI Assessment) \$12 \$ _____
 §56-1-288 (DUI Breath Test) \$25 \$ _____
 §47.12 (Public Def/Prob) \$500 \$ _____
 §14-1-212 (Law Enforce. Funding) \$25 \$ _____
 §14-1-213 (Drug Court Surcharge) \$100 \$ _____
 §50-21-114 (BUI Breath Test Fee) \$50 \$ _____
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 §90.7(SCCJA Surcharge) \$5 \$ _____
 3% to County (if paid in installments) \$ _____
 TOTAL \$ _____

Clerk of Court/Deputy Clerk
Court Reporter: Jeanette McBridge

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2014 -GS- 40 -747

AW#:

2013 A4021602376

Date of Offense:

S.C. Code §:

CDR Code #:

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

16-1-2312(b) of the S.C. Code of Laws, bearing CDR Code # 0086
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentation to Grand Jury.
 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST: [Signature] 11500 [Signature] [Signature] 100666
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2014 GS40745 + 749☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine: \$ _____
 §14-1-206 (Assessments 107.5%) \$ _____
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
 §56-5-2995 (DUI Assessment) \$12 \$ _____
 §56-1-288 (DUI Breath Test) \$25 \$ _____
 §47.12 (Public Def/Prob) \$500 \$ _____
 §14-1-212 (Law Enforce. Funding) \$25 \$ _____
 §14-1-213 (Drug Court Surcharge) \$100 \$ _____
 §50-21-114 (BUI Breath Test Fee) \$50 \$ _____
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 §90.7(SCCJA Surcharge) \$5 \$ _____
 3% to County (if paid in installments) \$ _____
 TOTAL \$ _____

Clerk of Court/Deputy Clerk
Court Reporter: Jeanette McBridgeObtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other:

NO CONTACT W/
VICTIM'S FAMILY☐ Appointed PD or appointed other counsel,
\$47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date

WITNESSES

(S) Matthew David Mccoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602378

ACTION OF GRAND JURY

TRUE BILL

K. D. Ulrich
Foreperson of Grand Jury
Date:

FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000749

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

**THE STATE
vs.**

Lorenzo Bernard Young

**Indictment for
ATTEMPTED ARMED ROBBERY**

**SC Code: 16-11-0330(B)
CDR Code: 0026**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on February 19, 2014,
the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Lorenzo Bernard Young did, along with co-defendants in Richland County on or about July 1, 2013, while armed with a deadly weapon, attempt to take and carry away the personal property from or in the immediate presence of Kelly Hunnewell with intent to deprive him/her of possession by use of force, threats, or intimidation, and/or while alleging, either by action or words, Lorenzo Bernard Young was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon in violation of Section 16-11-0330(B), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

1633
ARREST WARRANT
2013A4021602378
STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
City of Columbia

THE STATE 1320652
against
Lorenzo Bernard Young
Address: Rd
Columbia, SC 29204-1513

Phone: SSN:
Sex: M Race: B Height: 5 7 Weight: 175
DL State: SC DL #: 1
Agency ORI #: 04001

Prosecuting Agency: Columbia Police Department
Prosecuting Officer: Matthew David McCoey - 22066
Offense: Robbery / Attempted armed, or allegedly armed, robbery
Offense Code: 0026
Code/Ordinance Sec: 16-11-0330(B)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge
Date:

RETURN
A copy of this arrest warrant was delivered to
defendant Lorenzo Bernard Young
on 7-6-2013
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
City of Columbia
Personally appeared before me the affiant Matthew David McCoey
being duly sworn deposes and says that defendant Lorenzo Bernard Young
did within this county and state on or about 7/1/2013 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of City of Columbia)
in the following particulars:
DESCRIPTION OF OFFENSE: Robbery / Attempted armed, or allegedly armed, robbery

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on July 1, 2013, while at 93 Tommy Circle, in the City of Columbia/County of Richland, one Lorenzo Bernard Young did
commit the crime of Attempted Armed Robbery in that the defendant and two co-defendants killed the victim with malice
aforethought, acting in concert, two defendants entered the building unlawfully at that location armed with semi-auto handguns and
with the intent to commit an armed robbery therein. One defendant remained outside as a lookout. Two defendants approached the
victim from behind pointed handguns at her and confined her movements without authority of law by grabbing her wrist. The victim
attempted to protect herself and both defendants inside the building fired their handguns. The victim was struck once killing her.
The defendants then fled the scene. The incident was captured by surveillance cameras. Two co-defendants confessed and placed the
defendant at the scene and as one of the shooters.

Signature of Affiant
STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
City of Columbia
Affiant's Address #1 Justice Square
Columbia, SC 29201-
Affiant's Telephone (803)545-3500

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 7/1/2013 defendant Lorenzo Bernard Young
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of City of Columbia) as set forth below:
DESCRIPTION OF OFFENSE: Robbery / Attempted armed, or allegedly armed, robbery

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 7/6/2013
Signature of Issuing Judge
Angela Ladson
Judge Code: 6846
(L.S.)
Judge's Address City Of Columbia Municipal Court
Columbia, SC 29202
Judge's Telephone
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

AKA: Black
 Race: Black Sex: Male Age: 36
 DOB: 16-11-0330 (B)
 Address: 16-11-0330 (B)
 City, State, Zip: 16-11-0330 (B)
 DL# 16-11-0330 (B) SID# 16-11-0330 (B)

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment charges how the Defendant who was
 TO: Attempted Armed Robbery

In violation of § 16-11-0330 (B) of the S.C. Code of Laws, bearing CDR Code # 0024
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: 77500 Foreman 100666
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, _____
 for a determinate term of 20 years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment
 of \$ _____ plus costs and assessments as applicable*, the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2014 65 40 7480
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
 of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C. Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____
 §14-1-206 (Assessments 107.5%) \$ _____
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
 §56-5-2995 (DUI Assessment) \$12 \$ _____
 §56-1-286 (DUI Breath Test) \$25 \$ _____
 §47-12 (Public Def/Prob) \$500 \$ _____
 §14-1-212 (Law Enforce. Funding) \$25 \$ _____
 §14-1-213 (Drug Court Surcharge) \$100 \$ _____
 §50-21-114 (BUI Breath Test Fee) \$50 \$ _____
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 §90.7(SCCJA Surcharge) \$5 \$ _____
 3% to County (if paid in installments) \$ _____
 TOTAL \$ _____

Clerk of Court/Deputy Clerk: Jeannette M. Bide
 Court Reporter: Antrope

INDICTMENT/CASE#: 2014 GS- 40 749
 A/W#: 2013A4021602378
 Date of Offense: 7-1-13
 S.C. Code §: 16-11-0330 (B)
 CDR Code #: 0024

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____
 Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ Beginning _____
 \$ _____ Paid to Public Defender Fund

Other: _____

NO CONTACT WITH
VICTIM'S FAMILY

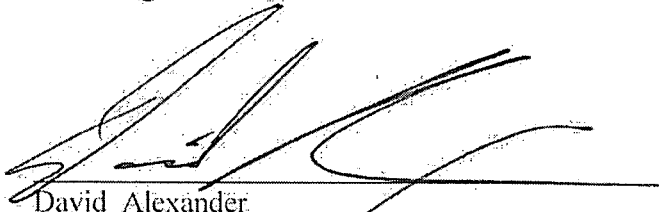
☐ Appointed PD or appointed other counsel,
 §47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge: Refford
 Judge Code: 2164
 Sentence Date: 11-19-14

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."

January 15th, 2016

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line.

David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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

January 15th, 2016



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

JAN 15 2016

SC Court of Appeals