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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF GENERAL SESSIONS

The Honorable Brooks P. Goldsmith, Circuit Court Judge

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Case No. (s) 2012-GC-07-2246 & 2012- GS-07-2247

State of South Carolina

Respondent,

v.

Walter Tucker,

Appellant.

RECORD ON APPEAL
VOLUME 5 OF 5

ALAN WILSON
Attorney General
JOHN W. McINTOSH
Chief Deputy Attorney General
DONALD J. ZELENKA
Assistant Deputy Attorney General
WILLIAM EDGAR SALTER
Senior Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

Derek M. Wright
50 Hurt Plaza, Suite 802
Atlanta, Georgia 30303
678-710-8395

Robert Ferguson, Jr.
P.O. Box 845
Beaufort, South Carolina 29901
843-521-0141

ISSAC MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit
PO Box 1880
Beaufort, SC 29910
(843) 255-5893

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State of South Carolina)
County of Jasper) In the Court
Of General Sessions

Indictment No.: 2012-GS-07-02246
2012-GS-07-02247
2012-GS-07-02248

State of South Carolina,)
Plaintiff.)
vs.) Transcript of Record
Walter Tucker,)
Defendant.)

October 12, 2015
Ridgeland, South Carolina

B E F O R E:

The Honorable Brooks Goldsmith, Judge.

A P P E A R A N C E S:

Sean P. Thornton, Assistant Solicitor
Attorney for the State

Derek Wright, Esquire
Attorney for the Defendant

Brenda J. Sigwald, Circuit Court Reporter
To The Honorable R. Knox McMahon
P.O. Box 206, Jackson, South Carolina 29831

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(REPORTER'S NOTE: There were no exhibits
entered during this hearing.)

1 AMENDED MOTION FOR NEW TRIAL

2 MR. THORNTON: May it please the Court, Your
3 Honor?

4 THE COURT: Yes, sir.

5 MR. THORNTON: Good morning, Your Honor, before you
6 is Derek Wright. He is here. He has waived his
7 defendant's -- his client's presence. Mr. Wright is here
8 on behalf of Walter Tucker. It was a Beaufort trial, Your
9 Honor, it's 2012-GS-07-2246, 47 and 48. Mr. Tucker was
10 convicted -- if you will recall you were the trial judge in
11 April of this past -- April of this year, 2015 -- and found
12 guilty of murder and attempted armed robbery.

13 Mr. -- at the time of the trial, at the conclusion
14 of the trial, Mr. Wright asked for additional time to do
15 the normal post-trial motions that we would have done then.
16 The Court granted the additional time and obviously
17 Mr. Wright, being out of Atlanta, with his schedule, he's
18 had a difficult time in us -- getting all of us together,
19 Your Honor. So we were finally here to handle that.

20 I will proceed. I believe Your Honor's received a
21 copy of this motion. It was entitled as an Amended Motion
22 for a New Trial based on juror misconduct. I believe he
23 has given the Court a copy of that and this Court has seen
24 that in chambers. But it's his motion, Your Honor, so I'll
25 sit down and wait for my responses.

1 THE COURT: All right. Mr. Wright.

2 MR. WRIGHT: Your Honor, if it will please the
3 Court. The basis for the amended motion for new trial,
4 it's essentially after the trial we began to get
5 information that one of the jurors, in fact, may have
6 failed to disclose that she had a relationship, i.e.
7 friendship, whether social media friendship or immediate
8 friendships with two individuals, Parnetia (phonetic) Jones
9 and Antonio Brewer.

10 Judge, Parnetia Jones, I'll stand in my place,
11 essentially was on the State's witness list. The jury pool
12 was qualified as to whether they know her. She essentially
13 had rented a car that was essentially involved in this
14 situation and the State did not call Ms. Jones as part of
15 its case in chief; but again the jury was qualified to her.

16 Antonio Brewer, Your Honor, you recall two weeks
17 prior to trial, was shot and killed in a drive by shooting.
18 He was killed, the female passenger, his child's mother,
19 was shot and the child, I believe, also in the car was also
20 shot. The mother and child did survive.

21 Ultimately, a week after the trial, both Parnetia
22 Jones and Juror Mosantos (phonetic) both worked at the
23 hospital. Juror Mosantos -- and we have an attached
24 affidavit from Ms. Jones, called Ms. Jones over,
25 essentially said, What kind of trouble did you get yourself

1 into, Girl; starts talking to her about the trial and says,
2 well, my client, Mr. Tucker is responsible for the shooting
3 and killing of Antonio Brewer who was her friend.

4 Ms. Jones indicates in her affidavit that that
5 juror was actually friends with Antonio Brewer and friends
6 with Antonio Brewer's child's mother, so knew the entire
7 family.

8 Now, this happened about a week or so after the
9 trial at the place of employment. The other thing that is
10 worth noting then is there was no disclosure by the juror
11 that she knew Antonio Brewer or any of Antonio Brewer's
12 family. She also disclosed that she felt my client was
13 responsible for his death. Now, Judge, it was a public
14 matter, Mr. Brewer's -- the drive-by shooting -- and if you
15 recall, you specifically entered a stipulation -- well, we
16 entered in a stipulation by where the juror was not to be
17 informed that Antonio Brewer was deceased, just that he was
18 unavailable for trial.

19 Through several witnesses, Jessica Powers, some of
20 the detectives and others, Antonio Brewer's name came up
21 through them. Now, I think it's important to note that
22 another juror recalled that she knows Parnetia Jones after
23 jury selection, brought it to the Court's attention, and by
24 agreement of the State and the defense she was excused.

25 THE COURT: Right.

1 MR. WRIGHT: So that was, I would argue, properly
2 done. When she didn't initially realize it, she later
3 disclosed it and we could take action and that was before
4 the first witness was even called. As to Ms. Mosantos,
5 there was never a disclosure that she knew Ms. Jones, never
6 a disclosure that she knew Mr. Brewer.

7 Now, I understand the State -- well let's see.
8 October 2nd in communications with the Court, myself and
9 the State, I disclosed that I had this information that I
10 was now aware of. Subsequent to that, the State went out
11 and got affidavits of the female jurors. I got an
12 affidavit yesterday over in Beaufort from Ms. Jones, so we
13 now have competing affidavits; but attached to Ms. Jones
14 affidavit, is also a Facebook Instagram. I'd like to think
15 I'm hip --

16 THE COURT: Social media.

17 MR. WRIGHT: -- but Instagram isn't one of the
18 things I do. Instagram and Facebook which establish they
19 do know each other, they do communicate, that they are at
20 least friends as we might would say from a social media
21 standpoint; and they are co-workers. That, I think is
22 undisputed. If the State takes issue with anything it's
23 just with just what was said. But I think when we have
24 competing affidavits and we have corroboration of our
25 clients -- not our clients, but the witness's, Ms. Jones'

1 affidavit that that raises the prima facie issue.

