

20351

VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT, DEC 09 2015

V.

SC Court of Appeals

REGINALD L. GORDON,

APPELLANT

APPELLATE CASE NO. 2014-002555

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

SUSANNAH R. COLE
Assistant Attorney General
S.C. Bar No. 68383
PO Box 11549
Columbia, SC 29211-1549
(803) 734-0265

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit
101 Meeting St., Suite 400
Charleston, SC 29401
(843) 958-1900

Attorneys for Respondent

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT #58 (DVD)**

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Before The Honorable G. Thomas Cooper, Jr.
Testimony of Charlest Lawrence - Cross Examination

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1 Q. And after you've had time to
2 reconsider that, rather than coming back and
3 telling the truth, you colluded with Sonya
4 Magwood to come up with a false time line?

5 A. That is correct.

6 Q. Were you still panicked after you
7 left and spoke with her about that?

8 A. Yes, sir.

9 Q. Had time to think about it.

10 A. Yes, sir.

11 Q. Okay.

12 A. Definitely.

13 Q. This wasn't the only episode of a
14 lack of truthfulness in your career as a
15 detective in the Charleston County Sheriff's
16 Department either, was it?

17 A. That's correct.

18 Q. There was another episode in which
19 you lied to your superior officers as to your
20 whereabouts and that was discovered as well;
21 correct?

22 A. Yes, sir.

23 Q. And you weren't terminated at that
24 time, but you were suspended, I believe; is
25 that correct?

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1 A. I think a day or something of that
2 nature.

3 Q. Okay. Okay. But you told your
4 superior officer that you were out
5 investigating a missing person's report or
6 something along those lines when, in fact,
7 that absolutely wasn't the case. And the
8 appearance of the missing person confirmed
9 that for your superior officer?

10 A. For clarification purposes, I did
11 locate the missing person that day. At that
12 time I had spoken with the parents of the
13 missing person. Had already typed in my case
14 notes. I located -- I did not go to the
15 house. As I stated, it was already in there.
16 And once I found the missing person, he was
17 removed from the NCIC as missing, and my case
18 notes went up, they went in as such. I think
19 my supervisor must have called to do a
20 follow-up and someone said that I did not
21 come to the house. And that's the reason for
22 that.

23 Q. Okay. But you told your supervisor
24 officers that you had been by the house?

25 A. My case notes said I was by the

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1 house.

2 Q. You had gone by the house?

3 A. Yes.

4 Q. Okay. Okay. And you were suspended
5 for a period of time for that as well;
6 correct?

7 A. One day. I think it was one day.

8 Q. Okay. So in addition to this rather
9 large set of lies surrounding the current
10 case, there's been past episodes of
11 dishonesty as well; is that a fair statement?

12 A. Not fair, but it's true.

13 Q. Okay. I guess sometimes the truth
14 isn't fair. The misrepresentation to Mr.
15 Gordon by omitting your relationship with Ms.
16 Magwood, would you say is a material
17 misrepresentation?

18 A. Again, the only reason I interviewed
19 Mr. Gordon, Reginald Gordon, was per the
20 request of his mother, who I have known, I
21 have known for years. And she asked me to
22 interview him, which I did. And that's the
23 only reason I interviewed Reginald Gordon.

24 Q. Okay. But I don't think that
25 answers my question, though, Mr. Lawrence.

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1 I asked if that was a material misrepresenta-
2 tion in your mind?

3 A. I'm at a loss for words just in my
4 mind as to how you're asking this 'is it
5 material misrepresentation directly'?

6 Q. A material misrepresentation, yes,
7 sir.

8 SOLICITOR DURANT: Your Honor, I
9 would object that any misrepresentation was
10 made at all.

11 THE COURT: Okay. Well, I don't
12 know if he can answer the question. If he
13 can, he can. If he cannot, he cannot.
14 Overruled.

15 WITNESS: I wouldn't say material
16 misrepresentation. I only did it per the
17 request of his mother.

18 CROSS-EXAMINATION CONTINUED

19 BY MR. DETREVILLE:

20 Q. Okay. And it was, in fact, Mr.
21 Gordon's mother who contacted the solicitor's
22 office and notified them of your relationship
23 with Ms. Magwood; is that correct?

24 A. Yes, sir, that's correct. To my
25 knowledge, yes, sir.

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1 Q. Okay. It's a fairly good indicator
2 that she would not have placed her trust in
3 you had she known about your relationship
4 about Ms. Magwood; fair enough?

5 A. I wouldn't concur with that, no.

6 SOLICITOR DURANT: Your Honor, once
7 again he keeps asking this witness what
8 another person thinks. That's not -- that's
9 just inappropriate.

10 THE COURT: Sustained.

11 MR. DETREVILLE: I'll move on, Your
12 Honor.

13 CROSS-EXAMINATION CONTINUED

14 BY MR. DETREVILLE:

15 Q. With regard to -- on the evening of
16 the shooting, August the 18th, 2012, did you
17 arrive at -- were you on scene that night?

18 A. Yes, sir. Normally, it's -- yes, I
19 was.

20 Q. Okay. What time did you arrive at
21 the scene?

22 A. (Negative gesture), I've been on so
23 many calls. I remember being there but I
24 cannot tell you what time I was up there.

25 Q. Okay. It was the middle of the

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1 night.

2 A. Yes, sir, it was late.

3 Q. Okay. And what was your role at the
4 scene, what did you do there?

5 A. Initially, I just aided -- assisted
6 the lead detective. It was quite a few
7 people out there. Again, all the areas, the
8 area that I know, that was my -- Hollywood to
9 Edisto Island was my primary area when I was
10 a road deputy. And once I became a detective
11 in the detective division, that was still my
12 primary area. Anything that happened in
13 Hollywood to Edisto, I would pretty much be
14 the case agent on that, the lead detective,
15 okay? Again, that was my area.

16 Being that was my area -- I wasn't the
17 case agent, Detective Wilson was. What I did
18 was I saw a lot of people out there that I
19 knew. And I passed out maybe fifty cards in
20 the hopes that someone would give us a call
21 on some possible leads or suspects.

22 Q. Okay. Fair enough.

23 A. And that's what I did that night.

24 Q. Okay. So you were handing out
25 cards, talking to people, that sort of thing?

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1 A. Yes, sir.

2 Q. Were you involved in any search for
3 physical evidence, anything of that nature?

4 A. No, sir. No, sir.

5 Q. And following leaving the scene,
6 what did you then do?

7 A. We secured for the night and went
8 back, I believe it would be Monday, Monday
9 morning.

10 Q. It's still, I think, it's still the
11 morning of the 18th?

12 A. Yeah. But that was the weekend.
13 That was a weekend. And we got together
14 again Monday morning, early Monday and went
15 to the scene. And we attempted to locate the
16 spent projectiles.

17 Q. Okay. Do you recall, previous to
18 that, taking part in an interview with Lionel
19 Blair who is also known as Tootie?

20 A. Yes, sir. Yes, sir.

21 Q. You know who Tootie is?

22 A. Correct. Correct.

23 Q. Okay. Do you recall Tootie telling
24 you that he was not standing by the driver's
25 side of the door of the Ford Fusion, that he

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1 was standing around the back of the car
2 talking to Caprese Crosby?

3 A. We went back and forth for that with
4 him for hours about that. So at one point in
5 time he put himself there. And another point
6 in time he said that he wasn't.

7 Q. Okay. But he was fairly adamant
8 that he was standing in the rear of the car
9 with her, talking to Caprese Crosby when
10 shots were fired?

11 A. Initially.

12 Q. And he was adamant enough about that
13 to where the interview got rather heated; you
14 recall that?

15 A. I wouldn't say heated. It's a
16 detective's job to try to get as much
17 truthfulness out a person that you're
18 interviewing/interrogating as possible.

19 Q. Of course. Do you recall Lionel
20 Blair getting agitated enough to where he
21 was -- over that particular issue ---

22 A. Uh-huh.

23 Q. --- that he was actually handcuffed
24 to the chair at one point?

25 A. If we see a need to the officer

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1 safety, yes that is standard procedure. We
2 will do, yes, sir.

3 Q. Going back to -- you stated that
4 your next involvement in the case was on
5 August the 20th. Is that when you returned to
6 the scene with other detectives?

7 A. Yes, sir, that is.

8 Q. Do you recall who the other
9 detectives were that were on the scene with
10 you that day?

11 A. I know the investigators were there,
12 I think Sergeant Manigault and Investigator
13 Milz. And I'm not sure if Detective Wilson
14 was there or not. There was another
15 detective there as well.

16 Q. Okay. So there were four of you at
17 the scene that night?

18 A. At least.

19 Q. And what did y'all -- what were
20 y'all doing there? What were you trying to
21 accomplish and how did you go about it?

22 A. Okay. During the interview, if you
23 recall when someone stuck their head in and
24 gave a sheet of paper to me, at which time I
25 was interviewing Mr. Gordon, he showed me a

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1 diagram of where the vehicle was in
2 relationship to where he was and where
3 Scrappy was.

4 And so based on me knowing the area,
5 based on the diagram that he gave me, I went
6 to the car, where the car was there. I can
7 see the tinted windows where the glass was on
8 the ground, in the grass. And based on the
9 approximation of the feet that he gave me, I
10 started a little further back from that.
11 Then I started coming to the vehicle as to
12 where Mr. Gordon said that the gunshots came
13 from, at which point in time I was stepping
14 close, with my feet really close together. I
15 stepped on a casing. And as soon as I
16 stepped on it, I notified Sergeant Manigault,
17 who was the senior person out there at that
18 time. And I stepped off of it, at which
19 point time it was myself, two investigators
20 and another tech, all witnessed that one
21 casing. I never touched it. Other than
22 that, it was picked up by them and logged
23 into evidence.

24 Q. I noticed one of the first questions
25 that the Prosecution asked you on the stand

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1 was whether you planted a shell casing at the
2 scene or not. Why did they ask you that
3 question?

4 A. I have no idea, sir.

5 Q. Okay.

6 A. No idea.

7 Q. Okay. Very good. You stated
8 earlier I think that when Reginald Gordon's
9 mother approached you or possibly his sister
10 approached you about getting a statement ---

11 A. Yes, sir.

12 Q. That the reason why they approached
13 you about that was that somebody had
14 threatened to lock Reginald Gordon up for
15 life; is that correct?

16 A. Yes, sir, that's correct.

17 Q. Okay. Do you know if that was
18 somebody in the sheriff's department?

19 A. I'm sure it was. Yes, sir.

20 Q. Do you know who that was?

21 A. I've got an idea. But factually, I
22 can't say that I know. I have a idea of who
23 it was, yes, sir.

24 Q. Can you share that name with us?

25 SOLICITOR DURANT: Objection. That

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1 would be hearsay, and he said he doesn't
2 know.

3 THE COURT: Overruled -- I mean, I
4 sustain the objection. Sorry.

5 CROSS-EXAMINATION CONTINUED

6 BY MR. DETREVILLE:

7 Q. But you are aware of the fact that
8 somebody had threatened to lock Reginald
9 Gordon up for life?

10 A. That is correct. You know, Ms.
11 Geneva did say that specifically from her
12 mouth; yes, sir.

13 Q. Okay. With regard to the statement
14 that Mr. Gordon gave you, are there any areas
15 in that statement that cause you concern
16 regarding his truthfulness in that statement?

17 SOLICITOR DURANT: Your Honor,
18 that's a jury issue.

19 THE COURT: I'm going to let him
20 answer it if he can.

21 WITNESS: Based on my going to
22 different investigating schools, at some
23 point in time, his disposition, he would not
24 direct contact with me at points and times on
25 direct questions. So I cannot say whether he

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1 was being truthful or not, but a few times he
2 was evasive.

3 CROSS-EXAMINATION CONTINUED

4 BY MR. DETREVILLE:

5 Q. I'm sorry. I didn't catch that last
6 word.

7 A. Evasive a few times.

8 Q. A few times he was evasive?

9 A. Yes, sir.

10 Q. Were there particular times when you
11 felt like he was evasive that you can
12 identify?

13 A. We'd have to go back and look at
14 that video. You'll see what I was describing
15 to you.

16 Q. Okay. Mr. Gordon described the
17 shooter as wearing all black; is that
18 correct?

19 A. Yes, sir, he did. That is correct.

20 Q. That would be corroborated by other
21 witnesses; correct?

22 A. You have to ask the case agent on
23 that one, sir.

24 Q. Okay. He described the shooter as
25 having run around to the back of the club and

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1 around the club?

2 A. Yes.

3 Q. In his statement?

4 A. That is correct.

5 Q. Are you aware of whether that was
6 corroborated by other witnesses or not?

7 A. That, I don't know. The case agent
8 would have an answer for that one, sir.

9 Q. Okay. He admitted to driving the
10 Buick, the white Buick in question?

11 A. That's correct.

12 Q. Being in possession of that vehicle?

13 A. Yes, sir.

14 Q. To being at the Kangaroo?

15 A. Yes, sir, that's correct.

16 Q. To getting into an altercation with
17 the girls at the Kangaroo; correct?

18 A. Yes, sir, that's correct.

19 Q. He told you what he was wearing that
20 night?

21 A. Yes, that's correct.

22 Q. He told you that he had a gun in his
23 car?

24 A. He did.

25 Q. Okay. He told you that the gun that

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1 was in the Buick afterwards was the gun
2 that was used in the shooting?

3 A. Yes, he did.

4 Q. Okay. And he also told you that he
5 saw Derrick Brown fire the gun?

6 A. That's correct.

7 MR. DETREVILLE: I have no other
8 questions for this witness, Your Honor.

9 THE COURT: Redirect.

10 REDIRECT EXAMINATION

11 BY SOLICITOR DURANT:

12 Q. And the part he was evasive about
13 was him getting into any kind of argument at
14 Purple Mirage?

15 A. Yes, sir.

16 Q. Okay. He was evasive about him
17 being in any kind of an argument with anybody
18 at Frazier's?

19 A. Yes, sir, that's correct.

20 Q. But he did tell you that, according
21 to his story -- and this is after he knew
22 that there was a ballistics match to the gun
23 he had in his possession?

24 A. Correct.

25 Q. -- that Scrappy came up to him and

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1 told him that the guys that had ganged his
2 cousin Darnell were there. He said that
3 Scrappy told that to him?

4 A. Yes, sir, he did; right.

5 Q. And he said that 'we need to show
6 them what's what'?

7 A. (No verbal response).

8 Q. And Scrappy asked him, 'where's your
9 gun?'

10 A. Correct.

11 Q. And he says, 'my gun's in the car'?
12 Right?

13 A. That's correct.

14 Q. And Scrappy gets the gun?

15 A. Correct.

16 Q. And there's also in there -- when he
17 says that Darnell is saying, that's them in
18 the car? "That's them in the car."

19 A. Correct.

20 Q. And that Scrappy gets the gun and
21 goes up and starts shooting at the car?

22 A. That's correct.

23 Q. And he knew all of that; correct?

24 A. That is correct.

25 Q. And Darnell Chaplin, the guy that

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1 got ganged, is his cousin, not Scrappy's
2 cousin; right?

3 A. Correct.

4 Q. Okay. And you were aware that
5 Lionel Blair the guy that he was having an
6 argument with in Frazier's, was having an
7 argument with him and not Scrappy; right?

8 A. Yes, sir, that's correct.

9 Q. And whatever side of the car Lionel
10 Blair was on, he was right at the car that
11 got shot up?

12 A. That is correct.

13 Q. Okay. And Darnell Chaplin told them
14 that the guys that ganged him were from
15 Ardmore, West of the Ashley?

16 A. Correct.

17 Q. And that he'd been ganged before by
18 guys from Ardmore, West of the Ashley?

19 A. That is correct.

20 Q. And that Lionel Blair was from
21 Ardmore, West of the Ashley?

22 A. Correct.

23 Q. And that the people that had ganged
24 his cousin were in that car?

25 A. That is correct.

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Testimony of Charlest Lawrence - Recross Examination

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1 Q. Scrappy comes to him and says, 'I
2 need your gun.'

3 He said, 'Sure. Get it out of my car.'

4 A. Correct.

5 Q. 'Go at it.'

6 A. (No verbal response).

7 Q. Thank you.

8 THE COURT: Recross?

9 MR. DETREVILLE: Thank you, Your
10 Honor.

11 RECROSS EXAMINATION

12 BY MR. DETREVILLE:

13 Q. Was there an occasion that Frazier's
14 nightclub in which Lionel Blair, the person
15 just being referred to by the prosecution, as
16 "Tootie" ---

17 A. Tootie, (affirmative nod).

18 Q. --- threatened to shoot the club up?

19 A. Not to my knowledge, sir.

20 Q. If Tootie had threatened to shoot
21 the club up, would he be the aggressor in any
22 sort of altercation between the parties; fair
23 statement?

24 A. If? I have no recollection of him
25 saying that.

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1 Q. Okay.

2 SOLICITOR DURANT: Your Honor, that
3 is a completely inappropriate question.

4 THE COURT: Okay. Well, he
5 answered it, so. Move on.

6 MR. DETREVILLE: All right.

7 RECROSS-EXAMINATION CONTINUED

8 BY MR. DETREVILLE:

9 Q. You stated earlier that you had the
10 benefit of a diagram in going back to the
11 scene on the 20th. You said you had observed
12 a diagram of where the car was parked in
13 relation to other things?

14 A. Yes, sir, a diagram. During the
15 interview when someone knocked on the door
16 and you only saw a portion of their hand, and
17 they gave me a piece of paper, and I had Mr.
18 Gordon put an X where he was, where Mr. Brown
19 was, where the vehicle was, and basically
20 that's what it was.

21 Q. Okay. Now, this interview with Mr.
22 Gordon took place in February of 2013?

23 A. Yes, sir.

24 Q. You searched the scene for shell
25 casings in August of 2012?

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1 A. Okay. Okay, yeah.

2 Q. So you mentioned a diagram ---

3 A. Uh-huh.

4 Q. --- that you had the benefit of.

5 Obviously, that's not it.

6 A. That's correct. When I saw the
7 glass -- I stand corrected. When I saw the
8 glass at the scene where the broken glass
9 came from, the driver's side of the vehicle,
10 I went back, started back, I started back oh,
11 about no more than ten feet and came forward.
12 As to where -- based on the, based on the
13 pattern of the bullets to the window, you can
14 tell that the vehicle was close. And it was
15 said by the investigator that whoever shot
16 was within close proximity. And being in law
17 enforcement for sixteen years and a military
18 police officer prior to that, when you shoot,
19 when you discharge a weapon the rounds go out
20 approximately a couple of feet. That's how I
21 came up with that.

22 Q. But you testified earlier that it
23 was based on a diagram?

24 A. That is correct. That was
25 incorrect, I was wrong and I'm here to say

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1 that that is wrong.

2 Q. Okay.

3 A. Not a lie but wrong.

4 Q. Okay. Okay. When you were at the
5 scene --

6 MR. DETREVILLE: I withdraw the
7 question, Your Honor. I have no other
8 questions for Mr. Lawrence.

9 THE COURT: All right. You may
10 come down. Thank you very much.

11 WITNESS: Thank you, Your Honor.

12 (WITNESS STEPS DOWN)

13 THE COURT: May Mr. Lawrence be
14 excused.

15 SOLICITOR DURANT: Yes, Your Honor.

16 THE COURT: Without objection?

17 MR. DETREVILLE: Without objection.

18 THE COURT: Next witness.

19 SOLICITOR DURANT: The State calls
20 Ellen Riener.

21 (WITNESS TAKES STAND)

22 ELLEN RIENER, having been duly sworn to
23 tell the truth, and nothing but the truth,
24 testified as follows:

25 DIRECT EXAMINATION

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1 BY SOLICITOR DURANT:

2 Q. And what is your occupation, Dr.
3 Riener?

4 A. I'm a medical doctor and forensic
5 pathologist.

6 Q. And are you affiliated with the
7 Medical University of South Carolina?

8 A. Yes. I'm employed as a physician
9 and forensic pathologist at the Medical
10 University of South Carolina.

11 Q. Okay. And how long have you been
12 practicing medicine?

13 A. Since 1997 when I received my M.D.
14 Degree.

15 Q. And that, I believe, was from Tel
16 Aviv University; is that correct?

17 A. Correct.

18 Q. And where did you do your residency?

19 A. I did my residency in pathology at
20 Columbia University College of Physicians and
21 Surgeons, Columbia Presbyterian Medical
22 Center in the City of New York.

23 Subsequent to that, I did a Fellowship in
24 cardiovascular and pulmonary pathology at
25 John's Hopkins Hospital, followed by a

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1 Fellowship in Forensic Pathology at the
2 Office of the Chief Medical Examiner of the
3 State of Maryland, which is in Baltimore.

4 Q. Okay. And I believe in terms of
5 professional experience in the medical field
6 you are on the faculty of Wake Forest;
7 correct?

8 A. Yes. After I completed my
9 Fellowship, I accepted a faculty position at
10 Wake Forest University School of Medicine
11 where I practice Forensic Pathology. And
12 then I was recruited to MUSC in February of
13 2009.

14 Q. And you've been there since 2009; is
15 that correct?

16 A. Correct, yes.

17 Q. And you performed autopsies while at
18 Wake Forest; correct?

19 A. Yes.

20 Q. And you have performed autopsies
21 since you've been at the Medical University;
22 correct?

23 A. Yes.

24 Q. And what is your area of specialty
25 and expertise?

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1 A. I'm specialized and Board-certified
2 in Forensic Pathology.

3 Q. And what does the field of forensic
4 pathology consist of in general terms?

5 A. Forensic pathology is a sub-
6 specialty of general pathology. Forensic
7 pathology is concerned about the diagnosis
8 and identification of injuries and cause of
9 deaths.

