

ORIGINAL

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Bamberg County

Roger M. Young, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LEON AMOS JASON JAMES,

APPELLANT

APPELLATE CASE NO 2016-001155

RECORD ON APPEAL

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1 beyond a reasonable doubt. If you're not firmly
2 convinced that he's guilty, it's your duty to return
3 a verdict of not guilty. Each and every one of you
4 has heard all of the evidence. Each and every one
5 of you has an opinion. Each and every one of you
6 has to be firmly convinced of his guilt. And I
7 believe the State has failed to meet that burden,
8 and I ask you to return a verdict of not guilty.
9 Once again, I thank you all for your attention.

10 THE COURT: All right. Mr. Solicitor.

11 MR. MILLER: Thank you, Your Honor. May it
12 please the Court. Mr. Kazmierski.

13 Ladies and gentlemen of the jury, the Judge has
14 told you on a couple of different occasions that the
15 evidence in this case comes from the witness stand.
16 And hearing Lewis Garvin's testimony as I sat here
17 and hearing Mr. Kazmierski characterize that
18 testimony, it's important that we remember that the
19 testimony comes from the witness stand.

20 Lewis Garvin said he had no knowledge, he
21 didn't recall, he didn't know. Chris Wilson said a
22 man with a gun in the car forced the robbery.
23 That's not testimony from the witness stand, that's
24 testimony from the lawyer. Mr. Kazmierski stands up
25 and says he testified that the defendant had no

1 knowledge of a robbery. No.

2 Ladies and gentlemen, if there's a discrepancy
3 between what you heard there and what we say out
4 here, this lady who's been taking down everything
5 that's been said can read that testimony back for
6 you. Don't let the lawyers testify for you. Don't
7 let what they want the case to be become the case to
8 be become the case that they try to convince you
9 that you heard. Because the fact is this: When you
10 consider all of the evidence in this case, what
11 evidence is there that there was a fourth person
12 involved in this robbery at all? At all?

13 Three people show up on video, three people run
14 from the car, three people get arrested. Well, what
15 about all that stuff in the car with unknown DNA on
16 it? What about all this stuff in the car with
17 unknown DNA? Let's say we found somebody's DNA on
18 this red cup right here. Do they go get arrested?
19 What involvement do they have with the crime? Well,
20 their DNA was on a cup inside the car. So? That
21 doesn't mean because your DNA was on a cup inside
22 the car that you committed a robbery. What that
23 means is that your DNA is on a cup that's inside of
24 a car.

25 Circumstantial evidence would lead you to

1 believe that the person whose DNA is on the cup
2 might have been in the car at some point in time.
3 But that's not necessarily true, there's got to be
4 more than that. There's got to be more than just
5 somebody's DNA on a cup.

6 There has to be more than Darrell Lassiter's
7 driver's license being in the car. Let's think
8 about it. Why didn't the police go chase down this
9 perfectly innocent man from North Carolina and
10 decide whether they wanted to charge him with the
11 armed robbery of a bank in Denmark? Well, what did
12 the police know? What the police knew was we have
13 four IDs. And you'll have them all back there. You
14 can go through them.

15 Here is the South Carolina identification card
16 of Lewis Garvin who lives on Fox Fire Drive in
17 Columbia, South Carolina. Here is the South
18 Carolina identification card of Leon Amos Jason
19 James who is the defendant who lives in Irmo, South
20 Carolina. Here is the identification card of Homer
21 Arthur James who lives in Monetta. Okay. Here's
22 what the police know -- here's Darrell Lassiter,
23 commercial driver's license for a guy from
24 Greensboro, North Carolina.

25 Here's what the police know: There are three

1 people that appear on the video in the bank that
2 might be -- might be connected to the robbery.
3 First one is easy, the defendant. A, he doesn't
4 disguise himself either time me comes in; B, we have
5 his driver's license sitting on the front driver's
6 seat of the vehicle, sitting there in the seat; C,
7 it turns out when we track down the vehicle that it
8 belongs to Renee Greathouse who testified and says
9 it was in his possession. Here's part of the
10 reasons why the police think that he was connected
11 with the robbery: He was inside the bank twice that
12 day before the robbery actually occurred.

13 Okay. Well, let's move on to the next license,
14 Homer Arthur James. I'm not a SLED agent, but if I
15 see Homer Arthur James' ID and Leon Amos Jason
16 James' ID, I think I might question whether or not
17 they were related. Don't know if they are or if
18 they aren't, but they have the same last name.

19 Okay. And what else have we got? We've got
20 the surveillance video where the people ran into the
21 bank. And looking at Homer Arthur James, you see,
22 at one point in time, he lifts up the mask. On the
23 camera he lifts up the mask. That seems kind of
24 important. You can see what kind of clothing he's
25 wearing on the camera, you can see what kind of

1 pants he's wearing, you can get some idea of his
2 build.

3 Okay. How about Lewis Garvin? Same thing.
4 You got a guy who his ID is found in the car.
5 That's questionable to start with. But he's got on
6 distinctive clothing. You've got video of someone
7 in the bank -- the robbers inside the bank. And you
8 know that at the time when you're collecting all of
9 this evidence out here somewhere, the dog team is
10 tracking from the vehicle. They're trying to track
11 these guys down. The investigation is ongoing.

12 How about Darrell Lassiter? Well, let's see.
13 He doesn't live in the same state, this is a
14 commercial driver's license, nobody's ever heard of
15 this guy. We'll -- he's still a suspect. Make no
16 mistake, he's a suspect. But he's 6-foot-4. That
17 would be out of place on the video. But he's still
18 a suspect, somebody that you're going to think
19 about.

20 So you go in and you're working on the
21 investigation and you're processing the evidence,
22 and lo and behold, the next night these guys get
23 captured. They get captured the next night going
24 into the following morning. And Lewis Garvin is
25 still wearing the same pants with the distinctive

1 logo on the back pocket that he was wearing when he
2 stepped on that counter, and Lewis Garvin is still
3 wearing the same shoes that left the footprint on
4 the teller counter. Lewis Garvin was the person
5 inside the bank when it was robbed.

6 So you look at Homer James. Well, Homer's ID
7 was found in the front passenger floorboard of the
8 car with the money sitting on top of it. And shoved
9 down in between the edge of the car and the front
10 passenger's seat was what appeared to be the gun
11 that was used in the robbery. And outside on the
12 ground -- outside the front passenger door -- and
13 there are photos of all of this -- is the yellow rag
14 that was in his hand when he was carrying that gun
15 around inside the bank.

16 And here in State's Exhibit 30, if you look
17 closely, you see the money bag, and right there you
18 can also see the gun. That's the gun. They robbed
19 the Enterprise Bank with a BB gun. More
20 specifically, they robbed the Enterprise Bank with
21 that BB gun. Looks pretty real. The people in the
22 bank told you they thought it was real. This is the
23 gun that was used to rob the bank.

24 So Homer James from Monetta is arrested after
25 this robbery in Bamberg County, no shirt on, running

1 through the woods from SLED. Leon James is arrested
2 in Bamberg County with no shirt on, hiding in the
3 woods in the hedgerow by SLED. So we got three
4 people on video, we got three people in the car.
5 What, again, is the reason that Darrell Lassiter is
6 getting charged with anything?

7 Agent Williams has been a SLED agent for 30
8 years -- or been involved in law enforcement for
9 over 30 years. He didn't know why this guy's
10 driver's license was in the car, but he didn't have
11 anything to connect this guy to these defendants
12 other than this driver's license. And, actually, he
13 didn't waste time on tracking it down. That's the
14 truth.

15 And so when it was tracked down, what did we
16 find out? You heard from Darrell Lassiter
17 yesterday. Agent Williams was right, he was right
18 all along, Darrell Lassiter didn't have anything to
19 do with this. He wasn't even in the State of South
20 Carolina when this robbery occurred. He didn't have
21 a thing to do with this.

22 But that doesn't meet the Defense's theory.
23 They got to find somebody. First it was going to be
24 Darrell Lassiter that was supposedly holding a gun
25 to their client, now they don't know who it was.

1 Credibility. Believability.

2 Why -- if Leon James was going to commit a
3 robbery, why does he go into the bank without a
4 disguise on? Ladies and gentlemen, think about it
5 from the other direction: If Leon James goes into
6 the bank to check it out and to see who's in there
7 and he has a disguise on, if his face is covered so
8 nobody can identify him, don't you think that might
9 raise some alarms?

10 The reason Leon James went into the bank
11 without a disguise on is because he didn't he didn't
12 intend to get caught. He figures, I go into the
13 bank, tell them I want to open a checking account.
14 This is significant because you heard from the bank
15 teller the first time he came in, what do I need to
16 get a bank account? I told him everything he
17 needed; I told him he needed a social security card,
18 I told him he needed an ID, and I told him to come
19 back in an hour because the lady that handles that
20 stuff isn't here.

21 So what does he do for an hour? We don't know.
22 According to Mr. Garvin, they ride around to look
23 for his relatives. None of these guys are from
24 around here, but they're going to ride around and
25 look for his relatives for an hour. Ladies and

1 gentlemen, I submit to you that for an hour they
2 were riding around trying to get up their nerve and
3 get up their plan, figure out how they're going to
4 do it.

5 But now it's an hour later. Better go check it
6 out again, we know at least one person has come back
7 from lunch. So he goes back in with the same story:
8 What do I need to open a bank account? Oh, you got
9 to have a social security card. Oh, still don't
10 have a social security card, one didn't appear in my
11 wallet in the last hour. He didn't go to Orangeburg
12 to try to get a social security and figure, okay,
13 I'll come back and see if I can open the account
14 without it, they rode around looking for Lewis
15 Garvin's cousins.

