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STATE OF SOUTH CAROLINA

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William H. Seals, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MAYHUE PETERSON,

APPELLANT

APPELLATE CASE NO. 2015-001359

RECORD ON APPEAL

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CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 standing right there with the gun pointed.

2 Q: So as soon as he says I'm hit, he just lays down?

3 A: Yeah. He was on his way laying down. He just didn't
4 fall. I helped him. I helped him lay down, and then a guy
5 had went behind me as I'm laying him down.. So I know that's
6 to be Marcus. I ran down -- I ran right behind --

7 Q: How do you know that's Marcus?

8 A: Because I've been knowing him. He say I don't remember
9 him, but he ran -- I remember the first guy -- he said he was
10 the first one to run. So he had to have been the first one to
11 go after I had come out. After he had went -- after -- excuse
12 me. When he went out, I was right after him. I went out
13 right after him.

14 Q: All right. And you were shot?

15 A: Yes.

16 Q: And did you have a gun when you left there?

17 A: I didn't have a gun when I went there.

18 Q: Did you have a gun when you left there?

19 A: No.

20 Q: All right. And when you were running away, would anybody
21 have seen a gun in your left hand?

22 A: I'm right-handed. Why would I put it in my left hand if
23 I had a gun?

24 Q: Okay. Would anybody have seen a gun in any hand of
25 yours?

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 A: No.

2 Q: Okay. After -- you said somebody came by you. You think

3 that was Marcus? And you --

4 A: No. Marcus had to leave out -- yeah. While I was

5 helping him down, he had come around me.

6 Q: Okay.

7 A: Yes.

8 Q: And you followed him?

9 A: Yes. I went -- I went down behind him.

10 Q: Okay.

11 A: He said --

12 Q: Let me just ask you another question. Did you hear more

13 gunshots after you were leaving?

14 A: Uh-huh.

15 Q: How many do you think you heard?

16 A: It could have three.

17 Q: Okay.

18 A: Maybe two or three, but I'm -- three.

19 Q: And that's after a few shots had been --

20 A: I heard those before I even get to the bottom of the

21 stairs.

22 Q: Okay. And do you -- do you see anybody else running out

23 of that apartment?

24 A: No.

25 Q: Okay. Now, you didn't notice where any of the other two

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 people or three people that were that apartment went? All you
2 know is that one guy came by you and you followed him out?
3 A: Yeah. I felt when he go -- when he came by and I just
4 ran. I ran out to him after I got up. After I helped this
5 man lay down at that door, I ran out. It seems the guy
6 standing right behind me when I get up is Reggie still
7 standing there with the gun pointed.
8 Q: Okay. After you ran out of there, did you run back to
9 the car?
10 A: Yes.
11 Q: And that's across the parking lot?
12 A: Uh-huh.
13 Q: All right. And did you go out by the road?
14 A: I went straight across. Like, you can see the road, but
15 it's straight across the parking lot..
16 Q: Okay. Did you go by the trees?
17 A: I didn't go that way. If I'd have went that way, I'd
18 have said I went that way. I don't see a big deal about that.
19 I didn't go that way. I went straight across.
20 Q: Okay. And that's what you said in your statement before;
21 right?
22 A: I went straight across the parking lot.
23 Q: Back to the car?
24 A: Yes.
25 Q: Was that your mama's car?

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

- 1 A: No.
- 2 Q: Please tell the jury if you know whose car it was and
3 what kind of car it was?
- 4 A: No. I think the one Reggie had was a smoker's car.
- 5 A: A what?
- 6 A: A smoker's car. It was a white truck. It wasn't -- my
7 mama drives a white pick-up. This was, like, a white Rodeo or
8 Explorer or something. It was a four-door truck. My mother
9 drives a two-door truck.
- 10 Q: Okay. What do you mean by a smoker's truck?
- 11 A: It's like -- smokers. People that smoke crack. You can
12 give them a little bit of crack and use their vehicle.
- 13 Q: All right.
- 14 A: We call them smoker's.
- 15 Q: Did -- were you driving?
- 16 A: No.
- 17 Q: Do you drive?
- 18 A: From time to time.
- 19 Q: Do you have a driver's license?
- 20 A: No. That's why my mother wouldn't let me drive her
21 truck.
- 22 Q: Okay. And you weren't driving that day?
- 23 A: No.
- 24 Q: In your statement before, you said that you got dropped
25 off at your mother's house?

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 A: Uh-huh. Yes.

2 Q: Is that still your statement today?

3 A: That's the truth.

4 Q: All right. And what did Reggie tell you about your
5 gunshot?

6 A: At that time after he dropped me off, he left. Maybe 35
7 or 45 minutes, he came back. He came back and he set at the
8 table with me and my mother. He's setting down counting
9 money. He gave it to me. He said do not go to the hospital.
10 Do not go to the hospital. Get your leg fixed, but do not go
11 to the hospital.

12 Q: Okay. So then you're saying there's 30 or 45 minutes and
13 he comes back and brings money?

14 A: Yes.

15 Q: And he tells you not to go to the hospital?

16 A: Yes.

17 Q: Okay. Did you take any money from that apartment?

18 A: No.

19 Q: Was there any time that you would have had to take any
20 money from that apartment?

21 A: I did not. After I laid -- helped this man lay down on
22 that floor, I ran out that apartment. I barely made it in
23 that apartment. We was at the door. We was at the door.

24 Q: And you never went any further?

25 A: I never went any further.

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 Q: Okay. All right. Did you know whether or not -- it's
2 your belief that Reggie shot -- who do you believe shot you?

3 A: Reggie.

4 Q: And -- and it was just like what you think? You got shot
5 the same time Mr. Luther got shot?

6 A: Yes.

7 Q: And -- and it all makes sense that it winds up in the
8 inside of your right leg?

9 A: Yes.

10 Q: All right. So at that time, you obviously knew that
11 Reginald was capable of killing somebody?

12 A: When it happened.

13 Q: Okay. Did you know he had a gun when he went there?

14 A: Not at that time, no.

15 Q: When did you first know he had a gun?

16 A: When I -- when I helped that man down and when I stand
17 up, he was right there still with the gun pointed.

18 Q: And he had already shot at that time?

19 A: Yes.

20 Q: Do you know if any other shots were going off?

21 A: Not at that time, but when we left. When I left and went
22 down the stairs.

23 Q: So you couldn't say who shot any other shots?

24 A: No. I mean but --

25 Q: Okay.

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 A: You know.

2 Q: All right. Now, you -- at first you didn't -- you
3 weren't truthful with the police about how you got injured
4 with your knee?

5 A: No. I lied to them.

6 Q: Why?

7 A: Nervous.

8 Q: Were you scared?

9 A: Mostly.

10 Q: Okay. Were you scared of Reginald?

11 A: It wasn't the fact of Reginald. It was just that my
12 family stay right around the corner from him and I -- I don't
13 want to take a chance.

14 Q: All right. You -- were you scared of retaliation if you
15 cooperated?

16 A: Yes.

17 Q: Okay. And so we know that you spent overnight in jail
18 thinking about it and then did you make contact with the
19 investigators the next day to tell them that you wanted to
20 talk to them again?

21 A: I think I did.

22 Q: All right. And so you made contact to talk to the
23 investigators the next day and that's when you gave your
24 story?

25 A: Yes.

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 Q: Your statement? And is it true?

2 A: Yes, it is.

3 Q: And has it changed any from what you've told here today?

4 A: No. The only thing I didn't -- I left -- I didn't put in
5 that statement was that the bullet went through him. What I
6 said was he got shot, I got shot.

7 Q: Uh-huh.

8 A: And I never -- what I -- I never said that he got shot
9 and then I got shot.

10 Q: Right.

11 A: I didn't say it was two more shots and then I got shot.

12 Q: All right.

13 A: I said he got shot, I got shot. I just didn't say that,
14 okay, the bullet went through him and hit me.

15 Q: Well -- and I mean that's really a theory of yours;
16 right? I mean you can't say that for sure, can you?

17 A: I can.

18 Q: Or it just makes sense?

19 A: Can you answer the question for me, please?

20 Q: Well, I mean if you'd answer the question. I mean that's
21 what you believe happened?

22 A: I know that's what happened.

23 Q: Okay. Because -- and is that because he said it and you
24 felt it?

25 A: Yes.

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 Q: Okay. All right. If you had planned an armed robbery
2 that evening, would you have worn a facemask?

3 A: If I would have, yes.

4 Q: You didn't go there planning to do -- commit any crime?

5 A: The only crime I was going to commit was going there to
6 get drugs.

7 Q: Okay. And you said that you were going there to try to
8 work that situation out?

9 A: That's what he was going to do, yes.

10 Q: Okay. Is there anything else you want to say?

11 A: To you?

12 Q: I mean is there anything else about what happened that
13 you want to say?

14 A: That's pretty much it.

15 Q: All right.

16 A: I told you I never changed my story.

17 Q: Okay. And are you telling the truth?

18 A: Yes, I am.

19 Q: Were you telling the truth then?

20 A: Yes, I was.

21 Q: And are you telling the truth now?

22 A: Yes, I am.

23 Q: And it's your decision to testify here today?

24 A: Yes, it is.

25 Q: And -- okay. And that's for the purpose of telling the

CHRISTOPHER PETERSON - DIRECT BY MR. DEBERRY

1 truth?

2 A: It's the purpose of -- because if it was me, I would want
3 my mother to know what happened to me.

4 Q: Okay. Thank you very much.

5 THE COURT: Solicitor?

6 CROSS-EXAMINATION

7 BY MR. TUCKER:

8 Q: Mr. Peterson, I'll try to be brief. Now, Mr. Deberry
9 just asked you if you never changed your story and you said
10 never; correct?

11 A: I ain't changed my story.

12 Q: Well, let me focus on when you gave a statement to
13 investigators McFadden and Collins on April the 10th, 2013. Do
14 you recall that?

15 A: Yeah. That was the lie I told.

16 Q: Well, here's my point. We'll get to that in the second,
17 but let's just start by answering my questions. Okay? All
18 right. Now, you met with investigators McFadden and Collins
19 on April the 10th, 2013, did you not?

20 A: That's true.

21 Q: Now, at this point, you certainly knew they were wanting
22 to talk to you about what had happened on January the 6th over
23 at Brittany Place Apartments, did you not?

24 A: That's true.

25 Q: Now, when you're talking to them, this is your

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 opportunity, your first best opportunity, to tell them all
2 that you knew about what happened over there, wasn't it?

3 A: That's true.

4 Q: Now, when they asked you about what went on over there,
5 you told them that you didn't have any idea about what went on
6 over there; correct?

7 A: That's true.

8 Q: Now, Investigator McFadden looked at you and said, Buck,
9 tell me about what's going on with that knee? And you told
10 him what?

11 A: Rebar.

12 Q: Not only that it was rebar that did it, but that you did
13 it while working at Nucor Steel, did you not?

14 A: Yes, I did.

15 Q: And the interview pretty much ended; right?

16 A: Yes, sir.

17 Q: Now, at that point while you're there talking to law
18 enforcement, did you mention one time -- one time about being
19 afraid that Reginald Johnson was going to go over and somehow
20 threaten your mama if you talked?

21 A: We did talk about that.

22 Q: You talked on April the 10th, 2013, about that?

23 A: Yes, we did.

24 Q: Well, Investigator McFadden didn't recall that. Is there
25 any reason why he would forget something like that?

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 A: Because they want it to seem like they got the wrong
2 person.

3 Q: I see. So it's Investigator McFadden not being truthful?
4 Is that what you're saying?

5 A: Yes.

6 Q: Okay. Well, let's move it up a day. Now, you're back in
7 the back; correct?

8 A: Yes.

9 Q: You make an effort to contact Investigator McFadden and
10 Investigator Collins; correct?

11 A: Correct.

12 Q: All right. Now, these are the same two people that are
13 wanting to just put somebody away for this?

14 A: Uh-huh.

15 Q: Correct?

16 A: That's true.

17 Q: And they had the wrong fellow; right?

18 A: Yes, they did.

19 Q: All right. So now when you come back on April the 11th,
20 you come back around there?

21 A: Uh-huh.

22 Q: There's a conversation. And the jury saw your statement.
23 It was taped, was it not?

24 A: That's true.

25 Q: And you were here present when we played it for the jury;

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 correct?

2 A: Correct.

3 Q: Now, at this time -- at this time, you say what? You
4 told Investigator McFadden and, in fact, Investigator McFadden
5 was joking with you and said, Buck, you knew we were going to
6 check that Nucor story.

7 A: Uh-huh.

8 Q: You knew that we would find out that not only did you not
9 work at Nucor, but that you didn't get injured at Nucor.

10 A: Uh-huh.

11 Q: Isn't that correct?

12 A: That's correct.

13 Q: All right. And so you said that you wanted to come
14 around here and get right with it; right?

15 A: Yes.

16 Q: And there was a colorful little phrase that you
17 mentioned. Let me see if I can recall it. Give me a second.
18 Ah. What was it? I got to get myself out of this.

19 A: Uh-huh.

20 Q: Isn't that what you told them?

21 A: That's true.

22 Q: Now, at that point, did you mention anything about being
23 afraid of Reginald Johnson to the point where you thought that
24 he would go harm your mother?

25 A: No, I didn't.

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 Q: You didn't mention anything about that, did you?

2 A: No, I didn't.

3 Q: Okay. Now -- and you didn't mention anything in terms of
4 being scared or in general about Reginald Johnson harming you,
5 did you?

6 A: Not at that time, I didn't.

7 Q: Okay. Now, this is, again, your first next best
8 opportunity. So when we say you didn't change your story,
9 that's not quite correct. April the 10th you didn't know
10 anything about what happened. Now, April the 11th, you're all
11 talking.

12 A: Yes.

13 Q: You're ready to do what you need to do; correct?

14 A: Correct.

15 Q: All right. Now, when you're telling law enforcement
16 about what happened there, you indicated that Reginald Johnson
17 called you and he wanted you to go with him over to Luther
18 Lisbon's; correct?

19 A: Correct. Now, you also indicated that you were aware
20 kind of sort of about the situation between Gangster Fred, who
21 is -- and you call him -- his name is Fred?

22 A: Yes.

23 Q: Would it surprise you to know that he's actually -- his
24 name is Gregory Johnson?

25 A: Yes.

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 Q: All right. So when you said his name is Fred, that's not
2 quite correct, is it?

3 A: That's correct.

4 Q: And you know these folks, don't you?

5 A: Yes.

6 Q: Aren't you friends with Reginald Johnson and his brother?

7 A: We're all right.

8 Q: Okay. But you didn't know his first name?

9 A: Well, I know it. If I'm used to calling you by Big Papa,
10 I'm going to call you Big Papa instead of Todd Tucker.

11 Q: Well, in fact, that is my nickname, but we'll get to that
12 a little bit later. But on this particular day when you're
13 talking about what's going on over there, Reginald Johnson
14 talks to you about going over and talking to Luther Lisbon and
15 you are aware of the situation between Gangster Fred,
16 Reginald's brother, and Luther Lisbon?

17 A: Uh-huh.

18 Q: Okay. And he tells you that he wants you to go over
19 there. You testified and you certainly told law enforcement,
20 yeah, I didn't know what was going on. I just was kind of
21 going along for the ride, but I thought it had something to do
22 with the drugs. And you just testified you thought you were
23 going over there to kind of facilitate a drug deal; correct?

24 A: True.

25 Q: Well -- and you certainly seem to know a lot about the

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 jargon. You said a smoker's vehicle. You said that was
2 somebody who trades a car for crack and you use it for a
3 couple of days and things like that. So you know all about
4 what's going on in the drug business; correct?

5 A: Yes.

6 Q: All right. So when you go over there, no doubt you were
7 with Reginald Johnson?

8 (WHEREUPON, witness nods head up and down.)

9 Q: Correct?

10 A: Correct.

11 Q: I need you to answer so she can hear you. Now, was there
12 anybody else in the car with you?

13 A: No, sir.

14 Q: Now, you didn't testify that you saw Reginald Johnson
15 talk to Gangster Fred right before you go over there; correct?

16 A: No. I never said that.

17 Q: All right. So as far as you knew, there was no
18 conversation between Reginald Johnson and his brother;
19 correct?

20 A: I didn't --

21 Q: You didn't witness it, did you?

22 A: I didn't witness it.

23 Q: Okay. Now, when you go over there, you indicated that
24 you walk up, you park a couple of buildings down because
25 that's kind of how you do it in the drug business?