10 Q. Okay. And you mentioned Board-
11 certified. Is that like a national
12 certification?

13 A. Yes.. It's certification by the
14 American Board of Pathology, which is the
15 highest organization that accredits and
16 certifies pathologists.

17 Q. And what do you teach at the Medical
18 University?

19 A. I teach various topics in forensic
20 pathology on a regular basis, as well as
21 cardiovascular and pulmonary pathology.

22 Q. And have you previously been
23 qualified as an expert witness in the area
24 of forensic pathology?

25 A. Yes.

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1 Q. On how many occasions and what
2 states?

3 A. Well, I don't know the exact numbers
4 but several dozen times in South Carolina and
5 also several dozen times at least in North
6 Carolina.

7 Q. Okay.

8 SOLICITOR DURANT: Your Honor, at
9 this time we would offer Dr. Riener as an
10 expert in the field of Forensic Pathology.

11 THE COURT: Any *voir dire* or
12 objections?

13 MR. DETREVILLE: No objection, Your
14 Honor.

15 THE COURT: All right. You may
16 proceed.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR DURANT:

19 Q. Doctor, while affiliated with the
20 Medical University did you have an occasion
21 to perform an autopsy on a Domonique Grant on
22 August the 18th of 2012?

23 A. Yes.

24 Q. And could you tell us what Ms.
25 Grant's age was at the time?

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1 A. She was twenty-five.

2 Q. And her height?

3 A. He was sixty-five inches in length,
4 which is five foot, five inches. So she was
5 ---

6 Q. (Podium shelf falls with loud noise)
7 -- sorry about that. That's twice I've
8 almost scared myself to death.

9 THE COURT: They need to fix that.

10 WITENSS: So she was sixty-five
11 inches in length, which is five foot five
12 inches (5'7").

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR DURANT:

15 Q. Okay. And how much did she weigh?

16 A. She weighed a hundred and eighty
17 (180) pounds.

18 Q. And as part of the autopsy, Doctor,
19 did you, did you -- did you take photographs,
20 which depict -- well, did you take photo-
21 graphs which depicted the location of the
22 gunshot wounds suffered by the victim?

23 A. Yes.

24 Q. And I believe also some photographs
25 were taken of some projectiles that you

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1 recovered and also some x-rays that you took
2 as well; is that correct?

3 A. Yes.

4 Q. And I'm going to hand you what's
5 previously been marked as State's Exhibits 27
6 -- 27, 28, 29, 30, 31, 33, 34, 35, 36, and 37
7 and 38.

8 MR. DETREVILLE: Your Honor, may I
9 please approach?

10 THE COURT: Sir?

11 MR. DETREVILLE: May I approach?

12 THE COURT: Yeah.

13 (OFF RECORD BENCH CNFERENCE)

14 THE COURT: All right. Ladies and
15 gentlemen, I have a matter of law I need to
16 take up with the attorneys. This is the last
17 witness, I will tell you. Today. Last
18 witness today. But I do need to take up a
19 matter with the attorneys on the record.

20 So I'm going to ask you to go to the
21 jury room just for a few minutes. We'll get
22 it straightened out and ask you to return.
23 We'll call you when we're ready. Don't
24 discuss the case among yourselves while
25 you're in the jury room. Thank you very

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1 much.

2 (JURY OUT @ 5:00 P.M.)

3 SOLICITOR DURANT: Just for my
4 edification, do you just want me to question
5 her regarding the objectionable photographs?

6 THE COURT: 27, 30, 33, and 37.

7 PROFFER

8 DIRECT EXAMINATION

9 BY SOLICITOR DURANT:

10 Q. Doctor, specifically, I'm handing
11 you State's Exhibits 27, 30, 33, and 37.
12 Were those photographs taken by your office
13 during the autopsy of Domonique Grant?

14 A. Yes.

15 Q. And were those photographs taken
16 after the deceased wounds had been cleaned?

17 A. Yes. I cleaned the body so ---

18 Q. Of the extraneous blood ---

19 A. That's right. All of the blood is
20 removed.

21 Q. Blood had been removed; right.
22 Those photographs have not been retouched in
23 any way to accentuate the bullet wounds or
24 anything of that nature?

25 A. No, they're not.

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1 Q. Would reference to those photographs
2 assist you in explaining your findings to
3 this jury?

4 A. Yes.

5 Q. And in what regard?

6 A. Well, if I'm going to describe each
7 of the gunshot wounds, there were six gunshot
8 wounds to the body. And it's helpful for me
9 to be able to identify the different gunshot
10 wounds on the body, to show where it occurred
11 and where it went into the body.

12 Q. Entry wounds, exit wounds?

13 A. Yes.

14 Q. And would that assist you in
15 explaining to the jury the cause of death?

16 A. Yes.

17 THE COURT: What was the cause of
18 death?

19 WITNESS: Excuse me?

20 PROFFER EXAMINATION CONTINUED

21 BY SOLICITOR DURANT:

22 Q. What was the cause of death, he
23 asked?

24 A. Multiple gunshot wounds. Well,
25 multiple gunshot wounds. There was extensive

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1 internal injury to many vital organs. It's
2 not just like she was bleeding out. The
3 organs were damaged so they didn't work
4 anymore. And there was abundant internal
5 bleeding, so the combination of both of those
6 things.

7 PROFFER EXAMINATION CONTINUED

8 BY SOLICITOR DURANT:

9 Q. And isn't it true, Doctor, that with
10 the exception of one that just kind of went
11 through the soft tissue of her arm, any of
12 these wounds could have been fatal or caused
13 fatality?

14 A. Yes.

15 SOLICITOR DURANT: That's all I
16 have in terms of ---

17 THE COURT: Cross-examine her on
18 this issue.

19 MR. DETREVILLE: Certainly. Thank
20 you, Your Honor.

21 PROFFER

22 CROSS-EXAMINATION

23 BY MR. DETREVILLE:

24 Q. Doctor Riener, you stated that your
25 testimony regarding cause of death in this

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1 particular case would be multiple gunshot
2 wounds; is that a correct statement?

3 A. Yes.

4 Q. Okay. Is it not possible for you to
5 testify regarding the cause of death being
6 multiple gunshot wounds without showing
7 pictures of gunshot wounds?

8 A. Well, I can still make that that
9 statement that the cause of death is multiple
10 gunshot wounds. The photos are helpful to
11 illustrate locations of gunshot wounds.

12 Q. But you wouldn't need the photos in
13 order to offer your opinion about what the
14 cause of the death in the case was?

15 A. That's correct.

16 Q. And the photographs in question, you
17 referenced sever internal injuries, internal
18 bleeding, things of that nature. Do any of
19 those things appear in the photographs in
20 question?

21 A. No.

22 Q. So it wouldn't be helpful to
23 demonstration of internal injuries or
24 anything of that nature, would there?

25 A. No, they demonstrate the external

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1 injuries.

2 Q. Exactly. And there's also an x-ray
3 photograph in the materials, part of your
4 materials as well. Would not the x-ray
5 photograph be sufficient to show sort of
6 where the internal injuries took place, where
7 the bullets landed, essentially, that sort of
8 thing?

9 A. Well, the x-rays don't really, don't
10 really tell the story. They don't -- they
11 just show that there are multiple bullets in
12 her body.

13 Q. But that's the cause of death?

14 A. Okay. So the x-rays show that
15 there's multiple bullets in her body, but it
16 doesn't show the injuries on the external.

17 Q. Okay. So the x-ray, in your mind,
18 wouldn't be helpful in explaining -- in your
19 testimony anyway?

20 A. The x-rays -- the x-ray is really a
21 tool for me at the time that I'm doing the
22 autopsy so I make sure that I've recovered
23 every projectile within the body. So that
24 I don't complete the autopsy and leave a
25 projectile. But, you know, I mean, I look at

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1 an x-ray at the outset of an autopsy. And
2 it's not like all pieces are put together.
3 It just shows me there's lots of bullets.

4 Q. That's not necessarily relevant to
5 your determination as to cause of death
6 though?

7 A. It's not. It's just an illustration
8 that there were bullets in the body, but I
9 can say there were bullets in the body and
10 that's true as well.

11 Q. Okay. And you could also -- but you
12 could do that without the photographs in
13 question also, the autopsy photographs. You
14 could say that there were multiple bullet
15 wounds ---

16 A. Yes.

17 Q. --- without those photographs as
18 well; is that correct?

19 A. Yes.

20 MR. DETREVILLE: I don't have any
21 other questions for this witness, Judge.

22 THE COURT: Anything further from
23 the State?

24 SOLICITOR DURANT: No, sir.

25 (PROFFER CONCLUDED)

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1 THE COURT: All right. Overrule
2 the objection. I'm going to allow them in.
3 Bring the jury back.

4 Just for the record, I don't find
5 them inflammatory. And I think that since
6 the Doctor talks about it, the entry location
7 of the projectile, it may assist her in
8 explaining what vital organs failed as a
9 result of those bullet wounds.

10 (JURY IN @ 5:10 P.M.)

11 BAILIFF: All jurors present, Your
12 Honor.

13 THE COURT: All right. Solicitor,
14 you may continue.

15 SOLICITOR DURANT: Thank you, Your
16 Honor.

17 DIRECT EXAMINATION RESUMED

18 BY SOLICITOR DURANT:

19 Q. Now, doctor, I believe we were at
20 the point where I handed you some photographs
21 marked as State's Exhibits 27, 28, 29, 30,
22 31, 33 through 38. And do you recognize
23 those as photographs that were taken during
24 the autopsy of this case?

25 A. Yes. These are all my photographs

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1 from this autopsy.

2 Q. And some of them are photographs of
3 bullet wounds; correct?

4 A. Yes.

5 Q. And there's one photograph of an x-
6 ray?

7 A. Yes.

8 Q. And then the rest of the photographs
9 are just projectiles that you removed from
10 the deceased; is that correct?

11 A. Yes.

12 Q. And would reference to those
13 exhibits assist you in explaining your
14 findings to the jury in this case?

15 A. Yes.

16 Q. And would the reference to those
17 photographs assist you in explaining cause
18 of death to the jury in this case?

19 A. Yes.

20 SOLICITOR DURANT: Your Honor, at
21 this time we would offer State's Exhibits 27
22 through 31 and 33 through 38 into evidence.

23 THE COURT: I overrule Defendant's
24 Objection.

25 (SO ENTERED AS STATE'S EXHIBIT 27)

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1 (SO ENTERED AS STATE'S EXHIBIT 28)

2 (SO ENTERED AS STATE'S EXHIBIT 29)

3 (SO ENTERED AS STATE'S EXHIBIT 30)

4 (SO ENTERED AS STATE'S EXHIBIT 31)

5 (SO ENTERED AS STATE'S EXHIBIT 33)

6 (SO ENTERED AS STATE'S EXHIBIT 34)

7 (SO ENTERED AS STATE'S EXHIBIT 35)

8 (SO ENTERED AS STATE'S EXHIBIT 36)

9 (SO ENTERED AS STATE'S EXHIBIT 37)

10 (SO ENTERED AS STATE'S EXHIBIT 38)

11 THE COURT: You may proceed.

12 SOLICITOR DURANT: Thank you, Your
13 Honor.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR DURANT:

16 Q. Now, referring to your autopsy, you
17 obviously performed an external examination
18 of the body; is that correct?

19 A. Yes.

20 Q. Based upon your external examination
21 of the body in this case, were you able to
22 determine any evidence of recent injury to
23 the victim, Domonique Grant?

24 A. Yes.

25 Q. And those were essentially gunshot

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1 wounds; correct?

2 A. Yes. There were multiple gunshot
3 wounds.

4 Q. And how many gunshot wounds?

5 A. A total of six gunshot wounds to the
6 body.

7 Q. And you have lettered them for
8 purposes of clarification as gunshot wounds
9 A through F; is that correct?

10 A. Yes.

11 Q. And let's start with gunshot wound
12 "A" if we can. We'll just go in alphabetical
13 order.

14 A. Okay.

15 Q. Where was gunshot Wound A located?

16 A. Gunshot Wound A was on the lateral
17 aspect, the side, outside of the left
18 shoulder.

19 Q. And may I see those photographs and
20 I will put them up on the board for you, if
21 you want. And you can actually -- thank you.
22 And you can actually, if you need to do
23 anything, you can do it on that Smart Board
24 there.

25 A. Okay.

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1 Q. This is State's Exhibit Number 27.
2 And if you would, could you tell us the point
3 of entry on there is where?

4 A. Yes. Where I've inserted a rod in
5 the entrance wound of the gunshot wound that
6 I labeled "A". And so that entered the left
7 shoulder.

8 Q. Okay. And is that kind wound like
9 kind of on the armpit there. Is that
10 associated with that?

11 A. That's a different gunshot wound.

12 Q. A completely different wound
13 altogether; is that correct?

14 A. Yes, correct.

15 Q. Any evidence of soot disposition or
16 stippling around the wound?

17 A. No. There is -- you can see -- I
18 don't know exactly how to work this. I'll --
19 there's sort of this ---

20 SOLICITOR DURANT: May I give her a
21 brief lesson on how to work it, Your Honor.

22 THE COURT: Yes, sir.

23 WITNESS: It's all right.

24 SOLICITOR DURANT: Yes, ma'am. You
25 just write with your finger. And to clear

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1 you hit that green arrow up at the top.

2 WITNESS: Okay.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR DURANT:

5 Q. And it'll bring up menu and you can
6 it clear and that will ---

7 A. All right. There's a bunch of
8 what's known as pseudo stippling on the, this
9 stain around the shoulder.

10 Q. What is pseudo stippling?

11 A. Well, first let me explain what
12 stippling would be.

13 Q. Okay.

14 A. When a bullet is discharged from the
15 barrel of a gun, gunpowder comes along with
16 it. And a bullet can travel very far but
17 gunpowder can only travel like a few inches.
18 So if it's relatively close to the skin, some
19 gunpowder gets deposited on the skin and
20 causes little scrapes on the skin.

21 But in this case, this is very irregular.
22 It's not stippling. It's actually pseudo
23 stippling, meaning it sort of looks like
24 stippling but it's not stippling.

25 And the reason we have all of these

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1 little punctate abrasions and scrapes on the
2 skin is because the bullet went through an
3 intermediate object before it's striking the
4 shoulder. And this is compatible with the
5 bullet going through a car or a door before
6 striking the victim.

7 Q. Would it be compatible with going
8 through auto glass before striking the
9 victim?

10 A. Yes.

11 Q. And so it's pseudo stippling. It's
12 not soot or stippling. Assuming that someone
13 had been shot through glass there would be no
14 soot or stippling?

15 A. That's correct. This is not soot or
16 stippling.

17 Q. Okay. Now, what was the trajectory
18 of that wound?

19 A. This wound, if you want me to
20 explain what it went through first or you
21 want me to tell you the trajectory?

22 Q. Or you can do it in any way that you
23 think is better for you.

24 A. Okay. So after the bullet went
25 through that hole that it made in the

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1 shoulder, that bullet made that perforation,
2 and then travelled through the soft tissue of
3 the shoulder into the left chest cavity and
4 went through the left lung. And then the
5 bullet terminated in the back. And so it
6 went through the body, but it terminated
7 under the skin of the left side of the
8 posterior chest wall. And so the bullet went
9 from left to right and downward and slightly
10 front to back.

11 Q. Okay. And you said it penetrated
12 the left lung and lodged in the fifth rib; is
13 that correct?

14 A. Right, the fifth rib in the back.

15 Q. What internal effects would that
16 bullet have caused?

17 A. Well the left lung is -- it would
18 have caused her to be bleeding internally
19 from the left lung, and for the left lung to
20 collapse in the chest so that it would be
21 rendered unusable. She wouldn't be able to
22 breathe with that lung. And, also, there
23 would be bleeding to some -- a muscle around
24 -- and soft tissue where the bullet went
25 through the body.

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1 Q. Okay. And were you able to recover
2 a projectile associated with this wound?

3 A. Yes. I recovered the bullet from
4 the left rib in the back.

5 Q. And would that be depicted on
6 State's Exhibit Number 28? Do you know
7 which of those would be associated with
8 this gunshot wound?

9 A. Well, it's most likely this area.
10 But I -- it's very hard to tell on ---

11 MR. DETREVILLE: Your Honor, may I
12 object?

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR DURANT:

15 Q. If you don't know, you don't know.
16 This is left to right. This is also left to
17 right?

18 A. Yes, but x-rays are, you know, it's
19 a two dimensional and this one was most
20 consistent with the bullet, the

21 Q. Which one?

22 A. This one.

23 MR. DETREVILLE: I withdraw my
24 objection, Your Honor.

25 THE COURT: Okay. She said most

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1 consistent.

2 SOLICITOR DURANT: Okay.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR DETREVILLE:

5 Q. And the projectile you recovered
6 there would be depicted in State's Exhibit
7 Number 29; is that correct?

8 A. Yes.

9 Q. Okay. Let's move on to -- so that
10 wound in and of itself was potentially fatal;
11 is that correct?

12 A. Yes.

13 Q. Collapsed lung, internal bleeding
14 and she would have ---

15 A. Yes.

16 Q. Let's move on to gunshot B. If you
17 would, could tell us where the point of entry
18 with that gunshot wound?

19 A. Yes. The gunshot wound that I
20 labeled "B", the entrance wound was on the
21 outside of the left upper arm. And that
22 gunshot ---

23 Q. And that will refer to State's
24 Exhibit Number 30.

25 A. Okay. So this is -- you can see

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1 that I've bent her arm up, so I can
2 demonstrate the entrance and one of the exit
3 wounds, the injury to her left arm form
4 gunshot Wound B. Gunshot Wound B entered the
5 lateral aspect of the upper left arm, which
6 is over here. And went through the left arm
7 and exited the medial aspect of the inside of
8 the left arm.

9 But the bullet didn't stop there, okay?
10 Then that bullet continued through this hole,
11 on the lateral, the outside of the left side
12 of the chest. So if her arm was down to her
13 side, the bullet went through the left arm.
14 And then after exiting the left arm, went --
15 continued and went into the body on the left
16 side of the chest.

17 And once it was in the body and the left
18 side of the chest, it went through the left
19 lung and also the heart and the right lung.
20 And it terminated in the right breast.

21 And I recovered a bullet from that
22 injury, that particular bullet that went
23 through the arm, and then went through the
24 left lung and the heart and the right lung,
25 and it was terminated in the right breast.

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1 Q. This was also a left to right wound;
2 is that correct?

3 A. Yes.

4 Q. And if you would, you said it went
5 through both lungs and the heart?

6 A. Yes.

7 Q. And would this wound have been fatal
8 in and of itself?

9 A. Yes.

10 Q. As a matter of fact, this one could
11 have been fatal if she'd been shot once?

12 A. Yes, this was a non-survivable
13 injury.

14 Q. And where was the bullet associated
15 with this wound recovered?

16 A. In the right breast.

17 Q. And referring to State's Exhibit
18 Number -- that was State's Exhibit Number 28.
19 Can you identify which of those?

20 A. Yes. This is the bullet I recovered
21 from the right breast.

22 Q. Okay. So that basically went, from
23 the jury's perspective, went from the side of
24 this marked left, all the way through her
25 body and into the right breast.

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1 A. Right. So we had an "L" and an arc
2 here. So the bullet went right across the
3 chest. After it entered, went through the
4 left arm and then went through the arm and
5 then went into the left side of the chest and
6 didn't exit the body. It terminated in the
7 right breast.

8 Q. Okay. And State's Exhibit Number 31
9 would depict that projectile; is that
10 correct?

11 A. Yes.

12 Q. Okay. Moving on to State's Exhibit
13 -- or excuse me -- gunshot Wound C. Could
14 you describe that injury to the jury?

15 A. Yes. Gunshot Wound C, there was
16 another bullet entrance wound on the left
17 arm, not far from the previous one that I
18 described as labeled as B. But this one just
19 went through the left arm and cut away, like
20 toward the back of the left arm. So when it
21 exited, it didn't -- that was it. It just
22 went through the arm.

23 Q. So that just went through the soft
24 tissue?

25 A. Just through the soft tissue of the

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1 arm.

2 Q. But did not enter the body; is that
3 correct?

4 A. Well, it didn't enter the trunk.

5 Q. And it's not likely that that one
6 would have been fatal in and of itself;
7 correct?

8 A. Unlikely.

9 Q. Because that was a through and
10 through, I'm assuming that you did not
11 recover a projectile.

12 A. That's right. I did not recover a
13 projectile. It exited the arm and ended up
14 some -- it didn't come with her body to the
15 autopsy room.

16 Q. Okay. Moving on to gunshot wound D.
17 Where was the point of entry for gunshot
18 Wound D?

19 A. Gunshot Wound D entered the lateral
20 aspect, the side of the left hip, so the soft
21 tissue of the left hip. And then ---

22 Q. And I will put up State's Exhibit
23 Number 33 if that will assist you. And let
24 me clear this (screen) off for you too,
25 please?

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1 A. Yeah. Okay. Good. So the entrance
2 wound to the left hip was over here.

3 Q. Okay. And if you would explain the
4 path of that bullet and the injuries it
5 caused?

6 A. Okay. That bullet, after going to
7 the left hip, went into the abdominal cavity
8 through the colon, to the bowel. Through
9 lots and lots of small bowel loops and it's
10 going toward the right side and upward. And
11 the bullet, it goes into the right side of
12 the liver. And then terminates in the soft
13 tissue of the right anterior abdominal wall.
14 So it didn't exit the body, but terminated in
15 the right side of the abdominal wall.

