

STATE OF SOUTH CAROLINA

Volume II of II

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

JAN 20 2016

Edward W. Miller, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ANTONIO WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2013-000091

RECORD ON APPEAL

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James Armstrong - Direct

1 Q. And just to be clear, what caliber is that
2 particular handgun?

3 A. It's a .380 auto.

4 Q. Did you determine whether it was operable?

5 A. Yes, ma'am, it is.

6 Q. Did you compare the casing that you developed
7 from that firearm to the casings in this particular case?

8 A. The pistol was cross checked as well as some
9 bullet specimens and I was able to determine items IRO 18,
10 21, 24, 29 and 31 fire cartridge casings were fired in
11 this pistol.

12 Q. So the casings from State's Exhibit 29 were fired
13 from the handgun that is State's Exhibit 42?

14 A. That's correct.

15 Q. Now, generally speaking you described the process
16 of how an automatic weapon or semi-automatic weapon
17 functions, the process, when the casing is ejected from
18 the firearm at what speed, at what rate? How far would
19 you expect a casing to travel?

20 A. That depends on if there's anything in the way
21 and the ejector and the extractor or designed and the
22 firearm itself.

23 Q. After you completed your examination, the
24 casings, the comparison of these firearms, what did you do
25 with each of these items of evidence?

James Armstrong - Cross

1 A. All the items were sealed and taken back to
2 property and evidence for storage.

3 MS. SALISBURY: The State offers Exhibits 25
4 - 33 and Exhibit 42.

5 MR. CHAMBERS: No objection from Mr. Booker,
6 Your Honor.

7 MR. ROBINSON: No objection from
8 Mr. Williams.

9 MR. ABDALLA: No objection from Mr. Young.

10 MR. QUINN: No objection from Mr. Sadler.

11 THE COURT: Admitted.

12 (Bullet casings marked as State's Exhibit No.
13 25 for identification and admitted into evidence.)

14 (Cartridge casings marked as State's Exhibit
15 No. 26 for identification and admitted into evidence.)

16 (.9 millimeter casings marked for
17 identification as State's Exhibit No. 27 and admitted into
18 evidence.)

19 (Cartridge casings marked for identification
20 as State's Exhibit No. 28 for identification and admitted
21 into evidence.)

22 (Cartridge casings marked for identification
23 as State's Exhibit No. 29 and admitted into evidence.)

24 (Lugger cartridge casings marked as State's
25 Exhibit No. 30 for identification and admitted into

James Armstrong - Cross

1 evidence.)

2 (.380 cartridge casings marked as State's
3 Exhibit No. 31 for identification and admitted into
4 evidence.)

5 (Cartridge casings marked as State's Exhibit
6 No. 32 for identification and admitted into evidence.)

7 (.9 millimeter handgun marked s State's
8 Exhibit No. 33 for identification and admitted into
9 evidence.)

10 (.380 firearm marked as State's Exhibit No.
11 42 for identification and admitted into evidence.)

12 MS. SALISBURY: I have no further questions.

13 MR. CHAMBERS: No questions.

14 MR. ROBINSON: Mr. Williams has no questions,
15 Your Honor.

16 MR. ABDALLA: No questions from Mr. Young.

17 CROSS-EXAMINATION

18 BY MR. QUINN:

19 Q. I'm showing you State's Exhibit 25. Is it fair
20 all those cartridges came from one gun?

21 A. Yes, sir, all those were fired in the same
22 firearm.

23 Q. And was that a .45 caliber automatic?

24 A. It was a .45 auto, yes.

25 Q. So this is one gun and these cartridges are

Larry Johnson - Direct

1 an identification on a projectile and the same way with a
2 projectile with the casing.

3 Q. So outside of determining possible the caliber of
4 a bullet or a fragment, without the handgun, can you tell
5 anything about bullets and fragments and projectiles?

6 A. Without a firearm actually counting the lands and
7 grooves and measuring them and giving them an idea of what
8 type of firearm may have been used and that is it.

9 MS. SALISBURY: I don't have any additional
10 questions.

11 THE COURT: Thank you, sir, you may step
12 down.

13 MS. SALISBURY: This may be a lengthier
14 witness, do y'all want to take a short break or keep
15 going?

16 THE COURT: Let's take a short break.

17 (Jury exits the courtroom.)

18 (Whereupon, there was a brief recess.)

19 (Jury re-enters the courtroom.)

20 Are you ready?

21 MS. SALISBURY: Yes, sir. Your Honor, the
22 State calls Mr. Larry Johnson, please come up to be sworn.

23 THE CLERK: Place your left hand on the Bible
24 and raise your right hand.

25 LARRY JOHNSON, having been duly sworn,

Larry Johnson - Direct

1 testified as follows:

2 Please be seated. Please state your name for
3 the record.

4 THE WITNESS: Larry Johnson.

5 DIRECT EXAMINATION

6 BY MS. SALISBURY:

7 Q. Mr. Johnson, let's get right to it, were you
8 charged that's part of this incident that's the subject of
9 this trial?

10 A. Yes, I am.

11 Q. And do you know exactly what you're charged with?

12 A. Conspiracy to attempted murder and second degree
13 assault by mob.

14 Q. Did you plead guilty to both of those offenses
15 earlier this week?

16 A. Yes, ma'am.

17 Q. And have you been sentenced on those offenses?

18 A. No, ma'am.

19 Q. Has anyone made any promises to you about what
20 your sentence is going to be?

21 A. No, ma'am.

22 Q. What is your understanding of what you're here to
23 do today to assist in the prosecution of this case?

24 A. Tell my part and what part I had in the incident.

25 Q. Has anybody told you what you need to say?

Larry Johnson - Direct

1 A. No, ma'am.

2 Q. What do you remember about the Saturday night
3 immediately proceeding the Sunday morning incidents? What
4 do you remember about July 16, 2011?

5 A. Starting from?

6 Q. The Red Planet. How did you get there?

7 A. I drove.

8 Q. What kind of car did you drive?

9 A. 1982 Cutlas Supreme.

10 Q. What color is it?

11 A. Black.

12 Q. Was anyone with you?

13 A. Yes, ma'am.

14 Q. Who?

15 A. Daquan Bruster.

16 Q. Had you picked him up from somewhere?

17 A. Raymond's house.

18 Q. What time did you get to the club?

19 A. I can't remember that.

20 Q. Was it already dark outside?

21 A. Yes, ma'am.

22 Q. What happened once y'all were inside?

23 A. We had went in. I was approached by a security
24 guard named Steven and he was basically telling me there
25 wasn't for any violence or fighting and stuff like that

Larry Johnson - Direct

1 and I agreed and I would try my best to keep everything
2 and that was all he asked.

3 Q. Do you remember whether there was any violence
4 inside the club that night?

5 A. Not that I recall.

6 Q. With whom were you socializing at the club?

7 A. My co-defendants.

8 Q. Who are those?

9 A. Raymond Young, Daquan Bruster, Tavarus Holmes,
10 Kinjta Sadler, Esaiveus Booker.

11 Q. Do you see some of those gentlemen in the
12 courtroom?

13 A. Yes, ma'am.

14 Q. Would you mind identifying them for the jury.

15 Let's start with Mr. Booker, do you recognize Mr. Booker?

16 A. Yes, ma'am.

17 Q. How do you know him?

18 A. I been knowing him for a while and my dad has a
19 child by his mother.

20 Q. What's your relationship like with him?

21 A. We're very close.

22 Q. What do you call him?

23 A. My brother -- oh, Trez.

24 Q. Would you identify for the jury exactly who it is
25 you know to be Trez?

Larry Johnson - Direct

1 A. With the blue sweater vest.

2 Q. In addition to him, do you see anybody else in
3 the courtroom that you were with at the club that night.

4 A. Yes, ma'am, Michael Williams.

5 Q. How do you know Michael Williams?

6 A. Been knowing him for a while too and that's
7 basically through Esaiveus.

8 Q. What's your relationship like with him?

9 A. We were close.

10 Q. How long have you known him?

11 A. A couple of years.

12 Q. Do you see him in the courtroom?

13 A. Yes.

14 Q. What's he wearing?

15 A. The white and blue stripped shirt and navy blue
16 tie.

17 Q. Who else do you recognize that was with you in
18 the club that night?

19 A. Raymond Young.

20 Q. How long have you known Raymond?

21 A. Not that long.

22 Q. How do you know him?

23 A. Through Michael Williams and like from a long
24 time ago.

25 Q. What's your relationship with him?

Larry Johnson - Direct

1 A. Not really just friends like that, I associate
2 with him.

3 Q. How?

4 A. When I see him, we speak. It's like if I see him
5 hey, how you doing, type basis like that.

6 Q. Are you part of an organization called Growth and
7 Development?

8 A. Yes, ma'am.

9 Q. How long have you been a part of that?

10 A. Probably 17 months.

11 Q. And what's your understanding of what the purpose
12 of that group is?

13 A. It's supposed to be all positive like giving back
14 to the community, helping the community, doing things for
15 children that like parents can't afford like stuff like
16 school supplies, go buy school supplies and do stuff for
17 the kids and stuff like that, community service.

18 Q. Do you have a rank?

19 A. No, ma'am.

20 Q. Do you know if anybody else has any rank?

21 A. Not that I know of.

22 Q. I got off track a little bit. You mentioned you
23 were with Raymond as well as the others in the club that
24 night, could you identify him for the jury?

25 A. White shirt, colored tie.

Larry Johnson - Direct

1 Q. Do you recognize anybody else that you were in
2 the club with that night?

3 A. Kinjta Sadler.

4 Q. Okay. How do you know Mr. Sadler?

5 A. I've been knowing Ken for a while, very close.

6 Q. How long have you known him?

7 A. I'd say like 10 years.

8 Q. What's your relationship like?

9 A. Very close.

10 Q. What do you call him?

11 A. Ken.

12 Q. In addition to these gentlemen, who else was at
13 the club with you that night?

14 A. Tavarus Holmes, Daquan Bruster, Shaquille Hogan,
15 it was a lot of people.

16 Q. What do you call Shaquille?

17 A. Lipz.

18 Q. Do you know if Tavarus Holmes has a nickname?

19 A. Just Varus.

20 Q. What about Daquan Bruster?

21 A. Buddah.

22 Q. Do you remember at some point in the night at the
23 club posing for a picture?

24 A. Yes, ma'am.

25 Q. Take a look at Exhibits 3 and 4, do you recognize

Larry Johnson - Direct

1 those photographs?

2 A. Yes, ma'am.

3 Q. Are those the photographs that y'all took there
4 at the club that night?

5 A. Yes, ma'am.

6 MS. SALISBURY: At this time I'll offer 3
7 into evidence.

8 MR. CHAMBERS: No objection.

9 MR. ROBINSON: No objection.

10 MR. ABDALLA: No objection.

11 MR. QUINN: No objection.

12 (Photograph marked as State's Exhibit No. 3
13 for identification was admitted into evidence.)

14 BY MS. SALISBURY:

15 Q. Mr. Johnson, I'm going to broadcast this up on
16 the wall. As best you can, there's a little red pointer
17 there on the table, but can you start by telling us if you
18 see Trez, Mr. Esaiveus Booker in this photograph?

19 A. Yes, ma'am.

20 Q. Mr. Shaquille Hogan who you call Lipz, do you see
21 him in this photograph?

22 Alright. What about Daquan Bruster, Tavarus
23 Holmes, Raymond Young, Michael Williams? Do you see
24 yourself? How about Mr. Sadler? That's him in the back?

25 A. Yes, ma'am.

Larry Johnson - Direct

1 Q. Alright, sir, you can have a seat. You mentioned
2 that you don't remember there being any conflict inside of
3 the club. What do you remember happening as the evening
4 progressed?

5 A. Like later on in the club something did happen,
6 but it wasn't like a fight or anything.

7 Q. What was it?

8 A. Some words were exchanged.

9 Q. Between who?

10 A. At first it was between me and my cousin,
11 Quamaine.

12 Q. What was that confrontation about?

13 A. He had said something about me hanging out ---

14 MR. ROBINSON: Objection, hearsay.

15 MS. SALISBURY: I'm asking him to explain why
16 he felt there was a confrontation.

17 THE COURT: I'm going to allow it. Go ahead.

18 THE WITNESS: He was asking me who I was
19 hanging with, the guys I was with, and he had said
20 something to me and my sister and she was basically
21 telling him to leave it alone and go ahead and leave it
22 alone and stuff like that.

23 BY MS. SALISBURY:

24 Q. After that incident, were there any other
25 incidents that you witnessed inside the club?

Larry Johnson - Direct

1 A. Just besides Black coming in and walking in and
2 gave the guys like some kind of look and they all followed
3 him to the back, then they came back towards the front and
4 then they had gone outside and then like a fight started
5 breaking out outside.

6 Q. Who is Black?

7 A. I think his name is Brandon.

8 Q. Do you know his last name?

9 A. No, ma'am.

10 Q. To whom did he give this look?

11 A. Raymond and like a couple more guys.

12 Q. When they all went to the back at that point, did
13 you go with them?

14 A. No, ma'am.

15 Q. What did you do while all that was going on?

16 A. I stayed with my sister and the rest of the
17 females.

18 Q. What happened next?

19 A. They had walked back towards the front of the
20 club and then we all exited and then we got outside little
21 fights started breaking out everywhere and then I heard
22 gunshots..

23 Q. Did you see who was participating in any of these
24 fights?

25 A. Black and Mikey was fighting with somebody. I

Larry Johnson - Direct

1 don't know who he was fighting with but he was fighting
2 with someone.

3 Q. Are you talking about Michael Williams?

4 A. Yes, ma'am.

5 Q. You saw a fight with Mikey and someone and you
6 say Black. Was he fighting someone else?

7 A. Yes, ma'am. He was trying to fight this guy
8 named Nitche.

9 Q. You say you remember hearing gunshots, did you
10 ever see anybody shoot any guns?

11 A. No, ma'am, not at the time.

12 Q. After the shooting, what do you remember seeing?

13 A. After the shooting, we all was trying to make our
14 way to the cars and stuff like that.

15 Q. What happened after all of the shooting and the
16 fighting, what did you do next?

17 A. We had got in the car. Raymond got in his car, I
18 got in my car.

19 Q. What car was Raymond driving at that time?

20 A. A green Crown Victoria.

21 Q. Do you know whether he was alone?

22 A. He and Michael Williams was in the car together.

23 Q. You got into you car, was anyone with you?

24 A. Not at the time.

25 Q. Where did you go?

Larry Johnson - Direct

1 A. We had waited until the gunshots stopped and
2 Raymond had told me to pull out and then we had pulled out
3 to certain neighborhoods. We stopped in the middle of the
4 road and he asked me if I was okay and I was like yeah.
5 And he told me to follow him and we had went through some
6 back roads and we came up beside the Walmart on Whitehorse
7 Road and made a left and then we went down some and made a
8 right into the little shopping center where 864 at.

9 Q. Did you go inside 864?

10 A. Yes, ma'am.

11 Q. How long were you inside?

12 A. Not long.

13 Q. Who was with you when you went inside?

14 A. Me and Raymond.

15 Q. When you came back out, what was happening?

16 A. It was a lot of commotion about Bram-bram being
17 shot and they was trying to find Black because he had been
18 shot.