2 The other thing telling is on Tuesday, the 6th of
3 October, after the disclosure to the Court and the State on
4 October 2nd, that following Tuesday, the Juror Mosantos
5 reached out to Parnetia Jones asking for her to call her
6 and then defriends her on Facebook so that Parnetia Jones
7 no longer has Facebook access to her. That, I think also
8 betrays the general affidavit Ms. Mosantos has done so far,
9 simply saying, Well, I'm not friends with them; don't know
10 what you're talking about; I never discussed it.

11 So at this stage, Judge, what we're asking for is
12 to have a hearing set where we can bring Ms. Mosantos and
13 possibly some of the other jurors, depending on what the
14 Court feels is best, for a full inquiry because as the
15 Court knows, when there's an intentional nondisclosure in
16 voir dire -- and, Judge, I would quote, there 's a 2014
17 case which I think sort of sets forth the law in South
18 Carolina, State v. Coaxum, 410, South Carolina, 320, a 2014
19 case, that ultimately the prejudice, the harm is inferred
20 when there's a willful nondisclosure.

21 So it's not that we even have to show that. All we
22 have to show at this initial stage is that there's a prima
23 facie case shown that something should have been disclosed
24 and the fact that everything I've expressed to the Court
25 about Antonio Brewer and this juror having an opinion that

1 my client was responsible for Antonio Brewer's death, if
2 she took that into trial, then she was on a mission to make
3 sure she convicted him.

4 Now, Judge, remember one of the 404(b) components
5 we argued vigorously was the State had another witness come
6 in and claim that she heard my client talking about killing
7 a codefendant to keep him from testifying. That also sort
8 of speaks and has similarity to what we're hearing now that
9 this juror felt about my client that she was responsible --
10 or rather that he was responsible for Mr. Brewer's demise.

11 So, for all those reasons, Judge, I think and I
12 humbly request of this Court that we set it down -- in
13 Georgia, we would usually ask the Court to subpoena the
14 jurors to minimize how much out-of-court communication or
15 interaction we have and not to give any appearance of
16 impropriety -- to subpoena the juror or jurors to the
17 hearing so that we can have a full inquiry. Because
18 without her actually testifying, Judge, I don't think we
19 can get to the bottom or to the truth of the matter. But
20 at this stage, Judge, I think we've done plenty to show
21 that it's not just a throw-and-will-it-stick, it's a bona
22 fide issue. And to that extent, again, the affidavit, the
23 photograph, screen shots that we've attached, I think
24 establish that. And I would again ask for a hearing in the
25 future. I would ask for at least enough time that we can

1 now subpoena Ms. Mosantos' social media records as it
2 relates to Parnetia Jones, as it relates to Antonio Brewer
3 and Antonio Brewer's family because if it reveals -- which
4 I expect it will -- that all of them are connected, then I
5 think when we do get here it will be a much shorter hearing
6 because at that point, we've absolutely established that
7 she knew Antonio Brewer, knew he had died two weeks before
8 trial, felt my client was responsible, yet she sat on this
9 jury and didn't say a word.

10 Thank you, Judge.

11 THE COURT: Thank you, Mr. Wright.

12 MR. THORNTON: Your Honor, first I would point
13 out -- I'm sorry I'm probably going to go in somewhat of
14 reverse order. The 404(b) as Mr. Wright has referred to
15 talked about the -- where Mr. Tucker acknowledged being
16 party to the crime and also that he was going to kill one
17 of his codefendants and the codefendant was actually
18 identified as Travis Polite, so that's got nothing to do
19 with Antonio Brewer. I don't think one has anything to do
20 with the other. He was actually named as T or Travis
21 Polite repeatedly in the trial.

22 Number two, as Mr. Wright has talked about, he
23 mentioned that we had an affidavit from -- and just for the
24 record, the juror that was originally excused by the
25 Court's, Juror 143, Sholanda Hardy and it wasn't just that

1 she came up and said I now who Parnetia Jones is. If the
2 Court will remember she was -- it was clear she wanted to
3 get off that jury. It was, I know her; I can't be fair; I
4 guess I have an opinion. I mean, she came up with a litany
5 of things and because we had an alternate juror, the State
6 had no issue and still doesn't have an issue with letting
7 her go. But the questions that the Court asked are not, Do
8 you work in the same building as any of these witnesses;
9 it's, Are you related by blood or marriage; or do you have
10 a close personal relationship with any of these witnesses;
11 is generally how that question is phrased.

12 What Jessica Mosantos -- I want the make sure I
13 pronounce that right -- who is Juror Number 210 has done at
14 my request -- and, Your Honor, I will try to make this a
15 little bit more zeroed in on the juror that we were talking
16 about. But I didn't know who we were talking about. The
17 e-mails that were exchanged back and forth when Mr. Wright
18 informed both myself and the Court of this issue did not
19 list any particular juror, just using the female pronoun
20 she. Roger Heaton, an investigator with the solicitor's
21 office, at my request, telephoned each female juror and
22 asked them the same questions and filled out the following
23 affidavit: My name is: And then each female juror,
24 including Juror 210, Jessica Mosantos; and I am over the
25 age of 18 years old. I suffer from no physical or mental

1 infirmities that would affect my capacity to testify; am
2 otherwise competent to make and give this affidavit.

3 I was a juror in the State versus Walter Tucker
4 trial. I am not friends with Parnetia Jones nor Antonio
5 Brewer. I did not receive any information about this case
6 from Parnetia Jones nor Antonio Brewer. I did not have any
7 discussions about this case with Parnetia Jones or Antonio
8 Brewer. I have not had any discussions where I blamed
9 Walter Tucker for the death of Antonio Brewer.

10 So while I appreciate Mr. Wright indicating he felt
11 this was a vague affidavit -- and forgive me if that wasn't
12 the right word, a general affidavit, I think it's very
13 specific as to the questions that the Court would ask. And
14 that is for every female juror on the jury, including Juror
15 210, Jessica Mosantos.

16 Additionally, Your Honor, I would point out a
17 couple of things about Parnetia Jones' affidavit. First,
18 she indicated that -- not that they had -- not that she and
19 Jessica Mosantos had any discussions prior to trial, it was
20 the week after when she came up to her and said, What'd you
21 get yourself into. If that is, in fact, true. I would
22 tell the Court that Parnetia Jones was a possible
23 witness -- that her -- I know the Court will remember some
24 of the facts about it as I go through this. Parnetia Jones
25 rented the vehicle that was used in the armed robbery; and

1 I believe it was to her cousin Nijia (phonetic) Brown and
2 she saw one of the other codefendants in the car. She
3 never -- she never identified Walter Tucker as being in the
4 vehicle. She did not -- Mr. Wright agrees with that. Feel
5 free to jump in.

6 She never pulled Mr. Tucker out of a six pack
7 lineup. She didn't know Mr. Tucker, hadn't seen him. So
8 as to his client she had no independent knowledge of his
9 client regardless. And she didn't testify. I would also
10 point that out to the Court.