16 Q. And I'm assuming since it went
17 through her colon and her bowel and her liver
18 that that wound in and of itself could have
19 been fatal?

20 A. Potentially.

21 Q. And I believe you recovered a
22 projectile from that wound as well; is that
23 correct?

24 A. Yes.

25 Q. And is it depicted back on State's

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1 28? Let me clear this (screen) for you
2 again.

3 A. Okay. That bullet is this recovered
4 in the -- it's actually the interior
5 abdominal wall.

6 Q. Okay. And that would be what is
7 marked as State's Exhibit Number 34, as
8 bullet "D", from the right abdominal wall;
9 correct?

10 A. Yes.

11 Q. Moving on to gunshot Wound E. I
12 believe that was to the left axil. What is
13 an axil?

14 A. Yes. Axil is the armpit. So when
15 we were looking at the gunshot Wound A that
16 was on the left shoulder, there was another
17 one that was sort of in the front of the
18 armpit, there in the left armpit, and that's
19 another entrance wound. So that one I gave
20 label "E". And that's the gunshot wound to
21 the left axilla, which is another word for
22 armpit. And that bullet, after going through
23 the armpit, it went into the chest, also went
24 through the left lung and the diaphragm,
25 which is the muscle that's used for

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1 breathing. Then went through the stomach and
2 some small bowel loops and terminated in the
3 abdomen, in the middle of the abdomen.

4 And I recovered a -- the projectile
5 actually broke into two pieces. So the
6 bullet and the core separated while
7 traversing the body, so that the core, the
8 core of the bullet terminated in the abdomen,
9 where -- the end of the wound path, and the
10 jacket got stopped in the chest wall while
11 the core kept continuing. So, it's not
12 uncommon that a bullet could break into a
13 couple of pieces while it's in the body.

14 Q. And this is referring back to, I
15 think, the original photo you looked at,
16 which was State's Exhibit -- let's see --
17 State's Exhibit Number 27, we're talking
18 about?

19 A. Yes. So this is the entrance
20 gunshot wound that I just described that went
21 through the left lung and the diaphragm and
22 the stomach and some small bowel and broke in
23 two pieces along the track.

24 Q. And State's Exhibit Number 35, you
25 said that bullet separated, the projectile

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1 and the core. Do you recall which of those
2 are ---

3 A. Yeah. It's very -- it would take me
4 a while to depict exactly which one. I'm not
5 a hundred percent certain.

6 Q. Okay. And moving on to gunshot
7 Wound F, I believe it is. Anyway you said
8 you recovered a bullet, "F." That's depicted
9 in State's Exhibit 35; correct?

10 A. Yes. And this is from the left
11 chest wall. So if you actually go back, we
12 can see the jacket in the left chest wall.

13 Q. Okay. So if we go back.

14 A. Okay. So this is ---

15 Q. That would be right here?

16 A. Right. And you can see it kind of
17 has a more clear look, it's not as solid. So
18 that's what jackets frequently have that kind
19 of part of it looks a little bit more clear
20 on an x-ray. So the bullet -- this is the
21 armpit area right around the left armpit.
22 And so it's kind of come down and this is,
23 you know, the x-rays taken with her arms out.
24 So it's not exactly in the position where she
25 was. So this is -- and plus, when a person

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1 is lying on her back, the breast frequently
2 move to the side. So, you know, the bullet's
3 a little bit more -- if I moved her breast, a
4 little more anterior, you would see that it's
5 kind of closer along the wound path. And so
6 that's the jacket. And then the bullet
7 continued and terminated -- that would be the
8 core of the bullet. It's a bullet core.

9 Q. So that's the core there?

10 A. Yes. Okay. So that's the core and
11 you can see it's missing its copper jacket.

12 Q. Okay. Moving on to State's Exhibit
13 Number 37 and your gunshot wound "F"?

14 A. Yes. So "F", these are six -- "A"
15 through "F", but this doesn't have anything
16 to do -- it's just arbitrarily labeled so I
17 can sort of talk about them now. But that
18 gunshot wound is -- let me clear this. This
19 is an entrance wound, okay? And so that
20 bullet went into the left side of the back.
21 And you can actually see that there's a
22 little raised area here. It kind of has a
23 little, like it kind of looks like there's a
24 little, almost a shadow or a little lighter,
25 paler area there, that's actually where the

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1 bullet terminated. So this one that I
2 labeled "F" just went through the back, like
3 some of the muscle and skin and soft tissue
4 of the back and terminated right there. Like
5 right in the middle of the back, and there it
6 is. But that didn't actually go into the
7 cavity of the body. It just went through the
8 back.

9 Q. Okay. And that was the bullet you
10 removed from that location ---

11 A. Yes.

12 Q. --- which would be State's Exhibit
13 Number 38; is that correct?

14 A. Yes.

15 Q. Okay. Doctor, all those bullets
16 that you identified, the photographs of, all
17 of those bullets were turned over to the
18 sheriff's office; is that correct?

19 A. Yes.

20 Q. Via your pathology assistant at the
21 time, Eowyn Corcrain; correct?

22 A. Yes.

23 Q. And based upon -- this is my last
24 question. Based upon the history you
25 obtained and the findings from your autopsy

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1 do you have an opinion based upon a
2 reasonable degree of medical certainty as to
3 the cause of death in this case?

4 A. Yes.

5 Q. And what is that?

6 A. The cause of death is multiple
7 gunshot wounds.

8 Q. And how many different major organs
9 were disrupted by these gunshot wounds.

10 A. Both of the lungs, the heart, the
11 diaphragm, the stomach, the liver, and small
12 and large bowel, if you want to count that as
13 one or two, take your pick.

14 Q. So pretty much everything inside of
15 her?

16 A. A great many organs. The kidneys
17 weren't injured.

18 Q. Okay. And all of them, I believe,
19 were left to right trajectories; correct?

20 A. Yes.

21 Q. With the possible exception of the
22 one in the left hip that kind of went up and
23 through?

24 A. Well, that was also going from left
25 to right. I mean, it had other

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1 directionality as well, but it was also left
2 to right. It entered the left hip and
3 terminated in the right side of the abdomen.

4 Q. Okay. And did you tell me at one
5 time that you thought that might have been
6 the, one of the last shots if not the last
7 shot because of the lack of blood or
8 something like that?

9 A. Yes. I can explain that further if
10 you would like. That bullet went through the
11 abdominal path and went through the liver.
12 And normally when somebody has their -- the
13 blood is pumping through their vessels and
14 there's damage to an organ with lots of blood
15 vessels, lots of blood flow, like the liver,
16 blood's going to leech out of the river into
17 the surround space. And in this case, there
18 wasn't any blood in the abdominal cavity. So
19 it would indicate that her heart had already
20 stopped pumping by the time she was shot, the
21 bullet went through the liver.

22 Q. Thank you, Doctor. Could you please
23 answer any questions Mr. Detreville may have?

24 THE COURT: Cross-examination.

25 MR. DETREVILLE: No questions for

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1 THE COURT: Okay. All right.

2 Thank you very much.

3 Counsel, let me -- I'm going to give
4 you a set of my proposed charges and I'll
5 give you a few minutes to look them over and
6 then we'll proceed. I've got you a copy.

7 MR. DETREVILLE: Okay.

8 THE COURT: I'm going to try to
9 attempt to answer this question (we received
10 yesterday) from the juror. I'll let you
11 know. I want you to review it before I give
12 it to them. I don't know if I should try to
13 write this or just explain.

14 SOLICITOR DURANT: I'm fine with
15 either, Your Honor.

16 THE COURT: Well, I think what I'm
17 going to tell them is that counsel's final
18 argument will answer all their questions.

19 If you will, take a moment and look
20 at these -- (tenders copy of proposed
21 charges).

22 (COUNSEL REVIEWS PROPOSED CHARGE)

23 THE COURT: Any objection to the
24 proposed charges, from the State?

25 SOLICITOR DURANT: Yes, sir. Your

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1 Honor, specifically ---

2 THE COURT: What page are you on?

3 SOLICITOR DURANT: Page ten, under
4 aiding and abetting accomplice liability.

5 THE COURT: All right. Hold on.
6 All right.

7 SOLICITOR DURANT: The last
8 paragraph, (reading): *"Intentionally means*
9 *willfully intending the result which actually*
10 *occurs not accidentally or involuntarily."*

11 I do not believe that that is the
12 law in this State. I think that someone that
13 joins in criminal enterprise as an aider and
14 abetter, has to intend to go into criminal
15 enterprise, he does not have to intend the
16 ultimate result. For example ---

17 THE COURT: I think I agree with
18 you.

19 SOLICITOR DURANT: --- and that's in
20 here twice, Your Honor. It's there on page
21 ten and also on page thirteen, the first
22 paragraph right below the paragraph. I don't
23 think that it's ever been the law in this
24 State that an aider and abetter had to intend
25 the ultimate results. He has to intend to

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1 join the criminal enterprise.

2 THE COURT: All right.

3 SOLICITOR DURANT: Other than that,
4 I have no objection to the charge, Your
5 Honor.

6 THE COURT: All right. Any
7 comments from the Defense?

8 MR. DETREVILLE: Your Honor, while
9 I don't have any specific case law to refer
10 to, I would certainly urge that the Court,
11 for -- one of which, as is written in the
12 current jury instructions, and I have a
13 single matter to raise as well, Your Honor.

14 THE COURT: Go ahead.

15 MR. DETREVILLE: Okay. With regard
16 to the statement of the ---

17 THE COURT: Uh-huh. What page?

18 MR. DETREVILLE: Fourteen, Your
19 Honor.

20 THE COURT: Fourteen and fifteen?

21 MR. DETREVILLE: Fourteen and
22 fifteen, Your Honor.

23 THE COURT: Yes.

24 MR. DETREVILLE: I'm looking for
25 and would ask that such be included in this

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1 instruction that the jury is to consider the
2 voluntary nature of the statement given the
3 totality of the circumstances. And that
4 totality of the circumstances would take into
5 account all the evidence in the case, in
6 which you make a decision as to whether a
7 statement is given voluntarily or
8 involuntarily.

9 THE COURT: All the evidence in
10 the case?

11 MR. DETREVILLE: Yes, Your Honor.
12 That would be totality of the circumstances,
13 all the evidence in the case.

14 THE COURT: If he's sitting in a
15 police station, I don't know that he knows
16 all the circumstances of the case.

17 If he knew all of the circumstances
18 of the case, he might never be sitting in
19 there giving his statement.

20 What's the State's position?

21 MR. DETREVILLE: I'd be okay, Your
22 Honor, with shrinking that down somewhat if
23 we could get a charge regarding the totality
24 of the circumstances, shrinking it down to a
25 totality of the circumstances as existed at

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1 the time of the giving of the statement.

2 THE COURT: Why don't you propose
3 the language that you would ---

4 MR. DETREVILLE: I have some in my
5 proposed jury instructions, Your Honor. It's
6 ---

7 THE COURT: Let me look at that.

8 MR. DETREVILLE: Certainly. It's
9 proposed instruction number seventeen. And
10 I'm sorry, I neglected to number the pages.

11 THE COURT: I've got the
12 seventeen. Where is ---

13 MR. DETREVILLE: It's on the second
14 page, seventeen. It is the second to last
15 fully paragraph.

16 THE COURT: "In determining..." -- ?

17 MR. DETREVILLE: That's correct,
18 Your Honor.

19 THE COURT: Do you have any
20 objection to that, Solicitor?

21 SOLICITOR DURANT: I'm trying to find
22 it, Your Honor. Which paragraph is it?

23 MR. DETREVILLE: It's --
24 (indicating).

25 THE COURT: Well, I was going to

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1 use my favorite word, the penultimate
2 paragraph but it's not. It's the almost
3 penultimate paragraph, (reading): "In
4 *determining whether the alleged statement by*
5 *the Defendant is freely and voluntarily*
6 *given, ...*" --- that paragraph.

7 SOLICITOR DURANT: I don't know.
8 I mean, I agree with the first sentence, Your
9 Honor. I don't agree with the second
10 sentence because I don't think that the
11 second sentence has anything to do with
12 voluntariness of a statement a defendant
13 gives.

14 THE COURT: I tend to agree with
15 you, but I'd hate to get into an argument
16 with Ralph King Anderson. I usually lose.

17 SOLICITOR DURANT: I agree, Judge,
18 it's not a lot of fun.

19 THE COURT: But I'll give it.
20 The Defense requested it. I think it's
21 reasonable. I'll give it.

22 MR. DETREVILLE: Thank you, Judge.

23 SOLICITOR DURANT: And, Your Honor,
24 what about the "intentional..." ---

25 THE COURT: Yes, sir, I'm going to

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1 delete that.

2 SOLICITOR DURANT: In both places,
3 sir?

4 THE COURT: In both places.

5 SOLICITOR DURANT: Thank you.

6 THE COURT: I think it's super-
7 fluous.

8 SOLICITOR DURANT: Thank you,
9 sir.

10 THE COURT: All right. The State
11 will open; is that correct?

12 SOLICITOR DURANT: Your Honor, I
13 would prefer to close in full. I think the
14 defendant has introduced evidence.

15 THE COURT: You understand you go
16 first?

17 MR. DETREVILLE: I do understand
18 that.

19 THE COURT: All right. Okay.
20 A two-minute break and then we'll be ready.
21 Anything else before we bring the jury?

22 SOLICITOR DURANT: None from the
23 State, Your Honor.

24 MR. DETREVILLE: Nothing, Your
25 Honor.

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1 THE COURT: All right, good. The
2 court reporter needs a break.

3 (BRIEF RECESS)

4 (DEFENDANT PRESENT)

5 THE COURT: All right. Is the
6 State ready to proceed?

7 SOLICITOR DURANT: Yes, sir, Your
8 Honor.

9 THE COURT: Is the Defense ready
10 to proceed?

11 MR. DETREVILLE: Yes, Your Honor.

12 THE COURT: Bring the jury,
13 please?

14 Counsel, do you have any objection
15 to the jury -- the verdict form being written
16 on the indictments?

17 SOLICITOR DURANT: I have no
18 objection, Your Honor.

19 MR. DETREVILLE: I'm sorry, Your
20 Honor. May I see what you're referring to?

21 THE COURT: Yeah, there's a place
22 on the indictment to ---

23 MR. DETREVILLE: My eyes are going.

24 THE COURT: There's a place on the
25 front of the indictment for the verdict.

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1 MR. DETREVILLE: Oh, of course,
2 that's fine.

3 THE COURT: You can't do it with
4 lesser-included charges but -- there's no
5 request for lesser-included charges, are
6 there?

7 MR. DETREVILLE: No, Your Honor.

8 THE COURT: I don't think there
9 are any lesser-included.

10 (JURY IN @ 10:30 A.M.)

11 BAILIFF: All jurors are present,
12 Your Honor.

13 THE COURT: Thank you very much.
14 Good morning, ladies and gentlemen.

15 JURORS: Good morning.

16 THE COURT: It was a little delay
17 in bringing you out this morning because
18 there were some legal matters I had to take
19 up with the attorneys. And I assume you were
20 busy eating doughnuts. All right, Solicitor.

21 SOLICITOR DURANT: Your Honor, the
22 State would rest.

23 THE COURT: All right. Ladies and
24 gentlemen, that concludes the evidence on
25 behalf of the State. The Defendant now has

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1 - basically it's turning the case over to
2 you, all the evidence; you've heard the
3 testimony. You can get the video if you want
4 to watch it. Anything that was presented
5 during the course of the trial, you're going
6 to have it. From that you need to be able to
7 make a decision.

8 That's, I hope, an answer to your
9 question, Mr. Foreperson.

10 All right. Mr. Detreville, you may
11 present your final argument.

12 MR. DETREVILLE: Thank you, Your
13 Honor, if it pleases the Court, Counsel.

14 Good morning, ladies and gentlemen.
15 Thank you for being here for another day of
16 trial in this case. Again, I can't thank
17 each and every one of you enough on behalf of
18 my client for your patience, your dedication,
19 your service in this case. Know that it is
20 most appreciated and we know that you're
21 anxious to begin your deliberations and
22 you've listened attentively for the last
23 three days. Thank you. So I'll try to keep
24 my summation as brief as possible. However,
25 possible that may be.

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1 I want to share -- to start with, I
2 want to share with y'all a moment from the
3 trial in this case, what I believe perfectly
4 encapsulates the State's case against my
5 client, Mr. Reginald Gordon. Very early-on
6 in the State's direct examination of Mr.
7 Charles Lawrence, formerly Detective
8 Lawrence, the prosecution felt compelled to
9 ask Mr. Lawrence if he had planted evidence
10 at the scene of the crime.

11 It didn't strike me particularly as
12 odd at the time, given what I already knew
13 about the case. I knew about Detective
14 Lawrence but you, the jury, did not know.
15 You didn't know that Mr. Lawrence is a
16 reprobate liar, incorrigible to the core.
17 A person who cannot be trusted as far as can
18 be thrown. And he brought great shame and
19 dishonor to the badge that he wore.

20 Instead, what struck me about the
21 question was that it was a tacit acknowledge-
22 ment by the State that they're fully aware in
23 advance that much of, if not all of this
24 case, is built on the testimony of liars,
25 like Mr. Lawrence, and the tainted evidence

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1 that they brought with them.

2 I ask you the question now, ladies
3 and gentlemen of the jury, if the State knows
4 how tainted its case is, how can they look to
5 you to strip Mr. Gordon of his Constitutional
6 clock of innocence?

7 Ignoring Mr. Lawrence for now, we'll
8 come back to him in a bit, I'd like to beg
9 your indulgence and review some of the
10 testimony and evidence that has been
11 presented today -- or has been presented this
12 week.

13 I submit to you that the evidence at
14 trial in this case shows that the State is
15 attempting to patch together proof of my
16 client's guilt on the charges that he's been,
17 of crimes that he's been charged with in an
18 effort to somehow make you believe that Mr.
19 Gordon is guilty beyond a reasonable doubt of
20 the murder of Domonique Green -- Domonique
21 Grant. Excuse me. Some of it's good. Some
22 of it's bad. Some of it is downright ugly.

23 While we do that together, I'd ask
24 that you keep in mind the two questions that
25 I asked you to ask yourselves as we moved

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1 through this trial, in my opening statement:

2 a) Can I believe this witness;
3 and, then

4 b) If I can't believe what
5 this witness is telling me, can I convict Mr.
6 Gordon?

7 We start the case with Deputy White
8 who was kind enough to give us an honest
9 description of some non-controversial
10 background facts that I think are -- can be
11 conceded. Deputy White was the first one on
12 the scene at Frazier's Club when the call
13 went out just after 4:00 in the morning.

14 He observed the alive but
15 unresponsive victim seated in the driver's
16 seat of a gray Ford Fusion, parked along the
17 tree line near the front left of the
18 Frazier's parking lot. You're going to see
19 the maps, the diagrams. I think you're
20 familiar now with where the car was located.

21 EMS arrived and pronounced Ms. Grant
22 dead at the scene.

23 Deputy White was kind enough to
24 supply us with the lay of the land. He was
25 the one who introduced the map, telling us

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1 where everything was. And let us know that
2 he was unable to secure an identity or a
3 description of the shooter. He also
4 performed a sweep of the vicinity to make
5 sure the shooter was not still present. It
6 was a matter of safety and good crowd
7 control.

8 There is no doubt in my mind that
9 all of the things that he testified to are
10 true. I'm certain we should have no reason
11 to question his testimony.

12 Next up was Ebonique Priester,
13 younger sister of the deceased, who was
14 unfortunately seated in the back seat of the
15 same Ford Fusion in which her sister was
16 shot.

17 Among other things she discussed,
18 she confirmed being present that evening at
19 Frazier's Club, being intoxicated, and having
20 heard something about, but not having seen,
21 some sort of fight earlier at the Purple
22 Mirage club. The fight at the Purple Mirage,
23 whether such a thing ever even happened is
24 somewhat of a mystery to me, and I'll tell
25 you why. I don't believe that there was a

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1 single witness at the trial of this case who
2 testified that they saw a fight at the Purple
3 Mirage. Nobody got up on the stand and
4 testified thus and such person was fighting
5 with thus and such person at the Purple
6 Mirage. Everybody heard about it, nobody saw
7 it.

8 Mr. Gordon's cousin Darnell Chaplin,
9 who testified at trial in this case, he even
10 testified later that the extent of the fight
11 at the Purple Mirage was him being sucker
12 punched twice by some unidentified assailant
13 that he didn't know and had never seen before
14 and didn't see again. And he also scraped
15 his knee in that "big fight" at the Purple
16 Mirage.

17 Jarrett Cochran, as you may recall,
18 was the videographer who was taking -- who
19 was shooting the rap video on the night in
20 question. He described the worst thing that
21 he saw that night as being an "intense
22 argument", and that's a quote, from which he
23 turned his back immediately and walked away.
24 He saw an intense argument. He didn't see a
25 fight.

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1 Ask yourself, was there ever any
2 proof offered in this trial that there was a
3 fight at the Purple Mirage. Lots of folks
4 say that they heard something about it.
5 Nobody says they saw it. And certainly no
6 law enforcement officers got up and talked
7 about a fight at the Purple Mirage. This was
8 a big fight going on. People being ganged up
9 on, a brawl, so to speak. No police?

10 There's tons of video footage from
11 Mr. Cochran, the rap video that you've seen
12 during the trial of this case. You've only
13 seen some of it. The relevant portions of
14 it, I would say. But you don't see any
15 fights in that video. You see lots of mean
16 mugging for the camera, lots of bravado, lots
17 of whatever you want to call it. Blows being
18 thrown? No.