19 Q. How long do you think he stayed out there in the
20 parking lot?

21 A. Probably 20 minutes.

22 Q. What did you do next?

23 A. We basically gathered and waited on Black's
24 mother to come and pick him up and take him to the
25 hospital.

Larry Johnson - Direct

1 Q. After he left, where did you go?

2 A. We all had got in our cars. I don't know what
3 the name of the road is but I know we had went to the red
4 light and went onto White Horse Road towards the Li'l
5 Cricket.

6 Q. How far away is the Li'l Cricket from that
7 parking lot?

8 A. Not even a minute.

9 Q. How many cars were leaving the parking lot with
10 you?

11 A. The Crown Vic, the Camary, I think it was a
12 Suzuki, a mini-van and my car.

13 Q. You said you turned on to White Horse Road, did
14 everyone go in the same direction?

15 A. Most of us.

16 Q. Which ones didn't?

17 A. It was another Camary that went down 257.

18 Q. So what happened?

19 A. We were driving up White Horse Road and we get
20 like in front of the Li'l Cricket and some guys parked at
21 the Li'l Cricket and some guys sitting on the cars and so
22 we made a U-turn in the middle of the road and Raymond
23 said that look like the guys that shot Bram-bram or
24 whatever. So then we all turned around and went back
25 towards 864.

Larry Johnson - Direct

1 Q. You testified you were driving your car and
2 Raymond was driving the Crown Vic.

3 A. Yes, ma'am.

4 Q. How did that message get communicated to you?

5 A. It was like a U-turn and a pause in the middle of
6 the road.

7 Q. Did they yell out the window?

8 A. Yes, ma'am.

9 Q. So where did you go?

10 A. We went back to 864 and Raymond had told the
11 females to get in the van with Queen and he had traded
12 cars with Joseline.

13 Q. What did he tell you?

14 A. He asked everyone whoever was going need to come
15 on and if you wasn't going head to the Waffle House.

16 Q. Which Waffle House?

17 A. The one is at Augusta Road.

18 Q. Where were you headed the first time you left the
19 parking lot of 864? Where were you planning to go?

20 A. The Waffle House on White Horse Road.

21 Q. So why now instead of going to that original
22 Waffle House were you going to the one by Fleetwood?

23 A. I have no clue. We were just told to go to the
24 one on Fleetwood.

25 Q. Who told you to go to the one by Fleetwood?

Larry Johnson - Direct

1 A. Raymond.

2 Q. What had you been wearing that night, do you
3 remember?

4 A. Yes, ma'am, I had on a black tee-shirt and some
5 blue jeans.

6 Q. Before you left the parking lot of 864 the second
7 time, did you make any efforts to cover your face?

8 A. Not me.

9 Q. Who made efforts to cover their face?

10 A. Raymond Young, Michael Williams, Kinjta Sadler.

11 Q. Mr. Booker?

12 A. Yes, ma'am.

13 Q. Do you remember with what they covered their
14 face?

15 A. Black tee-shirts.

16 Q. Black tee-shirts they had been wearing?

17 A. Yes, ma'am.

18 Q. Do you remember what they were wearing underneath
19 those black tee-shirts?

20 A. No, ma'am.

21 Q. Do you remember if they were shirtless?

22 A. No, they wasn't shirtless.

23 Q. Did you watch all of them take off their black
24 tee-shirts and cover their faces?

25 A. Yes, ma'am.

Larry Johnson - Direct

1 Q. Who left the 864 parking lot and headed to the
2 Li'l Cricket?

3 A. Me, Daquan Bruster.

4 Q. Was anybody else in your car?

5 A. No, just Daquan Bruster.

6 Q. Who else?

7 A. Michael Williams, Tavarus Holmes, Raymond Young.

8 Q. In what car?

9 A. In Joseline's burgundy Suzuki, I think that's
10 what kind of car it was.

11 Q. Did you see where Joseline went?

12 A. She had got in Raymond car.

13 Q. Alright. Just to be clear, what kind of car was
14 that?

15 A. Green Crown Victoria.

16 Q. Any other cars go with you towards Li'l Cricket?

17 A. Green Toyota Camary.

18 Q. Who was in that car?

19 A. Kinjta Sadler, Esaiveus Booker and Shaquille
20 Hogan.

21 Q. What did you do? After you left the parking lot,
22 what did you do?

23 A. We went the same route on the same road and then
24 we made a right onto White Horse Road, then it's like a
25 road across the street from the Li'l Cricket. We turned

Larry Johnson - Direct

1 down the road and everybody turn around to face the Li'l
2 Cricket and then we went behind like we crossed over White
3 Horse Road and then we went down and it was the first
4 street on the left when you go around that curve.
5 Everybody started turning around right there and came back
6 up and made a left behind the Li'l Cricket. I had to go
7 further down the street to turn my car around.

8 Q. I'm going to put State's 8 up on the wall here
9 and see if this helps you explain what it is that you were
10 describing. Are you able to tell from this picture where
11 it is that you turned and turned around and then
12 ultimately parked?

13 A. Not really.

14 Q. Well, there's been some testimony that this is
15 the Li'l Cricket gas station.

16 A. Okay.

17 MR. QUINN: Objection to the leading nature
18 of the question.

19 THE COURT: Yeah.

20 BY MS. SALISBURY:

21 Q. Well, describe it as best you can if you don't
22 recognize the map. You say you turned right off of White
23 Horse Road?

24 A. Yes, ma'am.

25 Q. And then what did you do?

Larry Johnson - Direct

1 A. It's a street right across from Li'l Cricket and
2 we all turned around the face the Li'l Cricket crossed
3 over White Horse Road.

4 Q. Did you drive right pass the Li'l Cricket?

5 A. Yes.

6 Q. Were you worried the people you were looking for
7 were going to see you?

8 A. I guess not.

9 Q. Where did you go after that?

10 A. We went around the curve a little bit and made a
11 left on the street back there and turned around and then
12 came back out and made a right and went around the curve.

13 Q. At this point which way were you traveling. You
14 say you drove pass the Li'l Cricket, was it on your right?

15 A. On my right.

16 Q. And then you say you turned around and came back.

17 A. The Li'l Cricket would have been on the left.
18 It's a street behind the Li'l Cricket. The other cars
19 were small enough to turn around in the middle of the
20 road. I had to go down further down because my car was
21 bigger to turn around and Buddah jumped out the car and I
22 just pulled -- it's like a garage or something back and I
23 parked in front of the garage and I stayed in the car.

24 Q. State's 47 does that look familiar to you?

25 A. Yes, ma'am.

Larry Johnson - Direct

1 Q. Is that the garage in front of which you parked?

2 A. Yes, ma'am.

3 Q. You said you stayed in the car and Daquan

4 Bruster, Buddah, jumped out of the car?

5 A. Yes, ma'am.

6 Q. Why didn't you go with them?

7 A. They told me to stay in the car.

8 Q. Did you see anybody else go the direction that

9 Mr. Bruster went?

10 A. Yes.

11 Q. Who?

12 A. I seen Michael Williams, Raymond Young, Kinjta

13 Saddler, Scarious Booker and Tavarus Holmes.

14 Q. Where did you see those six people go?

15 A. Run up the side of the Li'l Cricket.

16 Q. Could you see them from where you stayed in your

17 car?

18 A. Yes, ma'am.

19 Q. What did you see them do?

20 A. They all got out of the car, ran up the hill,

21 then I heard gunshots, they ran back down the hill and I

22 started shooting in the air because I didn't know if they

23 were being chased. But then Buddah had hopped in the car

24 and was like go, go, and he had the gun in his hand and

25 you could tell he had shot all the bullets out because it

Larry Johnson - Direct

1 was the slide was back and he was trying to get it to go
2 back like he never shot it.

3 Q. Do you know what kind of gun he was carrying?

4 A. A .38.

5 Q. And what kind of gun did you have?

6 A. A .38.

7 Q. Now, you started shooting, were you shooting at
8 your friends?

9 A. No, ma'am.

10 Q. Then why were you shooting?

11 A. Because I didn't know if it was then coming back
12 or if they were being chased by the guys from the Li'l
13 Cricket.

14 Q. Where were you shooting?

15 A. In the air like in front -- like where I was
16 parked in front the garage I had stuck my arm out of the
17 car and started shooting and the bullets. I have T-top so
18 I could hear the shells bouncing off of the T-top.

19 Q. Do you know how many shots you fired?

20 A. I want to say six.

21 Q. Do you know how many shots you heard?

22 A. A lot.

23 Q. Where did you go next?

24 A. We had came out behind the Li'l Cricket made a
25 right, drove all the way down to where the Tucker's Soda

Larry Johnson - Direct

1 Shop used to be at, made a right and went under the
2 bridge, came up at the light, made a left, went up
3 Pendleton Street. And then when we got to the Spinx, a
4 county SUV came and stopped in the middle of the road like
5 in front of us and then he cut on the lights and he took
6 off and then we just went across and went up towards
7 Greenville High School made a right onto Augusta Road and
8 then drove all the way down to the Waffle House.

9 Q. How long did it take you to get from the gas
10 station to the Fleetwood Waffle House?

11 A. Like 15 to 25 minutes.

12 Q. Could you tell from where you were who got back
13 into which cars?

14 A. Yes, ma'am.

15 Q. Let's start with the burgundy car, who got back
16 into the car?

17 A. Tavarus Holmes, Michael Williams and Raymond
18 Young.

19 Q. Who was driving?

20 A. Raymond Young.

21 Q. The green Camary?

22 A. Esaiveus Booker and Kinjta Sadler. Shaquille was
23 in the car but he never got out of the car.

24 Q. What was Shaquille doing?

25 A. He was driving.

Larry Johnson - Direct

1 Q. So you and Shaquille ended up staying in the car?

2 A. Yes, ma'am.

3 Q. What happened once you got to the Waffle House?

4 A. We pulled in, Raymond had got out of the car and
5 everybody started getting at the car. Raymond had the
6 ones that was at the Li'l Cricket situation and sit
7 outside because he wanted to talk to us about what had
8 happened.

9 Q. Why?

10 A. He was basically saying he swore on his kids that
11 he wouldn't tell. We didn't have to worry about him
12 telling, nobody would ever know, just don't tell.

13 Q. How long did that little conference last?

14 A. Like five minutes because the security guard came
15 outside and told us either we would have to come in and
16 eat or leave.

17 Q. So what did you do?

18 A. Went in and ate.

19 Q. How long do you think you stayed there?

20 A. Not long because I had got into it with the
21 waitress because I had asked for an orange juice.

22 Q. Where did you go when you left?

23 A. I went home.

24 Q. Did you have anybody with you?

25 A. No, ma'am.

Larry Johnson - Direct

1 Q. You were driving Mr. Bruster around, do you know
2 anything about what happened to him?

3 A. He got in the car with someone else.

4 Q. I'd like to show you State's Exhibit 40, do you
5 recognize what's on the screen?

6 A. Inside the Waffle House.

7 Q. Which Waffle House?

8 A. Fleetwood.

9 Q. Now, can you tell me as best as you can tell from
10 where you are whether you recognize anyone in this video
11 as it moves forward here?

12 A. That's Raymond with the white tee-shirt, that's
13 Tavarus with the blue on, that's Tee with the black
14 tee-shirt, that's Rashawn with the black tee-shirt that
15 just sat down, that's Esaiveus with the camouflage shorts
16 on.

17 Q. What about this gentlemen right here?

18 A. That's Daquan with the black tee-shirt. That's
19 Art sitting the chair, Miesha in front of her, that's me.
20 That's Quan with the white shorts on. That's Kadrile with
21 the blond hair.

22 Q. Do you know who this person is walking down the
23 middle?

24 A. That's Vareo.

25 Q. Can you tell who is that sitting down?

Larry Johnson - Direct

1 A. Not really.

2 Q. What about in this hat right here?

3 A. That's Shaquille Hogan. That's Michael Williams
4 that just walked in. That's Denita.

5 Q. In the white?

6 A. Yes, ma'am. That looks like Kinjta sitting at
7 the bar. That was Quinn on the cell phone.

8 Q. Let's me see if I can speed it up a little bit.

9 A. That's my sister.

10 Q. What's her name?

11 A. Shameka Johnson.

12 Q. Now, I'm going to show you the outside cameras.
13 Do you recognize that car that's pulling into that space
14 right there?

15 A. No, ma'am.

16 Q. Can you tell based on what you remember from that
17 night who you see getting out of that car?

18 A. It looks like Raymond.

19 Q. Do you know whether that's Joseline?

20 A. Yes, ma'am. And that's Mikey. That's Joseline.

21 Q. Let's move to another camera. Is that your car?

22 A. Yes, ma'am.

23 Q. If you could tell me if you're able to recognize
24 anybody who gets out of this car.

25 A. It looks like Shaquille, Kinjta.

Larry Johnson - Direct

1 Q. Now, is this is where everyone was going to the
2 back of the parking lot as you described?

3 A. Yes, ma'am. And that's the security guard.

4 Q. Now, who exactly was a party to this parking lot
5 conference?

6 A. Me, Shaquille Hogan, Michael Williams, Esaiveus
7 Booker, Daquan Bruster, Kinjta Sadler, Raymond Young.

8 Q. Was it just the folks that were at the scene at
9 the gas station?

10 A. No, it was one other person, it was Vareo.

11 Q. Why was Vareo a part of that conference?

12 A. That's Raymond's little brother.

13 Q. Do you remember talking to the police a couple of
14 days after this happened?

15 A. Yes, ma'am.

16 Q. Did you tell them everything you knew?

17 A. No, ma'am.

18 Q. Why not?

19 A. Because I didn't want to incriminate myself and I
20 heard about hand of one hand of all so.

21 Q. So what part did you leave out?

22 A. About me being there.

23 Q. Do you remember meeting with investigators again
24 the next day?

25 A. Yes, ma'am.

Larry Johnson - Direct

1 Q. Did you give them another statement?

2 A. Yes, ma'am. I think the statement was clarifying
3 like some of the stuff I had said happened at the Red
4 Planet and 864 and stuff like that.

5 Q. So during that second interview did the
6 investigators ask you any questions about this incident?

7 A. The Li'l Cricket?

8 Q. Yes.

9 A. All of it was the same conversation.

10 Q. And do you remember meeting with the
11 investigators again on the 22nd?

12 A. Yes, ma'am.

13 Q. Which would have been the next day?

14 A. Yes, ma'am.

15 Q. Which would have been three days in a row?

16 A. Yes, ma'am.

17 Q. And is it in that statement that you ---

18 A. Tell the truth.

19 Q. Incriminate yourself?

20 A. Yes, ma'am.

21 Q. Why did you finally decide that it was time to be
22 honest?

23 A. I had heard that Raheem Adams had been shot and
24 he was at the Li'l Cricket and he was my best friend and I
25 was like it was the wrong people and I felt some type of

Larry Johnson - Cross

1 way and I had told the investigators about what happened.