16 So he walks out. What's he got to worry about?
17 Nobody is ever going to see him with these guys.
18 Nobody is going to see him with these guys. Ladies
19 and gentlemen, the second time he walked into that
20 bank, he walked into that bank with the intent to
21 steal. He walked in there knowing that he was going
22 to end up with money from that bank in his
23 possession illegally later on that afternoon,
24 because then he goes back outside and now we got the
25 half-hour gap.

1 What is the half-hour gap? What are they
2 doing? Ladies and gentlemen, I submit to you they
3 are doing the same thing they were doing in the
4 hour; they're trying to figure out what the plan is
5 going to be, how they're going to do this, and get
6 up their nerve. But they finally do, and he pulls
7 in front of the bank. And when he pulls in front of
8 the bank, Homer James and Lewis Garvin jump out of
9 the car and they go to run into that bank. And when
10 they go to run into that bank, fortunately Betty
11 Wilson sees them.

12 And I know she was nervous and I know she
13 didn't want to be here, but Betty Wilson did the
14 right thing. She saw it. It was strange. It was
15 so strange she drove around the block to make sure
16 she saw what she thought she saw. And when she gets
17 around the block, the car is gone. She said she
18 didn't know how many people it was, said she
19 couldn't identify anyone, no one, but that silver
20 Grand Am was gone and then the door flies open on
21 the bank and the two people run out. Two people
22 went in, car moves while they're inside, two people
23 came out.

24 Ladies and gentlemen, there was another person
25 involved, and that person was the driver of the car.

1 He was the get-away driver. That is the hand of one
2 being the hand of all. They're all active
3 participants in it. They're all active participants
4 in the robbery of the bank. That's why he's charged
5 with the robbery, the bank robbery, the armed
6 robbery, because that's what it is. It's armed
7 robbery, taking somebody's money that you don't
8 deserve at the end of a gun through force and
9 intimidation. That's what we allege Homer James
10 did.

11 And that brings up something: Homer James
12 isn't here. Homer James is going to have his day in
13 court. We will be in a setting very similar to this
14 in a very short period of time with Homer James.
15 But y'all don't need to consider Homer James right
16 now.

17 MR. WILSON: Your Honor, I don't generally
18 object in people's closing statements, but --

19 THE COURT: Sustained.

20 You're not to consider the other co-defendants
21 at all in your deliberations and their guilt or
22 innocence.

23 MR. WILSON: Your Honor, he doesn't have the
24 right to imply that we had to bring Homer James.
25 They have the burden of proof. I don't want any

1 implication --

2 THE COURT: Disregard that last argument.

3 MR. MILLER: Certainly that was not the point.

4 The point is exactly what the Judge said. This
5 is his day in court. He's the one that y'all are
6 worried about right now. He was the get-away
7 driver.

8 Now, what evidence is there that there was a
9 person holding the defendant at gunpoint, forcing
10 him to be the get-away driver? There is none. No
11 one has testified, no video shows, no one has said
12 from that stand, it's not anywhere in any of this
13 evidence that someone was holding him at gunpoint.

14 If I'm in the car and somebody has a gun, that
15 doesn't mean I'm being held at gunpoint; it means
16 I'm in a car with somebody that has a gun. We
17 dispute that there's even a fourth person in the
18 car. But this is why it's important: They're going
19 to talk -- the Judge is going to tell you about the
20 defense that they're asserting of coercion. And
21 coercion means that -- it means I did it, but I was
22 forced to do it. I was in danger of life or limb,
23 eminent threat of harm.

24 And in this case, they're claiming that this
25 fourth person that nobody knows, nobody can

1 identify, no one has ever seen, doesn't appear on
2 any videos, they're saying that this fourth person
3 held him at gunpoint. What evidence is there of
4 that? There is none.

5 You have the statement of a guy who,
6 realistically, wants to help himself. Everybody
7 would want to help themselves in his position.
8 Nobody wants to be in his position. But even he
9 wouldn't say there was a fourth person in that car
10 with a gun. What he did say was he was forced to
11 participate in the robbery. Well, the only person
12 we see with a gun is Homer James. Homer James is in
13 the bank.

14 You know, coercion only works as a defense if
15 there's no other way than committing the crime for
16 you to get out of the situation. If you believe
17 him -- if you believe Lewis Garvin, when he drags --
18 when Homer James drags Lewis Garvin into the bank,
19 which, ladies and gentlemen, I don't think is borne
20 out by the video, but if you believe Lewis Garvin,
21 when Homer James goes into the bank with him with a
22 gun, all Leon James has to do is drive away, use one
23 of those three cell phones in the car, dial 911, get
24 out of the car and walk away. It wasn't even his
25 car. There's lots of different options for him.

1 But he was scared. He was scared, so he
2 decided, okay, here they come running back to the
3 car after he's moved it -- and you notice Betty
4 Wilson never says she saw the guys get back into the
5 car, because she didn't see the guys get back into
6 the car. What she said is, when I got back to the
7 bank, the car was gone. The only reason she was
8 convinced that she had seen something important is
9 because she saw the guys run out of the car -- or
10 out of the bank and go take off towards that
11 railroad tracks. So she called the police and told
12 them what she saw.

13 If she hadn't seen the get-away car before it
14 was a get-away car, when it was the drop-off car, if
15 she hadn't seen that, Chief Walley wouldn't have
16 known what kind of car to be looking for. You heard
17 him when he testified, they came driving in, they
18 weren't doing anything wrong; he saw that it matched
19 the description of the vehicle he was looking for.
20 That's why he got behind them.. He didn't cut on his
21 blue lights until they ran a stop sign, committed a
22 traffic offense. That's when he turned on the
23 lights.

24 Without Betty Wilson, he's not even looking at
25 that Grand Am; it drives on by him and keeps on

1 going. That's why Leon James was okay with going
2 into the bank without a disguise on. Because but
3 for Betty Wilson, he would have gotten away with it,
4 nobody would have known. The reason you drive from
5 Columbia to Denmark to commit a robbery is because
6 nobody knows you. Nobody is going to say, I went to
7 school with that guy, I played basketball with him,
8 I recognize him, I know he had his face covered, but
9 I can tell you who that was, I know that boy.
10 That's why.

11 Which begs the question, ladies and gentlemen,
12 when you're judging credibility and you're talking
13 about motive and you're talking about all of the
14 different things that are going to allow you to tell
15 if somebody's story is truthful or if somebody's
16 story is not, you got to think about certain things.
17 Why does a guy from Columbia all of a sudden have
18 such a burning desire to open up a checking account
19 at the Enterprise Bank in Denmark? Why is that? He
20 wanted to open a checking account in Denmark so bad
21 that when he went in and found out he couldn't open
22 a checking account, he waited around for an hour so
23 he could go back in and try to open a checking
24 account again. Why?

25 At the beginning of the trial whenever the

1 judge had all of y'all sitting out there and he kept
2 asking the questions and making everybody stand up
3 and everybody would sit down and everybody had to
4 remember their juror number, all of those questions
5 had a purpose. Those questions were designed to
6 make sure that you were legally qualified jurors,
7 which, obviously, all of you are, but it was also to
8 make sure you didn't have any preconceived notions
9 or any knowledge about the case outside of what you
10 were going to find out about in here. That was the
11 purpose of all of those questions.

12 The one question the Judge didn't ask is, does
13 anybody in the jury panel have common sense? And
14 the reason for that is because we want jurors to
15 have common sense. Use your common sense. Why is a
16 guy coming from Columbia to Denmark to open a
17 checking account? Now, certainly that's not
18 something the Defense has to prove or has to
19 identify, but using your common sense you can sit
20 there and say that doesn't really make a lot of
21 sense. He doesn't really want to open a checking
22 account.

23 From right here at the Enterprise Bank -- this
24 is State's 69, y'all will have this in the back
25 too -- down to Olar, ten miles. Ten miles in a

1 vehicle, nothing to it. From right here, Lewis
2 Garvin says -- although what you can take from his
3 testimony I have no idea, Lewis Garvin says he
4 didn't see Homer and Leon after that. So they come
5 into here, SLED is searching all around here looking
6 for him and -- I'm sorry, down here. They end up
7 catching -- SLED ends up catching -- it wasn't SLED.
8 It was actually DNR and some Bamberg City police
9 officers and Captain Williams end up catching Lewis
10 Garvin over here. Lewis Garvin -- that's about
11 three miles right there.

12 The next time that anybody sees Leon James and
13 Homer James is the night at the Govan Fire
14 Department. And I know it's confusing, because it
15 confused everybody that was out there that night.
16 Captain Williams made contact with Homer James at
17 the trailer. Homer James is the one that came
18 out -- and he said in his testimony, you heard it:
19 When he was being aggressive and coming towards me,
20 I took out my gun. But then he just kept on running
21 his mouth and talking, and I realized he wasn't a
22 threat. He wasn't wearing a shirt. He could see he
23 didn't have any weapons, so he holsters his weapon
24 back and goes for his taser because he's still not
25 complying with him, and the guy takes off behind the

1 trailer.

2 Well, at that time, all those firemen are
3 standing over there, and here comes a guy running
4 out from behind the trailer. But this guy has a
5 shirt on. It's Leon. They're chasing Leon.
6 Captain Williams comes around, what's going on? All
7 these firemen are going down the road. What are
8 y'all doing? We're chasing the guy. They think
9 they're chasing the same guy. They're not chasing
10 the same guy. Homer didn't have on a shirt, Homer
11 didn't have anything in his hands, he ran behind the
12 trailer.

13 He ran across the street -- the defendant runs
14 across the street, gets in that little tree line,
15 ultimately gets flushed out a little bit further
16 down. When he comes out now, he's not wearing a
17 shirt, but he's still got his shirt in his hand.
18 And he takes off across the road after Jeff Jackson
19 draws down on him and says stop. Please don't shoot
20 me. He runs off. SLED comes and finds him.