19 In a way I would say that this fight
20 at the Purple Mirage is somewhat akin to Big
21 Foot, if you will. Everybody's heard of it.
22 I've heard of Big Foot. Y'all have heard of
23 Big Foot. I haven't seen Big Foot. I assume
24 none of y'all have seen Big Foot before. I
25 don't believe that it exists. I don't know

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1 if you believe in Big Foot. But until I see
2 Big Foot, I don't believe. I submit to you,
3 ladies and gentlemen of the jury, that Big
4 Foot does not, in fact, exist. That there
5 was no brawl at the Purple Mirage that night.

6 The worst thing that happened is
7 Darnell Chaplin got punched in the face, and
8 scraped his knee. Until I see I Big Foot, I
9 cannot and will not believe.

10 I've skipped around a little bit.
11 I'd like to go back briefly to Ebonique
12 Priester, the sister, the younger sister of
13 the deceased, who was, I believe, the second
14 witness of trial in this case. She was the
15 first of several witnesses who had described
16 having seen the shooter leave the scene
17 wearing all black. This black clad killer,
18 according to Ms. Priester, flees to the rear
19 of the property. And you've all seen the map
20 of the property and are familiar with the
21 layout. Flees to the rear of the property,
22 along the tree line, and near the woods
23 before she loses sight of him. She was very
24 clear about that.

25 I'm going to come back to Ms.

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1 Priester again in just a moment because she's
2 about to, at this point in her testimony
3 introduce us to a character who goes by the
4 name of "Tootie", a Mr. Lionel Blair.

5 But I think its crucially important
6 to immediately, if we can, dispatch with the
7 notion that Reginald Gordon fired the shots
8 that killed Domonique Grant. It's right
9 after that, that -- and we're going to do
10 that. We'll hear again from other
11 witnesses that the shooter was wearing all
12 black.

13 We'll hear Reginald Gordon's own
14 words saying that Derrick Brown, also known
15 as Scrappy, was the triggerman that night and
16 he was wearing all black. And that he held a
17 black shirt over his face and his head while
18 he was pulling the trigger. That black
19 shirt's important. Earlier on, that detail
20 was corroborated by Detective Wilson, you may
21 recall, who testified that he spoke with a
22 witness that described the shooter as wearing
23 all black and having long dreads that hung in
24 his face.

25 It was dark at Frazier's that night.

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1 The shooter had a shirt over his face and his
2 head. Could that have been long dreads
3 hanging in somebody's face? I'd submit to
4 you that it was.

5 Couple that testimony with the video
6 images of Mr. Gordon wearing a bright yellow
7 shirt. I think you've seen it a number of
8 times. Repeated testimony of witnesses
9 describing he was wearing a yellow shirt.

10 And the video images of Scrappy,
11 Derrick Brown, wearing all black.

12 I hope, ladies and gentlemen of the
13 jury, that we can safely lay to rest the idea
14 of Mr. Gordon firing a shot in anger that
15 night.

16 Frankly, I think we all know -- and
17 when I say "we," I include the State. I
18 think we all know that it was Derrick Brown
19 that fired the shots that killed Domonique
20 Grant on August the 18th, 2012.

21 I've digressed again. Going back to
22 Ms. Priester, like I mentioned previously she
23 goes on to introduce us to a character named
24 Tootie, Lionel Blair. She says that Tootie
25 was talking to her sister, the victim in this

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1 case, hitting on her sister essentially. I
2 think that's what she was implying before her
3 sister shut the door on him. I think that
4 was the answer to his advances probably.

5 She testifies that Tootie walks off
6 and two or three minutes later, according to
7 Ms. Priester, the shots were fired. She was
8 very clear, "two to three minutes" later.

9 Before the prosecution turns its
10 attention to Tootie, we hear next from
11 Caprese Crosby. You may remember Caprese
12 Crosby as being the owner of the gray Ford
13 Fusion in question. She was a friend of the
14 deceased and she happened to be at the scene
15 of the crime that night.

16 She, like many of the witnesses, was
17 in attendance at the Purple Mirage but failed
18 to get any glimpse of the elusive Purple
19 Mirage fight that supposedly occurred that
20 night. Just like everybody else.

21 While at Frazier's -- she testified
22 on direct while at Frazier's she heard some
23 argument in the club, that something was
24 going on. And I think that's a direct quote.

25 Later as she was leaving --

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1 Domonique had agreed to drive her car home,
2 the gray Ford Fusion, because Caprese had had
3 too much to drink. And as they were about to
4 go, the shots were fired.

5 Tootie, Mr. Lionel Blair, according
6 to Caprese, was standing on the rear
7 passenger side of the car, near her when the
8 shots were fired and they both ducked down.
9 Her testimony that Tootie, who she seemingly
10 sort of begrudgingly acknowledges being a
11 friend of hers, was in the back opposite side
12 of the car from where Domonique was when she
13 was shot -- it's corroborated by the earlier
14 testimony of Ebonique Priester, who said
15 Tootie had walked away from the driver's side
16 door two to three minutes before the shooting
17 took place.

18 Now, in a case like this, where
19 there are so many moving parts, and you're
20 always sort of trying to grab a string to
21 hang onto, hoping that things will start to
22 unravel, corroborated testimony makes me
23 happy. And I hope that it makes you happy
24 too. And I hope that you'll keep that in
25 mind as we move forward with your.

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1 deliberations.

2 Interestingly, on cross-examination,
3 Ms. Crosby was able to give some more details
4 about that, something that was going on in
5 the club, that somehow got brushed off in
6 direct examination. They didn't go into it
7 too much. I thought we poke around in it
8 although, a little bit. Tootie, again, Mr.
9 Lionel Blair, according to Ms. Crosby, was in
10 Frazier's Club with his shirt off, which is
11 apparently a common signal for an "I'm ready
12 to fight." And making threats to, "shoot the
13 place up." Her words.

14 I don't know what reason she would
15 have to make such a thing up about somebody
16 that she referred to as a friend if that
17 didn't actually happen.

18 And I don't know about y'all, but
19 somebody threatening to shoot a place up at
20 2:00, 3:00, 4:00 in the morning, that's cause
21 for concern. It's a cause for caution where
22 I come from. And I think it's also cause for
23 questioning that person's character.

24 Next up was Darnell Chaplin, who we
25 touched on briefly earlier. It's a bit of a

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1 -- a fellow with a mellow disposition. And
2 hopefully not still suffering from that
3 scraped knee that he had suffered at the
4 Purple Mirage two years ago. He got asked
5 directly about the quote, unquote, "big
6 fight" at the Purple Mirage.

7 But he seemed to be more interested
8 in deflecting hostilities away from that and
9 sort of focusing on having a good time. He
10 seemed like a good-time kind of guy. I think
11 his words were he was cool.

12 He says not only could he not
13 identify anybody at Frazier's as being the
14 guy who sucker punched him at the Purple
15 Mirage, but more importantly, he was never
16 asked. Nobody ever asked him to point
17 anybody out. This seems like kind of an
18 important detail when we're talking about
19 intent, legal terms, things of that nature.

20 The State's going to try to convince
21 you that Mr. Reginald Gordon acted in concert
22 with Derrick Brown, intending to shoot Lionel
23 Blair because of some big fight that they'd
24 gotten into at the Purple Mirage. Darnell
25 Chaplin, the person who was involved in the

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1 big fight, couldn't identify anybody at
2 Frazier's as having been the guy who punched
3 him. So if he couldn't identify him, I don't
4 know how Mr. Reginald Gordon or Mr. Derrick
5 Brown could identify him.

6 The prosecution is going to have you
7 -- no doubt they're going to have you believe
8 that Mr. Darnell Chaplin was on some blood
9 thirsty quest for vengeance and that he
10 sought out the help of everybody that he knew
11 at the club in order to gain that revenge.

12 Even though he was blood thirsty and
13 hell-bent on revenge, Mr. Chaplin was miles
14 down the road when the shooting took place.
15 I think he said "with his females" if I
16 recall correctly. And that he may have
17 heard, may have heard, the shots fired but he
18 could only tell what happened, that something
19 had happened when he saw all the police cars
20 go flying by him as he was driving down the
21 road.

22 Darnell Chaplin is the centerpiece
23 of the element of intent in this case. I'd
24 ask you to keep his testimony in mind as you
25 consider that topic.

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1 I come back again to Jarrett
2 Cochran, the videographer who was retained to
3 memorialize the Crazy Wop Concert at Purple
4 Mirage. It was his video that we saw in
5 which he clearly identified Mr. Gordon as
6 wearing a bright yellow shirt. And he
7 clearly identified Derrick Brown, at the
8 prosecution's behest, as wearing all black.

9 Mr. Cochran left the scene before he
10 observed what he described as the beginning
11 of an intense argument; which he doesn't see,
12 and then he left. Another person who was
13 present at the Purple Mirage who didn't see a
14 big fight.

15 Now, following, Mr. Cochran is
16 finally Lionel Blair, who we have heard so
17 much about. Tootie, I believe he's called.
18 I'm going to stay away from the facts of life
19 reference. I was immediately sort of -- if
20 I call it a vortex of half-truths,
21 contradictions, outright lies, and a
22 mesmerizing inability to remember things that
23 he had just said two minutes ago.

24 You know it's probably going to be
25 bad for the witness when one of the first

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1 things that he's asked about is his prior
2 conviction for giving false information to a
3 police officer, amongst other convictions.

4 He, just like everybody else,
5 started his evening out at the Purple Mirage.
6 He, like everybody else, heard about a fight,
7 didn't see it, didn't know who was involved
8 in it and wasn't involved himself in it.

9 He, different from everybody else,
10 didn't go to Frazier's for anybody's birthday
11 party. He went because quote, unquote, he
12 didn't want this night to end. Red flag.

13 Tootie claimed to be hanging out
14 that night with the girls-night-out-crowd,
15 which as you may recall was Ms. Domonique
16 Grant, Caprese Crosby, Anita and Alicia whose
17 last names I don't recall. And that claim,
18 right off the bat, had been flatly
19 contradicted by the testimony of Caprese
20 Crosby just a couple of witnesses earlier.
21 Tootie was very clear. All of the girls that
22 he was hanging out with, these were all girls
23 that he had gone to high school with and had
24 known for some time.

25 Continuing in direct examination,

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1 Tootie made it very plain that he got into an
2 altercation at Frazier's, that he was
3 surrounded by a group of guys, and that the
4 ringleader of that group of guys was most
5 definitely Reginald Gordon -- who he pointed
6 at and positively identified.

7 Things apparently only calmed down
8 after he was vouched for by Chavis Heyward of
9 the rap group. I believe his name is "C."

10 But interestingly enough, nobody
11 else who testified saw this showdown. And
12 Mr. Heyward wasn't here to corroborate his
13 role. Perhaps in Mr. Blair's mind this is
14 actually what happened. But as he had
15 readily admitted, I think on a couple of
16 occasions, to being extremely intoxicated
17 that night it seems more likely -- and I
18 think the evidence tends to show -- that he
19 was intoxicated, running his mouth off at the
20 bar, ripping his shirt off, and threatening
21 to shoot the place up, just like his friend,
22 Caprese Crosby told us he did.

23 After that, he walked the girls out
24 to the car. Interestingly enough, again
25 flatly denied by Caprese Crosby in her

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1 earlier testimony, and continued in his
2 attempts to bond with Domonique Grant, with
3 whom, again, he went to high school.

4 He claims to have been right by the
5 driver's door when shots were fired. I think
6 that's important. That could show that maybe
7 there was some kind of -- maybe these guys
8 were trying to shoot Lionel Blair. And he --
9 I don't think I'd be out of bounds to say he
10 certainly melodramatically proclaimed that he
11 thought that he was the target of shots.

12 After the shooting started, he
13 testified that he somehow ducked down and
14 ended up in the rear passenger side with
15 Caprese, just like Caprese said he was all
16 along, the back, the rear of the vehicle,
17 opposite from the driver's side. How he
18 instantly transported himself while shots
19 were being fired from standing by the
20 driver's door to the complete opposite side
21 of the car in the blink of an eye, I will
22 never understand.

23 He said he wanted to drive the Focus
24 to the hospital but security pointed guns at
25 him and made him leave. He went home and

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1 called the cops and shortly thereafter he
2 turned himself in for questioning, after he
3 was the first witness the investigators
4 talked to.

5 Mr. Blair's statement, Tootie's
6 statement that he gave the police on the
7 night of the shooting, just hours after the
8 shooting took place, is definitely something
9 that Tootie conveniently forgets about. In
10 2012, the night of the shooting, he told
11 police he didn't know who he was fighting
12 with at Frazier's. And literally this fight
13 had taken place, if at all, just a couple of
14 hours before. But almost two and a half
15 years later, he testified that he was one
16 hundred percent sure that it was Reginald
17 Gordon.

18 How could he be so sure, I asked
19 him. His response, and I put it in quotes,
20 "I never forget a face." It would be almost
21 enough to make me laugh if it wasn't so sad
22 and pathetic. But Tootie acknowledged
23 telling detectives in 2012 that he had never
24 met Domonique Grant before. But later, after
25 she had been shot, he remembered, 'I've known

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1 her since we were in high school together.'
2 Keep in mind this is a man who never forgets
3 a face.

4 On cross-examination, when I began
5 asking Mr. Tootie questions about the
6 altercation with Reginald Gordon, the alleged
7 altercation with Reginald Gordon turns into
8 him, quote, unquote, being approached. No
9 fight ever happened. So already we've gone
10 from there being a fight to there not being a
11 fight.

12 But he did talk about how he does
13 get into a lot of fights. It really -- it
14 kind of hit -- it made me want to shake my
15 head. On cross he denies saying in 2012,
16 hours after the shooting, that he was
17 standing next to Caprese on the far side of
18 the car when shots were fired. He denies
19 saying that in his 2012 statement. Another
20 quote, "I would never say that. I would
21 never say that." The fact that he said that
22 in 2012 was confirmed both by Detective
23 Wilson and by Detective Lawrence, who also
24 both were recalled Mr. Tootie getting so
25 angry, getting so angry that he was

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1 questioned about where he was in relation to
2 that car that night, and so hostile with
3 them, that he had to be handcuffed to the
4 chair in the interrogation room. Both of
5 those detectives recall that.

6 You know who didn't recall that?
7 Tootie. Lionel Blair, again, couldn't hold
8 two opposing thoughts in his head long enough
9 to testify for fifteen minutes of trial in
10 this case.

11 He acknowledges he is a convicted
12 liar, a heavy drinker, a guy who gets in lots
13 of fights, and he's also a guy who seems so
14 desperate for attention that he's willing to
15 completely change his story from 2012 to 2014
16 in order to heap culpability, heap it on
17 Reginald Gordon, and to try to inject himself
18 somehow into the saddest story as some kind
19 of intended target of the Ravenel gang.
20 Every sentence that came out of his mouth was
21 fresh nonsense, one hundred percent
22 contradictory.

23 About the only thing we may know for
24 certainty about Lionel Blair that night was
25 that he was drinking heavily, he was

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1 unsuccessfully hitting on Domonique Grant and
2 he was threatening to shoot the place up.

3 I wonder why Ms. Grant declined his
4 advances.

5 I hope as you deliberate that any
6 weight that you were considering giving to
7 Lionel Blair's testimony, any weight to the
8 idea that he was a victim of some sort of
9 hostility at Frazier's, any thought that you
10 are giving to putting any credence at all in
11 his identification of Mr. Gordon as some sort
12 protagonist in this thing, I urge you to
13 immediately discard that thought. This,
14 ladies and gentlemen, is the centerpiece of
15 the State's motive theory in this case, that
16 Mr. Reginald Gordon intended to exact revenge
17 on two people, Lionel Blair, that Mr.
18 Reginald Gordon or his cohorts. They don't
19 care which ones you like. They don't.

20 This pathetic liar, who somehow
21 transformed himself into the target of some
22 non-existent revenge plot for Darnell
23 Chaplin's scraped knee.

24 After hearing from a couple of
25 witnesses who were put on the stand solely

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1 for purpose of introducing evidence, we
2 turned then to Mr. Juwan Smalls, who also
3 goes by the name of "Rambo", you may recall.
4 Rambo was the gentleman who procured the
5 white Buick for Mr. Reginald Gordon that he
6 was driving that night. I think he said he
7 rented it for crack. I don't know that
8 there's much controversy there.

9 We had to watch Mr. Gordon pull up
10 at the Kangaroo Station three or four times,
11 I think it was, in a white Buick. And Rambo
12 is a little bit of an outlier. He testified
13 that maybe he saw a fight at the Purple
14 Mirage, but that Darnell Chaplin definitely
15 was involved in it.

16 At this point, about four or five
17 witnesses in, I think we have heard possibly
18 ten different versions of what happened
19 already that night.

20 Despite Darnell's testimony
21 previously at that the Purple Mirage involved
22 him, not Mr. Gordon and involved but a single
23 sucker punch before it ended, Rambo said he
24 didn't have any part in it. Rambo also
25 seemed to have been a little bit confused

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1 about his whereabouts that night as he
2 admitted to lying to investigators and saying
3 that he went to a bar called Charlie Q's
4 instead of Frazier's, which is where he
5 actually was. He was at Frazier's. He
6 admitted that on cross-examination.

7 You may also remember that after he
8 admitted that he testified that not only was
9 he inside Frazier's almost the whole night,
10 but he was inside when the shots were fired.
11 He was inside when the lights came on.

12 He didn't see any fights inside
13 Frazier's. And he was very clear about the
14 fact that he was in there the whole time. He
15 definitely didn't see Mr. Gordon and/or his
16 friends ganging up on anybody. And when
17 pressed by the State, remained steadfast and
18 saying it was unlikely that he would have
19 overlooked any such altercations during the
20 time he was inside Frazier's.

21 Apparently, there's two big rooms.
22 Maybe you can see all of the bar from one
23 spot, maybe you can't. But he said it was
24 unlikely that he was going to miss any fight
25 while he was in that club.

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1 He testified later that he saw the
2 beat up Buick at the Kangaroo later. And
3 that's an unknown time. He returned to the
4 Buick with Mr. Gordon to look for something
5 that Mr. Gordon apparently couldn't find.
6 While he didn't know what Mr. Gordon was
7 looking for, he also stated he was unaware
8 that Mr. Gordon had lost the keys to the car
9 in his previous altercation with a large
10 group of women.

11 We next hear from Officer Matthew
12 Jahngen, I believe it's pronounced, who came
13 across as an earnest and almost painfully
14 honest police officer with the Charleston
15 Police Department. He responded to the call
16 at the Kangaroo, the one that you saw on the
17 video over and over again.

18 The call went out that an unknown
19 black male had assaulted a group of ten
20 women. The suspect was not on the scene at
21 the time that Officer Jahngen arrived, but
22 his white Buick was.

23 And Officer Jahngen seems to have
24 quickly observed in plain view some small
25 portion of a pistol, partially hidden under

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1 the front seat and partially within a plastic
2 bag. Officer Jahngen readily admitted that
3 he neglected to mention the plastic bag in
4 his report. That was the first time I'd ever
5 heard of it.

6 He also readily admitted to the fact
7 that he didn't immediately seize the pistol
8 despite having legal authority to do so, that
9 he neglected to mention in his report calling
10 and waiting for authorization to seize the
11 gun from a superior. And that this was the
12 only occasion in his career that he's ever
13 done anything like that.

14 Importantly, more importantly than
15 that, we learn later that the plastic bag
16 that the gun was apparently in wasn't seized
17 with the gun. It was left in the car. The
18 car was returned to its rightful owner, only
19 to appear again in police photos several days
20 later.

21 Why didn't he get the bag?

22 Nobody ever told me about the bag.

23 Why is it still sitting in the car
24 all these days later and even then, when they
25 have a second opportunity to grab it, they

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1 didn't take it and they didn't analyze it.

2 Could not have some fingerprinting
3 been done on that plastic bag that perhaps
4 would have exonerated Mr. Gordon or at least
5 corroborated his version of events?

6 The gun was partially under the seat
7 and partially within an opaque bag. Doesn't
8 that at least jive with Mr. Gordon's
9 assertion that he had no idea the gun was in
10 the car?

11 Officer Jahngen took statements from
12 the assaulted women who advised him that they
13 did not want to press charges, that they
14 would "handle things" themselves.

15 Mr. Gordon reappears, gives the
16 officer a false name. On cross-examination
17 Officer Jahngen admits that behavior is not
18 uncommon. It's done for a variety of
19 reasons. In this case probably of fear of
20 being arrested for being in a possession of
21 a car that he doesn't own.

22 Jahngen puts Mr. Gordon in the back
23 of his car, not to arrest, but to protect him
24 from the returning women who were arriving
25 with reinforcements.

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1 Strangely, having just seized a
2 pistol from a car identified as being
3 connected with Mr. Gordon, Officer Jahngen
4 then releases Mr. Gordon.

5 The assaulted women again decline to
6 press charges, suggesting to an outsider such
7 as myself, that they knew that they were the
8 aggressors in the fight, may be charged with
9 filing a false police report.

10 We first learn from Officer Jahngen
11 that the white Buick was sitting in the
12 parking lot unlocked where anybody could have
13 gained access to it. You recall on the video
14 -- again, you saw it many times. Judging by
15 the video it seems that not less than fifteen
16 people, by my count, all but two of whom are
17 not identified in any fashion, could have
18 accessed that vehicle before Jahngen's
19 arrival as both the driver's side and
20 passenger doors are obscured from view from
21 the surveillance cameras.