2 Q. What do you mean it was the wrong people?

3 A. Because I didn't see him in any altercation with
4 anyone.

5 Q. Did you know who was actually at the Li'l Cricket
6 before you joined in with the plan?

7 A. No, ma'am.

8 Q. Thank you, sir.. Please answer any questions
9 these attorneys may have.

10 MR. CHAMBERS: Randy Chambers for Mr. Booker,
11 Your Honor.

12 CROSS-EXAMINATION

13 BY MR. CHAMBERS:

14 Q. Mr. Johnson, have you been employed at any point
15 in the recent past?

16 A. Yes, sir.

17 Q. Where?

18 A. McAllister Deli.

19 Q. How recently was it that you worked there?

20 A. I lost my job July 20, 2011.

21 Q. So that was where you were working when all this
22 mess came up.

23 A. Yes, sir.

24 Q. What did you make working there?

25 A. \$8.00 an hour.

Larry Johnson - Cross

1 Q. Are you a gun owner?

2 A. No.

3 Q. Were you a gun owner in the past?

4 A. Not legally.

5 Q. What do you mean by that?

6 A. I didn't have a license for it but I also was
7 able to -- I didn't have any charges at that time when I
8 had the gun.

9 Q. You like guns, would that be fair to say?

10 A. Yes, sir.

11 Q. What kind of guns did you have, do you remember?

12 A. I owned a .380 that was chrome black.

13 Q. These pictures, are these pictures of you with
14 your guns?

15 A. The Larson is mine but the black one wasn't mine.

16 Q. These are pictures that were taken off your cell
17 phone; is that correct?

18 A. Yes, sir.

19 Q. You like these guns enough that you took pictures
20 of them laying there I guess on the bed?

21 A. No, I was on the floor.

22 Q. On the floor and that's you pointing the gun at
23 the camera?

24 A. Yes, sir.

25 Q. And is that you with another pose pointing a gun

Larry Johnson - Cross

1 at the camera?

2 A. Yes, sir.

3 Q. And that's you with two other guns.

4 A. That's the same guns.

5 Q. And then with both guns?

6 A. Yes, sir.

7 Q. You were talking about working making \$8 an hour
8 at McAllister's?

9 A. Yes, sir.

10 Q. How did you come about all this cash that you got
11 right here?

12 A. Tax money.

13 Q. So you went and got your tax money all in hundred
14 dollar bills; is that right?

15 A. It kind of look 20's.

16 Q. And this money there.

17 A. Yes, sir. I got that money back from when I had
18 to return a car because they didn't have a title loan.

19 Q. Now, you said you were in this group that
20 included among other people these young money that are
21 here at the table; is that correct?

22 A. Yes, sir.

23 Q. Were you ever part of a group called the Bloods?

24 A. No, a detective asked me take that picture and
25 show it to him because it was a guy in the picture was

Larry Johnson - Cross

1 under investigation for a stabbing at Cleveland Park.

2 Q. Would it be fair to say that that's a group of
3 Bloods?

4 A. Yes, sir.

5 Q. So at some point you would have had an
6 association with the Bloods?

7 A. No, sir.

8 Q. And this is the car that we saw in the video just
9 a minute ago, isn't it?

10 A. No, sir, that's my cousin Christopher's car.

11 Q. You already discussed with the solicitor, you met
12 with the police and gave statements three consecutive
13 days; is that correct?

14 A. Yes, sir.

15 Q. 20th, 21st, 22nd.

16 A. Yes, sir.

17 Q. When you went to talk to investigators on the
18 20th, you were actually already in custody; isn't
19 that correct?

20 A. No, I wasn't in custody.

21 Q. You weren't being investigated by Weiner?

22 A. I agreed to answer questions.

23 Q. So you weren't under investigation by
24 Investigator Weiner?

25 A. No, he just told me to come answer questions and

Larry Johnson - Cross

1 take a polygraph test.

2 Q. But Weiner was the one who asked you to come in?

3 A. Yes, sir.

4 Q. And it was about an armed robbery case that he
5 was working on?

6 A. Yes, sir.

7 Q. And when you came in he introduced you to
8 Investigator Campbell seated right over there, correct?

9 A. No, sir.

10 Q. Well, at some point did you not talk to
11 Investigator Campbell?

12 A. No, it was a guy that said he was from the FBI
13 and he had came and questioned me he said because the site
14 of the armed robbery an officer had informed him that they
15 overheard me talking to someone else about the Li'l
16 Cricket shootings.

17 Q. So you say that in regard to these Li'l Cricket
18 shootings someone from the FBI talked to you?

19 A. He stated he was from the FBI.

20 Q. Do you remember this man's name?

21 A. No, sir. I just know he said something about the
22 30 years (haulback).

23 Q. But he definitely said he was with the FBI and he
24 mentioned something called the 30 year (haulback)?

25 A. Yes, sir.

Larry Johnson - Cross

1 Q. What did he tell you about that?

2 A. It was day for day.

3 Q. So in other words they were letting you know what
4 would happen to you?

5 A. If you want to say so.

6 Q. Well, I mean that's why they brought it up,
7 wouldn't that be fair to say?

8 A. He said if it come to find out if it was gang
9 related or anything like that.

10 Q. And how many officers were there or anything when
11 they talked to you that first day?

12 A. That first day it was to this or the armed
13 robbery?

14 Q. I'm talking about the statement that you gave on
15 the 20th that the solicitor asked you about, how many
16 officers were present? You already said the FBI guy was
17 there.

18 A. He was downstairs after I had been questioned by
19 Weiner for the armed robbery and he started questioning me
20 about the Li'l Cricket shootings and he said he was going
21 to introduce me to the detective that was investigating
22 the Li'l Cricket shootings.

23 Q. So the FBI then after he talked to you about the
24 30 year (haulback) took you upstairs and talked to the
25 investigators. Was it then Investigator Campbell?

Larry Johnson - Cross

1 A. Yes, sir.

2 Q. Was there anybody else with Investigator
3 Campbell?

4 A. Brandon. I don't know ---

5 Q. Was there an Investigator Bailey?

6 A. Yes, sir.

7 Q. And do you remember anybody else being there?

8 A. There was a couple other officers sitting around.

9 Q. So by the time you went up there to talk to
10 Investigator Campbell, you had already talked to Weiner,
11 the FBI guy who told you could get 30 years, you went
12 upstairs and there were at least two officers Campbell and
13 Bailey and you said there were a couple of others there?

14 A. Yes, sir.

15 Q. Did they also indicate to you that they were
16 investigating this, they thought you were involved and how
17 much trouble you could get in?

18 A. No, Detective Weiner just asked me about the
19 information that I had about the shootings.

20 Q. This first statement that you gave as you've
21 already indicated to the solicitor from the 864 you just
22 drove on home?

23 A. Yes, sir.

24 Q. You don't mention in this first statement, you
25 don't mention Esaiveus Booker at all, do you? You can

Larry Johnson - Cross

1 look at it if you need to.

2 A. And I also didn't mention Shaquille Hogan and
3 Kinjta Sadler.

4 Q. You didn't mention a lot of people.

5 A. Yes, sir.

6 Q. So that's the first statement you gave. The
7 second day you came back and you talked to the same people
8 again.

9 A. Yes, sir.

10 Q. And you offered up some more stuff that day?

11 A. Yes, sir.

12 Q. You didn't change the fact that you had driven
13 home or driven over to the Waffle House, had not gone
14 anywhere from the 864 but to Waffle House.

15 A. Yes.

16 Q. And again you didn't mention Esaiveus Booker in
17 that statement, did you?

18 A. This one has nothing to do with the Li'l Cricket
19 shooting.

20 Q. You said when you talked to the solicitor a few
21 minutes ago that y'all talked about everything. I mean
22 that's what's in that statement, but you said on that
23 second day and every time that y'all talked that you
24 talked about everything, is that right?

25 A. That's the shootings at the Red Planet and --

Larry Johnson - Cross.

1 yeah.

2 Q. And then you come back on the third day and this
3 time was there an Investigator Audrey there?

4 A. I can't remember exactly, it was 17 months ago.

5 Q. Is that the statement that you gave?

6 A. Yes, sir.

7 Q. Does that indicate that there was an Investigator
8 Audrey that was there to help him take your statement?

9 A. Yes, sir.

10 Q. And it indicates that Investigator Campbell was
11 there again?

12 A. Yes, sir.

13 Q. Also was there an Investigator Peoples who was
14 there, do you remember her?

15 A. Yes, sir.

16 Q. And then it also indicates there was somebody
17 named Armstrong that was there; is that right?

18 A. I don't remember all their names.

19 Q. These were people that signed as witnesses which
20 indicated they were there.

21 A. Yeah, like I said there was a couple more
22 officers around.

23 Q. And in this statement is the first time that you
24 mention Esaiveus Booker being involved in any way mention
25 that you're involved in any way?

Larry Johnson - Cross

1 A. That's the first day I mentioned that anyone was
2 involved in any way.

3 Q. And that was after having met with the police,
4 all these different investigators, the guy from the FBI on
5 three separate occasions on the third day, despite what
6 you'd said in those previous statements, you'd changed
7 your story on that third day and started to implicate
8 these other people.

9 A. Including myself.

10 Q. I understand that. You said a few minutes ago
11 when you were talking about the facts because this is not
12 clear from your statement that when y'all left the 864
13 that Shaquille Hogan was driving one of the cars. Do you
14 remember that?

15 A. No, I did not say that.

16 Q. Well, at any rate you identified at the Waffle
17 House getting out of the passenger seat of one of the
18 cars.

19 A. Yes, sir.

20 Q. You did, in fact, at some point give a fourth
21 statement, did you not?

22 A. No, sir.

23 Q. Not a statement to the police, but a statement?

24 A. Recant?

25 Q. Yes.

Larry Johnson - Cross

1 A. Yes.

2 Q. So you're familiar with it, you know what I'm
3 talking about?

4 A. Yes, sir.

5 Q. Is this that recantation?

6 A. Yes, sir.

7 Q. Is that your signature on the bottom?

8 A. Yes, sir.

9 Q. Did you say in this statement -- by the way, what
10 was the date you did this recantation? Was that November
11 10, 2012?

12 A. Yes, sir.

13 Q. Did you say that on the dates ---

14 MS. SALISBURY: Your Honor, may we approach
15 briefly.

16 THE COURT: Alright.

17 (Discussion off the record.)

18 BY MR. CHAMBERS:

19 Q. So on the date of this recantation that you
20 executed and signed, did you say that, "On the dates of or
21 between July 20th and 22nd, 2011, I, Larry Terrell
22 Johnson, was made promises and even threatened by
23 Greenville County Detectives to make false accusations
24 against Michael Williams, Raymond Lewis Young, Tavarus
25 Dean Holmes, Esaiveus Frantez Booker, Daquan Bruster,

Larry Johnson - Cross

1 Kinjta Sadler and myself, Larry Terrell Johnson, and
2 Shaquille Hogan."

3 A. Yes, sir.

4 Q. And did you further say, "I was under stress due
5 to my recent arrest, misunderstood what the detectives was
6 asking me. I was coerced to write and sign a false
7 statement." Did you say that?

8 A. Yes, sir.

9 Q. "The investigator typed a false statement and
10 told me to sign it and claim they would help me get out of
11 jail. I now wish to recant those false accusations and
12 state the fact that on the date of July 17, 2011, I, Larry
13 Terrell Johnson, did not participate or conspire nor
14 witness any illegal actions or activity of any kind with
15 the names listed above or anyone of that matter." Is that
16 right?

17 A. Yes, sir, but just after I been re-arrested.

18 Q. And you signed that; is that correct?

19 A. Twice.

20 Q. And then you had it notarized?

21 A. Yes, sir.

22 Q. And that was November 10, 2012, right?

23 A. Yes, sir.

24 Q. And that was after the three statements that you
25 gave to the police?

Larry Johnson - Cross

1 A. That was after I had been re-arrested.

2 Q. Okay. Thank you very much. That's all the
3 questions I have.

4 MR. ROBINSON: I have no questions, Your
5 Honor.

6 BY MR. ABDALLA:

7 Q. Do you remember a conversation you had with Tony
8 Jeter? Do you know who Tony Jeter is?

9 A. I don't know him at all.

10 Q. You don't remember talking to him about the fact
11 that similar to your recantation statement wherein you
12 told him that the officers promised to get you a low bond
13 if you told them certain information?

14 A. No, sir.

15 Q. You never said that?

16 A. No, sir, not at all. And the only reason that I
17 recant because they had somebody write me and tell me to
18 do it.

19 Q. You wrote the recant, didn't you?

20 A. Not freely.

21 Q. So you said you were coerced to make the
22 statement that said you were coerced?

23 A. I have a statement in the county jail from one of
24 my co-defendants telling me to do it, write it three times
25 and get it notarized and then on the same day I got that

Larry Johnson - Cross

1 coming out of holding either I was with them or against
2 them.

3 Q. Do you know Tony Jeter from the jail?

4 A. No, I don't know him at all.

5 Q. And you don't remember making statements to him?

6 A. No, sir.

7 Q. Did you ever get bonded out?

8 A. Yes, sir.

9 Q. How much as your bond?

10 A. \$50,000 plus home incarceration.

11 Q. Was this after your cooperation?

12 A. No, I sat in jail for three-and-a-half months
13 without a bond.

14 Q. After you cooperated what did you get?

15 A. Nothing because that means I would have had a
16 bond when they arrested me.

17 Q. What about the plea deal you got?

18 A. I didn't get a plea deal.

19 Q. You didn't get a plea deal?

20 A. No. All of my pleas are from zero to max.

21 Q. So you're getting no benefit from coming in here
22 to testify?

23 A. No.

24 Q. What about your prior record?

25 A. My record I just have an assault and battery in

Larry Johnson - Cross

1 2009.

2 Q. You were talking about other charges you got
3 arrested on, what were you referring to?

4 A. The accessory charge that he kept referring to
5 that I was under investigation for.

6 Q. So you gave three different statements. Was
7 Brandon Brown one of the officers in the room?

8 A. Yes.

9 Q. Was he the one the FBI?

10 A. No, he had his hat turned backwards and he had
11 his gun on his back and he had like short blonde hair.

12 Q. On July 20, 2011 you gave a statement to
13 Investigator Campbell, correct?

14 A. Yes.

15 Q. And Investigator Bailey was there?

16 A. Yes.

17 Q. And that was the truth you said?

18 A. Yes.

19 Q. On July 21, you gave another statement, right?

20 A. To clarify some things.

21 Q. That was then the whole truth, right?

22 A. No, I still didn't want to incriminate myself.

23 Q. Then finally the last statement you gave was
24 nothing but the truth, right?

25 A. Yes.

Larry Johnson - Cross

1 Q. And then, of course, you gave the statement of
2 2012 saying that you never freely gave those other
3 statements and they were coerced, right?

4 A. No, that was November 10th.

5 Q. November 10th, 2012?

6 A. I was forced to do it.

7 MR. ABDALLA: I have no further questions.

8 BY MR. QUINN:

9 Q. When you went to the Red Planet that night, a
10 security guard approached you and asked you to make sure
11 there's be no trouble?

12 A. Yes, sir.

13 Q. A security guard knows you well enough to come up
14 to you and say, look, don't cause any trouble tonight?

15 A. It was a situation that happened the weekend
16 before, a big fight had broke out, and I was kind of, you
17 know, trying to help keep -- solve the problem or
18 whatever. He know me because his girlfriend Jane used to
19 work at McAllister with me, he used to come up there and
20 eat all the time. And he used to work at 864 too.

21 Q. So you were the peace keeper?

22 A. Yes, sir.

23 Q. And at the Waffle House you got thrown out
24 because you got in a fight with a waitress?

25 A. No, I didn't get in a fight with the waitress.

Larry Johnson - Cross

1 We just got in a confrontation about she just gave me the
2 wrong thing and tried to charged me for a refill for
3 something I didn't ask for.