21 Now, think about that. Over 30 hours that he
22 was on the run, over 30 hours. It wasn't Homer that
23 was forcing him to participate in the robbery. It
24 can't be Homer because Homer was inside the bank
25 during the robbery. So how could he force me to be

1 in the robbery if he was inside the bank? He wasn't
2 with anybody else. Him and Homer.

3 The car wrecks, everybody bails out of the car.
4 Sit in the car. There's a police officer right
5 there. He's driving right behind you, that's why
6 you wrecked in the first place. Sit in the car, let
7 Chief Walley get out, go, hey, these guys just made
8 me be the get-away driver in a bank robbery, they
9 went that way, if that's what happened. He was
10 scared, so he ran.

11 And over the course of the next 30 hours, it
12 never occurred to him, I made a mistake, I don't
13 have a phone, you know what, I'm going to go up to a
14 house and knock on the door and tell them, hey,
15 look, these guys robbed this bank, I was held at
16 gunpoint, I couldn't do anything about it, when I
17 ran from the police I was scared, but here I am,
18 I'll tell you what I know. No, he doesn't do that,
19 doesn't do that either. Maybe he's just scared of
20 police.

21 All these guys are at the Govan Fire
22 Department. They're all milling around outside
23 around the fire department. Hey guys, y'all ain't
24 going to believe this story, but here's what
25 happened. Any time he could have come out, but he

1 didn't, because it wasn't true. There's no evidence
2 to support it. There was a guy's driver's license
3 in his car. That was what he knew was in the car
4 that was going to point to someone else. Problem
5 is, it went to a really good guy, went to an honest
6 guy working three jobs in North Carolina who, and I
7 will concede this, thank goodness was absolutely
8 able to prove where he was on June 5th, 2014.

9 Ladies and gentlemen, the State has proven
10 beyond any doubt that the Enterprise Bank in Denmark
11 was the subject of an armed robbery on June 5th,
12 2014. And through circumstantial evidence, which
13 the Judge is going to talk to you about, we've
14 proven beyond any reasonable doubt that Leon James
15 was the get-away driver for that armed robbery; both
16 before the armed robbery he was the driver, and you
17 heard from Lewis Garvin he was the driver afterwards
18 too.

19 You know, Chief Walley says during his
20 testimony when he gets out of his car, high risk
21 traffic stop, he's going to pull his weapon, he sees
22 a guy getting out of the back seat, back passenger
23 door. Lewis Garvin: I was person in the back
24 passenger's seat or I was the person in the back
25 seat, the other door wouldn't even open because it

1 was closed.

2 Which brings me to another point: Inside the
3 car there were a number of items; personal items,
4 clothing, shoes, the defendant's own shoes still
5 sitting in the driver's side floorboard of the car.
6 Where I'm from, if you kick off your flip-flops,
7 it's because you're going to run. That's what he
8 did. He took off his flip-flops before he took off
9 running.

10 Look at the condition of this car. And if you
11 look closely right here, you can see that is Darrell
12 Lassiter's wallet. It's open, it's sitting up here
13 like it was on the front seat right up here. And
14 there's another photo in here where it actually
15 shows -- and that was State's 32. There's actually
16 another photo where it shows the driver's license
17 that was entered into evidence, a picture of it,
18 here we go, State's 38. This is when they picked up
19 that wallet and held it up and took a picture of it.
20 That's where his wallet was.

21 You know from Lewis Garvin that he was in the
22 back seat. That's where his ID was found. You know
23 from the circumstances, including the picture here,
24 there's the defendant's flip-flops, there's his ID,
25 that's the driver's seat, so the defendant is in the

1 driver's seat. Homer James' ID is in the
2 passenger's floorboard.

3 Where does the six-four Darrell Lassiter sit
4 for this drive that, supposedly, he was a part of?
5 There's no room for him. He's 6-foot-4, y'all saw
6 him yesterday. There's nobody sitting in that seat.
7 Nobody's sitting behind the driver. No ID was found
8 behind the driver.

9 If you notice, there's a pair of shoes right
10 here. The soles in the shoes are up against the
11 door. If you even open that door, the shoes are
12 going to fall out on the ground. There wasn't a
13 fourth person in this car, not that night.

14 Ladies and gentlemen, I appreciate the Judge
15 for not cutting me off, and I appreciate y'all for
16 sitting here and listening. But I've gone on. I do
17 want to get to one last thing. The shorts, y'all
18 can take those out. We have gloves that we can give
19 to y'all if you want to open up any of this evidence
20 and you want to look at it and actually lay it out.

21 The shorts in there are the shorts he was
22 wearing in the video. The shirt that is there, we
23 would submit, is the shirt he was wearing in the
24 video. This hat is the hat he was wearing in the
25 video.

1 Why would he have all of this stuff? Because
2 he never intended to get caught, he never intended
3 someone to see the car, and he didn't realize that
4 they would call the police immediately when they saw
5 the car and the police would already have a
6 description of it.

7 This, ladies and gentlemen, is State's Exhibit
8 66. This is the water bottle that had the two guys'
9 DNA on it that had been in the woods for over 24
10 hours. The guys had been in the woods over 24
11 hours. This is that water bottle that was collected
12 at the Govan training trailer that has Homer James'
13 DNA on it and it's got the defendant's DNA on it.

14 This is Defense 1. That is the water bottle
15 that was collected at the Govan fire training
16 trailer with unidentified male DNA on it. You heard
17 they didn't even lock that place, anybody could have
18 gone in that trailer at any point in time. But they
19 used it for training purposes. This is nothing.
20 This is proof that Homer and Leon drank out of this
21 bottle. That doesn't even mean that they were ever
22 even in the trailer. That's where it was found.
23 They could have been walking by the trailer,
24 finished with the bottle, thrown the bottle through
25 the open door. That doesn't mean that they were in

1 the trailer.

2 The same thing applies when you're talking
3 about the gloves in the back floorboard. Those
4 gloves in the back floorboard, they've got Lewis
5 Garvin's DNA on them, but they don't have the
6 defendant's DNA and they don't have Homer's. But
7 it's a mixture of three people; one of those people
8 is Lewis Garvin, so that means there's two more
9 people they don't know. Now we got five people in
10 the car, if that's the theory. Just because
11 something has DNA on it does not mean that that
12 person was in that location. It means something
13 that they put their DNA on ended up in that
14 location.

15 Same thing with the hat. You got the hat in
16 the front seat of the car, it's got Homer's DNA on
17 it, but it's got somebody else's DNA on it too.
18 That doesn't mean there were four people in that car
19 when the robbery occurred. And the Judge will tell
20 you, as to the coercion or duress charge alone, and
21 only to that charge alone, they actually got the
22 burden of proof on that. And there's zero, zero
23 evidence of that, none.

24 Ladies and gentlemen, the term verdict is
25 derived from a Latin word that means veredicto,

1 which means to speak the truth. Ladies and
2 gentlemen, the truth is, Leon James, Homer James,
3 and Lewis Garvin came in the car Leon was driving
4 from Columbia, South Carolina to Denmark, and
5 whether they left Columbia intending to rob that
6 bank or they decided once they saw how easy a target
7 it could be, they decided to rob that bank. And
8 they carried out their plan, and it would have
9 worked -- they wouldn't have gotten any money out of
10 it that wasn't dye-stained red. But they would have
11 gotten away if it wasn't for Betty Wilson and some
12 alert law enforcement and the efforts of the State
13 Law Enforcement Division. That's the truth.

14 I ask that you go back into the jury room,
15 consider the evidence presented, consider how it all
16 fits together. And I know that the -- Nick Saban is
17 a very successful football coach for those of you
18 who don't know him. He says the key to success is
19 one thing: Do your job.

20 Ladies and gentlemen, go into that jury room
21 and do your job. Find this defendant guilty of
22 entering that bank with the intent to steal so he
23 could scope it out, and armed robbery for being the
24 get-away driver for his two friends that he brought
25 from Columbia that committed this crime themselves.

1 Thank you.

2 THE COURT: All right. Well, ladies and
3 gentlemen, you've heard all of the arguments in the
4 case. You've heard all of the evidence in the case.
5 And so now it's my duty to charge you on the law in
6 the case.

7 As I told you, you have duties as the finders
8 of the fact, I have duties as the trial judge. And
9 one of my jobs was to preside over the trial and
10 make sure that we had a fair trial, rule on things
11 like admissibility, things like that. You are to
12 only consider the evidence that you heard in this
13 case, that is testimony -- evidence takes form in
14 the testimony that you heard from the stand -- any
15 exhibits made part of the record, and any
16 stipulations of counsel.

17 I also now have the additional job of
18 instructing you on what the law is that applies to
19 this type of case. It's your duty as jurors to
20 accept and apply the law as I now state it to you.
21 And if you think you have some idea of what you
22 think the law is or what you think the law ought to
23 be and it doesn't agree with what I now tell you the
24 law is, you have to forget that idea because you're
25 sworn now and you have to accept the law and apply

1 the law exactly as I state it to you.

2 As jurors, you are the judges of the facts, you
3 are the sole judges of the facts. I, as the trial
4 judge, cannot state or comment to you or make any
5 statement to you about the facts of the case or how
6 I might feel about the case. Since you, as the
7 jury, are the sole judges of the facts in this case,
8 you're not to infer from anything that I said during
9 the progress of the trial of this case in ruling
10 upon the admissibility of any evidence or anything
11 otherwise that I may have said or done during the
12 course of this instruction that makes you or would
13 leave you to believe that I have an opinion about
14 the facts of this case.