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

- 1 A: Yeah.
- 2 Q: You park a way away and then you walk on down. Why is
- 3 that? Is it because you don't want somebody to see you walk
- 4 up there?
- 5 A: No, it ain't that. It's more for the -- for the -- for
- 6 the person you're going to get the drugs from.
- 7 Q: Oh, I understand.
- 8 A: You don't want his house to be hot.
- 9 Q: When you say hot, what do you mean?
- 10 A: A lot of -- a lot of traffic in and out.
- 11 Q: I gotcha. So you don't want to be seen coming or you
- 12 don't want to be seen going?
- 13 A: Yes.
- 14 Q: Would that be fair to say?
- 15 A: True.
- 16 Q: All right. Now, how were you dressed?
- 17 A: In black.
- 18 Q: All right. Now, in the interview that we saw and you
- 19 testified you were wearing a hoodie; correct?
- 20 A: Yes, sir.
- 21 Q: Now, you indicated that you go upstairs to what turned
- 22 out to be Luther Lisbon's apartment?
- 23 A: True.
- 24 Q: Now, you've got the hoodie up; correct?
- 25 A: Yes.

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 Q: Now, it's not raining there under that veranda right in
2 front of his apartment; correct?

3 A: True.

4 Q: All right. But you've still got the hoodie up?

5 A: Yes.

6 Q: Now, these are folks that you don't know?

7 A: Uh-huh.

8 Q: And why are you knocking on the door and not Reginald?

9 A: I think I explained that, but I will if I didn't. I'll
10 explain it to you.

11 Q: Please do.

12 A: He asked me to knock on the door because if the guy would
13 have saw him, he probably wouldn't have talked to him.

14 Q: Wouldn't have talked to him?

15 A: Yes.

16 Q: I understand. But he didn't know you at all?

17 A: No.

18 Q: So you thought he would talk to you more than someone he
19 did know?

20 A: Not talk to me at all.

21 Q: Okay. All right. So you've got the hoodie up and your
22 testimony is here and as it was when you talked to law
23 enforcement on April the 11th that when the door opened up, I
24 had the hoodie on and we just started fighting. There was a
25 struggle right away?

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 A: It was -- it -- it seemed like -- it seemed like
2 probably, like, a couple seconds after I got in there.

3 Q: I understand. But there were no words exchanged between
4 you and that person --

5 A: No.

6 Q: -- who opened the door; correct?

7 A: No.

8 Q: Now, it seems to me -- correct me if I'm wrong, but if
9 you're there facilitating a drug deal, there would have been
10 some sort of an exchange like hey, my name is Buck. I'm here
11 to buy drugs?

12 A: No.

13 Q: There was no conversation whatsoever --

14 A: You don't do it like that.

15 Q: -- because you started talking -- or you all started
16 fighting right away; correct?

17 A: You wouldn't do it like that anyway.

18 Q: But there would be some exchange, wouldn't there?
19 Verbally?

20 A: There would have been an exchange, but not with me.

21 Q: Well, you were the only one standing in front of the door
22 at the time --

23 A: Yes.

24 Q: -- when it opened up?

25 A: But I'm not here to get any drugs.

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 Q: Okay.

2 A: I'm just here with him.

3 Q: Well, I understand, but you are the one that's standing
4 right there with the hoodie up when that door opens up?

5 A: Yeah.

6 Q: You were the one that knocks on the door; correct?

7 A: Yes.

8 Q: All right. But there was an immediate struggle?

9 A: Yes. A couple seconds.

10 Q: Now -- and your testimony was and what you told law
11 enforcement on the 11th that, as the struggle took place, you
12 heard a shot kind of come from behind you?

13 A: Yes.

14 Q: Pow. And then you kind of felt the person get shot and
15 then somehow you got shot in the leg; correct?

16 A: Not on their first shot, no.

17 Q: Not on the first shot?

18 A: No.

19 Q: Okay. Now, you also testified that you never went into
20 the apartment, you never had a gun, you had the hoodie up, and
21 now this is going on and somehow after this all chaos kind of
22 breaks loose; correct?

23 A: Correct.

24 Q: All right. Now, people are running out?

25 A: True.

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

- 1 Q: Correct? And you said -- now -- and I want to make sure
2 I get this right because I was so moved when you said it.
3 When he goes down -- this fellow goes down and you kind of
4 cradle his head and you kind of ease him to the ground because
5 you want to kind of help him out; correct?
- 6 A: I didn't cradle his head.
- 7 A: But you kind of eased him down?
- 8 A: I helped him down.
- 9 Q: Why did you do that?
- 10 A: Why?
- 11 Q: Why?
- 12 A: I mean if you just seen what happened -- I'm not here to
13 hurt no one.
- 14 Q: Right.
- 15 A: But so this guy that's hurt now.
- 16 Q: I understand.
- 17 A: So I'm supposed to just let him drop?
- 18 Q: And you wanted to kind of help him out?
- 19 A: I did.
- 20 Q: Okay. You did help him out. Now, after this takes place
21 and you take off, did you stop to call 9-1-1 to say, hey, this
22 guy's hurt upstairs. Somebody get an ambulance?
- 23 A: No.
- 24 Q: No?
- 25 A: No, I didn't.

CHRISTOPHER PETERSON - CROSS BY MR. TUCKER

1 Q: That would have been helping him out, wouldn't it?

2 A: That would have been.

3 Q: It would have been, but you didn't do that?

4 A: I didn't do that.

5 Q: Now, did you get further up the drive and say, hey,
6 somebody call police. This guy's badly hurt up there. You
7 didn't do that either, did you?

8 A: No.

9 Q: Now, when this all happens, you talk about you and Reggie
10 took off. You've got a bullet wound in your knee.

11 A: Yes.

12 Q: And you're making it around to this car that's parked
13 over there. Now, you didn't run all the way up Brittany and
14 around Stanley and around West Palmetto Street, did you?

15 A: No.

16 Q: All right. Now, at this point and prior to that, the
17 only two people that were involved in this thing were you and
18 Reginald Johnson; correct?

19 A: Correct.

20 Q: There was no third person that rode over there with you.
21 There was no third person there when that door opened up with
22 you two; correct?

23 A: Correct.

24 Q: There was no third person that kind of joined in when
25 y'all ran away and said, hey, I think I'll just jog along

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1 behind you; correct?

2 A: I can't say who was already running.

3 Q: Well, you didn't see anybody other than Reginald Johnson
4 out there with you, did you?

5 A: I didn't see Reginald run.

6 Q: Well, when you got back to the car, was there a third
7 person there?

8 A: No.

9 Q: Okay. Now, as you leave away from there, you go to your
10 mom's; correct?

11 A: True.

12 Q: Now -- and here's another thing. You mentioned that
13 Reginald is kind of confused because when -- you were here
14 when Reginald testified earlier, weren't you?

15 A: I was.

16 Q: Okay. Now, Reginald said that he drove over. He rode
17 with you. He goes over. He gets out and leaves your mom's
18 car there and he walks home; correct?

19 A: That's what he said.

20 Q: That's what he said. Now, you testified a little while
21 ago that Reggie actually kind of lives close to your mom.
22 That's one of the reasons you were scared that he would come
23 over and retaliate; correct?

24 A: Correct.

25 Q: So, in fact, Reggie does live close enough to have walked

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1 there --

2 A: But he didn't.

3 Q: -- from your house; correct?

4 A: Yes, he did, but he didn't.

5 Q: I understand. But he is close enough to have done that?

6 A: Yeah, he could have, but he didn't.

7 Q: I understand. Now, at this point, you've got a bullet
8 wound in your leg, and Mr. Deberry asked you about whether you
9 were scared. Well, I didn't know Reggie was kind of capable
10 of that kind of thing, but after that, I knew he was armed and
11 now I know he's capable of it. Is that your testimony?

12 A: Yes, sir.

13 Q: Now, at this point -- and again, I'm a little confused.
14 I want to make sure I get it correct.

15 A: Uh-huh.

16 Q: You said 30 minutes later Reggie -- when y'all get there,
17 Reggie leaves and he comes back 30 minutes later. He's at the
18 table talking to you and he's talking to your mother; correct?

19 A: My mother was at the table.

20 Q: And he comes in and he counts out money and he looks at
21 you and says?

22 A: He said don't --

23 Q: Don't go to the hospital?

24 A: Get your leg fixed, but don't go to the hospital.

25 Q: Okay. Well, if you didn't go to the hospital to get your

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- 1 leg fixed, what do you think he meant? He didn't want you to
2 go to a veterinarian, did he?
- 3 A: Wrap it up. Man up. Wrap it up.
- 4 Q: Man up and wrap it up?
- 5 A: Basically.
- 6 Q: I gotcha. Now, at this point in that 30 minutes that
7 Reggie's left, you could have called law enforcement and said,
8 hey, let me tell you I was over with Reginald Johnson at that
9 place. There was a bad shooting and I want to tell you all I
10 know about this because that man is flat crazy. You could
11 have done that?
- 12 A: He could have too.
- 13 Q: You could have done that too, couldn't you?
- 14 A: Yes, I could have.
- 15 Q: Did you do it?
- 16 A: No, I didn't.
- 17 Q: Now, you could have been at that table after Reggie left,
18 you could have looked at your mom and said, Mom, get me to the
19 hospital. You didn't do that?
- 20 A: I could have, but I wouldn't -- I wouldn't put my mother
21 in that kind of situation.
- 22 Q: All right. You could have called anybody. You could
23 have called a taxi to come get you, couldn't you?
- 24 A: I could have.
- 25 Q: You could have called an ambulance to come get you and

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1 said, hey, come over here and get me. I've been shot in the
2 leg. Get me to the hospital.

3 A: I could have.

4 Q: You could have, but you didn't; is that right?

5 A: I didn't.

6 Q: Now, bullet wound in the leg, that's a pretty serious
7 deal I would imagine, and I think you told Thomas McFadden in
8 your interview with law enforcement on the 11th it kind of
9 burned and, in fact, it kind of got hot. You were taking
10 antibiotics for it --

11 A: Uh-huh. Yes.

12 Q: -- because you were getting an infection, weren't you?
13 That's normally why people take antibiotics.

14 A: I didn't get one.

15 Q: I'm sorry?

16 A: I didn't get an infection.

17 Q: But you were taking antibiotics, weren't you?

18 A: So I didn't get an infection.

19 Q: So you didn't get an infection? So you were concerned
20 about getting one?

21 A: No. I was all right.

22 Q: With a bullet wound in your leg and taking antibiotics,
23 self-treating no less, you were okay?

24 A: Uh-huh.

25 Q: And so you endure that rather than call law enforcement

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1 or call or go to the hospital and say -- just make up a story
2 about it?

3 A: I endured that so my family wouldn't be in no -- in no
4 chaos.

5 Q: You did it because you didn't want to attract attention
6 to you.

7 A: I didn't --

8 Q: You didn't want law enforcement talking to you. You
9 didn't want people at the hospital calling law enforcement and
10 saying, hey, there's a guy over here with a gunshot wound to
11 his leg?

12 A: All that would have come into play and then my mother and
13 them still would've been in danger.

14 Q: From whom?

15 A: From whom?

16 Q: Yes.

17 A: Gangster Fred and his family.

18 Q: Well, you could have talked to law enforcement at that
19 point had you gone to the hospital and they could have come
20 and talked to you. You could have said, hey, go over and look
21 after mom, but you didn't?

22 A: It's not that easy. You know that.

23 Q: Well, but you didn't, did you?

24 A: Yes.

25 Q: You didn't call law enforcement, you didn't go to the

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1 hospital; correct?

2 A: No, I didn't.

3 Q: All right. Now, again, I want to make sure I'm
4 absolutely crystal clear.

5 A: Uh-huh.

6 Q: Now, Mr. Deberry made this big thing about Reggie kind of
7 helping himself out. Now, on the 11th when you're there and
8 you've been busted in a lie, Nucor up in smoke. They've
9 already kicked that stool out from underneath you. That rebar
10 thing to the leg, they kicked that out from underneath you;
11 correct?

12 A: Yes.

13 Q: They kicked the fact out from underneath you that you had
14 nothing to do with anything. Now, on the 11th, you're ready to
15 come clean?

16 A: Yes.

17 Q: And you did this because you wanted to -- well, I've got
18 to get myself out of this; correct?

19 A: Yes.

20 A: So -- and as you sit here today, that's what you're
21 trying to do, isn't it?

22 A: No. After --

23 Q: You've got to get yourself out of this, don't you?

24 A: I actually -- y'all -- I still -- after I talked to them
25 again and -- and your supervisor.

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1 Q: And to get yourself out of this. You didn't mind
2 throwing Reggie under the bus as long as it was benefiting
3 you, did you?

4 A: I passed your polygraph test.

5 MR. TUCKER: Your Honor, I would ask for the jury to be
6 excused at this point.

7 THE COURT: All right. Members of the jury, if you
8 would, step into the jury room.

9 (WHEREUPON, the jury exited the courtroom at 4:00 p.m.)

10 MR. TUCKER: And, Judge, the reason I asked for the jury
11 to be excused, this is a blatant attempt for him to get in
12 that which you know is inadmissible. A reference to the
13 polygraph and passed it certainly to this jury indicates that
14 he's telling the truth.

15 And again, I don't know of any recourse but to ask for a
16 mistrial at this point because I think that jury has been
17 tainted. Now, in the least, I would ask for a curative
18 instruction that they are to hold or pay no attention to that
19 whatsoever and I would ask you to admonish Mr. Peterson to not
20 mention it again.

21 THE COURT: I'll tell you what now. You've got to keep
22 in mind you were riding him like a -- like a horse from here
23 to hell and back.

24 MR. TUCKER: Well, Your Honor, this is cross-examination.

25 THE COURT: You were riding him hard and you asked the

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1 question and you got it.

2 MR. TUCKER: Well, I asked him about --

3 THE COURT: And I'll tell the --

4 MR. TUCKER: He brought up the polygraph. I made no
5 allusion or reference.

6 THE COURT: See, you're doing the same thing with me
7 right now. Calm down a little bit.

8 MR. TUCKER: I understand.

9 THE COURT: It'll be all right. Let's bring the jury
10 back out here and I'll give them a curative instruction and
11 we'll just tell them to disregard it. It has nothing to do
12 with this trial and they don't need to consider it in any form
13 or fashion. And we'll continue and just relax a little bit.
14 You can ask your questions.

15 MR. TUCKER: Yes, sir.

16 THE COURT: Give him time to answer and we'll go as long
17 as you need to go. All right. Go ahead and bring out the
18 jury.

19 THE BAILIFF: It'll be just a minute.

20 THE COURT: Okay. And do not mention polygraph again.

21 THE DEFENDANT: Yes, sir.

22 THE BAILIFF: Are you ready for them, Judge?

23 THE COURT: I am.

24 (WHEREUPON, the jury entered the courtroom at 4:03 p.m.)

25 THE COURT: All right. Members of the jury, the

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1 statement about a polygraph has nothing to do with this trial.
2 You are not to consider it in any form or fashion. You are
3 not to discuss it. You just forget that statement and let's
4 move on with what we have. Yes, sir?

5 CONTINUED CROSS-EXAMINATION

6 BY MR. TUCKER:

7 Q: Mr. Peterson, I have just a few questions. Is it your
8 testimony that you were with Reginald Johnson when you went to
9 Gangster -- or to Luther Lisbon's apartment on January the 6th,
10 2013?

11 A: Yes, sir.

12 Q: Is it your testimony that you are -- were wearing a dark
13 hoodie when you knocked on the door?

14 A: Yes.

15 Q: Is it your testimony that you were the one standing in
16 front of the door when the door opened?

17 A: Yes.

18 Q: Is it your testimony that you struggled with the fellow
19 who opened the door?

20 A: Yes.

21 Q: Thank you.

22 MR. TUCKER: I don't believe I have any additional
23 questions.

24 THE COURT: Redirect?

25 MR. DEBERRY: No further questions, Your Honor.

1 THE COURT: All right. You may step down. If you'll
2 call your next witness?

3 MR. DEBERRY: Your Honor, at this time, the defense
4 rests.

5 THE COURT: All right. Members of the jury, I'm going to
6 excuse you for the day. If you would, be back at eleven and
7 we're going to complete it all. We're going to be done
8 tomorrow unless something happens. We do not plan on being
9 back Friday.

10 Do not research the case. Do not discuss the case. Just
11 go home and relax and be back and ready to go at eleven.
12 Everybody else in the courtroom remain seated while the jury
13 is excused.