4 Q. Whether it was orange juice or orange soda?

5 A. Yes, sir.

6 Q. And you were not the peace keeper then in Waffle
7 House?

8 A. Actually I was. I had told my sister to leave
9 the situation alone because she tried to add fuel to the
10 fire.

11 Q. And this picture of you with Bloods, you did that
12 because some police office asked you to help solve some
13 other crime?

14 A. Yes, my friend had got stabbed up at Cleveland
15 Park and I wasn't in the picture.

16 Q. I'm sorry the way this works is you have to let
17 me finish and I'll let you finish.

18 A. Okay.

19 Q. So the way this works is you went and found
20 Bloods, don't know nothing about them and found them, had
21 a picture taken of them with them to help the police, is
22 that your testimony?

23 A. I got a picture from a guy named Pat that take
24 pictures at the club.

25 Q. To help the police?

Larry Johnson - Cross

1 A. Yes, sir.

2 Q. What was that police officer's name?

3 A. I don't know. That was a while ago.

4 Q. And the gun that you used that night, when did
5 you provide that to the police?

6 A. It wasn't my gun.

7 Q. When did you help them find the gun so they could
8 do ballistics?

9 A. I didn't help them find the gun. I didn't have a
10 gun for them to find.

11 Q. I thought you told this jury you shot the gun
12 outside of the ---

13 A. I did, but I returned the gun back to its
14 rightful owner.

15 Q. So you provided that information to the police?

16 A. That I returned the gun to the rightful owner?

17 Q. Yes.

18 A. No, not that I can remember.

19 Q. But I thought your last statement was everything
20 you know about this case. I thought you told the jury the
21 reason it took you three times to get it right was the
22 third time you got it all in there. So you didn't help
23 them recover the gun?

24 A. I didn't know where it was.

25 Q. Did the gang investigators they were worried

Larry Johnson - Cross

1 about getting the guns off the street more than anything
2 else?

3 A. I didn't know I was talking to the gang
4 investigators. I said I was talking to a guy from the
5 feds and he was talking about a 30 year if it was gang
6 related. I thought he was a detective because he was in
7 regular clothes.

8 Q. Brandon Brown.

9 A. I don't know his last name.

10 Q. And your testimony is you were shooting this gun
11 out the window because there were people coming up and you
12 couldn't tell who they were?

13 A. Yes, sir.

14 Q. But you tell this jury you could see everybody
15 else get out of the car and go around the side of the Li'l
16 Cricket?

17 A. Yes. The way they came back towards me after the
18 gunshots, it was like it was just running so it wasn't in
19 an orderly fashion as they went up the hill to the side of
20 the Li'l Cricket.

21 Q. So they were orderly going up the hill?

22 A. Yes.

23 Q. Disorderly coming back?

24 A. Yes, after the shots started.

25 Q. That's why you had to shoot the gun in the air?

Larry Johnson - Redirect

1 A. Yes. I didn't know if they were being chased by
2 the guys they were firing at or anything.

3 Q. You didn't think that people might run back to a
4 car or anything?

5 A. I know that, but if you shoot at the wrong person
6 and they have guns and retaliate and they had guns and
7 could be chasing.

8 Q. You say you parked in front of the garage?

9 A. Yes.

10 Q. And you drove the entire time?

11 A. My car.

12 Q. And it took 15 to 25 minutes to get to the Waffle
13 House?

14 A. Yes.

15 Q. And that was the Waffle House that everybody
16 keeps referring to as Fleetwood?

17 A. Yes, by Fleetwood.

18 Q. And you say you were out in the parking lot about
19 five minutes before the security guard broke y'all up?

20 A. About five minutes.

21 MR. QUINN: I don't have any other questions.

22 MS. SALISBURY: Very briefly.

23 REDIRECT EXAMINATION

24 BY MS. SALISBURY:

25 Q. Why did you draft this letter from jail about

Larry Johnson - Redirect

1 everything you told the police was a lie?

2 A. After I had went to court for the accessory
3 charge, I had went and talked to Corporal Whitman and she
4 told me I had been terminated from the House Arrest
5 program and asked me to turn myself in. So I had turned
6 myself and then like a couple guys had kept saying Raymond
7 said are you going to do that are you going to recant your
8 statement, are you going to recant your statement, and
9 then it became like me talk to my lawyer and is it okay
10 and how should I go about doing this. And it's like, no,
11 you don't need to tell me, he's working with the
12 solicitor, you need to do it, you need to get it done. So
13 as time went on as I sat in the dorm more of a threat came
14 to me, like more people from the ---

15 MR. ROBINSON: Objection, hearsay.

16 THE COURT: Overruled. Go ahead.

17 THE WITNESS: More of the people from the
18 gang was in the dorm with me. So then I had got up a
19 paper and I showed it to chase and it basically said what
20 my recant said and told me to do it three times, get it
21 notarized and give it to this guy named Boy-boy and he
22 would give it to Raymond.

23 Raymond told me he would hold it until trial
24 that way it could be a surprise and they just saying do
25 it, get it down. And he would be on the rec yard which I

Larry Johnson - Recross

1 could see out of the window, oh, you did it, you need to
2 get it down, you either with us or against us.

3 BY MS. SALISBURY:

4 Q. Did anyone ever actually threaten you?

5 A. If I didn't get it done, I would be "x" out.

6 Q. What does that mean to you?

7 A. Well, somebody that knows more than I know about
8 being "x" out meaning me being murdered and they know that
9 I have to go to prison.

10 Q. Did you fear for your safety?

11 A. Yes, ma'am.

12 RECROSS-EXAMINATION

13 BY MR. CHAMBERS:

14 Q. I believe that you told co-counsel over hear a
15 few minutes ago when he asked you if you had spoken to
16 Tony Jeter, you told him no.

17 A. That is correct.

18 Q. Isn't Boy-boy Tony Jeter?

19 A. I don't know his real name.

20 Q. If Boy-boy is Tony Jeter, told to him?

21 A. Yeah. We was never in the same dorm, he just was
22 passing me papers from Raymond.

23 Q. So if you don't know Tony Jeter, why wasn't your
24 answer I don't know Tony Jeter as opposed to I never
25 talked to Tony Jeter?

Shaquille Hogan - Direct

1 Q. One last thing, you mentioned earlier when the
2 solicitor was questioning you about at polygraph. You
3 didn't pass that polygraph, did you?

4 A. That's not on ---

5 THE COURT: Wait a minute. No. Anything
6 else?

7 MS. SALISBURY: Nothing.

8 THE COURT: You may stand down.

9 (Witness leaves the witness stand.)

10 Let me talk to the lawyers for a second.

11 (Discussion off the record.)

12 Ladies and gentlemen of the jury, we're
13 trying to get this trial finished so you all object to
14 keep working. Keep working. Do you need to take a short
15 break or you good? Good. Call you next witness.

16 MS. SALISBURY: The State calls Shaquille
17 Hogan. Mr. Hogan, please come up to be sworn.

18 THE CLERK: Place your left hand on the Bible
19 and raise your right hand.

20 SHAQUILLE HOGAN, having been duly sworn,
21 testified as follows:

22 Thank you. Please be seated. State your
23 name for the record.

24 THE WITNESS: Shaquille Hogan.

25 DIRECT EXAMINATION

Shaquille Hogan - Direct

1 BY MS. SALISBURY:

2 Q. Mr. Hogan, what do your friends call you?

3 A. Lipz.

4 Q. Do you know the gentlemen in the courtroom here?

5 A. Yes.

6 Q. How do you know them?

7 A. Friends.

8 Q. Let's do them one by one. Who do you recognize
9 in the courtroom?

10 A. All of them.

11 Q. One at a time.

12 A. Trez, Mikey, Raymond, and Ken.

13 Q. Let's start with Trez, do you know Trez's real
14 name?

15 A. Esaiveus.

16 Q. What is he wearing for the jury?

17 A. Navy blue vest.

18 Q. How long have you known Trez?

19 A. About a year.

20 Q. What's your relationship like with him?

21 A. Kind of close.

22 Q. What about Mikey, do you know his real name?

23 A. Yes, ma'am, Michael.

24 Q. What is he wearing?

25 A. Light blue stripes.

Shaquille Hogan - Direct

1 Q. How do you know him?
2 A. A while back.
3 Q. How long have you known him?
4 A. About a year.
5 Q. What is your relationship like with him?
6 A. Pretty close.
7 Q. Who else?
8 A. Raymond.
9 Q. What's wearing?
10 A. I don't know what color that is but it's like
11 white.
12 Q. How long have you known Raymond?
13 A. Not long.
14 Q. What's your relationship like with him?
15 A. Kind of close.
16 Q. And who else?
17 A. Ken.
18 Q. What's Ken wearing?
19 A. Red, white, blue.
20 Q. How long have you known Ken?
21 A. About a year.
22 Q. What's your relationship like with him?
23 A. Pretty close.
24 Q. It seems like you've known everybody for about a
25 year and you're pretty close with them. Did you meet them

Shaquille Hogan - Direct

1 all at the same time?

2 A. No.

3 Q. Nonetheless, were you friends with them last
4 summer July of 2011?

5 A. Yes.

6 Q. Do you remember the night that is the subject of
7 this trial, July 16 and into July 17 of 2011?

8 A. Yes.

9 Q. As earliest as you can remember, what do you
10 remember?

11 A. We had went to the club.

12 Q. Which club?

13 A. Red Planet.

14 Q. How did you get there?

15 A. My brother, another home boy.

16 Q. What happened when you got there?

17 A. We went in and get in there and when we got in
18 there we was just chillin', got into it with some other
19 guy and one of my home boys ran up and hit him. When he
20 hit him, he escorted him out of the club. When I went out
21 the club, I stood around and looked around and I heard
22 gunshots and I ran to the car. I ran to the car to get my
23 gun, but the door was locked and by the door got unlocked,
24 it was all over with.

25 Q. Let's stop there and see if we can't get through

Shaquille Hogan - Direct

1 that slowly. Who do you remember being with you at the
2 club that night of your friends?

3 A. Me, Trez, Ken, Mikey, Ray, Larry, Tavarus.

4 Q. Do you remember posing for a picture?

5 A. Yes.

6 Q. Take a look at State's 3 and 4, do you see
7 yourself in those photographs?

8 A. Yeah.

9 Q. Now, you said that you went out into the parking
10 lot and heard shots, what did you do in response to that?

11 A. I ran.

12 Q. Where were you running to?

13 A. Car.

14 Q. Which car?

15 A. The car I came there with.

16 Q. What car did you come in?

17 A. A green Toyota Camary.

18 Q. Do you know whose car that is?

19 A. I don't know the rightful owner.

20 Q. Who was driving it that night?

21 A. Trez.

22 Q. The same Trez that's in the courtroom?

23 A. Yes.

24 Q. So he's the person that came and picked you up
25 from your home?

Shaquille Hogan - Direct

1 MR. QUINN: Object to the leading nature of
2 the question.

3 THE COURT: Don't lead.

4 BY MS. SALISBURY:

5 Q. You mentioned that you're home boy had come to
6 pick you up from your house, are you talking about the
7 same person?

8 A. I never said from my house.

9 Q. I apologize. From where did you get picked up?

10 A. I was at a friend's house that was across town.

11 Q. Who came to pick you up from that house?

12 A. Trez.

13 Q. In what car?

14 A. Same car.

15 Q. Did you put your gun in that car when you got
16 into it right then?

17 A. No, I left it in there.

18 Q. See if I can't clarify, when did you put the gun
19 in the car?

20 A. I had it on me the whole time so I left it when I
21 went in the club.

22 Q. Did you have it with you that you were at your
23 friend's house?

24 A. Yes.

25 Q. So when Trez came to pick you up, did you have it

Shaquille Hogan - Direct

1 with you to take it into the car then?

2 A. Yes.

3 Q. Okay. And what kind of gun was it?

4 A. It was a .380.

5 Q. Getting back to the club, you said you ran to the
6 car and what happened?

7 A. By the time the door was unlocked, everything was
8 over with so we left.

9 Q. Who did you leave with?

10 A. Me, Ken, Trez.

11 Q. Where did you go?

12 A. We left there and went to 864 and tried to get in
13 but they wouldn't let us in.

14 Q. What did you do?

15 A. We left -- I didn't know where we was headed to.
16 We was going somewhere until somebody called and told us
17 to turn around and go back to 864. So we went back and
18 ended up there.

19 Q. So were you driving at this point?

20 A. Nah.

21 Q. Who was driving?

22 A. Trez.

23 Q. So at some point, you turn around and come back
24 to 864 why?

25 A. To meet up with everybody from the club.

Shaquille Hogan - Direct

1 Q. Did you ever learn why you turned around and come
2 back to 864?

3 A. Yeah.

4 Q. What was your understanding of what was going on?

5 A. Well ---

6 MR. ROBINSON: Objection, hearsay.

7 THE COURT: What was his understanding?

8 MS. SALISBURY: Yes.

9 THE COURT: Overruled.

10 BY MS. SALISBURY:

11 Q. What was your understanding?

12 A. Well, Tavarus had came to the car, he was like
13 could he see my pistol, we fixing to get the guys at the
14 Li'l Cricket.

15 Q. Did you give him your gun?

16 A. Yes.

17 Q. Why?

18 A. Because he asked me to and that's what you do,
19 you got to do what he say.

20 Q. Why do you have to do what he says?

21 A. Because that's the power he got.

22 Q. What do you mean by that?

23 A. That's what I mean.

24 Q. Why does he have the ability to tell you what to
25 do?

Shaquille Hogan - Direct

1 A. Because I guess he's been doing it longer than
2 me.

3 Q. Did you give him the gun?

4 A. Yes, ma'am.

5 Q. What happened next?

6 A. We proceeded to get in the car and proceeded to
7 do what Tavarus said he was going to do.

8 Q. Were you still in the green Camary?

9 A. Yes, ma'am.

10 Q. Who was driving this time?

11 A. Same person.

12 Q. Now, you say we left to go do what we're going to
13 do. Who is we?

14 A. Me, Trez, Ken, Larry, Buddah, Tavarus, Mikey, and
15 Raymond.

16 Q. Do you remember what kind of cars they were in?

17 A. Yes.

18 Q. What kind of car was Larry in?

19 A. Brown Altima car.

20 Q. Was anyone with him?

21 A. Buddah.

22 Q. What kind of car was Tavarus in?

23 A. The red car.

24 Q. And who was in the car with him?

25 A. Mikey and Raymond.

Shaquille Hogan - Direct

1 Q. Who was driving that car?

2 A. I'm not sure. I can't remember.

3 Q. Before y'all left the parking lot, do you
4 remember if anyone you were with covered their faces?

5 A. No.

6 Q. Do you remember if anyone changed into white
7 tee-shirts?

8 A. No.

9 Q. Do you remember?

10 A. I don't remember. All I can remember is Larry
11 had a ski mask, that's all I can really just tell and hats
12 on and stuff like that.

13 Q. Where did you go after you left the parking lot
14 of 864 the second time?

15 A. We left there, went down White Horse Road, took a
16 right, took a left, and went past the Li'l Cricket and we
17 came back around, parked behind them and we parked behind
18 them and that's when everybody got out of the car.