15 The law does not allow me to have an opinion
16 about the facts of this case. That is solely a
17 matter for you to decide. As jurors, it is your
18 duty to determine the effect, the value, the weight,
19 and the truth of the evidence as it was presented to
20 you during the trial.

21 Now, I want to remind you, the fact that the
22 defendant was arrested, charged and indicted in this
23 case is not evidence in the case, and it can't be
24 considered by you as evidence of guilt in this case,
25 nor does it create any presumption or inference of

1 guilt. The indictments that we had in this case are
2 simply the formal written instruments by which the
3 charges were made against the defendant. It's the
4 formal documents that give this Court jurisdiction
5 to hear this case.

6 There were two indictment that were presented
7 against the defendant; the first indictment, which
8 was 2014-GS-05-202, was for armed robbery; the
9 second indictment, which is 2014-GS-05-204, was for
10 entering a bank with the intent to steal. Each of
11 those two indictments are separate and distinct
12 offenses. You must decide each indictment
13 separately on the evidence and the law applicable to
14 it, uninfluenced by your decision as to the other
15 indictment. The defendant may be convicted or
16 acquitted on any or all of the charges that were
17 charged. You will be asked to write a separate
18 verdict of guilty or not guilty for each of the
19 indictments.

20 Now, as to those indictments, the defendant
21 pled not guilty, and that plea casts a burden on the
22 State to prove the defendant guilty beyond a
23 reasonable doubt. A person charged with committing
24 a criminal offense in South Carolina is never
25 required to prove himself innocent. This is an

1 important rule of law in this country, that the
2 defendant in a criminal trial will always be
3 presumed to be innocent of that crime for which he's
4 indicted unless and until his guilt has been proven
5 by evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 The presumption of the evidence isn't just a
8 mere legal theory, it's not just some mere legal
9 phrase; this is a substantial constitutional right
10 which the defendant is entitled. This is a
11 presumption of innocence which accompanies the
12 defendant from the time he's charged, throughout the
13 trial, unless and until you reach a verdict of guilt
14 based upon evidence satisfying you of that guilt
15 beyond a reasonable doubt.

16 As I've stated a number of times, this standard
17 of proof is called guilt beyond a reasonable doubt.
18 And I gave you an example and I said during -- you
19 may have served as a juror in a civil case where you
20 were told that it was necessary to only prove that
21 the a fact is more likely true than not true, such
22 as by the greater weight or the preponderance of
23 evidence. In a criminal case, however, the State's
24 proof must be more powerful than that; it must be
25 beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the defendant's
3 guilt. Reasonable doubt has also been defined as
4 the kind of doubt that would cause a reasonable
5 person to hesitate to act. There are very few
6 things in this world that we know with absolute
7 certainty, and in criminal cases the law does not
8 require proof that overcomes every possible doubt.
9 If, based on your consideration of the evidence, you
10 are firmly convinced that the defendant is guilty of
11 the crime charged, then you must find the defendant
12 guilty. On the other hand, if you think there is a
13 real possibility that the defendant is not guilty,
14 then you must give that defendant the benefit of the
15 doubt and find him not guilty.

16 I want to again instruct you and emphasize the
17 fact that the defendant did not testify is not a
18 factor to be considered by you in any way in your
19 deliberation and in your consideration on the
20 question of the guilt or innocence of the defendant.
21 It must not be considered by you by -- in any way
22 during your deliberations whatsoever.

23 A defendant has a constitutional right to
24 remain silent and the assertion of this right must
25 not be considered by you during your deliberations.

1 I repeat, under the oath that you took at the
2 beginning of the trial, you are to draw no
3 conclusion whatsoever from the fact that the
4 defendant in this case did not testify. The fact
5 that the defendant did not testify should not be
6 even discussed in the jury room.

7 The burden of proof, as I stated to you, is on
8 the State. The defendant is not required to prove
9 his innocence. The burden of proof remains on the
10 State to prove guilt beyond a reasonable doubt.

11 Now, there are two types of evidence that are
12 generally presented during the course of a trial;
13 there's direct evidence and circumstantial evidence.
14 And direct evidence directly proves the existence of
15 a fact and does not require deduction.
16 Circumstantial evidence is a proof of a chain of
17 facts and circumstances that indicate the existence
18 of a fact.

19 Crimes can be proven by circumstantial
20 evidence. The law makes no distinction between
21 weight or credit to be given to either direct or
22 circumstantial evidence; however, to the extent that
23 the State relies on circumstantial evidence, all of
24 the circumstances must be consistent with each
25 other, and when taken together, point conclusively

1 to the guilt of the accused beyond a reasonable
2 doubt. If the circumstances merely portray the
3 defendant's behavior as suspicious, then the proof
4 has failed.

5 The State has the burden of proving the
6 defendant guilty beyond a reasonable doubt. This
7 burden rests with the State regardless of whether
8 the State relies on direct evidence, circumstantial
9 evidence, or some combination of the two.

10 Now, as jurors you must necessarily determine
11 the credibility of witnesses who testified in this
12 case. And credibility simply means believability.
13 It's your duty as jurors to analyze and to evaluate
14 the evidence and determine what evidence convinces
15 you of its truth. In determining the believability
16 of witnesses who testified in this case, you can
17 believe one witness over several witnesses or
18 several witnesses over one witness. You may believe
19 the testimony of a witness in its entirety or you
20 can reject the testimony of a witness in its
21 entirety. You can believe part of the testimony of
22 a witness and you can reject the remaining part of
23 the testimony of the same witness. And if you
24 reject part of it, you can still accept the
25 remainder of the witness' testimony.

1 You can consider whether any witness has
2 exhibited to you any interest, bias, prejudice, or
3 other motive in this case. You may consider the
4 appearance and demeanor of a witness while on the
5 witness stand. And you're not bound to decide this
6 case based on the number of witnesses that they
7 decide to produce.

8 Now, as I told you, there's two indictments, so
9 I'll go over the substantive elements of those
10 indictments with you now. The first indictment
11 we'll go over is for armed robbery.

12 In order to prove this offense, the State must
13 first prove beyond a reasonable doubt that the
14 defendant took personal property from the person or
15 person of another. Property is in the presence of a
16 person if it is within the person's reach,
17 inspection, observation, or control so that the
18 person could, if not overcome with violence or
19 prevented by fear, keep possession of the property.

20 The State must also prove beyond a reasonable
21 doubt that the defendant carried away the property
22 intending to permanently deprive the owner of the
23 property or to keep the property for the defendant's
24 own use. The slightest removal of the property or
25 the complete possession of the property, even if for

1 an instant, by the defendant is sufficient to show a
2 taking and carrying away of the property. The
3 taking and carrying away of the property must have
4 been done with violence or by putting the owner of
5 the property in fear of violence.

6 Finally, the State must prove beyond a
7 reasonable doubt that the defendant was armed with a
8 deadly weapon during the robbery. A deadly weapon
9 is any article, instrument, or substance which is
10 likely to cause death or great bodily harm. Whether
11 an instrument has been used as a deadly weapon
12 depends on the facts and circumstances of each case.

13 Whether a BB gun, which has the appearance of
14 and/or believed to be a real gun -- whether it's
15 believed to be a real gun as a deadly weapon is a
16 factual case for you to determine. The following
17 are examples of instruments which can be considered
18 as deadly weapons: A pistol, a shotgun, a rifle, a
19 dirk, a dagger, a knife, a slingshot, metal
20 knuckles, a razor, gasoline, a firebomb, a Molotov
21 cocktail, lighter fluid. A gun can be a deadly
22 weapon even if it's not operating.

23 Now, the second indictment is for robbery,
24 entering a bank with intent to steal. So the
25 elements of that crime, of robbery by entering a

1 building occupied by a bank, depository, or building
2 associated -- or building or loan association with
3 the intent to steal is this: The State has to prove
4 this offense by first proving beyond a reasonable
5 doubt that the defendant actually went inside the
6 building or some part of it. The State must also
7 prove beyond a reasonable doubt that the defendant
8 had an intent to steal money, securities for money,
9 or property by force, intimidation, or threats.
10 It's not sufficient that the intent to steal was
11 formulated after entry; however, the defendant's
12 actions after he entered the building can be
13 evidence used to determine if he had the intent to
14 commit a crime at the time of entry. Intent may be
15 shown by acts and conduct of the defendant and other
16 circumstances from which you may naturally and
17 reasonably infer intent.

18 Now, both of these indictments, the State has
19 relied upon the theory of the hand of one, hand of
20 all. And the law in that area is, if a crime is
21 committed by two or more people who are acting
22 together in committing a crime, the act of one is
23 the act of all. A person who joins with another to
24 commit an unlawful act is criminally responsible for
25 everything done by the other person or persons which

1 happens as a natural and probable consequence of the
2 acts done carrying out the common plan and purpose.

3 For example, two people can be guilty of
4 killing another person when only one of the two had
5 a gun, there was only one bullet, and only one of
6 the two fired the shot that caused the death. If
7 two or more people are acting together assisting
8 each other, they are together and assisting each
9 other in committing the offense, the act of one is
10 the act of all, or, as it is sometimes called, the
11 hand of one is the hand of all.

12 Prior knowledge that a crime is going to be
13 committed without more is not sufficient to make a
14 person guilty of that crime. Mere knowledge that
15 another person is going to commit a crime, even if
16 the defendant is present when the crime is
17 committed, is not sufficient to convict the
18 defendant as a principal.

19 A principal in a crime is one who either
20 actually commits the crime or who is present,
21 aiding, or abetting or assisting in committing the
22 crime. When a person does an act in the presence of
23 and with assistance of another, the act is done by
24 both. When two or more people acting with a common
25 plan or intent are present at the commission of the

1 crime, it does not matter who actually commits the
2 crime; all are guilty, the hand of one is the hand
3 of all.