11 And finally, just to let you know who we're dealing
12 with and who this affidavit comes from, Jessica was friends
13 with -- and this is paragraph 3 of Parnetia Jones'
14 affidavit: Jessica was friends with Antonio Brewer and his
15 child's mother who was also shot two weeks prior to trial.
16 Jessica and I also -- Jessica and I also discussed Brandon
17 in this conversation also. Brandon would be Brandon
18 Singleton who if -- who is Jared Newman's client -- and I
19 see Mr. Newman's in the courtroom -- who was also charged
20 in this matter.

21 So, you know, Judge, they're talking about a
22 conversation that supposedly takes place after the trial.
23 She signed an affidavit along with the other five female
24 jurors and now -- had there not been the female pronoun, I
25 would have gone and gotten all twelve, but you know, I had

1 a tight time frame, Judge, for this hearing today, so I
2 went and got the female jurors. None of them had indicated
3 that anything inappropriate was said. Obviously, I didn't
4 know that that was going to be the argument that they may
5 have discussed it in the jury room. I didn't make that a
6 part of the affidavit. Mr. Heaton is here, who is the one
7 who took the affidavit; and in his conversation with the
8 female jurors, none of them indicated there was any
9 improper discussions or anything else in the jury room.

10 But clearly, every female juror said, I am not --
11 you know, I am not friends with these folks, I didn't talk
12 to them about the case during the trial. I didn't receive
13 any information from them. I never told anybody that I
14 blamed Walter Tucker for the death of Antonio Brewer.

15 Finally, Judge, I would point out that when you
16 are -- I do believe that State versus Coaxum is appropriate
17 if you got to that level. I just don't think we're there.
18 You have a juror that's filled out an affidavit that said
19 I'm not friends with Parnetia Jones or Antonio Brewer. And
20 I don't think that we're there to the point that the Court
21 needs additional testimony from a juror who, I would
22 imagine, would come in and testify as to what's on the --
23 what's in the affidavit. I would have no reason to think
24 she would as with the other eleven other jurors that
25 convicted Mr. Tucker.

1 Finally, Judge, I am no expert on either Instagram
2 or Facebook. I know a little bit about it from some of the
3 younger investigators I deal with as far as people posting
4 things. If you look at the attachment that they gave, it
5 talks about it being 36 weeks -- it's 36 weeks from
6 whenever that screenshot was. I don't know if that
7 screenshot was last week, last month, or ten years ago.
8 And the other thing is if you look -- if the Court looks at
9 the top of it, it says, I believe, that there are 380
10 something people -- 387 people following what he claims is
11 Ms. Mosantos -- or Parnetia Jones, I'm sorry, the witness.
12 Parnetia Jones who claims that Ms. Mosantos -- 9 -- 347
13 followers and following 605. It would shock me, Judge, if
14 she considered all 605 people she's following and the 347
15 people following her as close, personal friends, which
16 would have been the disclosure at the time.

17 The fact that she allegedly had conversation after
18 8 months, 9 months after, when she knows -- I'm sorry, I'm
19 using the pronouns too much, Judge. When Ms. Mosantos
20 knows that there's been an allegation that she or some
21 other juror may have had inappropriate conversations or
22 knew witnesses and didn't disclose it, I -- you know, the
23 witnesses were given to me by Mr. Wright and I put them in
24 the affidavit. Of course, if she would have known that
25 Parnetia Jones was supposedly who she had conversation

1 with. If she was one of the 387 people on her Instagram
2 account and then wanted to contact her, she may have,
3 Judge, but that doesn't mean it was anything improper or
4 any information concealed ahead of time. It's not, Have
5 you ever met this person; it's not, Do you know who this
6 is. It's are you close personal friends with these folks.
7 Or are you related by blood or marriage to these witnesses.

8 I don't think they've raised enough of that, Judge.
9 At best it would -- even if everything they said was
10 accurate and even if Parnetia Jones took this screenshot
11 and it was 36 weeks prior to when the screenshot was, it)
12 doesn't show anything other than at best a casual
13 acquaintance, if that. And that's only through social
14 media. And she said she had a conversation with her a week
15 after -- I'm going the guess, Judge, I think that Ms. Jones
16 works food service at Beaufort Hospital. Ms. Mosantos, I
17 think, is either an LPN or an RN, I think, in the birthing
18 unit. So certainly they may cross paths as I'm sure she
19 does with the other employees in Beaufort Memorial. But
20 that doesn't indicate that anything improper was done by
21 either Ms. Mosantos or the eleven other jurors that
22 convicted Mr. Tucker. And that would be the State's
23 position.

24 MR. WRIGHT: Judge --

25 THE COURT: Thank you, Mr. Thornton.

1 Mr. Wright?

2 MR. WRIGHT: Briefly in response, the very nature
3 of an allegation of juror misconduct will always come after
4 a verdict is reached. Sometimes it happens in trial and we
5 deal with it right now, but in this -- that's not atypical
6 that you're going to get the information now, one.

7 Two, if you look at the -- the information
8 attached, the argument, well, we don't know when 36
9 weeks -- well, let's assume it was yesterday. It would go
10 back 36 weeks. That's about 9 months, which still would
11 take us before the trial. Or -- and if it's any older than
12 yesterday, it's even farther back. So the argument that
13 somehow time is at issue, no matter how you say the
14 screenshot is taken or when, it clearly puts the fact that
15 they know each other prior to the trial.

16 Also, it's clear that M-13 underscoring, Yep that's
17 her, that's Ms. Mosantos sending a dialogue to Parnetia
18 Jones. So to simply -- she's not simply a follower, she's
19 at least someone that she's actually sent a message to.

20 Next -- well, the affidavit is marked the 8th of
21 October. The message in which the juror reached out to
22 Ms. Jones is the 6th of October. So two days before she
23 did the affidavit, which means even prior to meeting with
24 the State, doing the affidavit, saying no I don't know her
25 or I'm not friends with her, she already knew who to reach

1 out to, two days before that. And there -- what other
2 reason would she be asking Ms. Jones, Call, me and
3 providing her phone number to make sure -- call me.

4 So, Judge, I think at this juncture, we've at least
5 thrown enough to make out a prima facie case. The State's
6 essentially asking you to make a credibility assessment
7 now, just on the face of the affidavits as opposed to
8 saying, you know, I see an issue and now that there's a
9 prima facie issue, let's set it down, both sides can bring
10 in their witnesses or evidence so that we can prove it up
11 one way or the other. Once we actually, I think, make the
12 prima facie issue, I think the burden falls on the State.
13 Because again, the prejudice is inferred when it's an
14 intentional nondisclosure.

15 The State isn't -- I didn't hear them concede it,
16 but if you hear their argument, they're almost saying,
17 Well, yes, she clearly knew Ms. Jones at the time that you
18 queried of this jury, Do you know any of these witnesses.
19 That's what I recall the Court's inquiry, voir dire was, do
20 you know any of them, and they were read off. And at no
21 point did she ever make that disclosure. That would be an
22 intentional nondisclosure.