19 Q. Did you get out of the car?

20 A. No.

21 Q. Why not?

22 A. Because I ain't have no reason to, I ain't have
23 not gun.

24 Q. What did you do?

25 A. I got in the driver's seat.

Shaquille Hogan - Direct

1 Q. Why?

2 A. Because I felt like I needed to drive.

3 Q. Who do you remember seeing running from the cars
4 towards the gas station?

5 A. Everybody else.

6 Q. Did Larry run out there with them?

7 A. Yes.

8 Q. Were you the only one waiting with the cars?

9 A. Yeah.

10 Q. What do you remember happening next?

11 A. I was in the car and I heard some gunshots.

12 Q. Do you remember how many you heard?

13 A. Nah. I just heard some gunshots and I seen Larry
14 shooting and everybody else came back to the car.

15 Q. What do you mean you saw Larry shooting?

16 A. It was on the way back he was still shooting. I
17 don't know why but he was still shooting on the way back
18 so, that's the only thing I actually saw. I heard
19 gunshots.

20 Q. Was he shooting at somebody?

21 A. I couldn't see around the building but where he
22 was shooting at so I don't know.

23 Q. When you said you saw him shooting on the
24 backside?

25 A. Like I said where I'm at you can see him shooting

Shaquille Hogan - Direct

1 but you can't see what he was shooting at.

2 Q. Do you know what kind of gun everybody had?

3 A. Some of them.

4 Q. Do you know what kind of gun Mikey was carrying?

5 A. I'm not sure. He's always talking about 8
6 millimeter.

7 Q. Do you know what kind of gun Raymond was
8 carrying?

9 A. I think it was a .357, I think. It's been so
10 long ago.

11 Q. Trez was carrying?

12 A. A 9.

13 Q. Do you know what kind of gun Ken was carrying?

14 A. He had the .382.

15 Q. What about Daquan Bruster, Buddah?

16 A. He had a .9.

17 Q. And Tavarus?

18 A. .380.

19 Q. Your .380?

20 A. Yeah.

21 Q. Now, when everybody returned back to the car,
22 what do you remember happening next?

23 A. Everybody ran and we got in the car and we drove
24 off. I drove off and got to the red light and me and Trez
25 switched driver's seats.

Shaquille Hogan - Direct

1 Q. Why?

2 A. Because I was nervous.

3 Q. Why were you nervous?

4 A. Because of all the gunshots.

5 Q. So you switched seats, which seat did you get
6 into?

7 A. I really can't remember to be honest with you.

8 Q. Where did you go?

9 A. We left there and went to the Waffle House?

10 Q. Which one?

11 A. Augusta, I think.

12 Q. Near Fleetwood?

13 A. Yeah.

14 Q. How long do you think it took y'all to get there?

15 A. I can't even tell you, I don't know. My mind
16 wasn't on it.

17 Q. What happened when you arrived at the Waffle
18 House?

19 A. Everybody was talking and we walked in and ate.

20 Q. What do you mean talking?

21 A. People just talking, there was groups over here,
22 and groups over there. They were just talking and I was
23 smoking a cigarette.

24 Q. Do you remember speaking with Raymond in the
25 parking lot that night?

Shaquille Hogan - Direct

1 A. I might have said something to him but it wasn't
2 nothing serious because I don't remember.

3 Q. Did you ever get your gun back?

4 A. Yes.

5 Q. From who?

6 A. From Tavarus.

7 Q. Do you remember where he gave it back to you?

8 A. It was like over on the other side away from the
9 door. It was like on the side.

10 Q. It was right there at the Waffle House?

11 A. Yeah.

12 Q. Do you remember how he gave it back to you?

13 A. I can't remember.

14 Q. Do you remember talking to police back in July of
15 this year?

16 A. Yes.

17 Q. Do you remember giving them a statement about
18 what you remember happening that night?

19 A. Yeah.

20 Q. Did you have a chance to look over that statement
21 and make any corrections?

22 A. No.

23 Q. You didn't get to read it?

24 A. No.

25 Q. Did you sign your name on it?

Shaquille Hogan - Direct

1 A. You talking about what they had written?

2 Q. Yes, sir.

3 A. Yes.

4 Q. Take a moment to look at it and read it over to
5 yourself there. Is that the statement that you gave to
6 the police?

7 A. Yeah.

8 Q. Do you remember telling the police that Michael
9 Williams was carrying a .40 caliber?

10 MR. QUINN: Object to the leading nature of
11 the question.

12 THE COURT: I'm going to let him answer. He
13 was just asking what he remembers. Go ahead.

14 THE WITNESS: I didn't say it in my
15 statement, though.

16 BY MS. SALISBURY:

17 Q. After you review you statement, do you remember
18 telling the police what kind of caliber firearm Trez was
19 carrying that night?

20 A. Yes, ma'am.

21 Q. What caliber?

22 A. .9 millimeter.

23 Q. Do you remember telling the police Ken was
24 carrying that night?

25 A. Yes, it says right there.

Shaquille Hogan - Direct

1 Q. What caliber?

2 A. A .9 millimeter.

3 Q. Do you remember telling police about a meeting
4 that night in the parking lot of the Waffle House?

5 A. Yes, ma'am.

6 Q. Do you remember whether that meeting happened?

7 A. You said a meeting? No. I was smoking a
8 cigarette.

9 Q. Read the last line of that statement to yourself?

10 A. "We had a meeting at," (inaudible) "car and then
11 went into the Waffle House and ate.e

12 Q. Did you not tell the police that?

13 A. Not a meeting like a meeting meeting.

14 Q. What do you mean?

15 A. It really wasn't nothing. I couldn't even
16 remember what the conversation about that's why I said it
17 couldn't even have been that important.

18 Q. Do you remember drafting a statement in June of
19 2012?

20 A. Yes, ma'am.

21 Q. Did you write that statement?

22 A. Yes, ma'am.

23 Q. Under what circumstances and for what purpose did
24 you write that statement?

25 A. I just said we didn't have nothing to do with

Shaquille Hogan - Direct

1 this thing.

2 Q. What do you mean?

3 A. I didn't have nothing to do with it so I was
4 trying to get my case over with and I didn't have nothing
5 to do with this case. I didn't have nothing to do with
6 it.

7 Q. Did you say in that statement what you told the
8 investigators is not true?

9 A. Yes, ma'am.

10 Q. Well, what is the truth?

11 A. What I just told you, the testimony I just gave
12 you.

13 Q. Now, were you charged as part of your involvement
14 in this incident?

15 A. Now but at the time, no.

16 Q. What is your understanding of what you were
17 charged with?

18 A. When?

19 Q. In this case, were you charged with assault and
20 battery by mob in the second degree and conspiracy as part
21 of your involvement in this case?

22 A. Yes, ma'am.

23 Q. And earlier this week, did you plead guilty to
24 both of those offense?

25 A. Yes, ma'am.

Shaquille Hogan - Cross

1 Q. Has anybody made you any promises about what your
2 sentence is going to be for those offenses?

3 A. No, ma'am.

4 Q. What is your understanding of what you need to do
5 here today to assist the prosecution of this case?

6 A. Testify and my part of the story.

7 Q. Has anyone told you what to say?

8 A. No, ma'am, I admitted the truth.

9 Q. Has anyone told you how to testify?

10 A. No, ma'am. I haven't been in contact with nobody
11 since the shooting.

12 Q. Have you told the truth here today?

13 A. Yes, ma'am.

14 Q. Sir, answer any questions these attorneys may
15 have.

16 MR. CHAMBERS: Randy Chambers for Mr. Booker.

17 CROSS-EXAMINATION

18 BY MR. CHAMBERS:

19 Q. Shaquille, you've already talked to the solicitor
20 about the statement that you gave. When you testified a
21 few minutes ago a home boy of yours had driven you from
22 your home to some other place and I don't think you
23 remember where that place was; is that correct?

24 A. Yes.

25 Q. From where ever that place was you said that Trez

Shaquille Hogan - Cross

1 picked you up and took you to the Red Planet, was that
2 your testimony a few minutes ago.

3 A. Yes, sir.

4 Q. Was anybody else in the car with Trez when he
5 picked you up and drove you to the Red Planet?

6 A. Ken.

7 Q. Now, you talked about that statement that you
8 gave to the solicitor, do you recall that in that
9 statement that you made back on July 22nd which was five
10 days after these alleged events occurred, do you recall
11 telling the police I met up with Trez and Ken at the club?

12 A. I don't recall. I need to see the statement.

13 Q. Okay. Let's look at it together. First of all,
14 is this your statement?

15 A. Yes, sir.

16 Q. Read that sentence for me.

17 A. "I met up with Trez and Ken at the club.

18 Q. So that would indicate that Trez never picked you
19 up and you saw Trez at the club?

20 A. Yeah.

21 Q. And then you said later that after y'all had met
22 up at the Red Planet, gone to 864, went back to the 864
23 and then gone over the Li'l Cricket, you said that the car
24 that Trez was driving, you said you got in the driver's
25 seat?

Shaquille Hogan - Cross

1 A. Yes.

2 Q. Nobody told you to do that, you just did that
3 because you thought that would be the thing to do?

4 A. Yes.

5 Q. And you said as you sat there you saw all these
6 folks go off around to the front of the store, right, and
7 then you saw them coming back?

8 A. Yes, sir.

9 Q. And you said that you even recall that as they
10 were coming back, Larry Johnson was coming back with him
11 and he was still shooting his guns as he came around the
12 store?

13 A. Yes, sir.

14 Q. And you remembered that distinctly that he was
15 shooting his gun as he was coming around the store?

16 A. Yes, that's what I seen.

17 Q. You said that you started driving and you got
18 nervous, do you remember saying that when Trez got back he
19 tried to open the driver door, saw that you were in there
20 and that he got in the seat directly behind you?

21 A. Yes, sir.

22 Q. Who else was in the car with you?

23 A. Ken.

24 Q. So Ken was in the passenger's seat, the right
25 hand passenger's seat?

Shaquille Hogan - Cross

1 A. Yes.

2 Q. And Trez was in that back seat right behind you?

3 A. Yes.

4 Q. So then you drove a distance and your testimony
5 was that you and Trez switched seats, right?

6 A. Yes.

7 Q. So that means Trez got in the driver's seat and
8 you got in seat directly behind the driver's seat?

9 A. I guess so.

10 Q. That's consistent with what you said in this
11 statement, isn't it?

12 A. Yes.

13 Q. Well, there were a few things that you went
14 through there that apparently you left out and the
15 solicitor handed you the statement and asking you did you
16 remember those, do you remember her doing that?

17 A. Yes, sir.

18 Q. And it seemed to me like you read the statement
19 and then said you remember it, is that what happened?

20 A. Yes, sir.

21 Q. So it really what happened is you were just
22 reading it off the page and looking at it, well, I must
23 have said that because it's written on the page?

24 A. It's been so long ago.

25 Q. You don't really remember it, you just know it

Shaquille Hogan - Cross

1 was written on that page an you just know that it was
2 written on that page and you read it back to her when she
3 asked her?

4 A. Basically.

5 Q. And she dropped this in front of you and she
6 asked you about this statement that you gave on June 10,
7 2012, it's on an incident report from the Greenville
8 County Detention Center, correct?

9 A. Yes, sir.

10 Q. And it's witnesses by an Officer Cole, is that
11 one of the detention officers?

12 A. Yes, sir.

13 Q. And then also it is notarized by Brenda Gayle
14 Alexander also somebody from the detention center?

15 A. Yes, sir.

16 Q. And what you say in there is that basically
17 everything that you said in this statement that you
18 discussed that you gave on the 22nd that the police told
19 you what to say and you went along with it?

20 A. Yes, sir.

21 Q. Those were false accusations you were making
22 about yourself and about these other folks.

23 A. Yes, sir.

24 Q. Do you remember that you also had a handwritten
25 statement that you signed on September 6, 2011?

Shaquille Hogan - Cross

1 A. Yes, sir, I remember.

2 Q. Is that your statement?

3 A. Yes, sir.

4 Q. And in that statement on September 6, 2011 that
5 was notarized too, wasn't it?

6 A. Yes, sir.

7 Q. And this statement was made before you got
8 charged in this case, wasn't it because it was made on
9 September 6, 2011?

10 A. Yes, sir.

11 Q. And in that time you said, "Investigators told me
12 what to say and claim if I went along with it, they would
13 help me with my charges. I was manipulated and used and
14 wish to recant those false accusations," right?

15 A. Yes, sir.

16 Q. So you made not one but two statement that you
17 were coerced and manipulated by police officers to make
18 false accusations?

19 A. Yes, sir.

20 Q. And the fact of the matter is that even though
21 you hadn't been charged in this case, you had in fact been
22 charged with an armed robbery and those cases were pending
23 against you, correct?

24 A. Yes, sir.

25 Q. And you eventually pled guilty to the armed

Shaquille Hogan - Cross

1 robbery?

2 A. Yes, sir.

3 Q. And that carries a sentence of 10 to 30 years?

4 A. Yes, sir.

5 Q. But they deferred the sentence on that?

6 A. Yes, sir.

7 Q. Because they wanted to wait and see how you
8 testified here today, right?

9 A. No one said it.

10 Q. That was the clear indication, wouldn't that be
11 fair to say?

12 A. If that's how you want to put it.

13 Q. And you came in on Monday after having already
14 pleaded guilty to an armed robbery and came in here to
15 plead guilty to assault and battery by a mob and a
16 conspiracy, right?

17 A. Yes, sir.

18 Q. And the charges of attempted murder, those were
19 dismissed against you, you didn't have to plead guilty to
20 those?

21 MS. SALISBURY: I object to that. That's not
22 accurate.

23 BY MR. CHAMBERS:

24 Q. You pled guilty to those two lesser offenses,
25 right?

Shaquille Hogan - Cross

1 A. Yes, sir.

2 Q. And they deferred sentence on that as well,
3 correct?

4 A. Yes, sir.

5 Q. When you came in here on Monday you first said you
6 didn't want to plead guilty, didn't you?

7 A. Yes, sir.

8 Q. You said you didn't want to forward and you
9 weren't going to, you were adamant about that, isn't that
10 right?

11 A. Yes, sir.

12 Q. And they took you back into that holding cell,
13 didn't they?

14 A. No, sir.

15 Q. Where did you go?

16 A. They turned me around and said they were going to
17 sentence for my other cases.

18 Q. They were going to sentence you on the other
19 charges, right?

20 A. Yes, sir.

21 Q. Go ahead because you were going to plead guilty,
22 they were going to sentence you on that armed robbery
23 charges?

24 A. Yes, sir.

25 Q. After that, you went and talked to some folks,

Shaquille Hogan - Cross

1 didn't you? Some people talked to you after that? You
2 didn't go ahead and get sentenced, right?

3 A. Yes, sir.

4 Q. You weren't sentenced on that armed robbery that
5 day, were you?

6 A. No, sir.

7 Q. You talked to some folks after that, right?

8 A. Yes, sir.

9 Q. Did somebody at that point tell you need to
10 follow through with what you said you were going to do or
11 you ---

12 THE COURT: Hand on a second. Lawyers, come
13 up here.

14 (Discussion off the record.)

15 BY MR. CHAMBERS:

16 Q. So at any rate, after being taken away for a
17 while, you came back and at that point decided you were
18 going to go ahead and plead guilty for the charges from
19 the Li'l Cricket, right?

20 A. Yes, sir.

21 Q. And you started -- I was in the courtroom and you
22 can correct me if I'm wrong, you got to the part where
23 they were talking about -- you had trouble getting through
24 the plea, didn't you? You stumbled a little bit and they
25 were going to take you out again, do you remember that?