4 Guilt as a principal is shown by actual or
5 constructive presence at the scene as a result of
6 prior arrangement, therefore a finding of prior
7 arranged plan or common scheme is necessary for the
8 finding of guilt as a principal. The State must
9 prove beyond a reasonable doubt, by competent
10 evidence, the theory of one -- the theory of the
11 hand of one is the hand of all.

12 Present at the commission of the crime means to
13 be sufficiently near to aid, abet, and assist in the
14 commission of the crime; however, mere presence at
15 the scene is not sufficient to convict one as a
16 principal on the theory of aiding and abetting.
17 Intent is also a necessary element where there must
18 have been a common design or intent to commit the
19 crime and the crime must have been committed
20 pursuant thereto with the person aiding and abetting
21 by some overt act.

22 Intent means intending the result that actually
23 occurs, not accidentally or involuntarily. Intent
24 may be shown by acts and conduct of the defendant or
25 other circumstances from which you may naturally and

1 reasonably infer intent. The State must prove these
2 elements, again, beyond a reasonable doubt.

3 The burden is on the State to prove every
4 element of the crime charged. If, after reviewing
5 all of the evidence, you find that the State has
6 proved that the defendant was only present at the
7 scene of the crime and that they have not proved
8 beyond a reasonable doubt any other participation in
9 the crime, then you must find the defendant not
10 guilty. The law is on the -- the law is that proof
11 of presence at the scene of the crime is not
12 sufficient to find somebody guilty.

13 Now, the defendant raised the defense of
14 coercion or duress. Coercion or duress is when a
15 person makes another person commit a crime against
16 someone else's person or property by the threat of
17 immediate physical violence. Coercion or duress
18 must be present, imminent, and of the type to create
19 a well-grounded fear of death or serious bodily harm
20 if the act is not done. The fear of the injury must
21 be reasonable.

22 Coercion or duress is not a defense if there is
23 any reasonable way other than committing the crime
24 for the defendant to escape the threat of harm. The
25 defendant must prove the defense of duress by a

1 preponderance of the evidence. If you find that the
2 defendant was coerced into committing the crime, you
3 must find the defendant not guilty.

4 Again, a preponderance of the evidence simply
5 means the greater weight of the evidence. It's
6 evidence which, when viewed as a whole, shows that
7 the fact sought to be proved is more likely true
8 than not true.

9 Now, in determining your verdict of guilty or
10 not guilty, you cannot consider any possible penalty
11 for any particular crime. The punishment for the
12 crime is a matter for me to determine and should
13 never be considered by you in any way whatsoever in
14 arriving at a verdict of guilty or not guilty.

15 Now, your verdict must be unanimous, which
16 means all 12 jurors must agree. And there's four
17 possible verdicts in this case. Those are, as to
18 the indictment for armed robbery, guilty or not
19 guilty; as to the indictment for entering a bank
20 with intent to steal, guilty or not guilty. And
21 there's no significance whatsoever in the order in
22 which I state these verdicts, something just has to
23 be stated first.

24 Now, Madam Foreman, when the jury has reached a
25 unanimous verdict as to one of the indictments, it's

1 your job to write on the back of it the verdict of
2 guilty or not guilty. Now, I see on here -- I just
3 noticed this, the foreman of the grand jury actually
4 wrote his or her name down in the verdict line. It
5 should have been right up there. So just ignore
6 that. Right below where the grand jury -- in this
7 case it looks like -- I'm going to guess this name
8 is Terrant or something like that. Just below that,
9 you either write the verdict of guilty or not
10 guilty, and then right below that you sign your
11 name. All right?

12 And then the same thing on the others, the
13 grand jury foreperson wrote their signature just on
14 the line below where it says verdict. It should
15 have been right above it. Just ignore that and
16 write either guilty or not guilty on whichever the
17 two verdicts it is, sign it, date it, and let the
18 bailiff know you've reached a verdict.

19 Now I'm going to send you back to the jury
20 room. Don't begin your deliberations just yet
21 because I have to give the lawyers an opportunity to
22 tell me if I misspoke, and then we get the evidence
23 together and send it back to you. When I send the
24 evidence back along with the indictments, then the
25 bailiff will tell you the Judge says it's okay for

1 you to deliberate.

2 Your lunch is there waiting on you. You can go
3 ahead and start eating your lunch if you want to,
4 but don't begin your deliberations until I tell you
5 to. Shouldn't be just a few minutes. But if you
6 want to go ahead and start eating, you can, just
7 don't begin deliberations until I send word back
8 with the bailiff along with the evidence. Okay?
9 Thank you.

10 (The jury exits the courtroom at 1:04 PM.)

11 THE COURT: Anything from the State on the
12 charges?

13 MR. MILLER: No, Your Honor.

14 THE COURT: From the Defense?

15 MR. WILSON: Nothing on the charge, Your Honor.

16 THE COURT: Is everything together there?

17 MR. WILSON: I believe so.

18 MR. MILLER: I believe so. But since we have
19 60 photos, we were going to go through and make sure
20 we had all of them.

21 THE COURT: All right. Do that real quick so
22 we can send it back there to them and they can start
23 their deliberations.

24 MR. WILSON: Can we talk to you off the record
25 for a second, Your Honor?

1 THE COURT: Yes, sir.

2 (Sidebar conference.)

3 THE COURT: For the record, I'm discharging the
4 alternate. Also for the record, he's renewed his
5 motion for a directed verdict. We didn't get to
6 argue that on the record, but we agreed that he made
7 it at the presentation -- or the completion of his
8 case after he rested, and it was denied.

9 MR. WILSON: Thank you, Judge.

10 THE COURT: Okay. Tell the jury they can begin
11 their deliberations while they're eating.

12 (The begins deliberation at 1:09 PM.)

13 THE COURT: All right. Let the record reflect
14 the defendant is in the courtroom.

15 The jury has sent back a note that says: Can
16 we have the law on robbery and guilt of association,
17 and can we have the law entering a bank with intent
18 to steal? So the parties have asked that I recharge
19 on -- well, it would be -- while they say robbery, I
20 didn't charge it as robbery. I charged it as armed
21 robbery, entering the bank with intent to steal, and
22 hand of one, hand of all. There really wasn't
23 anything called guilty of association. But I'll
24 bring them in and we'll make sure that's what they
25 want before we do it.

1 MR. WILSON: And that little portion of mere
2 presence, Your Honor.

3 THE COURT: Mere presence is included in hand
4 of one, hand of all.

5 MR. WILSON: Okay.

6 THE COURT: Okay. Bring the jury in.

7 (The jury enters the courtroom at 2:19 PM.)

8 THE COURT: All right. Folks, we got your note
9 here, and you have asked: Can we have the law on
10 robbery and guilt of association? That's the first
11 question. By that, I take it that you want me to
12 recharge you on armed robbery, which was the charge,
13 not just robbery. And then by guilty of
14 association, you mean the hand of one, hand of all
15 theory?

16 THE FOREPERSON: Yes.

17 THE COURT: Okay. And then you also want to be
18 recharged on entering a bank with intent to steal?

19 THE FOREPERSON: Yes.

20 THE COURT: All right. Well, on armed robbery,
21 in order to prove this offense, the State must first
22 prove beyond a reasonable doubt that the defendant
23 took personal property from the person or person of
24 another. Personal property is defined -- or
25 property is in the presence of a person if it is

1 within the person's reach, inspection, observation,
2 or control, so that the person could, if not
3 overcome with violence or prevented by fear, keep
4 possession of the property.

5 The State must also prove beyond a reasonable
6 doubt that the defendant carried the property away
7 intending to permanently deprive the owner of the
8 property, and to keep the property for the
9 defendant's own use. The slightest removal of the
10 property or the complete possession of the property,
11 even if for an instant, by the defendant is
12 sufficient to show a taking and carrying away of the
13 property.

14 The taking and carrying away of the property
15 must have been done with violence or by putting the
16 owner of the property in fear of violence. Finally,
17 the State must prove beyond a reasonable doubt that
18 the defendant was armed with a deadly weapon during
19 the robbery.

20 A deadly weapon is any article, instrument, or
21 substance which is likely to cause death or great
22 bodily harm. Whether an instrument has been used as
23 a deadly weapon depends on the facts and
24 circumstances of each case. Whether a BB gun that
25 has the appearance of and believed to be a real gun

1 is a deadly weapon is a factual question for you to
2 determine.

3 And the following are examples of instruments
4 which might be deadly weapons: A pistol, a shotgun,
5 a rifle, a dirk, a dagger, a knife, a slingshot,
6 metal knuckles, a razor, gasoline, firebomb, a
7 Molotov cocktail, or lighter fluid. And a gun may
8 be a deadly weapon even though it's not operating.

9 Then the second indictment, which was for
10 entering a bank with intent to steal or robbery with
11 the entering the bank with intent to steal is - -in
12 order to prove this offense, the State must prove
13 beyond a reasonable doubt that the defendant
14 actually went inside of the building or some part of
15 it.

16 And the building would be a bank, depository,
17 or a building and loan association, and is charged
18 with entering that building, bank, depository, or
19 building and loan association with the intent to
20 steal. So in order to prove that offense, the State
21 has to first prove beyond a reasonable doubt that
22 the defendant actually went inside the building or
23 some part of it.

24 And then the State must also prove beyond a
25 reasonable doubt that the defendant had an intent to

1 steal money, securities for money, or property by
2 force, intimidation, or threats. It's not
3 sufficient that the intent to steal was formulated
4 after the entry, however the defendant's actions
5 after he entered the building can be evidence to
6 determine if he had the intent to commit a crime at
7 the time of entry. Intent may be shown by acts or
8 conduct of the defendant and other circumstances
9 from which you may reasonably and naturally and
10 reasonably infer intent.