22 Speaking of Kangaroo surveillance
23 video, you know, I've mentioned a couple of
24 times about how often it was played. Really,
25 I ask that you keep in mind the purpose of

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1 showing that video. The purpose of showing
2 that video is to place Mr. Gordon at the
3 scene of the Kangaroo at a certain time.
4 The fact that the video shows Mr. Gordon
5 exchanging blows with women, while certainly
6 something that I suspect that the State took
7 a certain glee in repeating for you again and
8 again, under the guise of identifying Mr.
9 Gordon over and over again, that that's
10 determinative of nothing. The fact that he
11 was engaged in a fight, whether he was the
12 aggressor or whether he was defending himself
13 has nothing to do with whether he's guilty of
14 murder or possession of a firearm during the
15 commission of a violent crime.

16 Now, I know that nobody likes seeing
17 a man hit a woman, myself included. But I do
18 ask that you be mindful of your obligations
19 as jurors -- to be mindful of not falling
20 into the trap of being emotionally inflamed
21 against Mr. Gordon.

22 I don't believe that the fight
23 itself bears much discussion at all if any,
24 other than nothing the utter absurdity of Ms.
25 Kayrine Lenin's testimony, that Mr. Gordon

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1 who is, apparently according to her in a huge
2 rush to wash his hands, who stops, walks back
3 to his car and he's out for a second and he's
4 back in the store. Rushes again to go wash
5 his hands, and is so rushed that he goes back
6 to the bathroom and summarily punches her and
7 another woman in the face in order to get in
8 the bathroom.

9 Ms. Linen, having just been punched
10 in the face and having her glasses broken,
11 somehow has the wherewithal at that
12 particular moment, to keenly observe that Mr.
13 Gordon couldn't possibly have been in the
14 bathroom doing anything but washing his
15 hands, as he wasn't in there long enough to
16 urinate. And his hands weren't wet when he
17 walked out. I guess after having made those
18 huge observations, she immediately reengaged
19 in a fisticuffs with Mr. Gordon.

20 Remember too that this witness was
21 highly amused on the stand during her
22 testimony. I think that she thought by
23 getting into a fight at 4:00 in the morning
24 and continuing to rage and bang against the
25 windows of the store and vandalize Mr.

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1 Gordon's car for the next fifteen minutes
2 afterwards was humorous. I guess she would
3 also think that framing her absurd testimony
4 in such a way as to cast as much doubt on Mr.
5 Gordon would be funny as well.

6 Again, I ask you not to fall into
7 the obvious trap that's been laid by Ms.
8 Lenin's absurd and patently false testimony.

9 There's utterly no evidence that Mr.
10 Gordon was trying to wash gunshot residue off
11 of his hands. That's exactly what they're
12 trying to say.

13 As -- under any view of the evidence
14 in this case, Mr. Gordon didn't fire a shot
15 that day.

16 Ms. Lenin's testimony was followed
17 by the duplicative testimony of Amanda Sease,
18 her cousin and another participant in the
19 Kangaroo altercation. She didn't really add
20 anything to the narrative, other than her
21 absolute certainty, which she shared with Ms.
22 Lenin, that it was an utter impossibility
23 that anybody accessed the white Buick before
24 Officer Jahngen arrived; as apparently both
25 of them stood and watched it with eagle eyes

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1 the entire time, not so much as turning their
2 head or blinking apparently.

3 But apparently their eyes didn't
4 seem to be working very well, maybe their
5 memory has failed them or maybe they're just
6 dishonest, because their testimony was
7 followed by that of Mr. Jerome Kidd, the
8 clerk who was working at the Kangaroo. He
9 was very clear in testifying that one of the
10 restrooms was out of order. Instead of
11 Lenin's testimony that the girls were using
12 both of the bathrooms. Small stuff, I know,
13 but it adds up. And it really underpins the
14 inherent unreliability of eyewitness
15 testimony stretched out over a period of
16 years.

17 In addition to discussing the state
18 of Kangaroo's bathrooms, Mr. Kidd also
19 corroborates Mr. Gordon's explanation that he
20 returned to the store in search of the keys
21 to the Buick. That's what he said.

22 Please don't be surprised to hear
23 the State tell you that he came back to the
24 Kangaroo Station looking for a gun. That's
25 making -- they want you to make that link, to

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1 surmise. The evidence presented in the case
2 was that Mr. Gordon returned looking for the
3 car keys. That's corroborated. That's Mr.
4 Gordon's statement. That's corroborated by
5 Mr. Kidd.

6 We entered the final phase of the
7 trial with the introduction of the law
8 enforcement witnesses:

9 Detective Milz, the crime scene
10 investigator who shared with us his
11 methodologies and steps he took upon arrival
12 at the scene, which were rather unremarkable,
13 except for the utter lack of physical
14 evidence that he was able to locate at the
15 scene that night.

16 He shared with us photos, most
17 notably of a shattered car window with a, you
18 may recall, a trajectory rod sticking into
19 the door of the car. And the way that the
20 trajectory rod was sticking out of the door,
21 could lead to only a single conclusion. That
22 the shooter was standing parallel to the car,
23 while firing. And in addition to that, fired
24 a number of shots, rapid shots into almost
25 the exact same spot. He testified

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1 specifically that there weren't any stray
2 shots anywhere. It wasn't -- they didn't go
3 all over the car. All the shots went in the
4 same spot. They almost went in the same hole
5 in the window. This shooter seems to have
6 been trying to shoot the driver of the car;
7 the person seated in the driver's seat of the
8 car, not Tootie, who was almost certainly on
9 the other side of the car.

10 Detective Mills shares with us a
11 diagram -- it's one of these things over
12 here. I won't bore you with the details.
13 But he made some sort of diagram with some
14 sort of computer program that he explained
15 somehow. I admit to not having been able to
16 follow that a hundred percent. But it
17 apparently is an accurate representation with
18 measurements and the light, of the location
19 of the vehicle that are at the scene, the
20 building, and the lone shell casing that was
21 discovered at the scene two days later. You
22 will remember it was marked with the number
23 one.

24 Detective Milz was also kind enough
25 to share his knowledge of live firearms with

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1 us, confirming that Glock shells discharge up
2 and to the right. Up and to the right.
3 After he testified to that, he got really
4 interested in trying to qualify that
5 statement. It started out with they
6 discharge up and to the right. I witnessed
7 some real hemming and hawing going on before
8 Detective Milz felt comfortable in restating
9 what he'd already said, that Glock shells
10 discharge predominately up and to the right.
11 'They don't just discharge up and to the
12 right, they discharge predominately up and to
13 the right. There may be some that vary.'
14 Why did he want to qualify that so badly?
15 Why did he spend so much effort in choosing
16 his words so carefully and coming back to
17 that and qualifying it?

18 Once we look at the diagram that he
19 created, it reveals the location of the shell
20 casing discovered at the scene, two days
21 after the shooting, was inconsistent with the
22 trajectory rod that he had shown us earlier.
23 The shooting was shooting straight at the
24 vehicle, according to the trajectory rod. If
25 that was the case, the casing shouldn't have

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1 been where it was found. I hope that y'all
2 took as much note of how uncomfortable
3 Detective Milz was with that line of
4 questioning.

5 Detective Milz also processed the
6 white Buick for evidence, following its
7 return to law enforcement after having been
8 in the possession of a crack head for three
9 days. I think "crack head" was the State's
10 description of the owner of the car.

11 Strangely, and I think I mentioned
12 this before, the white plastic bag was still
13 in there, never got processed because nobody
14 had ever reported anything about a gun being
15 in a bag.

16 Nothing of note to be found, other
17 than a couple of Rambo's fingerprints in the
18 back seat. Nothing from the gun, nothing
19 from the casing, nothing from the car, no
20 fingerprints, no DNA.

21 The next witness of substance after
22 some additional witnesses who put in evidence
23 was Suzann Cromer, the firearm examiner from
24 SLED, State Law Enforcement Division. I
25 certainly do not mean to discount her

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1 testimony. Was that yesterday? She, by all
2 accounts, seems to be extremely competent and
3 extremely learned, definitely an expert in
4 her field. But after all of her hyper
5 technical polygonal rifling and all of her
6 measuring and weighing and microscoping, and
7 backup independent expert analysis and such,
8 the only thing of substance she was really
9 able to tell us was that she had ten pieces
10 of evidence that were presented to her. Out
11 of those ten pieces of evidence, only one
12 could be matched to the gun. That was the
13 shell casing that was found two days later by
14 Mr. Lawrence.

15 We turn then to Detective Wilson,
16 the lead investigator, who like Detective
17 Milz arrived on the scene, early on in the
18 investigation. He confirmed that nobody at
19 the scene, immediately after the shooting,
20 could identify the shooter.

21 He immediately sought out two people
22 that apparently he had knowledge that they
23 had been in a fight a Purple Mirage. And he
24 heard that the same way everybody else heard
25 about the fight at the Purple Mirage. And

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1 whom he suspected was the target of the
2 shooting. This was immediate.

3 Of course, Tootie, has always
4 maintained having never been in a fight at
5 the Purple Mirage. He interviewed Tootie
6 that evening, into the morning, at length.
7 The first person they talked to. And
8 confirmed for you that Tootie grew hostile in
9 his initial interview of the notion that he
10 might have been standing, the notion that he
11 might have been standing by that driver's
12 side door when the shooting took place,
13 physically hostile at that idea.

14 Detective Wilson was one of the four
15 detectives who returned to the scene on
16 August the 20th, hunting for evidence. And he
17 confirmed that Detective Lawrence found that
18 shell casing, but he didn't see him do it.

19 Other than testifying that he
20 participated in substantially every interview
21 in this case, other than the interview he
22 conducted with Reginald Gordon, and
23 confirming that he had received a description
24 of the shooter as wearing all black, with
25 long dreads, from a witness at the scene,

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1 Detective Wilson didn't add much to
2 the overall narrative. He reaffirmed a lot
3 of things that had been testified to by other
4 witnesses.

5 Which brings us, ladies and
6 gentlemen of the jury, full circle to that
7 perfectly encapsulated moment that I referred
8 to at the beginning of my remarks. At the
9 outset of Mr. Lawrence's testimony, where the
10 State was reduced to asking Mr. Lawrence if
11 he had planted a shell casing at the scene.
12 What do you have to do to try to save your
13 quote, unquote, "star witness"? When your
14 star witness is covered in a thick layer of
15 lies, compounded upon lies, conflicts of
16 interest, conduct unbecoming a police
17 officer, your star witness is a scoundrel who
18 was summarily terminated from the sheriff's
19 department for his gross misconduct; not just
20 gross misconduct, gross misconduct involving
21 this case. This case.

22 I guess it was an unenviable
23 position to be in for the State, but I
24 suppose all you can do is come out right out
25 and make sure that everybody knows that your

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1 star witness for all his misdeeds, he
2 wouldn't plant evidence, right? Right?
3 Mr. Lawrence told his superior officers,
4 supposedly in a moment of panic, that he'd
5 never been involved in a sexual relationship
6 with Derrick Brown's mother. I'd ask you to
7 keep in mind, folks, this is important.
8 Derrick Brown's my client's co-defendant in
9 this case. He's charged with the same
10 offenses that Mr. Gordon is charged with.

11 In a moment of panic, Mr. Lawrence
12 told his superior officers that he began a
13 sexual relationship with Derrick Brown's
14 mother in 2009 or 2010, then maybe 2012,
15 later 2013. Keep in mind how crucially
16 important this information is. Because no
17 matter what day you assign to the beginning
18 of this illicit relationship, it creates an
19 utter conflict of interest for Detective
20 Lawrence investigating this case. A conflict
21 of interest that cannot be washed away by his
22 firing.

23 Also, keep in mind, please, ladies
24 and gentlemen of the jury, that whenever it
25 was that this relationship started, that he

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1 purposely kept it a secret, even when he
2 could have simply revealed his relationship
3 with Derrick Brown's mother when Derrick
4 Brown's name was first mentioned in
5 connection with this case; which was
6 immediately -- August the 18th, 2012. 'I
7 can't be on this case.'

8 You will recall his testimony that
9 his area, so to speak, is from Hollywood to
10 Edisto Island, that generally he was the case
11 agent, the lead investigator for any cases
12 that took place in that area. Mysteriously,
13 on this case, Detective Wilson was named the
14 case agent in Detective Lawrence's territory.
15 It's up to you, the jury, the finders of fact
16 in this case to decide which one of
17 Lawrence's many lies regarding this sexual
18 time line to believe; and I don't envy you
19 that, because there are a lot of them to sort
20 through. But always remember, even if you
21 choose the latest possible starting date for
22 his conflict of interest, it was certainly
23 present on February 15th of 2013 when he
24 interrogated Reginald Gordon without any
25 other investigators present.

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1 The clincher in this whole thing,
2 the thing that really galls the most is that
3 Mr. Lawrence said that it was Mr. Gordon's
4 family, their trust in him, that led Mr.
5 Gordon, that lead them to convince Mr. Gordon
6 to open up to Detective Lawrence. Their
7 trust in him. Such an utter abuse of the
8 faith of the people in the community that he
9 served, that he paid lip service to
10 protecting and serving, to knowingly abuse
11 trust that was placed in him just to remain
12 on a case that he really shouldn't have any
13 involvement in.

14 Why? Why would you stay in a case
15 that you know that you shouldn't be involved
16 in? Shouldn't have somebody, anybody said,
17 "You know, I don't think it's right. Why
18 don't we arrange for Mr. Gordon to talk to
19 Detective Wilson?'

20 Detective Wilson had been, if not
21 in every interview in substantially all the
22 interviews to this point. Isn't that
23 procuring a statement from somebody under the
24 false pretense of being a forthright and
25 upstanding man in the law?

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1 You've seen, you've heard the
2 statement that Mr. Gordon gave to Mr.
3 Lawrence. Could it have been freely and
4 voluntarily given without knowledge of that
5 underlying and material misrepresentation?
6 That *'I can be trusted. I'm somebody that*
7 *you can come to. I'm not engaging in*
8 *investigation of this matter under a cloud of*
9 *the most foul conflict of interest. That I'm*
10 *not hiding from you that I'm sleeping with*
11 *Derrick Brown's mother, your co-defendant.'*

12 You also heard Lawrence clearly
13 testify, clearly say that the reason why Mr.
14 Gordon's family brought him to Mr. Lawrence
15 in the first place was all the threats from
16 another detective that Mr. Gordon was going
17 to get locked up for the rest of his life.
18 It's an unidentified detective you may
19 recall. An unidentified detective that Mr.
20 Lawrence, I would say somewhat clearly could
21 not remember the name of on the stand. Is
22 that a sign of freedom of openly volunteering
23 to give a statement, being threatened to be
24 locked up for the rest of your life?

25 Then being funneled into somebody

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1 who has a conflict of interest with you?
2 You, ladies and gentlemen of the jury, you
3 get to decide whether or not that statement
4 was freely and voluntarily given. You do.

5 It's in your hands. The Judge will
6 give you instructions on how to make this
7 determination. If you decide that it was not
8 freely and voluntarily given, as I believe
9 evidence will show, or that the evidence has
10 shown, then the Judge will also instruct you
11 that you must disregard that statement in
12 your deliberations.

13 Even if you choose to consider the
14 statement, what are you left with? A
15 statement that's frankly consistent with the
16 overwhelming weight of credible and/or
17 undisputed evidence in this case. Reginald
18 Gordon. He had a gun in his car. Derrick
19 Brown asked him where it was. Derrick Brown
20 didn't say, 'Hey, man, go grab your gun for
21 me. Let's go kill somebody. Where's your
22 gun?'

23 When you consider everything else
24 that's transpired and the very credible
25 testimony that Lionel Blair, Tootie, was out

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1 looking to fight, that he was threatening to
2 shoot the club up, can you decide that
3 Reginald Gordon, who first protested about
4 the gun. *'Where's your gun?' 'Wha'cha need*
5 *it for?'* He first protested and then finally
6 responded to the questions of the guns
7 location. *'It's in my car.'*

8 Can you decide that Reginald Gordon
9 knew that Derrick Brown was going to murder
10 somebody or even that he should have
11 reasonably known that such a thing was going
12 to take place?

13 Or could you make inferences about
14 the verbal exchange between Mr. Gordon and
15 Derrick Brown?

16 With Lionel Blair, Mr. Tootie,
17 threatening to shoot the place up, could Mr.
18 Gordon not reasonably believe that Derrick
19 Gordon [sic] wanted his gun for self-
20 protection, a perfectly lawful purpose for
21 having a gun?

22 Could Derrick Brown have simply been
23 making sure that Mr. Gordon wasn't planning
24 on doing something stupid, making sure his
25 gun was safely in his car, not strapped to

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1 his waistband? How do you make the instant
2 leap from 'where is your gun', to 'thank you
3 for aiding and abetting me in this crime'
4 simply by telling me where it is?

5 Mr. Gordon simply had no common
6 plan, no common design, no common intent to
7 commit a crime of murder simply based on a
8 two-sentence exchange regarding the location
9 of a firearm.

10 And what's to make of Mr. Gordon's
11 repeated protestations that he didn't know
12 the gun was in his car when he left
13 Frazier's? He says his car was parked in the
14 back right of the Frazier's parking lot,
15 behind the building, unlocked and with the
16 window rolled down. Several witnesses,
17 credible witnesses, described the shooter
18 escaping the scene by running off to the back
19 of the lot where he only escape routes are
20 through heavy woods going straight towards
21 Savannah Highway, a highly traffic area or to
22 the right, directly past Mr. Gordon's car and
23 to the relative safety of Moberry Road, which
24 you saw on the maps. Take a quick left turn,
25 and you're going into the country. After

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1 hearing about the gun being almost -- for the
2 first time being almost entirely obscured by
3 the seat and for the first time hearing about
4 it being at least partially being in an
5 opaque white plastic bag, I believe there's
6 more reason than ever to believe that the
7 evidence shows that Mr. Gordon honestly had
8 no idea that that weapon was in his car.

9 He told you himself on the video.
10 You heard it. It makes sense to me:

11 *'If I knew that gun was in the car,*
12 *I wouldn't have gone near it.*

13 *If I'd known that gun was in the*
14 *car, I would have rode home with somebody*
15 *else.*

16 *If I'd known that gun was in my car,*
17 *I wouldn't have stopped at the gas station*
18 *just down the street from the scene.*

19 *If I'd known that gun was in my car,*
20 *I'd have gone straight home.*

21 *If I'd known that gun was in my car,*
22 *I could have thrown it out.'*

23 The possibilities are endless beyond
24 even the ones offered by Mr. Gordon. The
25 area is country. I think we heard that word

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1 many times during this trial, it's country.
2 Country. A lot of deep woods. A lot of
3 streams, some bridges.

4 At a minimum, if you have a firearm
5 in your car that was freshly used by somebody
6 else to commit a homicide, you could just
7 throw it out the window as you're driving
8 down the street? You could dump it off of a
9 bridge where it's never found ever again?

10 Ladies and gentlemen of the jury,
11 you don't have to leave your common sense at
12 the door when you walk in the courthouse.
13 Please use it. All of these are commonsense
14 explanations and I ask you to consider them
15 all.

16 What about Mr. Gordon's spot-on
17 description of Scrappy, Derrick Brown, as the
18 shooter. Each piece of his description is
19 corroborated by other testimony. There's
20 that word again, "corroborated." There
21 hasn't been very much corroborating testimony
22 on this case. Almost all Mr. Gordon's is
23 corroborated.

24 The shooter was wearing all black.
25 He said he had a black shirt over his head

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1 and his face. Might that not, in the dark,
2 look like long dreads hanging down in your
3 face?

4 The fact the shooter ran along the
5 tree line and around the back of the building
6 in the direction of Mr. Gordon's parked car
7 is corroborated.

8 On the other hand, wouldn't this be
9 a perfect crime for Derrick Brown?

10 *I'm going to go shoot somebody.*
11 *Before I do, I'm going to borrow somebody*
12 *else's gun. I'm not going to tell them what*
13 *I'm doing. I'm just going to ask them where*
14 *it is. Offer no explanation. Then I'm going*
15 *to use it for a shooting. And while the*
16 *commotion's going on, I'm going to run off*
17 *into the trees. I'm wearing all black.*
18 *Nobody can see me. I'm going to run around*
19 *the back of the building, and I'm going to*
20 *dump that same gun that I just borrowed from*
21 *somebody back in his car.'*

22 You can get away on foot.

23 You can get away by car.

24 You can get away however you want.

25 It's country.

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1 You've just left any and all
2 physical link between you and a crime in
3 somebody else's car. What better way could
4 you get way of a murder weapon, other than
5 have an unwitting person drive it away from
6 the scene for you?

7 You don't have to leave your common
8 sense at the door.

9 What are you left with if you decide
10 that you shouldn't consider that statement?
11 That if you, as jurors, exercise your right
12 to decide that that statement was not given
13 freely and voluntarily?

14 The shell casing? I think that's
15 it. Therein lies the reason why the State
16 chose to ask Mr. Lawrence pointblank on
17 direct examination on the outset of their
18 direct examination, *'Did you plant that shell*
19 *casing at the scene?'* Not a question you ask
20 a trustworthy witness. Because the State is
21 facing the very real possibility that that
22 shell casing might be their entire case,
23 tenuous as it is.

24 The sole link between the gun found
25 in the car and Mr. Gordon was driving at a

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1 crime scene came the shell casing that Mr.
2 Lawrence found at the scene two days after
3 the scene had first been processed and
4 nothing was found. Without that casing,
5 without that link, there's simply no way to
6 convict Mr. Gordon under that scenario.

7 The casing that was not discovered
8 by any number of detectives who were working
9 this case. I think Detective Wilson said he
10 had five, six guys working with him.

