

ORIGINAL

VOLUME III OF III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KING CHEVAIS CONYERS

APPELLANT

APPELLATE CASE NO. 2015-002405

RECORD ON APPEAL

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Lewis Walker
Cross-Examination by Mr. Mlynarczyk
November 5, 2015

1 A. Yes.

2 Q. And not until two weeks ago did they ask you for
3 the 0218 number?

4 A. That's correct.

5 Q. Just making sure.

6 So you were -- we saw a lot of mapping and a lot of
7 pinging. All right?

8 A. No, you didn't see any pinging. Pinging --

9 Q. Okay. So tell me how I'm wrong with that.

10 A. Pinging is real-time. So that's like if you have
11 exigent circumstances, a kidnaping or something like that.
12 And that, you're using triangulation and GPS, one of the two,
13 to locate the exact -- or as close a location as you can of
14 the target phone. So that's different. This is -- I use the
15 term it hit it. It's hitting on a cell tower.

16 Q. All right. Oh. I get it. That's right. Because
17 what you explained to the jury was that -- the only dot that
18 you had listed on those -- on the roads were a cell tower.
19 It's not actually where a phone is, it's just -- it's coming
20 off a particular tower; correct?

21 A. The cell phone is in the vicinity of that cell
22 tower, yes. So I don't know --

23 Q. The 0218 number that you were asked to look at --

24 A. Yes.

25 Q. -- did the solicitor tell you where they got that

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1 number two weeks ago?

2 A. I don't recall if they did or not.

3 Q. So you have no knowledge of that?

4 A. I don't. I don't recall.

5 Q. There was -- you discussed a pattern between --
6 let's talk about 1025 again, the only number that has
7 Mr. Belton's number -- name connected to it. You said that
8 the very last call on that number was 2:43 a.m.; is that
9 correct?

10 A. We're talking on the 10th?

11 Q. Yes, on the 10th.

12 A. Stand by. What do you mean by last call --

13 Q. On that phone number --

14 A. -- before the pattern that I was referencing?

15 Q. Yeah. Sure. We'll talk about that in a second.
16 But before that -- the pattern discussion, we'll talk about
17 that.

18 The very last phone call, in or out to that phone,
19 was 2:43 a.m.?

20 A. I want to make sure I'm understanding.

21 Q. Sure.

22 A. When you say before, before what? Before that
23 last --

24 Q. This is all I need you to tell me. The 2:43 a.m.,
25 is there a phone call on Mr. Belton's phone records that says

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1 -- or the 1025 that says 2:43 a.m.?

2 A. Yes.

3 Q. Is there -- what's the next one?

4 A. 5:31 a.m.

5 Q. Okay. So from that phone, the last communication,
6 whether going in and out, was 2:43 in the morning and the
7 next communication going out was at 5:31 a.m. There is no
8 disputing that; correct?

9 A. No disputing that whatsoever.

10 Q. So then you identify a pattern. You said around
11 that same time, the 0218 number started getting involved with
12 the 9516 number and the other phone numbers; correct?

13 A. That is correct.

14 Q. And you said that's a pattern. But what do you
15 mean by a pattern? What kind of pattern is that?

16 A. Well, I was told after that that he was associated
17 -- Jeremiah Belton's name was associated with that number, and
18 he's utilizing the one phone up until 2:43 a.m.

19 Q. Right.

20 A. Right around that time, and at 2:43 a.m, he uses
21 both phones, then the one phone --

22 Q. Well, let's stop right there. How do you know
23 that?

24 A. Because --

25 Q. How do you -- wait, wait, wait. Hold on.

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1 A. No. Let me answer.

2 Mario Caldwell's records indicate that. I can't
3 remember if it was Caldwell's or both of them. They're both
4 getting a phone call --

5 Q. Hold on. Back up to the last statement.

6 You said that he starts -- you specifically said
7 Mr. Belton starts using the 0218 number.

8 A. The number -- I can't -- it should be -- all I have
9 -- all I can say is the phone is used. I can't say --

10 Q. Correct.

11 A. -- who's using the phone.

12 Q. That was my point.

13 A. Yeah.

14 Q. So you said Belton, but I want to make sure --

15 A. I apologize. I apologize.

16 Q. So let me ask you this. Would this also explain --
17 you said that that number stops, the 243-10 -- 10 -- not using
18 it. 10 -- make sure I have it right.

19 A. Not until 5:31 a.m.

20 Q. Heard a lot of numbers. Right.

21 So that number, 1025, stops calling and somebody
22 with number 0218 starts calling. Doesn't that explain that
23 pattern?

24 A. I'm not following you.

25 Q. You're saying that -- you're saying that the number

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1 with Mr. Belton's number on it, which is 1025, stops at 2:43
2 and then the 0218 starts at that time.

3 A. Correct.

4 Q. Couldn't that -- you're saying it's a pattern.
5 Couldn't that be that 1025 stops calling and somebody with
6 number 0218 starts calling --

7 A. Sure.

8 Q. -- for this 1025 number?

9 MR. MLYNARCZYK: Let's see if I can find --

10 [Whereupon, Mr. Mlynarczyk reviews documents]

11 MR. MLYNARCZYK: Exhibit 256. Can you pull that up
12 on the screen? Can you put that on the screen? Is that
13 possible.

14 Q. [Mr. Mlynarczyk] 257. All right. So this is
15 where all the mapping is for the 1025. Now, this is not --
16 when you say Jeremiah Belton at the top, this is the 1025
17 number; right?

18 A. Correct.

19 Q. You have no records, pinged or anything, for the
20 other number that the solicitor says is Jeremiah Belton number
21 two? You have no pinged, no anything --

22 A. I've already --

23 Q. I'm sorry. Not pinged. Location.

24 [Whereupon, Mr. Mlynarczyk and the witness speaking
25 over each other]

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1 A. -- you're talking about the number that ends in --

2 Q. [Mr. Mlynarczyk] 0218.

3 A. I don't have any records on that.

4 Q. Okay. So we saw a whole pattern. And I just want
5 to make it really clear for the jury. Your pattern, through
6 all the maps, said that 1025 went from Charlotte; correct?

7 A. Yes, sir.

8 Q. To Charleston?

9 A. Yes, sir.

10 Q. Did it ever leave Charleston that night or that
11 morning?

12 A. Can we jump ahead and be --

13 Q. Sure.

14 A. All right.

15 Q. Let's try 266.

16 MR. MLYNARCZYK: Right there. Go back right where
17 you were. Right there. Can't really recognize that.

18 Q. [Mr. Mlynarczyk] So this is -- we're talking about
19 5:36 a.m.; correct?

20 A. Yes.

21 Q. And where is it showing that the 1025 number is
22 locating?

23 A. It looks like it's in the West Ashley area of
24 Charleston.

25 MR. MLYNARCZYK: Let's go to the next one.

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1 Q. [Mr. Mlynarczyk] That was the last one; right?

2 For being in Charleston, that was the last one?

3 A. Yes.

4 Q. You had a real pretty connect-the-dots then when
5 you were going down. Were there any connect-the-dots that
6 left from 5:34 -- or before, at any time, with 1025 that had
7 that number leaving Charleston and going towards
8 McClellanville? Do you remember? Was there anything like
9 that?

10 A. No.

11 Q. The next thing we saw, which is right here, is that
12 later in that day it shows that 1025 is back in Charlotte;
13 correct?

14 A. That is correct.

15 So between 5:36 a.m. on July 10th, and 10:18 a.m.
16 on July 10th, there's no phone calls?

17 Q. Right.

18 So there's no -- the thing you know, the phone is
19 back in Charleston?

20 A. That's correct.

21 Q. Can you pull up your records for phone number Mario
22 Caldwell, 8046?

23 A. Sure.

24 [Whereupon, the witness reviews documents]

25 Q. [Mr. Mlynarczyk] Do you have them?

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1 A. Uh-huh.

2 Q. Go to page 15, please. Or 14. I'm sorry. That
3 would be entry number 428.

4 A. Item number 428. Yes. Got it.

5 Q. At the bottom of the page, entry -- now, this is
6 July 10th, the very last one. July 10th, 2010, 12:14 a.m.
7 Now, this is the morning of July 10th; correct? Very, very
8 early hours?

9 A. Correct.

10 Q. There is a record of a phone call there. Could you
11 read that number? It says originating number. What is it?

12 A. 8052.

13 Q. Okay. Turn the page. Entry 461. This is also
14 12:14 a.m. What does that say?

15 A. The originating number?

16 Q. Yes.

17 A. 8052.

18 Q. Okay. So this is two calls back to back. And it
19 looks like, from that last entry 461, they talked at seventeen
20 seconds after; correct? Or about seventeen seconds?

21 A. Yes.

22 Q. You weren't asked to look at that phone number,
23 though?

24 A. I was not.

25 Q. Okay. Let's look at the next entry, 462. I want

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1 you to tell me entries 462, 63, and 64, all at 12:37. What
2 number is that originating number?

3 A. That one is 3401.

4 Q. Okay. And then the first one at entry 462, it says
5 twenty-two seconds; correct?

6 A. That is correct.

7 Q. So that sounds like they talked; right? It looks
8 like there was a connection?

9 A. If I refer -- hang on and let me refer to the
10 legend. Just --

11 Q. Sure.

12 A. I just want to make sure.

13 The seizure time is the time it take to connect the
14 call measured from the moment the call presser is sent to when
15 the call is connected.

16 Q. Okay.

17 A. So that makes me understand that, the way I read
18 that, the time it takes to connect the call measured from the
19 moment --

20 Q. Oh. So we can't tell by this if they talked, then?

21 A. Correct.

22 Q. Oh. All right.

23 But there was a phone call. You said the number
24 was 843-860-3401; right?

25 A. Yes, sir.

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- 1 Q. Same number for entry 463?
- 2 A. Yes, sir. And 464.
- 3 Q. Same number for 464?
- 4 A. Correct.
- 5 Q. 12:37 a.m.? Then jump down to 473.
- 6 A. Yes.
- 7 Q. What time is that?
- 8 A. 473 is 2:54 a.m.
- 9 Q. What number is that?
- 10 A. That is 3401.
- 11 Q. The same ones we were just talking about?
- 12 A. Correct.
- 13 Q. Same thing with entry 474 at 2:54?
- 14 A. Correct.
- 15 Q. One [phonetic] thing with entry 475 at 2:55?
- 16 A. Correct.
- 17 Q. 476?
- 18 A. Yes.
- 19 Q. 477?
- 20 A. Yes.
- 21 Q. And now jump down to entry -- and what time is that
- 22 one at 477? That was at 2:57 a.m.; right?
- 23 A. It was.
- 24 Q. Okay. Then what about entry 491? Is that the same
- 25 number?

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1 A. 491? No.

2 Q. Oh. I'm sorry. I had my glasses -- I need to take
3 my glasses off. 481.

4 A. Yes.

5 Q. That's 3:02 a.m.; right?

6 A. It is.

7 Q. And this is the early-morning hours of July 10th,
8 2010?

9 A. 3:02 a.m. Yes.

10 Q. And then at 3:33, the same number?

11 A. Correct.

12 Q. And then 484 and 485 at 3:58 a.m. and four o'clock-
13 on-the-dot-a.m. is when that number stops; correct?

14 A. Stops?

15 Q. Sure.

16 There's another call at exactly 4:00 a.m. from the
17 3401 number; correct?

18 A. Yes.

19 Q. You were not asked to do any analysis on that
20 phone, were you?

21 A. If I was, I don't recall it, no. The next call, it
22 looks like, is at 9:27 a.m.

23 Q. So it calls again. We can stop there.

24 So let me ask you this. The only thing on 1025
25 that you have up to 2:43 a.m. and after 5:30 is phone calls;

Lewis Walker
Cross-Examination by Mr. Mlynarczyk
November 5, 2015

1 correct? Phone calls are being made?

2 A. The only thing I have --

3 Q. Yeah. I mean --

4 A. What do you mean? I have a lot of calls --

5 [Whereupon, Mr. Mlynarczyk and the witness speaking
6 over each other.

7 Q. No, no, no. 10:25 -- we just established it was
8 2:43 a.m. with the last one --

9 A. Uh-huh.

10 Q. -- and then 5:31 was the next one.

11 A. Right. Right. I don't have any calls between --

12 Q. The only thing that means is --

13 MS. SHEALY: Your Honor, I would ask that he be
14 allowed to finish his answer...

15 MR. MLYNARCZYK: Sure.

16 A. You asked -- you said that's all I have, and I just
17 wanted to make sure.

18 No. I've got all the calls for them. But between
19 those two times, those are the only -- I have nothing in
20 between those two times.

21 Q. [Mr. Mlynarczyk] Right. Yeah. I think we've
22 established that --

23 A. Actually --

24 Q. -- that -- actual phone numbers.

25 THE COURT: Please do not speak over each other.

Lewis Walker
Cross-Examination by Mr. Mlynarczyk
November 5, 2015

1 MR. MLYNARCZYK: All right. Sure.

2 Q. [Mr. Mlynarczyk] Is there anything illegal about
3 making phone calls?

4 A. No.

5 Q. Is there anything illegal about traveling down I-26
6 and I-77?

7 A. Not at all.

8 Q. So nothing in your records that you have shows any
9 wrongdoing on behalf of the 1025 number; correct?

10 A. No.

11 MR. MLYNARCZYK: One moment, please, Your Honor.

12 [Whereupon, Mr. Mlynarczyk reviews documents]

13 MR. MLYNARCZYK: I have nothing else, Your Honor.
14 Thank you, Mr. Walker.

15 THE WITNESS: Sure.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: Thank you, Your Honor. May it please
18 the Court.

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Lewis Walker
Cross-Examination by Mr. Murphy
November 5, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Mr. Walker?

A. Yes, sir.

Q. I just want to talk to you about some of the underlying assumptions that you have. We don't need to go into your analysis or anything. But I want to make sure.

You've been very careful to say that you are testifying about the phone numbers used rather than the people that have actually used them; correct?

A. That is correct.

Q. And when Ms. Shealy would refer to names, you would correct her and say, I analyzed this number; correct?

A. Correct.

Q. Okay. And that's because all you have is those phone numbers; right?

A. Correct.

Q. And you did not make any independent analysis or form any opinions about who those cell phones actually belong to prior to -- well, who those cell phone numbers actually belonged to, did you?

A. I think I -- I'm impartial to the investigation. I just analyze what I'm given with, if that's what you're getting at.

Q. Well, I understand that. I do. And I'm not trying

Lewis Walker
Cross-Examination by Mr. Murphy
November 5, 2015

1 to beat you up. Please understand.

2 A. Oh. I understand.

3 I'm just trying to tell -- I don't do any
4 investigating. I analyze --

5 Q. You were told to look at those phone numbers, and
6 that's what you did; correct?

7 A. Correct.

8 Q. And I'm specifically talking about reference to
9 King Conyers now. You didn't make any independent analysis
10 that King Conyers actually owned a phone, 843-329-9516;
11 correct?

12 A. Correct.

13 Q. You were told that that was his number?

14 A. Correct.

15 Q. And you went from there?

16 A. Correct.

17 MR. MURPHY: Now, if I may approach, Your Honor?

18 THE COURT: You may.

19 MR. MURPHY: 228.

20 [Whereupon, Mr. Murphy reviews documents]

21 Q. [Mr. Murphy] Now, you were asked about the
22 subscription data or subscriber information for the number
23 ending in 9516; correct?

24 A. Yes, sir.

25 Q. And that had a name of prepaid customer; correct?

Lewis Walker
Cross-Examination by Mr. Murphy
November 5, 2015

1 A. Yes, sir.

2 Q. And at no point did you ever ask Ms. Shealy, how do
3 you know that this phone actually belonged to King Conyers,
4 did you?

5 A. No. I don't believe we got into it.

6 Q. Now, this information here, user information, it
7 has an area code of 843; correct?

8 A. It does.

9 Q. Okay. Now, Columbia has an 803 area code; right?

10 A. Yes, sir.

11 Q. And if this was purchased, this phone, with an 803,
12 wouldn't it be purchased somewhere from Charleston, south,
13 down to Beaufort or Jasper?

14 A. Not necessarily.

15 Q. Would it -- what would be more likely or more
16 probable than not?

17 A. I want to --

18 Q. Well --

19 A. -- make sure. I've got it right here.

20 Q. Okay. My question is if I go to the store and buy
21 a prepaid phone in Charleston, I'm assuming it's going to have
22 an 843 area code.

23 A. More than likely, yes.

24 Q. Okay. So this phone would have been purchased
25 somewhere in the part of the state that had an area code of

Lewis Walker
Cross-Examination by Mr. Murphy
November 5, 2015

1 843, most likely?

2 A. Most likely to, yes.

3 Q. Now, this also had a date of activation from
4 8/21/09 to 12/5/2010. And my question is was that a prepaid
5 phone? Would somebody have paid for that entire period, or
6 would they have broken it up by months?

7 A. Typically, they -- I would think they would break
8 it up by months.

9 Q. Okay. And if it's broken up by months, would there
10 be credit card -- would you pay by credit card or online?

11 A. It's hard to say.

12 Q. But you didn't do any analysis to determine that,
13 did you?

14 A. No, sir.

15 Q. Now, you also look at this information -- I've got
16 no idea what this IMSI number is and the number below that.
17 What are those?

18 A. Sure.

19 The IMSI is a globally unique code number that
20 identifies a GSM subscriber to the network.

21 Q. Well, and I don't mean to cut you off and --

22 A. That's all right.

23 Q. What I'm asking you is if you have this user
24 information, would you be able to locate the store where this
25 phone was actually purchased?

Lewis Walker
Cross-Examination by Mr. Murphy
November 5, 2015

1 A. Possibly.

2 Q. Okay. But you didn't try to do that or you were
3 not asked to do that; is that correct?

4 A. That's correct.

5 Q. And I believe you already said that there was 472
6 calls on -- with numbers associated with this phone; correct?

7 A. Just a second.

8 [Whereupon, the witness reviews documents]

9 A. Yes, sir.

10 Q. [Mr. Murphy] And you did not do any type of
11 reverse calling on any of those numbers to determine who those
12 numbers -- who they were, did you?

13 A. Reverse calling?

14 Q. Right.

15 A. I didn't attempt to get subscriber information for
16 the other numbers on there.

17 Q. Okay. For example --

18 A. As I understand --

19 Q. What I'm talking about, did you try to see if
20 any of those phone numbers belonged to any family members of
21 Mr. Conyers?

22 A. Not in particular, no.

23 Q. You weren't asked to do that, were you?

24 A. No, sir.

25 MR. MURPHY: And that's all I have. Thank you.

Lewis Walker
Cross-Examination by Mr. Murphy
November 5, 2015

1

MS. SHEALY: Just --

2

THE COURT: Ms. Shealy?

3

MS. SHEALY: -- briefly, Your Honor.

4

THE COURT: Take your time.

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Lewis Walker
Redirect Examination by Ms. Shealy
November 5, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Regarding State's Exhibit 263 -- and this is drawing your attention to the hours in the middle of the night on July 10th beginning at 12:04. The phone records that have Jeremiah Belton's name on them reflect that that phone is making calls at 12:01 in the morning, 1:14, 1:45, 1:49, all the way up to 2:43 in the morning; is that correct?

A. That is correct.

Q. When there's a gap?

A. Correct.

Q. And that gap is between a quarter to 3:00 and 5:31 a.m.; is that correct?

A. That is correct.

Q. And so the same person that's using the phone that goes to Jeremiah Belton is still making phone calls 5:31 a.m., 5:32 a.m., 5:33 a.m. Pretty much all night --

A. Yes, ma'am.

Q. -- and into the morning, except for that gap?

MR. MLYNARCZYK: Your Honor, was that a question?

THE COURT: What is your objection?

MR. MLYNARCZYK: I didn't hear a question. It was a statement.

THE COURT: What's your objection? Form of the question?

Lewis Walker
Redirect Examination by Ms. Shealy
November 5, 2015

1 MR. MLYNARCZYK: Yes, to the form of the question,
2 please.

3 THE COURT: Overruled.

4 A. Yes.

5 Q. [Ms. Shealy] Is that correct?

6 A. Yes.

7 There's consistent calling on that. And then with
8 the exception of that.

9 Q. With that gap?

10 A. With that gap. Until after 5:36. Yes.

11 Q. And during that gap, that's when the number 926-
12 0218, is talking to Conyers and called Mario; is that correct?

13 A. That is correct.

14 Q. So by 10:18 the next morning, after not arriving in
15 Charleston until 1:14 a.m, this person just happens to be back
16 in Charlotte; is that correct?

17 A. That is correct.

18 MS. SHEALY: I have nothing further.

19 THE COURT: Mr. Mlynarczyk?

20 MR. MLYNARCZYK: One follow up, Your Honor.

21

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Lewis Walker
Recross-Examination by Mr. Mlynarczyk
November 5, 2015

RECROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. You were put on as an expert. Hypothetical:
someone's phone dies, are you going to get -- are you going to
get any notification of where it is?

A. No.

Q. Battery runs down?

A. No.

MR. MLYNARCZYK: Thank you. Nothing further, Your
Honor.

THE COURT: Mr. Murphy?

MR. MURPHY: Nothing, Your Honor.

THE COURT: You may step down. Thank you.

THE WITNESS: Thank you.

[Whereupon, Mr. Walker is excused and exits the
witness stand]

THE COURT: Call your next witness.

MS. SHEALY: Beg the Court's indulgence for just
one second.

THE COURT: Yes, ma'am.

[Whereupon, Ms. Shealy and Mr. Cooper confer]

MS. SHEALY: Checking to make sure all our evidence
is in, Your Honor.

THE COURT: You're excused, sir.

THE WITNESS: Thank you, Your Honor.

Lewis Walker
Recross-Examination by Mr. Mlynarczyk
November 5, 2015

1 MS. SHEALY: Your Honor, at this time, the State
2 would rest.

3 THE COURT: Ladies and gentlemen, there is a matter
4 of law that I must take up outside of your presence.

5 Do not begin your deliberations. Do not begin
6 discussing this case.

7 You may leave your notepads where they are or take
8 them with you. We'll receive you back in just a few
9 moments.

10 [Whereupon, the jury exits the courtroom at
11 3:08 p.m.]

12 THE COURT: Thank you. Be seated.

13 Ms. Shealy, I will allow you some times. I'm
14 assuming that you're going to go through -- there was a
15 lot of evidence, but I'll allow you time to make sure
16 that everything was admitted.

17 MS. SHEALY: Okay. Thank you.

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State vs. Belton and Conyers
Motions for Directed Verdict
November 5, 2015

MOTIONS FOR DIRECTED VERDICT

THE COURT: Motions or matters?

MR. MLYNARCZYK: Yes, Your Honor.

At this time, Jeremiah Belton would like to make a motion for a directed verdict. The evidence presented before the jury today, there are three charges and I don't believe -- the murder, the burglary first, and possession of a firearm, and I don't believe that there's been enough evidence established for the jury to make the determination on all the elements on that. I would like to make a motion for a directed verdict.

MR. MURPHY: Thank you, Your Honor.

For the record, I would make a motion for a directed verdict, on behalf of Conyers, that the elements -- that the evidence failed to meet the elements necessary for the charges alleged.

THE COURT: Ms. Shealy?

MS. SHEALY: Thank you, Your Honor.

Your Honor, currently in the record we have two eyewitness, two sets of -- excuse me -- two eyewitnesses who have testified that they participated in a home invasion on Old Georgetown Road in McClellanville, that present with them were Jeremiah Belton --

THE COURT: And who testified?