11 Now, on the hand of one, hand of all, the law
12 says that if a crime is committed by two or more
13 people who are acting together in committing a
14 crime, the act of one is the act of all. A person
15 who joins with another to commit an unlawful act is
16 criminally responsible for everything done by the
17 other person or persons which happens as a probable
18 or natural consequence of the acts done in carrying
19 out the common plan and purpose.

20 For example, if two people could be guilty of
21 killing another person when only one of the two had
22 a gun and there was only one bullet and only one of
23 the two fired the shot that caused the death, if two
24 or more are acting together -- if two or more are
25 together, acting together, assisting each other in

1 committing the offense, the act of one is said to be
2 the act of all, or the hand of one is the hand of
3 all.

4 Prior knowledge that a crime is going to be
5 committed without more is not sufficient to make a
6 person guilty of the crime. Mere knowledge that
7 another person is going to commit a crime, even if
8 the is present when the crime is committed, is not
9 sufficient to convict the defendant as a principal.

10 A principal in a crime is one who either
11 actually commits the crime or who is present aiding,
12 abetting, or assisting in committing the crime.

13 When a person does an act in the presence of and
14 with the assistance of another, the act is done by
15 both. When two or more people, acting with the
16 common plan or intent are present at the commission
17 of a crime, it does not matter who actually commits
18 the crime, all the guilty, the hand of one is the
19 hand of all.

20 Guilt as a principal is shown by actual or
21 constructive presence at the scene as a result of
22 prior arrangement; therefore, a finding of a prior
23 arranged plan or common scheme is necessary for a
24 finding of guilt as a principal. The State must
25 prove beyond a reasonable doubt, by competent

1 evidence, the theory of the hand of one is the hand
2 of all.

3 Present at the commission of a crime means to
4 be sufficiently near to aid and abet and assist in
5 the commission of a crime; however, mere presence at
6 the scene of the crime is not sufficient to convict
7 one as a principal on the theory of aiding and
8 abetting.

9 Intent is also a necessary element, for there
10 must have been a common design or intent to commit
11 the crime, and the crime must have been committed
12 pursuant thereto with the person aiding and abetting
13 by some overt act. Intent means intending the
14 result which actually occurs, not accidentally or
15 involuntarily..

16 Intent may be shown by acts and conduct of the
17 defendant and other circumstances from which you may
18 naturally and reasonably infer intent. The State
19 must prove these elements beyond a reasonable doubt.
20 The burden is on the State to prove every element of
21 the crime charged.

22 If you find, after reviewing all of the
23 evidence, the State has proved that the defendant
24 was only present at the scene of the crime and that
25 they have not proved beyond a reasonable doubt any

1 other participation in the crime, then you must find
2 the defendant not guilty. The law is that proof of
3 presence at the scene of the crime is not sufficient
4 to find someone guilty.

5 All right. Well, that is the charges that you
6 have requested. Is there anything else that you
7 need, Madam Foreman?

8 THE FOREWOMAN: No, sir.

9 THE COURT: All right. Well, we'll send you
10 back and you may resume your deliberations.

11 (The jury returns to the jury room to resume
12 deliberations at 2:28 PM.)

13 THE COURT: Anything from the State?

14 MR. MILLER: No, Your Honor.

15 THE COURT: From the Defense?

16 MR. WILSON: No, Your Honor.

17 THE COURT: All right. I'm going to have this
18 note marked as a Court exhibit.

19 (Court's Exhibit No. 2 marked for
20 identification.)

21 THE COURT: Okay. We'll stand at ease.

22 (Pause in the proceedings 2:28 PM - 3:05 PM.)

23 THE COURT: Let the record reflect the
24 defendant is in the courtroom. Bring the jury in.

25 (The jury enters the courtroom at 3:06 PM.)

1 THE COURT: Madam Foreman, I understand the
2 jury has reached a verdict to both indictments; is
3 that correct?

4 THE FOREWOMAN: That's correct.

5 THE COURT: Is it unanimous?

6 THE FOREWOMAN: Yes, sir.

7 THE COURT: All right. Would you hand it to
8 the bailiff, please.

9 All right. The defendant will rise. As to
10 Indictment 2014-GS-05-202, State of South Carolina
11 vs. Leon Amos Jason James, indictment for armed
12 robbery, the verdict is guilty. As to Indictment
13 2014-GS-05-204, State of South Carolina State vs.
14 Leon Amos Jason James, entering bank with intent to
15 steal, the verdict is guilty.

16 Ladies and gentlemen of the jury, if this is in
17 fact your verdict, would you please indicate that by
18 raising your right hand. Let the record reflect all
19 jurors have raised their right hand.

20 Do you wish to have the jury poled?

21 MR. WILSON: That's sufficient, Your Honor.

22 THE COURT: All right. You may be seated.

23 Well, ladies and gentlemen of the jury, let me
24 thank you for your service this week. You know, we
25 ask people to do a very difficult thing; leave your

1 homes, your work, come in and spend time with us
2 this week. As I said at the beginning of the week,
3 we kind of take it for granted because we do it all
4 the time. But I understand it's a huge departure
5 from your life. So I hope we haven't kept you
6 waiting too much at any given time. We're always
7 doing something. We're not sitting in the back
8 playing cards or telling war stories, there's always
9 something going on in here because I'm especially
10 sensitive to the fact that, you know, it's often a
11 financial hardship for people when they're not a
12 work. So I want to thank you for your commitment to
13 public service and showing up and doing your public
14 duty this week.

15 I also though told you at the first of the week
16 that I think an alternative or perhaps a better way
17 to think about jury service is a privilege to serve
18 on a jury. You know, it is a right that defendants
19 in this country have to have 12 people like
20 yourselves who -- we went through the questions.
21 You don't know this gentleman, you don't know the
22 people involved, to such the effect that it would
23 affect your ability to be fair and impartial.

24 And you come in here and listen to what was
25 presented as a way of evidence, and then you went

1 back and took the law, clearly deliberated -- it was
2 not a rushed decision -- came back, asked very good
3 questions, and came to a group decision. When you
4 stop and think about how hard it is to get 12 people
5 to agree on just about anything in this day and age,
6 and yet y'all took your time, went through and
7 sifted through the evidence, clearly discussed what
8 the law was, and came to a unanimous verdict. And
9 that's a remarkable thing. I think the process is a
10 good one. I'm very comfortable with the way our
11 jury system works, and I hope we never, ever change
12 it.

13 That will end your service this week on jury.
14 We're not going to try any other cases, so you don't
15 have to come back tomorrow or do anything like that.
16 The clerk's office will have an expense check for
17 you. I don't know if they mail it to you or give it
18 to you when you leave out of here. But it's not
19 nearly enough for what you've done by way of showing
20 up and participating.

21 And I'd like to thank you for your service on
22 behalf of the State of South Carolina and the people
23 of Bamberg County. So you're free to go at this
24 time. And you don't have to call or come back any
25 more this week. I hope you enjoyed it. Thank you

1 for your attention.

2 (The jury is dismissed at 3:12 PM.)

3 THE COURT: All right. Do you have a
4 sentencing sheet?

5 MR. MILLER: Mr. Hammack went to pick them up
6 right now.

7 THE COURT: All right. Do you have any motions
8 you want to make?

9 MR. WILSON: Judge, I think Rule 29 of the
10 Criminal Rules of Procedure gives us ten days to
11 file posttrial motions. We'd like to ask for the
12 ten days. I think the way it's written is it has to
13 be heard here unless we waive the right to be heard,
14 and we'll be glad to be heard in a different county.

15 THE COURT: Okay. Make sure you send me a copy
16 of it. I'm not saying they don't do it here, but I
17 often don't get them sent to me by either the
18 lawyers or the clerk, and then six months, a year
19 later, somebody sheepishly asks me if I'm ever going
20 to rule. And I'm not going to rule on something
21 that I don't even know about.

22 MR. WILSON: No, sir. We'll file --

23 THE COURT: If you do file something, send it
24 to me.

25 MR. WILSON: We'll file within ten days here

1 and then send them to Your Honor. And we'll find
2 out when you can hear us whenever you are, and we'll
3 be glad to travel to be heard. Your Honor, do you
4 want to --

5 THE COURT: Well, I'm going to hear from the
6 State first as to what they want, and then if
7 there's anybody that's a victim that wants to speak,
8 then I'll let you speak --

9 MR. WILSON: I didn't know if you wanted to
10 hold sentencing and do that also --

11 THE COURT: No. We're going to do that now.

12 MR. MILLER: Your Honor, on October 2nd, 2014,
13 the defendant, Leon James, was served notice of
14 intent to seek life without parole, a certified,
15 true copy of that notice that's being handed up to
16 the Court.

17 Additionally, Your Honor, on August 11th of
18 2015, our office obtained certified true copies of
19 the indictment and sentencing sheet for armed
20 robbery from March 18th of 2003 where the defendant
21 was convicted and sentenced for armed robbery, and
22 also, the same day, a conviction following a guilty
23 plea for kidnapping.

24 Your Honor, all of those certified true copies
25 were from the Richland County Clerk of Court. I

1 will hand those up as well for the underlying most
2 serious offense conviction. Your Honor, based upon
3 the statute as cited in the notice, the State would
4 allege that the only sentence is life without the
5 possibility of parole in this matter.