23 So, Judge, for that reason, I would ask that we at
24 least have the hearing so we can get at it. Because
25 clearly, if the case law, whether it's Coaxum case; I've

1 cited a 10th Circuit case, which is Photostat Corporation
2 versus Ball, 388 Fed 2d, 1964; and it's cited by the
3 Gullledge case which seems to be one of the primary
4 principal cases on the issue, a 1982 case, 277 South
5 Carolina 368. But all these cases say there's nothing more
6 fundamental to a defendant's right to a fair trial than to
7 make sure that jurors give complete and truthful, accurate
8 responses. Failing to disclose not only took away the
9 Court's ability to consider cause to eliminate that juror,
10 but it took away our ability to exercise a strike. And
11 that's why the Courts say when this kind of stuff comes up,
12 it is paramount that the Court have a full inquiry to
13 discover the truth as to the issue.

14 So at this stage, Judge, we're asking that we think
15 that we've more than made out enough to at least bring
16 Ms. Mosantos in, have a hearing where we can examine her,
17 the Court can then assess her credibility based on our
18 right to examine her and the Court examining her and
19 observing her, not simply going off -- right now, what's
20 just a battle of affidavits. The battle of affidavits,
21 genuinely, Judge creates the issue, it doesn't finish the
22 issue.

23 Thank you, Your Honor.

24 THE COURT: All right. Thank you, Mr. Wright.

25 Any need.

1 MR. THORNTON: Very short, Judge.

2 THE COURT: All right.

3 MR. THORNTON: As to whether the facts are correct,
4 Mr. Wright would have no way of knowing. He made a point
5 of saying, that, Well, she called prior to knowing anything
6 about this because the affidavit wasn't done until the 8th.
7 That's true, but we started calling jurors and Mr. Heaton
8 started calling and actually got Ms. Mosantos either Monday
9 or Tuesday morning to fill the affidavit out. So he would
10 have said, you know, there's been an allegation of knowing
11 Parnetia Jones, so if she'd even known she worked at the
12 same hospital as her, she may have reached out at that
13 point trying to find out what was going on. I'm not sure,
14 but I did want to correct that.

15 So even though she didn't -- nobody filled out the
16 affidavit at the same time, they did a phone call. We
17 called them first, asked them if we could talk to them,
18 asked the same questions of everybody and said would you be
19 willing to sign an affidavit to that effect and then Mr.
20 Heaton with our office went and got the affidavits later.

21 That's it.

22 THE COURT: Let me ask both of y'all a question. I
23 may have it, I'm not sure. The original motion -- was
24 there another motion? This is called an amended motion.

25 MR. WRIGHT: Judge, there was just a very

1 generalized or initial motion for a new trial filed within
2 the time limits provided by law so that we could have a
3 hearing. I don't think at that time I articulated any
4 specific errors and that was one of the reasons -- our
5 normal procedure in my home jurisdiction is we generalize
6 motion for new trial. Once we get the transcript, we
7 particularize it with the issues and the citations to the
8 record. And that's what I haven't been able to do because
9 the family hasn't been able to get the transcript.

10 THE COURT: All right. Well, let me ask this other
11 question: My understanding is that after the trial defense
12 counsel moved for additional time to file post-trial
13 motions. All right. Is this is the only post-trial
14 motion? Is this the only thing we're talking about?

15 **FURTHER POST-TRIAL MOTIONS**

16 MR. WRIGHT: Judge, there may be one or two things
17 that I'd like to resubmit to the Court such as the 404(b)
18 thing that we've sort of talked about. Other than that,
19 this is really it. This is, I think the gravamen of --

20 THE COURT: I understand, but let's suppose --
21 well, either way, let's think about it. Suppose that the
22 Court denies this motion. Is the Court going to have to
23 hear another motion?

24 MR. THORNTON: Your Honor, my understanding from
25 the record -- I don't mean to interrupt -- is that Mr. --

1 when he filed it Mr. Wright specifically articulated the
2 404(b), which they call a Lyle witness and what he talked
3 about was the Court allowing -- which the Court has already
4 ruled on -- again, you know, this -- the way I took it,
5 Judge, is that what we would normally do right then at the
6 close of the hearing, which is he's renewing his motion for
7 a directed verdict. He's making a motion for a new trial
8 based on the Court improperly allowing Kiamber (phonetic)
9 Bigelow to testify as to his intention or his claiming that
10 he was going to murder one of his codefendants,
11 specifically Travis Polite.

12 That -- that's -- as far as I know that's what is
13 in writing before the Court, but I would look to go ahead
14 and do everything right now that the Court will let us do
15 so that depending on how the Court rules -- I don't want
16 there for PCR purposes or for appellate purposes for there
17 to be something hanging out there that we didn't cover.

18 You know, renew the motion for directed verdict,
19 motion for a new trial based on the 404(b), but I'd like to
20 go ahead and get it done now.

21 MR. WRIGHT: Your Honor, I expect arguing on the
22 404(b) will not belabor if we could do it all together
23 because I would still like to get the parts where we
24 already argued. And quite honestly, Judge, I'm not going
25 to, one, waste the Court's time if I think that that issue

1 has sort of been fully perfected and it's good to go. That
2 same reason is why I said, my client has agreed, we've
3 waived his presence, we're not trying to belabor things,
4 but I would prefer to just do that one, what I anticipate
5 relatively short issue together with this most recent
6 issue, which I think, Judge, it is truly the issue for a
7 motion for a new trial.

8 THE COURT: Well, but the Court has to make some
9 threshold ruling today, right? About whether or not what
10 you want -- which is another -- in essence what you want is
11 another hearing with the opportunity to bring in jurors?

12 MR. WRIGHT: Yes, Judge.

13 THE COURT: All right. Because the Court's got to
14 make a decision about that. But let's suppose the Court
15 denies that request.

16 MR. WRIGHT: Judge, if the Court denies it, then I
17 would probably simply -- again I don't have the benefit of
18 transcript. I'll probably just restate my place, the
19 general components of the 404(b) to make sure I've
20 preserved for the record for it to go up because we're
21 here, there won't be another hearing. But if the Court
22 grants it, as I -- as we hope it will, that will at least
23 give us whatever amount of time to try to obtain the
24 transcript, so I can at least cite to the record any issues
25 that I think came up. Because we did a motion in limine.

1 We then argued it and then Ms. Bigelow actually testified.
2 So the only new component that may have happened where the
3 Court hasn't already essentially ruled is maybe post
4 Ms. Bigelow's testimony. I may have articulated it some in
5 directed verdict, but, Judge, my memory's just not good
6 enough to remember everything I raised on my feet during
7 the directed verdict.

8 THE COURT: But, that may be another year before
9 you'd be in a position to argue that. I say another year,
10 six months, four months, I don't know, because you want the
11 transcript. You don't have the transcript.