MS. SHEALY: Excuse me?

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1 THE COURT: Who were your eyewitnesses?

2 MS. SHEALY: Troy Mason and Mario Caldwell.

3 That both Mr. Cooper and Mr. Belton were present
4 with them, that they had hooked up with them in two
5 different way, Mario and Troy traveled to Charlotte and
6 picked up Jeremiah Belton who then drove the vehicle to
7 pick up Curtis Delaney, who -- then Mr. Belton drove to
8 Columbia to King Conyers' house and picked up King
9 Conyers. They traveled to Charleston, they went to
10 Constance Manigault's house, two other gentlemen or two
11 other men joined them at Constance Manigault's house,
12 they then traveled in two vehicles to Old Georgetown
13 Highway, they each had weapons, Mr. Delaney kicked in
14 the door, they all attempt to get into the house and may
15 have all gotten into the house -- that's uncertain but
16 also not necessary -- that shooting occurred, and that
17 Troy Mason is likely the one that fired the shot that
18 killed Kip Simmons, and that Shemeika Stokes is likely
19 the one who shot Curtis Delaney. That afterwards, King
20 Conyers accompanied Mario with Troy to take Troy to
21 Trident Hospital, they did not deposit him there, they
22 took him to his mother's home and that they did -- he,
23 Troy Mason and Mario Caldwell, made up a false story to
24 give to the police. Mario Caldwell testified that he
25 made sure the vehicle that he was driving, a rental car

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1 from Enterprise, was taken care of. And, in fact, the
2 vehicle was burned the next day.

3 I think there is ample testimony to also support
4 the use of these phone records, that being that Jeremiah
5 Belton's phone records as to his first phone, are, in
6 fact, in his name. And that Constance Manigault, who
7 indicated that she had Bez' phone in her contacts, had
8 communicated with Bez previously on that telephone, had
9 communicated with her boyfriend, Curtis Delaney, on that
10 phone when he was in the company of King Conyers, and
11 who spoke to her boyfriend that night around 2:09 while
12 they were traveling into Charleston, establishing King
13 Conyers' phone and, in fact, King Conyers. I think
14 there's ample evidence to support the murder, the
15 burglary, and the possession of a weapon during crime of
16 violence.

17 MR. MLYNARCZYK: Nothing further, Your Honor.

18 MR. MURPHY: Nothing.

19 MR. MLYNARCZYK: I would preserve my motion --
20 preserve motion to say that, again, that I don't believe
21 that those facts meet the elements of each indictment.

22 THE COURT: All right. Mr. Murphy?

23 MR. MURPHY: No further argument, Your Honor.

24 THE COURT: In ruling on a motion for a directed
25 verdict, pursuant to Rule 19 of the Rules of Criminal

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1 Procedure, I must view the evidence and all reasonable
2 inferences in the light most favorable to the nonmoving
3 party, which in this case is the State. I am concerned
4 only with the existence or nonexistence of the evidence.
5 The Defendant Jeremiah Belton is charged with murder,
6 burglary in the first degree, and possession of a
7 firearm during commission of a violent crime. Defendant
8 King Conyers is charged with murder, burglary in the
9 first degree, and possession of a firearm during the
10 commission of a violent crime.

11 For all of the reasons that the State has
12 articulated, again, I am concerned only with the
13 existence or nonexistence of the evidence. The motion
14 for a directed verdict as to Defendant Jeremiah Belton
15 on all three indictments is denied. The motion for a
16 directed verdict as to King Conyers on all three
17 indictments is also denied.

18 Note your exception to my ruling.

19 Note your exception to my ruling.

20 MR. MURPHY: Thank you, Your Honor.

21 THE COURT: Anything? Any other motions or
22 matters?

23 MR. MLYNARCZYK: Not for Mr. Belton, Your Honor.

24 MR. MURPHY: Nothing, Your Honor.

25 - - -

State vs. Belton and Conyers
Defendants' Rights
November 5, 2015

DEFENDANTS' RIGHTS, continued

THE COURT: Mr. Belton, Mr. Conyers, please rise.

[Whereupon, Mr. Belton and Mr. Conyers comply]

THE COURT: If you'll please place them under oath.

THE CLERK OF COURT: If you will please raise your
right hand to be sworn.

[Whereupon, Mr. Belton and Mr. Conyers are duly
sworn by the clerk of court as follows: do you swear or
affirm the testimony you give the Court will be the
truth, the whole truth, and nothing but the truth, so
help you God]

MR. BELTON: I do.

MR. CONYERS: I do.

THE CLERK OF COURT: Thank you.

THE COURT: Do you remember last evening, before we
broke, when I advised you of your right to testify or
not to testify?

MR. BELTON: Yes, ma'am.

MR. CONYERS: Yes, ma'am.

THE COURT: Do you need me to explain anything in
further detail?

MR. BELTON: No, ma'am.

MR. CONYERS: No, ma'am.

THE COURT: Have you had time to speak with your
attorney to discuss whether or not you will testify?

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1 MR. BELTON: Yes, ma'am.

2 MR. CONYERS: Yes, ma'am.

3 THE COURT: Have you made a decision?

4 MR. BELTON: Yes, ma'am.

5 THE COURT: What is that decision?

6 MR. BELTON: I will not be testifying.

7 THE COURT: Mr. Mlynarczyk, you have explained the
8 benefits and the consequences of his decision to not
9 testify?

10 MR. MLYNARCZYK: We have discussed it, Your Honor.

11 THE COURT: And are you in agreement with his
12 decision?

13 MR. MLYNARCZYK: I'm in agreement with his
14 decision, Your Honor.

15 THE COURT: Do you need anymore time to go over
16 that decision?

17 MR. MLYNARCZYK: Need no more time.

18 THE COURT: Do you have any witnesses to present?

19 MR. MLYNARCZYK: I have two witnesses, Your Honor.

20 THE COURT: Mr. Belton, you may have a seat. Thank
21 you.

22 [Whereupon, Mr. Belton complies]

23 THE COURT: Mr. Conyers, do you need anymore time
24 to meet with Mr. Murphy?

25 MR. CONYERS: No, ma'am.

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1 THE COURT: Have you made a decision?

2 MR. CONYERS: Yes, ma'am.

3 THE COURT: And what is your decision?

4 MR. CONYERS: Yes, ma'am, I will testify.

5 THE COURT: You will testify?

6 MR. CONYERS: Yes, ma'am.

7 THE COURT: And you understand the benefits and the
8 consequences of that decision?

9 MR. CONYERS: Yes, ma'am.

10 THE COURT: Do you have any prior convictions?

11 MR. CONYERS: Yes, ma'am.

12 THE COURT: All right.

13 MS. SHEALY: He has a prior trespassing, he has a
14 prior breaking and entering automobile, and an assault
15 with intent to kill.

16 THE COURT: And what do you plan to use for
17 impeachment?

18 MS. SHEALY: I don't know that I can ask him about
19 any of those.

20 THE COURT: Mr. Murphy, you agree?

21 MR. MURPHY: Yes, I do.

22 THE COURT: And do you have any additional
23 witnesses?

24 MR. MURPHY: No, I do not.

25 THE COURT: Thank you.

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1 All right. So you will -- what are your first
2 witnesses?

3 MR. MLYNARCZYK: My first witness will be former
4 Detective Charles Lawrence.

5 THE COURT: And then you will call?

6 MR. MLYNARCZYK: And then I'll call Mario Caldwell.

7 THE COURT: And then you potentially may call
8 Mr. Hair or --

9 MR. MLYNARCZYK: No. We worked that out.

10 THE COURT: Okay. Great. Thank you.

11 And then, Mr. Murphy, you will call?

12 MR. MURPHY: Mr. Conyers. That's all.

13 THE COURT: Potentially, do you have any rebuttal?

14 MS. SHEALY: Of course, I'll have to hear what
15 Mr. Conyers testifies to. So potentially.

16 THE COURT: Let's take a short comfort break, and
17 then we'll put your two witnesses on and then we'll make
18 a determination of where we are over the evening hour.

19 Thank you.

20 MR. MLYNARCZYK: Thank you, Judge.

21 [Whereupon, a recess is taken from 3:15 p.m. to
22 3:28 p.m.]

23 THE COURT: Counsel, just quickly for scheduling.

24 [Whereupon, an off-the-record bench conference is
25 held]

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1 MS. SHEALY: One matter I want to put on the
2 record.

3 When they went back to check just to see --

4 THE COURT: So you want it on the record, then we
5 need to --

6 MS. SHEALY: Yes.

7 THE COURT: Ms. Shealy?

8 MS. SHEALY: Your Honor, during the break we did
9 take the opportunity to make sure that everything is, in
10 fact, in. And it appears that State's Exhibit 235, the
11 court reporter does not reflect that it was actually
12 moved in. I know it was shown on the screen to the jury
13 and it was up on the table. So I don't know if I
14 neglected to move it in.

15 THE COURT: What number?

16 MS. SHEALY: 235.

17 THE COURT: I don't show that, either. All right.
18 And, again, it's your --

19 MR. MLYNARCZYK: Standing objection, Your Honor.

20 MR. MURPHY: Same objection, Your Honor.

21 THE COURT: State's 235 into evidence, noting both
22 defendant's objection.

23 MS. SHEALY: Thank you, Your Honor.

24 [Whereupon, State's Exhibit Number 235 is admitted
25 into evidence by the Court]

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1 THE COURT: And with that, your witness is ready?

2 MR. MLYNARCZYK: Yes, Your Honor.

3 THE COURT: And is he in the courtroom?

4 MR. MLYNARCZYK: Charles Lawrence.

5 THE COURT: All right. Go ahead and bring in the
6 jury.

7 Mr. Hair, if you'll just have him remain right
8 there.

9 MR. HAIR: Yes, ma'am.

10 [Off the record momentarily]

11 [Whereupon, the jury enters the courtroom at
12 3:30 p.m.]

13 THE BAILIFF: All jurors are present, Your Honor.

14 THE COURT: Thank you. Please be seated.

15 Mr. Mlynarczyk, call your first witness.

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

18 Jeremiah Belton calls Charles Lawrence to the
19 stand.

20 THE COURT: Sir, please come forward and be sworn.

21 [Whereupon, Mr. Lawrence comes forward]

22 THE CLERK OF COURT: Left hand here. Raise your
23 right.

24 [Whereupon, Mr. Lawrence is duly sworn by the clerk
25 of court as follows: do you swear or affirm the

State vs. Belton and Conyers
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1 testimony you will give the Court and the jury in the
2 trial of this case will be the truth, the whole truth,
3 and nothing but the truth, so help you God]

4 THE WITNESS: I do.

5 THE CLERK OF COURT: Thank you, sir. You may be
6 seated.

7 Once seated, if you could please state your first
8 and last name and then spell your last loudly and
9 clearly into the microphone for the record, please.

10 THE WITNESS: Good afternoon.

11 [Whereupon, Mr. Lawrence takes the witness stand]

12 THE WITNESS: Charles Lawrence. L-A-W-R-E-N-C-E.

13 MR. MLYNARCZYK: Good afternoon, Mr. Lawrence.
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Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

CHARLES LAWRENCE,

Having Been First Duly Sworn,

was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. MLYNARCZYK:

Q. In July of 2010, where were you employed?

A. Charleston County Sheriff's Office.

Q. And what was your job at the Charleston County Sheriff's Office?

A. Detective. Violent crimes detective.

Q. And how long have you been a detective for Charleston County?

A. At 2010, about seven years.

Q. Okay. Where were you working before that?

A. Orangeburg County Sheriff's Office, and South Carolina State University Police Department.

Q. In July of 2010, were you involved in an investigation at [REDACTED], McClellanville?

A. That's correct.

Q. And can you please tell the jury briefly about that incident? Do you remember?

A. Yes.

2010, July 10th, approximately 0400 hours, I was called out to [REDACTED] -- it's in McClellanville, South Carolina -- in reference to a death

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 investigation. Upon arrival, it was determined that a
2 subject, which was unknown at the time, was outside of
3 the front door, deceased and the victim of the residence,
4 Mr. Melvin Simmons, Jr., was inside of the residence of the
5 master bedroom and he was deceased, as well.

6 Q. And on that -- when you arrived on the scene, then,
7 were you the lead detective?

8 A. That's correct.

9 Q. Okay. So can you please explain to the jury what
10 lead detective on that case means? What your responsibilities
11 are?

12 A. Sure.

13 Lead detective is the person who would -- once you
14 get there, you have to insure that -- the first thing you do
15 is going to make sure that the scene is -- once the scene is
16 secure and once you're -- whoever the detective is assigned to
17 that case, he or she would then ascertain as much information
18 as they can as far as with victims, witness, subject, et
19 cetera. And our job is to make sure that we get all vital
20 information at that point in time and continue on until we get
21 to this phase right here.

22 Q. And, also -- so basically, you're like the
23 information receiver?

24 A. Yes, sir.

25 Q. Like you're kind of the one that organizes

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 everything, and coordinates, and makes sure everything's
2 moving forward the way it should and everybody's doing their
3 job and -- correct?

4 A. That's correct.

5 Q. You mentioned when you pulled up at the house that
6 there was a suspect in the yard that was deceased?

7 A. That's correct.

8 Q. Correct?

9 And that was -- who did that -- do you know
10 remember who that was ID'd as?

11 A. Yes, sir.

12 At this point in time, he was Delaney. Curtis
13 Delaney.

14 Q. And did you ask or do any investigation into a
15 tattoo that Mr. Delaney had on his hand -- on his arm

16 A. Yeah.

17 Based on the tattoo that he had, it was -- I
18 believe that it was to be LHP on his hand, and the coroner
19 later confirmed that it was LHP for Liberty Hill Posse.

20 And, however, he did have some other tattoos on his
21 left forearm and his right forearm, which one said man and
22 the other was made.

23 Q. So Liberty Hill Posse, do you know where -- do you
24 know where Liberty Hill Posse is located?

25 A. It's in North Charleston, South Carolina.

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Q. So Curtis Delaney, the victim in the front yard,
2 had a Liberty Hill tattoo that was associated with a gang --
3 was it a gang?

4 A. That is unknown. Liberty Hill Posse is an acronym
5 for the area.

6 Q. So it's usually on people that are associated with
7 that area?

8 A. That's correct.

9 Q. When you did your investigation, the suspect at
10 that time -- the only suspect on that night, what was his name
11 that came up in the first couple of days?

12 A. Delaney. Curtis Delaney.

13 Q. Well, that was the suspect that was deceased.

14 A. Correct.

15 Q. Did Troy Mason eventually come into it?

16 A. He did.

17 Q. And Troy Mason was eventually investigated as being
18 a part of this --

19 A. That's correct.

20 Q. -- investigation?

21 Isn't it true that during the course of your
22 investigation, you found that Troy Mason and Curtis Delaney
23 were known associates?

24 A. Based on the area that they grew up in, yes, and
25 the age of -- one was like twenty-two and another was like

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 twenty-five, or something of that nature. The close
2 comparison of the age and the Liberty Hill Posse, it was my
3 belief, yes, that they were.

4 Q. And you included that in your report; correct?

5 A. I did.

6 Q. Did you also have the opportunity to interview a
7 Constance Manigault?

8 A. I did.

9 Q. Do you remember the details of that, or should I --
10 should I give you something to refresh your memory?

11 A. I'll definitely need that from you.

12 MR. MLYNARCZYK: May I approach, Your Honor?

13 THE COURT: You may.

14 Q. [Mr. Mlynarczyk] You can read the whole thing.

15 THE WITNESS: Okay. Court's indulgence.

16 Q. [Mr. Mlynarczyk] Questions, as well.

17 [Whereupon, the witness reviews documents]

18 MR. MLYNARCZYK: Just looking over your notes.

19 THE WITNESS: Oh. Good. I'm not quite ready.

20 [Whereupon, the witness reviews documents]

21 A. Okay. I'm ready.

22 Q. [Mr. Mlynarczyk] So what was the date of that
23 interview?

24 A. July the 12th, 2010.

25 Q. So that was two days after the night of the

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 incident, which was on 7/10?

2 A. That's correct.

3 Q. And during the course of that interview with
4 Ms. Manigault, did she indicate to you if Mr. Delaney had
5 planned to come down that weekend?

6 A. According to her statement, for her child's
7 baptism.

8 Q. Which was on what date?

9 A. July. July 11, 2010.

10 Q. I have one last question for you, a couple, about
11 your report.

12 Mario Caldwell ultimately ended up being involved
13 in this investigation while you were the lead detective;
14 correct?

15 A. That's correct.

16 Q. And what -- initially, what part did you believe
17 that he played, or did he tell you the role that he played?

18 A. Initially, when -- well, when we first spoke to him
19 July of 2010, he came forth with his attorney and he denied
20 any involvement.

21 Q. And then he changed that, didn't he?

22 A. Subsequently.

23 Q. Did he indicate that he drove the suspect to the
24 hospital?

25 A. He did.

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Q. Which would be Troy Mason?

2 A. That's correct.

3 Q. And what type of vehicle did he tell you he drove
4 the first time?

5 A. It was two different vehicles that he had. I'll
6 have to get with my notes to be specific.

7 Q. Can you refer to your -- I can -- you can refer to
8 your report --

9 A. Yes.

10 Q. -- if that will refresh your memory.

11 A. Yes.

12 Q. That will be on page 3 of 19.

13 THE WITNESS: Okay. The Court's indulgence.

14 Q. [Mr. Mlynarczyk] That's the last paragraph.

15 A. Got you.

16 [Whereupon, the witness reviews documents]

17 A. According to Mario Caldwell, he was driving a
18 1995 Honda Accord.

19 Q. [Mr. Mlynarczyk] Okay. With the result -- as a
20 result of that information, what did you have done with the
21 Accord?

22 A. A search warrant was done and a THC was forensic --
23 our forensic service unit, they actually conducted a forensic
24 search of the vehicle and it was determined that that was not
25 the vehicle he was driving.

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Q. Okay. And what was the next vehicle?

2 A. Mr. Mason -- I'm sorry. Mr. Caldwell had a 1991
3 Chevy Blazer that was registered to him, and it was located at
4 his residence on Mixon Avenue, and that was subsequently
5 brought to the -- our lab, the same lab. And a search warrant
6 was done it. And according to Sargent McManigal, who
7 processed the vehicle, advised that it's a possibility that
8 that could have been the vehicle that he was driving; however,
9 Mario had some type of cleaning solution that he used which
10 gave a false positive.

11 Q. And on page 4 of 19 --

12 A. Uh-huh.

13 Q. -- the first full sentence that starts with "it",
14 can you write down what your conclusion was about that Blazer?

15 A. On the first paragraph, yes.

16 Q. The very first paragraph, page 4 of 19.

17 A. Yeah.

18 It was obvious that the second vehicle had been
19 used to transport Troy Mason and that the vehicle had been
20 cleaned with some type of cleaning solution.

21 Q. So the vehicle that you thought was very -- said
22 very obvious that was used was this Blazer?

23 A. That's correct.

24 MR. MLYNARCZYK: May I approach, Your Honor?

25 THE COURT: You may.

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Q. [Mr. Mlynarczyk] I'm going to show you some
2 thumbnails, photos. Is that the Blazer that we're talking
3 about?

4 A. Yes, sir, this is the vehicle.

5 Q. I want you to flip through all of them and make
6 sure that they all came from the same vehicle.

7 [Whereupon, the witness reviews documents]

8 A. Okay.

9 Q. [Mr. Mlynarczyk] That all seen, they're all
10 relative to the same vehicle that we're discussing?

11 A. To the best of my knowledge, yes.

12 MR. MLYNARCZYK: Can I approach, Your Honor?

13 THE COURT: You may.

14 MR. MLYNARCZYK: Your Honor, at this time I would
15 like to have this marked as Belton Defendant Exhibit 2
16 and have it entered into evidence.

17 MS. SHEALY: May I see it?

18 [Whereupon, Ms. Shealy reviews documents].

19 MS. SHEALY: Without objection.

20 MR. MURPHY: No objection.

21 [Whereupon, Defendant Belton's Exhibit Number 2 is
22 marked by the court reporter]

23 THE COURT: Belton 2 into evidence without
24 objection.

25 [Whereupon, Defendant Belton's Exhibit Number is

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 admitted into evidence by the Court]

2 MR. MLYNARCZYK: Permission to publish to the jury,
3 Your Honor?

4 THE COURT: You may.

5 Q. [Mr. Mlynarczyk] One last question I would like to
6 follow up with.

7 On your report -- and this report was written on
8 September 3rd, 2010; correct? So this is approximately two
9 months into the investigation. Can you tell the jury, please,
10 at that point how many suspects, based on your investigation
11 and all evidence obtained to that date, were believed to be
12 involved? Isn't there -- aren't there little boxes that are
13 checked at the bottom?

14 A. You're saying suspects? Or subjects?

15 Q. Suspects.

16 A. All right. Let me --

17 [Whereupon, the witness reviews documents]

18 A. Two.

19 MR. MLYNARCZYK: May I approach, Your Honor?

20 THE COURT: You may.

21 A. Well, yeah. Two, and an unknown.

22 Q. [Mr. Mlynarczyk] And one unknown?

23 A. Yes.

24 MR. MLYNARCZYK: Thank you. I have no further
25 questions, Your Honor.

Charles Lawrence
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Thank you, Mr. Lawrence.

2 THE WITNESS: Yes, sir.

3 THE COURT: Mr. Murphy?

4 MR. MURPHY: No questions, Your Honor.

5 THE COURT: Ms. Shealy?

6 MS. SHEALY: May it please the Court.

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Charles Lawrence
Cross-Examination by Ms. Shealy
November 5, 2015

CROSS-EXAMINATION

BY MS. SHEALY:

Q. Detective Lawrence, at the beginning of the investigation, if you're in the lead investigation role, you ask other detectives to assist you when you don't have a suspect in custody yet; is that correct?

A. Yes, ma'am, that's correct.

Q. So you're kind of directing other people to do certain tasks for you and then they come back and tell you the information they've received; is that correct?

A. That's correct.

Q. And at some point during that time, you heard that Curtis Delaney had tattoos on him that were obvious at the autopsy; is that correct?

A. Yes, ma'am, that's correct.

Q. And what you thought you had heard was that he had a tattoo that said LHP?

A. Yes. LHP, yes, ma'am.

Q. And that stood, in your mind, for Liberty Hill Posse?

A. Yes, ma'am.

Q. And you knew that Troy Mason was from the Liberty Hill area; is that correct?

A. Yes, that's correct.

Q. And so did you take what you believed was a tattoo,

Charles Lawrence
Cross-Examination by Ms. Shealy
November 5, 2015

1 and the fact that Troy Mason was from Liberty Hill, and think
2 they were associates?

3 A. That is correct.

4 Q. Not one of those detectives that were helping you
5 with the investigation, or you, ever talked to anybody who
6 said they were associates; isn't that correct?

7 A. That is correct.

8 Q. And in your role as the lead detective, you have
9 access to the autopsy reports; is that correct?

10 A. Yes, ma'am.

11 Q. Showing you, to refresh your memory, the autopsy on
12 Curtis Delaney. You're aware that the forensic pathologist
13 will do a diagram and show where tattoos, et cetera, are; is
14 that correct?