14 (WHEREUPON, the jury exited the courtroom at 4:05 p.m.)

15 THE COURT: Is that door closed? Is it closed?

16 THE DEPUTY: Yes, sir.

17 THE COURT: All right. Motions?

18 MR. DEBERRY: Your Honor, at this time, I'd just like to
19 renew any and all objections and motions prior -- made prior
20 by myself during this trial, and also renew my motion for a
21 directed verdict based on my earlier argument.

22 THE COURT: All right. I'm going to deny those motions.
23 Anything from the State?

24 MR. TUCKER: Nothing from the State, Your Honor.

25 THE COURT: All right. As soon as you get out of your

1 meeting, just come on up. That way if we do have something we
2 have to discuss or do, we'll do it before the jury.
3 Hopefully, we can start at eleven. All right. See you back
4 in the morning.

5 (WHEREUPON, the proceedings adjourned for the day at 4:06
6 p.m.)

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8 (WHEREUPON, the proceedings resumed at 11:02 a.m.)

9 THE COURT: All right. One last time for the record, any
10 objections to the charge or the verdict form?

11 MR. TUCKER: No, Your Honor.

12 THE COURT: Defense?

13 MR. DEBERRY: No, Your Honor.

14 THE COURT: Any objections to me charging the jury first?

15 MR. TUCKER: No, Your Honor.

16 MR. DEBERRY: No, Your Honor.

17 THE COURT: All right. Sounds good. Everybody ready to
18 go?

19 MR. TUCKER: The State is ready, Your Honor.

20 THE COURT: For the most part, are you ready?

21 MR. DEBERRY: Yes, sir.

22 THE COURT: Okay. All right. Let me go ahead and clean
23 this mess up here.

24 (WHEREUPON, there was a pause in the proceedings.)

25 THE COURT: Go ahead and bring out the jury.

1 (WHEREUPON, the jury entered the courtroom at 11:03 a.m.)
2 CHARGE ON THE LAW
3 THE COURT: All right. Members of the jury, it is now my
4 duty to instruct you on the law applicable to this case and,
5 after doing so, the lawyers will give their closing
6 statements. It is your duty as jurors to accept and apply the
7 law as I now state it to you.
8 Furthermore, it is your exclusive duty to decide all the
9 issues of fact in this case, and to determine the effect,
10 value, weight, and truth of the evidence. Both the State and
11 the defendant have the right to expect that you will carefully
12 consider and evaluate the evidence and apply the law of this
13 case to it, so that in the end, both the State of South
14 Carolina and the defendant will have received a fair and
15 impartial trial.
16 I want you to further understand that when I use the word
17 defendant, I refer to Christopher Peterson. In this case, the
18 State of South Carolina charges the defendant with the
19 offenses known as murder, attempted murder, possession of a
20 weapon during a violent crime, conspiracy, and armed robbery.
21 To these charges, the defendant has entered a plea of not
22 guilty. These pleas of not guilty places the burden of proof
23 on the State to prove the guilt of the defendant to you beyond
24 a reasonable doubt.
25 It is vital to understand that the defendant is presumed

1 under the law to be innocent of the charges. It is a
2 fundamental rule of our law that a defendant, regardless of
3 the seriousness of the charges against him, is always presumed
4 innocent of the crimes for which he is charged, unless and
5 until his guilt has been proven by evidence that satisfies you
6 beyond a reasonable doubt.

7 The presumption of innocence is not a mere legal theory
8 or legal phrase. The presumption of innocence is very
9 important and you need to understand that this presumption
10 accompanies the defendant from the time of his arrest and
11 appearance in this court, and continues with the defendant
12 even after you retire to the jury room to deliberate. In
13 other words, the defendant receives the benefit of the
14 presumption of innocence until the very end of this trial,
15 when you, the jury, will deliberate upon the evidence and
16 decide whether the State has proved his guilt on each and
17 every charge beyond a reasonable doubt.

18 During this trial, you and I have separate duties to
19 perform. As the trial judge, it is my responsibility to
20 preside over this trial. Therefore, I have the duty to rule
21 upon the admissibility of the evidence offered during the
22 trial. In that regard, you are to consider only the evidence
23 before you. Thus you are to consider only the testimony which
24 has been presented from this witness stand, together with any
25 exhibits, if any, admitted into the record of this case.

1 Furthermore, I have the additional duty to charge you on
2 the law applicable to this case and, in that regard, it is
3 your duty to accept and apply the law as I now state it to
4 you. If you have any preconceived ideas as to what you think
5 the law is or what the law ought to be, and it does not agree
6 with what I tell you the law is, then you are obligated under
7 your oath to abandon these preconceptions and accept the law
8 as I now state it to you.

9 In this trial, you are the sole and exclusive judge of
10 the facts, and I am the judge of the law. Do not infer that I
11 have any opinion about the facts in this case from anything I
12 have said during the course of this trial. In this regard, the
13 law simply does not permit me to have an opinion about the
14 facts. As jurors, it is your duty alone to determine the
15 effect, value, weight, and truth of the evidence presented
16 during the course of this trial.

17 Furthermore, it is your job as jurors to determine the
18 credibility and believability of the witnesses who have
19 testified in this case. You must evaluate the evidence and
20 determine which evidence convinces you of its truth.

21 In believing -- in determining the believability of
22 witnesses who have testified in this trial, you may believe
23 one witness over many or many over one. You may believe a
24 part of the testimony of a witness and reject the remaining
25 part. You may believe the testimony of a witness in its

1 entirety or reject it in full. You may consider whether the
2 witness has an interest in the result of the trial, whether
3 the witness is prejudiced toward either party, the opportunity
4 for the witness to have seen the matters and things about
5 which the witness may testify, and the way the witness acts on
6 the witness stand.

7 Proof beyond a reasonable doubt is proof that leaves you
8 firmly convinced of the defendant's guilt. There are few
9 things in this world that we know with absolute certainty, so
10 even in criminal cases the law does not require proof that
11 overcomes every possible doubt. However, if, based on your
12 consideration of the evidence, you are firmly convinced that
13 the defendant is guilty of the crimes charged, you must find
14 him guilty. If on the other hand, you think there is a real
15 possibility that he is not guilty, you must give him the
16 benefit of the doubt and find him not guilty.

17 Please understand that reasonable doubt may arise from
18 the evidence which has been presented in the case or from the
19 lack of evidence in the case. It is your responsibility to
20 determine whether or not reasonable doubt exists as to the
21 guilt of this defendant on each and every charge.

22 I charge you that the defendant is entitled to every
23 reasonable doubt arising in the whole case. If, upon any
24 issues of fact essential to conviction and a verdict of guilty
25 you have a reasonable doubt as to how that issue should be

1 resolved, it would be your duty to resolve that reasonable
2 doubt in favor of the defendant.

3 Thus, in summary, it is important to understand that a
4 defendant is not required to prove his innocence. Instead,
5 the State is required by law to prove every essential element
6 of the charges against the defendant by evidence which
7 satisfies you of his guilt beyond a reasonable doubt. Only
8 then can you convict the defendant and find him guilty.

9 Evidence may be direct or circumstantial. Direct
10 evidence is testimony by a witness about what the witness
11 personally saw or heard or did. Circumstantial evidence is
12 indirect evidence. That is, it is proof of one or more facts
13 from which one can find another fact. You are to consider
14 both direct and circumstantial evidence. The law permits you
15 to give equal weight to both, but it is for you to decide how
16 much weight to give to any evidence.

17 Furthermore, the rules of evidence ordinarily do not
18 permit witnesses to testify regarding opinions or conclusions.
19 An exception to this rule exists for witnesses we call expert
20 witnesses. A witness who by education and experience has
21 become an expert in some art, science or profession may give
22 an opinion as to the subject the witness claims to be an
23 expert in and may also give the reasons for the opinion.

24 You should consider any expert opinion given by a witness
25 and, like any other evidence, give it the weight you think it

1 deserves. If you decide that an expert witness' opinion is
2 not based on sufficient education and experience or if you
3 decide that the reasons given in support of the opinion are
4 not sound or that the opinion is outweighed by other evidence,
5 you may disregard the opinion entirely.

6 An expert witness' testimony is to be given no greater
7 weight than that of any other witness simply because the
8 witness is an expert, and you do not have to accept an
9 expert's opinion even though it is uncontradicted.

10 In exercising your mental processes and attempting to
11 decide the truth, the law simply requires that you exercise
12 your good judgment, your common sense, your sense of logic and
13 reason, and your experiences in life. You then apply these
14 attributes to the evidence and apply the law as I now state it
15 to you and thus arrive at a verdict.

16 The defendant is charged with murder. The State must
17 prove beyond a reasonable doubt that the defendant killed
18 another person with malice aforethought.

19 Malice is hatred, ill will, or hostility towards another
20 person. It is the intentional doing of a wrongful act without
21 just cause or excuse and with the intent to inflict an injury
22 or under circumstances that the law will infer an evil intent.

23 Malice aforethought does not require that malice exists
24 for any particular time before the act is committed, but
25 malice must exist in the mind of the defendant just before and

1 at the time the act is committed. Therefore, there must be a
2 combination of the previous evil intent and the act.

3 Malice aforethought may be express or inferred. These
4 terms, express and inferred, do not mean different kinds of
5 malice but merely the manner in which malice may be shown to
6 exist. That is either by direct evidence or by inference from
7 the facts and circumstances which are proved.

8 Express malice is shown when a person speaks words which
9 express hatred or ill will for another or when the person
10 prepared beforehand to do the act which was later
11 accomplished. For example, lying in wait for a person or any
12 other acts of preparation going to show that the deed was
13 within the defendant's mind would be express malice.

14 Malice may be inferred from conduct showing a total
15 disregard for human life.

16 The defendant is also charged with attempted murder. In
17 order to prove this crime, the State must prove the defendant
18 attempted to kill another person with malice aforethought,
19 either express or implied, as previously stated in these
20 instructions.

21 An attempt is an effort to accomplish a crime which does
22 not succeed. An attempt includes a specific intent to do a
23 particular criminal act along with an act falling short of the
24 act intended. The State must show more than a mere
25 preparation and intent. There must be some overt act

1 committed in the effort to commit the crime.

2 Intent means intending the result which actually occurs;
3 not accidentally or involuntary. Intent may be shown by acts
4 and conduct of the defendant and other circumstances from
5 which you may naturally and reasonably infer intent.

6 The defendant is also charged with armed robbery.
7 In order to prove this offense, the State must prove beyond a
8 reasonable doubt that the defendant took personal property
9 from the person or presence of another person.

10 Property is in the presence of a person if it is within
11 the person's reach, inspection, observation, or control so
12 that the person could, if not overcome with violence or
13 prevented by fear, keep possession of the property.

14 The State must also prove beyond a reasonable doubt that
15 the defendant carried the property away intending to
16 permanently deprive the owner of the property and to keep the
17 property for the defendant's own use. The slightest removal
18 of the property or the complete possession of the property,
19 even for an instant, by the defendant is sufficient to show a
20 taking and carrying away of the property. The taking and
21 carrying away of the property must have been done with
22 violence or by putting the owner of the property in fear of
23 violence.

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

1 robbery. A deadly weapon is any article, instrument, or
2 substance which is likely to cause death or great bodily harm.
3 Whether an instrument has been used as a deadly weapon depends
4 on the facts and circumstances of each case.

5 The following are examples of instruments which may be
6 deadly weapons: a pistol, a shotgun, a rifle, a dirk, a
7 dagger, a knife, a sling shot, metal knuckles, a razor,
8 gasoline, a fire bomb or Molotov cocktail, and lighter fluid.
9 A gun may be a deadly weapon even if it is not operating.
10 Ordinary objects may become deadly weapons when the facts show
11 that they have been used to inflict serious bodily harm or
12 death.

13 The defendant is also charged with the possession of a
14 weapon during the commission of a violent crime. The State
15 must prove beyond a reasonable doubt that the defendant was in
16 possession of a firearm or visibly displayed what appeared to
17 be a firearm during the commission of a violent crime.

18 A firearm means any shotgun, automatic rifle, revolver,
19 pistol, or any weapon which will, is designed to, or may be
20 readily converted to expel a projectile.

21 In order to find the defendant guilty of possession of a
22 weapon during the commission of a violent crime, you must
23 first find the defendant guilty of either committing a violent
24 crime or attempting to commit a violent crime. Armed robbery,
25 murder, attempted murder are violent crimes. The State must

1 prove beyond a reasonable doubt that the weapon furthered,
2 advanced or helped in the commission of the crime.

3 The defendant is also charged with conspiracy. The State
4 must prove beyond a reasonable doubt that the defendant
5 combined with one or more persons for the purpose of
6 committing an unlawful act or of committing a lawful act by
7 unlawful means.

8 There must be a mutual understanding, agreement, or
9 common intention and plan. Mere passive knowledge of or
10 consent to the criminal conduct of another is not enough to
11 make a person a conspirator. There must be guilty knowledge
12 and participation.

13 Similarly, the mere fact that the defendant may have
14 associated with another person or met with another person and
15 discussed common aims and interests does not necessarily
16 establish proof of the existence of a conspiracy or that the
17 defendant was involved in a conspiracy.

18 On the other hand, it is not necessary that the agreement
19 be a formal one, that it be in writing, that the persons hold
20 a meeting and expressly state the terms of the common plan, or
21 that the agreement be stated in words between them. The
22 agreement of a criminal conspiracy may come into being through
23 an implied, mutual understanding. The willful, intentional,
24 and knowing adoption by two or more persons of a common plan
25 is sufficient.

1 No overt acts need to be shown to establish a conspiracy.
2 A conspiracy may be shown by circumstantial evidence and the
3 conduct of the parties.

4 In order to convict the defendant of conspiracy, the
5 State must prove beyond a reasonable doubt not only the
6 defendant -- that the defendant knew of the unlawful conduct,
7 but that the defendant agreed to combine with the other person
8 for the purpose of accomplishing the unlawful conduct.

9 If a crime is committed by two or more persons who are,
10 acting together in committing a crime, the act of one is the
11 act of all. A person who joins with another to accomplish an
12 illegal purpose is criminally responsible for everything done
13 by the other person which occurs as a natural consequence of
14 the acts done in carrying out the common plan and purpose.

15 For example, two people can be guilty of killing another
16 person when only one of the two had a gun, there was only one
17 bullet, and only one of the two fired the shot that caused the
18 death. If two or more people are together, acting together,
19 assisting each other in committing the offense, the act of one
20 is the act of all or, as it is sometimes said, the hand of one
21 is the hand of all.

22 Prior knowledge that a crime is going to be committed,
23 without more, is not sufficient to make a person guilty of
24 that crime. Mere knowledge that another person is going to
25 commit a crime, even if the defendant is present when the

1 crime is committed, is not sufficient to convict the defendant
2 as a principal. Guilt as a principal is shown by actual or
3 constructive presence at the scene as a result of a prior
4 arrangement. Therefore, a finding of a prior arranged plan or
5 common scheme is necessary for a finding of guilt as a
6 principal. The State must prove beyond a reasonable doubt by
7 competent evidence that the theory of the hand of one is the
8 hand of all.

9 A principal in a crime is one who either actually commits
10 the crime or who is present aiding, abetting, or assisting in
11 committing the crime. When a person does an act in the
12 presence of and with the assistance of another, the act is
13 done by both. Where two or more, acting with a common plan or
14 intent, are present at the commission of a crime, it does not
15 matter who actually commits the crime. All are guilty. The
16 hand of one is the hand of all.

17 Present at the commission of the crime means to be
18 sufficiently near to aid and abet and assist in the commission
19 of the crime. However, mere presence at the scene of the
20 crime is not sufficient to convict one as a principal on the
21 theory of aiding and abetting.

22 Intent is also a necessary element, for there must have
23 been a common design or intent to commit the crime and the
24 crime must have been committed pursuant thereto with the
25 person aiding and abetting by some overt act. Intent means

1 intending the result which actually occurs; not accidentally
2 or involuntarily. Intent may be shown by acts and conduct of
3 the defendant and other circumstances from which you may
4 naturally and reasonably infer intent. The State must prove
5 these elements beyond a reasonable doubt.

6 Furthermore, if two or more individuals combine together
7 to commit an unlawful act, such as robbery, and in the
8 execution of that criminal act a homicide is committed by one
9 of the actors as a probable or natural consequence of the acts
10 done in pursuance of the common design, all present
11 participating in the unlawful undertaking are as guilty as the
12 one who committed the fatal act.