Shaquille Hogan - Cross

1 A. Yeah.

2 Q. You finally made it through that plea despite
3 your reluctance, you made it through, correct?

4 A. Yes, sir.

5 Q. And you were not sentenced, were you?

6 A. No, sir.

7 Q. So as you sit here today testifying, you have not
8 been sentenced on the armed robbery, you have not been
9 sentenced on the assault battery by mob, you have not been
10 sentenced on the conspiracy charge, right?

11 A. No, sir.

12 Q. At some point after they see how this trial goes,
13 then you'll be sentenced.

14 A. Yes, sir.

15 Q. As we've already discussed prior to your
16 reluctance on Monday and going forward and pleading
17 guilty, you made not one but two statements that were
18 signed and notarized that you had made false accusations
19 about yourself and about these other individuals that were
20 seated over here because you were forced and coerced and
21 manipulated into doing so.

22 A. Yes, sir.

23 Q. Thank you.

24 MR. ROBINSON: I have no questions, Your
25 Honor.

Shaquille Hogan - Cross

1 BY MR. ABDALLA?

2 Q. Mr. Hogan, I don't want to beat a dead horse, but
3 isn't it a fact that you actually have a series of charges
4 one is possession of a weapon during the commission of a
5 violent crime?

6 A. Yes, sir.

7 Q. And assault and battery in the first degree, two
8 counts?

9 A. Yes, sir.

10 Q. And two counts of kidnapping?

11 A. Yes, sir.

12 Q. In addition to the armed robbery so you pled to
13 all six of these charges prior to pleading to these
14 charges in this case on Monday; is that correct?

15 A. Yes, sir.

16 Q. And you haven't been sentenced on any of those?

17 A. No, sir.

18 Q. And you're aware that those kidnappings carry up
19 to 30 years, correct?

20 A. Yes, sir.

21 Q. You said something about going to the club 864
22 and the reason they didn't let you guys in is because it
23 was closed; is that right?

24 A. They didn't let us in.

25 Q. So you weren't able to go in at all?

Shaquille Hogan - Redirect

1 A. No.

2 Q. Do you know Brandon Edwards?

3 A. No.

4 Q. Do you know Joseline Mack?

5 A. I don't know her. I've seen her before.

6 Q. You were testifying earlier and you said
7 something about everybody was running and you kept hearing
8 shots being fired and it turns out it was Larry that was
9 firing and everybody else had stopped shooting; is that
10 correct?

11 A. Yes, sir.

12 Q. And I know you said you didn't know he was
13 shooting at, correct?

14 A. Yes.

15 Q. But Larry was the only one left shooting as far
16 as you know, is that correct?

17 A. Yes, he was the last one.

18 Q. Do you remember also telling Mr. Young,
19 apologizing to him about the things that you said about
20 making a statement?

21 A. My first statement?

22 Q. Yes. Do you remember telling him that Larry was
23 in your ear and promising you that the police would help
24 you if you told them these things?

25 A. At one point in time, yes.

Shaquille Hogan - Redirect

1 Q. And he told you what you were supposed to say; is
2 that correct?

3 A. Yes, sir.

4 MR. ABDALLA: I have no further questions.

5 MR. QUINN: No questions on behalf of
6 Mr. Sadler.

REDIRECT EXAMINATION

7
8 BY MS. SALISBURY:

9 Q. What's the truth? We've heard a lot about you
10 giving this first statement, being talked to and all this
11 stuff, what's the truth?

12 MR. QUINN: Objection, it's really not proper
13 redirect.

14 THE COURT: It's in response to the
15 impeachment. Go ahead.

16 THE WITNESS: My first statement.

17 BY MS. SALISBURY:

18 Q. Were you in the green Toyota Camary behind the
19 Li'l Cricket during the morning of July 17?

20 MR. QUINN: Objection to the leading nature
21 of the question.

22 THE COURT: Go ahead, answer the question.

23 THE WITNESS: Yes, ma'am.

24 BY MS. SALISBURY:

25 Q. Did the investigators in this case, any of the

Shaquille Hogan - Redirect

1 ones that you talked to tell you what to say?

2 A. No, not really.

3 Q. What do you mean by that?

4 A. It was like certain parts, but at the same time
5 they was telling me -- I didn't have no bond when I came
6 in on my charges and they told me they would give me a
7 bond and that's how I found out what a youth offender act
8 was and they told they would try to get me a youth
9 offender, but they didn't what to say though and it was
10 like in my ear about it and making me promises and stuff.

11 Q. As it relates to what happened that night, did
12 any of the police tell you what to put in your statement
13 about what happened or who was there?

14 A. No, ma'am.

15 Q. Now, you mentioned a few times that this was a
16 long time and you have a hard time remembering.

17 A. Yes, ma'am.

18 Q. Do you remember where you were in the car after
19 you had finished driver or after you had traded seats?

20 A. Like I said I can't even -- I guess I was in the
21 back seat if Ken was the passenger and that's about as
22 close and accurate as I can give you.

23 Q. But do you remember that? Is that something you
24 remember or is that an assumption that you're making?

25 A. I mean I can make that assumption off the fact

Shaquille Hogan - Recross

1 that they just said he was in the right passenger seat so
2 there couldn't be too many other places.

3 Q. And with respect to this statement or both of
4 them that we've heard a lot about where you say that the
5 police promised you things, threatened you, whose idea was
6 it to draft those statements, the ones from the jail?

7 A. Really it came about I was actually talking to
8 somebody ---

9 MR. QUINN: I object. This is still not
10 proper redirect. She went into it on direct. She's had
11 the opportunity to examine him on this.

12 THE COURT: Well, somebody brought another
13 statement, so I'm going to let her pursue it.

14 THE WITNESS: Actually I came about like a
15 couple weeks after I got incarcerated, I happened to be
16 talking to someone, it wasn't about the case, I happened
17 to be talking to someone and said what if I wanted to
18 write a statement saying what I said wasn't true, he told
19 me -- he was in there for a murder charge so he knew a lot
20 -- so he told me I could write a recant and he told me
21 what it was and he told me what it was and that's when I
22 wrote it. I learned what it was from an inmate that was
23 in for some other charges.

24 BY MS. SALISBURY:

25 Q. Now, just to clarify you mentioned that one of

Shaquille Hogan - Recross

1 the individuals that was out there that night was Buddah?

2 A. Yes, ma'am.

3 Q. Do you know Buddah's real name?

4 A. Yes.

5 Q. What is it?

6 A. Daquan.

7 Q. Do you know somebody that goes by the name Black

8 A. I know a lot of Blacks so I can't say.

9 MS. SALISBURY: Nothing additional.

10 RECROSS-EXAMINATION

11 BY MR. CHAMBERS:

12 Q. I want to make sure we're real clear about this,
13 this again is the statement that you gave just five days
14 later to Investigator Campbell; is that right?

15 A. Yes, sir.

16 Q. This is the one you looked over and after reading
17 able to talk to the solicitor about it but read that
18 statement for me right there. Well, let me ask you this,
19 and you can correct me, "Trez then tried to open my driver
20 door and saw that I was in the seat so he got in the back
21 seat behind me." Did you say that?

22 A. Yes, sir.

23 Q. And did you later say, "We pulled over at a stop
24 sign, took a right, and we drove to a red light where me
25 and Trez switched spots because I can't drive when I'm

Wayne Campbell - (recall)

1 nervous," correct?

2 A. Yes, sir.

3 Q. So when you say that you got in the back seat,
4 it's consistent with this statement that you gave, right?

5 A. Yes, sir.

6 Q. So if this statement is an accurate statement,
7 that's where you would have been seated in the car?

8 A. Yes, sir.

9 Q. I just want to make sure I'm clear, that
10 recantation in September and one later in June, nobody
11 over here asked you to do that, you talked to some other
12 person that was unrelated that was in there on murder
13 charges about it, told you how to do it, and you did it on
14 your own?

15 A. Yes, sir.

16 Q. Thank you.

17 THE COURT: You can step down.

18 (Witness leaves the stand.)

19 How many more witnesses?

20 MS. SALISBURY: Two or three, Your Honor.

21 THE COURT: We'll take a short break.

22 (Jury exits the courtroom.)

23 (Whereupon, there was a brief recess.)

24 Okay. Go ahead and get them lined up and you
25 can put on the record.

Wayne Campbell - (recall)

1 MS. SALISBURY: I previously marked and
2 admitted State's 56. After reviewing what appeared to be
3 identical documents, I marked 56 as the incorrect item.
4 State's Exhibit 56 is actually an unrelated forensic
5 report. The correct forensic report I can replace with a
6 new number or substitute 56.

7 THE COURT: Substitute 56. It's a clerical
8 area. I don't believe there's any objection from the
9 defendants.

10 (Forensic report marked as State's Exhibit
11 No. 56 for identification and admitted into evidence.)

12 Call your next witness.

13 MS. SALISBURY: The State would like to
14 recall Investigator Wayne Campbell.

15 THE COURT: Come around, you're still under
16 oath.

17 DIRECT EXAMINATION (Recall)

18 BY MS. SALISBURY.

19 Q. You testified earlier that you interviewed
20 Shaquille Hogan?

21 A. Yes, I did.

22 Q. During that interview with him, do you remember
23 discussing the precise weapons that he and his
24 co-defendants carried that night.

25 A. I did.

Wayne Campbell - (recall)

1 Q. Did you learn from him the precise caliber
2 firearms that he and his co-defendants was armed with that
3 night?

4 A. I did.

5 Q. What did he share with you during that interview
6 about which defendant was carrying which firearm?

7 A. I had him write it on a piece of paper. He
8 wrote, "Michael Williams, .40; Raymond Young, .45;
9 Esaiveus Booker, .9 millimeter Smith and Wesson," got Trez
10 to the side; Kinjta Sadler, .9 millimeter High Point;
11 Larry Johnson .380. Baby; Various .380," and he's got
12 beside it "Tavarus Deon Holmes," Boogaman question mark.

13 Q. Did you include that information for Mr. Hogan's
14 statement for him to review?

15 A. No, I did not.

16 Q. Why?

17 A. I started talking his statement. During his
18 statement he told me to stop, it was incorrect. Basically
19 what he told me to do was just stop typing and he needed
20 to tell me the truth. Once he did that, I got Jennings
21 Audrey which is a much faster typist than I am to type his
22 statement and this got left out.

23 Q. Do you independently remember discussing this
24 subject with Mr. Hogan?

25 A. Yes, and I put it in my supplemental report.

Daquan Bruster - Direct

1 Q. Thank you, sir. If you would answer any
2 questions these attorneys may have for you.

3 MR. CHAMBERS: No questions.

4 MR. ROBINSON: No questions.

5 MR. ABDALLA: No questions.

6 CROSS-EXAMINATION

7 BY MR. QUINN:

8 Q. Did you ever recover a .9 millimeter High Point
9 that you can attribute to Mr. Sadler?

10 A. No, there was only one gun that was recovered.

11 MR. QUINN: I have no further questions.

12 MS. SALISBURY: The State calls Mr. Daquan
13 Bruster.

14 THE CLERK: Come around and place your left
15 hand on the Bible and raise your right hand.

16 DAQUAN BRUSTER, having been duly sworn,
17 testified as follows:

18 Thank you. Please be seated.

19 THE WITNESS: Daquan Bruster.

20 DIRECT EXAMINATION

21 BY MS. SALISBURY:

22 Q. Mr. Bruster, what do your friends call you?

23 A. Buddah.

24 Q. Were you charged as part of your involvement as
25 part of this incident?

Daquan Bruster - Direct

1 A. Yes, ma'am.

2 Q. Did you plead guilty on Monday to seven counts of
3 attempted murder, possession of a weapon during the
4 commission of a violent crime, conspiracy and assault and
5 battery by mob in the second degree?

6 A. Yes, ma'am.

7 Q. Do you remember the events of that night?

8 A. No, ma'am.

9 Q. Nonetheless, did you plead guilty to having
10 attempted to kill these seven victims?

11 A. Yes, ma'am.

12 Q. So it's your testimony that you pled guilty yet
13 you don't remember why?

14 A. Plead the 5th.

15 MS. SALISBURY: Judge.

16 THE COURT: You don't have a 5th Amendment.
17 You have pled guilty and that right does not belong to you
18 any more.

19 MS. SALISBURY: Your Honor, with the Court's
20 permission, I'd like to treat this witness as hostile.

21 THE COURT: Alright.

22 BY MS. SALISBURY:

23 Q. Mr. Bruster, when you pled guilty on Monday
24 morning, you acknowledged that you were riding the car
25 with Larry Johnson, isn't that correct?

Daquan Bruster - Direct

1 A. When I took that plea, I wasn't asked any
2 questions, you just stated what you had.

3 Q. And when I shared with the Judge that you were in
4 the car with Larry Johnson, you agreed that that was
5 accurate, did you not?

6 A. Yes, ma'am.

7 Q. And you also agreed that you were a shooter at
8 the gas station that night, isn't that correct?

9 A. Yes, ma'am.

10 Q. Did you also not plead guilty to conspiring with
11 these four defendants, Mr. Sadler, Mr. Young, Mr. Williams
12 and Mr. Booker, in addition to Mr. Johnson and Mr. Hogan,
13 to commit this defense, did you not plead guilty to that
14 conspiracy?

15 A. Yes, but that was on my behalf.

16 Q. What does that mean?

17 A. That was for me.

18 Q. Did you conspire with them? Did you agree to
19 commit this crime?

20 A. I admitted after committing the crime.

21 Q. You pled guilty to conspiracy, correct?

22 A. (No response).

23 Q. Did you plead guilty to then joining with these
24 defendants to commit this shooting?

25 A. I didn't say that.

Daquan Bruster - Cross

1 Q. You pled guilty to assault and battery by mob in
2 the second degree, right?

3 A. Yes, because they was charges I was giving and
4 those were my plea but my plea wasn't even to testify from
5 my understanding.

6 Q. The State has not made any offers to you in
7 exchange for you to testify; is that correct?

8 A. No, ma'am.

9 Q. In fact, you don't want to testify, do you?

10 A. No.

11 Q. You pled guilty to assault and battery by mob in
12 the second degree, correct?

13 A. Yes, ma'am.

14 Q. You pled guilty to joining with Mr. Sadler,
15 Mr. Young, Mr. Williams, and Mr. Booker to shoot the
16 victims in this case as a joint mob with the same effort
17 with the same goal, the same objection, did you not plead
18 guilty to that?

19 A. On my end.

20 MS. SALISBURY: Your Honor, I don't have any
21 further questions.

22 CROSS EXAMINATION

23 BY MR. CHAMBERS:

24 Q. The truth of the matter is the only reason you
25 pled guilty is they threatened you with life without

Daquan Bruster - Cross

1 parole if you didn't plead?

2 A. Yes, sir.

3 Q. In fact, part of it the plea arrangement was, it
4 was put on the record on Monday was that they were
5 removing that life without parole in order for you to
6 plead guilty, right?

7 A. Yes, sir.

8 Q. And I believe that your mother even came to you
9 and pled with you to do what they wanted you to do because
10 if you didn't they were going to lock you up for the rest
11 of your life.