11 The casing, it wasn't found by a
12 detective who didn't have a conflict of
13 interest in the case. The shell casing that
14 was discovered by the man who was having sex
15 with the mother of the man who, by all
16 accounts, pulled the trigger on the fatal
17 shots on August the 18th, 2012.

18 The casing that by the testimony of
19 the crime scene investigator, was either
20 collected by the shooter or tampered with in
21 some fashion, there being no other
22 explanation. His words.

23 The casing that once collected by
24 the shooter could have been delivered to some
25 party who had access to the crime scene. The

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1 casing that wasn't found where, as a matter
2 of general firearm knowledge, as a matter of
3 Detective Milz's direct testimony in this
4 case, should not have been found where it was
5 found.

6 The casing that has an enormous
7 cloud of reasonable doubt hanging over it.

8 And the casing, to add final insult
9 to injury, Mr. Lawrence couldn't even provide
10 a truthful or rational explanation for how he
11 knew where to find it:

12 *I figured it out from the diagram*
13 *that Reggie Gordon drew.*

14 *Mr. Lawrence, that was in February*
15 *2013. I thought you said you found that*
16 *shell casing in August of 2012.*

17 *Oh, I mean, I looked for broken*
18 *glass and then I searched around there.*

19 I think those were his exact words.
20 I try not to show my thoughts when I'm trying
21 a case. But ladies and gentlemen of the jury
22 I know at that point I started shaking my
23 head.

24 You don't have to leave your common
25 sense at the door.

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1 I didn't even have to ask the
2 question about how Lawrence came to discover
3 the shell casing. The State had already
4 asked the question for me. That perfectly
5 encapsulated question summarizes the whole
6 case. Is it possible that former Detective
7 Lawrence, disgraced Detective Lawrence would
8 have lied one more time for the child of the
9 woman with whom he was engaged in a sexual,
10 romantic relationship?

11 Can all reasonable doubt be removed?

12 Where is Derrick Brown? Will he be
13 called to account for the crimes that he
14 obviously committed?

15 If that place in the back of your
16 head, I talked about it in my opening
17 statement, the one that instinctively knows
18 how to separate what's trustworthy and that
19 which is not, it has a colloquial name, that
20 I can't use in mixed company. If it's been
21 activated and it's sending you alerts, listen
22 to it. Let it guide you in your delibera-
23 tions. That part of your brain is the part
24 of your brain that's going to allow you to
25 separate guilt from reasonable doubt in this

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1 case and you should remain faithful to that.

2 It's brought you this far, hasn't it?

3 Keep an open mind.

4 Be mindful of the law.

5 Be mindful of what you believe the
6 evidence tends to establish as a fact in this
7 case.

8 Go with it.

9 And most importantly, ladies and
10 gentlemen of the jury, be inoculated from the
11 torch and pitchfork parade that's headed your
12 way. The State, they don't want you to be
13 guided by common sense. They don't want you
14 to be guided by your intuition. They want
15 you to believe that only one possible
16 conclusion can be drawn from the tangled web
17 that's been presented to you. Guilt. Guilt.
18 Guilt beyond a reasonable doubt.

19 How can that possibly be?

20 They want you to be guided by
21 emotion.

22 And frankly, ladies and gentlemen of
23 the jury, it is easy to let yourself be mad
24 in a case like this. After all, at the end
25 of the day, the facts don't change. There's

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1 a young lady. She was with us on August the
2 17th of 2012. She's no longer with us. She
3 was a daughter. She's a mother. She's
4 young. She had her life ahead of her. And
5 she's not coming back. The State will want
6 you to activate that part of your brain that
7 feels that it's your duty to make somebody
8 pay for the fact that she's not coming back.

9 They'll want to convince you that
10 the Defense, a/k/a me, that I'm playing a
11 game of smoke and mirrors simply because you
12 do not accept wholeheartedly their version of
13 the facts. Trickery, it is, game playing,
14 smoke and mirrors, whatever you want to call
15 it. I call it being guided by common sense
16 and critical thinking. The State will want
17 you to be guided by animus towards my client.

18 After all, haven't they gone out of
19 their way to make sure you see Mr. Gordon as
20 a bad man? He's somebody who gets in fights
21 with women. That's not evidence that Mr.
22 Gordon committed the crime for which he
23 stands accused.

24 Have they not made certain that the
25 last impression you got from their case was

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1 the photos of the deceased, showing you the
2 toll that this crime took on the body? That
3 doesn't prove that Mr. Gordon is guilty of
4 the crimes that he's accused of. That's
5 emotion. Be mindful of that fact, please.

6 Be mindful that you've taken an oath
7 to decide this case on the evidence that's
8 presented to you. We certainly would exclude
9 any efforts to incense you in the conviction.

10 The death of Domonique Grant is a
11 tragedy. Please don't compound the tragedy
12 by convicting an innocent man of causing her
13 death.

14 Ask yourself:

15 Is there a chain of honesty, of
16 credibility?

17 Is there an absence of contradict-
18 tion?

19 Anything to hang your hat on to get
20 you to that ultimate target, guilt beyond a
21 reasonable doubt?

22 There's doubt at every turn in this
23 case. No two people tell the same story.

24 Ladies and gentlemen, I think you
25 can locate that doubt for yourselves and

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1 with your common sense as a guide, your
2 collective wisdom, it will lead you to what
3 we believe is the only possible conclusions
4 in this case, returning a verdict of not
5 guilty on all charges. Thank you for your
6 time.

7 THE COURT: Everybody okay?
8 Anybody need a break?

9 JURORS: (Affirmative responses).

10 THE COURT: Let's take a short
11 break. Let's keep it short this time.
12 You've got a long way to go.

13 (JURY OUT @ 11:55 A.M.)

14 (BRIEF RECESS)

15 (DEFENDANT PRESENT)

16 THE COURT: All right. Bring the
17 jury.

18 (JURY IN @ 12:03 P.M.)

19 BAILIFF: All jurors present, Your
20 Honor.

21 THE COURT: Thank you very much.
22 Solicitor, you may proceed.

23 SOLICITOR DURANT: Thank you, Your
24 Honor. Good afternoon.

25 JURORS: Good afternoon, sir.

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1 SOLICITOR DURANT: Well, it's
2 now Thursday afternoon and we started this
3 process on Monday. And I know you're tired.
4 I'm going to try to be a little more succinct
5 than Defense counsel.

6 You've heard a lot of testimony,
7 you've seen a lot of exhibits, exhibits
8 you'll have back with you in the jury room
9 when you retire to reach your verdict.

10 I'll have a chance to make a few
11 comments here. Judge Cooper will charge you
12 on the law. And then you'll be asked to
13 retire to your jury room and render a verdict
14 in this case.

15 And, I would like to take this
16 opportunity to direct your attention to what
17 I view are the important issues for you to
18 decide as the jury. To begin with, this is
19 not a 'what is it?' You know, a lot of times
20 in a death case, juries determine if it's
21 murder, or if this is voluntary manslaughter,
22 involuntary manslaughter. You don't have to
23 consider, concern yourself with that. This
24 is a murder case and a murder case only.

25 Oftentimes the jury will have to

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1 determine if there is some reason to justify
2 a killing, like if someone was acting in
3 self-defense or an accident or something like
4 that. You don't have to concern yourself
5 with those.

6 That's not to say that Domonique
7 Grant was the intended victim in this case.
8 I think it's pretty clear that she was not
9 the intended victim in this case. The
10 shooter meant to kill Tootie. The shooter
11 either -- or thought that the people in that
12 car were Tootie's friends. Or with reckless
13 disregard for life fired into an occupied
14 vehicle. Any of the three is murder, period.
15 You don't have to concern yourselves with
16 that.

17 This is what you have to concern
18 yourself with, did he (indicating Defendant)
19 kill her or did he assist the killer by
20 providing the weapon?

21 If the answer to either of those is
22 yes, then you must find him guilty of murder.

23 So what is the evidence that he was
24 the shooter in the case. Well, first and
25 foremost fifteen minutes after this shooting,

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1 he's in possession of the weapon that killed
2 Domonique Grant, fifteen minutes.

3 We know it's the weapon because
4 ballistics says it the weapon. We know it's
5 the weapon because he says it's the weapon.
6 He tries to put the weapon in somebody else's
7 hands, but that's the gun that killed her,
8 and he had it and he had it fifteen minutes
9 after the shooting.

10 Although he wants to claim ignorance
11 that he knew this was in the car. I would
12 submit to you that he knew that gun was in
13 his car. I would submit to you that he had
14 that gun on him when he got to the Kangaroo.
15 And you will have that Kangaroo surveillance
16 video with you. And I want you to look at it
17 and specifically, if y'all are taking notes,
18 watch from like five minutes and thirty
19 seconds into it until six minutes and thirty
20 seconds into it. You will see him drive up
21 in the white vehicle. He gets out. He walks
22 up to the door. You see his hand go down to
23 his front, and he turns around and walks
24 away. You see him standing with his back to
25 the door for a second. And if you watch

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1 right up there in the corner where his car
2 is, you see him get in the car and then you
3 see him get back out of the car and walk
4 inside the store. What was he doing? He was
5 putting that gun in the car.

6 And you know this white plastic bag,
7 that's why they hate this white plastic bag.
8 They hate the white plastic bag. And you
9 know why? Because he wants you to believe
10 that Scrappy the shooter threw that thing
11 back in the car unbeknownst to him.

12 Well, if Scrappy takes that gun out
13 of his car and goes up and shoots this girl,
14 in front of God-knows-who out there, is he
15 going to stop and take the time to go back in
16 his car and put it in a white plastic bag
17 under the passenger's seat? No. That's why
18 he hates that white plastic bag. He wants
19 you to think, I guess, that the cop was lying
20 about that but why in the heck would he lie
21 about that?

22 Then when he goes in to the
23 Kangaroo, apparently the big urge is to wash
24 his hands -- and for the exact reason that
25 Mr. Detreville told you.

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1 Between him and anybody else around
2 there, let's talk about motives. The State
3 doesn't have to prove motive but between him
4 and Scrappy, he certainly had motive. It
5 wasn't Scrappy's cousin that got beat up. It
6 was his cousin that got beat up.

7 And I don't know if this is a
8 Darnell thing getting beat up or whether this
9 is an Ardmore/Ravenel thing. You've got both
10 of them kind of going on at the same time.
11 But he was in it up to here (indicating
12 forehead area).

13 He was there at the Purple Mirage
14 when the guy from Ardmore jumped in front of
15 the camera and starting bragging, which we
16 saw. He was there when the fight went on at
17 Purple Mirage. As much as he wants to deny
18 it, as much as Mr. Detreville would like you
19 to think that no fight happened, he was right
20 in the middle of it.

21 He was the one that was trying to
22 pick a fight with the Ardmore guy at
23 Frazier's.

24 But whatever went on, like I said,
25 don't know if it was Darnell, don't know

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1 whether it was the Ardmore crowd and every-
2 thing but, yes, he was trying to start a
3 fight; him and his seven buddies, eight
4 buddies or however many there were.

5 And ladies and gentlemen, I want you
6 to think about his state of mind. This was
7 his state of mind probably 2:30 in the
8 morning. Could I have those please -- (video
9 playing) -- who was that that jumped right in
10 front of the camera right there then?

11 He didn't look like a happy man
12 then, did he?

13 As much as he wants you think that
14 there was no fight, Jarrett Cochran beat feet
15 right after that. Jarrett Cochran wanted no
16 part of it. And according to Lionel Blair, a
17 big fight started in the parking lot right
18 after that. That's his state of mind prior
19 to going to Frazier's.

20 This is his state of him mind
21 fifteen minutes after the shooting -- (video
22 playing).

23 I don't know if he is just mean. I
24 don't know if it was because he was drunk. I
25 don't know if it was because he was on drugs

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1 or a combination of all of them, but Reginald
2 Gordon was an angry man on that night.

3 Now, in his statement, when he gave
4 a statement to the police, he's trying to act
5 like, 'Oh, I was just chilling, man.
6 Everything was great. I was just completely
7 oblivious to everything that was going on.'

8 That (video) was the real Reginald
9 Gordon.

10 And according to Mr. Detreville, all
11 of this testimony regarding the shooter in
12 the black shirt running away. There was no
13 testimony to that, ladies and gentlemen,
14 none.

15 Ebonique Priester specifically said
16 when asked 'did you see the shooter':

17 *No, I did not.*

18 *Did you see the muzzle flash?*

19 *No, I did not.*

20 *What did you see?*

21 *I saw somebody dressed all in black*
22 *running away after the shooting.*

23 Ladies and gentlemen, I would bet
24 that there was more than one person dressed
25 all in black, running away after this

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1 shooting. There is no testimony that the
2 person that she saw running away was the
3 shooter.

4 There's no testimony from any
5 witness that came into this courtroom and
6 told you that I saw the shooting and the
7 shooter was wearing black, except for him.

8 Based upon that evidence alone, you
9 would be perfectly within your rights to find
10 him guilty of murder, finding him guilty of
11 killing Domonique Grant.

12 The only evidence that he was not
13 the shooter comes from where? Reginald
14 Gordon.

15 And when does that evidence come
16 into light? After he's been arrested for
17 murder because he had the murder weapon on
18 him fifteen minutes after the shooting.

19 But even if you believe every word,
20 as I told you in opening, it's still going to
21 be enough. He has essentially admitted
22 everything in that statement that you need to
23 find him guilty.

24 Once again, you will have his
25 statement with you, the DVD, or CD or

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1 whatever, back there in the jury room with
2 you. There's a laptop and a monitor back
3 there that y'all can play it on and you can
4 look at it as many times as you want. And I
5 know that it's somewhat difficult to hear. I
6 would also bet you probably would need some
7 technical assistance in operating that
8 program that it's on. And if so, just let
9 somebody know.

10 But he admits to a number of things
11 in his statement, things that basically
12 corroborated everything, according to Mr.
13 Detreville, that every lying witness said.

14 He admits to driving the white
15 Buick.

16 He admits to being at the Purple
17 Mirage.

18 He admits to knowing his cousin
19 Darnell got ganged. Although he says, 'I
20 found out about that later.'

21 Bull.

22 He admits to being there when the
23 guy jumps in front of the camera. Starting
24 about 13:10:00 it starts getting to the meat
25 of it.

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1 He admits that after Frazier's
2 closes, his cousin Darnell comes up to him
3 and points out some guys that had ganged him.
4 After that, Scrappy came up and said to him,
5 saying those are the boys that ganged and
6 all. 'We need to see what's going on.'

7 Scrappy then ask him where the gun
8 was at.

9 He tells Scrappy the gun's in the
10 car.

11 Scrappy says he's getting the gun.
12 Scrappy gets the gun and walks up to the car
13 and starts shooting.

14 At 13:21:00, Scrappy's saying,
15 "That's the car right there. That's the car
16 right there."

17 At 13:38:00 he says Scrappy came up
18 to him saying, "Where's the gun? Where's the
19 gun?"

20 Gordon says, 'Why you need the gun?'

21 Scrappy says, 'Man, I need the gun.'
22 Darnell says so and so.

23 Gordon says, 'All right, the gun's
24 in the car.'

25 Then Scrappy gets the gun, walked up

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1 to the car, had his face turned. At one
2 point he said he had a shirt over his head,
3 and starts shooting. "I could see it real
4 good. I was eight or nine feet away."

5 He admits driving the white Buick to
6 the Kangaroo.

7 He admits that he was alone when he
8 went there.

9 He admits that there were girls in
10 the men's room.

11 He admits to the fighting.

12 He admits to taking off when he
13 heard the sirens.

14 He admits returning and being
15 questioned by the police.

16 He admits that the gun, that his gun
17 was a black .40 Glock with an extended
18 magazine.

19 He admits that gun was the gun that
20 killed Domonique Grant.

21 And he admits that Darnell --
22 getting back to the Ravenel/Ardmore thing, he
23 admits that Darnell says the guys that jumped
24 him were from West Ashley and that Darnell
25 had been jumped by people from Ardmore in the

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1 past.

2 What does he not admit to?

3 He does not admit to anything that
4 makes it look like he had anything to do with
5 anything.

6 Just like every other criminal,
7 everything was somebody else's fault. 'No,
8 no, no. I wasn't involved in the fight at
9 the Purple Mirage.' Knew nothing about it,
10 contrary to what that video shows, contrary
11 to what Darnell Chaplin says, contrary to
12 what Juwan Smalls says, both of whom
13 testified that there was fighting and that he
14 was in the fight.

15 He denies arguing with anyone at
16 Frazier's, contrary to what Lionel Blair
17 says, contrary to what Caprese Crosby says,
18 contrary to what Ebonique says, there was
19 some sort of altercation.

20 He denies knowing that the gun was
21 in the car. He wants, you know, he wants you
22 to think 'why would I drive that car?'

23 I'll tell you why. He's the
24 murderer.

25 What's the common theme here? He

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1 wants the police to think that, like I said,
2 he was happy go lucky. He was not having a
3 problem with anybody. He was "chill." He
4 was having a great time. He didn't know
5 anything that was going on around him. He
6 did not have a problem with anybody and --
7 that's just kinda the way it was.

8 Because the problem is, ladies and
9 gentlemen, he was in it. He was in it up to
10 here. I don't know I can say to -- like I
11 said. I mean, I don't know -- and just to --
12 and I'm not going to spend a great deal of
13 time here, but just to respond to a couple of
14 thing the defense claimed.

15 That's been his party line the whole
16 time, 'Why would I drive that car knowing
17 that the gun was under the seat?' Number
18 one, he was the murderer.

19 Second fast answer, he didn't want
20 to get rid of a valuable gun.

21 He was drunk and/or high, or he was
22 just stupid.

23 But he knew the gun was in there.
24 He's the one that put the gun in the bag.

25 And I kinda like this one,

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1 though, that somebody somehow gets Reginald
2 Gordon's weapon, kills Domonique Grant with
3 it and then somehow gets to Kangaroo and
4 sneaks the gun into his car while that video
5 is going on. As Mr. Detreville says, use
6 your common sense. That didn't happen.

7 And this one's -- I'm striking a lot
8 of these off my list. But this one struck
9 me. He made a big deal that when Tootie was
10 first talked to by the police he didn't
11 identify Reginald Gordon as the shooter. But
12 the reason for that, this came out in
13 testimony, he didn't know Reginald Gordon
14 from Adam's house cat on August the 18th of
15 2012. He didn't know him then but ran into
16 him later at Charleston County jail and
17 that's how he got to know, 'this is the guy
18 that tried to gang me in Frazier's.'

19 And ask yourselves this because --
20 reprehensible liar, Tootie Blair, if he was
21 trying to get over on him, don't think Tootie
22 would have said, 'Yeah, and then he was the
23 one that tried to shoot me out there by the
24 car.' Tootie didn't say that. Sure could
25 have said it. And he sure as heck could have

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1 said it if Mr. Detreville's theory was true,
2 but he didn't do that.

3 Which brings me to Charles Lawrence.
4 I'm not going to be an apologist for Charles
5 Lawrence, and I'm not going to -- I'm not
6 going to be an advocate for him. The fact of
7 the matter is, Reginald Gordon's mother came
8 to our office and we turned the matter over
9 to the sheriff's office. When the internal
10 affairs investigation was conducted, we
11 obtained the results and turned it over to
12 the Feds. We're not trying to hide the ball.
13 Okay?

14 And the reason that I'm talking
15 about -- I asked of Detective Lawrence about
16 the shell casing and whether he planted it is
17 because that is what he was getting at with
18 every question he asked to Milz, to Wilson,
19 to everybody. He wanted you to know that
20 Charles Lawrence was the one that stepped on
21 that shell casing because he wants you to
22 believe that Charles Lawrence planted that
23 shell casing. That's exactly what he wants
24 you to believe. That's why he asked all
25 those questions.

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1 And then he says, 'Oh, I thought it
2 very interesting that I would bring that out
3 in my direct testimony.' Come on. The only
4 problem with that theory is he was not even a
5 suspect on August the 20th. This is two days
6 after the shooting. He hadn't been
7 identified as being involved in that thing at
8 the Kangaroo at that time.

9 Number two, Lawrence wouldn't have
10 an illicit relationship he was involved in
11 with the co-defendant's mother did not occur
12 until 2013, at least until after October
13 2012. And it was not going on in August of
14 2012.

15 Thirdly, and pretty conclusively in
16 my mind, Charleston Police Department had
17 possession of that gun from August the 18th
18 until August the 21st, the day after that
19 shell casing was found. You have testimony
20 from Milz, have testimony from Wilson that it
21 was August the 21st when custody of that gun
22 was retrieved from the Charleston Police
23 Department. That would mean that for reasons
24 unbeknownst to anybody, that Charles Lawrence
25 would have had to have taken it upon himself

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1 to frame Reginald Gordon, somebody for all I
2 know he had nothing against, by going to the
3 Charleston Police Department, checking that
4 gun -- if they would even check it out to
5 somebody from another agency without proper
6 authorization, fire a shot, take the shell
7 casing, return the gun back to the Charleston
8 Police Department. Take the shell casing
9 with him out to Frazier's on August 20th and
10 drop it on the ground and step on it.

11 If you want to believe that, fine.

12 Then he wants to make a big deal
13 about the voluntariness of the statement.
14 That is your determination to make, ladies
15 and gentlemen. Luckily, it was videotaped.
16 Y'all saw the whole thing. Y'all saw when
17 Lawrence advised him of his rights. Y'all
18 didn't see Lawrence coaching him in any way.
19 You didn't see Lawrence directing where he
20 was going. You didn't see Lawrence do
21 anything to protect Derrick Brown on that.
22 Derrick Brown got charged because of that.
23 But you've got to decide if it was freely --
24 if he was advised of his rights, number one.
25 And if he was, was his statement and freely

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1 and voluntarily given. And if you say, yes,
2 to both of those, you can consider it as
3 evidence. It's that simple.