12 MR. WRIGHT: Well, Judge, I'm only asking for a new
13 date as to the jury issue and if it's a month, two months,
14 I have to live or die by -- if we can't get the transcript
15 before then, then that's it. I believe the transcript has
16 already been prepared, we just haven't been able to get it.
17 And counsel might be able to shed some light on that. I
18 did recently reach out to the madam court reporter, what if
19 we can just get some parts and try to make it more
20 manageable that way. But I'm not trying to delay this any
21 substantial period of time. I'd actually ask for a month
22 to two months tops and we will be prepared one way or
23 another. Because I think we've had time to try to get the
24 transcript, it's just been a matter of finances.

25 If you remember, the first attorney got put off the

1 case that had been paid to do this for whatever reason. I
2 was the second attorney that was hired. So they've
3 essentially paid two full fees, just to get it to trial.

4 THE COURT: You started to stand a moment ago. Did
5 you want something?

6 MR. THORNTON: I was just going to say -- thank
7 you, Judge. I had no idea about the transcript until all
8 of this came up, I didn't know anything about it. And the
9 State's position is it's already been delayed 8 or 9
10 months, it's time -- we would ask the Court to rule in our
11 favor on this. Rule on the 404(b) and just put this case
12 to bed and let the appellate court's handle it at some
13 point. Thank you, Your Honor.

14 THE COURT: Let me ask one more question. I don't
15 have any question in my mind but that the Court could
16 clearly hear the motions that we've been talking about that
17 we haven't heard. This is a motion for a new trial based
18 on after discovered evidence, could actually be heard by
19 anybody couldn't it? In other words, do both of y'all
20 agree that I'm the one that should be hearing this motion?
21 In other words, if we had heard -- I'm sorry, if we had
22 heard the typical, normal post-trial motions, ten days, two
23 weeks, three weeks later, you would discover this later.
24 You would have filed another motion -- this motion would
25 have been docketed before some other judge probably. I

1 don't know. I'm asking now, both of you, do y'all agree
2 that I have jurisdiction and should be the one to hear this
3 motion?

4 MR. THORNTON: I think you should, Judge, if for no
5 other reason because you have tried this case twice.
6 You're familiar with who the people are, you're familiar
7 with the testimony, you're familiar with what you did and
8 did not ask, even if it was by a transcript. You were
9 there and you were the one who did it. I would ask that
10 you retain jurisdiction because you tried this case twice,
11 and because it was, albeit I agree with you, it could have
12 been done as a motion for a new trial based on
13 after-discovered evidence, it's wrapped up with these
14 post-trial motions that we still have out there. So I
15 would like to -- I would ask that Your Honor be -- retain
16 jurisdiction on the case.

17 MR. WRIGHT: Judge, I would ask that you also
18 retain jurisdiction for all the reasons submitted by the
19 State. I think it just makes sense. I know one of the
20 sections of the transcript I specifically requested for was
21 the voir dire so that I can actually see the exact question
22 that was asked when we were qualifying the witnesses (sic).
23 I mean, I think we all generally would say was -- that they
24 were asked, but, I'd like to at least have some of those
25 sections so I can say, Judge, this was specifically what

1 was asked and there was no response; and I've at least made
2 that record now via being able to cite to the transcript of
3 the voir dire.

4 But I would ask that -- for those reasons Your
5 Honor stay on the case and then have us appear and one way
6 or the other, we are done with this case. Either because
7 you granted a new trial and we're back to where we were or
8 it's on its way. But we won't be lingering in any form or
9 fashion.

10 THE COURT: But once again, Mr. Wright, I'm trying
11 to pin you down on this. You've -- under your proposal, we
12 would have to have another hearing regardless of how the
13 Court rules today.

14 MR. WRIGHT: Yes, sir. Well, I think so and I --

15 THE COURT: On the motion for a new trial, if the
16 Court denies it or denies you continuing that hearing and
17 having testimony as part of that motion. Let's suppose the
18 Court denies all of that --

19 MR. WRIGHT: I understand what you're saying, Your
20 Honor, yes.

21 THE COURT: We're still going to have to have
22 another hearing.

23 MR. WRIGHT: Yes, I think we would.

24 THE COURT: And that's what Mr. Thornton doesn't
25 want to do.

1 MR. THORNTON: No, sir, I object to it. Again, I'm
2 not -- this isn't --

3 THE COURT: And I haven't really even talked to
4 y'all about the motion. I'm really talking about
5 everything but that.

6 MR. THORNTON: Yes, sir, and we've had -- they've
7 had nine months. This is something outside of this new
8 issue that we're asking you to rule on today, which I
9 realize that's different and I realize that usually comes
10 up afterwards. My reference to that in earlier argument
11 was that the discussion they had was after, but the point
12 is, Judge, these are all -- everything except this issue is
13 things that should have been handled in April. You granted
14 Mr. Wright additional time, and I didn't object, frankly.
15 Had I known that we were still going to be here unresolved
16 in October or November, you know, I would have objected at
17 the time and just asked us to do it then.

18 So if the Court is inclined to deny that motion, I
19 would like to go ahead and deal with the four -- it's a
20 very simple issue. You ruled on it. If you remember the
21 testimony of Ki'amber Bigelow, I think Mr. Wright would
22 have to agree to me -- agree with me, I think both of us
23 were very tight and controlled on what we asked. I think
24 it was, you know, if she didn't -- it may not have been the
25 perfect answer that either one of us wanted, but whatever

1 it was, we stuck with it and moved on out of fear that she
2 might say something that would, you know, have the case
3 flipped.

4 It was a very tightly controlled questioning both
5 by the State and the defense. He got out what he wanted,
6 which was the issue of her stealing the necklace and
7 selling it. I got out what I wanted, which was two things,
8 one that he admitted to being a party to a crime. He said
9 he had done the armed robbery. He wasn't sure about the
10 murder, he just remembers running and shooting and his
11 adrenaline was up I think is what she testified.

12 And two, that he had come down to ostensibly do
13 away with -- and brought the Savage -- the guy also known
14 as Savage and a couple of other people down to kill Travis
15 Polite. Those are the two things she said. Everything
16 else was, we didn't talk about all the Savannah issues. We
17 didn't talk about -- none of that will was brought out. I
18 thought it actually went as well, as far a non-appealable
19 issues as it possibly could have. It was very clean, I
20 think from both sides.

21 But that's the only -- other than renewing the
22 motion for a directed verdict as you would normally do at
23 the end, that's the only issue I'm aware of. And I just
24 think that, you know, the family -- I understand that, you
25 know, he's got somebody to represent. I've got family,

1 Judge, who's present here in the courtroom and they've been
2 waiting on this matter to be resolved at least as to this
3 defendant now since April. And I would just ask that we
4 not have any further hearings, that the Court rule and say
5 favor or denial, I respectfully deny the motion and deny
6 the motion for a new trial based on the normal post-trial
7 motions and just move forward. Thank you.

8 MR. WRIGHT: And, Your Honor, if I can revise my --
9 I thought the Court was sort of querying that regardless of
10 what the Court may do with the motion for a new trial
11 today, would I be saying that we'd still need another
12 hearing, thinking about the new stuff. But as I was
13 listening to Counsel, if you deny the motion for a new
14 trial, I guess the initial finding, would that not then
15 send it where we're now going up the appeal channels. If
16 you deny the amendment and don't set a hearing -- I mean, I
17 guess both have to be denied and they go up, but if you
18 deny part of it, I'll need to file the notice of appeal.