12 A. Something like that.

13 Q. And that's why you did that?

14 A. Yes, sir.

15 Q. And, in fact, you even tried to let people know
16 that you hadn't done anything, that these people hadn't
17 done anything because you did a notarized statement with
18 Jimmy Thompson over at the jail back on July 25, 2012
19 saying I didn't do anything and none of these other people
20 they're trying to get me to talk about did anything,
21 didn't you?

22 A. Yes, sir.

23 Q. And they didn't sentence you on Monday. They
24 deferred your sentence so they could wait to see how
25 things went today, didn't they?

Daquan Bruster - Cross

1 A. That's what it looked like. From my
2 understanding, I didn't know I had to testify.

3 MR. CHAMBERS: No further questions.

4 MR. ROBINSON: No questions.

5 MR. ABDALLA: No questions on behalf of
6 Mr. Young.

7 MR. QUINN: No questions.

8 MS. SALISBURY: No redirect.

9 THE COURT: Alright. You can step down.

10 Ladies and gentlemen of the jury, I
11 understand the State has one more witness but it will be a
12 lengthy witness and I think we'll just hold off until the
13 morning, so I'd ask y'all to be back at 9:15. Here we are
14 deep into the case. I know that human nature that you all
15 want to talk about and soon enough y'all will have to
16 opportunity, but don't be premature. Don't do any
17 research and don't go to the scene. We'll see you in the
18 morning at 9:15.

19 (Jury exits the courtroom.)

20 Who is Mr. Bruster's attorney?

21 MS. SALISBURY: Michael Johnson, Your Honor.

22 THE COURT: I certainly want to give him a
23 chance to withdraw his guilty plea if he is now denying
24 that he remembers, I'm afraid that's an invalid plea. Can
25 you talk to Michael Johnson about being up here in the

Daquan Bruster - Cross

1 morning?

2 MS. SALISBURY: Yes, sir.

3 THE COURT: We'll just have to try him
4 separately. If he goes to trial, that gives other people
5 an opportunity to testify. I understand there are some
6 offers that have made and I will honor those until the
7 first witness hits the witness stand tomorrow. After
8 that, no.

9 MS. SALISBURY: Thank you, Judge.

10 ---END OF TRANSCRIPT RECORD, Day 4 ---

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Tavarus Holmes - Direct

P R O C E E D I N G S

THE BAILIFF: All rise. Court is now in session, the Honorable Edward Miller presiding.

THE COURT: Everybody ready? Bring them in.

(Jury re-enters the courtroom.)

Good morning, ladies and gentlemen, I hope you had a pleasant evening and we are ready to begin again. Please all your next witness.

MS. SALISBURY: The State calls Mr. Tavarus Holmes.

THE CLERK: Place your left hand on the Bible and raise your right hand.

TAVARUS HOLMES, having been duly sworn, testified as follows:

Please state your name for the record.

THE WITNESS: Tavarus Leon Holmes.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q. Mr. Holmes, what do your friends call you?

A. Vares.

Q. Do you know the defendants in the courtroom?

A. Yes.

Q. Let's start with Mr. Esaiveus Booker. Do you know Mr. Booker?

A. Yes.

Tavarus Holmes - Direct

1 Q. How do you know him?

2 A. A friend of the neighborhood.

3 Q. How long have you known him?

4 A. All of my life.

5 Q. What name do you call him? What name do you call
6 him?

7 A. I have no testimony on him. My attorney isn't
8 present.

9 THE COURT: Ladies and gentlemen, we're going
10 to take a short break and we'll be right back with you.

11 (Jury exits the courtroom.)

12 Who is your lawyer?

13 THE WITNESS: Brian Beasley.

14 THE COURT: Somebody call Beasley and get him
15 over here now.

16 MS. SALISBURY: Your Honor, it's my
17 understanding that Mr. Beasley has a representative here
18 that's been working with Mr. Holmes. It's my
19 understanding that Mr. Beasley is out of the country and
20 made arrangements for someone to be with here today.

21 THE COURT: Would you like to consult with
22 your counsel?

23 THE WITNESS: No, sir.

24 THE COURT: Did he plead guilty?

25 MS. SALISBURY: Attempted murder and

Tavarus Holmes - Direct

1 conspiracy, Your Honor.

2 THE COURT: How many counts?

3 MS. SALISBURY: Just one.

4 THE COURT: Was there an agreement for the
5 plea?

6 MS. SALISBURY: Yes, sir.

7 THE COURT: And what was that?

8 MS. SALISBURY: That he would testify.

9 THE COURT: Okay. Is that your understanding
10 of your plea, Mr. Holmes?

11 THE WITNESS: I was told that if I go in and
12 say this I would get a deal on my plea.

13 THE COURT: You've already got your deal or
14 your deal is going to disappear and you and Mr. Bruster
15 will be tried separately because I'm going to vacate your
16 plea. And I'm telling you right now Bruster is looking at
17 life without parole, what's he looking at?

18 MS. SALISBURY: 35 if the offenses run
19 separate consecutive with Your Honor.

20 THE COURT: So he's only charged with one
21 count of attempted murder?

22 MS. SALISBURY: Yes, Your Honor.

23 THE COURT: That's fine. 35 years, how old
24 are you?

25 THE WITNESS: Twenty-one.

Tavarus Holmes - Direct

1 THE COURT: You haven't even been alive 35
2 years. That would make you 56. I can remember what it
3 was like to be 56. I have a hard time remember what it
4 was like to be 21. I'm going to suggest that you speak
5 with your counsel privately before you proceed any
6 further. There's a private space back in there.

7 (Witness leaves the witness stand.)

8 MR. ABDALLA: We'd like to approach?

9 THE COURT: About what?

10 MR. ABDALLA: About the trial our clients are
11 receiving. I am concerned for Mr. Young that the course
12 of nature are forcing a client to testify if he's already
13 to enter a plea and threatening to vacate his plea is
14 coercive and can effect my client's right to a fair trial,
15 Your Honor.

16 THE COURT: How does that impact your guy in
17 any sense? That man pled guilty in front of me under oath
18 and the deal was he was going to testify. He is backing
19 out of his deal so I'm backing out of my deal. It has
20 nothing to do with your client other than the fact that
21 his testimony may be very prejudicial. So we'll be at
22 ease for a few minutes.

23 (Whereupon, there was a brief break.)

24 (Discussion off the record.)

25 MS. SALISBURY: Your Honor, I just want to be

Tavarus Holmes - Direct

1 clear that Mr. Holmes was charged with the exact same
2 charges of these offense. He only pled to one count of
3 attempted murder but he was charged with seven as well as
4 the weapons and conspiracy charges.

5 THE COURT: So if I vacate the plea, you're
6 not just going to try him on one.

7 MS. SALISBURY: That's correct.

8 THE COURT: He'll be looking at 200 and
9 something years.

10 Stand right out front, Mr. Holmes, over here.

11 Your attorney has informed me that you were
12 coerced into your guilty plea; is that right?

13 DEFENDANT HOLMES: Yes, sir. I didn't have
14 no time to go through the evidence that they have against
15 me.

16 THE COURT: Okay. I'm going to vacate your
17 plea. Just so you know, you're not going to tried on one
18 attempted murder, you're going to tried on seven. All
19 your charges come back, do you understand that?

20 DEFENDANT HOLMES: Yes, sir.

21 THE COURT: That's fine with me. What's the
22 situation with respect to bond?

23 MS. SALISBURY: I'd ask it be revoked.

24 THE COURT: Take him into custody, you'll
25 have to come up with a new bond.

Tavarus Holmes - Direct

1 Alright. Have any more witnesses?

2 MS. SALISBURY: No, sir. There are a few
3 more pieces of evidence that I'd like to officially move
4 in on the record. My notes reflect that they were not
5 move in and then I'm prepared to rest.

6 THE COURT: Go ahead.

7 MS. SALISBURY: State's Exhibit 35 are the
8 fragments that Jonathan Derby retrieved from his
9 investigation of the cars. State's Exhibit 36 were the
10 bullets are the bullets from the Davis Road search warrant
11 and 50 are the holsters. At this time the State moves in
12 those three pieces of evidence.

13 THE COURT: Any objection.

14 (Collectively no objection.)

15 (Fragments marked as State's Exhibit 35 for
16 identification was admitted into evidence.)

17 (Bullets marked as State's Exhibit No. 36 for
18 identification was admitted into evidence.)

19 (Holster marked as State's Exhibit NO. 50 for
20 identification was admitted into evidence.)

21 THE COURT: Is the State going to rest?

22 MS. SALISBURY: Mr. Johnson is here in the
23 evident that there is some change with Mr. Bruster.

24 MR. ABDALLA: Just for the record and
25 Mr. Young, we would make the same objection about coercive

Tavarus Holmes - Direct

1 nature and being called back.

2 THE COURT: Being what?

3 MR. ABDALLA: The witness has already refused
4 to testify and left and we are objecting to the Court's
5 coercive nature of maybe forcing him to come back and
6 testify.

7 THE COURT: No, sir. The agreement that he
8 had to enter the plea and receive the benefits that he
9 received was that he testified and I believe he was under
10 oath when I spoke to him about his testimony and he
11 adopted the statement he made.

12 MS. SALISBURY: He didn't give a statement,
13 but he specifically allocated to the allegations that I
14 put on the record at the time of the plea.

15 THE COURT: He has violated his agreement.
16 I'm not being coercive. I'm vacating his plea and he's
17 going to go to trial on all of it and I presume he's
18 facing LYOP. Mr. Williams, have you talked to him?

19 MR. WILLIAMS: If it pleases the Court, I
20 have met with Mr. Bruster. He has indicated to me once
21 again his extent of the knowledge and his extent of the
22 involvement and that he is guilty on these particular
23 charges and he will cooperate as to what he knows, Your
24 Honor.

25 THE COURT: Okay, let's bring him up. Let's

Tavarus Holmes - Direct

1 find out.

2 MR. CHAMBERS: Your Honor, I would like to
3 add to the record we've talked about people not living up
4 to their deal and I believe the record is pretty clear at
5 this point that each one of these that have taken the
6 stand the solicitor has indicated there was no deal, that
7 no promises were made. And if that's the case, there's no
8 deal.

9 THE COURT: You are well aware that they were
10 not prosecuted on certain charges and a life without
11 parole notice was withdrawn. That's a deal. They are not
12 going to make a recommendation as to sentence as to what
13 prior to the plea, that's my understanding. It was all
14 laid out on the record. So there is no issue there.

15 MR. CHAMBERS: With all due respect to the
16 Court and certainly not trying to inflame anyone here, but
17 I want to make sure that this is on the record in case
18 this case has to go up on appeal. Our position is that
19 once someone has entered a plea, that they can not be
20 forced to withdraw that plea, that plea can not be
21 vacated, that he came in here to testify after pleading
22 guilty and just because he didn't say what they wanted him
23 to say doesn't mean that he can now be brought back out
24 here and essentially forced to testify.

25 THE COURT: That position would allow someone

Tavarus Holmes - Direct

1 to game the system and that's not going to happen. What
2 you're advocating then, okay, we'll leave his plea in
3 place and try him on the rest of the pending charges.
4 Yes, ma'am.

5 MS. SALISBURY: I don't know what Mr. Holmes
6 wants to do but I don't have any problem allowing him to
7 maintain his guilty and quite frankly examine him with
8 respect to these specific allegations that he admitted to.
9 The understanding that I had Mr. Holmes would be the range
10 would be up to 35 years and the extent to which he could
11 control just how high that number was, was exclusively his
12 depending on the extent to which he cooperated. I
13 interviewed him, I met with him, we went over these
14 videos. I was under the impression he was going to
15 cooperate. I guess it's his choice. If he wants to
16 resend the guilty plea, that's his choice. But for
17 purposes of ---

18 THE COURT: No. He told me that he didn't
19 remember and I'm not -- if he appeals that, then that gets
20 reversed. So, no.

21 Mr. Bruster, come on up. Come on around and
22 have a seat over here.

23 If you would place your left hand on the
24 Bible and raise your right hand.

25 DAQUAN BRUSTER, having been duly sworn,

Daquan Bruster - Direct (recall)

1 testified as follows:

2 Please have a seat. Yesterday you were up
3 here under oath on the witness stand and you said you
4 couldn't recall anything about what happened which would
5 significantly different than what you said on Monday when
6 you tendered your guilty plea.

7 Now, I'll give you another opportunity if you
8 want to see if you would come forward with the truth
9 without prevarications and testify, otherwise, if your
10 position remains that you can't remember what happened,
11 then I'm vacating the guilty plea because I'm not going to
12 allow you to testify to something that you have no idea at
13 this time?

14 DEFENDANT BRUSTER: I'll testify.

15 THE COURT: Let me just caution you that you
16 have previously testified under oath at your guilty plea,
17 so if you're going to change your testimony in some way,
18 I'll have to deal with that if that occurs. All we're
19 asking for is the truth.

20 Yes, sir, Mr. Quinn.

21 MR. QUINN: I object to him being recalled by
22 the State. The State has already called him as a witness,
23 had a full opportunity to examine him, the defense has
24 examined him, he was released as a witness. This is
25 exactly what the other counsel's arguments are about the

Daquan Bruster -. Direct (recall)

1 coercive nature of the Court's ability to allow him to
2 withdraw his plea -- compelled to withdraw his plea and
3 face additional charges and additional time. So my
4 objection to this is him being recalled as a witness when
5 nothing was unavailable to the State at the time he was
6 previously called.

7 THE COURT: Okay. Your objection is noted
8 for the record. And I assume everyone is in agreement
9 with it. Of course, you are free to cross-examine him
10 about all that.

11 (Jury re-enters the courtroom.)

12 Ladies and gentlemen, recalled to the stand
13 is Mr. Daquan Bruster. It turn it over to the State.

14 DIRECT EXAMINATION (recalled)

15 BY MS. SALISBURY:

16 Q. Mr. Bruster, do you remember being in here
17 yesterday?

18 A. Yes, ma'am.

19 Q. Do you remember talking about the charges to
20 which you pled related to the incident that's the subject
21 of this trial?

22 A. Yes, ma'am.

23 Q. Now, at the time, it was your testimony that you
24 did not remember what had happened, do you recall that?

25 A. Yes, ma'am. I don't remember everything.

Daquan Bruster - Direct (recall)

1 Q. Can you tell the jury what you do remember
2 starting with being at the Red Planet that night, do you
3 remember being there?

4 A. Yes.

5 Q. Could you tell the jury what you remember at the
6 Red Planet on July 16th.

7 A. I left and I went to the hospital. Brandon Davis
8 got shot in the back. Then came and got in the car with
9 Larry Johnson.

10 Q. Where did you get in the car with Larry Johnson?

11 A. It was by McDonalds.

12 Q. Which McDonalds?

13 A. Off of White Horse Road.

14 Q. Is that anywhere near Club 864?

15 A. It's right there.

16 Q. What kind of car do you remember getting into?

17 A. Cutlas.

18 Q. What do you remember happening next?

19 A. I asked him to take me home and then he looked me
20 and it was like put the shirt on your face and where
21 you're gun. So I was looking at him like what's your
22 talking about and he said it was time, and I just shrugged
23 my shoulders and he turned by the Li'l Cricket.