4 Did that statement look involuntary
5 to you? He was falling all over himself to
6 talk about it. And why was he falling all
7 over himself to talk about it? To put the
8 gun in somebody else's hand. It was in his
9 interests to give that statement. Not
10 Detective Lawrence's.

11 I'm almost through. I want to talk
12 to you a little bit about the hand of one is
13 the hand of all.

14 As I said, you'd be perfectly within
15 your rights to convict him of murder for the
16 reasons I have previously pointed out to you.
17 And you can do it beyond a reasonable doubt
18 and with a clear conscience.

19 But, as I said, even if you believe
20 every word of what Reginald Gordon told the
21 police, he would still be guilty of murder.
22 The Judge will charge you that when two or
23 more people are acting together in the
24 commission of a crime, the act of one becomes
25 the act of all; and that all of those present

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1 and participating are equally guilty of the
2 crimes accomplished. That does not mean that
3 the aider and abetter has to intend the
4 ultimate result.

5 You might recall the hypothetical I
6 gave you in the opening about me and Mitch
7 doing a armed robbery. Pulling up to a
8 convenience store and him saying he needs
9 some money and wants to do a lick, asks if he
10 could use my gun. And I say 'sure, but I'm
11 not down with going in there to do that',
12 then he ends up shooting and killing the
13 clerk. Now, in those circumstances, I
14 certainly, when I gave him that gun, didn't
15 think he was going to kill the clerk with it.
16 Does the law care? No.

17 And that's the way it should be,
18 because I knew about the criminal act. I
19 assisted him in accomplishing his criminal
20 act and I know that when I provide a weapon
21 to somebody that a reasonable -- especially
22 somebody that comes to me and is beefing with
23 somebody else and he wants to use my gun?
24 What the heck does he think he's going to do
25 with it? He might not have thought that he

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1 was going to kill him, but when the girl gets
2 killed, guess what? *'Oops, didn't know that*
3 *was going to happen.'*

4 It's a dog gone gun. And that is
5 precisely the situation we have here.

6 Gordon [sic] comes up to him, says
7 he needs the gun -- Gordon says that Scrappy
8 comes up to him and says he needs the gun.
9 Gordon says,

10 *Why you need the gun?*

11 *The guys that ganged Darnell are*
12 *here.*

13 *Okay, man, the gun's in my car.*
14 *That's the car right there. That's the car*
15 *right there.*

16 Brown asked Reginald Gordon's
17 assistance in dealing with these people by
18 providing him with a weapon. Gordon, knowing
19 that Brown is beefing with other people and
20 is going to use that weapon in his beef with
21 these other people says, *'sure, no problem,*
22 *man.'* Derrick Brown takes the weapon and
23 uses it for weapons are used for.

24 Is that reasonable?

25 Is that foreseeable?

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1 Yep, sure is.

2 It makes no difference that the
3 person actually killed, in this case
4 Domonique Grant, had nothing to do with
5 anything. Anything. Anything. I mean, she
6 committed no crime.

7 It makes no difference that Reginald
8 Grant [sic] may not have thought that anybody
9 was going to get killed.

10 And it also makes no difference if
11 you don't think that should be the law or if
12 you think the law should be different,
13 because you took an oath at the beginning of
14 this case. When you took that oath, you
15 agreed to apply the law as it is charged to
16 you by Judge Cooper. And Judge Cooper told
17 you in his opening remarks "you have to apply
18 the law as I give it to you, not as how you
19 want it to be or how you think it should be."

20 So if you base your decision in that
21 jury room on the fact that you don't like
22 this concept of the hand of one is the hand
23 of all, you are spitting on the oath you
24 took.

25 Reginald Gordon was present, eight

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1 or nine feet away. He could see real good.
2 He aided and abetted Derrick Brown by
3 providing the weapon, knowing that he was
4 beefing with other people out in that parking
5 lot. Derrick Brown's act became his act.
6 Derrick Brown is guilty of murder and so is
7 Reginald Gordon.

8 And no matter how many you slice
9 this case, one thing is certain. If it were
10 not for him (indicating Defendant), Domonique
11 Grant would be alive today. She would be
12 there for her children. She would be there
13 for her family. He took that away from her.
14 Don't let him get away with it.

15 MR. DETREVILLE: Judge, May I
16 approach. May we approach real quickly?

17 THE COURT: Yes, sir.

18 (OFF RECORD BENCH CONFERENCE)

19 THE COURT: All right. Ladies and
20 gentlemen, you've now heard all the testimony
21 in this case. You've heard all the arguments
22 of counsel, both State and Defendant, and you
23 will take with you to the jury room all of
24 this evidence in this case that's been
25 introduced.

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1 Now I am going to explain the law to
2 you as it applies to this case. Now, there's
3 preliminary matters that may be repetitive of
4 what I said at the beginning of this trial.
5 But I remind you again that during this trial
6 you and I have certain duties to perform.

7 As the trial judge it is my
8 responsibility to preside over the trial as
9 I also have the duty to rule on the
10 admissibility of the evidence offered during
11 the trial.

12 You are to consider only the
13 competent evidence that is before you. If
14 there was any testimony ordered stricken from
15 the record in this case, you must disregard
16 that testimony. You are to consider only the
17 testimony that's been presented from the
18 witness stand and any exhibits which have
19 been made part of the record in this case.

20 I have the additional duty to charge
21 you the law applicable to the case and as the
22 presiding judge I am the sole judge of the
23 law. It's your duty as jurors to accept and
24 apply the law as I now state it to you.

25 If you already have any idea as to

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1 what the law is or what the law ought to be
2 does not agree with what I now tell you the
3 law is, you must abandon this idea because
4 you're sworn to accept the law as it is
5 written and apply the law exactly as I state
6 it to you in this case.

7 Every case tried in this case [sic]
8 before a jury, the jury becomes the sole and
9 exclusive judge of the facts of the case. In
10 other words, I cannot help you with the facts
11 in this case.

12 A trial judge cannot intimate,
13 state, comment on or make any statement to
14 a trial jury about the facts in the case
15 because, you, the jury, are the sole judges
16 of the facts. You're not to infer from
17 anything that I might have said during the
18 progress of this trial in ruling on the
19 admissibility of evidence or otherwise or
20 anything I might say now during the course of
21 these instructions, that I have any opinion
22 about the facts. The law does not allow me
23 to have an opinion about the facts. It's a
24 matter solely for you, the jury to determine.

25 As jurors, it's your duty to

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1 determine the effect, value, weight and truth
2 of the evidence presented during this trial.

3 Now, the indictments, as you know,
4 charge the Defendant with possession of a
5 firearm during the commission of a violent
6 crime and murder. You'll have both of these
7 indictments with you in the jury room. I
8 remind you, again, the fact the Defendant was
9 arrested, charged and indicted in this case
10 is not evidence in this case, cannot
11 considered by you as evidence in this case
12 nor does it create any presumption or
13 inference of guilt. These documents are
14 simply the formal written instruments which
15 contain the charges made against the
16 Defendant. They are formal documents, as
17 I've told you before, by which this case is
18 brought into court.

19 The indictments in this case allege
20 several different offenses. As you know,
21 indictment number one is possession of a
22 firearm during the commission of a crime and
23 murder.

24 Each indictment charges a separate
25 and distinct offense. You must decide each

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1 indictment separately on the evidence and law
2 applicable to and uninfluenced by your
3 decision as to any other indictment. The
4 Defendant may be convicted or acquitted on
5 any or all of the offenses charged. You'll
6 be asked to write a separate verdict of
7 guilty or not guilty on each indictment.

8 Now, the Defendant has pled not
9 guilty to these indictments. And that plea
10 puts the burden on the State to prove the
11 Defendant guilty. A person charged with
12 committing a criminal offense in South
13 Carolina is never required to prove himself
14 or herself innocent. I charge you again,
15 this is an important rule of law, that the
16 Defendant in a criminal case, no matter what
17 the seriousness of the charge may be, will
18 always be presumed to be innocent for which
19 the indictment was issued unless guilt has
20 been proven by evidence, satisfying you of
21 that guilt beyond a reasonable doubt.

22 This presumption of innocence does
23 not end when you begin your deliberations,
24 but it accompanies the Defendant throughout
25 the trial until you reach a verdict of guilt

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1 based on evidence satisfying you of that
2 guilt beyond a reasonable doubt. In other
3 words, the presumption of innocence is like a
4 robe or righteousness placed about the
5 shoulders of the defendant, which remains
6 with the defendant until it has been stripped
7 from the defendant by evidence satisfying you
8 of the defendant's guilt beyond a reasonable
9 doubt.

10 Presumption of innocence is not a
11 mere legal theory. It's not just a legal
12 phrase. It is a substantial right to which
13 every defendant is entitled unless you, the
14 jury, are satisfied from the evidence of the
15 defendant's guilt beyond a reasonable doubt.

16 Well, what is a reasonable doubt in
17 the law? A reasonable doubt is the kind of
18 doubt that would cause a reasonable person to
19 hesitate to do something. Let me repeat
20 that. A reasonable doubt is the kind of
21 doubt that would cause a reasonable person to
22 hesitate to act.

23 The State has the burden of proving
24 the Defendant guilty beyond a reasonable
25 doubt. Some of you may have served as jurors

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

9 Proof beyond a reasonable doubt is
10 proof that leaves you firmly convinced of the
11 Defendant's guilt.

12 Now, there are very few things in
13 this world we know with absolute certainty.
14 And in a criminal case the law does not
15 require proof that overcomes every possible
16 doubt.

17 If, based on your consideration of
18 the evidence you are firmly convinced that
19 the Defendant is guilty of the crime charged,
20 you must find the Defendant guilty.

21 If, on the other hand, you think
22 there is a real possibility that the
23 Defendant is not guilty, you must give the
24 Defendant the benefit of the doubt and find
25 him not guilty.

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1 Now, generally there are two types
2 of evidence, which are presented during a
3 trial, direct evidence and circumstantial
4 evidence.

5 Direct evidence is the testimony of
6 a person who claims to have actual knowledge
7 of fact, such as an eyewitness.

8 Circumstantial evidence, on the
9 other hand, is a proof of a series or a chain
10 of facts and circumstances indicating the
11 existence of some fact.

12 Now, the law makes absolutely no
13 distinction between the weight or value to be
14 given either direct or circumstantial
15 evidence nor is a greater degree of certainty
16 required of circumstantial evidence than of
17 direct evidence.

18 You should weigh all the evidence in
19 this case. After weighing all the evidence,
20 if you're not convinced of the guilt of the
21 Defendant beyond a reasonable doubt, you must
22 find the Defendant not guilty.

23 Crimes may be proven by circum-
24 stantial evidence. To the extent the State
25 relies on circumstantial evidence, all the

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1 circumstances must be consistent with each
2 other and when taken together point
3 conclusively to the guilt of the accused
4 beyond a reasonable doubt.

5 If these circumstances merely
6 portray the Defendant's behavior as
7 suspicious, the proof has failed.

8 The State has the burden of proving
9 the Defendant guilty beyond a reasonable
10 doubt and that burden rests on the State
11 regardless of whether the State relies on
12 direct evidence, circumstantial evidence or
13 some combination of the two.

14 Now, necessarily you must determine
15 the credibility of witnesses who've testified
16 in this case. Credibility simply means
17 believability.

18 It becomes your duty as jurors to
19 analyze and evaluate the evidence and
20 determine which evidence convinces you of its
21 truth. Determining the believability of
22 witnesses who've testified in this case, you
23 may believe one witness over several
24 witnesses or several witnesses over one.

25 You may believe a part of the

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1 testimony of a witness and reject the
2 remaining part of the testimony of the same
3 witness.

4 You may believe the testimony of a
5 witness in its entirety or reject the
6 testimony of a witness in its entirety.

7 You may consider whether any witness
8 has exhibited to you any bias, prejudice, or
9 other motive in this case.

10 You may also consider the appearance
11 and manner of the witness while the witness
12 was on the witness stand.

13 Now, as to witnesses that have prior
14 records, a person who has a prior criminal
15 record is competent to testify during a
16 trial. The past record does not affect the
17 ability of a witness to testify. A past
18 record may only be considered by you, if at
19 all, in determining the witnesses'
20 believability.

21 Remember, you're the sole judges of
22 the facts in this case and of the
23 believability of any and all of the
24 witnesses.

25 Now, ordinarily our rules of

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1 evidence, those are the rules that guide the
2 presentation of trials in court, those rules
3 of evidence ordinarily do not permit people,
4 lay people -- witnesses to testify as to
5 their opinions. An exception to this rule
6 exists for witnesses we call expert
7 witnesses, and we had several in this case.
8 A witness who by education and experience has
9 become an expert in some art, science,
10 profession, or calling may state their
11 opinion to you as to relevant and material
12 matters, in which the witness claims to be an
13 expert, and may also state the reasons for
14 that opinion.

15 You should consider any expert
16 opinion received in evidence in this case
17 like any other evidence. Give it the weight
18 you think it deserves. And expert witness
19 testimony is to be given no greater weight
20 than that of other witnesses simply because
21 the witness is an expert.

22 Now, in order to establish criminal
23 intent -- I mean criminal liability --
24 criminal intent is required in the law.
25 Criminal intent must be proven by the State

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1 beyond a reasonable doubt. Criminal intent
2 is always a matter that must be determined by
3 the jury from the circumstances surrounding
4 the situation.

5 Now, there's no way to prove intent
6 to a mathematical certainty. There's no way
7 medical science can dissect a person's brain
8 and determine what the person had in mind.
9 So the law says criminal intent may be
10 inferred from the circumstances shown to have
11 existed at the time and place of the
12 incident. This is how you make a
13 determination of whether or not the element
14 requiring intent was present.

15 It's not necessary to establish
16 intent by direct and positive evidence, but
17 intent may be established by inference in the
18 same way as any other fact, by taking into
19 consideration the facts of the parties and
20 all the facts and circumstances of the case.
21 Criminal intent is a mental state, a
22 conscious wrongdoing. It's up to you to
23 determine what the Defendant intended to do
24 based on the circumstances shown to have
25 existed.

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1 Now, the Defendant is charged with
2 murder. The State must prove beyond a
3 reasonable doubt that the Defendant killed
4 another person with malice aforethought.

5 "Malice" is hatred, ill will,
6 hostility toward another person. It is the
7 intentional doing of a wrongful act without
8 just cause or excuse and with an intent to
9 inflict an injury or under circumstances that
10 the law will infer evil intent.

11 Malice aforethought does not require
12 that malice exists for any particular time
13 before the act is committed. But malice must
14 exist in the mind of the Defendant just
15 before and at the time the act is committed.

16 Therefore, there must be a
17 combination of the previous evil intent and
18 the act itself.

19 Malice aforethought may be expressed
20 or inferred. These terms, expressed and
21 inferred do not mean different kinds of
22 malice, merely the manner in which the malice
23 may be shown to exist, that is either by
24 direct evidence or by inference from the
25 facts and circumstances, which are proved.

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1 Expressed malice is shown when a
2 person speaks words which express hatred or
3 ill will for another or when the person
4 prepared beforehand to do the act which was
5 later accomplished. For example, lying in
6 wait for a person or other acts of
7 preparation going to show that the deed was
8 within the Defendant's mind would be
9 expressed malice. And malice also may be
10 inferred from conduct, showing the total
11 disregard for human life.

12 Inferred malice may also arise when
13 the deed is done with a deadly weapon. A
14 deadly weapon is an article, instrument or
15 substance, which is likely to cause death or
16 great bodily harm. Whether an instrument has
17 been used as a deadly weapon depends on the
18 facts and circumstances of each case.

19 Examples of deadly weapons would be
20 a pistol or a shotgun or a rifle.

21 Now, a person who is present at the
22 scene of the crime and intentionally or
23 through a common plan aided and abetted or
24 assisted in the commission of that crime
25 through some overt act, is guilty as an

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1 accomplice. To be liable as an accomplice
2 the Defendant must have knowledge of the
3 principals of a person's criminal conduct.
4 But mere presence at the scene of the crime
5 is not sufficient to establish guilt as an
6 accomplice.

7 A person may be constructively
8 present at the commission of a crime, even
9 though the person may be some distance away
10 from the actual scene, if it is shown beyond
11 a reasonable doubt that the person played a
12 role in the commission of the crime as a
13 result of some prior arrangement.

14 Mere presence is not sufficient, I
15 repeat, to prove someone guilty of a crime.
16 A Defendant's presence where a crime is being
17 committed or mere association with a person
18 who commits a crime does not make a defendant
19 an accomplice or an aider or abetter to the
20 person committing the crime.

21 The burden is on the State to prove
22 every element of the crime charged. If you
23 find, after reviewing all the evidence, that
24 the State has proved that the Defendant was
25 only present at the scene of a crime and that

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1 they have not proved beyond a reasonable
2 doubt any other participation in the crime,
3 you must find the Defendant not guilty. The
4 law is that proof that someone was present at
5 the scene of the crime is not sufficient to
6 find someone guilty.

7 Now, if a crime has been committed
8 by two or more people who are acting together
9 in committing a crime, the act of one is the
10 act of all. A person who joins with another
11 to commit an unlawful act is criminal
12 responsible for everything done by the other
13 person, which happens as a probable or
14 natural consequence of the acts done in
15 carrying out the common plan and purpose.

16 For example, two people can be
17 guilty of killing another person when only
18 one of the two had a gun. There was only one
19 bullet and only one of the two fired the shot
20 that caused the death.

21 If two or more people are acting
22 together, assisting each other in committing
23 the offense, the act of one is the act of all
24 or as it is sometimes said, the hand of one
25 is the hand of all.

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Charge on the Law by The Court

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1 Now, prior knowledge that a crime is
2 going to be committed, without more, it's not
3 sufficient to make a person guilty of that
4 crime. Mere knowledge that another person is
5 going to commit a crime, even if the
6 Defendant is present when the crime is
7 committed, is not sufficient to convict the
8 Defendant as a principal.

9 Guilt as a principal is shown by
10 actual or constructive presence at the scene
11 as the result of a prior arrangement.
12 Therefore, a finding of a prior, arranged,
13 common scheme or plan is necessary for
14 finding the guilt as a principal.

15 The State must prove beyond a
16 reasonable doubt by competent evidence the
17 theory of the hand of one is the hand of all.

18 A principal in a crime is one who
19 either actually commits the crime or who is
20 present, aiding, abetting or assisting in the
21 committing of the crime. When a person does
22 an act in the presence of another with the
23 assistance of another, the act is done by
24 both. Where two or more are acting with a
25 common plan or interest or present at the

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1 commission of a crime, it does not matter who
2 actually commits the crime. All are guilty.
3 The hand of one is the hand of all.

4 Present at the commission of a crime
5 means to be sufficiently near to aid and abet
6 and assist in the commission of the crime.
7 However, mere presence, as I said earlier, at
8 the scene of a crime, is not sufficient to
9 convict one as a principal on the theory of
10 aiding and abetting.

11 Intent is also a necessary element.
12 For there must have been a common design or
13 intent to commit the crime and the crime must
14 have been committed pursuant thereto with the
15 person aiding and abetting by some overt act.

16 Intent may be shown by acts and
17 conduct of the Defendant and other
18 circumstances from which you may naturally
19 and reasonably infer intent. The State must
20 prove all of these elements beyond a
21 reasonable doubt.

22 Now, while the State must prove
23 beyond a reasonable doubt that the killing
24 occurred, accompanied by the element of
25 malice aforethought in order to establish the

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1 crime of murder, it's not necessary the State
2 prove any motive for the killing, although
3 there may be evidence relating to such fact
4 introduced into the trial of the case.

5 Also, Defendant is charged with
6 possession of a weapon during the commission
7 of or attempting to commit a violent crime.
8 The State must prove beyond a reasonable
9 doubt that the Defendant was in possession of
10 a firearm during the commission of a violent
11 crime.

12 A firearm means any machine gun or
13 automatic rifle or revolver or pistol or any
14 weapon which will -- is designed to or may be
15 readily converted to expel a projectile. In
16 order to find the Defendant guilty of
17 possession of a weapon during the commission
18 of a violent crime, you must first find the
19 Defendant guilty of either committing the
20 violent crime or attempting to commit a
21 violent crime. And murder is a violent
22 crime.

23 The State must prove beyond a
24 reasonable doubt that the weapon further
25 advanced or helped in the commission of the

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1 crime.

2 Now, the Defendant made a statement
3 in this case which you saw on the video. The
4 statement alleged to have been made by the
5 Defendant has been admit into evidence.
6 While this Court has determined that the
7 statement is admissible, I instruct you that
8 you make the ultimate decision of whether or
9 not the Defendant made the statement freely
10 and voluntarily.

11 If the Defendant did make the
12 statement, you must determine whether the
13 statement was made by the Defendant
14 voluntarily and of his own free will. This
15 means the statement was not caused by
16 pressure, force, fear threats, coercion or
17 intimidation or by a hope or promise of
18 leniency or a reward of any kind.

19 In determining whether the statement
20 was voluntary, you should consider whether
21 both the characteristics of the Defendant and
22 the details of the questioning. Some of the
23 factors you may consider are the age of the
24 Defendant, the Defendant's education or lack
25 of education, the Defendant's mental ability

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1 or capacity, the Defendant's IQ or
2 intelligence, the Defendant's background or
3 environment, place and length of detention,
4 the nature of the questioning and the advice
5 or lack thereof to the Defendant of his
6 Constitutional Rights, including but not
7 limited to the right to remain silent, that
8 any statement could be used against him in a
9 court of law, and the right to have an
10 attorney present, that if he could not afford
11 a lawyer, a lawyer would be appointed to
12 represent him without any costs, and that he
13 could stop making the statement at any time.