13 The common purpose may not have been to kill and murder,
14 but if it is -- if it was unlawful, as for instance to break
15 in and steal, and in the execution of this common purpose a
16 homicide is committed by one as a natural and probable
17 consequence of the acts done in pursuance of the common
18 design, then all present and participating in the unlawful
19 common design may be as guilty as the slayer.

20 Ladies and gentlemen, I am now drawing near the end of my
21 charge and I want you to clearly understand that you are not
22 partisans or advocates for the State or the defendant. You do
23 not serve as jurors to reward your friends or punish your
24 enemies.

25 In this regard, you have been selected by both the State

1 and this defendant to be fair and impartial jurors. It is
2 your duty by your joint deliberations to determine the truth
3 in this case, giving to this defendant the benefit of every
4 reasonable doubt on each and every issue.

5 Then, to the facts which you determine to be true, you
6 must take and apply the law which has been given to you by
7 this Court and thus arrive at a verdict which speaks the truth
8 in this case. In fact, the word verdict, which has a Latin
9 derivative, means a true saying. Thus when you have
10 accomplished these responsibilities, you will have satisfied
11 your oath as jurors and you will have discharged your duty to
12 this Court.

13 Now, Ms. Bailiff, if you would, hand the foreman this
14 verdict form. Thank you.

15 Now, Mr. Foreman, I have handed you the verdict form.
16 When you arrive at a verdict in this case, you will write your
17 verdict on the form. For the charges, if the State has failed
18 to prove the guilt of this defendant beyond a reasonable
19 doubt, of course, your verdict would be two words -- not
20 guilty. However, should the State have proved their case
21 against the defendant beyond a reasonable doubt, then your
22 verdict would be one word -- guilty. Mr. Foreman, once a
23 decision has been made, just check whichever choice is your
24 verdict on each and every charge.

25 Also, please understand that the verdict that you render

1 in this case must be the verdict of each and every juror. It
2 must be your unanimous verdict. All twelve jurors must agree
3 on the verdict which you authorize the foreperson to write for
4 the jury.

5 Mr. Foreman and members of the jury, I want you to
6 further understand that the order in which the choices of
7 verdict appear on the verdict form are not suggestive of any
8 verdict on the part of this Court. The verdict in this case
9 is to be determined by you and not the Court.

10 Furthermore, ladies and gentlemen, please understand that
11 even though I have given the verdict form to the foreman, it
12 is not his verdict alone. It is the verdict of all twelve of
13 you, and I emphasize again it must be unanimous.

14 Now, after the lawyers give their closing statements, you
15 will retire to the jury room. However, I would ask that you
16 do not begin your deliberations at that time. The law
17 requires that I then consult with the attorneys first. After
18 I have done so, the bailiff will bring in the items of
19 evidence and instruct you to begin your deliberations.

20 Also, should you have any questions during your
21 deliberations; you must put them in writing and send them to
22 me by way of the bailiff. The court bailiff will be placed
23 immediately outside of the jury room door to provide security
24 and assistance for you during your deliberations. Once you
25 have reached your verdict, please knock on the jury room door

1 and advise the Court that you have reached a verdict and we
2 will return you to the courtroom as promptly as possible
3 thereafter.

4 At this time, I would ask that you give the lawyers your
5 undivided attention as they proceed forward with their closing
6 statements. The State is recognized for your closing.

7 MR. TUCKER: Your Honor, I believe Mr. Deberry is going
8 first.

9 THE COURT: Go on.

10 MR. DEBERRY: Thank you, Your Honor. May it please the
11 Court. Mr. Tucker.

12 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

13 MR. DEBERRY: Good morning, ladies and gentlemen. When I
14 first started practicing law -- it's been almost ten years ago
15 now. The words up here -- to do justly, to love mercy, and to
16 walk humbly with God -- I've always recognized those words,
17 but it was not until I got further into my career and
18 understood this system of justice that's so great that we have
19 that I realized that that phrase is the very foundation of
20 fairness. It really is. That's the fabric of fairness in my
21 opinion.

22 Thank you. I appreciate your patience. I appreciate
23 your attention. I haven't seen anybody fall asleep.
24 Sometimes that happens, believe it or not. So I know you've
25 been working hard and I know -- again, I'll tell you that I

1 know there's a million other places you'd rather be, and
2 pretty soon you're going to have some tough decisions to make,
3 but I proved -- I mean I trust that you can do it.

4 When we selected you Monday morning, we didn't know very
5 much about you. We just had a list with your names and what
6 you told us that morning, and you told the judge in the court
7 that you could be fair and impartial, and you stood before us
8 and that's what we picked you for because we believe that you
9 can be fair and impartial and do your job. So I just want to
10 thank you -- win, lose or draw -- for a fair trial.

11 Now, I talked to you about reasonable doubt, and I'm not
12 going to go back through all that, but I just need to hit on
13 some highlights because I think it's very important.
14 Reasonable doubt is the kind of doubt that makes a reasonable
15 person hesitate to act to do something.

16 Think about driving. You pull up to a stop sign. You
17 look to the right, and way down there you see a car. So you
18 check to your left and there's nothing coming. Now, if you
19 check back to your right one more time just to make sure that
20 car may not be traveling faster than you think or to judge
21 again whether or not you think you've got plenty of time to
22 make that turn out there into that roadway, that's a
23 reasonable doubt.

24 That's what we're talking about. It's the kind of doubt
25 that just makes you go wait a second, let me make sure

1 everything is okay.

2 When you're back in that jury room and you're deciding
3 whether to -- how to check that form and you've got that
4 reasonable doubt, that hesitation, that doubt in your mind
5 that you're just not sure about what happened, that's what it
6 is. That's the very definition of a reasonable doubt, and it
7 doesn't mean that my client is not guilty because we don't
8 have to prove that. It just means that you're not firmly
9 convinced that he is guilty.

10 And the judge just explained that to you. It's just --
11 it shouldn't even be on there not guilty. Really with our
12 system of justice, it should just be reasonable doubt or
13 guilty because we're not charged with the responsibility to
14 prove anything. The State is. That's their burden. That's
15 the way this system works.

16 If you're accused of a crime, you have your right to come
17 and have a trial by a jury of your peers who has all the power
18 in the world here this morning because you are the believers
19 of the facts. You decide what happened. And if you don't
20 know, you don't know. If you're not firmly convinced, if you
21 hesitate to act, you can't find him guilty. You've sworn to
22 well and truly try this case.

23 Ladies and gentlemen, I'm not a hundred percent sure what
24 happened. I've been looking at this thing for two-and-a-half
25 years. Law enforcement is not -- they don't know what

1 happened. SLED guy says it's inconclusive. That's a fancy
2 term for I don't know what happened. The deputies -- they
3 can't tell us what happened. They can't even tell us where
4 they found the man bleeding in the yard somewhere.

5 Reasonable doubt is everywhere. The eyewitnesses. They
6 can't even tell us who it was. They can't pick him out in a
7 line-up. They can't pick him out in the courtroom. They're
8 not sure. That's a reasonable doubt. When you saw Mr. Lunn
9 and Mr. Marcus Lisbon say I can't be sure, that was a
10 hesitation to identify my client. That's a reasonable doubt
11 in their minds and they were eyewitnesses.

12 If you believe that -- I don't know. Marcus Lisbon told
13 -- told them two or three times that he wasn't even in the
14 apartment when it happened; he was outside. Reasonable doubt
15 is everywhere. It's on every one of the witnesses that the
16 State put up. It's everywhere.

17 SLED -- the lady, Ms. Amanda Webb, came and told you
18 there was some blood samples supposedly submitted from the
19 crime scene, but the cotton swabs that they used didn't have
20 any blood on them. They didn't even have any stains on them.
21 And then there's a test that she can use that's real sensitive
22 that even if it's there and we can't see it, it will show up.
23 It wasn't there. I mean those are the things that we would
24 love to know.

25 Who was it? Because you've got two people who say there

1 was four people in that apartment, and that fourth person in
2 my opinion is the third person that I told you about when we
3 started this trial. It's the mystery person. It's the person
4 that the investigators asked about the whole entire
5 investigation.

6 Reginald Johnson told you there was a fourth -- there
7 were four people in there. Christopher Peterson told you
8 there was four people in there. There's a bullet that comes
9 out of the front door of that apartment that hits the inside
10 of that door jamb. That person had to have been shooting from
11 behind somewhere over there where they found the gun that they
12 didn't check if it got shot or not.

13 And then there's Deputy Gifford, who goes out along with
14 Corporal Moore on a -- on a dog track. The best dog he's ever
15 had. Best dog Florence County Sheriff's Office ever had on a
16 hot track. There was somebody they were following. He tried
17 to get away from them at the pond, goes in and out of people's
18 yards, goes down a ditch alongside of the road. Hopefully,
19 nobody will see me if I'm in the ditch.

20 And then I think when Reggie Johnson -- when Reggie
21 Johnson tells you that he dropped Christopher Peterson off at
22 his mother's house, he went and picked up the man who was
23 running from the dogs. That's what I think makes sense.

24 And what does he do? The man running from the dogs must
25 have had the money because under everybody's theory, there's

1 no way that Christopher Peterson and Reggie Johnson had time
2 to get any money. Everybody said shots started firing and
3 everybody got out of there. I mean that had to happen in less
4 than fifteen seconds by everybody's account. Even the
5 eyewitnesses said they hear gunshots and people are running
6 across the parking lot, one man with a gun in his left hand.

7 Now, wouldn't you think that if they saw somebody running
8 across the parking lot that had just been shot in his knee,
9 that would have probably been something that they would have
10 picked up on?

11 The bullet hole through the door. Todd Tucker got up
12 here and he said it's way up here over a struggle and somehow
13 or another the gun gets pointed down and it goes off. There's
14 a problem with that. These guys are grown men. That bullet
15 hole through that door is below the peep hole.

16 I believe that the evidence shows that Luther Lisbon came
17 to that door and that, just like everybody says, there was a
18 tussle right there inside the door. And then that Reggie
19 Johnson went there with the intentions to kill Luther Lisbon.
20 Remember, he told y'all that there was more people -- that
21 there were people there that weren't supposed to be there.
22 And that's where it all went wrong.

23 Christopher Peterson has maintained from the very
24 beginning other than when he didn't want to get involved,
25 which is -- he's already been shot one time. I mean I'm not

1 saying these people are saints, but I'm saying the evidence
2 shows otherwise that they acted in concert, that they knew
3 what they were going there to do. It doesn't make sense that
4 way. Nobody goes to do an armed robbery with no mask on, with
5 no saying, hey, this is an armed robbery, how about get your
6 hands up. None of that.

7 It all makes sense that Christopher Peterson believed
8 that he was going there just to talk to these people. If he
9 thought there was going to be a shootout, I believe he'd have
10 been out of the way, but he got shot. And then he's dealing
11 with his friend, who he knows just shot this place up, who
12 hands him money and says you can't go to the hospital and you
13 better not tell anybody.

14 Well, all that really does make sense, but we don't have
15 to prove anything. All that really does make sense. I mean
16 what are they capable of? He just watched him kill somebody.

17 And now we start talking about bias and motive for people
18 coming in here and testifying. Now, this is major. Major.

19 Gregory Johnson [sic], on the eve of his trial about two
20 months ago, decided it was time that he get himself out of his
21 trial. Okay? And so he gives a statement, but there's some
22 holes in it. You know, who was Ashley? That's who gave him
23 this job?

24 Certainly, it wasn't his brother. He wouldn't want his
25 brother to get in any trouble. That's what the core of the

1 investigation has been from day one that it was his brother.
2 That Gangster Fred and Luther Lisbon were the ones with the
3 problem. But no, it wasn't his brother. It was some stripper
4 from Cheraw named Ashley. That's how he knew that he was
5 supposed to go to this apartment. That there was money there
6 and that they could do an armed robbery and that there would
7 only be one person there. Come on.

8 And why does he have motivation to tell something like
9 that? Well, it's saving his life. He's looking at life plus,
10 like, 50 or 60 years in the state prison as a violent
11 criminal. He'd never see the light of day again. But he cuts
12 a deal for a non-violent sentence, which is a whole lot better
13 than a violent sentence, for an eight-year cap.

14 Let me explain that to you. That means that the judge
15 can't go over eight years, but then everybody can ask the
16 judge to go under eight years. It could be probation. It
17 could be time served. There's no guarantee he's going to
18 prison. The only guarantee in that deal is that he can't go
19 to prison for more than eight years and that he can't go to
20 prison as a violent criminal.

21 But he's already been convicted of a violent crime
22 before, distribution of drugs and assault and battery with a
23 high and aggravated nature, but he never has had to go to
24 prison. He doesn't want to do that.

25 Now, the judge told you something very important and I

1 want to just bring it back up for one minute. It's about your
2 power as jurors, and this is really important because the
3 situation is this. You have the power. Each and every one of
4 you have the power to believe what you want to believe and to
5 not believe what you don't want to believe. Even the expert
6 witnesses. You can disregard everything they say like they
7 never even walked in here.

8 Every witness. You can believe part of what they said,
9 some of what they said, none of what they said or all of what
10 they said. That's your job. You decide what the facts in the
11 case are. So you can disregard what some of these people say
12 or you can believe it. I'm certainly not going to tell you
13 you should or you shouldn't. It's up to you, and that's why
14 we picked you because we believe you can do this job fairly.
15 That's why we picked you.

16 I need to bring up something else. On the eve of that
17 trial when Gregory Johnson [sic] decided he was going to cut
18 his deal and the State was going to change their position
19 after two years, and Thomas McFadden got up here and told you
20 I'm not going to lose any sleep just as long as we get one of
21 them, all that's real disheartening to me. That shows a flaw
22 in our system to me. I don't really like that personally, but
23 I will tell you this.

24 On the eve of that trial when that deal was made, guess
25 who got indicted for armed robbery? Christopher Peterson.

1 Reginald Johnson didn't even get indicted. He didn't even get
2 charged with a new crime. They never even thought it was an
3 armed robbery until he came around, and then they didn't even
4 charge him with it. So that's another deal within itself.
5 It's a real good deal and it's one -- it's one that, you know,
6 gives him an opportunity not to even have to go to prison.
7 And that's two-and-a-half years after January the 6th of 2013
8 they decide now that it's an armed robbery. It's
9 unbelievable. Unbelievable. It's incredible. Not in a great
10 sense. It's incredible in the sense that it's hard to
11 believe.

12 And that creates a reasonable doubt. That's why I --
13 that's why I'm standing here. That's what -- I am spent.
14 This whole trial has been hanging over my head for years. And
15 here it is. It's late in the week and I understand everybody
16 is tired. I can tell you it's the fourth quarter.

17 But I've got to tell you this. There's reasonable doubt
18 all over this and it's important. The integrity of our system
19 is important to me. Fairness. The words is right there --
20 they mean everything in this case and in every case.

21 So there's a new indictment two-and-a-half years after
22 the fact. Another strange thing about the indictments and the
23 charges in this case, there's only one count of attempted
24 murder. Okay? And the State wants to tell you in their
25 theory that Marcus Lisbon got shot at. The attempted murder

1 is on David Lunn.

2 Why aren't there -- you know, when they first indicted
3 it, what's -- what's the story? I mean I don't know. I don't
4 do the indictments. But why aren't there two attempted murder
5 indictments if they want you to believe their theory? I don't
6 understand it. So all that in mind, I'd like to just take a
7 few minutes and just bring a few things to your attention.

8 Deputy Pate. He arrived on scene. He stayed out there
9 with Deputy Lunn -- I mean with David Lunn where he was shot.
10 Every law enforcement officer that came in here and testified
11 showed you a different place where that was at. None of them
12 showed us any blood from where he came from. We don't know if
13 any blood that was on that breezeway was his or not.

14 These are important things. These things -- that cell
15 phone. Whose was it? What was on there? They didn't even
16 offer it. And we don't even know. Okay? How many cell
17 phones were there? I mean there's question after question
18 after question.

19 Courtney Turner. I put the crime scene tape all the way
20 around the apartment complex. There's 130-something pictures
21 into evidence and there's no picture of crime scene tape
22 around the apartment complex. There's one picture with crime
23 scene tape on it or in it, and it's a piece about this long
24 that stretches across the stairwell that goes up to where the
25 shooting happened. And then in another picture, there's a

1 tower marker with a bullet outside of that crime scene tape.
2 That's important stuff.