6 THE COURT: Do you have anything you wish to
7 say before I impose sentence?

8 THE DEFENDANT: Just one thing, Your Honor.

9 THE COURT: Well, let me hear from your lawyer
10 first and then you can speak. I'll let you have the
11 last word.

12 MR. WILSON: Thank you, Your Honor. Notice of
13 intent was served in this case actually, I think,
14 prior to our involvement in this case. But it was
15 discussed with the defendant. We -- everybody at
16 this side of the table was aware it was a
17 notice-with-intent-to-seek-life-without-parole case,
18 and that was discussed with the defendant, and a
19 consideration that went into his decision and all to
20 go to trial, Your Honor.

21 I don't -- I don't know that there's a whole
22 lot I can say, Your Honor, under the circumstances.
23 But I would ask if he has something he'd like to
24 submit, Your Honor, and then, like I said, we'd like
25 the time to file the posttrial motions. Thank you.

1 THE COURT: Mr. James, would you like to speak?

2 THE DEFENDANT: Yes, sir. Those charges that
3 they speak of as far as the armed robbery and the
4 kidnapping, I was 15 years old when they occurred.
5 And I did do those crimes, that's why I pled guilty
6 to them. I got -- you'll see on the sentencing
7 sheet that I had got ten years for both of them and
8 they ran them concurrent, which I served nine years
9 and two months all in total. And I just -- that's
10 all I wanted to say. I wanted to ask you to take
11 that into consideration when you do your sentencing.

12 THE COURT: Well, you know, Mr. James, the
13 hard -- how old are you?

14 THE DEFENDANT: Thirty.

15 THE COURT: Thirty.. Well, one of the hardest
16 parts of this job is sentencing people, especially
17 when it's a sentence like this where, you know, the
18 sentence is life without parole. It's your second
19 strike offense. You know, you get one life, that's
20 all you get. And I hope you figure out some way to
21 make yours count while you're in the department of
22 corrections. I'm sure you'll want to appeal the
23 case, so there's a limit as to what you can say in
24 an instance like this.

25 But I hope you can find something good to make

1 out of the rest of your life while you're in the
2 department of corrections. But as far as your
3 sentence goes on each, it is life without the
4 possibility of parole. Good luck to you, sir.

5 THE DEFENDANT: All right.

6 MR. MILLER: Thank you, Your Honor.

7 -- END OF TRANSCRIPT OF RECORD --

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C E R T I F I C A T E

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STATE OF SOUTH CAROLINA

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COUNTY OF LEXINGTON

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I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Bamberg County, South Carolina, on the 30th of November through the 3rd of December, 2015.

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

April 24, 2016

s/Bethanie K. Creppon

Bethanie K. Creppon
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA

2 COUNTY OF BAMBERG

CIRCUIT COURT
2014-GS-05-00202, 00204

3 STATE OF SOUTH CAROLINA,

4 -vs-

TRANSCRIPT OF RECORD

5 LEON AMOS JASON JAMES,
6 Defendant.

7
8 Heard on Thursday, February 11, 2016

9 Bamberg, South Carolina

10
11 BEFORE:

12 THE HONORABLE ROGER M. YOUNG

13
14
15 APPEARANCES:

16 Counsel on Behalf of the State:
17 David W. Miller, Esq.

18 Counsel on Behalf of the Defendant:
19 Janek C. Kazmierski, Esq.

20
21
22 Cheri L. Young, RPR
23 Circuit Court Reporter
24 P O Box 5232
25 Aiken, SC 29804-5232

EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

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1 ON THURSDAY, FEBRUARY 11, 2016 AT 11:12 A.M.:

2 THE COURT: We are here on the State versus
3 Leon James. The State has -- the Defendants
4 filed some post-trial motions. So, what would
5 you like to say?

6 MR. KAZMIERSKI: Good morning, Your Honor.
7 May it please the Court.

8 Your Honor, in Solicitor Miller's closing,
9 he stated that evidence comes from the witness
10 stand. And we believe that the evidence that
11 came from the witness stand was not sufficient to
12 convict Mr. James of the counts that he was
13 charged with.

14 In particular, the State did convict Louis
15 Garvin and Homer James in their, in their
16 presentation to the jury but there was scant
17 evidence connecting Leon James to those two
18 individuals.

19 The only evidence the State presented was
20 that Mr. James was in Denmark on the day the bank
21 was robbed, that he did enter the bank twice
22 trying to open an account, and that after the
23 bank robbery he fled.

24 The State's first witness, Betty Wilson,
25 testified exclusively about Homer James and Louis

1 Garvin, that those two entered the bank, that she
2 saw them come running out. There was no mention
3 of Mr. James in her testimony.

4 Chief Wally further testified that he saw
5 one individual leave the vehicle that Mr. James
6 was driving. He never mentioned seeing the
7 driver leave the vehicle. However, the SLED
8 agent that testified misrepresented Chief Wally's
9 statement and provided that three individuals and
10 not the fourth person that we contend was in the
11 vehicle that forced Mr. James to drive after the
12 bank robbery was there. Nobody testified, nobody
13 linked Homer, or, excuse me, Leon James to any
14 involvement with Homer James in the planning,
15 preparation of the bank robbery that took place
16 in Denmark.

17 The State concedes that when Leon James
18 entered the bank he was unarmed. He didn't do --
19 he didn't participate in the actual robbery when
20 Homer James and Louis Garvin entered the bank.

21 And we would contend, Your Honor, that
22 there is simply just not enough evidence to
23 convict Leon James of the counts that he was
24 charged with, and based on that we'd ask for a
25 new trial.

1 THE COURT: All right. Mr. Solicitor?

2 MR. MILLER: Thank you, Your Honor. May it
3 please the Court.

4 I think that there is some mis-remembering
5 of what the testimony actually was. In fact, we
6 did establish beyond any reasonable doubt that
7 the Defendant was in Denmark on the day of the
8 robbery. He was in the bank on video. There
9 wasn't any question about that.

10 Ms. Wilson didn't testify about any
11 individuals. What Ms. Wilson testified about was
12 a description of the vehicle that she saw two
13 people get out of and enter the bank, and later
14 that she saw two people run from the bank towards
15 the back area, railroad tracks there, and into
16 the woods.

17 And, Your Honor, it's -- doesn't take
18 somebody making any kind of stretch of logic that
19 if she saw two people run into the bank, and
20 there are two people on video inside the bank
21 robbing the bank, and then she came back and the
22 car is gone, because the car's no longer in front
23 of the bank, these guys are running to a
24 location, that there had to be someone else
25 operating that vehicle while those two guys were

1 in the bank robbing it.

2 Your Honor, there is no evidence, no
3 credible evidence that there was any other person
4 other than the Defendant inside of that vehicle.

5 The jury heard evidence from the stand,
6 testimony of Mr. Durrel Lassiter. They clearly
7 believed Mr. Lassiter and frankly had every
8 reason in the world to believe Mr. Lassiter. He
9 was not involved with this robbery because he had
10 documentation showing that he was in fact in
11 Greensboro, North Carolina, on the day that this
12 robbery happened. He wasn't in Denmark.

13 As the Court is aware, all three -- from
14 the trial, all three of the defendants were
15 arrested within a short time of each other in the
16 day and a half or two days following the robbery,
17 and obviously the Court, in the State's view,
18 applied the proper standard with regard to the
19 motion for directed verdict when it was made.

20 Your Honor, on January the 6th of this
21 year, 2016, the South Carolina Supreme Court
22 issued an opinion in State versus Kevin Tyrone
23 Bennett. That is Appellate Case Number
24 2014-001544. I have handed a copy to
25 Mr. Kazmierski and would hand up a copy to the

1 Court. That talks about the standard and what
2 the judge should be looking for in the trial when
3 considering the defense motion for a directed
4 verdict.

5 And, Your Honor, the State would submit to
6 the Court that absolutely there is more, more
7 circumstantial evidence in this case than there
8 was even in Bennett. And Bennett was a case
9 where the trial court denied the defense motion
10 for a directed verdict. Subsequently that
11 decision was reversed by the Court of Appeals and
12 on certiori the Supreme Court reversed the Court
13 of Appeals and said the trial judge got it right
14 the first time.

15 And, Your Honor, we would submit that you
16 did get it right the first time in this matter.
17 There was ample circumstantial evidence to, from
18 which the jury could conclude that this Defendant
19 was in fact an active participant in the robbery,
20 despite the acknowledgment, and we said from the
21 beginning, we never alleged that he went into the
22 bank during the robbery. He didn't have a gun
23 inside the bank. He didn't jump over the counter
24 inside the bank. He was the driver. It was his
25 girlfriend's car that he had taken from his

1 girlfriend. You heard Ms. Grayhouse testify that
2 she had reported the car stolen in Lexington
3 County, that the last time she had seen the car
4 it was in his possession, that it was his car.
5 There were things from the car in -- from the
6 Defendant inside that car. The hat that the
7 Defendant was wearing in the video in the bank
8 that day was outside the car, indicating that he
9 had fled from that car and dropped the hat along
10 the way.

11 And most importantly, Your Honor, he was
12 arrested in the middle of, with all due respect
13 to Bamberg County, nowhere, with the other two
14 defendants in close proximity to him.

15 There was certainly ample evidence that
16 this Defendant was in fact an active participant
17 in the crime and that he did in fact act as the
18 getaway driver.

19 And with all due respect to the defense's
20 argument, this Court and the jury got it right
21 whenever they found the Defendant -- when the
22 jury found the Defendant guilty and the Court
23 sentenced him as such.

24 Thank you, Your Honor.

25 THE COURT: Do you have anything in reply?

1 MR. KAZMIERSKI: Just briefly, Your Honor.

2 The Solicitor stated that there was no
3 evidence, credible evidence of a fourth person in
4 the vehicle. Despite that there was DNA, unknown
5 DNA found in the vehicle, unknown DNA found in
6 the trailer in the woods where Mr. James was
7 apprehended. And then Court and the jury heard
8 the testimony of Louis Garvin who also said there
9 was a fourth person in the vehicle.