14 You must carefully consider all of
15 the surrounding circumstances before you can
16 give any weight to the alleged statement.

17 The State has the burden of proving
18 beyond a reasonable doubt that the alleged
19 statement was voluntary. If you determine it
20 was, you may give the statement any further
21 consideration that you deem.

22 You must decide what weight, if any,
23 should be given to the alleged statement.

24 If you determine the alleged
25 statement was not the free and voluntary

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1 statement of the Defendant, you should not
2 consider the statement at all.

3 In determining whether the alleged
4 statement of the Defendant was freely and
5 voluntarily given, you must consider all the
6 facts and circumstances surrounding the
7 taking or making of the statement concerning
8 and relating to the voluntary or involuntary
9 character thereof. You must consider all the
10 evidence in the case in reaching an ultimate
11 conclusion as to the voluntary or involuntary
12 character of any such statement. This is
13 called, in the law, the totality of the
14 circumstances. I'm running down.

15 Now, I tell you, ladies and
16 gentlemen, that the Defendant in any case is
17 entitled to every inference in his favor
18 which can reasonably be drawn from the
19 evidence.

20 And lastly, I want to emphasize this
21 fact, I instruct and emphasize to you that
22 the fact that the Defendant did not testify
23 in this case is not a factor to be considered
24 by you in any way in your deliberation and in
25 your consideration of the evidence of the

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1 guilt or innocence of the Defendant. It must
2 not be considered by you in any manner
3 whatsoever.

4 The Defendant has the Constitutional
5 right to remain silent. The assertion of
6 this right must not be considered by you in
7 your deliberations. I repeat, under your
8 oath you are to draw no conclusions
9 whatsoever from the fact that the Defendant
10 did not testify in this case. The fact this
11 Defendant did not testify should not even be
12 discussed in the jury room.

13 The burden of proof, as I've stated
14 to you is on the State. The Defendant is not
15 required to prove his or her innocence. The
16 burden of proof remains on the State to prove
17 guilt beyond a reasonable doubt.

18 Now, Mr. Foreman, and ladies and
19 gentlemen, there are two possible verdicts,
20 which you might find in this case: Guilty or
21 Not Guilty.

22 There's no significance whatsoever
23 in the order in which I state these possible
24 verdicts. One simply must be stated first.
25 In other words, ladies and gentlemen, your

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1 verdict must be a unanimous one.

2 Mr. Foreperson, when the jury agrees
3 on the verdict, I'll ask you to write the
4 verdict on the back of the indictment. Well,
5 I call it the face of the indictment. It's
6 actually in the bottom left-hand corner of
7 the indictment. It just says "Verdict." And
8 you write either guilty or not guilty in that
9 block, sign your name and date it. At that
10 point you can knock on the jury room door and
11 we will receive your verdict.

12 All right. Ladies and gentlemen, I
13 believe your lunch is present. At this point
14 in the trial it's up to you. We're going to
15 bring your lunch in. You can either
16 deliberate during the lunch period or start
17 your deliberations after you eat, however you
18 wish to do it. It's totally up to you. I'll
19 ask you not to begin your deliberations until
20 all the evidence is brought to you.

21 Now, one of the counsel mentioned
22 that the DVD's are going to be brought to the
23 jury room and you can play them. That might
24 take some technical help but they can be
25 played. You've seen them. You know some of

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1 them are lengthy. I don't know how you could
2 adjust the forward and back and that sort of
3 thing. But it's up to you however you want
4 to proceed with this evidence.

5 I'm going to send the gun to you --
6 I don't know if I should send the bullets.

7 SOLICITOR DURANT: I don't believe
8 we actually have the bullets there, Judge.

9 THE COURT: Oh, I thought they
10 were there.

11 COURT REPORTER: No, sir.

12 THE COURT: You've got them?

13 COURT REPORTER: They're spent
14 shells.

15 THE COURT: She's got the bullets.
16 We can send you the jackets. I guess the
17 bullet, you're right. The jacket and the
18 spent bullets are there, projectiles as they
19 call them, the jackets. And you can see
20 those. And I will tell you those who are a
21 little bit skittish, that gun has, what's
22 called a trigger guard on it and it should
23 not be able to -- for you to pull the
24 trigger.

25 Anyway, if you have any questions

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1 please write them on a piece of paper and
2 send them back to me. I'll try to answer
3 them as best I can.

4 The earlier note, I hope what I've
5 answered, Mr. Foreman, your question about
6 the earlier note. All right.

7 Now, please retire to the jury room.
8 And, as I say, don't begin your deliberations
9 until you receive this, the indictments and
10 the evidence. And you may proceed as you
11 wish.

12 Now, let me say something about
13 notes. The notes are for your own benefit.
14 They're not to be used to try to tell
15 somebody that you wrote something down that
16 they didn't or you wrote something down that
17 they wrote down differently. They're for
18 your recollection and your recollection only.
19 I caution you about having a note war, not
20 that that would occur, but I just want to
21 make that clear. Everybody understands it
22 has to be a unanimous verdict; right?

23 JURORS: (Unanimous affirmative
24 response)

25 THE COURT: Okay. Good. All

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1 right. Now please retire to the jury room.

2 (JURY OUT @ 1:14 P.M.)

3 THE COURT: We'll stand at-ease
4 until we hear from the jury. Oh, I'm sorry.
5 Any objections with reference to the charge?
6 From the State?

7 SOLICITOR DURANT: No, sir.

8 THE COURT: From the Defense?

9 MR. DETREVILLE: No, Your Honor.

10 THE COURT: All right. Thank you
11 very much. Now, we'll stand at-ease until we
12 hear from the jury.

13 (COUNSEL APPROVAL OF EXHIBITS)

14 (JURY IN DELIBERATION @ 1:17 P.M.)

15 (JURY NOTIFICATION @ 2:00 P.M.)

16 (DEFENDANT PRESENT)

17 THE COURT: All right. Counsel,
18 the bailiff informs the Court the jury's
19 reached a verdict. Are you ready to receive
20 the verdict?

21 SOLICITOR DURANT: Yes, sir, Your
22 Honor.

23 MR. DETREVILLE: I'm sorry, Your
24 Honor?

25 THE COURT: Are you ready to

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1 receive the verdict?

2 MR. DETREVILLE: Yes, Your Honor.

3 THE COURT: Bring the jury,
4 please. Ladies and gentlemen, I do want to
5 caution you against any outbreaks of emotion.
6 These things are, I know, they're difficult.
7 I know two families are grieving, but if I
8 hear any outbreaks of emotion, I will have to
9 deal with it severely. So just try to
10 contain yourself. Obviously, nobody knows
11 what the jury has decided.

12 (JURY IN @ 2:13 P.M.)

13 BAILIFF: All jurors are present,
14 Your Honor.

15 THE COURT: Mister Foreman, the
16 bailiff informs the Court that the jury has
17 reached a verdict. Has the jury reached a
18 verdict?

19 FOREMAN: We have, Your Honor.

20 THE COURT: If you'll hand it to
21 the clerk, please?

22 CLERK: Hand it to the bailiff.

23 THE COURT: Or the bailiff and the
24 bailiff can ---

25 CLERK: Hand it to the judge.

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1 FOREMAN: That's both of them right?

2 Both of them?

3 THE COURT: Yes. It should be
4 two.

5 BAILIFF: (Tenders indictment to
6 judge.)

7 THE COURT: (Upon review), Mr.
8 Clerk, publish the verdict, please?

9 CLERK: Yes, sir. Please have the
10 Defendant stand?

11 DEFENDANT: (Complies)

12 CLERK: The verdict in the matter
13 of the State of South Carolina versus
14 Reginald Lanar Gordon on indictment for
15 murder, the verdict of the jury is Guilty.
16 Signed by the foreperson of the jury and
17 signed November 20, 2014.

18 Ladies and gentlemen of the jury, if
19 this was your verdict, please raise your
20 right hand.

21 (UNANIMOUS AFFIRMATIVE RESPONSE)

22 CLERK: Thank you. Please let the
23 record reflect that all twelve jurors raised
24 their right hand.

25 As to the State of South Carolina

State of South Carolina v Reginald Lanar Gordon
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1 versus Reginald Lanar Gordon, indictment for
2 possession of a firearm during the commission
3 of a violent crime, the verdict of the jury
4 is Guilty. Signed by the foreperson of the
5 jury on 20 November, 2014.

6 Ladies and gentlemen of the jury if
7 this was your verdict, please raise your
8 right hand.

9 (UNANIMOUS AFFIRMATIVE RESPONSE)

10 CLERK: Thank you. Please let the
11 record reflect that all twelve jurors raised
12 their right hand.

13 THE COURT: Do you desire to poll
14 the jury?

15 MR. DETREVILLE: No, Your Honor.

16 THE COURT: All right. Have a
17 seat.

18 All right. Ladies and gentlemen,
19 that will complete your service. Let me just
20 make a few comments to you then I'm going to
21 release you. These matters are difficult
22 matters and under our system of justice they
23 have to be decided by members of the public,
24 our peers. This is our system. It's
25 sometimes a difficult system but it works.

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1 So I want to -- I just want to remind you
2 that this system of justice that we have in
3 this country is tried and true. It's been in
4 existence for some two hundred and fifty
5 years. The jury system is pretty unique in
6 the world. This is one of the few countries
7 where twelve people come together and decide
8 the fate of one of their fellow citizens.
9 This system, I tell jurors all the time, can
10 do without me, can do without these lawyers,
11 can't do without you. You're such an
12 important part of the judicial system of this
13 county and this state and this nation, that
14 your role was written into the Constitution
15 of the United States two hundred and fifty
16 years ago. It's a system that many people
17 have fought and died to preserve and you have
18 upheld the tradition of jury service this
19 week. I want you to know that. I want you
20 to feel good about your work here, being here
21 and being part of the decision-making
22 process.

23 Now, the remaining portion of the
24 trial will consist of the sentencing of the
25 Defendant. Unfortunately, we're not like *Law*

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Sentencing

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1 not know the date of his revocation.

2 MR. DETREVILLE: Your Honor, I
3 agree with Mr. Durant regarding the date of
4 arrest. Mr. Gordon represents to me that
5 he's served approximately sixty days of the
6 revocation thus far.

7 THE COURT: He has so far.

8 MR. DETREVILLE: He has so far.
9 That's correct, Your Honor. It was fairly
10 recently. By my calculation, Your Honor, I
11 have six hundred forty-six days (646), but
12 that included through today. So we would
13 subtract sixty from that.

14 THE COURT: Do the math.

15 MR. DETREVILLE: Absolutely, Your
16 Honor. Five hundred and eighty-six (586).

17 THE COURT: Do you have any
18 difference of opinion as to that, Mr. Durant,
19 five hundred and eighty-six days?

20 SOLICITOR DURANT: I have no problem
21 with that, Your Honor. I really don't know
22 one way or the other.

23 THE COURT: Well, I just want it
24 on the record.

25 Mr. Gordon, on your possession of a

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1 firearm charge, having found you guilty by a
2 jury of your peers, the sentence of the Court
3 is that you be committed to the State
4 Department of Corrections for a period of
5 five (5) years. I will give you credit for
6 five hundred and eighty-six days (586) pre-
7 trial service.

8 On the murder charge, it is the
9 sentence of the Court you be committed to the
10 State Department of Corrections for a period
11 of thirty (30) years. I'll give you credit
12 for five hundred and eighty-six days (586),
13 pretrial credit.

14 Both sentences to run concurrent.
15 Good luck to you, sir.

16 Anything further?

17 SOLICITOR DURANT: Nothing from the
18 State, Your Honor.

19 MR. DETREVILLE: Your Honor, out of
20 an abundance of caution, if I can ---

21 THE COURT: Go ahead and make your
22 post-trial motions.

23 MR. DETREVILLE: If it's okay with
24 Your Honor, I'd like to serve the post-trial
25 motions -- if I could send those to you.

Page 1 of 1

(10th) (B) 1258
(F) 1348

Charleston County Sheriff's Office
Advisement of Rights

OCA#: 2012-013044-B Date: 2/15/13
 Name: [REDACTED] Race: B Sex: M DOB: [REDACTED]
 Address: [REDACTED] Phone: [REDACTED]
 Employment: [REDACTED] Phone: [REDACTED]
 Social Security #: [REDACTED] Driver's Lic. # 2007 [REDACTED]
 State: SC

Det. Lawrence has advised me that he is a member of the
 Charleston County Sheriff's Office, and has further advised me.

PC1 1. That I have the absolute right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.

PC2 2. That if I do answer questions or give a statement, anything I say can and will be used against me in a Court of Law.

PC3 3. That I have the right to consult with a lawyer of my choice before I answer questions or give a statement and also to have him present while I am being questioned.

PC4 4. That if I wish to talk to a lawyer or have him present, but am unable to afford to hire a lawyer, one will be appointed to represent me free of charge.

PC5 5. That if I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and remain silent.

I FULLY UNDERSTAND EACH OF THESE RIGHTS WHICH HAVE BEEN EXPLAINED TO ME

Witnesses:

[Signature]

[Signature]

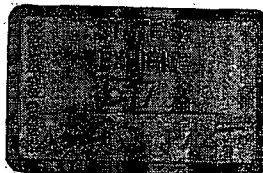
WAIVER OF RIGHTS

I fully understand each of these rights which have been explained to me, and having these in mind, I wish to waive these rights and answer questions. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Witnesses:

[Signature]

[Signature]



Page 1 of 1

87A

1051 PM
1055Charleston County Sheriff's Office
Advisement of Rights

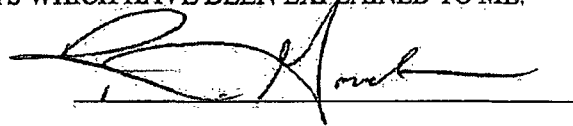
OCA#: 12-013644-B Date: 9-1-12
 Name: REGINALD L GURDON Race: B Sex: M DOB: [REDACTED]
 Address: [REDACTED] PAVENAL, SC Phone: [REDACTED]
 Employment: NA Phone: [REDACTED]
 Social Security #: [REDACTED] Driver's Lic. #: [REDACTED]
 State: SC

Det M Wilson

_____ has advised me that he is a member of the
 Charleston County Sheriff's Office, and has further advised me.-----

- RC 1. That I have the absolute right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.
- RC 2. That if I do answer questions or give a statement, anything I say can and will be used against me in a Court of Law.
- RC 3. That I have the right to consult with a lawyer of my choice before I answer questions or give a statement and also to have him present while I am being questioned.
- RC 4. That if I wish to talk to a lawyer or have him present, but am unable to afford to hire a lawyer, one will be appointed to represent me free of charge.
- RC 5. That if I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and remain silent.

I FULLY UNDERSTAND EACH OF THESE RIGHTS WHICH HAVE BEEN EXPLAINED TO ME.



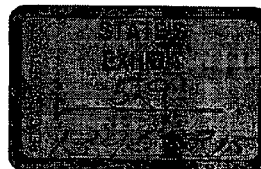
Witnesses:

[Signature] 10056
[Signature] 9802

WAIVER OF RIGHTS

I fully understand each of these rights which have been explained to me, and having these in mind, I wish to waive these rights and answer questions. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Witnesses:



7:36 PM 679

Charleston County Sheriff's Office
Advisement of Rights

OCA#: A-013044-B Date: 11-10-12
Name: REGINALD GORDON Race: B Sex: M DOB: [REDACTED]
Address: [REDACTED] RAVENNA SC Phone: [REDACTED]
Employment: [REDACTED] Phone: [REDACTED]
Social Security #: [REDACTED] Driver's Lic. #: [REDACTED]
State: SC

Det M Wilson has advised me that he is a member of the
Charleston County Sheriff's Office, and has further advised me.

1. That I have the absolute right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.
2. That if I do answer questions or give a statement, anything I say can and will be used against me in a Court of Law.
3. That I have the right to consult with a lawyer of my choice before I answer questions or give a statement and also to have him present while I am being questioned.
4. That if I wish to talk to a lawyer or have him present, but am unable to afford to hire a lawyer, one will be appointed to represent me free of charge.
5. That if I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and remain silent.

I FULLY UNDERSTAND EACH OF THESE RIGHTS WHICH HAVE BEEN EXPLAINED TO ME.

[Signature]

Witnesses:

[Signature]
[Signature]

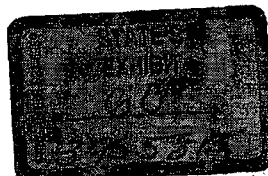
WAIVER OF RIGHTS

I fully understand each of these rights which have been explained to me, and having these in mind, I wish to waive these rights and answer questions. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Refuse

Witnesses:

[Signature]
[Signature]



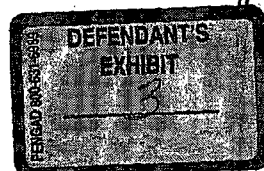
J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

Memorandum

To: Deputy C. Lawrence
From: Assistant Sheriff Mitch Lucas
Date: July 9, 2014
Subject: Letter of Termination



On July 3, 2014, the Office of Professional Standards completed an investigation in reference to a sexual relationship you were having with a suspect's mother. As a result of this investigation it was found that you had a relationship with a mother of a suspect after you had arrested her son for armed robbery. You had also assisted with his arrest during a murder investigation several months later. You were also found to have colluded with her to create a false timeline of when you had sexual intercourse with her. You provided this timeline to your supervisors and investigators. Only after being confronted with discrepancies in your account of events did you admit to the untruthfulness of your first timeline of the relationship. At the conclusion of this investigation you were found in violation of the Sheriff's Office policies for Conduct Unbecoming, Moral Conduct and Untruthfulness.

Therefore, it is my conclusion that you violated the following Charleston County Sheriff's Office Policies:

Procedure 1-09, Agency Rules and Regulations, Section III, Paragraph A, sub-paragraph 2, "Unbecoming Conduct," which states:

Employees will conduct themselves at all times both on and off duty, in such a manner as to reflect most favorably on the Sheriff's Office. Conduct unbecoming an employee will include that which brings the agency into disrepute or reflects discredit upon the employee as a member of the agency, or that which impairs the operation or efficiency of the agency or employee.

Procedure 1-09, Agency Rules and Regulations, Section III, Paragraph A, sub-paragraph 3, "Moral Conduct," which states:

"Employees will maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession."

DBD20130201141

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2012013044B

ARREST WARRANT NUMBER

2013A1010100021

DATE OF ARREST

February 14, 2013

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1005815

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

October 2013 Term

THE STATE

vs.

REGINALD LANARD GORDON

DOB: [REDACTED]

B/M

Indictment for

MURDER

FILED

10/15/2013 2:07:13 PM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

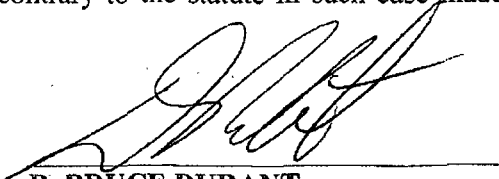
INDICTMENT

At a Court of General Sessions, convened on October 7, 2013, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County on or about August 18, 2012, the defendant, **REGINALD LANARD GORDON**, while acting in concert with another, did with malice aforethought kill and murder Dominique Grant by means of shooting her with a pistol, and that Dominique Grant did die in Charleston County as a proximate result thereof on August 18, 2012; in violation of Section 16-3-10 of the South Carolina 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.



D. BRUCE DURANT
CHIEF DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.Reginald Lanard Gordon

AKA:

Race: BLACK Sex: M Age: 1901DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS1005815A/W#: 2013A1010100021Date of Offense: 8/18/2012S.C. Code §: 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Durant, D. Bruce

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on;☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 536 Days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

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

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 3.90TOTAL \$ 133.90PTUP _____
_____ days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk [Signature]Court Reporter: Deborah Garrison

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2126Sentence Date: 11-20-14

684

DBD20130201141

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2012013044B

ARREST WARRANT NUMBER

2013A1010100024

DATE OF ARREST

February 14, 2013

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

OCT 07 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1005816

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

October 2013 Term

THE STATE

vs.

REGINALD LANARD GORDON

DOB: [REDACTED]

B/M

Indictment for

POSSESSION OF A FIREARM DURING
COMMISSION OF A VIOLENT CRIME

FILED

10/15/2013 2:07:13 PM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on October 7, 2013, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A FIREARM DURING COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about August 18, 2012, the Defendant, **REGINALD LANARD GORDON**, while acting in concert with another, did possess a firearm or visibly display what appeared to be a firearm during the commission, or attempted commission, of murder, a violent crime. This is in violation of 16-23-490 of the South Carolina 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.



D. BRUCE DURANT
CHIEF DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.Reginald Lanard Gordon

AKA:

Race: BLACK Sex: M Age: 42DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Possession of a Firearm or Knife During Commission of a Violent Crime

INDICTMENT/CASE#: 2013GS1005816A/W#: 2013A1010100024Date of Offense: 8/18/2012S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Durant, D. BruceSC Bar#: 1801

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 586 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/cv	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.Clerk of Court/ Deputy Clerk: CallahCourt Reporter: Deborah Garrison

SCCA/217 (03/2011)

Presiding Judge C. J. TaylorJudge Code: 2126Sentence Date: 11-20-14

CERTIFICATE OF COUNSEL FOR APPELLANT

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

December 9th, 2015


Susan B. Hackett
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

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CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

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."

December 9th, 2015



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