19 I'm just thinking procedurally. But we're asking
20 you to retain jurisdiction to hear the amendment of the
21 motion for a new trial. It just seems -- I was just going
22 to say problematic or confusing that half is -- am I now
23 under time constraints to get it up? Because you still are
24 going to hear the amended, or do I need the re-file it
25 under the newly discovered evidence posture?

1 It just seems easier to just keep them together,
2 rule on both and, you know, retain jurisdiction for that
3 purpose and then we get your rulings.

4 THE COURT: Give me one second. Well, I'm looking
5 at the actual motion that I have. It's not dated, but it
6 is signed. And it asks for a new trial based on juror
7 misconduct and in the alternative compel the attendance of
8 jurors, inquire about misconduct, blah, blah, blah.

9 Number three asks the Court the continue the matter
10 until you can get a transcript to do all these things.

11 All right. As to this motion for the new trial,
12 based on juror misconduct and the motion for continuance
13 and the motion to set a hearing, I'm going to deny all of
14 that. And the reason is as follows: That my recollection
15 of the inquiry during voir dire -- it's my recollection,
16 but I believe, based on what Mr. Thornton has said, I
17 believe that his recollection is the same as mine, is the
18 question was never posed to the jury, Do you know any of
19 these people. The question was posed, does any juror --
20 has any juror ever had a close personal or social
21 relationship. That's my recollection and based on my
22 recollection, I find that the juror -- based on what I've
23 seen -- what's been submitted to the Court, that that juror
24 would not have misrepresented a response.

25 And, of course, as you've already pointed out, the

1 relationship is with someone who was not a witness. My
2 recollection is -- and I'll be honest with you, I am a
3 little fuzzy on this, I'm not quite 100 percent sure, but
4 my recollection is there was no inquiry of the jurors
5 concerning Antonio Brewer. I may be wrong on that.

6 MR. WRIGHT: I think the State would agree they
7 were qualified as to Antonio Brewer also.

8 THE COURT: I don't know.

9 MR. THORNTON: I think they were, Judge. I'm not
10 100 percent, but I think since his name was going to come
11 up, I think we did that out of an abundance of caution. Of
12 course, he didn't testify.

13 THE COURT: But the same thing applies is that
14 there's no evidence that that juror ever had a close
15 personal or social relationship with Antonio Brewer. So I
16 can't find that there's been any intentional misconduct on
17 the juror's part by failing to respond to the voir dire.
18 Which really brings us -- well -- if the transcript shows
19 something different -- the transcript that you may get,
20 maybe or may not -- concerning the voir dire questions. I
21 think you believe, Mr. Wright, that I may have had more of
22 the general questioning of the juror as opposed to a
23 specific question of the jury about their relationship or
24 knowledge of witnesses. If I'm wrong about that, I guess
25 the Court will consider a motion to reconsider.

1 MR. WRIGHT: Yes, Judge.

2 THE COURT: Now, it brings us back to the other
3 portions of the post-trial motions. And I agree,
4 Mr. Thornton, I think they all need to be resolved.
5 Basically he's already made his argument, Mr. Thornton has.

6 MR. THORNTON: I don't need to be heard anymore,
7 Judge, basically the arguments we made at trial.

8 THE COURT: So, Mr. Wright?

9 MR. WRIGHT: Your Honor, I would incorporate by
10 reference the arguments I made during the trial, at the
11 motion in limine, I particularized it in a motion for
12 reconsideration prior to that witness's testimony.

13 THE COURT: Right.

14 MR. WRIGHT: I think after -- before and after I
15 think I also made a -- this objection on the record to make
16 sure that I preserved everything. Being that I did
17 enumerate that as one of the issues in the motion for a new
18 trial, I continue to believe that any evidence of alleged
19 evidence my client purporting to want to kill Travis
20 Polite, one, it should -- it wasn't squarely intrinsic by
21 any means, it was extrinsic to this particular case, I
22 would argue. It was prejudicial from a 403 analysis as it
23 immediately cast him in a terrible light that he's trying
24 to kill a codefendant.

25 One, the statements of Ms. Bigelow to

1 investigators, versus what she testified at trial. She
2 couldn't even, on her own independently say Travis Polite.
3 She was given that name by investigators during her
4 interview.

5 Ultimately, I do understand half of what the State
6 wanted in terms of an allegation that he made some
7 admissions. I think that would be intrinsic and I don't
8 think that would necessarily be kept out from a 404(b)
9 analysis. But as to the allegations that he was
10 prostituting two girls to get money to get a gun to kill
11 the codefendant --

12 THE COURT: Right.

13 MR. WRIGHT: -- especially when Ms. Bigelow
14 couldn't say that the gun found in the car down in Savannah
15 was even the gun supposedly they used. She said no, Savage
16 never would be the one to kill anybody. Savage wasn't like
17 that.

18 So, how the State sort of anticipated going versus
19 what actually came in through Ms. Bigelow, I would suggest,
20 did not lay a foundation to get it in under 404(b). Even
21 if it did, it's a 403 problem as to the amount of prejudice
22 that came in, because it didn't really lead anything other
23 than a propensity argument saying that my client's a bad
24 guy.

25 So for that reason, I just want to articulate

1 enough on the record today that I preserve that issue.
2 Quite honestly, I wanted to also talk about the fact that
3 he was found guilty of attempted armed robbery and I can't
4 recall from our memory what we all discussed when we were
5 doing some of the charge conversation or some of the things
6 as to putting in a lesser included to the armed robbery. I
7 can't articulate it because I don't recall everything we
8 were going into at that point, unfortunately. My memory is
9 just not that good. That's one of the reasons why I
10 really, earnestly wanted the transcript so I could at least
11 read it, review it, and see and preserve an issue for
12 appeal as to that.

13 But if I can just generally state any and all
14 things, my request for directed verdict; again, I just
15 articulate that. I just want to make sure as I anticipate
16 the ruling of the Court, I just want to make sure we can
17 carry it all up.

18 THE COURT: I understand.

19 You want to say anything?

20 MR. THORNTON: The only thing I would say, Judge,
21 during -- as far as the charge conversation goes, when we
22 were back discussing it, I believe it was -- I don't
23 remember if it was Your Honor or I that brought up the fact
24 that you know, they can choose to believe everything,
25 including their witness they called who said she got there

1 and she was scared, but she had a bunch of money. That was
2 the witness that they called who was Jessica Powers,
3 eyewitness in the case, former boyfriend. And I thought
4 there was -- I agreed with -- whether it was the Court that
5 brought it up or myself, I think all of us, including
6 Mr. Wright, acknowledged that it was possible from the
7 evidence and from the testimony that that was a potential
8 charge and regardless, I do not believe Mr. Wright -- in
9 fact, I'm sure he didn't object to the charge once the
10 charge was given, so I think my memory on as far as our
11 charge conversation was accurate. It was not Mr. Wright
12 that brought up, granted, but I don't think he had an
13 argument as to why attempted armed robbery shouldn't be
14 included since they produced a witness who claimed she
15 still had money; arguably, all the money that would have
16 been in a drug transaction.