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

16 Q. And do you remember what he had on one arm
17 tattooed? On his right arm tattooed?

18 A. On the forearm portion, yes. It was self.

19 Q. And on the left hand portion?

20 A. Self -- forearm portion, it was made.

21 Q. Made?

22 A. Yes.

23 Q. And then there were some tattoos or letters on the
24 back of his left arm; is that correct?

25 A. Yes, ma'am.

Charles Lawrence
Cross-Examination by Ms. Shealy
November 5, 2015

1 Q. Tell the jury what the letters actually say.

2 A. PCP.

3 Q. Not LHP; correct?

4 A. Yes, ma'am, that's correct.

5 Q. So initially, when you hurried and everybody's
6 doing stuff and you're trying to gain information, that got
7 crossed up in your brain; right?

8 A. Obviously, yes.

9 Q. So there was no LHP on Curtis Delaney; correct?

10 A. That's correct.

11 Q. And no one ever told you that they were associates;
12 is that correct?

13 A. That's correct. Yes, ma'am.

14 Q. And did any of your detectives who were
15 interviewing people and talking to people ever tell you that
16 Curtis Delaney and Troy Mason even knew each other?

17 A. No. No, sir [sic].

18 Q. Now, when Constance Manigault came in to talk to
19 you, she actually showed you her phone; is that correct?

20 A. That is correct.

21 Q. And she had talked to Bez; is that correct?

22 A. That's correct.

23 Q. And she had talked to her boyfriend Curtis Delaney,
24 earlier the morning before this happened, on Bez' phone; is
25 that correct?

Charles Lawrence
Cross-Examination by Ms. Shealy
November 5, 2015

1 A. Yes, ma'am, that's correct.

2 Q. You know Sargent McManigal: right?

3 A. I do.

4 Q. And that blue Blazer, I mean -- forgive me if this
5 isn't the quite -- quite the right words. But when you have a
6 vehicle that's hitting as positive for blood, does that kind
7 of excite you as an investigator? You think you've got
8 something?

9 A. It does. Yes, it does.

10 Q. And then you learned that, in fact, it wasn't
11 blood, it was a false positive; is that correct?

12 A. That is correct.

13 Q. You didn't arrest Mario Caldwell after the blue
14 Blazer was looked at, did you?

15 A. No, ma'am.

16 Q. Not at that point?

17 A. Not at that point, no.

18 MS. SHEALY: Beg the Court's indulgence just a
19 moment.

20 THE COURT: Take your time.

21 [Whereupon, Ms. Shealy and Mr. Cooper confer]

22 MS. SHEALY: I have no further questions. Thank
23 you.

24 MR. MLYNARCZYK: A couple of follow ups.
25

- - -

Charles Lawrence
Redirect Examination by Mr. Mlynarczyk
November 5, 2015

REDIRECT EXAMINATION

BY MR. MLYNARCZYK:

Q. On your report -- do you still have a copy of your report up there, or did I take it?

A. Yes, sir.

Q. I'm sorry. Do you still have it?

A. No, sir. You do.

MR. MLYNARCZYK: May I approach, Your Honor?

THE COURT: You may.

Q. [Mr. Mlynarczyk] So in your report, on the first page is where it says that there was a Liberty Hill Posse tattoo; correct?

A. Yes, sir, that's correct.

Q. But it wasn't until -- and you mentioned talking to the coroner, on the first page in the first paragraph, don't you?

A. Yes, sir.

Q. But it wasn't until page 8 that you wrote: Mason is also a known associate of the deceased codefendant, suspect number one, which was Curtis Delaney, whose body was found in front. When you wrote this report, it was in August of 2010; correct?

A. Yes, that's correct.

Q. And you write reports because that's the best preservation of your investigation and your memory at the

Charles Lawrence
Redirect Examination by Mr. Mlynarczyk
November 5, 2015

1 time; correct?

2 A. Yes, that's correct.

3 Q. So when Ms. Shealy was asking you questions and
4 saying that there was no other evidence, you can be absolutely
5 one-hundred percent certain that those two items written eight
6 pages apart are related, that there's no way that your -- your
7 decision that they were known associates was not just based on
8 the tattoo?

9 A. Again, based on the tattoo, which we believed to be
10 LHP at that time, the ages of the two, you know, three or four
11 yeas apart, and being at the same household that is definitely
12 out of their area in McClellanville, which is in Charleston
13 County, yes, sir.

14 Q. Okay. Do you remember meeting -- do you remember
15 meeting with Constance Manigault? Do you remember -- correct?

16 A. Yes.

17 Q. Do you remember where you met with her?

18 A. It should have been at our criminal investigation
19 division.

20 Q. Do you know where she lives?

21 A. I do.

22 Q. Where does she live?

23 A. Well, now I --

24 Q. Well, I guess I don't want to -- she lived in North
25 Charleston; correct?

Charles Lawrence
Redirect Examination by Mr. Mlynarczyk
November 5, 2015

1 A. Yes. Correct.

2 Q. Were you aware at the time or did you guys talk
3 about Curtis Delaney having a key to her home?

4 A. She told me that during the interview.

5 Q. And you're telling the jury that on July 10th, the
6 mistake about the Liberty Hill Posse tattoo and the August 4th
7 entry, the August 4th that Mason and Curtis Delaney were known
8 associates, are completely -- they're all about the tattoo?
9 That's what you're telling the jury.

10 A. One more time, sir. I don't want --

11 Q. What you're telling -- what Ms. Shealy just asked
12 you is that the only reason that you came up with the fact
13 that Curtis Delaney and Troy Mason were associates was based
14 on that tattoo alone. Do you remember that distinctly?

15 A. It was other factors that I mentioned to you
16 before. Okay? I don't know how you -- based on what I
17 gathered at that time. You know, again, both of them be
18 coming from North Charleston, okay, in Charleston County, same
19 age, same M.O., et al, it appeared to be at that time, yes,
20 sir.

21 MR. MLYNARCZYK: Thank you. No further questions,
22 Your Honor.

23 MR. MURPHY: Nothing, Your Honor.

24 THE COURT: Ms. Shealy?

25 MS. SHEALY: Just briefly.

Charles Lawrence
Recross-Examination by Ms. Shealy
November 5, 2015

RECROSS-EXAMINATION

BY MS. SHEALY:

Q. Detective Lawrence, I just want to make sure. Did you have any independent information at all that Troy and Curtis Delaney even knew each other before that night?

A. No, ma'am.

Q. And you were mistaken about what letters were on Curtis Delaney's body; is that correct?

A. Yes, ma'am.

Q. And because you heard or thought that you had heard that Liberty Hill Posse, you thought there must be an association because they're both from North Charleston?

A. That's correct.

MS. SHEALY: Thank you. I have nothing further.

MR. MLYNARCZYK: Nothing further, Your Honor.

MR. MURPHY: Nothing.

THE COURT: You may step down. Thank you.

THE WITNESS: Thank you, Judge.

THE COURT: You're free to go, but feel free to stay with us.

THE WITNESS: Yes, ma'am. Thank you.

[Whereupon, Mr. Lawrence is excused and exits the witness stand]

THE COURT: Call your next witness.

MR. MLYNARCZYK: Mr. Belton calls Mario Caldwell

Charles Lawrence
Recross-Examination by Ms. Shealy
November 5, 2015

1 back to the stand.

2 [Whereupon, Mr. Caldwell comes forward]

3 THE CLERK OF COURT: Left hand here. Raise your
4 right.

5 [Whereupon, Mr. Caldwell is duly sworn by the clerk
6 of court as follows: do you swear or affirm the
7 testimony you will give the Court and the jury in the
8 trial of this case will be the truth, the whole truth,
9 and nothing but the truth, so help you God]

10 THE WITNESS: I do.

11 THE CLERK OF COURT: Thank you, sir. You may be
12 seated.

13 Sir, if you could please state your first and last
14 name and then spell your last name into the microphone
15 for the record.

16 [Whereupon, Mr. Caldwell takes the witness stand]

17 THE WITNESS: Mario Caldwell. C-A-L-D-W-E-L-L.

18 MR. MLYNARCZYK: May it please the Court, Your
19 Honor?

20 THE COURT: Yes.

21 MR. MLYNARCZYK: Good afternoon, Mr. Caldwell.

22 THE WITNESS: Good afternoon.

23 MR. MLYNARCZYK: I have a couple of follow-up, very
24 brief follow-up questions, from when you were on the
25 stand earlier in the week.

Mario Caldwell
Direct Examination by Mr. Mlynarczyk
November 5, 2015

MARIO CALDWELL,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. MLYNARCZYK:

Q. I had asked you a question -- do you remember meeting with the solicitor in early October, a little bit less than a month ago?

A. Early October, you said?

Q. I'm sorry?

A. Could you repeat that again? You said --

Q. Do you remember meeting with Ms. Shealy on October 8th of 2015? That would have been last month?

A. I think that's about right.

Q. And at that time you told Ms. Shealy that Jeremiah Belton had a second phone; is that correct?

A. I'm not sure if that's the time I told her, but I remember telling her he had a second phone, yes.

Q. And so you don't remember -- your testimony, you don't remember if that was -- if you had told her that before?

A. I probably told her in the prior. I'm not sure exactly. But I do remember telling her.

Q. Okay. So you don't remember telling her that the first time?

A. I said I don't --

Mario Caldwell
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Q. The first time.

2 A. -- remember.

3 I don't remember if it was the first or the second
4 time, but I do remember telling her he had a second phone.

5 Q. And do you remember what that second phone number
6 was?

7 A. 926-0218.

8 MR. MLYNARCZYK: Thank you, Mr. Caldwell. I have
9 no further questions, Your Honor.

10 THE COURT: Mr. Murphy?

11 MR. MURPHY: Nothing, Your Honor.

12 THE COURT: Ms. Shealy?

13 MS. SHEALY: No questions. Thank you.

14 THE COURT: You may step down. Thank you.

15 [Whereupon, Mr. Caldwell is excused and exits the
16 witness stand]

17 THE COURT: Mr. Mlynarczyk, call your next witness.

18 MR. MLYNARCZYK: I have no more witnesses, Your
19 Honor.

20 THE COURT: And with that, Mr. Belton rests?

21 MR. MLYNARCZYK: [No response]

22 THE COURT: Mr. Mlynarczyk?

23 MR. MLYNARCZYK: I'm sorry, Your Honor. Yes,
24 Mr. Belton rests.

25 THE COURT: Reserving all motions and matters,

Mario Caldwell
Direct Examination by Mr. Mlynarczyk
November 5, 2015

1 Mr. Murphy, call your first witness.

2 MR. MURPHY: Your Honor, we would call Mr. King
3 Conyers.

4 [Whereupon, Mr. Conyers comes forward]

5 THE CLERK OF COURT: Left hand here. Raise your
6 right.

7 [Whereupon, Mr. Conyers is duly sworn by the clerk
8 of court as follows: do you swear or affirm the
9 testimony you will give the Court and the jury in the
10 trial of this case will be the truth, the whole truth,
11 and nothing but the truth, so help you God]

12 THE WITNESS: I do.

13 THE CLERK OF COURT: Thank you, sir. You may be
14 seated.

15 Once seated, if you could please state your first
16 and last name and then spell your last loudly and
17 clearly into the microphone for the record.

18 [Whereupon, Mr. Conyers takes the witness stand]

19 THE WITNESS: King Conyers. C-O-N-Y-E-R-S.
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- - -

King Conyers
Direct Examination by Mr. Murphy
November 5, 2015

KING CONYERS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. MURPHY:

Q. Mr. Conyers, where do you live?

A. In West Columbia, South Carolina.

Q. How long have you lived there?

A. Going on seven years.

Q. And you've had cell phones?

A. Yes, I did.

Q. And do you remember your cell phone numbers?

A. I don't remember all the numbers, but I know all
them started with 803.

Q. And you say 803. Why do you say that?

A. Because that's in Columbia.

Q. Have you ever had a phone that had an 843 area
code?

A. Probably when I was young.

Q. How young are we talking?

A. Sixteen, seventeen.

Q. And that would have been how many years ago?

A. Whew. About sixteen, seventeen years ago.

Q. How old are you now?

A. Thirty-two.

King Conyers
Direct Examination by Mr. Murphy
November 5, 2015

1 Q. Do you have kids?

2 A. I do now.

3 Q. How many?

4 A. Recently, since I been incarcerated. I have a
5 daughter now.

6 Q. Okay. And you said you've been incarcerated. You
7 were arrested when?

8 A. July 9th, last year.

9 Q. And you've been in jail since?

10 A. Yes, sir.

11 Q. Now, you've heard all this testimony. Do you know
12 who Mario Caldwell was?

13 A. I never knew Mario Caldwell a day in my life.

14 Q. What about Troy Mason?

15 A. I don't know Troy Mason, either.

16 Q. Do you know who Jeremiah Belton is?

17 A. I never knew of Jeremiah Belton until I came to
18 jail.

19 Q. What about Constance Manigault?

20 A. I don't know Constance Manigault.

21 Q. Do you know who Shemeika Stokes is?

22 A. I don't know who Shemeika Stokes is.

23 Q. What about Kip Simmons?

24 A. I don't know Kip Simmons.

25 Q. Do you know a Melvin Simmons?

King Conyers
Direct Examination by Mr. Murphy
November 5, 2015

- 1 A. I don't know a Melvin Simmons.
- 2 Q. Did you ever live in Georgetown?
- 3 A. No. Oh. Yes, I have, when I was a little boy.
- 4 Q. How long --
- 5 A. When I was about five or six years old.
- 6 Q. You lived in Georgetown?
- 7 A. Uh-huh.
- 8 Q. And when did you move out of Georgetown?
- 9 A. When I was a little boy we moved to Charleston.
- 10 Q. All right. And let's talk about -- at one time,
- 11 did you live in Charleston?
- 12 A. Yes. When I was younger.
- 13 Q. How young are we talking?
- 14 A. I lived in Charleston probably up to 2005 was my
- 15 last time I lived in Charleston.
- 16 Q. And then from Charleston you moved to Columbia?
- 17 A. Columbia.
- 18 Q. All right. Now, do you know who Curtis Delaney is?
- 19 A. Yeah. I knew him when I was younger.
- 20 Q. Okay. And how did you know him?
- 21 A. We went to elementary school.
- 22 Q. Did you know Curtis' sister?
- 23 A. Yeah. I knew that he had little sister.
- 24 Q. What about Curtis' mom? Did you know him [sic]?
- 25 A. Yeah. I met her before, too.

King Conyers
Direct Examination by Mr. Murphy
November 5, 2015

1 Q. Or her. I'm sorry.

2 Did you ever have a phone number that ended in --

3 I'm sorry. Did you ever have a phone number -9516?

4 A. No, sir.

5 I can't say about when I was younger. But when I
6 came of age and all, my numbers were 803.

7 Q. Did you participate in this crime that we've talked
8 about all week?

9 A. No, I haven't. I didn't know any of these people.

10 Q. Did you ever drive to Charleston on the 9th to
11 participate in this crime?

12 A. I don't have a car. Well, I didn't have a car at
13 that point in time.

14 Q. Do you -- did you own a gun back in 2009?

15 A. No.

16 Q. Do you understand how your name got associated with
17 these folks?

18 A. I don't know.

19 MR. MURPHY: That's all I have. Please answer any
20 questions the solicitor has.

21 THE COURT: Ms. Shealy?

22 MS. SHEALY: Thank you, Your Honor.

23 - - -

24 - - -

25 - - -

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

CROSS-EXAMINATION

BY MS. SHEALY:

Q. People call you Bez?

A. They used to.

Q. You're telling this jury that you don't know
Constance Manigault?

A. No, I do not.

Q. Never been over to her house?

A. I never met her.

Q. And when did you tell me was the last time you saw
Curtis Delaney?

A. Since we was younger. I guess about 2002.

Q. Well, you and Curtis Delaney used to do some
similar stuff together, didn't you?

A. No.

Q. About 2002 played basketball, sports, and things of
that nature.

Q. Well, there were some other things going on in
2002, weren't there?

A. You tell me.

Q. Let me ask you: you live on -- did you live on

[REDACTED] ?

A. Yes, ma'am.

Q. And there's a field right over there, isn't there?

A. Yes.

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

1 There's a baseball field and a -- there's a
2 park.

3 Q. And this is where Jeremiah Belton, Curtis Delaney,
4 Troy Mason, and Mario Caldwell picked you up that night, isn't
5 it?

6 A. No. Nobody ever picked me up.

7 Q. So tell me again: you don't know Mario?

8 A. No, ma'am.

9 Q. You don't know Troy?

10 A. No, ma'am.

11 Q. You don't know Jeremiah Belton?

12 A. No, ma'am.

13 Q. Never seen Jeremiah Belton before?

14 A. In jail, yes, I have.

15 Q. Hadn't seen Curtis Delaney since 2002?

16 A. Yes, ma'am.

17 MR. MLYNARCZYK: Objection, Your Honor. May we
18 approach?

19 THE COURT: You may.

20 [Whereupon, an off-the-record bench conference is
21 held]

22 Q. [Ms. Shealy] Did you go to Curtis Delaney's
23 funeral?

24 A. No, ma'am.

25 Q. Did you go see his mother afterwards?

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

1 A. No, ma'am.

2 Q. How did it feel getting a phone call from his
3 mother the night he died?

4 A. I never got a phone call from his mother.

5 Q. How did it feel getting a phone call from Constance
6 Manigault?

7 A. I never received a phone call from Constance
8 Manigault.

9 Q. Don't know them?

10 A. [No response]

11 Q. Don't know them?

12 A. Ma'am?

13 Q. Tell the jury how it felt when you dropped the hand
14 of Curtis Delaney and left him behind.

15 A. I wasn't there. I don't know.

16 Q. Your name just popped out of nowhere?

17 A. I can't tell you. You have to tell me.

18 Q. So essentially you're saying Michelle Williams was
19 wrong when she said that she talked to you the night her child
20 died?

21 A. She never talked to me.

22 Q. And Constance Manigault didn't talk to her
23 boyfriend when you were sitting there right beside him in a
24 Dodge Avenger --

25 MR. MURPHY: Objection, Judge. Outside the scope.

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

1 He wouldn't have any idea.

2 THE COURT: Overruled.

3 Q. [Ms. Shealy] When you were sitting beside him in a
4 Dodge Avenger coming down for a big hit?

5 A. I was never in a Dodge Avenger.

6 Q. You weren't there?

7 A. No, ma'am, I wasn't.

8 Q. Did you use gloves, or mittens?

9 A. I didn't use anything. I wasn't there.

10 Q. Did you shoot through the front door?

11 A. I wasn't there.

12 Q. Well, if you don't know Constance Manigault, then
13 you've never had a problem with Constance Manigault; right?

14 A. No, I don't.

15 Q. And so when she sat there and identified you in the
16 courtroom, she's just wrong?

17 MR. MURPHY: Objection. Pitting, Your Honor.

18 THE COURT: Rephrase your question.

19 Q. [Ms. Shealy] You're telling this jury that
20 Constance Manigault should not be able to identify you?

21 A. The only way she could have is if she went on
22 facebook.

23 Q. If she went on facebook?

24 A. Yes.

25 Q. She wanted to make up the name King Conyers and see

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

1 what he looked like?

2 A. That's my name on facebook, King Conyers.

3 Q. So you're telling this jury, I didn't know Jeremiah
4 Belton, Curtis Delaney and I haven't seen each other in
5 forever, I didn't know Constance Manigault, I didn't talk to
6 Michelle Williams? That's all you've got to say?

7 A. I wasn't there, ma'am.

8 I don't know anything about this crime. All I know
9 is I'm in jail for it, and I'm in jail fifteen months for this
10 crime that I had nothing to do with.

11 Q. Well, you deserve to be in there for a lot longer
12 than fifteen months, don't you, Mr. Conyers?

13 A. No, I do not. I deserve to go home today.

14 MS. SHEALY: I have no further questions.

15 MR. MLYNARCZYK: No questions, Your Honor.

16 MR. MURPHY: Nothing further, Your Honor.

17 THE COURT: You may step down. Thank you.

18 [Whereupon, Mr. Conyers is excused and exits the
19 witness stand]

20 THE COURT: Call your next witness.

21 MR. MURPHY: Your Honor, we would rest.

22 THE COURT: Reserving all motions and matters, any
23 rebuttal?

24 MS. SHEALY: No, Your Honor.

25 THE COURT: Ladies and gentlemen, you have now

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

1 heard all the testimony you will hear in this case and
2 received into evidence all the exhibits that will be
3 made part of the record in this case.

4 As I indicated to you, the exhibits that have been
5 entered into evidence will be go back with you in your
6 jury deliberation room.

7 Ladies and gentlemen, the next stage of the trial
8 is closing arguments on behalf of counsel, and then I
9 will instruct you on the law applicable to this case.

10 Ladies and gentlemen, due to the lateness of the
11 hour, it is not appropriate for us to begin that stage
12 of the trial so we will recess for the evening.

13 When you return, you will hear closing arguments on
14 behalf of the State and the two defendants, and then you
15 will receive instruction on the law.

16 Over the evening hour, do not begin your
17 deliberations. Do not discuss this case amongst
18 yourselves. You have not heard all of the parts of this
19 trial, nor have you received instruction on the law
20 applicable to this case.

21 Please be back in your jury room at 9:30 in the
22 morning. We will begin promptly once all thirteen of
23 you are here.

24 Ladies and gentlemen, please, again, I cannot
25 caution you enough, please remember all of my

King Conyers
Cross-Examination by Ms. Shealy
November 5, 2015

1 admonitions over the evening hour. Have a wonderful
2 afternoon. I'll see you in the morning.

3 Please rise for the jury.

4 Take your notepads. We'll lock them up over the
5 evening hour. Thank you.

6 [Whereupon, the jury exits the courtroom at
7 4:10 p.m.]

8 THE COURT: Thank you. Be seated.

9 Reserving -- or not. I'm sorry.

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25 - - -

State vs. Belton and Conyers
Renewal of Motions
November 5, 2015

RENEWAL OF MOTIONS

THE COURT: Motions or matters?

MR. MLYNARCZYK: Not at this time, Your Honor.

MR. MURPHY: Renewing the same motions for the
record.

THE COURT: And you meant with that --

MR. MLYNARCZYK: Yes. I --

THE COURT: Except for renewing --

MR. MLYNARCZYK: Except for the motions I've
already made. Yes, Your Honor.

THE COURT: Any response to the renewal of the
directed verdict motions at the close of Mr. Belton and
Mr. Conyers' case?

MS. SHEALY: No. I stand on my argument earlier.

THE COURT: And I have heard nothing that would
make me change the existence or nonexistence of the
elements that I believe were testified to during the
State's case.

Deny your motion for directed verdict on all three
indictments, Mr. Mlynarczyk, and all three indictments
as to Mr. Conyers, Mr. Murphy.

Any other motions or matters?

MR. MLYNARCZYK: Not from Mr. Belton, Your Honor.

MR. MURPHY: None, Your Honor.

THE COURT: Please approach. Have y'all look at

State vs. Belton and Conyers
Renewal of Motions
November 5, 2015

1 the verdict forms.

2 [Whereupon, counsel review documents]

3 THE COURT: No objection to the verdict form from
4 the State?

5 MS. SHEALY: No. No, Your Honor.

6 THE COURT: As to Defendant Belton?

7 MR. MLYNARCZYK: No, Your Honor.

8 MR. MURPHY: No, Your Honor.

9 THE COURT: As to Defendant Conyers?

10 MR. MURPHY: No.

11 THE COURT: Let's have a brief charge conference.
12 We're at ease until -- I have matters unrelated to this
13 case in the morning. We'll be back at 9:30 in this
14 case. Thank you.