3 Barnes came in here and told you that's what we do.
4 We're crime scene investigators. We come in. We make sure
5 everything -- the integrity of the crime scene is intact
6 because we don't want contaminated evidence. We don't. You
7 know, all of this stuff is what we use to put together a story
8 as to what happened, but they didn't even get the blood up off
9 the ground. They didn't put the crime scene tape around the
10 crime scene. They don't know where Lunn was.

11 And then there's this \$20 bill that's in a foot -- I
12 don't know if that's a footpath or not right beside an
13 apartment complex, but Gifford says there was a couple \$20
14 bills laying beside a fence where somebody jumped over a
15 fence. That's that third person who was the fourth person in
16 the apartment I assume, but I don't have to prove any of this.
17 It's not my job. But there's no answer to that stuff.

18 And then there's this dog track that goes on for a mile
19 or more, and we know that guy must have had some money because
20 he dropped at least \$20 along the way. But Peterson and
21 Johnson went the other way. I don't know.

22 I don't know. Maybe there was a text message that left
23 that apartment that night that told Reggie Johnson Luther's
24 here, he's alone. I have no idea. I have no idea, but I know
25 that by everybody's account, in 15 or 20 seconds this thing

1 was over with. There wasn't time to grab thousands of dollars
2 in money.

3 If you go to do an armed robbery, this isn't the way you
4 go do an armed robbery. This is the way you go do a killing
5 because it doesn't matter if they see you after you -- after
6 they're dead.

7 Christopher Peterson told the truth about his involvement
8 and what he did and what he knew. It makes sense that way.
9 If you think about it, it makes sense that way. Had they gone
10 there to do an armed robbery, I think everything would have
11 been different. There would have been two shooters under this
12 situation. He didn't even have a gun, and he got shot. So
13 there's your reasonable doubt.

14 Now, I think the theory of the State as how he got shot
15 is when they're wrestling over a gun and he shoots himself on
16 the inside of his right knee. That doesn't happen. That's
17 almost impossible. I can't say it's impossible because
18 anything is possible, but I mean think about it. And it's
19 still in his knee. If it came from his hand into his knee, it
20 seems to me like it probably would have gone on out. That
21 bullet went through something else before it went into his
22 knee, and we showed you how it happened.

23 I need to talk to you about another thing. The State may
24 try to tell you that David -- that Luther Lunn, the gentleman
25 who got -- lost his life, was sitting over there on that couch

1 when he got shot. Well, the guy sitting beside him, Lunn,
2 said he got up and ran toward the back of the apartment and
3 maybe that's when he got shot. Well, no, because he got shot
4 on his right side. And if he's getting up and running this
5 way and the door is over here, that doesn't make sense.

6 All right. So the State's going to say, well, it was an
7 angle and it was on his right side, he probably got shot when
8 the gun got forced over there towards him and that was -- that
9 makes perfect sense. Well, the bullet went in and out of him.
10 No blood on the couch. No blood anywhere in that apartment
11 except for right there at the door where he was struggling
12 with Christopher Peterson and when he got shot by Reginald
13 Johnson. That's what the story tells us.

14 Now, it's important. The pathologist came in here, Dr.
15 Riemer. She said -- you know, she showed you the trajectory
16 of that bullet as it went through Mr. Luther Lisbon. And as
17 wide as he is, I would say maybe a foot and a half or two feet
18 -- I have no idea, but that's just the width of his body.
19 That bullet dropped eight-and-a-half inches over a foot and a
20 half or two feet.

21 Now, when that distance gets further and further away, if
22 the man standing at the door shot him and while he was sitting
23 on the couch, he would have to have been as tall as the
24 ceiling because if you point that rod about like this over two
25 feet and you start looking over there at 15 or 20 feet, I mean

1 I'm going to hit the ceiling over there. He didn't get shot
2 sitting on that couch.

3 These are all reasonable doubts. That's what they are.
4 That's just what they are.

5 Clendenin and Barnes. They were there protecting the
6 integrity of the crime scene to collect the evidence. You
7 make your mind up how they did on their job. They didn't
8 investigate anywhere outside. The crime scene tape -- there's
9 tower markers outside of the crime scene tape. And they have
10 verbatim the same exact written reports.

11 Verbatim. And they want to tell you that that's just by
12 chance. Did they copy and paste? I don't know. Maybe they
13 did and that would have been fine. They should have just told
14 you that. Then you could have judged how that would -- you
15 know, if that's okay or not. But their observations right
16 down to the commas and the periods were absolutely identical.

17 I'm a fan of law enforcement. I have law enforcement
18 friends that are great friends to my family. Our children
19 play together. We go out to eat together. We have our cell
20 phone numbers. We do things. We go on trips together. I am
21 not against law enforcement.

22 I'm a strong supporter of law enforcement, and I can
23 promise you this. That every time that they come in here into
24 this courtroom, it's pretty rare. All the cases that they
25 handle, they don't get to come into the courtroom and have a

1 full-blown trial very often, but when they do, they're better
2 policemen because of it. They won't make these mistakes again
3 and I don't expect them to. That doesn't change the fact that
4 we don't have all of the evidence that we need for you to make
5 a good informed decision on what happened.

6 GSR, gunshot residue. It's found on Marcus and Luther
7 Lisbon. That's perplexing to me. I don't understand.
8 They're going to say, well, they -- one of them got shot and
9 one of them was struggling when it got shot and that's how it
10 happened. Strange. I don't understand. That's a reasonable
11 doubt.

12 And Todd Tucker says the couch inside -- the loveseat was
13 moved around a little bit. I asked Clendenin or Barnes does
14 that indicate there was probably a struggle that went on
15 inside that apartment. Yes, sir.

16 There is no evidence of any struggle inside of that
17 apartment. If a struggle happened inside of that apartment,
18 we don't know anything about that. I'm not saying it didn't,
19 but we don't know anything about that. So if something like
20 that happened, then what -- then what really did happen? I
21 have no idea.

22 The sketch. You'll have it in the jury room. It looks
23 -- could be anybody. It really could be. And David Lunn --
24 if you remember what he said, he was one of the eyewitnesses.
25 He couldn't even provide them any information for them to make

1 a sketch with. It was blurry that day. He'd been through
2 surgeries and all that kind of stuff. He just can't remember.

3 Well, let's get back to that motive about testifying for
4 the State. Those two individuals, Marcus and David Lunn --
5 Marcus Lisbon and David Lunn, they are charged with attempted
6 murder of the Johnson family, the Gregory Johnson family and
7 the Reginald Johnson family, the Gangster Fred family, and
8 that carries a lot of time in prison. And guess who they're
9 being prosecuted by? The same Solicitor's Office that's
10 prosecuting this case. I'll leave it up to you to figure out
11 what their deals may be and why they may have come in here and
12 testified.

13 Marcus says it was a light-skinned black guy. I don't --
14 I don't see a light-skinned. Mr. Johnson or Mr. Peterson look
15 to be dark-skinned to me. That's -- y'all make that decision.
16 That's for you to make.

17 One could not be. Can't be. Couldn't then, can't --
18 couldn't hear him at the trial. And he says he ran off after
19 -- you know, everybody says they ran off and they still heard
20 shots. I couldn't tell you who that would have been. And
21 Lunn tells you that the door opens and he sees a couple guys
22 outside, a struggle there at the door, and then everybody goes
23 outside out of his view. And then somebody comes back in and
24 shoots him. Now, he doesn't know who it is.

25 So how can they maintain it's the first person in the

1 door and that death has a name and that death has a face and
2 that it's Christopher Peterson? To me, that is reckless, and
3 they haven't proved that, not by any stretch of the
4 imagination and certainly not beyond a reasonable doubt. Not
5 even got him in a line-up. Can't pick him out. Don't know
6 him. Can't pick him out here.

7 William Woods. He had me a room waiting on me and a car.
8 Did he have anything to do with it? Well, we don't know. Was
9 he investigated? Well, we don't know. What was his
10 statement? We don't know. Where does he live? We don't
11 know.

12 Was this Ashley in any law enforcement statements? Not
13 testified to. Did they ever go to Cheraw to try to find her
14 or to the club where she works? We don't know.

15 When we got there, no one else was supposed to be there.
16 We saw four people in the apartment. He saw no money when
17 they got back to the car. The third person is your fourth
18 person. We don't know who he is either. Maybe he was William
19 Woods. We have no idea.

20 So Christopher Peterson is facing a murder charge, an
21 attempted murder charge, one mind you, conspiracy, possession
22 of a weapon during a violent crime and now, after two-and-a-
23 half years, an armed robbery. Okay? And that's what his co-
24 defendant was facing, but you know now he may not even have to
25 go to prison.

1 Now, there's some things that I need to finish with and
2 I'll -- and I'll let you go. Conspiracy. That's really the
3 crux of this case because if you don't believe there was
4 conspiracy, then I don't think you can find him guilty.
5 Unless you believe he was the shooter -- and I don't think
6 there's any information to believe that, and you've got to
7 believe that he went there and knew what was going to happen.
8 I don't think there's anything that proves that.

9 But you're the finder of fact here. You believe. It's
10 your decision. But what's important is what came from that
11 witness stand and these -- and this evidence, not what I say
12 and what he says.

13 But the judge charged you about the hand of one is the
14 hand of all and, like, if you go there and you commit an armed
15 robbery and a murder happens, well, you're in trouble for that
16 murder too. Okay? And the hand of one is the hand of all.

17 So Mr. Tucker -- I can guarantee you he's going to get up
18 here and he's going to tell you this. The judge told you that
19 the hand of one is the hand of all. If they went there
20 together, then it doesn't matter who the shooter was. That's
21 not the case.

22 Now, I'll agree the law says that if they went there
23 together with conspiring to commit a crime or they went there
24 together with this plan to do an armed robbery or a murder,
25 then it doesn't matter who the shooter was. That's what that

1 law means.

2 But if Christopher Peterson didn't go there knowing what
3 was going to happen, you can't find him guilty under the hand
4 of one is the hand of all. You can't do that. He has to have
5 knowledge of what was going to happen and not just mere
6 knowledge as the judge told you. He had to be a part of that
7 plan.

8 And I promise you if he was a part of that plan, this
9 thing would have gone differently. He would have been out of
10 the way when the bullets started getting shot. He wouldn't
11 have knocked on the door and said, hey, I'm Buck. I'm here to
12 talk to y'all. He wouldn't have had his face uncovered. It
13 was January. It was cold and it would have been raining. I
14 mean I don't know how significant the hoodie is. I hope it's
15 not very much. We've seen that a lot in this country. But
16 his face wasn't covered. He knocks on the door. He tells
17 them who he is.

18 You don't do all of those things if you're just going to
19 do an armed robbery like Gregory Johnson -- or Reggie Johnson
20 tries to tell you. You don't do all those things. And that's
21 proof that he wasn't part of any conspiracy or any plan or any
22 idea to go there and do these things.

23 So if you don't believe that, then the hand of one is the
24 hand of all doesn't apply. If you do believe that, you've got
25 to believe that -- you know, you've got to not have a

1 reasonable doubt about it.

2 So I'm going to just close by telling you thank you again
3 and I'm just going to ask you -- and I know you will be, but
4 please continue to be fair. I need you to be fair -- win,
5 lose or draw -- just like I told you in the beginning. Not
6 guilty means reasonable doubt, and we don't have to prove
7 anything. It's not our burden.

8 Everything that's been presented to you this week has
9 merely been theories of what may have happened. If there was
10 more evidence, then maybe the picture would be different, but
11 we have what we have and it's not there. In my opinion, it is
12 not there, and that requires a not guilty verdict. So thank
13 you very much for your time and for your service and for your
14 attention. God bless you. Thank you.

15 CLOSING ARGUMENT ON BEHALF OF THE STATE

16 MR. TUCKER: Death. It came for Luther Lisbon when he
17 was 31 years old. It walked right up to his door and it
18 knocked on that front door. When death took Luther Lisbon
19 that night on January the 6th, 2013, Luther wasn't out at a
20 nightclub. He wasn't out at a bar. He wasn't on a
21 battlefield serving his country or any other dangerous place
22 that might subject him to a gunshot. Luther Lisbon was in his
23 house watching his TV with his brother, with his friends.

24 Death had a face that night on January the 6th, 2013, and
25 death had a name. And it's the State's position that we've

1 proven our case that that name is Christopher Peterson.

2 (WHEREUPON, State's Exhibit Number 1, the sketch, was
3 displayed for the jury.)

4 MR. TUCKER: Now, this is what death looked like that
5 night on January the 6th, 2013, and he didn't have on a suit
6 and he didn't have on a set of glasses like he does sitting in
7 here today. He had on a black hoodie and he had a nine
8 millimeter handgun in his hand.

9 Make no mistake, folks, Christopher Peterson is a killer
10 and he's a thief, and I don't just mean cash money. Money can
11 be replaced. What he took was Luther Lisbon's life. He took
12 a son. He took a brother. He took a friend. He took Luther
13 Lisbon's presence. He took Luther Lisbon's future. And,
14 folks, that can never be replaced.

15 Now, in looking at the case, let's begin with what the
16 defense would have you believe. Now, let's rule out the fact
17 that Luther Lisbon killed himself or that David Lunn shot
18 himself or that Marcus Lisbon shot at himself. So what are we
19 left with? It wasn't somebody who just pulled up in a van and
20 ran in there and shot.

21 This happened and you heard testimony and you heard
22 witness after witness tell you. You even heard Christopher
23 Peterson tell you he was there. He and Reginald Johnson went
24 to Luther Lisbon's apartment on January the 6th, 2013, for the
25 purpose of robbing Luther Lisbon. Reginald Johnson told you

1 they were broke that day. He knew that Luther had money.
2 Christopher Peterson knew he had money, and they went over
3 there, both of them armed.

4 So it gets down to what happened then. Let's rule out
5 this -- Mr. Deberry talked about this third -- you know,
6 fourth person is your third person. That's your mystery
7 person, and that's the person that must have done all of this.
8 There's one problem with that. There's no evidence of it
9 whatsoever.

10 His own client when he testified and in his statement to
11 law enforcement -- what was it? I asked him repeatedly. Who
12 was with you on that night? It was Christopher Peterson. It
13 was Reginald Johnson. When Reginald Johnson testified, who
14 was with you? It was Christopher Peterson. Was there anybody
15 else with you? No. Christopher Peterson said it. Reginald
16 Johnson said it.

17 When Marcus Lisbon testified, when David Lunn testified,
18 they testified to two people. To two people, not three, not
19 four, not some band of gypsies rolling through there
20 committing crimes at random.

21 To really understand this case, let's go to April the
22 10th, 2013. Now, this is when Christopher Peterson first talks
23 to law enforcement. Now, for this sketch that seemed to be
24 very generic that Mr. Deberry said is worth nothing, it
25 generated some leads. Christopher Peterson's name sure come

1 up. And do you remember when you saw the statement that he
2 gave on the 11th? Christopher Peterson was joking with Thomas
3 McFadden and even said, hey, that looks just like me. We got
4 calls in that it was you. He knew it.

5 But on April the 10th when Christopher Peterson gets his
6 opportunity to tell law enforcement what really happened here,
7 what does he tell them? It wasn't me. I wasn't anywhere near
8 that place. When they asked about the wound to his leg, what
9 did he say? He told them he worked at Nucor Steel and it
10 happened while he was on the job.

11 And then he goes back. And then Mr. Deberry would have
12 you believe that he had this epiphany, this certain attack of
13 the conscience, and he notified law enforcement he wants to
14 come around and give a statement. I'll tell you what
15 happened. He went back there and he sat and he thought, you
16 know, they're probably going to call Nucor Steel. They're
17 probably going to check whether or not I worked there.
18 They're probably going to find out that I don't and that
19 bullet wound did not happen -- this injury did not happen at
20 Nucor at all.

21 He decides to come back around, and they've even done
22 that. And so they're joking when they first talk to him on
23 the 11th when he comes around and they're talking about that.
24 And he said, yeah, I knew you would find me out. I knew you'd
25 find me out.

1 And he says something there in his own words out of his
2 own mouth on that statement that tells you all about
3 Christopher Peterson. I've got to get myself out of this.
4 I've got to get myself out of this. I've got to get myself
5 out of this.

6 Now, Mr. Deberry seems to have contempt for deal-making
7 and this person testifying for this. He didn't have any
8 problems with it when his client was trying to do it. But you
9 remember what happened then on the 11th? He put Reginald
10 Johnson under the bus the first chance he got. And when he
11 testified, he was talking about he was afraid of Reginald
12 Johnson. He was afraid Reginald Johnson would harm his
13 family.