17 THE COURT: All right. Anything further,
18 Mr. Wright?

19 MR. WRIGHT: No, Your Honor.

20 THE COURT: All right. I considered the motions
21 and am going to deny those motions also. Court agrees with
22 the arguments -- position set forth by the State concerning
23 those motions.

24 Mr. Thornton do you agree -- do you believe that we
25 need a written order as it relates to the juror misconduct

1 motion?

2 MR. THORNTON: Frankly, Your Honor, I'm not sure.
3 This is the first time I've ever had this issue. I
4 certainly don't think it would hurt to have a written
5 order; and if you would like for me to prepare one and send
6 it to Mr. Wright and make sure I haven't gotten any of the
7 facts wrong or a ruling by the Court so that it's
8 preserved. I think normally post-trial motions are handled
9 orally, but this is a little bit different. It's kind of a
10 hybrid of a motion for a new trial and a normal post-trial
11 motion since it was phrased that way, so I'm happy to
12 prepare an order which I will get done in the next day or
13 so and send it to Mr. Wright and get it to you before you
14 leave Jasper; or if not, Judge, I'll get it to you
15 electronically.

16 MR. WRIGHT: Judge, I would ask that it be written
17 for the purposes of --

18 THE COURT: I think so.

19 MR. WRIGHT: -- taking it up.

20 THE COURT: I think it needs to be so he doesn't
21 file an appeal and then the Court send it back and say wait
22 a minute, Judge has got to sign an order on that motion.

23 MR. THORNTON: Yes, sir.

24 MR. WRIGHT: Yes, sir.

25 MR. THORNTON: Thank you, Your Honor.

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THE COURT: All right.

* * * * * END OF TRANSCRIPT * * * * *

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State of South Carolina)
County of Aiken) **Certificate of Reporter**

I, THE UNDERSIGNED, Brenda J. Sigwald, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that I reported the proceedings in the captioned case in the Court of General Sessions in and for the State of South Carolina on 12th day of October, 2015.

I FURTHER CERTIFY that the foregoing pages constitute a true, accurate and complete transcript of said hearing.

I FURTHER CERTIFY that I am neither kin, counsel, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Aiken County, this 12th day of June, 2016.

Brenda J. Sigwald,
Court Reporter and Notary Public
For the State of South Carolina
My commission expires
January 4, 2020

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INDEX IV
CHARGES

WITNESSES

Inv. J. Gobel-BCSO

ARREST WARRANT NUMBER

2012A0710400128

ACTION OF GRAND JURY

Melinda Beare
Foreperson of Grand Jury
Date: **DEC 13 2012**

VERDICT **True Bill**

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2012GS0702247

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2012

THE STATE

vs.

Walter Tucker

Indictment for

Robbery / Armed Robbery, robbery, while armed

SC Code: 16-11-0330(A)
CDR Code: 0139

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

Certified - A True Copy

JR Boone
Jeri Ann Roseneau - Clark of Court
Beaufort County, SC - Karen Boone

0 0735

0 0736

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0702246

At a Court of General Sessions, convened on December 13, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 6, 2012, with malice aforethought, Walter Tucker did kill and murder Quantize Greer by means of shooting with a gun, and that Quantize Greer did die in Beaufort County as a proximate result thereof on September 6, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended:

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



Solicitor

Beaufort County, South Carolina
You Will Receive a Copy of Court
Records by First Class Mail

0 0737

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0702247

At a Court of General Sessions, convened on December 13, 2012, the Grand Jurors of Beaufort County present upon their oath:

Robbery / Armed Robbery, robbery while armed

That on or about September 6, 2012, in Beaufort County, South Carolina, the Defendant, Walter Tucker, at 482 Parris Island Gateway, Lot #60, Beaufort, SC, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Quantize Greer and Jessica Power with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) 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.


Solicitor

Beaufort County, South Carolina
Clerk of Court
Cecil W. Stone, Clerk

WITNESSES

Inv. J. Gobel-BCSO

ARREST WARRANT NUMBER

2012A0710400129

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: DEC 13 2012

VERDICT True Bill

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2012GS0702248

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2012

THE STATE

vs.

Walter Tucker

Indictment for
Kidnapping / Kidnapping

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

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

Certified - A True Copy

K. Boone
Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Karen Boone

0 0738

INDEX V
OTHER
DOCUMENTS

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) Affidavit

I, JESSICA MASANTO, being first duly sworn according to law, do hereby depose and state the following statements are true and correct:

1. My name is JESSICA MASANTO and I am over the age of 18 years old, suffer from no physical or mental infirmities that would affect my capacity to testify and am otherwise competent to make and give this Affidavit.
2. I was a juror in the State vs. Walter Tucker trial.
3. I am neither friends with Quornisha Jones nor Antonio Brewer.
4. I did not receive any information about this case from Quornisha Jones or Antonio Brewer.
5. I did not have any discussions about this case with Quornisha Jones or Antonio Brewer.
6. I have not had any discussions where I blamed Walter Tucker for the death of Antonio Brewer.

I say nothing further.

Jessica L. Masanto
Signature of Affiant

Jessica L. Masanto
Print Name

Sworn to and subscribed before me
this 8 day of October, 2015

[Handwritten signature of Notary Public]

Notary Public, State of South Carolina
My commission expires September 07, 2021



STATE OF SOUTH CAROLINA)
) Affidavit
COUNTY OF BEAUFORT)

I, LATOSHA CARTER, being first duly sworn according to law, do hereby depose and state the following statements are true and correct:

1. My name is LATOSHA CARTER and I am over the age of 18 years old, suffer from no physical or mental infirmities that would affect my capacity to testify and am otherwise competent to make and give this Affidavit.
2. I was a juror in the State vs. Walter Tucker trial.
3. I am neither friends with Quornisha Jones nor Antonio Brewer.
4. I did not receive any information about this case from Quornisha Jones or Antonio Brewer.
5. I did not have any discussions about this case with Quornisha Jones or Antonio Brewer.
6. I have not had any discussions where I blamed Walter Tucker for the death of Antonio Brewer.

I say nothing further.

Latosha Carter
Signature of Affiant

Latosha CARTER
Print Name

Sworn to and subscribed before me
this 8 day of October, 2015.