15 MR. MLYNARCZYK: Thank you, Judge.

16 [JURY TRIAL ADJOURNS AT 4:12 P.M.]
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State vs. Belton and Conyers

C E R T I F I C A T E

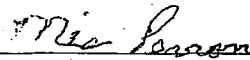
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Thursday, November 5, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

-1071-

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON) CASE NO.: 2014-GS-10-06481
 2014-GS-10-06482
 2014-GS-10-06483
 2014-GS-10-06484
 2014-GS-10-06485
 2014-GS-10-06486

STATE OF SOUTH CAROLINA)
)
)
 VS.)
)
)
 JEREMIAH FITZGERALD BELTON and)
 KING CHEVAIS CONYERS,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 5 OF 5

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Friday, November 6, 2015, Commencing at 9:28 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

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PROCEEDINGS

1
2 THE COURT: Any motions or matters before we bring
3 in the jury? We're still waiting, but I just -- if
4 there's anything we can address?

5 MS. SHEALY: Just one thing.

6 Your Honor, does your standard charge have the
7 language about you can believe part of a witness'
8 testimony?

9 And we may have talked about this last night. I'm
10 sorry if I've just forgotten. Do you have the charge
11 for expert witness?

12 THE COURT: Yes.

13 MS. SHEALY: Okay. Thank you.

14 MR. MLYNARCZYK: Nothing, Your Honor.

15 MR. MURPHY: Nothing, Your Honor.

16 THE COURT: Okay. I'm going to go check on the
17 jury.

18 All the exhibits -- no issues with the exhibits.
19 Is that correct, Madam Court Reporter?

20 THE COURT REPORTER: Correct.

21 [Whereupon, a recess is taken from 9:26 a.m. to
22 9:39 a.m.]

23 THE COURT: Thank you. Please be seated.

24 All the jurors are here. Anything before we bring
25 them in?

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1 MS. SHEALY: Not from the State, Your Honor.

2 MR. MLYNARCZYK: Nothing from Belton, Your Honor.

3 MR. MURPHY: None, Your Honor.

4 THE COURT: And so I understand, the order of the
5 closing will be Mr. Cooper, Mr. Mlynarczyk, Mr. Murphy,
6 and then Ms. Shealy; is that correct?

7 MS. SHEALY: Yes, Your Honor.

8 MR. MLYNARCZYK: Yes, Your Honor.

9 MR. MURPHY: Yes, Your Honor.

10 THE COURT: All right. Let's bring in the jury.

11 [Whereupon, the jury enters the courtroom at
12 9:40 a.m.]

13 THE BAILIFF: Jurors are all present, Your Honor.

14 THE COURT: Thank you. Please be seated.

15 Good morning, ladies and gentlemen. I believe this
16 will be the last time I ask you this. If you complied
17 with my instructions over the evening hour, please raise
18 your right hand.

19 [Whereupon, there is no response]

20 THE COURT: All thirteen jurors have indicated
21 they've complied with the Court's instructions.

22 As I indicated to you before we broke yesterday,
23 we've reached the stage of the trial where you will hear
24 closing arguments on behalf of counsel. Mr. Cooper will
25 give the first close on the law on behalf of the State,

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1 then Mr. Mlynarczyk will give his close on behalf of
2 Mr. Belton, and Mr. Murphy will give his close on behalf
3 of Mr. Conyers, and then Ms. Shealy will have the
4 opportunity for the final close for the rebuttal. After
5 that, you will hear the law applicable to this case and
6 then you will retire to consider your verdict.

7 Ladies and gentlemen, please remember as I
8 indicated to you what was contained in opening
9 statements is not evidence in this case, neither is
10 what is contained in closing arguments. I will instruct
11 you on the law that is applicable to this case. Please
12 give your strict attention.

13 Mr. Cooper?

14 MR. COOPER: Thank you, Your Honor. May it please
15 the Court.
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CLOSING STATEMENT

MR. COOPER: Good morning, ladies and gentlemen.

In just a few moments, Mr. Mlynarczyk, Mr. Murphy and Ms. Shealy are going to give you their closing arguments and afterwards, Judge Harrington is going to instruct on the law in this case. But I'm going to go over it with you briefly now so you can be thinking about it while listening to closing arguments.

The defendants in this case are charged with three crimes: murder, burglary in the first degree, and possession of a weapon during the commission of a violent crime.

We'll start with the last one because it's the simplest. Possession of a weapon during the commission of a violent crime, the State must prove that the defendant committed a violent crime and was in possession of a weapon at the time. Both burglary and murder are violent crimes.

As to the second one, burglary in the first degree, the State must prove that the defendants entered a dwelling without consent and intended to commit a crime therein. Now, a dwelling is a building or portion of a building where a person usually sleeps. And it doesn't matter if the intended crime was actually completed, as long as when they entered they intended to commit a

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1 crime. The State also has to prove one of these three
2 items: that the defendant or an accomplice entered with
3 a deadly weapon; the defendant or an accomplice caused
4 physical injury to someone who was not participating in
5 a crime; or the defendant entered during the nighttime.

6 Now, the third and final charge is murder. The
7 State must prove that the defendant intentionally killed
8 somebody with malice aforethought. Malice is ill will,
9 hatred, or hostility towards another person. It's the
10 intentional doing of a wrongful act without just cause
11 or excuses, and with an intent to inflict injury.

12 Now, the law does not require that malice exist for
13 any particular time before the crime as long as that
14 when the defendant, just before the defendant committed
15 the crime and while the defendant committed the crime,
16 that malice was present in his mind. Essentially, the
17 combination of the evil intent and the act itself.

18 Now, there are a few different ways that you can
19 identify malice. There is express malice, when a person
20 speaks words that express hatred or ill will towards
21 another person, or when a person prepared beforehand to
22 do an act that was later carried out. There's also
23 inferred malice, when you can infer by a defendant's
24 actions a total disregard for human life. Or that
25 malice can also be present when the deed was carried out

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1 with a deadly weapon.

2 Additionally, if a person intentionally kills
3 another during the commission of a felony, the inference
4 of malice may also arise. And, again, murder and
5 burglary first are felonies.

6 Now, there's one final principle of law that
7 applies to this case, and Ms. Shealy spoke about it
8 during her opening statements, and it's the hand of one
9 is the hand of all. If a crime is committed by two or
10 more people that were acting together in committing the
11 crime, the act of one is the act of all.

12 For example, two people can be guilty of killing
13 another person when only one of the two had a gun, when
14 there was only one bullet, and when only one fired the
15 shot that caused the death. The hand of one is the hand
16 of all. When two or more acting with a common plan or
17 intent are present at the commission of a crime, it does
18 not matter who actually commits the crime. All are
19 guilty. The hand of one is the hand of all. Thank you.

20 THE COURT: Mr. Mlynarczyk?

21 MR. MLYNARCZYK: May it please the Court.
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23
24
25

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CLOSING ARGUMENT

MR. MLYNARCZYK: Good morning, ladies and gentlemen.

So the last time I stood in front of you, I made a bold statement. I said at the end of this trial that there will be no physical evidence that puts Mr. Belton in McClellanville. And there has been no physical evidence, no DNA, no fingerprints, no eyewitnesses, except for the two people who were on the stand that put Mr. Belton at the stand [sic]. I fulfilled that.

On July 10th, 2010, Troy Mason, Mario Caldwell, and Curtis Delaney broke into Mr. Simmons' house and intended to rob him and they shot him. Mr. Simmons shot two of those three people. One of them died on the scene, the other one was injured. Troy Mason and Mario Caldwell are cousins, they're family, they're friends, they grew up together, they lived together. When they left that scene, this is when problems began for them.

Troy had to get medical attention. He had to go to the hospital. So before he goes to the hospital, the story that he tells -- both Troy and Mario admit that they came up on it together. Now, Troy says that he came up with it in the car outside his mom's house with Mario. And Mario says that he came up with it at the Walmart that night, or was told by Troy that night about

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1 it and that's why he knew what to say.

2 What was the story? The story was -- remember,
3 this is about how Troy got shot first. The story was, I
4 was on Red Bank Road, I was at a store, I got picked up
5 by two guys. Two guys. There was a tussle, I got shot.
6 When Mario -- now he's named -- he's mentioned Mario
7 because Mario brought him to the hospital. So now Mario
8 is going to make a statement.

9 Detective Lawrence told you he comes to the
10 hospital to make a -- or that he makes a statement with
11 his lawyer. Says, I'm not involved. Then he says, I
12 drove him to the hospital. At first he tells the police
13 -- you heard both Detective Lawrence and McManigal tell
14 you. What does he tell them? First of all, a lie. But
15 one lie that they've already agreed upon has already
16 been told to the police the first time about how Troy
17 was shot. Two guys. Now they're telling the lie: he
18 said, I brought him in a Honda. They look at the Honda.
19 That's not true. I brought him a Blazer. The Blazer is
20 important, that light-blue Blazer, because when the
21 science looked at it, it had been recently cleaned.
22 When Detective Lawrence wrote about it in his report he
23 said it was very obvious that this is the vehicle that
24 was used. But he doesn't say it. He says an Avenger.
25 Another lie, which has no evidentiary value because they

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1 burned it.

2 So at this point, Troy Mason has told his story to
3 the police. He's locked in. Mario now has told his
4 version of what happened, and he's locked in. And the
5 story about two guys is going to be very, very
6 important.

7 So now, a month later -- it's only been a month in
8 2010 -- they had enough information to arrest Troy
9 Mason. And all the reports you've seen from the police
10 so far, after talking at the scene, after talking to the
11 witnesses, after talking -- and we'll get into that in
12 more detail -- says two suspects or three suspects. All
13 the physical evidence. A month later, Troy is arrested.

14 Now Mario is nervous because they already know that
15 everything that's been told to the police so far is
16 going to unravel. They already know the Honda was a
17 lie, they already know the Blazer is a lie, they already
18 know -- they're looking into them then.

19 But Troy stuck to his story. From 2010 to 2012,
20 nothing -- except for the investigator. And from 2010
21 to 2012, with all the information that the solicitor's
22 office that they gained, no arrest of my client, Mr.
23 Jeremiah Belton. After two years of investigation.

24 So now Mr. Troy Mason is coming up for a murder
25 trial. If he just says nothing, he's going to jail for

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1 the rest of the month [sic]. He's there. They know
2 he's there. His blood is there. That's his leverage.
3 He's not getting away from it. From 2010 to 2012, both
4 Mario Caldwell and Troy Mason admitted to you on the
5 stand that they were having secret conversations from
6 the jail for that two-year period. I asked them why.
7 If you're not scheming or planning or doing anything
8 like that -- because Mario knows he's going to be
9 arrested. If you're not doing that, why do you have to
10 hide your conversations from the authorities?

11 They both knew that it was recorded for two years,
12 because now Troy's coming up for murder and they're
13 going to try him. He's got no option. To save his own
14 life, he has to name more people. He has to name Mario,
15 because they're already looking at him. And what is the
16 story at that time in 2012? It was me and Mario and
17 Delaney and two other guys. Same pattern. Two other
18 guys.

19 At this point in 2012, even with this testimony of
20 Troy Mason, no arrest was made. After all the evidence,
21 after Troy tells them the story, no arrest made. Now,
22 but Mario was arrested. Now Mario Caldwell is arrested.
23 And while he's arrested -- now, Troy's been living with
24 his discovery for two years. He said -- he mentioned, I
25 know from my Rule 5. They're allowed to see everything

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1. that the solicitor's office has against them. They can
2. see it, they can review it, they get good lawyers. They
3. have that right. And they both said they did. So now
4. two years Mr. Mason has had that information.

5. Now Mario is arrested. And what do they do with
6. Mario in 2012 based on this statement? They served him
7. with life without parole notice. Life without parole.
8. You, Mario Caldwell, when we convict you of this crime,
9. you're going to jail for the rest of your life. All we
10. need is a guilty. So what happens in 2012? Nothing.
11. Nothing happens. This is now two years after the
12. incident.

13. 2014, Mario Caldwell is getting close to trial. So
14. now all of a sudden he says, I'm going to cooperate, and
15. he starts talking to the solicitor's office. And the
16. solicitor's office believes him, at least a portion of
17. what he says, a good portion of what he says because
18. it wasn't until this time, until Mario starts
19. cooperating -- all the other evidence is in the
20. solicitor's possession. All the other evidence is in
21. their possession. The thing that leads to my client
22. being arrested is the statement of Mario. That's clear
23. from the time line. That's clear from the time line.

24. Then we're duped. He's slick. They believed him.
25. He gives details. He's looked at the discovery for two

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1 years, all of his discovery. He knows what to say. He
2 knows what not to say. And we already know that the
3 things that he had to say up to this point, he had been
4 lying. They are so sure, they are so sure, that they
5 don't even -- they don't say, okay, well, if everything
6 he plan -- if everything pans out, we'll help you, like
7 they did to Troy. They sign a deal, a deal, with him.
8 And the deal says life without parole is off the table.
9 We'll call it attempted murder. Murder is off the
10 table. We'll call it voluntary manslaughter. First
11 degree murder is off the table. We'll call that
12 attempted. Gun charge is still there. They signed --

13 MS. SHEALY: Objection, Your Honor. May we
14 approach?

15 THE COURT: You may.

16 [Whereupon, an off-the-record bench conference is
17 held]

18 MR. MLYNARCZYK: Let me clear that up.

19 Life without parole is removed. But he did plead
20 burglary first. But voluntary -- so murder is gone and
21 life without parole is gone. But it doesn't mean --
22 now, see, if this were it, that would mean that there's
23 a little bit of credibility left for Mr. Caldwell. He
24 can say whatever he wants at this point.

25 But do you know what's in that agreement? Says

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1 he's still facing a range. They have to have something
2 left. What's the range? Fifteen to forty-five years.
3 So from this point forward, in 2014, from cooperating
4 and signing that agreement, if he can't convince them
5 that two more people are involved, he could go to jail
6 for forty-five years. If he can convince them, then he
7 could go to jail for fifteen. Troy Mason --

8 MS. SHEALY: Objection, Your Honor. May we
9 approach?

10 THE COURT: You may.

11 [Whereupon, an off-the-record bench conference is
12 held]

13 THE COURT: Ladies and gentlemen, as I instructed
14 you, what is contained in closing arguments is merely
15 the contention --

16 I need you to back up, Mr. Mlynarczyk.

17 MR. MLYNARCZYK: Oh. I'm sorry.

18 THE COURT: Thank you. I can't see all the jurors.

19 What is contained in their closing arguments is
20 merely their contention as to what the evidence has
21 shown you. I will instruct you on the law applicable to
22 this case.

23 Mr. Mlynarczyk?

24 MR. MLYNARCZYK: Thank you, Your Honor.

25 The range is fifteen to forty-five years. Troy

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1 told you on the stand he's hoping to get something --
2 that's fine. And it's obvious that Mr. Caldwell is, as
3 well.

4 All right. So now it's 2014. Now that he makes a
5 statement, they make an arrest. Mr. Belton. Remember,
6 this is two separate trials. This is Mr. Belton and
7 this is Mr. Conyers. I represent Mr. Belton. That's
8 when the arrest was made. It was not until his
9 cooperation that they make the arrest. Now, at this
10 time in 2014, when he does start cooperating and makes a
11 statement, he has already had his discovery, like I
12 said, and he gives a story to the police.

13 And Troy Mason has already given a story to the
14 police in 2012. He gave four different stories. He
15 gave something about going to the hospital, two written
16 statements in 2012. And then let's keep in mind that
17 Troy Mason made a new statement that changed a lot of
18 facts, and we'll talk about those, the week before
19 trial. The week before trial.

20 This is your job to determine credibility. Nobody
21 else. I'm talking about credibility.

22 So now, at this time he makes a statement. And
23 let's look at what that statement is. He says he goes
24 to Charlotte. Been to Charlotte before. Has family in
25 Charlotte. Visited Mr. Belton in Charlotte before.

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1 Goes to Charlotte to pick up Mr. Belton. The cell tower
2 maps from the -- all the maps and all the lines, and all
3 those things they put up -- the solicitor's office noted
4 on there, hospital, Ms. Manigault's house, King Conyers'
5 house. And they were using the tower hits to say, look,
6 they were here, they were over here, they were over
7 here. Did they show you anything on Mr. Belton's house?
8 No. That wasn't included. That wasn't included. Then
9 they pick up -- at that point they pick up Mr. Delaney,
10 and then on the way back they pick up Mr. Conyers and
11 they come down.

12 Now, even if all that is true, let's say that's
13 true, no law has been broken. The only thing Mr. Belton
14 does is he knows people that may commit a crime later.
15 And both Mario and Troy again, and they again say the
16 only thing they can agree on at this point: is that
17 nothing about a crime was discussed in the car on the
18 way down here. Nothing. Not when he was up there, not
19 when he came down here. It was not planned. There was
20 no plan.

21 You heard Detective Lawrence tell you that
22 Mr. Delaney, the one that was dead at the scene, had
23 plans to come down here. His sister told him
24 Mr. Delaney was coming down this weekend, for my child's
25 baptism. That shows right there that there wasn't a

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1 scheme to come down and -- now, if anybody come up with
2 a scheme later -- it wasn't discussed in the car. Mario
3 and Troy both say that.

4 So now they head for Charleston. At 2:43, the only
5 phone number that has my client's name on it is the 1025
6 number. All communications stopped at 2:43 with that
7 number. Confirmed by the expert.

8 So what does Mario say happens next? Because
9 remember Troy at this point, in his first statement,
10 said, I never went to Charlotte, I never went to
11 Charlotte. Did you have a gun, Mr. Troy? Yes, I did.
12 What did you have? A .22 revolver. Where is that?
13 Buried in my mom's yard, was buried in the back yard.
14 They went to look for it, didn't find it.

15 In the next statement, what kind of gun do you
16 have, Mr. Mason? A .40 caliber. Where is that gun? I
17 don't know. Last week: what kind of gun did you have?
18 A .9mm. Until last week, Troy Mason said he didn't even
19 go to Charlotte, until last week, right before this
20 trial.

21 And so when they get here -- Mario says on the
22 stand that when they get to Charleston, they go to the
23 Hub. Azalia Drive. All right? And that's where my
24 client leaves and there's two more guys. You see the
25 pattern? Two more guys, unknown. This leaves another

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1 out for Mr. Caldwell. If for some reason it doesn't pan
2 out, he's got two more names to offer up. Just like
3 they did in the first story and the second story. Two
4 guys. It's consistent.

5 So now at this point, Mario says, oh, well, we went
6 to the Hub. You saw all the maps; right? Hospital,
7 Conyers, Ms. Manigault's house where they're going next.
8 Nothing about Azalia Drive. Nothing about the Hub.
9 They weren't asked -- the expert wasn't asked to search
10 addresses. Remember, the expert only did the cell.
11 Analysts only did what they asked. That's all. They
12 didn't say, find this address. Did Mario come in there
13 and say, oh, the solicitor's office took me to that
14 address, I showed them where the house was, this was the
15 house, here's the address? They didn't do that, because
16 it didn't happen. He's lying, like he's been lying.

17 The only truth you can find is that that's about
18 the time they separated, quarter to 3:00. No more
19 communications. One hour and fifteen minutes later,
20 they're in McClellanville committing this crime. That's
21 enough time, when you look at the maps and the times, to
22 get to Manigault's house and then get to McClellanville.
23 No more communications, except this 0218 number.

24 Ms. Shealy, you heard her tell the expert on the
25 stand, when did I give it to you? Two weeks ago. You

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1 heard -- I put Mario Caldwell on the stand. I said,
2 when did you tell us that that was now Jeremiah Belton's
3 second phone that has no information associated with it?
4 I said, didn't you meet with them last month? I don't
5 know. Very, very vague. He would not say yes. Yet he
6 remembers, from five years ago, three weeks ago, oh,
7 yes, he had a second phone and here's the phone number,
8 blah, blah, blah, blah, blah. Never until that point
9 has that ever been brought up. Why? Because he's
10 living with his discovery. He's looking at all the
11 records. And he's got up close to that time.

12 And we assume from this point that the only thing
13 that Mario Caldwell has done is lie. He's lying. So
14 now they say they go to Constance Manigault's house,
15 Delaney's sister, to which he had a key, which means he
16 comes to North Charleston. Mario and Troy are from
17 North Charleston. You heard Detective Lawrence say that
18 they were known associates. I know there was an issue
19 about the tattoo, but the tattoo was in the first -- the
20 first day, and the known associate came up a month
21 later.

22 Now, I called the lead detective in the case. The
23 solicitor's office didn't call the lead detective. I
24 did. There's not a scenario that an officer wants to
25 help a defendant. I had to put him on because I had to

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1 get the information in. And that's what he said. He
2 also mentioned the blue Blazer. He also mentioned
3 Troy's name. He gave a lot of valuable information.
4 There's a connection between Delaney and North
5 Charleston. Mario told you, I don't know him. We don't
6 know him. There are connections.

7 So now they say they go to Ms. Manigault's house.
8 And, again, this is where Mario says that -- now all of
9 a sudden, Mr. Belton shows up with these two other guys.
10 No record that is showing that.

11 It's three o'clock in the morning. He's saying two
12 cars pull up, guys are piling out of it, going in the
13 house, having -- and coming out of the house and
14 leaving. Was there any information presented from
15 neighbors or from an officer that said, hey, we went to
16 that neighborhood and we talked to everybody and, yes,
17 you know what, we say seven guys piling out of a car at
18 three o'clock in the morning? Didn't hear anything like
19 that. We didn't hear that it was ever attempted. They
20 took his word. The person who has lied from day one --

21 And I'm going to show you he lied -- he lied to you
22 directly on a number of occasions. So now -- and these
23 are the ones I'll illustrate specifically. So now they
24 leave there. Troy -- let's go back to the Hub for a
25 second, or Ms. Manigault's house. The Hub, Troy never

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1 mentioned that. Before going to Manigault's -- you have
2 the statement when he was on the stand. He did say that
3 when they left Manigault's house, Delaney's sister, I
4 don't know who was in the car.

5 I don't know who -- he said that a lot. I don't
6 know who was in the car. I don't remember. He didn't
7 remember what car he drove, what car he got into. He
8 couldn't remember the seating order from Charlotte. He
9 couldn't remember a lot of things. And here he can't
10 remember, because these details are being fabricated by
11 Mario.

12 So now they leave here and they go to
13 McClellanville. There's no DNA in that house, by the
14 way. You saw it. They put an expert on the stand that
15 said, being an expert, and here are my qualifications.
16 And they put a fingerprint person on the stand, here it
17 is, here are my qualifications. And we went all through
18 that. And then goes, what did you find?. They found
19 that no physical evidence put Jeremiah Belton either at
20 Ms. Manigault's house or at the scene. The only thing
21 we have to go on so far is Mario's word.

22 So now when they get to the house -- this is where
23 it really gets interesting, because there's a lot of
24 detail that's needed. Troy -- remember in his first
25 statement from 2012 when he had to say something? He

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1 said five guys. And this is the first time that he
2 names my client. Five guys. Last week he said how many
3 there was: there were seven guys because that's what
4 Mario said in 2014, there were seven guys. Stocky and
5 skinny guy, never saw them anywhere before, we're going
6 to go commit a together. We all gathered at Delaney's
7 sister's house and we were going to comint a crime.
8 None of those names. I don't remember. Skinny and
9 Stocky. Mario said seven, Troy says five. Now last
10 week, Troy says seven.