14 Look at or listen to that statement, if you will, and
15 remember what he said. He talks about -- am I going to get a
16 murder charge out of this? And when I got to get myself out
17 of it, he never mentions his concerns about Reginald Johnson
18 harming him or his family, not one time. I'll tell you who
19 Christopher Peterson was worried about: Christopher Peterson.
20 I got to get myself out of this.

21 Now, his statement. He tells you that Reginald Johnson
22 talked to him and they were friends and he was aware of this
23 thing between Reginald Johnson's brother and -- and Mr.
24 Deberry, he threw Gangster Fred, Gregory Johnson's name, in
25 here at every chance he got. He has to. He has to. And I'll

1 tell you why in a little bit.

2 But what's telling about that statement is that he says
3 that Reginald Johnson and he are going to go over for a drug
4 deal at Luther Lisbon's. That's it. He didn't have any idea
5 about what else was going on. He was there to kind of
6 facilitate things. Now, he didn't know Luther Lisbon. He
7 didn't know anybody else in that apartment, but he's going
8 along for the ride and he never asked why?

9 He puts himself in the middle of a drug deal and he tells
10 you, well, I'm just there to talk to him. He didn't ask
11 Reginald Johnson, well, why do you want me to go with you?
12 What part am I playing in this? I mean what are we going to
13 do? And they're talking about a drug deal and Christopher
14 Peterson tells you he's going over there to facilitate this
15 thing and that's what got this thing all started.

16 Reginald Johnson didn't even have money. He told you
17 that that morning he didn't have any money. He didn't even
18 have a car to drive. He didn't hardly have a place to stay.
19 So he'd have to be the world's worst drug dealer because
20 according to Christopher Peterson, they're going to go over to
21 do this thing, but he didn't have any money.

22 They went over to commit armed robbery. It makes sense.
23 Reginald Johnson told you that. Now, the drug deal comes up
24 and Christopher Peterson is backpedaling away from an armed
25 robbery. He has to and I'll tell you why in a minute.

1 But what does Reginald Johnson tell you? He tells you
2 they go over, they park a distance away, and Christopher
3 Peterson backed that up. He told you. Out of his own mouth,
4 he told you he went there and they walked right up and they've
5 got a hoodie on and he knocks on the door. Out of his own
6 mouth on the 11th of April statement and on that stand out of
7 his own mouth he tells you I'm the one that was first in that
8 door and I'm the one who knocked on the door.

9 Now, when the door opens up, Peterson tells you in his
10 own statement on the 11th and from right there he begins to
11 struggle immediately with that person who opens the door.
12 Now, on the April 11th statement, he's not sure who it is, but
13 now he's had time to think about it between then and now after
14 he's heard testimony for three days. He's now kind of certain
15 that was Luther Lisbon. It has to be that way and I'll tell
16 you why in a minute.

17 But he starts struggling with the guy immediately. If it
18 was a drug deal, don't you think with the person who opened
19 the door that they were having an exchange? What do you want?
20 Who are you? I don't know you. Why are you here? There
21 wasn't. It started almost immediately. And you remember what
22 David Lunn said? The door opened up and all hell broke loose.

23 But now Christopher Peterson, when he testified
24 yesterday, he said, well, I think what happened was I kind of
25 stuck my hand out and that's when we started struggling. He

1 stuck his hand out all right. He stuck his hand out with a
2 gun in it and that's why the fight started and the struggle
3 occurred. Out of his own mouth he tells you that. That he
4 was struggling with that first individual who opened the door.

5 Now, he's got a lot of other issues with his statement.
6 He talks in terms of being right-handed versus being left-
7 handed. Marcus Lisbon told you he's left-handed. It makes
8 sense that when that door opens up and that person brings up a
9 gun, Christopher Peterson being right-handed, Marcus Lisbon
10 grabs hold of it with his dominant hand, which would be his
11 left. He's standing right in front of him. Everything is
12 consistent with what they told you.

13 Now also, Christopher Peterson tells you, well, we
14 struggled and I think it was Luther and then somebody came
15 around me and shot and then got Luther and then he got me in
16 the knee and I think that's what happened and that that's when
17 I kind of helped the man down to the -- to the floor. Now,
18 there's a lot of problems with that statement.

19 Number one, Christopher Peterson would have you believe
20 that Reginald Johnson had in the back of his mind that he was
21 going there to kill Luther Lisbon and that Christopher
22 Peterson didn't know a thing about it, didn't have a clue,
23 didn't have an idea. So somehow Reginald Johnson managed to
24 conceal that from his good friend with whom he'd been spending
25 all day with and he had managed somehow to conceal a weapon on

1 his person without Christopher Peterson knowing it.

2 The problem with that theory is it doesn't hold water.
3 If Reginald Johnson was going there to kill Luther Lisbon,
4 don't you think he would have made sure the job was done
5 before he left? One shot into Luther Lisbon. Luther Lisbon
6 fell and, as the testimony you heard corroborated, Luther
7 Lisbon lived for hours, a few hours after that in fact. So he
8 was still breathing when Reginald Johnson would have been
9 there. Nothing standing in the way from Reginald Johnson
10 walking in there and putting two or three right in Luther
11 Lisbon's head to make sure the deed is done.

12 It didn't happen that way. It didn't happen that way,
13 but it has to to benefit Christopher Peterson and I'll tell
14 you why in a while.

15 Now, getting shot in the knee, Christopher Peterson tells
16 you that he goes back home, he's sitting at the table, and
17 this guy that he's afraid of leaves and comes back 30 minutes
18 later. Now, in that interim, he didn't call police, he didn't
19 call fire, he didn't call EMS, he didn't call anybody despite
20 having a gunshot wound in his leg. Despite having been
21 involved in a shooting incident, if you believe him, he was
22 just kind of along for the ride. He didn't have any idea that
23 that was going to happen.

24 He had an excellent opportunity right then to even tell
25 his mom let's get out of here. You know, something bad

1 happened. Take me to the hospital and let's notify law
2 enforcement, you know. And Christopher Peterson expressed all
3 this concern about Luther Lisbon. He wanted his mother to
4 know what happened. He would want that for his mother if, in
5 fact, something like that happened with him. And when I asked
6 him on the stand, well, if you were so concerned with him, as
7 you were going away did you stop and ask anybody, hey, call
8 the police, you know, this guy is hurt up there, and go on
9 about your way? No. He didn't care anything about that guy.
10 He was too busy making his get-away.

11 But what's telling is that he says 30 minutes later
12 Reginald Johnson shows back up and, at that point, he gets
13 \$1,000 and he's counting it out and Reginald Johnson just
14 simply looks at him, according to Christopher Peterson, and
15 says, hey, get yourself straightened out, but don't you go to
16 the hospital. Now, folks, that doesn't make sense. A grown
17 man who's shot in the leg, not knowing whether it's going to
18 get infected, not knowing if he's going to bleed to death, not
19 knowing whether he's going to get any serious permanent injury
20 to his leg, he's just going to not go because Reginald Johnson
21 told him so?

22 And this whole thing about, again, being afraid that this
23 person is going to harm his mother. He has every opportunity
24 months after this to let law enforcement know. I'll tell you
25 everything I know, but first look after my mother. First make

1 sure that this man is not going to come over and harm her. He
2 doesn't. He doesn't mention his mother one time to either
3 Investigator Thomas McFadden or Investigator Chad Collins.

4 I tell you how Christopher Peterson was concerned for:
5 Christopher Peterson. He knew that if he went to the
6 hospital, he knew that if he got any sort of medical treatment
7 whatsoever on that knee, he's found out. Now law enforcement
8 is going to come in and ask what happened and he wasn't about
9 to tell them. He didn't want any part of that whatsoever.

10 Now, Mr. Deberry mentioned about Reginald Johnson said he
11 got dropped off. Well, no. Then he thought, no, Christopher
12 Peterson dropped Reginald Johnson or Reginald Johnson dropped
13 Christopher Peterson off, and he said that's a big deal
14 because it must have been in that interim that Reginald
15 Johnson goes back and picks up this mystery person. And
16 that's not what happened. Reginald Johnson told you we had
17 Christopher Peterson's mom's car. I got out of the car when
18 we got back to Christopher Peterson's, and Christopher
19 Peterson even himself admitted, you know, hey, Reggie lives
20 close to the folks. He could walk right over. He was close
21 enough to walk.

22 And I find it very interesting what Christopher Peterson
23 talks about while he's sitting at that table. He's counting
24 out that money and he knew -- he testified that he knew that
25 that money came out of Luther Lisbon's house because certainly

1 Reggie didn't have any prior to that. That's why they went
2 over. But he says I bought my girlfriend a ring and some
3 clothes. Now, he's real concerned about what went on over
4 there. Not having any clue that there was going to be an
5 armed robbery according to him, but boy, he doesn't mind
6 spending that money afterwards.

7 Folks, talking about a story riddled with holes and not
8 making sense. He lied on April the 10th and he lied on April
9 the 11th. And guess what, folks? He lied yesterday when he
10 was on the stand. This man is the LeBron James of liars.
11 Just to call him a liar really doesn't do him justice. He is
12 the all-star champ when it comes to lying.

13 But he thinks he's good enough to where he fools you. He
14 thinks he's good enough to con you. He thinks he's good
15 enough to allow you to get away with murder. That's what he
16 wants to do and that's what he wants you to help him with.

17 Now, the law in this case. As the judge told you, the
18 hand of one is the hand of all. Now, Christopher Peterson has
19 had a while to work on this version of things. He knows that
20 if Reginald Johnson is shooting and he's shooting, he knows it
21 doesn't matter who actually pulled the trigger. He's going
22 down for it just the same because the hand of one is the hand
23 of all.

24 And as the judge told you, if you are in agreement to
25 commit a violent felony and you go over for the purpose of

1 committing that felony and, in the course of committing that
2 felony, a person is shot and killed unlawfully and it's a
3 natural consequence of what happened, you're just as guilty as
4 if you pulled the trigger. This is why they've got to blame
5 it on this third person. That's why they've got to have this
6 mystery person that nobody knows about. And that's why
7 they've got to have you believe that Christopher Peterson just
8 simply went along because he thought he was going to do a drug
9 deal.

10 The law is what catches Christopher Peterson. He has
11 devised a lie for almost everything, but he got hung up by the
12 law because out of his own mouth on April the 11th and on this
13 stand yesterday, he was there.

14 Now, Mr. Deberry talked about the blood here and they
15 don't have where David Lunn ran out of the apartment and ran
16 across the parking lot and collapsed. One deputy said this;
17 one deputy said that. All of this is to point you away from
18 what you folks know. It doesn't matter where David Lunn
19 finally went down when he came out of that apartment. It
20 doesn't matter which direction. Are they disputing that he
21 got shot? David Lunn told you he got shot twice.

22 They have you chase these red herrings because it's in
23 his best interest to do it. That's the only way he gets
24 himself out of this thing is to have you believe he went along
25 for a drug deal and, unbeknownst to him, Reginald Johnson had

1 a motive to kill somebody.

2 And, folks, it just didn't work like that. The law is
3 what catches Christopher Peterson. It is the law that will
4 finally bring him to justice. The hand of one is the hand of
5 all.

6 It was his statement on the 11th that told you he was the
7 first one in the door. He knocked on the door. When the door
8 opened up, he struggled with that individual who opened the
9 door. It was his testimony. It's his testimony that's going
10 to bring him before the law and finally bring him to justice
11 because he told you yesterday when he testified I knocked on
12 the door. When the door opened up, I am the one who struggled
13 with that person. The law is what gets him in the end.

14 Now, in terms of what happened, Mr. Deberry would have
15 you believe that, well, this doesn't make sense, that doesn't
16 make sense. Who knows what happened? Well, we've got a great
17 idea of what happened in there.

18 (WHEREUPON, State's Exhibit Number 2 was displayed for
19 the jury.)

20 MR. TUCKER: Now, when you have this scale back there, I
21 want you to pay attention. This is the front door. This is
22 where Reginald Johnson told you he was when the door opened
23 up, and this is where Christopher Peterson told you where he
24 was. He's the first one in the door, knocking on the door
25 when it opens up.

1 Now, Marcus Lisbon. He testified that when the door
2 opened up, he started struggling immediately with that
3 individual. He told you that. Now, he indicated that as soon
4 as that door opened up and the struggle occurred, a shot went
5 off. The gun fired at once.

6 Now, if you follow from right there right to there,
7 that's where Luther Lisbon was sitting and, folks, I'm not
8 going to sit here and tell you that they planned to go over
9 there and kill Luther Lisbon. I'm going to tell you what
10 Reginald Johnson told you. I'm going to tell you what the
11 evidence shows. This was an armed robbery. They went over
12 there to rob Luther. If you have any doubt, look at all the
13 money that was scattered in or about that place. Wherever
14 that information came from, it was pretty reliable. Luther
15 had money over there.

16 Now also when you look at that scale drawing and when we
17 talked to Marcus Lisbon, I asked him about money. There was
18 money here, there was money over here, and there was a pile of
19 money sitting right there. He said about 2,500 -- \$3,000 that
20 was right there in plain view right there where everybody
21 could see it.

22 And we talked about armed robbery. Nobody got -- well,
23 Christopher Peterson didn't have a whole lot of time so he
24 grabbed what was handy. He left a whole lot more money than
25 he took. But make no mistake. That was the motive. They

1 went over there to get cash money. Reginald Johnson told you
2 that. David Lunn told you they had money in there and Marcus
3 Lisbon told you that. So make no mistake. That's what
4 happened. They went over there and, of course, when the door
5 opened up, when Christopher Peterson started to struggle with
6 Marcus Lisbon who opened that door, the shot went off.

7 Now, the second shot. As soon as Marcus Lisbon grabbed
8 that gun, the gun goes up and you can see on the door where
9 the dowel goes through it. There was no testimony that
10 somebody fired through the door from the outside before it
11 opened up. That second shot come from when Marcus Lisbon was
12 struggling with Christopher Peterson. They come just inside
13 the door. Marcus Lisbon is pushing that hand up and
14 Christopher Peterson pulls the trigger. If you have any doubt
15 what was in that man's heart that night, look at that. He was
16 trying to shoot him in the head, and that's why Marcus Lisbon
17 was pushing that gun up. That's why you had that hole in the
18 door with that dowel going through it. He was trying to shoot
19 him then.

20 Now, Marcus Lisbon. Mr. Deberry will tell you you can't
21 believe him. He says he was outside; then he says he was
22 inside. And I suggest to you that there was a lot of stress
23 on that young man that night when he gave his first statement.
24 I'm not saying he was lying. I'm just saying he was
25 inaccurate because he was under a lot of stress. His brother

1 had just been shot and killed, and he was suffering a broken
2 leg. And I suspect he probably didn't initially want to tell
3 law enforcement he was in there because there was some
4 marijuana in there and he'd have to explain what that money
5 was. So -- but we know he was in there and we know he's
6 telling the truth because the physical evidence tells us that.

7 Now, folks, I'm going to show you these things and they
8 may look like just simple items of evidence, but they can talk
9 and they're telling us a whole lot.

10 The gunshot residue kit from Marcus Lisbon. It tests
11 positive for gunshot residue on the back of the right hand,
12 not on the palms which would have indicated he had fired a
13 weapon, but on the back. Now, if he's got hold of Christopher
14 Peterson, who has got --

15 MR. DEBERRY: Objection, Your Honor.

16 THE COURT: What grounds?

17 MR. DEBERRY: May we approach?

18 THE COURT: Sure.

19 (WHEREUPON, a bench conference was held in the presence
20 of the jury but out of the hearing of the jury as
21 follows.)

22 MR. DEBERRY: Nobody testified that if there's gunshot on
23 the front or the back that it doesn't indicate you shot a gun.

24 MR. TUCKER: Well, I believe that that's what I heard in
25 terms of testimony. That's my characterization of it and I

1 believe that's what I heard.

2 MR. DEBERRY: That's wholly inaccurate.

3 THE COURT: What was it again and what did you say?

4 MR. TUCKER: Well, there was nothing on the palms of
5 Marcus Lisbon saying -- indicating he had fired a gun. He had
6 gunshot on the right back hand, which is consistent with him
7 being in proximity to a gun being fired.

8 THE COURT: What's wrong with that?

9 MR. DEBERRY: He just told the jury that if gunshot
10 residue is on your hand -- on the palm of your hand, that
11 means you might have shot a gun. I mean that's not -- that's
12 not even close to right.