Rogers Heaton
Notary Public, State of South Carolina
My commission expires September 07, 2021

STATE OF SOUTH CAROLINA)
) Affidavit
COUNTY OF BEAUFORT)

I, DEBRA MANYIN, being first duly sworn according to law, do hereby depose and state the following statements are true and correct:

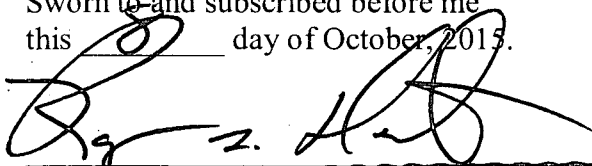
1. My name is DEBRA MANYIN and I am over the age of 18 years old, suffer from no physical or mental infirmities that would affect my capacity to testify and am otherwise competent to make and give this Affidavit.
2. I was a juror in the State vs. Walter Tucker trial.
3. I am neither friends with Quornisha Jones nor Antonio Brewer.
4. I did not receive any information about this case from Quornisha Jones or Antonio Brewer.
5. I did not have any discussions about this case with Quornisha Jones or Antonio Brewer.
6. I have not had any discussions where I blamed Walter Tucker for the death of Antonio Brewer.

I say nothing further.

Debra Manyin
Signature of Affiant

Debra Manyin
Print Name

Sworn to and subscribed before me
this 8 day of October, 2019.



Notary Public, State of SOUTH CAROLINA
My commission expires September 07, 2021

STATE OF SOUTH CAROLINA)
) Affidavit
COUNTY OF BEAUFORT)

I, CHERYL FLETCHER being first duly sworn according to law, do hereby depose and state the following statements are true and correct:

1. My name is CHERYL FLETCHER and I am over the age of 18 years old, suffer from no physical or mental infirmities that would affect my capacity to testify and am otherwise competent to make and give this Affidavit.
2. I was a juror in the State vs. Walter Tucker trial.
3. I am neither friends with Quornisha Jones nor Antonio Brewer.
4. I did not receive any information about this case from Quornisha Jones or Antonio Brewer.
5. I did not have any discussions about this case with Quornisha Jones or Antonio Brewer.
6. I have not had any discussions where I blamed Walter Tucker for the death of Antonio Brewer.

I say nothing further.

Cheryl Cynn Fletcher
Signature of Affiant

Cheryl Cynn Fletcher
Print Name

Sworn to and subscribed before me
this 7 day of October, 2015.

[Signature]
Notary Public, State of South Carolina
My commission expires September 07, 2021

ROGER S. HEATON
My Commission Expires **September 07, 2021**

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) Affidavit

I, DAVIES SINGLETON, being first duly sworn according to law, do hereby depose and state the following statements are true and correct:

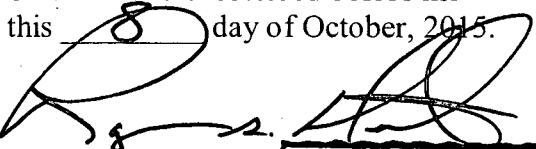
1. My name is DAVIES SINGLETON and I am over the age of 18 years old, suffer from no physical or mental infirmities that would affect my capacity to testify and am otherwise competent to make and give this Affidavit.
2. I was a juror in the State vs. Walter Tucker trial.
3. I am neither friends with Quornisha Jones nor Antonio Brewer.
4. I did not receive any information about this case from Quornisha Jones or Antonio Brewer.
5. I did not have any discussions about this case with Quornisha Jones or Antonio Brewer.
6. I have not had any discussions where I blamed Walter Tucker for the death of Antonio Brewer.

I say nothing further.

Davies Singleton
Signature of Affiant

Davies Singleton
Print Name

Sworn to and subscribed before me
this 8 day of October, 2015.



Notary Public, State of South Carolina
My commission expires: **ROGERS HEATON**
Notary Public, South Carolina
My Commission Expires
September 07, 2021

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) Affidavit

I, BELINDA BALES, being first duly sworn according to law, do hereby depose and state the following statements are true and correct:

1. My name is BELINDA BALES and I am over the age of 18 years old, suffer from no physical or mental infirmities that would affect my capacity to testify and am otherwise competent to make and give this Affidavit.
2. I was a juror in the State vs. Walter Tucker trial.
3. I am neither friends with Quornisha Jones nor Antonio Brewer.
4. I did not receive any information about this case from Quornisha Jones or Antonio Brewer.
5. I did not have any discussions about this case with Quornisha Jones or Antonio Brewer.
6. I have not had any discussions where I blamed Walter Tucker for the death of Antonio Brewer.

I say nothing further.

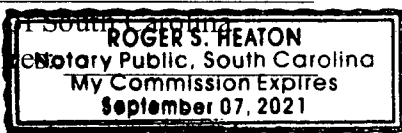
Belinda J. Bales
Signature of Affiant

BELINDA J. BALES
Print Name

Sworn to and subscribed before me
this 8 day of October, 2015

Roger S. Heaton

Notary Public, State of South Carolina
My commission expires



In the Superior Court of Chatham County / State of Georgia

State of Georgia v.
Walter T Tucker

*
*
* Case No. CR14-2786J1
*
*
*

MOTION TO NOLLE PROSEQUI

FILED IN OPEN COURT
December 16, 2015
DAT: [Signature]
D. Clerk, S.C.U.C. GA.

Comes now the State of Georgia, by and through David Keeton, Assistant District Attorney of the Eastern Judicial Circuit, and moves the Court to nolle prosequi the above case. Both alleged victims have left the state; one has given testimony in another court proceeding which would diminish her credibility in this case and has lost contact with the State; the other victim has expressed her wish not to appear. Furthermore, the accused is already serving a lengthy prison sentence for Murder in another jurisdiction. THEREFORE, the State moves that the above case be nolle prosequi and closed without further prosecution.

This the 15th day of December, 2015

[Signature of David Keeton]

David Keeton, Assistant District Attorney
Eastern Judicial Circuit / State Bar Number 006960

ORDER

The foregoing motion having been read and considered, it is hereby ordered that the above styled case be nolle prosequi.

SO ORDERED, this the ___ day of December, 2015.

[Signature of Judge]

JUDGE, CHATHAM COUNTY SUPERIOR COURT
EASTERN JUDICIAL CIRCUIT

0 0747

IN THE SUPERIOR COURT OF CHATHAM COUNTY

STATE OF GEORGIA

FILED IN OPEN COURT
November 10, 2015

DATE November 10, 2015
Dep. Clerk, S.C.C.Co. Ga.

INDICTMENT CR14-2786-J1

CHARGES:

KIDNAPPING (CTS 1 & 2)

STATE OF GEORGIA

v.

WALTER TUCKER

Defendant.

ORDER DIRECTING SHERIFF TO MAINTAIN
CUSTODY OF DETAINEE

Whereas the above named Defendant is currently detained in the Chatham County Detention Center and awaiting transfer into the State prison system; and

Whereas the Defendant's presence is needed in Chatham County for matters pertaining to his/her criminal case,

IT IS HEREBY ORDERED that the Sheriff of Chatham County and/or his deputies shall retain custody of the above named Defendant and SHALL NOT release him into the State prison system until:

further order of this Court, or

SO ORDERED this 10 day of November, 2015.

Penny H. Freeseemann, Judge
Superior Court of Chatham County, E.J.C.

FILED IN OPEN COURT
November 16, 2015
Dep. Clerk, S.C.C.Co. Ga.

DISMISSED
12.16.2015
21 Jan

NOV 17 2015