11 Now Troy last week says .9mm. So let's talk about
12 them being in the house. So they're at the house and
13 they said -- and they're at the door. And Troy says
14 Delaney and Mario go in, then I go in. Mario says Troy
15 and Delaney go in, I didn't make it in, I didn't go in
16 the house.

17 MS , the teenager that was in the house
18 that night, testified to you that the person that jumped
19 on her bed for that brief period, she did notice one
20 thing, that he had mittens on. Mario Caldwell sat on
21 the stand and told you that he saw some people with
22 gloves so he took his socks off and put his socks on his
23 hands. If his hands are near MS face, what do
24 socks look like on a hand? They look like mittens.
25 Mario lied. He went in the house.

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1 Troy said Mario went in the house. Troy said,
2 I'm standing next to Mario, near MS room, and Mario
3 says, go run towards the gunfire and see what happened
4 -- or Delaney said, go to the gunfire and see what
5 happened. Delaney is at the door. There's another
6 pattern that's developing here. We like patterns.

7 Both Troy Mason and Mario Caldwell, when it comes
8 to any detail or identification about what my client,
9 Mr. Belton, is doing inside the house, there is none.
10 None. Zero details. Mario says he never went in. Troy
11 says, I don't know, I don't know where he was. That's
12 because they weren't there.

13 Now let's talk about -- so they -- now the
14 statement from the projectiles of the bullets, this
15 projectile person, about what their statement is. Mario
16 said -- and I asked him twice. He said the stocky dude
17 or skinny dude was standing at the bottom of the steps
18 firing into the house. When I tried to ask him how many
19 bullets, I don't know, lots, was that -- lots, lots of
20 bullets, lots of bullets. Standing at the bottom of the
21 steps? Yes.

22 When I asked the ballistics guy if that was
23 possible, what did he say? Impossible from the bullet
24 holes and the trajectories that were at the scene.
25 That's a lie. I said to him, is that impossible? It's

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1 impossible. Troy Mason says that Conyers was standing
2 in the doorway, in the house, firing his weapon in all
3 directions. I asked the expert, or the projectile guy
4 they put on the stand, is that possible? Impossible.
5 That's a lie. They sat there and they're telling you
6 their lies in hopes that you will believe it and save
7 their own lives. It was a lie.

8 So let's talk about in the house for a second.
9 Delaney said -- or Shemeika Stokes, the girlfriend, says
10 people broke in, they ran in the bedroom, I dropped on
11 the floor, they shoot, they run out, I grab the gun, I
12 chased them out of the house.

13 She chases them to the door and asked MS to find
14 something to block it. She said at that time she called
15 911, you heard the long call, two people. When she's
16 going -- when she's chasing them out of the house at the
17 door, what is she saying? Two people, a guy with
18 dreadlocks -- the only person with dreadlocks at that
19 time was Troy Mason -- helping another guy. And she
20 sees them clearly.

21 She then tells police that both those people were
22 five seven to five nine. Tall. Right?

23 Will you stand up for me, please, Mr. Belton?

24 [Whereupon, Mr. Belton complies]

25 MR. MLYNARCZYK: I'm five eleven, at best. I say

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1 five and three-quarters -- I say five eleven and three-
2 quarters.

3 You can go ahead and sit down.

4 [Whereupon, Mr. Belton complies]

5 MR. MLYNARCZYK: And she saw him? She would have
6 said, I saw two smaller guys and a giant. She went to
7 the door, saw the whole front yard. Somebody shooting
8 from back in the woods, where Mario said he went, and
9 two guys in the front. Remember, Troy and Mario both
10 say that Troy came out first. Everyone else came piling
11 out. If that were true, then MS -- I mean, Shemeika
12 Stokes, when she's running out shooting, chasing them
13 with a gun, she would have seen everyone piling out.

14 But she didn't. She saw two, and made no mention of a
15 giant. MS said three. She was unsure why she said
16 three, but she said three. Nobody said more than that.

17 So now let's -- we heard a lot about bullets and
18 ballistics and projectiles and gunshots and shells, and
19 there were four to seven guns, and so many of this --
20 but let's look at the facts. Not conjecture, facts.

21 Let's talk about what happens in the house. The
22 projectile expert says -- I asked, how many times was a
23 trigger pulled? Eleven times. Ten in the house, one
24 out. How do we know that? No, we're not talking about
25 the three shots up front that are coming from outside.

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1 We're talking about what happened in the house right
2 now. The yellow lines in the living room, there's one
3 coming out and there's one going like that. That's two.
4 There's two from the kitchen. That's four. He said
5 there's three from whoever is shooting at Mr. Simmons,
6 and then there's three shots from Mr. Simmons back, and
7 then one bullet that killed Mr. Curtis Delaney. That's
8 eleven. We absolutely confirmed that there were eleven
9 shells.

10 There were five .9mms found in the house, there was
11 one .9mm found in the backpack that Ms. Stokes said in
12 her panic, because of the drugs and the guns, that she -
13 - well, she said the guns. We realized there were drugs
14 there later. She wanted to get it out of the house. We
15 have shells. We have the one in the back pack. That's
16 six. There were four shot shells in the Taurus revolver
17 that Mr. Simmons had, three shotgun and one .45, the .45
18 actually the bullet that was found in Mr. Delaney.

19 So we have five .9mm in the house: the one in the
20 back pack, the four in the Taurus, right, the three
21 shotgun shells. And where is the last one? In the .357
22 Magnum that's in Mr. Delaney's hand outside. The
23 experts can project -- oh, it could have been this gun,
24 it could have been that gun. But I asked the expert, I
25 said, how many guns? At least four, could be seven. I

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1 just showed you that every bullet and every shell inside
2 the house is accounted for. She said the three bullets
3 in the front, possibly .380 but not sure, consistently.
4 And she couldn't even tell you that for sure those three
5 bullets came from different guns.

6 There's only one person who said -- when --
7 Shemeika Stokes, when she came out, she saw two guys,
8 dreadlocks, and helping the other guy, which was Mr.
9 Delaney, and she said that there were shots from the
10 woods. She said that. The only person who admitted to
11 being out there was Mario. He says he ran away. And
12 even if he would have gotten out of the house the same
13 time as them, he's not hurt. He's running full speed.
14 That's the three shots. No shells.

15 But inside the house, I -- I showed four guns:
16 Mario's gun, or whoever shot the .9mm, the .357, some
17 other gun that's out there that we don't know, and the
18 two that were found, the two for Troy Mason and Mario
19 Caldwell. So that's fact.

20 Now, the bullet trajectories also fit more facts of
21 the only unbiased people that took the stand in this
22 case, and that is MS and Shemeika Stokes.

23 MS, the teenager, says she's in her room.
24 Right? And she says that she heard her dad say, don't
25 go in there, meaning don't go in her room. So that

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1 means that Mr. Simmons was not in his bedroom. He was
2 somewhere in the vicinity where he could see the
3 bedroom, because someone's making their way towards it.

4 If you look at the -- no one has explained how
5 there are bullets through the wall in the living room
6 and bullets through the wall in the kitchen. Well, if
7 two people went into the hallway and that's where they
8 run into Mr. Simmons, there's a shot going out the door.
9 There's a shot coming back. And it looks like it could
10 be defensive. Then as --

11 Someone came around the computer in the living room
12 and shot from back there. And as they're trying get Mr.
13 Simmons as he goes in the room -- well, he gets to his
14 gun, now we're in trouble. He turns around and fires
15 his shots out while they're firing into the bedroom.
16 That explains that pattern. It fits what MS said.
17 It fits, for three people.

18 So now we're in trial. We've been in trial for a
19 week. And y'all have been attentive. I appreciate it.
20 It's a great service and it's a service that you're
21 providing that's immeasurable, because this man has been
22 sitting in jail for fifteen months, with no physical
23 evidence. The only pieces of evidence that the
24 solicitor's office can point to came out of Mario's
25 mouth.

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1 The 0218 number, him being present. None of the
2 evidence supports it. None of the witnesses support it.
3 None of the officers support it. The investigator --
4 they didn't arrest him until 2014, until Mario said
5 they're involved, even after Troy had said it two years
6 earlier. There is no physical evidence.

7 The connection -- they're stuck. They made their
8 deal. They made their deal in 2014. The facts have not
9 vetted out what he's testifying to. He admitted that
10 he's lied on the stand. Troy's admitted that they lied
11 on the stand. They lied to you, I just proved that, at
12 least on one or two occasions. Proved it, not
13 supposing. Their expert confirmed it.

14 Beg your indulgence for one minute.

15 There's a lot of information that we're trying to
16 get in front of you. And I want to follow up on that
17 two-guy story. Remember at the beginning, two guys,
18 Troy Mason? Mario Caldwell made a report to the police
19 about the stolen Dodge Avenger. Do you remember that?
20 Remember what he told the police? I was in a bar with a
21 girl and two guys. Two guys. Even described them,
22 dreadlocks, gold teeth. It was a very detailed
23 statement.

24 But we now know, he admitted it, it was a lie. He
25 has proven to you that he can do that well. And that is

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1 credibility. And if the only thing the solicitor's
2 office is trying to use to connect my client to this
3 crime, with no physical evidence, is his word and Troy's
4 word? Because that 0218 number and them being there,
5 that's all from Mario. And we know that it's from Mario
6 because it wasn't until 2014, when he made this
7 statement, that they arrested my client.

8 I'm confident when you think about this, and
9 everything the solicitor has to say, it's not going to
10 refute these facts. And I'm confident that when you
11 look at this and you think about it, there will be an
12 abundance of reasonable doubt and beyond.

13 Send Mr. Belton home to his family and give him a
14 verdict of not guilty. Don't trust them. Don't trust
15 those guys that were on the stand. Thank you.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: Thank you. May it please the Court.
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CLOSING ARGUMENT

1
2 MR. MURPHY: Madam Forelady, ladies and gentlemen
3 of the jury, it's been a long week. And tonight when
4 you're eating dinner with your family and you finally
5 get to talk about this case with them, you're going to
6 get to tell them that you stood within a few feet -- or
7 sat within a feet of a cold-blooded killer.

8 When Mario Caldwell took that stand, I got chills
9 down my spine, the hairs on the back of my neck stood
10 up, and I couldn't help but think of the character of
11 Hannibal Lecter out of Silence of the Lambs. Hannibal
12 was a master manipulator, and so was Mario Caldwell. He
13 was calm, cool, composed. He talked about armed robbery
14 and murder like he was washing the dishes. He was able
15 to turn his emotions on at the flip of a switch. And he
16 showed y'all. He laughed, he cried on cue, he was
17 polite on cue, just like Hannibal Lecter was.

18 And you can see how he manipulated the State in
19 this case. And if there is such a thing as true evil,
20 Mario Caldwell certainly is that. And I say Mario
21 manipulated the State because I can't believe, at least
22 I don't want to believe, that the State knew that Mario
23 went into that house and held a gun to a thirteen-year-
24 old girl's head and threatened to kill her, when they
25 gave him that deal. But the State believed him. And

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1 they literally made a deal with the devil. And rather
2 than to admit their mistake, they hitched onto another
3 cold-blooded killer named Troy Mason.

4 And that's the problem I have with criminal cases
5 and criminal prosecutions, in general. They should be
6 about facts. They shouldn't limit evidence to -- it's
7 not at all about the attorneys winning or losing. The
8 government should treat every prosecution like a
9 scientist treats a theory. You have your theory and you
10 go about trying to disprove it. You should un-turn
11 every bit of evidence to prove your case beyond a
12 reasonable doubt. And that's what this case is about.
13 It's about theory versus reality.

14 And I'll never forget when I was in tenth grade.
15 My math teacher said -- explained the difference between
16 theory and reality. Said in theory, it's mathematically
17 impossible to cross through that door right there
18 because you can always get closer and closer without
19 actually going through it.

20 But that's not reality here. And when you look at
21 reality in this case, you have to look at the non-bias
22 witnesses. Who had zero motive to lie one way or the
23 other? Who had absolutely no reason to have any motive
24 or bias in the case? And like Adam said, it was
25 Shemeika Stokes and it was MS -- MS , a little

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1 thirteen-year-old girl at the time.

2 Now, what MS said is that there was two to three
3 people in the house. And she said the fellow that held
4 the gun to her head and said, I'm going to kill you if
5 you make a sound, was wearing mittens. I thought that
6 was incredibly odd that she said mittens, because nobody
7 wears mittens except in like little kids' books, but I
8 didn't think there was any relevance to it at the time.

9 Now, Shemeika Stokes was a victim of this home
10 invasion, and then she got arrested and charged with
11 possession of drugs afterwards. She had zero motive to
12 lie, or zero motivation. And she said she saw a white
13 Blazer that day, or earlier that day. She said there
14 were two to three people. She said she chased them out.
15 And I believe she said she saw a fellow with dreadlocks
16 helping the guy on the lawn.

17 Now, those were the unbiased witnesses that gave
18 you the facts they recalled. Now you look at the other
19 two witnesses, that are alive, that were there. And
20 that's Troy Mason. And he clearly had a script that was
21 given to him by Caldwell, which was given to him by the
22 State. He admitted this is self-preservation. He's
23 literally fighting for his life up there. He doesn't
24 have that evil intent that Hannibal Lecter had. He's
25 not a master manipulator like Caldwell. He was a

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1 terrible liar up there. He just said, I don't know, I
2 can't answer anything. Any deviation from that script,
3 he knew was going to get in trouble.

4 Now, Caldwell gave a fantastic story, and I found
5 myself believing him as I sat up there. But there were
6 two things that he said. He said he took off his shoes
7 and put that sock on and he described that that would
8 have looked like mittens. That put him in the house
9 committing the crime, which was completely different
10 than what he said up there and completely different than
11 every story he gave.

12 And he also said that my client, Mr. Conyers, was
13 on the phone on the ride up there and he was getting
14 directions to the house. Well, if my client was the guy
15 who led this deal, gave them the idea to go to this
16 place in McClellanville, he wouldn't need to get
17 directions. So what Caldwell did is he substituted a
18 party. Whoever had that phone number ending in 4519 was
19 there. I don't know who it was, but he was able to
20 substitute that party for Mr. Conyers and come up with
21 the details and answer questions on cue.

22 Now, the facts are that Caldwell, Mason, and
23 Delaney were in that house. The witnesses that were
24 there put two to three people there. We know that there
25 was four guns. And Troy Mason said Mario had two, which

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1 might have been five. The trajectory expert -- said
2 that Mason's and Caldwell's story don't make sense.

3 And that leads us to the phone records that they
4 say are so important and are going to hang Mr. Conyers.
5 And this is Exhibit 328. And I asked the expert, where
6 did you get the phone from? He didn't know. Were you
7 asked to find out where the phone was purchased? He was
8 not asked to do so. The phone was registered to a
9 prepaid account. But the account was opened up in
10 August of 2009 and it went until 2010, December of 2010.
11 He could have found the store and thus probably who
12 bought it. But they didn't do that. We know that it
13 had an 843 area code, which means that it was purchased
14 somewhere from Dorchester all the way down to Jasper
15 County. But we don't have any other evidence.

16 And if you'll just look at this phone record. King
17 Conyers lived in Columbia, which has an 803 area code.
18 If you look at the 400 calls that were made through
19 this, most, I would say ninety percent -- I haven't
20 counted it up -- are an 843 area-code call. If he had
21 this phone and was using it, most of the numbers would
22 be an 803 area code. And that's just common sense,
23 folks. Well, I would submit this is not his phone. And
24 the State could have gone that extra length to try to
25 prove that it was his phone, but they didn't do that.

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1 The other thing that intelligence expert screwed up
2 on, he looked up all the numbers that weren't in here.
3 He's the only one that has access to those databases
4 using this Seahawk theory and that stuff. I don't have
5 access to that. I can't make -- can't do that. Right?
6 But if he did that, and if it truly was King Conyers'
7 phone, you would see some of his family members, his
8 mom, his dad, brothers and sisters. It would be very
9 easy to look at these numbers and link it to somebody,
10 the person who actually had this phone.

11 Now, the second thing you're going to see -- and
12 you can go back there --

13 MR. MURPHY: Can you pull up Exhibit 322.

14 -- you're going to say Constance Manigault, she
15 says she got a phone call the next day from King Conyers
16 and it was from that number, 45 -- ending in 4519. But
17 if you look at Constance Manigault's phone records,
18 which is Exhibit 232, you're going to see that there was
19 a phone call that lasted at 2:09 a.m. that night. You
20 can see 2:09 a.m., with King Conyers' number, 9516, it
21 was, that lasted for three minutes. Okay?

22 Constance testified she met King one time. King
23 said he never met her. Why would they be talking for
24 three minutes at 2:09 a.m? She also says the next day
25 that she spoke with somebody from the number that was

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1 called, 9516. And she gave an explanation of what
2 happened. But there is no conversation. That person
3 from that number never called her. And this is her
4 records. Okay? That's what she said. Now, I don't
5 know whose number 9516 is, but that's the State's theory
6 in this case. Okay?

7 Now, the State spent so much time trying to prove
8 stuff that no one disputed. They showed you all this
9 evidence that Troy Mason got shot. They showed you, how
10 many times, a picture of his bullet in his shoulder and
11 his face. No one is disputing that. He bled in the
12 house and they got his DNA out of there. No kidding.
13 We know that. All right? We know Shemeika shot the
14 gun. She said she did. We don't need a GSR to prove
15 that.

16 The State spent so much time proving stuff that was
17 not in dispute, they should have spent their time
18 showing whose phone that actually was, cross-checking
19 those numbers to try and link them to King Conyers.
20 They didn't do that. They could have done that, but
21 they didn't.

22 Now, that's not the way I want my government to
23 treat me. If they're going to try and send me to jail,
24 I want them to un-turn every stone to make sure they
25 prove beyond a reasonable doubt that I was actually

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1 involved. But that's not what they did here. And
2 that's the reality of this case, folks.

3 But the theory, if you look at the theory -- and I
4 still don't know, and I don't think we're ever going to
5 know, because Troy and Caldwell are lying -- is what's
6 the connection between these folks? Why would these
7 guys drive from North Charleston to Charlotte to
8 Columbia, back to Charleston and then to McClellanville?
9 Well, if it was to rob somebody, there's plenty of folks
10 to rob in Charleston, Columbia, and North Charleston.
11 And if it was drugs, there's plenty of drugs in
12 Charlotte, Columbia, and North Charleston. But there's
13 no explanation for this.

14 There's also no explanation as how Melvin Simmons
15 was the target. He wasn't randomly picked, folks.
16 There was a reason and a connection. But we don't know
17 that, because Caldwell and Mason aren't telling them.

18 And there's also no explanation -- if you believe
19 that there was other folks that this was King Conyers'
20 deal and Jeremiah Belton are the ringleaders of this,
21 why would Caldwell, who was just the driver, according
22 to him, Mason and Delaney be the guys that entered the
23 house, that took the bullets and didn't fire them? Why
24 were they the main guys? It doesn't make any sense and
25 I don't -- and the solicitor hasn't presented any theory

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1 as to why.

2 Now, that's the holes in the case which I can't
3 figure out. But here's my theory. And I can't prove
4 this, because Caldwell and Mason won't tell me. I think
5 there was a drug deal. I think Melvin Simmons was a
6 drug dealer. I don't know if he bought or sold drugs at
7 this time. But I think that Shemeika Stokes saw that
8 white Blazer, light-blue Blazer, pull up, which is why
9 she said she saw it pull up and thought it was
10 something. A drug deal happened earlier in that day or
11 maybe the day before, and I think that Mason and
12 Caldwell were trying to get back their money.

13 They did a drug deal with Kip Simmons beforehand,
14 they knew he had cash on -- or that he had drugs, and
15 they wanted to get back their money. That's the only
16 thing that makes sense, folks, because otherwise there's
17 no connection and no reason they would randomly go out
18 to the country to get this house that nobody knows.

19 Folks, the weaknesses in my case, I'll tell you, I
20 don't know how they got King Conyers' name. I do know
21 they've had over two years to figure it out and say,
22 yes, King was the guy. But I can't prove that. I don't
23 know whose phone ends in 4519. I can't prove that at
24 all. And I don't know who all the numbers are in that
25 phone, because I don't have access to those databases.

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1 I can't do that. But that's not enough to convict Mr.
2 Conyers of murder, burglary first, and possession. What
3 I don't know, you can't convict him on.

4 The State needs to prove beyond a reasonable doubt
5 that he was involved, and they haven't done -- the key
6 thing that would have proved their case, they chose not
7 to do it. And the reason they chose not to do it is
8 because they're trying to fit a square peg into a round
9 hole. And if they did their job, we wouldn't be sitting
10 here today.

11 So, folks, I'm going to ask you to send a message,
12 and find Mr. Conyers not guilty on all counts. Thank
13 you.

14 THE COURT: Ms. Shealy?

15 MS. SHEALY: May it please the Court.
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CLOSING ARGUMENT

MS. SHEALY: Good morning.

There are no coincidences. Troy Mason and Mario Caldwell did not make this up. The defense attorneys are saying why didn't the State arrest Jeremiah Belton and King Conyers when Troy Mason, the only one who did get arrested, gave a statement. Because we didn't know who they were. We only had the nicknames, Finger, Bez.

When Mario came in, he gave some names. He gave the telephone numbers. He gave us the details. He told us that the house they picked up King Conyers from in West Columbia was next to a field. Mario Caldwell didn't give me this. I asked Lewis Walker, can you pull up the Hoover address. It's insulting for the defense to say that we just bought what Mario Caldwell said. He told us what happened, and then we attempted to verify it. And we did.

King Conyers, electricity, Hoover Street, West Columbia, near a field. I think perhaps the only thing that that man said on the stand that was true, and it was partially true, is, oh, I used to go by -- how in the world would Troy Mason make that up? Keep in mind Troy Mason, on his phone -- and he's a simpler guy -- his contacts, there was no Finger, Belton, or Jeremiah. There was no Bez, King Conyers. There was no Crime,

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1 Curtis, or Delaney. The one he knew was Bra, Mario
2 Caldwell.

3 King Conyers wants you to believe that Constance
4 Manigault, who is Curtis Delaney's girlfriend, not
5 sister, came in here and lied. Lied when she said she's
6 met him, he's been to her house. Why -- and she said,
7 and I put his name in my phone because when I was
8 looking for Curtis, who do I call? Bez. He got on the
9 stand and told you, I hadn't seen Curtis in years. Who
10 lied? King Conyers.

11 Michelle Williams, Constance Manigault, while they
12 are grieving, while they are grieved -- they don't have
13 a dog in this fight. One lost their child, the other
14 lost their boyfriend. They have absolutely no
15 motivation to come onto this stand and tell you that
16 that was Bez' number and that they talked to Bez.

17 And Mr. Murphy must have lost something along the
18 way. That 2:09 phone call that occurred when they were
19 coming into Charleston, Constance Manigault told us who
20 that was. It was Curtis, on Bez' phone: we're getting
21 ready to get off on Cosgrove to come by the house.

22 Mario Caldwell made that up, that they went to that
23 house? Absolutely not. Constance told you it happened.
24 And she told you that on the 11th -- and remember the
25 records went through the 10th -- that she finally got in

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1 touch with Bez. Remember? And that the only time she
2 ever spoke to Crime, and just pause at that nickname
3 Crime, on Bez' phone is when they were together.

4 Mario Caldwell and Troy Mason drove from Charleston
5 to Charlotte. They went to pick up the big guy, the big
6 guy, the magnet, that drew all these people together:
7 Jeremiah Belton; let me drive.