13 THE COURT: You can have a gun go off near the palm of
14 your hand.

15 MR. DEBERRY: Absolutely.

16 MR. TUCKER: Yeah.

17 THE COURT: Either way, I don't see how it's evidence.

18 MR. DEBERRY: It's not evidence.

19 THE COURT: Why don't you just move on?

20 MR. DEBERRY: It's not in the record.

21 THE COURT: All right.

22 (WHEREUPON, the bench conference ended and the closing
23 argument on behalf of the State continued as follows.)

24 MR. TUCKER: But at any rate, ladies and gentlemen, the
25 gunshot residue on the back of the hand indicates that that

1 hand was in proximity to a weapon when it was fired. Now,
2 that fits with what he told you in terms of wrestling with
3 Christopher Peterson there at the door.

4 Now also, the number of shell casings: five. Now, let's
5 count where these might have occurred and the evidence only
6 lays out the one way.

7 When the door opens up, Christopher Peterson struggles
8 with Marcus Lisbon. The first shot is in this direction.
9 Now, we know that Luther Lisbon was hit almost immediately
10 because David Lunn said Luther got up and started to go and
11 collapsed. He just kind of fell away. He didn't see what
12 happened to him after that.

13 Now, don't you think if Luther Lisbon had been able, he
14 would have ran and got his gun or he'd have tried to run out
15 the door? He didn't. Nobody recalls what happened to Luther
16 or what Luther did after that first gunshot. That's because
17 Luther had already been hit.

18 Now, Dr. Riemer told you that it was right up here was
19 the entrance wound and right down here was the exit wound.
20 That is consistent with somebody sitting and when the door
21 opens up, he sees a struggles, he starts to stand, and that's
22 when that first shot clips him. That is totally consistent
23 with the evidence.

24 Now, the second shot -- that's the first shell casing.
25 The second shot is when Christopher Peterson and Marcus Lisbon

1 were struggling next to that door. That's when that round
2 gets cranked off through the door. That's the second shell
3 casing.

4 The third shell casing is when David Lunn, who is up now
5 and comes over -- Marcus Lisbon has already pushed Christopher
6 Peterson away and has gone towards the steps, and he actually
7 dove off to get away. Now, Christopher Peterson testified
8 yesterday that he actually followed Marcus Lisbon down.
9 Marcus Lisbon didn't go down. He jumped off that second-story
10 balcony and almost broke his -- well, actually, fractured and
11 broke his leg.

12 But at any rate, that is the third shot is when David
13 Lunn comes around here. And he says when I come around, I
14 kind of put my hands up because the guy come back in the door.
15 Now, I asked him about who it was that he saw and he said,
16 well, I can't really say that's him, but I can't say it's not.
17 That's the same thing he told law enforcement. If he's lying
18 about what happened, ladies and gentlemen, he could have lied
19 big. He could have pointed a finger at Christopher Peterson
20 and said that's the guy right there, but he didn't. He told
21 you what he knew or what he could remember, but he did tell
22 you a lot that helped you.

23 He told you that the same person that Marcus was
24 struggling with was the heavier-set of the two, and that's the
25 one that Marcus was struggling with. And when they went back

1 out the door, it was only a couple of seconds when they come
2 back in. That guy is identical in terms of size, in terms of
3 dress, in terms of build, in terms of everything.

4 And the thing that stuck out with Marcus Lunn -- or
5 Marcus Lisbon when he was talking about it was he was kind of
6 a heavy-set fellow, shorter of the two. He told you that.
7 David Lunn tells you the same thing. But when David Lunn
8 first encounters this guy, when he sees him and he puts his
9 hands up, he tells you what? I saw gold teeth and a gun.

10 What did Thomas McFadden tell you on April the 10th when
11 he first encountered Christopher Peterson? Did you notice
12 anything unusual about him? Yeah, he had gold fronts. That's
13 not a coincidence, ladies and gentlemen.

14 But let's count rounds. David Lunn is struck. And
15 again, if you had any doubt about what was in this man's
16 heart, he has an opportunity to just say, look, this is
17 getting out of hand. Let's just cool down or turn around and
18 run before anybody else gets hurt. He doesn't. He cranks off
19 a shot and hits him right in the upper chest. David Lunn knew
20 at that point it was either -- it's either flee or die. Fight
21 for your life or die right where you stand, and he charged
22 that fellow. And he told you he wrassled. They hooked up and
23 they wrassled.

24 Now, three shots have already been fired and there are
25 three shell casings. The fourth one is when they're

1 struggling for that weapon and the bullet -- or the round goes
2 off and it goes through David Lunn's stomach and that is the
3 one that winds up in Christopher Peterson's knee. They're
4 struggling. They're close in. They're slipping. They're
5 yanking. They're pulling. And that's the one that does it,
6 not struggling with Luther Lisbon. He got shot when he was
7 wrassling with David Lunn.

8 And I agree with Mr. Deberry. Yeah, that bullet did pass
9 through something to slow it down. That's why it didn't exit
10 the knee. It was David Lunn's stomach. Four shots at this
11 point.

12 Now -- and again, if you have any doubt about what this
13 man was thinking or what was in this man's heart, when David
14 Lunn is able to get loose from him and run out the door, that
15 shot that skims the side of the door facing that you see that
16 winds up in the bannister, that is Christopher Peterson
17 shooting at David Lunn as he's fleeing for his life out the
18 door. That's why it skims the door and winds up where it's
19 at. Five shell casings.

20 The physical evidence corroborates what Marcus Lisbon
21 told you, what David Lunn told you. It corroborates what
22 Reginald Johnson told you and, folks, it corroborates what
23 Christopher Peterson told you. He just switches himself for
24 Reginald Johnson in terms of the trigger-puller.

25 Reginald Johnson. Mr. Deberry tried to shake him every

1 which way. He tried to confuse him with that aerial map.
2 Well, if you drove over there, you don't know where this place
3 is? You know, I don't know. I've never come from the top.
4 It's not like he took a helicopter over there. But he says I
5 know how to get there when I drive, and they had no problems
6 getting there that night.

7 Reginald Johnson was very consistent in his testimony,
8 and there's a reason for that. He's telling the truth, and it
9 didn't take him two or three times like it did Christopher
10 Peterson. He got up on the stand and told it the first time.
11 It's believable because it's the truth. There's no convoluted
12 conspiracy. There's no Gangster Fred involved in it. There's
13 no mystery fourth person or third person.

14 Reginald Johnson told you he and Christopher Peterson
15 went over to Luther Lisbon's house for the purpose of
16 committing an armed robbery. Both of them were armed.
17 Conspiracy: a meeting of the minds to complete or commit an
18 unlawful act. Both of them are armed and they go over.

19 Here's the problem. As Reginald told you, they thought
20 only Luther Lisbon would probably be home. They expected the
21 door to open up. Christopher Peterson was going to go in and
22 flash a gun. They were going to put him on the ground. They
23 were going to take his money. Simple.

24 Now, Mr. Deberry would have you believe that, well, that
25 can't be right. Who would go commit an armed robbery if they

1 didn't put a mask on? Well, I'd never say these guys were
2 geniuses. When he asked Reginald Johnson about it, Reginald
3 Johnson said, you know, I never thought about it to be quite
4 honest with you.

5 And there's another thing. They knew that Luther Lisbon
6 wasn't going to call the cops if all it was was a robbery.
7 Luther would have had to explain the marijuana and the -- and
8 the money. So they thought it was going to be just an in-and-
9 out, push-in robbery. Put him down, take the money, and be
10 gone before you knew it. It just didn't work out that way.

11 The dynamics of this situation changed dramatically when
12 that door opened up and Marcus Lisbon grabbed that gun. And
13 again, Christopher Peterson said, well, I stuck my hand out to
14 shake hands. The reason Marcus Lisbon reacted the way he did,
15 he saw that gun and that's what saved his life. Had it not
16 been for that, their mother might have been burying two sons,
17 not just one, and that was tragic enough. The physical
18 evidence is corroborated by the testimony that you heard.

19 And Marcus Lisbon, credibility. He gets on the stand.
20 He tells you that what he described resulted in that composite
21 sketch and that's ultimately how Christopher Peterson's name
22 surfaced. And lo and behold, everything just kind of falls
23 into place with regards to it. Christopher Peterson even
24 comes in and gives a statement. So it was pretty accurate.

25 But he has a chance to lie big at this point. He could

1 have pointed the finger at Christopher Peterson and said,
2 yeah, that's the man who shot at me. He didn't. He said I
3 can't say that's him. I'm looking at him. It looks like him.
4 I just can't say it's him. He's telling the truth.

5 But we know it was Christopher Peterson because it was
6 Christopher Peterson who told you from that stand and from
7 that statement to law enforcement he knocked on the door and
8 he was the first one in the door. It opened up and a struggle
9 started almost immediately. That is corroborated by David
10 Lunn.

11 David Lunn tells you when the door opened up, all hell
12 broke loose. There were a couple of shots and they go back
13 out the door. A second or two later, they're back in the
14 door. And while they might have been out of his field of
15 vision for just a few seconds, they came right back in and the
16 guy that confronted David Lunn is the same guy who was
17 struggling with Marcus Lisbon, and it's Christopher Peterson.
18 Same build, same height, same dress, and this time he's got a
19 gun pointed at David Lunn.

20 The physical evidence backs up Marcus Lisbon. The
21 gunshot traces on the back of the hand. Mr. Deberry made a
22 big deal about Luther Lisbon testing positive for gunshot
23 residue. Yeah. He was shot. More than likely, put his hand
24 over it. Or when his brother comes back in and his brother is
25 tending to him to try to, you know, to assist him in whatever

1 way he could, there might have been gunshot transfer that way.
2 But more than likely, I suspect it was when the hand goes over
3 the bullet wound. I'm shot. It's a natural reaction to do
4 that.

5 But again, we know that this is what happened because
6 Luther Lisbon never went for a gun himself. He never tried to
7 run out of that apartment because he was hit with the first
8 shot.

9 The hand of one is the hand of all. Now, Christopher
10 Peterson thinks he's going to get out of this by blaming
11 Reginald Johnson. He can't. The evidence is irrefutable that
12 they both went over there for the purpose of committing an
13 armed robbery. That makes them both responsible under the
14 eyes of the law for when gunshots start.

15 Now, Reginald Johnson -- and I think you can judge from
16 his demeanor versus Christopher Peterson's he's mild-mannered
17 and he's a little meek. He lost his nerve when he got up next
18 to that door. When that door opened up and that first shot
19 cranked off, he wasn't about to go in there. He lost his
20 nerve. And how do we know this? Marcus Lisbon said, yeah, I
21 saw the second guy briefly and then didn't. David Lunn tells
22 you the same thing. He was there for a moment and then he
23 wasn't, and then he was gone.

24 But Reginald was very consistent with what he told you
25 about Christopher Peterson being with him, them both being

1 armed, parking a distance down and walking over. Very
2 consistent. Now, the one issue that Mr. Deberry seems to have
3 is that, yeah, well, Reginald Johnson said when I looked in,
4 there were four guys there.

5 And I tell you with the chaos and things, with all hell
6 breaking loose, it's very possible and more than likely that
7 he miscounted, that he saw Christopher Peterson and maybe
8 counted him as the fourth person. Maybe he saw a reflection
9 in a window. Who knows? But I do know that all hell was
10 breaking loose and I guarantee you he didn't take time to sit
11 there and say that person there, that's one, that person
12 there, that's two, three, and four.

13 We know there weren't four people in that apartment. How
14 do we know? Marcus Lisbon said it was me, it was my brother,
15 Luther, and it was David Lunn. David Lunn told you the same
16 thing when asked how many people were in that apartment. It
17 was me, it was Marcus Lisbon, it was Luther Lisbon.

18 There was no fourth person, but there has to be a fourth
19 person, this mystery person, this fourth person being the
20 third person. That's the only way Christopher Peterson gets
21 out of this thing. Blame it on this mystery, phantom person.
22 He must have been the one who did all of this because he knows
23 that if Reginald Johnson did it or he did it, they're both on
24 the hook. They are both culpable under the law. Hand of one,
25 hand of all. In for a penny, in for a pound.

1 He is caught. The only way he gets out is if you believe
2 that there was this mystery person that somehow is responsible
3 for all of it, and there isn't. The evidence is strong. It's
4 irrefutable Christopher Peterson was the trigger-man and
5 Reginald Johnson was there with him.

6 Now, in terms of deals, in terms of why Reginald Johnson
7 is being treated a little differently than Christopher
8 Peterson, folks, Reginald Johnson didn't pull the trigger
9 here. The evidence is strong. The evidence is irrefutable.
10 It was Christopher Peterson who was first in the door. It was
11 Christopher Peterson who struggled with Marcus Lisbon. It was
12 Christopher Peterson who shot at Marcus Lisbon. It was
13 Christopher Peterson who shot David Lunn twice and it was
14 Christopher Peterson who killed Luther Lisbon. Five shell
15 casings, five shots.

16 Now, the gunshot -- firearms fellow, he told you that
17 there were all nine millimeters and I can't say one gun fired
18 all of the five. I can tell you one gun fired two, one gun
19 fired three. It's possible because the ammunition was
20 different and he explained how that was that it would -- he
21 couldn't say conclusively, but he could say I can't rule it
22 out. I can't rule it out that it was two.

23 In terms of if you're looking at the law, hand of one,
24 hand of all, the felony murder, in other words, the crime
25 committed -- or it happens as a result of them committing the

1 armed robbery, it doesn't matter whether Reginald Johnson
2 pulled the trigger, it doesn't matter whether Christopher
3 Peterson pulled the trigger. It matters to me and it matters
4 to our office, and that's why we put Reginald Johnson on the
5 stand and that's why he's pleading to accessory after the
6 fact. He never went in that apartment. He never pulled a
7 trigger. He never shot at anybody. He never shot anybody.
8 That man did it. That man.

9 Death. It came for Luther Lisbon at 31 years old.
10 Death. It's got a name, and it's Christopher Peterson. And,
11 folks, death certainly has a face. And there it is.

12 Everybody that's involved in this has suffered. Luther
13 Lisbon lost his life. David Lunn almost lost his. He got
14 shot twice. Marcus Lisbon got shot at, had to suffer a broken
15 leg, and now has to live with the fact he blames himself now
16 because he opened the door and let the man in. Reginald
17 Johnson is suffering. He's going to prison.

18 Now, it's his turn. Find that man guilty. This is a
19 crime about violent. This is a crime about senseless tragedy.
20 And, folks, quite literally this is a case about a man who is
21 trying to get away with murder. Don't let him.

22 THE COURT: All right. Members of the jury, you may
23 retire to the jury room, but do not begin your deliberations
24 at this time.

25 (WHEREUPON, the jury exited the courtroom at 12:40 p.m.)

1 THE COURT: All right. Any objections to the charge as
2 given from the State?

3 MR. TUCKER: None from the State, Your Honor.

4 THE COURT: The defense?

5 MR. DEBERRY: No, Your Honor.

6 THE COURT: All right.

7 MR. DEBERRY: And I'd just like to renew all my prior
8 objections and motions as of this time.

9 THE COURT: All right. Those are denied. If you would,
10 take a look at the items of evidence and make sure they're in
11 order.

12 (WHEREUPON, there was a pause in the proceedings as the
13 evidence was checked by the attorneys.)

14 THE COURT: All right. Everything is in order from the
15 State?

16 MR. TUCKER: It is.

17 THE COURT: What about the defense? Everything in order
18 from the defense perspective?

19 MR. DEBERRY: Yes, sir.

20 THE COURT: And the State as well?

21 MR. TUCKER: Yes, sir.

22 THE COURT: All right. If you'll send it in and bring
23 out the alternate and tell them to begin?

24 (WHEREUPON, the exhibits were delivered to the jury and
25 the jury deliberations began at 12:47 p.m.)

1 (WHEREUPON, the alternate juror was released at 12:47
2 p.m.)

3 THE COURT: We'll be at ease until we get our first
4 question.

5 (WHEREUPON, there was a break in the proceedings from
6 12:47 p.m. until 1:44 p.m.)

7 THE COURT: It appears we have our first note. They'd
8 like to view the interview with Christopher Peterson again.
9 Any objections from the State?

10 MR. TUCKER: No, Your Honor.

11 THE COURT: Any objections from the defense?

12 MR. DEBERRY: No, Your Honor.

13 THE COURT: All right. Go ahead and bring out the jury.

14 (WHEREUPON, the jury entered the courtroom at 1:45 p.m.)

15 THE COURT: All right. If you will, go ahead and play
16 the interview.

17 (WHEREUPON, State's Exhibit Number 148 was played in open
18 court for the jury. NOT TRANSCRIBED HEREIN.)