10 As I previously stated, Your Honor, and the
11 Solicitor stated as well, Mr. James, his
12 involvement in this was not in the jumping over
13 the counter, was armed and actually participated
14 in the robbery. And that was Betty Wilson's
15 testimony. And by inference those two
16 individuals were Homer James and Louis Garvin.

17 And then there is a stretch by the
18 Solicitor to say by inference the vehicle was no
19 longer where it was parked initially, the vehicle
20 was moved and Leon James was the getaway driver.
21 That's where the State's case tends to be -- has
22 no evidence, simply linking my client to the two
23 people that robbed the bank.

24 And we'd say that there's still -- is
25 despite the Solicitor's arguments, there's not

1 sufficient evidence to uphold the jury's
2 decision. We'd ask for a new trial.

3 THE COURT: Well as to Mr. James, it was
4 always a circumstantial-evidence case about his
5 involvement in the armed robbery. But, I believe
6 as I stated during the trial there was
7 substantial circumstantial evidence. In fact, I
8 found it strong -- you know, you'd have to
9 believe several highly improbable things to think
10 that Mr. James was an innocent who happened upon
11 a robbery that was taking place. He's from the
12 Columbia Area. Why he would be in Denmark, South
13 Carolina, to open up a checking account is just a
14 stretch in the first place. And to happen to
15 just be there during the time of, that an armed
16 robbery was taking place after he had obviously
17 been in casing the joint a couple of times
18 earlier in the day then fled and didn't make any
19 attempt to surrender, if he was an innocent and
20 who just happened upon the scene there would have
21 been no reason for him to flee because the people
22 that fled all fled in different directions. And
23 he never came out and claimed that these folks
24 were threatening him. He fled off into the woods
25 just like they fled off into the woods.

1 But the rest of the thing, I think all the
2 evidence that the State presented while it was
3 circumstantial evidence more than met the burden
4 of substantial evidence of guilt. And therefore
5 the motion is denied.

6 Anything else?

7 MR. MILLER: Your Honor, just an
8 administrative matter.

9 The State, as the Court is aware Durrel
10 Lassiter is a native or resident of Greensboro,
11 North Carolina. The State was required for the
12 trial to call upon Mr. Lassiter as well as his
13 wife, Ms. Tamela Hinard who would have been able
14 to testify if there was any question in our minds
15 that she was with Mr. Lassiter inside the bank in
16 Greensboro, North Carolina, on the day of the
17 robbery.

18 We secured their attendance under the
19 Uniform Agreement for the compulsion of out-of-
20 state witnesses and incurred expenses on behalf
21 of the solicitor's office in order to reimburse
22 Ms. Hinard and Mr. Lassiter for their travel as
23 well as their lodging and their daily witness
24 rate. Your Honor, those expenses totaled
25 \$674.67. We have a proposed order to hand up

1 that would order the Bamberg County treasurer's
2 Office to issue a check to the second Circuit
3 Solicitor's Office as reimbursement for those
4 expenses that were necessarily incurred to secure
5 the attendance of those two witnesses.

6 And I would note for the Court that
7 Mr. Lassiter and Ms. Hinard obviously stayed in
8 the same hotel room as they are married and they
9 travel together in the same vehicle which was a
10 rental car. We didn't even get into that. We
11 just charged the mileage rate but we only applied
12 that to one of them because they were together in
13 the car and we only charged for one hotel room
14 because they were together in the hotel room. We
15 did account for the per diem of \$25 per witness
16 per day in that calculation. And the \$674.67 is
17 an accurate accounting of what the solicitor's
18 office spent in order to secure the attendance of
19 those two witnesses. And we would ask that the
20 Court sign the order as proposed.

21 I have handed up a copy to Mr. --

22 THE COURT: Give me a pen. I don't have
23 one up here. I'm passing -- do you have a pen?

24 (Court reporter tosses Judge a pen.)

25 THE COURT: All right. I've signed that

1 for you.

2 MR. MILLER: Thank you, Your Honor.

3 If there is nothing else from the defense
4 the State has nothing else for the Court.

5 THE COURT: Okay. Anything else from the
6 defense?

7 MR. KAZMIERSKI: Nothing else at this time,
8 Your Honor.

9 THE COURT: All right. Good luck.

10 MR. MILLER: Thank you, Your Honor.

11 THE COURT: Thank you.

12 END OF CASE: 11:26 A.M.

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, Cheri L. Young, Registered Professional
Reporter and Official Court Reporter for the State
of South Carolina, Second Circuit-At Large, do
hereby certify that the foregoing proceedings were
written stenographically by me using computer-aided
translation; further, that the foregoing is a true,
accurate and complete record, to the best of my skill
and ability, of all the proceedings had and evidence
introduced in the hearing of the captioned case,
relative to appeal, in the Court of General Sessions for
Bamberg County, on the 11th day of February, 2016.

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

I have hereunder set my hand this 9th day of
August, 2016.

Cheri L. Young, RPR
Official Court Reporter

WITNESSES

Denmark Police Department

Denmark Police Officer

Law Enforcement Case #: 31140045

JWH

ARREST WARRANT NUMBER

2014A0520200049

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: October 16, 2014**VERDICT**

[Signature]
[Signature]
[Signature]
 10-16-14

Foreperson of Petit Jury
Date:**DOCKET NO. 2014GS0500202****The State of South Carolina****County of Bamberg****COURT OF GENERAL SESSIONS****OCTOBER TERM 2014****THE STATE****vs.****LEON AMOS JASON JAMES****CDR #: 0139****Indictment for:****ARMED ROBBERY****§ 16-11-0330(A)****J. STROM THURMOND, SOLICITOR**

FILED

DEC -3 PM 3:28

CLERK OF COURT
BAMBERG, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)
)

INDICTMENT FOR
ARMED ROBBERY

§ 16-11-0330(A)

At a Court of General Sessions, convened on October 20, 2014, the Grand Jurors of Bamberg County present upon their oath:

That **LEON AMOS JASON JAMES** did in Bamberg County on or about June 5, 2014, while armed with a deadly weapon or while alleging either by action or words that he was armed while using a representation of a deadly weapon or an object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: firearm, feloniously take from the person or presence of Rebecca Templeton by means of force or intimidation goods or monies of Enterprise Bank of South Carolina, such goods or monies being described as follows: United States currency, all in violation of §16-11-330, Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

575

COUNTY OF Bamberg
 STATE VS.
Leon Amos Jason James

AKA:

Race: Black Sex: M Age: 30DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Irmo, SC 29063-2423DL#: [REDACTED] SID#: SC01470333*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Robbery/Armed RobberyINDICTMENT/CASE#: 2014GS0500202A/W#: 2014A0520200049Date of Offense: 6/5/2014S.C. Code § : 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

10-30 years (LWOP)☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

David W Miller
 Miller, David Warren69553
 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 Life without Parole days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

SPECIAL CONDITIONS:

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

PTUP

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 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	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2154Sentence Date: 12/2/15
12/3/15

WITNESSES

Denmark Police Department

Denmark Police Officer

Law Enforcement Case #: 31140045

JWH

ARREST WARRANT NUMBER

2014A0520200051

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: October 16, 2014

VERDICT

Guilty

Jessie Hannibal 10-16-14
Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS0500204

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

OCTOBER TERM 2014

**THE STATE
vs.**

LEON AMOS JASON JAMES

CDR #: 0257

Indictment for

**ENTERING BANK WITH INTENT TO
STEAL**

§ 16-11-0380

J. STROM THURMOND, SOLICITOR

FILED
CLERK OF COURT
2015 DEC -3 PM 3:27
JAMES HILL
CLERK OF COURT
BAMBERG, SC

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

)

INDICTMENT FOR
ENTERING BANK WITH INTENT TO STEAL

§ 16-11-0380

At a Court of General Sessions, convened on October 20, 2014, the Grand Jurors of Bamberg County present upon their oath:

That **LEON AMOS JASON JAMES** did in Bamberg County, South Carolina on or about June 5, 2014, unlawfully did enter Enterprise Bank of South Carolina located at 4668 Carolina Highway in Denmark, South Carolina, a building or part of a building occupied as a bank, depository, or building and loan association with the intent to steal money or securities for money, either by force, intimidation, or threats; all in violation of Section 16-11-380, Code of Laws of South Carolina, (1976), as amended.

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

John B. Sturmond
J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Bamberg
STATE VS.Leon Amos Jason James

AKA:

Race: Black Sex: M Age: 30DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Irmo, SC 29063-2423DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Entering a Bank With Intent to Steal

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS0500204A/W#: 2014A0520200051Date of Offense: 6/5/2014S.C. Code §: 16-11-0380CDR Code #: 0257

SENTENCE SHEET

0-30y/11.

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0380 of the S.C. Code of Laws, bearing CDR Code # 0257☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

David Warren
Miller, David Warren60553
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 1 1/2 years without parole days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
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§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

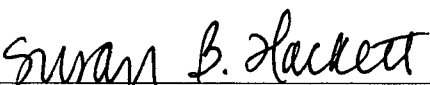
Presiding Judge

Judge Code: 2134Sentence Date: 12/3/15Bethanie Cappon12/3/15

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,



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 3rd day of February, 2017.

RECEIVED

FEB 03 2017

SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable Roger M. Young, Circuit Court Judge

RECEIVED

FEB 03 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LEON AMOS JASON JAMES,

APPELLANT

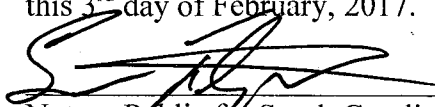
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 3rd day of February, 2017.

for Christian Ford

George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 3rd day of February, 2017.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.