8 What did Michelle Williams tell us? On her phone,
9 that her son had been using while he was visiting her in
10 Charlotte, the last phone call before her son walked out
11 the door to death was with Jeremiah Belton's phone
12 number, 642-1025. He's the one who thinks he slipped.
13 And while he put Irvine, California for an 843 number --
14 his names' on it, Jeremiah Belton. How can Mario make
15 that up?

16 Can't you just here it? We're here, and Curtis
17 leaves and gets in that vehicle, Belton's still the
18 driver, then they head toward Columbia. Now, keep in
19 mind that Jeremiah Belton and Curtis Delaney had been
20 calling each other back and forth so much that it drew
21 Michelle Williams' attention. She kept seeing that
22 phone number leading up to this event.

23 Then Belton, he drives to West Columbia to the
24 Hoover Street address, with Mario, Troy and Crime, and
25 they pick up Bez. Mario Caldwell is not making this up.

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1 We got the phone records because of him, because of what
2 he told us. And where is Bez' phone hitting? Cell
3 tower in West Columbia where Hoover Street is. But
4 remember what Michelle Williams told us? The last time
5 she spoke to her child, hey, mom, I'm in Columbia with
6 Bez or she said he said, I'm getting ready to leave
7 Bez'. That's what Curtis Delaney's mother told you.
8 The last time she spoke to her child. And who is he
9 with? Bez.

10 Let me stop for a second and say this about he
11 called a bunch of people on 843. Guys like this,
12 they've got different phones. He grew up in
13 McClellanville and in Charleston. Of course he's going
14 to have contacts with 843. Belton grew up in
15 Charleston. Remember Mario told you he had been friends
16 with him since they were teens, Belton being older,
17 though? Curtis Delaney, where did he grow up?
18 Charleston.

19 Come on, King. You know no one? I don't know
20 Belton, I don't know Mason, I don't know Caldwell? Now,
21 granted, he did meet them for the first time that night.
22 He sure as heck knew Delaney. And he knew Belton, and
23 he didn't even want to tell you that. Go back and look
24 at the chart between the phone call between King Conyers
25 and Belton the days leading up to this.

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1 Crime called his girlfriend, Constance Manigault's
2 phone, at 2:09. Mr. Murphy asked, what happened would
3 they -- why did King Conyers and Constance Manigault
4 have a three-minute phone call at 2:09? No, Mr. Murphy.
5 The 2:09 phone call that she testified to was between
6 Crime and her, telling her we're getting ready to go by
7 the house. And she worked a legitimate job, worked at
8 night while her boyfriend's carrying on doing the things
9 that he does. Said that when she got back to that
10 house, there were soda bottles and chip bags. She knew
11 they had come by there. They had smoked.

12 Remember she told us, and Detective Lawrence told
13 us, that when she learned about this and they called her
14 in to come talk, she showed Detective Lawrence, here
15 are the phone calls. Here's Bez' name in my contacts.
16 King Conyers was absolutely there.

17 Jeremiah Belton, the big guy, thinks he's got a
18 masterpiece getting ready to happen.

19 Let's think about Constance Manigault's house.
20 Remember Mario told you they dropped off Belton at the
21 Hub? I don't know if any of y'all know that area. And
22 then he said they went to Bonds Avenue, which leads over
23 to Dorchester, and they went to Constance Manigault's
24 house. This is foreign to all of us. They're sitting
25 there figuring out what are they going to do tonight,

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1 what is the plan. King Conyers, Mr. McClellanville,
2 says, I know a guy that'll be a big hit, I've dealt with
3 him before. The plan is in place.

4 Belton's two new guys are there. They're expecting
5 something big that night. And they leave. Imagine
6 that, the two vehicles. Belton with his two boys that
7 he collected in Columbia, and Bez and Crime keeping a
8 watchful eye over Troy Mason and Mario Caldwell, and
9 they travel in those two cars. But before they left
10 town, Mario did what he needed to do. He needed to go
11 get his gun. All had weapons.

12 July 10th. It was summer. The streets were quiet.
13 Two cars. All come in armed. Some, if not all, were
14 high. Were the masks in their pockets? Where were the
15 gloves? All ready for something big. Extra bullets, in
16 case they were necessary. Why do you bring extra
17 bullets if you're not bent on mischief? Ill will. And
18 back on Old Georgetown Road, at [REDACTED]

19 [REDACTED] Kip's asleep. Shemeika is asleep. MS
20 asleep. A sleeping house, with no idea, no idea, that
21 it would be the last night MS would ever be with her
22 father.

23 You do not go into a home in the middle of the
24 night expecting no one to be home. You know people will
25 be. A home invasion. The associates park their car by

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1 the wooded area so that it would not be easily seen by
2 the homeowners. And you have the photographs. You can
3 look at them in the back. This isn't an area with a
4 bunch of houses, like one of the defense attorneys would
5 make you believe. Said why didn't all the neighbors, at
6 four o'clock in the morning, see the guys arrive.

7 They entered that house in the middle of the night
8 with the hope that they would outnumber who was inside.
9 They mask themselves. They pull out their weapons, the
10 gloves. You go this way, I'll go that way. Remember
11 what Mario told us? Curtis Delaney got impatient. He
12 didn't want all these instructions. He wanted to kick
13 that door down and get started. When you think you're
14 going to have a big hit, and you want to hit somebody
15 big, you are Ninja men.

16 This is what this crime looks like. Flashlights,
17 in case it's too dark. Holes so that you can see but
18 not be seen. When those guys entered, that's what
19 greeted Shemeika and Kip and MS . That is how all the
20 guys looked that night. Not buttoned up. No tie. No
21 crisp shirts. That's who these men are. MS
22 nightmare began.

23 Think about the stillness of a summer night and a
24 sleeping house and then you hear with all force, taking
25 two times to bam in a front door. They were awakened.

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1 What's the next thing that the thirteen-year-old
2 remembers? A man in her room with a gun to her
3 forehead. They had no regard for who might be in that
4 house. None. A total disregard for human life. The
5 only thing they were interested in was what was in that
6 house, drugs and money. Drugs and money. And I can't
7 tell you for sure who went in when and in what order
8 they left. But I don't have to tell you that. I can't
9 prove that. I am sure, in the hurriedness of hearing
10 guns being fired, that they were all scrambling out.

11 The law holds each of them accountable, as it
12 should. When you arm yourself, when you gather this
13 group, when you huddle in the front yard, when you mask
14 yourself and glove yourself, and enter a man's home
15 where a child is in there sleeping, and his girlfriend,
16 all of you are equally guilty. All of you.

17 Judge Harrington will instruct you on the hand of
18 one is the hand of all. Because, buddy, they were all
19 in. Even Troy, of them all who had the least knowledge
20 about what was going down, he said, I was up for it, I
21 was up for it.

22 I think Troy Mason killed Kip Simmons. Troy Mason
23 thinks he killed Kip Simmons. That's a difficult pill
24 to swallow. It's hard to admit it to yourself, hard to
25 admit it to your family, and it's hard to tell others

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1 about it. He didn't want to believe he was the one who
2 shot Mr. Simmons. And remember what he said about when
3 he finally came clean with our office? He wanted
4 everybody else out of the room. He just wanted to tell,
5 as he testified, me and my investigator. It's a hard
6 thing to admit that you shot someone and killed them.
7 But when Troy crossed that threshold into the bedroom,
8 the homeowner nailed him, shot him. Shot him. Any one
9 fact being different in this, had one person gone one
10 way and another the other way, it could have been any of
11 these guys who fired the shot.

12 Jeremiah Belton was up for it. King Conyers was up
13 for it. Curtis Delaney was up for it. Mario Caldwell
14 was up for it. They are all equally guilty. Why else
15 do you bring a loaded weapon? Why else do you bring
16 them? They approached that house with recklessness, and
17 malice, and hearts bent on mischief. They were
18 intruders in the middle of the night, and they did not
19 care.

20 Remember the ballistics. Now, Mr. Mlynarczyk's
21 concoction of the story doesn't fit what Shemeika Stokes
22 said. She told you how it played out inside. SLED,
23 Suzanne Cromer, who works in Columbia, told you there
24 were four to seven guns there that night and that
25 Highpoint .9mms are popular in her field of work. There

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1 were shots from the outside, in, hitting the windows,
2 not caring who may be in those rooms. Shooting through
3 the front door, not caring who may be coming towards the
4 door, not caring whether there was a child inside who
5 may have left her bedroom. Shooting into the kitchen
6 out the back window, the back wall. Shooting into the
7 GMC. Shooting in the den, shooting on the floor.
8 Shooting all the way through the deck and out.

9 Troy Mason may have pulled the trigger that killed
10 Kip Simmons, but Finger, he got his boys together. He's
11 talking to Caldwell before this goes down. He's talking
12 to Conyers before this goes down. He brings other guys.
13 Wants to get to Charleston. Bez is the one who knew who
14 to rob, had dealt with him before. I'm not sure if all
15 of you know where McClellanville is, but it isn't far
16 from North Charleston. Of the seven, who had the
17 connection with McClellanville? King Conyers.

18 This is what's interesting about King Conyers, as
19 well. He's talking to Belton ahead of time. And
20 afterwards, he's got his phones still. That's the man
21 that accompanied the others. But King Conyers did want
22 to tell you, oh, that's not my number, and I don't know
23 any of these people. Let's pause and think about that.
24 When I asked him, well, why would Constance Manigault
25 come in here and say you've been to her house, she has

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1 your name in her phone? She must have found me on
2 facebook. Preposterous. Ridiculous.

3 Let's talk a minute about the culture of these
4 guys. They're criminals. But we don't understand it.
5 But they do. You don't ask questions. You don't talk
6 to the police. There's a code. You don't snitch. You
7 don't trust anybody. You don't flinch, or think it's
8 odd when you're at a woman's house and everybody has a
9 loaded weapon. Ecstasy, cocaine, marijuana. And you
10 protect your associate. That's their culture.

11 And that brings us to Mason and Caldwell. Sure
12 they waited and waited to cooperate. It goes against
13 every grain in their body to work with the police.
14 Every grain in their body, everything in their world.
15 And those guys are going to prison, and they're going to
16 prison as snitches.

17 And Troy certainly did wait to come completely
18 clean. But think about what he did when he gave his
19 statement. I'm not sure I understand what Mr.
20 Mlynarczyk is saying about Troy and Mario talking while
21 Troy was in jail and Mario wasn't but certainly he's not
22 suggesting that Mario was saying, go ahead and tell them
23 it was me, but let's also tell them it was other people.
24 Makes no sense whatsoever.

25 When Troy cooperated, that's for the first time

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1 that we hear Bez and Finger. We have no names. And he
2 gave his cousin up. They were Godbrothers. Mario was
3 working a job, had gotten married, started a family, and
4 got arrested because of Troy Mason. But Troy said Bez
5 and Finger at the same time he said Mario. And look at
6 Troy. He's pretty much always high. He's told you he's
7 used marijuana for so long, uses ecstasy, was popping
8 them that night, smoking pot. Quiet, doesn't trust
9 people. He's not sophisticated. What he started
10 thinking, as he told you, was maybe Mario shot me.
11 Maybe Mario shot me. His reasoning is flawed. Remember
12 how much later it was that he got his bullets removed?
13 He didn't realize until then that Mario didn't shoot
14 him.

15 And they want to make a huge deal about the fact
16 that right before this trial is the first time Troy
17 admitted, I went to Charlotte, I went to Constance
18 Manigault's, and I had a .9mm. What he did right before
19 trial made him more blameable, not less. And he didn't
20 want to say it, except in front of me and my
21 investigator. He doesn't remember all the details. He
22 doesn't remember all the details. He was high, ecstasy,
23 pot. But I'll tell you what he does remember. He
24 remembers who he was with when he got shot. He
25 remembers who he was with when he got shot.

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1 It's offensive when Mr. Murphy suggested -- or, I
2 don't know, it could have been Mr. Mlynarczyk -- that
3 the State had a script for these guys. If we had had a
4 script, which we would not do, would they not have been
5 point-by-point saying the same exact thing? It's
6 offensive. Troy telling you what he remembered and
7 Mario telling you what he remembered. There are no
8 scripts. And is Troy hoping for some consideration?
9 Yeah. And you know what? He should get some because,
10 but for Troy, we wouldn't have gotten Mario. And but
11 for Mario, we wouldn't have gotten them [indicates].
12 All those guys would be walking our streets.

13 And as I mentioned earlier, Mario gave us the
14 numbers that led to the search warrants. Mario can't
15 get the search warrant for phone records. We got the
16 phone records. And what did they do? They corroborated
17 what Mario said. The path he took to Charlotte, the
18 path from Charlotte to Columbia and then back to
19 Charleston. Belton leaving Charlotte, going to
20 Columbia, coming to Charleston. Caldwell leaving
21 Columbia, coming to Charleston, and going to
22 McClellanville, and going back up right near Trident
23 Hospital and Linda Mason's Hallmark Drive residence.

24 It wasn't easy for Mario to come in here and look
25 at the face of Jeremiah Belton, who he has known since

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1 he was a teen, and identify him in front of the
2 courtroom, knowing that he's staring down a prison
3 sentence. But remember the world they lived in. This
4 is the greatest offense, to snitch. Remember what Mario
5 told us about Belton. If you question, if you back out,
6 there will be consequences.

7 Let's think for a moment. What would have happened
8 if Troy Mason had not gotten shot? What would have
9 happened? Would Shemeika still be here? MS
10 Mason's blood led us to Mason. Mario Caldwell has
11 testified that he was there that night, that he went to
12 Constance Manigault's. There's no physical evidence of
13 that. There's no physical evidence of any of them being
14 at Constance Manigault's. You're hearing from the two
15 guys that were with them, and it's corroborated by the
16 evidence. They had their hands and faces covered. They
17 chose a remote site. They went in the quiet hours
18 before dawn. And they knew how to beat some physical
19 evidence.

20 I'll tell you what is physical evidence. Curtis
21 Delaney. He connects Mario and Troy with Belton and
22 Conyers. They didn't know him. Belton did. Bez did.
23 They had been friends since they were young. Crime.

24 And remember what Detective Lawrence said. When he
25 put that in his report, he got excited. You're a

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1 detective on a major home invasion and you think that
2 the dead guy had Liberty Hill Posse initials on his arm.
3 Oh, well, Troy Mason is from the Liberty Hill area. But
4 Detective Lawrence realized he was wrong. Those weren't
5 the initials. No detective, no witness, no knowledge at
6 all, ever, that Troy Mason had any association with
7 Curtis Delaney. His sister's never heard of any of
8 them.

9 Let's talk about a mother's intuition. Michelle
10 Williams: who were the first two people she wanted to
11 talk to when she learned that her child had been killed?
12 That night, that night, her instinct, I want to talk to
13 642-1025 because my son's been calling him a lot and
14 talking -- and he's been calling my son a lot, and he's
15 been in Charlotte, and he was the last person to call my
16 son before he left. Jeremiah Belton and Bez. Bez. And
17 when he spoke to her, when that man spoke to the mother
18 of the friend he had since childhood, he lied and said,
19 I wasn't there but this is how it played out. At first
20 she said, I accepted it, and then I started thinking
21 about it. Whoa! You've got way too many details. He
22 had the details because he was there. And Delaney's
23 girlfriend, who is the first person she wants to talk
24 to? The first person? King Conyers.

25 The phone records back up what Mario said and Troy

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1 said. Let's look at Belton's records. 9:40 p.m. to
2 11:41, he started his path. Gets to Columbia.

3 The next exhibit.

4 12:04 to 5:36, the path through Orangeburg to
5 Summerville to Moncks Corner into Charleston. And that
6 is when he thinks he's crafty, when he switches phones.

7 Let's look at Mario's. Mario heading at
8 Orangeburg, right on 26. Gets as far as Columbia, and
9 then right up 77 to Charlotte. He's not making this up.
10 He told us this, and then we got the records. Gets to
11 Charlotte, then he comes back and into Columbia. Then
12 leaves Columbia and gets to Charleston.

13 Let's look at Caldwell's -- excuse me -- King
14 Conyers. Columbia, Hoover Street, travels, into
15 Charleston. And then where does he go? Down 17 out to
16 Awendaw right here. What time is that? 3:47, 3:50,
17 3:53, 3:57, 3:58, 4:59, four o'clock. Home invasion
18 time. And then thirty-four minutes later, he starts his
19 path back down 536.

20 What did Mario tell us? They went back down 526.
21 He didn't know that we were going to get the cell-tower
22 records. That man led them out there, stuck with them,
23 and drove with Mario and he took Troy to Trident
24 Hospital.

25 I want you to look at something interesting. Let's

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1 look at Jeremiah Belton's records at 10:38. This is
2 where he is. Okay? This says Chester, if you can't
3 read it. This says Great Falls. 10:38. On the path to
4 Columbia. Let's look at Mario Caldwell. Now, remember,
5 Jeremiah has just been up there. 10:47, Great Falls.
6 They're arriving together. They're arriving together.

7 Back to Jeremiah Belton. 11:41. 11:41, where is
8 Jeremiah Belton? Right outside Dentsville, in Columbia.
9 And this is when he starts the twenty-three minute phone
10 call with Conyers. And at 11:45 on Mario Caldwell's
11 records, where is he? Right here. They're together.

12 Belton talking to Conyers as they are going towards
13 his house in West Columbia. Look at this. King
14 Conyers. Well, let's do -- okay. King Conyers. Now,
15 this is after Columbia. This is the route from Columbia
16 to Charleston. Bez, King Conyers, Orangeburg at 1:12.
17 Jeremiah Belton, Orangeburg, 1:14. They're all together
18 now. He, Belton, and Mario are traveling from Charlotte
19 to Columbia. And then when they all unite from Columbia
20 to Charleston, they're in the same vehicle, just like
21 Mario said.

22 This is interesting. You have the records back
23 there. Or you will have them back there. Mario and
24 Finger, who has been talking and talking and talking,
25 there are no calls between them, once he picks him up

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1 from Charlotte, until 2:43. Why? They're together.
2 They're together. 2:43 is when they get into the two
3 cars.

4 Conyers and Belton, who have been talking to each
5 other, are not calling each other from 11:41, when he
6 gets picked up in Columbia, until 2:43, because they're
7 together.

8 What starts happening after 2:43? Their path to
9 McClellanville. They're in two different vehicles.
10 That's when Jeremiah Belton's second number becomes
11 crucial. He thought he was slick. I'm going to get my
12 -- not my phone, not the one with my name on it, not on
13 the ride out to McClellanville.

14 And this is what Mr. Walker explained to you.
15 Finger, he talks to Conyers and he talks to Mario at
16 2:43 on his first number and immediately again on his
17 new number, calling the phone -- calling this phone.
18 Switching phones.

19 By 5:40 in the morning hours of July 10th, Troy
20 Mason is at Trident Hospital. By 8:30 that morning,
21 King Conyers is back in Columbia. Hightailed it back.
22 By 10:30, Jeremiah Belton is back in Charlotte. Melvin
23 Simmons and Curtis Delaney, they're in the morgue.
24 Mario Caldwell tried to figured out, what do I do with a
25 bloody, rented car.

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1 Ladies and gentlemen, Jeremiah Belton and King
2 Conyers spearheaded what they believed to them to be
3 grand. Did they think Kip was going to let them take
4 the drugs? Did they care? Why did they bring those
5 loaded weapons? They thought they were invincible.
6 Invincible. For four years, they walked the streets and
7 got away with it.

8 Troy Mason, he got Mario off the street. Mario, he
9 got Jeremiah Belton and King Conyers here. Now it's up
10 to you.

11 THE COURT: Ladies and gentlemen, we'll take a
12 brief comfort break before I instruct you on the law
13 applicable to this case.

14 Leave your notepads right where they are and
15 we'll -- it's just going to be just a short break.

16 Let me know Madam Foreperson, when y'all are ready
17 to come back in.

18 Please rise for the jury.

19 [Whereupon, the jury exits the courtroom at
20 11:24 a.m.]

21 THE COURT: Thank you. Be seated.

22 We'll take about ten minutes. Thank you. During
23 that time, please make sure that everything is boxed up
24 and ready to go. All right? Thank you.

25 [Whereupon, a recess is taken from 11:24 a.m. to

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1 11:36 a.m.]

2 [Whereupon, Court's Exhibit Number 6 is marked by
3 the court reporter]

4 THE COURT: All right. Let's bring in the jury.

5 [Whereupon, the jury enters the courtroom at
6 11:37 a.m.]

7 THE COURT: Thank you. Please be seated.
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Charge of the Court
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CHARGE OF THE COURT

1
2 THE COURT: Ladies and gentlemen, we've reached the
3 stage of the trial where I will instruct you on the law
4 applicable to this case. Please pay close attention. I
5 typically do not send a copy of my charges back with you.

6 Madam Foreperson, you are responsible for writing
7 the verdicts, and I'll go over the verdict forms with you.

8 Ladies and gentlemen, there is absolutely no
9 significance in the way that I read these charges or the way
10 that I address the defendants. As you know, we have two
11 defendants in this case and I must charge you on the law
12 applicable to each defendant.

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

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

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

8 In every case tried in this court before a jury,
9 the jury becomes the sole and exclusive judges of the facts.
10 A trial judge may not make any comment regarding the facts in
11 this case. You are not to infer from anything that I have
12 said or done throughout the progress of this trial that I have
13 any opinion about the facts in this case. The law does not
14 allow me to have an opinion about the facts in this case.
15 This is solely a matter for you to determine.

16 The indictments in this case charge the Defendant
17 Belton with murder, burglary in the first degree, and
18 possession of a firearm during the commission of a violent
19 crime. The indictments in this case charge Defendant Conyers
20 with murder, burglary in the first degree, and possession of a
21 firearm during the commission of a violent crime. I remind
22 you the fact that Mr. Belton and Mr. Conyers was arrested,
23 charged and indicted in this case, is not evidence and cannot
24 be considered by you as evidence of guilt, nor does it create
25 a presumption or inference of guilt.

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1 An indictment is simply the formal written
2 instrument which contains the charge made against the
3 defendant. It is the formal document by which this case is
4 brought into court. Just as the indictment in this case is
5 not evidence, any terminology or labels used to refer to the
6 individuals involved in this case cannot be considered as
7 evidence. For example, the use of the words defendant and
8 victim are merely labels and may not be considered by you as
9 evidence.

10 The indictments in this case allege several
11 different offenses against Mr. Belton. The charges are,
12 indictment number one, 2014-GS-10-6481, murder; indictment
13 number two, 2014-GS-10-6482, burglary in the first degree;
14 indictment number three, 2014-GS-10-6483, possession of a
15 firearm during the commission of a violent crime.

16 The indictments in this case allege different
17 offenses against Mr. Conyers. The charges are, indictment
18 number one, 2014-GS-10-6484, murder; indictment number two,
19 2014-GS-10-6485, burglary in the first degree; indictment
20 number three, 2014-GS-10-6486, possession of a firearm during
21 the commission of a violent crime.

22 Each indictment contains a separate and distinct
23 offense. You must decide each indictment separately, on the
24 evidence and the law applicable to it, uninfluenced by your
25 decision as to any other indictment.

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1 A defendant may be convicted or acquitted on any or
2 all of the offenses charged. You will be asked to write a
3 separate verdict of guilty or not guilty for each indictment
4 and for each defendant.