19 THE COURT: All right. You may continue.

20 (WHEREUPON, the jury exited the courtroom at 2:11 p.m.)

21 THE COURT: All right. Let me know if something else
22 pops up.

23 (WHEREUPON, the jury note was marked as Court's Exhibit
24 Number 1.)

25 (WHEREUPON, there was a break in the proceedings from

1 2:12 p.m. until 2:36 p.m.)

2 THE COURT: All right. It's my understanding we have a
3 verdict and I want to remind everybody in the courtroom that
4 we're not going to have any outbursts of any kind, regardless
5 of what this verdict is. That jury has had a hard job to do
6 and they've done their job and they deserve respect and they
7 do not need any pressure from any outside sources.

8 So if anybody in this courtroom makes a sound that I can
9 hear, I'm going to hold you in contempt of court and you're
10 going to jail for ten days or you can pay a \$5,000 fine. If
11 you cannot abide by this, you need to leave now. I'm going to
12 give you about 60 seconds to leave. When the 60 seconds is
13 up, the doors are being locked and we're taking the verdict
14 and you're going to abide by those rules.

15 All right. You've got 60 seconds to make up your mind.

16 (WHEREUPON, there was a pause in the proceedings.)

17 THE COURT: All right. I'm going to assume nobody is
18 leaving. Go ahead and bring out the jury.

19 (WHEREUPON, the jury entered the courtroom at 2:37 p.m.)

20 THE COURT: All right. Mr. Foreman, has the jury reached
21 a verdict?

22 THE FOREMAN: Yes, Your Honor.

23 THE COURT: All right. If you would be so kind as to
24 hand it to the bailiff?

25 (WHEREUPON, the foreman and bailiff complied.)

1 THE COURT: All right. I find everything in order. If
2 the clerk would publish it?

3 VERDICT

4 THE CLERK: State of South Carolina versus Christopher
5 Mayhue Peterson, Indictment 2014-GS-21-01128, Indictment 2014-
6 GS-21-00494 [sic].

7 As to the charge of murder, we, the jury, unanimously
8 find the defendant, Christopher Mayhue Peterson, guilty.

9 As to the charge of attempted murder, we, the jury,
10 unanimously find the defendant, Christopher Mayhue Peterson,
11 guilty.

12 As to the charge of possession of a weapon during a
13 violent crime, we, the jury, unanimously find the defendant,
14 Christopher Mayhue Peterson, guilty.

15 As to the charge of conspiracy, we, the jury, unanimously
16 find the defendant, Christopher Mayhue Peterson, guilty.

17 As to the charge of armed robbery, we, the jury,
18 unanimously find the defendant, Christopher Mayhue Peterson,
19 guilty.

20 Dated June 18th, 2015. Signed foreperson, Gary Freeman.

21 Members of the jury, if this is your verdict, please
22 raise your right hand.

23 (WHEREUPON, all jurors raised their right hand.)

24 THE CLERK: That is everyone, Judge.

25 THE COURT: Is there need for further polling from the

1 defense?

2 MR. DEBERRY: No, Your Honor.

3 THE COURT: All right. Thank you very much. Members of
4 the jury, you have done your job and I thank you for that.
5 You've done a good job. You've been attentive, you've been on
6 time, and you've been here, and you've worked hard. For that,
7 you will be paid. It will not be worthy of your efforts, but
8 you will be paid something, and you have earned a three-year
9 exemption from any further service in this court.

10 I hope you have a good weekend and you are excused for
11 the week. Everybody remain either standing or seated while
12 the jury is excused. All right. You may go.

13 (WHEREUPON, the jury was released and exited the
14 courtroom at 2:40 p.m.)

15 MR. TUCKER: And, Judge, if we could, my assistant is
16 going to get the sentencing sheets as we speak.

17 THE COURT: All right. I'll be waiting on you.

18 THE DEFENDANT: I didn't kill y'all brother. I didn't
19 kill y'all brother. I ain't shoot no one. Y'all better do
20 y'all investigation again. I ain't killed that man. It's the
21 bullet in my leg that killed that man. Y'all know that. I
22 ain't killed that man. I didn't kill that man.

23 THE COURT: All right. While the solicitor is getting
24 the sentencing sheets ready, I'll be glad to entertain any
25 motions the defense might have.

1 MR. DEBERRY: Your Honor, at this time, we would just
2 renew all motions and objections we made thus far.

3 THE COURT: All right. Thank you. Those motions are
4 denied. All right. I'm waiting on you.

5 THE DEFENDANT: God's got a plan. God's got a plan.
6 God's got a plan. I just don't see it yet, but it's
7 something.

8 (WHEREUPON, there was a pause in the proceedings.)

9 THE DEFENDANT: I don't understand it. I just don't
10 understand it right now.

11 THE COURT: All right. Anytime you're ready, Solicitor.

12 MR. TUCKER: Just we're waiting on one additional one for
13 the armed robbery.

14 (WHEREUPON, there was a pause in the proceedings.)

15 SENTENCING

16 THE COURT: All right. Yes, sir?

17 MR. TUCKER: And, Your Honor, if I may, I'm handing up
18 sentencing sheets, the first of which is for 2015-GS-21-0494
19 for armed robbery. Having been now convicted, he faces a
20 possible ten-year minimum to 30-year sentence.

21 I'm also handing up attempted murder, 2013-GS-21-1128.
22 He faces up to 30 years on it. Also on that same indictment,
23 Your Honor, he was convicted for possession of a firearm by a
24 convicted felon or violent felon at zero to five. And also
25 for criminal conspiracy, zero to five. And of course, murder,

1 same Indictment 2013-GS-21-1128, that is also 30 years to
2 life.

3 THE COURT: All right. Anything the victims would like
4 to say or anything the solicitor would like to say?

5 MR. TUCKER: I think they would, Your Honor. I'm handing
6 up what's been handed to me. This is a picture of the victim
7 in this matter, Mr. Luther Lisbon.

8 THE COURT: Okay. All right. Any time you're ready.

9 MR. TUCKER: Your Honor, I believe his sister -- Mr.
10 Lisbon's sister would like to address the Court.

11 THE COURT: All right. Yes, ma'am?

12 MS. TANESHIA LISBON: I just want to say as of January
13 the 6th, 2013, life as my family and I have known has forever
14 changed. It saddens me that he testified to not knowing my
15 brother, but yet he took my brother away from us. He had a
16 ten-month-old daughter that will never know his father -- her
17 father. And I just ask that he get sentenced to the maximum
18 time allowed for each -- each crime that was committed.

19 THE COURT: All right. Thank you.

20 MR. TUCKER: And, Your Honor, of course, you've heard
21 everything in the trial. I will put out that he has a 2000
22 and -- I believe it's an '07 conviction for strong-armed
23 robbery. He also had a pending charge when this matter
24 occurred. I believe it was attempted murder for his mother.
25 Obviously, that's not part of this and, given what's happened

1 today, we'll certainly see what to do with that particular
2 charge.

3 Your Honor, I will point out -- you sat through the trial
4 -- this particular defendant was instrumental in what
5 happened, of course, and certainly, you know, given the
6 severity of what happened, one man lost his life, one man
7 almost lost his life, and certainly taking a shot at the
8 other, with the armed robbery we certainly would put that
9 before the Court and leave sentencing in your discretion.

10 THE COURT: All right. Yes, sir?

11 MR. DEBERRY: Thank you, Your Honor. I don't have very
12 much to add at all. I mean I was appointed to represent Mr.
13 Peterson back after this happened. You heard the facts of the
14 case and the verdict that the jury gave.

15 I'd just like to say I'm sorry for the -- for the
16 outcome, for the family of the victim and, you know, we'll
17 accept whatever sentence you see necessary as a fair sentence
18 and just move on, Your Honor.

19 SENTENCE

20 THE COURT: All right. The sentence of the Court on
21 murder is life.

22 The sentence of the Court on the robbery is 30 years.

23 The sentence of the Court on the attempted murder is 30.

24 On the possession of the weapon, it's five, and five on
25 the criminal conspiracy.

1 And I've run them all concurrent.

2 MR. TUCKER: Thank you, Your Honor.

3 MR. DEBERRY: Thank you, Your Honor.

4 THE COURT: All right. Thank you.

5 MR. TUCKER: Your Honor, if I could see those sentencing
6 sheets?

7 THE COURT: And let me ask you something real quick.

8 And, Mr. Deberry, you can come up here as well if you want to.

9 (WHEREUPON, a bench conference was held as follows.)

10 MR. TUCKER: I believe maybe one of these I think got in
11 here from the other indictment. I want to make sure those are
12 correct.

13 THE COURT: She read the wrong indictment number on the
14 sentencing sheet. Does that matter from your perspective?

15 MR. TUCKER: It doesn't. We can correct it if we need to
16 here.

17 MR. DEBERRY: She did what now?

18 THE COURT: The wrong indictment is on the sentencing
19 sheet -- on the verdict form.

20 MR. DEBERRY: Oh, on the verdict form.

21 THE COURT: Any objections to me just correcting it?

22 MR. TUCKER: I have no objections, Your Honor.

23 THE COURT: Mr. Deberry?

24 MR. DEBERRY: No objections.

25 THE COURT: All right. Let's go ahead and correct it.

1 (WHEREUPON, the bench conference ended.)
2 (WHEREUPON, the proceedings ended at 2:53 p.m.)
3
4 --- END REQUESTED TRANSCRIPT ---
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1 State of South Carolina)
2) Certificate
3 County of Florence)
4

5 I, the undersigned, Krystal J. Smith, Notary Public and
6 Official Court Reporter for the Twelfth Judicial Circuit of
7 the State of South Carolina, do hereby certify that the
8 foregoing pages, numbered 1 through 606 constitute a true,
9 accurate, and complete Transcript of Record of all the
10 proceedings had and evidence introduced in the hearing of the
11 above captioned case, relative to appeal, in the Court of
12 General Sessions for Florence County, South Carolina, on the
13 15th through 17th days of June, 2015.

14 I do further certify that I am neither of kin, counsel,
15 nor interest to any party hereto.

16

17 /s/Krystal J. Smith

18 Court Reporter

19

20 Florence, South Carolina

21 September 15, 2015

22

23

24

25

WITNESSES

Chad Collins

Florence County Sheriff



Todd Tucker

ARREST WARRANT NUMBER

2015GS2100494

0139

ACTION OF GRAND JURY

TRUE BILL



Vernita Smith

Foreperson of Grand Jury

Date: 4-2-15

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-21-00494

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

APRIL

TERM

2015

THE STATE

vs.

CHRISTOPHER MAYHUE PETERSON

Indictment for

ARMED ROBBERY

FILED
2015 APR -2 AM 11:37
CLERK OF COURT
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

ARMED ROBBERY

At a Court of General Sessions, convened on APRIL 2, 2015 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- ARMED ROBBERY

That CHRISTOPHER MAYHUE PETERSON did in Florence County on or about January 6, 2013, while armed with a deadly weapon, to wit: a 9 mm handgun, take and carry away personal property of LUTHER LISBON from or in the immediate presence of LUTHER LISBON to wit: approximately \$2,000.00 in U.S. Currency, with intent to deprive LUTHER LISBON of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Chad Collins

Florence County Sheriff



Todd Tucker

ARREST WARRANT NUMBER

2013A2110200421
2013A2110200422

2013A2110200423

• 2013A2110200424

• 2013A2110200425

2013GS2101128A • 2013GS2101128B

DD49 R Johnson • DD49 R Peterson

SECTION OF GRAND JURY



TRUE BILL

For person of Grand Jury

Date: 2/29/13

VERDICT

For person of Petit Jury

Date:

DOCKET NO. 2013-GS-21-01128

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

SEPTEMBER

TERM

2013

THE STATE

vs.

REGINALD DANIEL JOHNSON

CHRISTOPHER MAYHUE PETERSON

Indictment for

**MURDER,
ATTEMPTED MURDER,
POSSESSION OF A WEAPON DURING A
VIOLENT CRIME,
CONSPIRACY**

2013 AUG 29 AM 11:06
COMPIE REEL-SHEARIN
CAMP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 MURDER,
 ATTEMPTED MURDER,
 POSSESSION OF A WEAPON DURING A VIOLENT
 CRIME,
 CONSPIRACY

At a Court of General Sessions, convened on AUGUST 29, 2013 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

That REGINALD DANIEL JOHNSON and CHRISTOPHER MAYHUE PETERSON did in Florence County, on or about January 6, 2013, willfully, feloniously, and intentionally kill the victim, LUTHER LISBON, with malice aforethought, either express or implied, by means of shooting the victim in the chest, and the victim did die as a proximate result thereof on or about January 6, 2013 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO- ATTEMPTED MURDER

That REGINALD DANIEL JOHNSON and CHRISTOPHER MAYHUE PETERSON did in Florence County on or about January 6, 2013 with intent to kill DAVID LUNN, attempt to kill the victim with malice aforethought, either expressed or implied to wit: by shooting the victim several times, in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

COUNT THREE - POSSESSION OF A WEAPON DURING A VIOLENT CRIME

That REGINALD DANIEL JOHNSON did in Florence County, on or about January 6, 2013, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

COUNT FOUR- CONSPIRACY

That REGINALD DANIEL JOHNSON and CHRISTOPHER MAYHUE PETERSON did in Florence County on or about January 6, 2013 combine with each other, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: MURDER and ATTEMPTED MURDER, in violation of Section 16-17-410, 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.



E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

WITNESSES

Thomas Mcfadden

Florence County Shariff



Todd Tucker

ARREST WARRANT NUMBER

2013A2110200187

2013A2110200414

ACTION OF GRAND JURY



TRUE BILL

Courtney Murphy
Foreperson of Grand Jury
Date: *8/29/13*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-21-01129

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

SEPTEMBER

TERM

2013

THE STATE

vs.

CHRISTOPHER MAYHUE PETERSON

Nolle Prossed
6-18-15

Indictment for

**ATTEMPTED MURDER,
UNLAWFUL POSSESSION OF A FIREARM
BY A CONVICTED FELON**

FILED

2013 AUG 29 AM 11:07

**CONNIE REEL-SHEARIN
CLERK & GS
FLORENCE COUNTY, SC**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 ATTEMPTED MURDER,
 UNLAWFUL POSSESSION OF A FIREARM BY A
 CONVICTED FELON

At a Court of General Sessions, convened on AUGUST 29, 2013 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- ATTEMPTED MURDER

That CHRISTOPHER MAYHUE PETERSON did in Florence County on or about February 17, 2013 with intent to kill LINDA GREEN, attempt to kill the victim with malice aforethought, either expressed or implied to wit: by firing a handgun at her during an altercation, in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

COUNT TWO- UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED FELON

That CHRISTOPHER MAYHUE PETERSON did in Florence County on or about February 17, 2013 knowingly possess or acquire a pistol after having been convicted of a crime of violence defined in Section 16-23-10, S. C. Code of Laws, 2003, as amended, in violation of Section 16-23-0500, 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.

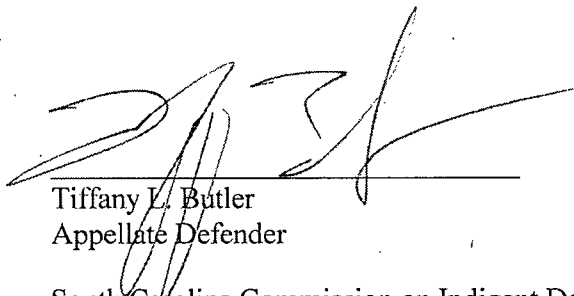


E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 18th day of April, 2016



Tiffany L. Butler
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

APR 18 2016

SC Court of Appeals

RECEIVED

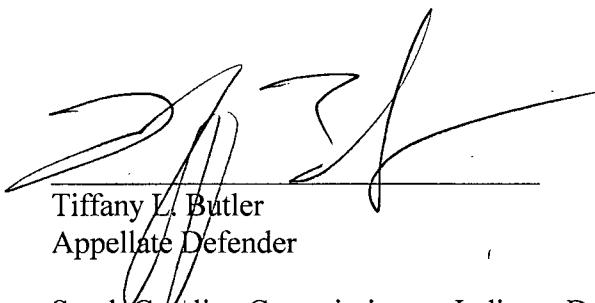
APR 18 2016

SC Court of Appeals

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This 18th day of April, 2016



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ATTORNEY FOR APPELLANT

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APR 18 2016

SC Court of Appeals