5 I charge you, there are two defendants in this
6 case. Defendant Belton is charged with murder, first degree
7 burglary, and possession of a firearm during the commission of
8 a violent crime. Defendant Conyers is charged with murder,
9 first degree burglary, and possession of a firearm during the
10 commission of a violent crime. The defendant and the evidence
11 and the law concerning that defendant and that indictment
12 should be considered separately and individually. Your
13 verdict does not have to be the same for each defendant. The
14 fact that you may find one defendant guilty or not guilty
15 should not control your verdict as to the other defendant.
16 When more than one person is charged with a crime, if the
17 evidence warrants it, you may convict one and acquit the other
18 or you may acquit both, or you may convict both. It will
19 depend upon your view of the testimony and the evidence. You
20 must take each defendant and consider the evidence as to that
21 defendant and the instructions to you on the law. You will
22 then write a separate verdict of guilty or not guilty for
23 Mr. Belton and for Mr. Conyers as to each indictment. There
24 are six separate verdict forms.

25 Defendant Belton has pled not guilty to the

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1 indictments alleging the criminal offenses against him.
2 Defendant Conyers has pled not guilty to the indictments
3 alleging the criminal offenses against him. A person charged
4 with committing a criminal offense in South Carolina is never
5 required to prove himself innocent. I charge you, it is an
6 important rule of law that the defendant in a criminal trial,
7 no matter what the seriousness of the charge may be, will
8 always be presumed to be innocent of the crime for which the
9 defendant was indicted unless guilt has been proven by
10 evidence satisfying you of that guilt beyond a reasonable
11 doubt. The presumption does not end when you begin your
12 deliberations, but it accompanies the defendant throughout the
13 trial until you reach a verdict of guilt based upon evidence
14 satisfying the standard of guilt beyond a reasonable doubt.

15 The presumption of innocence is not mere legal
16 theory. It is not just a legal phrase. It is a substantial
17 right to which every defendant is entitled until you, and
18 unless you, the jury, are satisfied from the evidence of the
19 defendant's guilt beyond a reasonable doubt.

20 The State has the burden of proving the defendant
21 guilty beyond a reasonable doubt. Some of you may have served
22 as jurors before in civil cases where you were told it was
23 only necessary to prove that a fact is likely more true than
24 not true, such as by a greater weight or preponderance of the
25 evidence. Proof beyond a reasonable doubt is proof that

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1 leaves you firmly convinced of the defendant's guilt. There
2 are very few things in this world that we do know with
3 absolute certainty and in criminal cases, the law does not
4 require the burden of proof that overcomes every possible
5 doubt.

6 If based upon your consideration of the evidence
7 you are firmly convinced that Mr. Belton is guilty of the
8 crime charged, you must find Mr. Belton guilty. If on the
9 other hand you think there is a real possibility that Mr.
10 Belton is not guilty, you must give Mr. Belton the benefit of
11 the doubt and find him not guilty.

12 If based upon your consideration of the evidence
13 you are firmly convinced that Mr. Conyers is guilty of the
14 crime charged, you must find Mr. Conyers guilty of the crime
15 charged. If on the other hand you think there is a real
16 possibility that Mr. Conyers is not guilty, you must give
17 Mr. Conyers the benefit of the doubt and find him not guilty.

18 There are two types of evidence that are generally
19 presented throughout a trial, direct evidence and
20 circumstantial evidence. Direct evidence directly proves the
21 existence of a fact. It does not require any deduction.
22 Circumstantial evidence is proof of a chain of facts and
23 circumstances indicating the existence of a fact. Crimes may
24 be proven by circumstantial evidence. The law makes no
25 distinction between the weight or value to be given either

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1 direct or circumstantial evidence. However, to the extent the
2 State relies on circumstantial evidence, all of the
3 circumstances must be consistent with each other and, when
4 taken together, point conclusively to the guilt of the
5 defendant beyond a reasonable doubt. If these circumstances
6 merely portray the defendant's behavior as suspicious, the
7 proof has failed. The State has a burden of proving a
8 defendant guilty beyond a reasonable doubt. This burden rests
9 with the State, regardless of whether the State relies on
10 direct evidence, circumstantial evidence, or a combination of
11 both.

12 Necessarily, you must determine the credibility of
13 the witnesses who have testified in this case. Credibility
14 simply means believability. It becomes your duty as jurors to
15 analyze the facts and determine which evidence convinces you
16 of its truth. In determining the believability of the
17 witnesses who have testified in this case, you may believe one
18 witness over several witnesses, or several witnesses over one
19 witness. You may believe a part of the testimony of one
20 witness and reject the remaining part of the testimony of that
21 same witness. You may believe the testimony of a witness in
22 its entirety, or reject the testimony of a witness in its
23 entirety. You may consider whether the witness has exhibited
24 to you any motive, interest, bias, or other prejudice in this
25 case, and you may consider the manner and appearance of a

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1 witness while he or she was on the witness stand'

2 A person who has a past criminal record is
3 competent to testify during a trial. A past record does not
4 affect the ability of that witness to testify. The past
5 record may only be considered by you, if at all, in
6 determining the witnesses' believability. Remember, you are
7 the sole judges of the facts in this case and of the
8 believability of any and all of the witnesses.

9 There has been evidence presented that witnesses
10 have made prior statements which are not consistent with the
11 witness' prior testimony. You may use this evidence to decide
12 whether to believe the witness. You may also use the evidence
13 of the earlier contradictory statements to determine the truth
14 of those statements. It is up to you to decide whether to
15 believe the earlier statements or to believe the testimony
16 given at trial.

17 If a witness is shown to have knowingly testified
18 untruthfully concerning any material matter, you may consider
19 this in determining whether to trust the witness' testimony as
20 to other matters. You may reject all testimony of that
21 witness or give all or part of the testimony the weight you
22 think it deserves.

23 The rules of evidence ordinarily do not permit
24 witnesses to testify to opinions or to conclusions. An
25 exception to this rule exists for witnesses we call expert

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

17 In order to establish criminal liability, criminal
18 intent is required. For example, the particular mental state
19 required to be proven by the State for a particular crime
20 might be purpose, intent, knowledge, recklessness, or criminal
21 negligence. Criminal intent must be proven by the State
22 beyond a reasonable doubt. Criminal intent is always a matter
23 that must be determined by the jury from the circumstances
24 surrounding the situation. There is no way to prove intent to
25 a mathematical certainty because there is no way to tell with

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1 exact certainty what the person intended to do. The law says
2 that criminal intent may be inferred from the circumstances
3 shown to have existed. This is how you make a determination
4 of whether or not the element requiring intent was present.
5 It is not necessary to establish intent by direct and positive
6 evidence, but intent may be established by inference in the
7 same way as any other fact, by taking into consideration the
8 acts of all the parties and all the facts and circumstances of
9 this case. Criminal intent is a mental state. It is a
10 conscious wrongdoing. It is up to you to determine what the
11 defendant intended to do, based upon the circumstances shown
12 to have existed.

13 If a crime is committed by two or more people who
14 are acting together in committing a crime, the act of one is
15 the act of all. A person who joins with another to commit an
16 unlawful act is criminally responsible for everything done by
17 the other person which happens as a natural or probable
18 consequence of the facts done in carrying out the common plan
19 and purpose. If two or more people are together, acting
20 together, assisting each other in committing the offense, the
21 act of one is the act of all, or, as it is sometimes said, the
22 hand of one is the hand of all.

23 Prior knowledge that a crime is going to be
24 committed, without more, is not sufficient to make a person
25 guilty of that crime. Mere knowledge that another person is

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1 going to commit a crime, even if the defendant is present when
2 the crime is committed, is not sufficient to convict the
3 defendant as a principal. Guilt as a principal is shown by
4 actual or constructive presence at the scene as a result of a
5 prior arrangement. Therefore, a finding of a prior arranged
6 plan or common scheme is necessary for a finding of guilt as a
7 principal.

8 The State must prove beyond a reasonable doubt, by
9 competent evidence, the theory of the hand of one is the hand
10 of all. A principal in a crime is one who either actually
11 commits the crime or who is present aiding, abetting, or
12 assisting in committing the crime. When a person does an act
13 in the presence of and with the assistance of another, the act
14 is done by both. Where two or more are acting with a common
15 plan or intent are present at the commission of a crime, it
16 does not actually matter who commits the crime. All are
17 guilty. The hand of one is the hand of all. Present at the
18 commission of a crime means to be sufficiently near to aid and
19 abet and assist in the commission of the crime. However, mere
20 presence at the scene of a crime is not sufficient to convict
21 one as a principal on the theory of aiding and abetting.

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

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

6 An issue in this case is the identification of the
7 defendant as the person who committed the crime charged. The
8 State has the burden of proving identity beyond a reasonable
9 doubt. You must be satisfied beyond a reasonable doubt of the
10 accuracy of the identification of the defendant before you may
11 convict the defendant. Identification testimony is an
12 expression of belief or an impression by a witness. You must
13 determine the accuracy of the identification of the defendant.
14 You must consider the believability of each identification
15 witness in the same way as any other witness. You may
16 consider whether the witness had an adequate opportunity to
17 observe the offender at the time of the offense. This will be
18 affected by things like how long or short a time was
19 available, how far or close the witness was, the lighting
20 conditions, and whether the witness had a chance to see or
21 know the person in the past.

22 Once again, I instruct you, the burden of proof on
23 the State extends to every element of the crime charged and
24 this specifically includes the burden of proving beyond a
25 reasonable doubt the identity of the defendant as the person

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1 who committed the crime. If after examining the testimony you
2 have a reasonable doubt as to the accuracy of the defendant,
3 you must find the defendant not guilty.

4 Mr. Belton is charged with the crime of murder.
5 Mr. Conyers is charged with the crime of murder. In order to
6 prove this crime, the State must prove beyond a reasonable
7 doubt that the defendant killed another person with malice
8 aforethought. Malice is hatred, ill will, or hostility
9 towards another person. It is the intentional doing of a
10 wrongful act without just cause or excuse and with an intent
11 to inflict an injury, or under circumstances that the law will
12 infer an evil intent. Malice aforethought does not require
13 that malice exists for any particular crime before the act is
14 committed, but malice must exist in the mind of the defendant
15 just before and at the time the act is committed. Therefore,
16 there must be a combination of the previous evil intent and
17 the act. Malice aforethought may be express or inferred.
18 These terms, express and inferred, do not mean different kinds
19 of malice but merely the manner in which malice may be shown
20 to exist. That is either by direct evidence or by inference
21 from the facts and circumstances which are provided. Express
22 malice is shown when a person speaks words which express
23 hatred or ill will for another, or when the person prepared
24 beforehand to do the act which was later accomplished. Malice
25 may be inferred from conduct showing a total disregard for

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1 human life. Inferred malice may also arise when the deed is
2 done with a deadly weapon. A deadly weapon is any article,
3 instrument, or substance which is likely to cause death or
4 great bodily harm. Whether an instrument has been used as a
5 deadly weapon depends upon the facts and circumstances of each
6 case. If one intentionally kills another during the
7 commission of a felony, the inference of malice may arise.
8 Under the laws of the state of South Carolina, first degree
9 burglary is a felony. If facts are proved beyond a reasonable
10 doubt sufficient to raise an inference of malice to your
11 satisfaction, this inference would simply be an evidentiary
12 fact to be taken into consideration by you, along with all the
13 other evidence in this case, and you may give it the weight
14 that you decide it should receive.

15 Defendant Belton is charged with the crime of first
16 degree burglary. Defendant Conyers is charged with the crime
17 of first degree burglary. The State must first prove beyond a
18 reasonable doubt that the defendant entered a dwelling without
19 consent. A dwelling is any building or portion of a building
20 in which a person ordinarily sleeps. In order to prove that
21 the defendant entered the building, the State does not have to
22 show that the defendant's entire body entered the dwelling.
23 The smallest entry is sufficient. It may be any part of a
24 body such as a hand, foot, or even an instrument such as a
25 hook or other instrument. In addition, the State does not

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1 have to prove that force was used to gain entry. Next, the
2 State must prove beyond a reasonable doubt that the defendant
3 intended to commit a crime, either a felony or a misdemeanor,
4 at the time of the entry. The mere entry into a dwelling
5 without consent is not burglary. If the intent to commit a
6 crime is formed after the entry, it is not burglary. On the
7 other hand, if the defendant intended to commit a crime at the
8 time of the entry, it is burglary even if the intent was
9 abandoned after the entry. It does not matter that the
10 intended crime was not completed.

11 Intent may be shown by acts and conduct of the
12 parties and the defendants, and other circumstances from which
13 you may naturally and reasonably infer intent. Finally, the
14 State must prove beyond a reasonable doubt that when entering,
15 while in the dwelling, or when fleeing, the defendant or an
16 accomplice was armed with a deadly weapon or explosive. A
17 deadly weapon is any article, instrument, or substance which
18 is likely to cause death or great bodily harm. Whether an
19 instrument has been used as a deadly weapon depends on the
20 facts and circumstances of each case; or the State must show
21 that when entering, while in the dwelling, or when fleeing,
22 the defendant or an accomplice caused physical injury to
23 anyone not participating in the crime; or, when entering,
24 while in the dwelling, or when fleeing, the defendant or
25 accomplice used or threatened to use a dangerous object; or,

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1 when entering, while in the dwelling, or when fleeing, the
2 defendant or an accomplice displayed what was or appeared to
3 be a knife, pistol, revolver, rifle, shotgun, machine gun, or
4 other firearm; or, the defendant entered or remained in the
5 dwelling in the nighttime. Nighttime is the period between
6 sunset and sunrise during which there is not enough daylight
7 to recognize a person's face except by artificial light or
8 moonlight.

9 Mr. Belton is charged with the crime of possession
10 of a weapon during the commission of or attempt to commit a
11 violent crime. Mr. Conyers is charged with the crime of
12 possession of a weapon during the commission of or attempt to
13 commit a violent crime. The State must prove beyond a
14 reasonable doubt that the defendant was in possession of a
15 firearm or visibly displayed what appeared to be a firearm
16 during the commission of a violent crime. A firearm means any
17 machine gun, automatic rifle, revolver, pistol, or any weapon
18 which will, is designed to, or may be readily converted to
19 expel a projectile.

20 In order to find the defendant guilty of possession
21 of a weapon during the commission of a violent crime, you must
22 find first that the defendant was guilty of either committing
23 a violent crime or attempting to commit a violent crime.
24 Under the laws of the state of South Carolina, murder is a
25 violent crime and first degree burglary is a violent crime.

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

3 You have heard testimony concerning the penalty a
4 person can serve for the crimes alleged in these indictments.
5 In determining the guilt or innocence of the defendant, you
6 cannot consider any possible penalty for any particular crime.
7 The punishment for the crime is a matter for me to determine
8 and should never be considered by you in any way whatsoever in
9 arriving at an impartial verdict as to the guilt or innocence
10 of the defendant.

11 I instruct you and emphasize the fact that
12 defendant Belton did not testify is not a factor to be
13 considered by you in any way in your deliberation and in your
14 consideration on the question of the guilt or innocence of the
15 defendant. It must not be considered by you in any manner
16 whatsoever. A defendant has the constitutional right to
17 remain silent and the assertion of this right by Mr. Belton
18 must not be considered by you in your deliberations. I
19 repeat, under your oath, you are to draw no conclusion
20 whatsoever from the fact that Defendant Belton in this case
21 did not testify. The fact that Mr. Belton did not testify
22 should not even be discussed in the jury room. The burden of
23 proof, as I have indicated to you, is on the State. The
24 defendant is not required to prove his innocence. The burden
25 of proof remains on the State to prove guilt beyond a

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1 reasonable doubt.

2 Ladies and gentlemen, I am now going to go over the
3 verdict forms with you. As I indicated to you, there are six
4 separate verdict forms, three for each defendant. Ladies and
5 gentlemen, again, there is no significance in the way that I
6 read these verdict forms. I simply have to read one piece of
7 paper first and one particular charge first.

8 In the Court of General Sessions for the Ninth
9 Judicial Circuit, 2014-GS-10-6481, State of South Carolina
10 versus Jeremiah Fitzgerald Belton, we, the jury, find the
11 defendant, Jeremiah Fitzgerald Belton, not guilty, or, we, the
12 jury, find the defendant, Jeremiah Fitzgerald Belton, guilty
13 of murder.

14 Once you have reached a unanimous decision, meaning
15 all twelve of you must agree, you will sign that verdict form
16 and date it.

17 You will go through the remainder of the verdict
18 forms, remembering that there are two defendants and three
19 charges for each defendant. You much decide each verdict,
20 each indictment, uninfluenced by your decision as to the
21 previous indictment.

22 Ladies and gentlemen, this is the last time that I
23 will say this to you. Do not begin your deliberations. Do
24 not discuss this case amongst yourselves. We'll be gathering
25 the evidence to go back with you, the verdict forms, and at

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1 that time the bailiffs will indicate to you when you may begin
2 your deliberations.

3 Is there any member of my first twelve who, for
4 whatever reasons, feel at this point you would be unable to
5 continue your deliberations? If you feel that you would be
6 unable to continue your deliberations, or begin your
7 deliberations and continue until a verdict is reached, please
8 stand.

9 [Whereupon, there is no response]

10 THE COURT: Thank you. All twelve jurors have
11 indicated that they are able to begin and continue
12 deliberations.

13 To my alternate, at this time you have reached --
14 completed your service to this case, but I'm going to have you
15 stay with us until the first twelve have been given this case
16 and the verdict forms to begin their deliberations. At that
17 point, I will come and release you. So, again, do not begin
18 any deliberations. You're going to be kept in a separate
19 place, but do not begin thinking or discussing this case with
20 yourself. All right?

21 Ladies and gentlemen, please rise for the jury.

22 [Whereupon, the jury exits the courtroom at

23 12:05 p.m.]

24 THE COURT: Thank you. Be seated.

25 Any objection, correction, to the charge as read?

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1 From the State?

2 MS. SHEALY: Your Honor, I would ask that related
3 to your felony murder charge, you indicated that
4 burglary first is a felony. I would also ask that you
5 advise them that attempted armed robbery and armed
6 robbery is a felony because that's what they were coming
7 in to do, was to rob.

8 THE COURT: Mr. Mlynarczyk?

9 MR. MLYNARCZYK: In the sense that it -- I mean,
10 it's not on the indictment. I think it might confuse
11 them. I think your charge was sufficient.

12 MR. MURPHY: I think your instruction was
13 sufficient.

14 Again, this is -- there's no question that there
15 was a home invasion, so any intent I don't think is
16 applicable.

17 THE COURT: It's noted for the record. I will not
18 -- I will not charge that.

19 MS. SHEALY: Okay.

20 THE COURT: Any other objections, corrections?

21 MS. SHEALY: Not from the State.

22 MR. MLYNARCZYK: Not from Mr. Belton, Your Honor.

23 MR. MURPHY: None, Your Honor.

24 THE COURT: And y'all have reviewed the verdict
25 forms, so they're going to go back.

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1 There is no objection as to what is going back?

2 From the State?

3 MS. SHEALY: That's correct, Your Honor.

4 MR. MLYNARCZYK: Only the objections on the record,
5 Your Honor.

6 MR. MURPHY: That's correct, Your Honor.

7 THE COURT: We'll be at ease. Thank you.

8 MR. MURPHY: Thank you, Your Honor.

9 [Whereupon, evidence goes out to the jury at
10 12:09 p.m.]

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VERDICT

THE COURT: We have a verdict. Anything before we bring in the jury? From the State?

MS. SHEALY: Nothing, Your Honor.

MR. MLYNARCZYK: Nothing, Your Honor.

MR. MURPHY: Nothing, Your Honor.

[Whereupon, the jury enters the courtroom at 2:04 p.m.]

THE BAILIFF: Jurors are all present, Your Honor.

THE COURT: Thank you. Please be seated.

I understand you have reached a verdict. If you will please fold the verdict forms and hand them to the bailiff, and we'll make sure that they are in order.

[Whereupon, the Court reviews documents]

THE COURT: Mr. Belton, please rise.

[Whereupon, Mr. Belton complies]

THE CLERK OF COURT: The State of South Carolina, in the County of Charleston, in the Court of General Sessions for the Ninth Judicial Circuit, the State of South Carolina versus Jeremiah Fitzgerald Belton, case number 2014-GS-10-06481, we, the jury, find the defendant, Jeremiah Fitzgerald Belton, guilty of murder. Signed Madam Forelady, November 6th, 2015.

As to indictment number 2014-GS-10-06482, we, the jury, find the defendant, Jeremiah Fitzgerald Belton,

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1 guilty of burglary in the first degree. Signed Madam
2 Forelady, November 6th, 2015.

3 As to indictment number 2014-GS-10-06483, we, the
4 jury, find the defendant, Jeremiah Fitzgerald Belton,
5 guilty of possession of a firearm during the commission
6 of a violent crime. Signed Madam Forelady, November
7 6th, 2015.

8 Ladies and gentlemen of the jury, if this is your
9 verdict, please indicate so by raising your right hand.

10 Please let the record reflect that all jurors have
11 raised their right hands.

12 THE COURT: Thank you. Anything further, Mr.
13 Mlynarczyk?

14 MR. MLYNARCZYK: Make a motion for a new trial,
15 Your Honor.

16 THE COURT: As far as the jury?

17 MR. MLYNARCZYK: No, Your Honor.

18 THE COURT: All right. Thank you.

19 MR. MLYNARCZYK: Nothing.

20 THE COURT: We'll handle the motions and matters
21 after. All right? Thank you.

22 Mr. Conyers, please stand.

23 [Whereupon, Mr. Conyers complies]

24 THE CLERK OF COURT: The State of South Carolina,
25 in the County of Charleston, in the Court of General

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1 Sessions for the Ninth Judicial Circuit, the State of
2 South Carolina versus King Chevais Conyers, case number
3 2014-GS-10-06484, we, the jury, find the defendant, King
4 Chevais Conyers, guilty of murder. Signed Madam
5 Forelady, November 6th, 2015.

6 As to case number 2014-GS-10-06485, we, the jury,
7 find the defendant, King Chevais Conyers, guilty of
8 burglary in the first degree. Signed Madam Forelady,
9 November 6th, 2015.

10 As to case number 2014-GS-10-06486, we, the jury,
11 find the defendant, King Chevais Conyers, guilty of
12 possession of a firearm during the commission of a
13 violent crime. Signed Madam Forelady, November 6th,
14 2015.

15 Ladies and gentlemen of the jury, if this is your
16 verdict, please indicate so by raising your right hand.

17 Please let the record reflect that all jurors have
18 raised their right hand.

19 THE COURT: Thank you.

20 Anything further required of the jury, Mr. Murphy?

21 MR. MURPHY: Yes, Your Honor. We would ask to poll
22 the jury, please.

23 THE COURT: Please be seated. Thank you.

24 [Whereupon, Mr. Conyers complies]

25 - - -

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Polling of the Jury
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POLLING OF THE JURY

THE COURT: Using the jurors numbers.

THE CLERK OF COURT: Beginning with Madam Forelady.

Ladies and gentlemen, whenever your juror number is called, if you would please stand.

I will then ask a few questions. Please answer each question appropriately.

Starting with Madam Forelady, juror number 129. Is this your verdict?

JUROR NUMBER 129: Yes.

THE CLERK OF COURT: Is this still your verdict?

JUROR NUMBER 129: Yes.

THE CLERK OF COURT: Thank you. You may be seated.

Juror 201, is this your verdict?

JUROR NUMBER 201: Yes.

THE CLERK OF COURT: Is it still your verdict?

JUROR NUMBER 201: Yes.

THE CLERK OF COURT: Thank you.

Juror 357, is this your verdict?

JUROR NUMBER 357: Yes.

THE CLERK OF COURT: Is this still your verdict?

JUROR NUMBER 357: Yes.

THE CLERK OF COURT: Thank you.

Juror 192, is this your verdict?

JUROR NUMBER 192: Yes, sir.

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1 THE CLERK OF COURT: Is this still your verdict?
2 JUROR NUMBER 192: Yes, sir.
3 THE CLERK OF COURT: Thank you.
4 Juror 159, is this your verdict?
5 JUROR NUMBER 159: Yes.
6 THE CLERK OF COURT: Is this still your verdict?
7 JUROR NUMBER 159: Yes.
8 THE CLERK OF COURT: Thank you.
9 Juror 166, is this your verdict?
10 JUROR NUMBER 166: Yes.
11 THE CLERK OF COURT: Is this still your verdict?
12 JUROR NUMBER 166: Yes.
13 THE CLERK OF COURT: Thank you.
14 Juror 180, is this your verdict?
15 JUROR NUMBER 180: Yes, sir.
16 THE CLERK OF COURT: Is this still your verdict?
17 JUROR NUMBER 180: Yes, sir.
18 THE CLERK OF COURT: Thank you.
19 Juror 290, is this your verdict?
20 JUROR NUMBER 290: Yes.
21 THE CLERK OF COURT: Is this still your verdict?
22 JUROR NUMBER 290: Yes.
23 THE CLERK OF COURT: Thank you.
24 Juror 179, is this your verdict?
25 JUROR NUMBER 179: Yes, sir.

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1 THE CLERK OF COURT: Is this still your verdict?

2 JUROR NUMBER 179: Yes, sir.

3 THE CLERK OF COURT: Thank you.

4 Juror 255, is this your verdict?

5 JUROR NUMBER 255: Yes.

6 THE CLERK OF COURT: Is this still your verdict?

7 JUROR NUMBER 255: Yes.

8 THE CLERK OF COURT: Thank you.

9 Juror 262, is this your verdict?

10 JUROR NUMBER 262: Yes.

11 THE CLERK OF COURT: Is this still your verdict?

12 JUROR NUMBER 262: Yes.

13 THE CLERK OF COURT: Thank you.

14 Juror 271, is this your verdict?

15 JUROR NUMBER 271: Yes.

16 THE CLERK OF COURT: Is this still your verdict?

17 JUROR NUMBER 271: Yes.

18 THE CLERK OF COURT: Thank you.

19 Your Honor, the jury has been polled and the
20 verdict stands.

21 THE COURT: Anything further, Mr. Murphy?

22 MR. MURPHY: Nothing, Your Honor.

23 THE COURT: Ladies and gentlemen, this completes
24 your service to this case. It also completes your
25 service for the week.

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Polling of the Jury
November 6, 2015

1 If you will please go back to your jury room, I'll
2 be there in just a few moments to personally thank you
3 for your service to Charleston County.

4 Please rise for the jury.

5 [Whereupon, the jury is excused and exits the Court
6 at 2:10 p.m.]

7 THE COURT: Thank you. Be seated.

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State vs. Belton and Conyers
Motion for a New Trial by Mr. Mlynarczyk
November 6, 2015

1 MOTION FOR A NEW TRIAL BY MR. MLYNARCZYK

2 THE COURT: Outside the presence of the jury,
3 anything further?

4 MR. MLYNARCZYK: Yes, Your Honor.

5 I would just make a motion for a new trial at this
6 time, that the verdict was based on emotion and other --
7 that the evidence didn't support the findings. I would
8 just like to make a motion at this time for a new trial
9 for Mr. Belton.

10 THE COURT: Anything? Any response from the State?

11 MS. SHEALY: Well, Your Honor, I think that the
12 jury obviously has paid attention during the entire
13 trial, they've been given ample evidence to support
14 their findings, and that they were deliberative.

15 THE COURT: At this time, based upon the evidence
16 that has been presented, your motion for a new trial is
17 denied.
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State vs. Belton and Conyers
Motion for a New Trial by Mr. Murphy
November 6, 2015

1 MOTION FOR A NEW TRIAL BY MR. MURPHY

2 THE COURT: Mr. Murphy, anything?

3 MR. MURPHY: Yes, Your Honor.

4 For the record, we would make a motion for a new
5 trial, as well. We don't believe the evidence -- or the
6 verdict conformed with the evidence presented.

7 THE COURT: Ms. Shealy, anything as to Defendant
8 Conyers?

9 MS. SHEALY: The same argument that I made as
10 related to Mr. Belton.

11 THE COURT: Based upon the testimony that was
12 presented, and the jury's verdict, your motion for a new
13 trial is denied.

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State vs. Belton and Conyers
Sentencing of Mr. Belton
November 6, 2015

SENTENCING OF MR. BELTON

THE COURT: Are you prepared for sentencing at this time?

MR. MLYNARCZYK: Yes, Your Honor.

MR. MURPHY: Yes, Your Honor.

THE COURT: Do you have your sentencing sheets?

MS. SHEALY: I do, Your Honor.

THE COURT: My clerk is going to review those. I'm going to release the jury. It will be just a few moments. Thank you.

[Whereupon, a recess is taken from 2:12 p.m. to 2:26 p.m.]

THE COURT: Mr. Mlynarczyk, are you prepared for sentencing?

MR. MLYNARCZYK: Yes, Your Honor.

MS. SHEALY: Thank you, Your Honor.

Your Honor, I wanted to -- do you want -- okay. I wasn't sure you were ready for me.

Present in the courtroom all week has been Kip Simmons' older sister, and his father Melvin Simmons, Sr., his mother Gloria Simmons, his brother Vincent Simmons, his daughter MS, obviously, and her mother, and his son Darius Simmons.

Could you just hold your hand up Darius?

You've heard the facts. You can imagine the

State vs. Belton and Conyers
Sentencing of Mr. Belton
November 6, 2015

1 grieving that the family has gone through.

2 Jeremiah Belton has been known in the Charleston
3 community for a long time, Judge. He has a prior record
4 of accessory after the fact of murder, possession of
5 crack, voluntary manslaughter, obviously meaning he's
6 killed before, purchase of body armor, failure to stop
7 for a blue light, resisting arrest with a deadly weapon,
8 possession of a stolen vehicle, receiving stolen goods,
9 and driving under suspension.

10 Previously, we filed a notice of intent to seek
11 life without parole on him. As a Court's Exhibit, Your
12 Honor, I would like to have marked our notice and the
13 accompanying paperwork, which are signed by not only
14 Mr. Belton but also his attorney, and the underlying
15 certified copy of the sentencing sheet for voluntary
16 manslaughter.

17 [Whereupon, Court's Exhibit Number 7 is marked by
18 the court reporter]

19 THE COURT: Anything further?

20 MS. SHEALY: No, Your Honor.

21 THE COURT: Mr. Mlynarczyk?

22 MR. MLYNARCZYK: May it please the Court, Your
23 Honor.

24 Jeremiah Belton's family has been here all week,
25 too. And throughout the process, they've been with me.

State vs. Belton and Conyers
Sentencing of Mr. Belton
November 6, 2015

1 I understand that -- you know, we acknowledge the
2 service of life without parole. You know, again, I
3 understand the Court -- you know, I've already made the
4 motion, made the ruling, and that he does intend to
5 appeal. But if the Court does find that life without
6 parole is not applicable or doesn't apply, we would ask
7 for a minimum sentence of thirty years. And --

8 THE COURT: Mr. Mlynarczyk, how would it not apply?

9 MR. MLYNARCZYK: I'll reserve --

10 THE COURT: It appears that it was properly --

11 MR. MLYNARCZYK: -- I'll reserve it for appeal,
12 Your Honor. I understand. I understand.

13 That's all I have, Your Honor.

14 Again, for the record, we'll put in a notice of
15 appeal. Thank you.

16 THE COURT: Mr. Belton, please stand.

17 [Whereupon, Mr. Belton complies]

18 THE COURT: Mr. Belton, you have heard the verdict.

19 MR. BELTON: [Indicates affirmatively]

20 THE COURT: Is that a yes?

21 MR. BELTON: Yes, ma'am.

22 THE COURT: Has your attorney advised you of your
23 right to appeal?

24 MR. BELTON: Yes.

25 THE COURT: You understand that you must appeal

State vs. Belton and Conyers
Sentencing of Mr. Belton
November 6, 2015

1 within ten days, you or your attorney?

2 MR. BELTON: Yes.

3 THE COURT: Do you understand that you have been
4 served with a life without the possibility of parole
5 notice?

6 MR. BELTON: Yes.

7 THE COURT: Do you wish to address the Court at
8 this time?

9 MR. BELTON: I don't feel --

10 THE COURT: I'm sorry?

11 MR. BELTON: I don't feel like there was any
12 evidence against me in this case. I don't feel like I
13 was represented properly. And the jury made the
14 decision out of emotion instead of dealt with the facts.

15 THE COURT: Anything before I impose sentence upon
16 you?

17 MR. BELTON: No.

18 THE COURT: Anything further, Mr. Mlynarczyk?

19 MR. MLYNARCZYK: No, Your Honor.

20 THE COURT: Ms. Shealy, the life without the
21 possibility of parole applies to the murder and to the
22 burglary first; is that correct?

23 MS. SHEALY: That is correct.

24 THE COURT: All right. Is that your understanding,
25 Mr. Mlynarczyk?

State vs. Belton and Conyers
Sentencing of Mr. Belton
November 6, 2015

MR. MLYNARCZYK: It is, Your Honor.

THE COURT: It's the order of the Court on 2014-GS-10-6481 that you be committed to the State Department of Corrections for a term of life without the possibility of parole under Section 17-25-45. It's the order of the Court on 2014-GS-10-6482 that you be committed to the State Department of Corrections for a term of life without the possibility of parole under Section 17-25-45. It's the order of the Court on 2014-GS-10-6483 that you be committed to the State Department of Corrections for a term of five years. They will run concurrent. Good luck to you.

State vs. Belton and Conyers
Sentencing of Mr. Conyers
November 6, 2015

SENTENCING OF MR. CONYERS

MS. SHEALY: Your Honor, regarding King Conyers, he has a prior record for trespassing, breaking and entering automobile, and an assault with intent to kill, indicating obviously that previously he has tried to kill before.

MR. CONYERS: No, I didn't.

MS. SHEALY: Your Honor, it would be the State's position that this man is equally deserving of a life without parole sentence.

THE COURT: Has he been served --

MS. SHEALY: No, but I --

THE COURT: -- with a notice?

MS. SHEALY: No.

He is not qualified for a mandatory one, but I certainly believe he is deserving of one.

THE COURT: Of a life sentence?

MS. SHEALY: Yes, Your Honor. Both under the burglary and under the murder.

THE COURT: Tell me the -- tell me his prior record again.

MS. SHEALY: Trespassing, breaking and entering automobile, and assault with intent to kill.

THE COURT: All right. Thank you.

All right. Mr. Murphy, I'm happy to hear from you,

State vs. Belton and Conyers
Sentencing of Mr. Conyers
November 6, 2015

1 Mr. Conyers, or anyone else regarding sentencing.

2 MR. MURPHY: Thank you, Your Honor. May it please
3 the Court.

4 We know that you are limited by statute very much
5 for what you can do in terms of sentencing. Based on
6 his age and the facts that you heard, we would ask for a
7 minimum sentence of thirty years, Your Honor.

8 I believe Mr. Conyers would like to address you.

9 THE COURT: Mr. Murphy, did you address with your
10 client the fact that the murder charge is a violent and
11 a most serious offense?

12 MR. MURPHY: Yes.

13 THE COURT: And that the burglary charge is a
14 violent and a most serious offense?

15 MR. MURPHY: Yes.

16 THE COURT: That murder carries from a mandatory
17 minimum of thirty years up to life?

18 MR. MURPHY: Yes.

19 THE COURT: And that burglary in the first carries
20 from fifteen to life?

21 MR. MURPHY: Yes.

22 THE COURT: And that possession of weapon carries
23 up to five years?

24 MR. MURPHY: Yes, Your Honor.

25 THE COURT: Did you also explain to your client

State vs. Belton and Conyers
Sentencing of Mr. Conyers
November 6, 2015

1 that he has the right to appeal this plea but he must do
2 so within ten days?

3 MR. MURPHY: Yes, Your Honor.

4 THE COURT: Mr. Conyers, I will be happy to hear
5 from you, but I have tolerated two outbursts from you
6 already this afternoon.

7 MR. CONYERS: I apologize, ma'am.

8 THE COURT: Thank you.

9 I will be happy to hear from you in order to impose
10 a sentence upon you, but I am not going to tolerate any
11 misbehavior. Do you understand?

12 MR. CONYERS: Yes, ma'am.

13 THE COURT: Happy to hear from you.

14 MR. CONYERS: I don't feel like I was represented
15 to the fullest, and I don't accept my lawyer's
16 capability. And I didn't do this crime. I was not
17 there. I did not do this. I could not do it, ma'am. I
18 was -- for the last seven years. They might have said
19 all of this, but it is not from me. There's no
20 question. I was not there. I did not do this, ma'am.
21 And I don't want to go to prison for something I didn't
22 do. I was in for fifteen months for something I didn't
23 do.

24 I've got a little girl. I've got a little girl,
25 she -- and cry and cry and cry because her daddy ain't

State vs. Belton and Conyers
Sentencing of Mr. Conyers
November 6, 2015

1 here.

2 I didn't do this. I didn't have nothing to do with
3 killing y'all's family. I didn't do this.

4 THE COURT: Mr. Conyers, I need you to address the
5 Court.

6 MR. CONYERS: I don't know what else to say. I
7 can't do nothing.

8 That's it. Thank you, ma'am. Thank you.

9 THE COURT: Thank you, Mr. Conyers.

10 Is there anyone else who wishes to address the
11 Court?

12 MR. MURPHY: No, Your Honor.

13 THE COURT: Mr. Murphy, anything else?

14 MR. MURPHY: Nothing, Your Honor.

15 THE COURT: It's the order of the Court on 2014-GS-
16 10-6484 that you be committed to the State Department of
17 Corrections for a term of life. I'll give you credit
18 for the time that you have served. It's the order of
19 the Court on 2014-GS-10-6485 that you be committed to
20 the State Department of Corrections for a term of life.
21 Give you credit for the time that you have served. It's
22 the order of the Court on 2014-GS-10-6486 that you be
23 committed to the State Department of Corrections for a
24 term of five years. I'll run all three indictments
25 concurrent. Good luck to you, sir.

State vs. Belton and Conyers
Sentencing of Mr. Conyers
November 6, 2015

1 MR. MURPHY: Thank you, Your Honor.

2 THE COURT: All right. Anything further from the
3 State, Ms. Shealy?

4 MS. SHEALY: No, Your Honor.

5 THE COURT: Mr. Mlynarczyk?

6 MR. MLYNARCZYK: Your Honor, the only thing I would
7 like to ask, I would like to send letters to the jurors,
8 if they would like, you know, to discuss with me the
9 case, just to follow up. I'm asking permission of the
10 Court if that's okay. I will let them know in the
11 notice that they don't have to respond, and I would like
12 to thank them for their service, and then, you know,
13 contact me if they wish to discuss the case. Do I have
14 permission from the Court for that?

15 THE COURT: I don't have any objection.

16 MR. MLYNARCZYK: Thank you, Your Honor.

17 MR. MURPHY: Nothing, Your Honor.

18 THE COURT: Anything? Nothing further?

19 MS. SHEALY: No, Your Honor.

20 THE COURT: Ms. Shealy, Mr. Cooper, Mr. Mlynarczyk,
21 and Mr. Murphy, just wanted to thank you for your
22 courtesy and professionalism. This was a very
23 emotionally-charged trial and so I appreciate your
24 professionalism and courtesy to each other, most
25 importantly, and to the Court and to my staff and the

State vs. Belton and Conyers
Sentencing of Mr. Conyers
November 6, 2015

1 personnel here. And thank you for being respectful of
2 each side's family. Thank you.

3 MS. SHEALY: Thank you, Your Honor.

4 MR. MLYNARCZYK: Thank you.

5 MR. MURPHY: Thank you, Judge.

6 [Whereupon, Court's Exhibit Number 8 is marked by
7 the court reporter]

8 [Whereupon, Court's Exhibit Number 9 is marked by
9 the court reporter]

10 [JURY TRIAL CONCLUDES AT 2:37 P.M.]

State vs. Belton and Conyers

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the hearing held before the Honorable Kristi L. Harrington, on Friday, November 6, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

1177

JKS20100804305

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2010011213B

ARREST WARRANT NUMBER

2014A1010203371

DATE OF ARREST

July 9, 2014

ACTION OF GRAND JURY

[Signature]

Foreperson of Grand Jury

Date: *[Signature]*

VERDICT

Guilty

[Signature]

Foreperson of Petit Jury
INDICT

11/6/15
Date:

DOCKET NO. 2014GS1006484

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

KING CHEVAIS CONYERS

DOB:

B/M

Indictment for

Murder

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

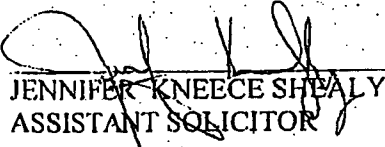
INDICTMENT

At a Court of General Sessions, convened on November 3, 2014 the Grand Jurors of Charleston County present upon their oath:

Murder

That in Charleston County on or about July 10, 2010, with malice aforethought, KING CHEVAIS CONYERS did kill and murder Melvin Simmons by means of shooting the victim, and that Melvin Simmons did die in Charleston County as a proximate result thereof on July 10, 2010; 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.


JENNIFER KNEECE SHEALY
ASSISTANT SOLICITOR

1179

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

KING CHEVAIS CONYERSAKA: King Chavaiss ConyersRace: Black/African AmericanSex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# SC01443065*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☒ CONVICTED OF or☐ PLEADSTO: MurderIn 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☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

APTEST: _____

7919

Jennifer Kneese Shealy, Assistant Solicitor, SC Bar # _____

Defendant

Attorney for Defendant

14184
SC Bar # _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of LIFE 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 Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on 0014-G-S-10-64854 14186☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

Recipient: _____

*Fine: _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (If paid in installments)

TOTAL

Clerk of Court/Deputy Clerk: Samuel ConyersCourt Reporter: Mia Peron

Presiding Judge: _____

Judge Code: _____

Sentence Date: 11/16/15

JKS20100804305

DOCKET NO. 2014CS1006485

WITNESSES

Charleston County Sheriff Office

The State of South Carolina

County of Charleston

AGENCY CASE NUMBER

2010011213B

COURT OF GENERAL SESSIONS

November Term 2014

ARREST WARRANT NUMBER

2014A1010203373

DATE OF ARREST

July 9, 2014

ACTION OF GRAND JURY

THE STATE

VS.

KING CHEVAIS CONYERS

DOB:

B/M

Foreperson of Grand Jury

Date: *Lynette D. Mills*

Indictment for

Burglary 1st Degree

VERDICT

Guilt

Foreperson of Petit Jury

Date: *11/6/15*

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

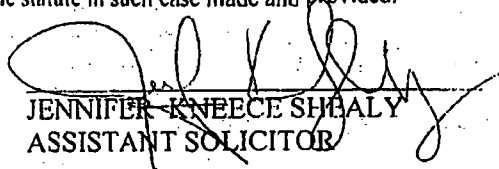
INDICTMENT

At a Court of General Sessions, convened on November 3, 2014 the Grand Jurors of Charleston County present upon their oath:

Burglary 1st Degree

That in Charleston County, South Carolina, on or about July 10, 2010, the Defendant KING CHEVAIS CONYERS, did enter the dwelling of Melvin Simmons, located at Old Georgetown Road, McClellanville, South Carolina, without consent and with the intent to commit a crime therein. That, in addition, the entry occurred at night and/or the defendant was armed and/or the defendant caused injury to a victim; in violation of Section 16-11-311 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.


JENNIFER KNEECE SHEALY
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

KING CHEVAIS CONYERS

AKA: King Chevais Conyers

Race: Black/African American

Sex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# SC01443065

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

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

☒ CONVICTED OF or☐ PLEADS

TO: Burglary First Degree

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jennifer Knicker Shealy, Assistant Solicitor SC Bar # 7919

Defendant

Attorney for Defendant

14184
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of Life 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 Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014-GS-10-6486 & 6484☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

Recipient: _____

*Fine: _____ \$ _____

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

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 108.00

§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/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ \$ 3.40TOTAL \$ 133.40Clerk of Court/Deputy Clerk: Sharon CurryCourt Reporter: Nina PurnonPresiding Judge: [Signature]

Judge Code: _____

Sentence Date: 11/6/15

1183

JKS20100804305

WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2010011213B

ARREST WARRANT NUMBER

2014A1010203374

DATE OF ARREST

July 9, 2014

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: *11/6/15*

VERDICT

Guilty

Foreperson of Petit Jury

INDICT

DOCKET NO. 2014GS1006486

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

KING CHEVAIS CONYERS

DOB:

B/M

Indictment for

Possession Of A Firearm During The
Commission Of A Violent Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on November 3, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession Of A Firearm During The Commission Of A Violent Crime

That in Charleston County, South Carolina, on or about July 10, 2010, the Defendant, KING CHEVAIS CONYERS, did possess a handgun during the commission, or attempted commission, of Murder and/ or Burglary 1st Degree, violent crimes. 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.


JENNIEER KNEECE SHEALY
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

KING CHEVAIS CONYERSAKA: King Chevais ConyersRace: Black/African AmericanSex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# _____

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

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

☒ CONVICTED OF or☐ PLEADSTO: Possession Of A Weapon During The Commission Of A Violent CrimeIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

7919

14184

Jennifer Kneece Shealy, Assistant Solicitor for SC Bar # _____

Defendant _____

Attorney for Defendant _____

SC Bar # _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014-GS-10-6404 + 6485☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

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: _____

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/cn

\$ _____

Proviso 90.5 (SCJA Surcharge)

\$5

\$ 5.00

3% to County (if paid in installments)

\$

\$ 3.40

TOTAL

\$ 133.40

Clerk of Court/Deputy Clerk: _____

Court Reporter: M. K. Vernon

Presiding Judge: _____

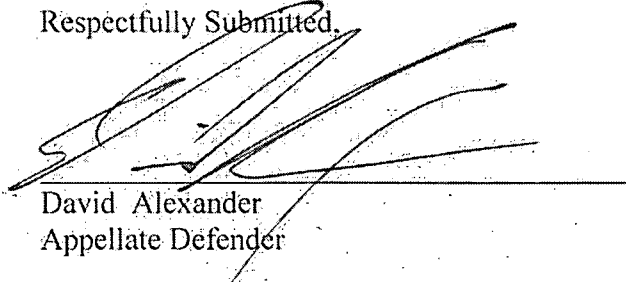
Judge Code: _____

Sentence Date: _____

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."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line. The signature is stylized with long, sweeping strokes.

David Alexander
Appellate Defender

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

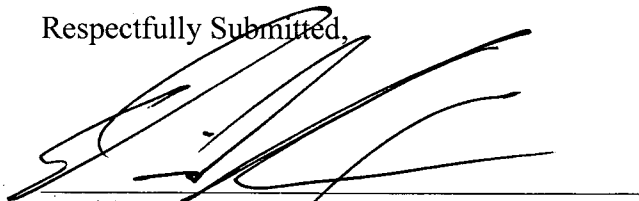
ATTORNEY FOR APPELLANT

This 9th day of November, 2016.

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."

Respectfully Submitted,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 9th day of November, 2016.

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SC Court of Appeals