24 Q. Did you have a gun with you already?

25 A. Yes.

Daquan Bruster - Direct (recall)

1 Q. Why?

2 A. For my protection.

3 Q. Do you routinely carry a gun?

4 A. When I go out.

5 Q. What kind of gun were you carrying on this
6 particular evening?

7 A. .380.

8 Q. What color shirt did you put on your face?

9 A. Black.

10 Q. Do you remember what color shirt you were wearing
11 underneath?

12 A. A black shirt.

13 Q. Do you remember whether there were other cars
14 aside from you and Larry in that Cutlas?

15 A. I can't recall the cars.

16 Q. Was there anyone else or just the two of you?

17 A. It was just me and him in his car.

18 Q. Was there anyone else in the parking lot at this
19 McDonald ---

20 A. That's where he picked me up.

21 Q. Do you remember anyone else being at that
22 particular location?

23 A. No, ma'am.

24 Q. After Larry told you to cover your face, what do
25 you remember happening?

Daquan Bruster - Direct (recall)

1 A. We pulled up and got out and I'd say it was 10 or
2 11 other people. I can't even say who they was because
3 everybody had something on their face and he started
4 shooting, I had started shooting and we went back and got
5 in the car.

6 Q. Do you not know who the other gunmen were?

7 A. I really can't say because it was 30 other people
8 at the club with us and I really can't say.

9 Q. Do you remember pleading guilty to conspiracy?

10 A. Yes.

11 Q. Do you remember pleading guilty and admitting
12 that you were guilty on Monday to conspire with Michael
13 Williams, Esaiveus Booker, Kinjta Sadler, Raymond Young,
14 Tavarus Holmes, Shaquille Hogan, and Larry Johnson for the
15 purpose of accomplishing this particular incident?

16 A. Yes, ma'am.

17 Q. So it's now your testimony that you have no idea
18 who you actually conspired with?

19 A. Yeah, because of the simple fact that I ain't see
20 who put masks on, all I know is who was in the car with
21 me.

22 Q. Do you remember pleading guilty to participating
23 in a mob that inflicted bodily injuries on these victims?
24 Do you remember pleading guilty to that?

25 A. Yes, ma'am, because that was the charge given to

Daquan Bruster - Cross

1 me.

2 Q. So it is now your testimony that you did not
3 participate in a group of two or more people to combine
4 for a common purpose?

5 A. I didn't say that but I don't know who the others
6 were because everybody had masks on their face. The only
7 people I see is me and Mr. Johnson. That's all I seen.

8 Q. How is it that you know that the people who were
9 with you shared your objective?

10 A. I don't know.

11 Q. After you finished shooting, what did you do
12 next?

13 A. Me and Mr. Johnson got in the car and we left and
14 went to Augusta Road.

15 Q. Where did you go?

16 A. To the Waffle House.

17 Q. Which one?

18 A. Off of 291.

19 Q. How long do you think it took you to get there?

20 A. I don't know.

21 Q. Why didn't you go to the Waffle House right there
22 on White Horse Road?

23 A. Because it was already passed us.

24 Q. What do you mean?

25 A. Because we'd be going in the opposite direction

Daquan Bruster - Cross

1 of where I was going to get dropped off. I wasn't going
2 in that direction to get dropped off.

3 Q. Just one last question just to be clear, did you
4 plead guilty to conspiring with these four defendants as
5 well as three others on the night of July 16, 2011 into
6 the morning of July 17th?

7 A. Yes, ma'am.

8 Q. I don't have any additional questions.

9 CROSS-EXAMINATION

10 BY MR. CHAMBERS:

11 Q. Mr. Bruster, when you had an opportunity to talk
12 yesterday, back in July of 2012 that you had actually on
13 your own over at the jail executed a document basically
14 saying that neither you or any of the co-defendants in
15 this case had any involvement in the shooting that
16 happened at the Li'l Cricket, correct?

17 A. Yes, sir.

18 Q. And if I remember correctly, your testimony was
19 yesterday you did that on your own and that was something
20 that you wanted to do?

21 A. Yes, sir.

22 Q. And after you came in here and testified
23 yesterday you were brought back over here this morning.

24 A. Yes, sir.

25 Q. And it was made clear to you that if you didn't

Daquan Bruster - Cross

1 testify consistent with what was said when you pled on
2 Monday that your plea was going to be vacated and that you
3 were going to be facing life without parole?

4 A. Yes, sir.

5 Q. And life without parole was taken off the table
6 in your situation if you were to agree to plea and
7 cooperate in this case, is that correct?

8 A. From what I understand Monday when I took my
9 plea, she told me -- I told my lawyer I would plea without
10 testimony and he said she agreed with that, but when I came
11 up here yesterday it was a different story.

12 Q. It was your agreement prior to entering the plea
13 that you were in a situation where if the State wanted to,
14 they could seek a life without parole against you if you
15 were to be convicted in this case, correct?

16 A. Yes, sir.

17 Q. Which means that you would spend the rest of your
18 life behind bars even at your young age if they were to
19 convict you in this case?

20 A. Yes, sir.

21 Q. So you pleaded guilty and they dismissed several
22 of those charges, correct?

23 MS. SALISBURY: That's not accurate, Your
24 Honor.

25 BY MR. CHAMBERS:

Daquan Bruster - Redirect

1 Q. You didn't plead guilty to all seven counts of
2 the attempted murder, did you?

3 A. Yes, I did.

4 Q. Your sentencing was deferred, you haven't been
5 sentenced yet?

6 A. No, sir.

7 Q. But it is clear when you came in here this
8 morning, he told you if you didn't get up here and testify
9 and live up to your deal that life without parole was back
10 on the table, correct?

11 A. Yes, sir.

12 MR. CHAMBERS: That's all the questions I
13 have.

14 MR. ROBINSON: No questions.

15 MR. ABDALLA: No questions.

16 BY MR. QUINN:

17 Q. You agreed that you and Larry Johnson did this
18 together, correct, you were in the car together and you
19 went to the Li'l Cricket together, you agree with that?

20 A. Yes, sir.

REDIRECT EXAMINATION

22 BY MS. SALISBURY:

23 Q. Do you remember who was with you at the Waffle
24 House by Fleetwood?

25 MR. ABDALLA: Objection, Your Honor, that's

Daquan Bruster - Redirect

1 not part of the cross-examination.

2 THE COURT: I'm going to allow it, go ahead.

3 THE WITNESS: Besides me and Larry and two
4 girls.

5 BY MS. SALISBURY:

6 Q. Do you remember whether Esaiveus Booker was at
7 the Waffle House by Fleetwood?

8 MR. QUINN: Objection, leading, and it's not
9 proper redirect.

10 THE COURT: Overruled.

11 THE WITNESS: Can't say I remember too much
12 about being at the Waffle House. I remember going there,
13 Mr. Johnson arguing about the mistaken and something wrong
14 on his order and everybody just left.

15 MS. SALISBURY: I don't have any additional
16 questions.

17 THE COURT: Anything else?

18 MR. CHAMBERS: No, Your Honor.

19 THE COURT: You can step down.

20 (Witness excused.)

21 MS. SALISBURY: The only remaining that I
22 have is the publication of State's Exhibit 41 the
23 surveillance footage from the White Horse Road Waffle
24 House. I can publish it for the jury or have them review
25 it.

State versus Booker, Williams, Young, Sadler

1 THE COURT: How long is it?

2 MS. SALISBURY: The relevant part based on
3 the State's presentation of the evidence is about 20 to 25
4 minutes.

5 THE COURT: I think you ought to go ahead and
6 publish it.

7 (Video played in open court.)

8 MS. SALISBURY: At this time, the State
9 rests.

10 THE COURT: Ladies and gentlemen of the jury,
11 at this time I need to take up some legal issues outside
12 your presence so if you would retire to your jury room,
13 I'll be right back with you.

14 (Jury exits the courtroom.)

15 Any motions?

16 MR. CHAMBERS: On behalf of Mr. Booker, I
17 would like to bring a motion for directed verdict as to
18 all indictments.

19 MR. ROBINSON: On behalf of Mr. Williams,
20 Your Honor, I would concur with that.

21 MR. ABDALLA: On behalf of Mr. Young, I would
22 make a motion to dismiss all of the indictments against my
23 client.

24 MR. QUINN: On behalf of Mr. Sadler I make a
25 motion for directed verdict based on the general

State versus Booker, Williams, Young, Sadler

1 insufficiency on the State's evidence.

2 THE COURT: Thank you. All those motions are
3 denied. Let me get all the defendants to stand and raise
4 your right hand.

5 Esaiveus BOOKER, MICHAEL WILLIAMS, RAYMOND
6 YOUNG, KINJTA SADLER, having been duly sworn, testified as
7 follows:

8 Each of you has an absolute constitutional
9 right to testify on your own defense. Each of you has an
10 equal absolute right to not testify in your own defense
11 and that can never be held against you. I give a strong
12 charge to a jury that they can not consider your failure
13 to testify in their deliberations with respect to guilt or
14 innocence. The decision about whether or not to testify
15 involves a lot of issues and concerns, many of them
16 strategic and those are things that you and your attorney
17 have already talked about and are familiar with. But the
18 end decision, the ultimate decision is entirely in your
19 hands.

20 Mr. Booker, have you made a decision about
21 what you want to do in this case?

22 DEFENDANT BOOKER: Yes, sir, I do not want to
23 testify.

24 THE COURT: Mr. Williams.

25 DEFENDANT WILLIAMS: I don't want to testify.

State versus Booker, Williams, Young, Sadler

1 THE COURT: Mr. Young.

2 DEFENDANT YOUNG: I don't want to testify.

3 THE COURT: Mr. Sadler.

4 DEFENDANT SADLER: No, I don't want to
5 testify.

6 THE COURT: Is that your free and voluntary
7 decision made with the advice of your counsel, Mr. Booker?

8 DEFENDANT BOOKER: Yes, sir.

9 THE COURT: Mr. Williams?

10 DEFENDANT WILLIAMS: Yes, sir.

11 THE COURT: Mr. Young?

12 DEFENDANT YOUNG: Yes, sir.

13 THE COURT: And Mr. Sadler?

14 DEFENDANT SADLER: Yes, sir.

15 THE COURT: Are y'all going to present
16 defense, any evidence?

17 MR. ABDALLA: May we have a few minutes to
18 talk about this?

19 THE COURT: Okay, y'all take a few minutes.

20 (Jury exits the courtroom.)

21 (Whereupon, there was a brief recess.)

22 Okay.

23 MS. SALISBURY: The State rests.

24 THE COURT: Okay.

25 MR. CHAMBERS: I have nothing else other than

State versus Booker, Williams, Young, Sadler

1 what was already stated?

2 MR. ROBINSON: Nothing from Mr. Williams.

3 MR. ABDALLA: Nothing from Mr. Young.

4 MR. QUINN: Nothing from Mr. Sadler.

5 THE COURT: Is identification an issue in
6 this case?

7 MR. CHAMBERS: Not from Mr. Booker, Your
8 Honor.

9 MR. QUINN: Not from Mr. Sadler.

10 THE COURT: Do you want a charge on these
11 people for failure to testify?

12 MS. SALISBURY: I think it's appropriate.

13 THE COURT: It's up to the defense counsel.
14 Here's how it reads. "I instruct you that the fact that
15 the defendant did not testify is not a factor to be
16 considered by you in any way in your deliberations on the
17 question of guilt or innocence. It must not be considered
18 by you in any manner what so ever. Every citizen has the
19 constitutional right to remain silent. Assertion of this
20 right must not be considered by you in your
21 deliberations."

22 MR. QUINN: I would ask for that charge, Your
23 Honor.

24 MR. ROBINSON: One thing I would ask as far
25 as the charge is a charge on the credibility of witnesses.

State versus Booker, Williams, Young, Sadler

1 THE COURT: I do that in every case. Does
2 anyone want an expert witness?

3 MR. CHAMBERS: No, Your Honor.

4 MR. ROBINSON: I agree.

5 MR. ABDALLA: No, Your Honor.

6 MR. QUINN: On behalf of Mr. Sadler, we do
7 not want that charge.

8 THE COURT: Before we bring the jury back in,
9 I would just want to comment that I recognize there are
10 tensions in this case and anyone who has been here all
11 week recognizes that we're going to expect good behavior.
12 So I'm going to tell you this before the arguments begin,
13 if there is anyone in here who is unable to maintain
14 proper decorum, anyone in here who can not contain their
15 emotions, anyone in here who expects to have some kind of
16 outburst of any kind during the course of these closing
17 arguments, are when the verdict comes back, if you can not
18 do that, leave now. And if there is an outburst of any
19 kind I'll tell you now that is an order of this court, and
20 if you violate it, you will be taken into custody and
21 sentenced as to contempt of court.

22 Is that clear to everyone? If you do not
23 understand it? Leave.

24 Are you ready?

25 MS. SALISBURY: Yes, Your Honor.

State versus Booker, Williams, Young, Sadler

1 (Jury re-enters the courtroom)

2 THE COURT: Alright, ladies and gentlemen of
3 the jury, if you remember on Monday when I made my opening
4 comments to you, I told you I divided the case in to five
5 parts. We are now down to the third part of this case.
6 We have concluded the first two parts of the trial and all
7 of the testimony and all of the evidence has been
8 presented to you.

9 As you know there are five attorneys involved
10 so I don't know how long it will run but I anticipate
11 we'll take a break between arguments of counsel but you
12 all have been a great jury and have paid close attention
13 throughout the course of this case, so I ask you to
14 continue to pay attention to the arguments of these fine
15 attorneys.

16 (DUE TO TECHNICAL DIFFICULTY, THIS PORTION OF
17 THE TRANSCRIPT CAN NOT BE PRODUCED.)

18 THE COURT: Ladies and gentlemen of the jury,
19 during this trial you and I have certain duties to perform
20 and as the trial judge it is my responsibility to provide
21 over the trial of the case and rule on the admissibility
22 of the evidence that's offered during the trial.

23 It is also my duty to charge you the law
24 applicable to the case. It is your duty as jurors to
25 accept and apply the law as I now state it to you. If you

1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
2 State of South Carolina) 2011-GS-23-8010-8018
3)
4 vs.) TRANSCRIPT RECORD
5 Raymond Young)
6 Esavieus Booker)
Michael Williams)
7 Kinjta Kadeem Sadler)
Defendant)
8 -----

9 January, 2013
Greenville, South Carolina
10 -----

11 BEFORE: The Honorable Edward Miller, Judge.
12

13 A P P E A R A N C E S:
14

15 Katrina Salisbury, Esquire
Assistant Solicitor
Attorney for the State
16

17 Randy Chambers, Esquire
Scott Robinson, Esquire
18 John Abdalla, Esquire
Counselor Quinn, Esquire
19 Attorney for the Defendant
20

21
22 Caroline Hiskell
23 Thirteenth Circuit Court Reporter
24
25

Closing Arguments - Salisbury

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Closing Arguments - Salisbury

P R O C E E D I N G S

MS. SALISBURY: If it please the Court.

THE COURT: Yes, ma'am.

MS. SALISBURY: Good morning, ladies and gentlemen, it's been a long week and as I told you Tuesday when I first got to talk to you, at the end of the trial I was going to come back and talk to you a little bit more about the evidence that you have now seen and hopefully do my best to sum up what we've heard and explain to you why you should be firmly convinced of these defendants guilty in this particular incident.

I appreciate your patience. I know that's it's been complicated and confusing and long and I really do appreciate it. You can't understand how grateful I am for how much attention y'all have paid and how seriously y'all have treated the prosecution of this case.

Now, we've heard testimony all week long that from the nightclub to what you saw at the Waffle House at the end of the night, there were tons of people, tons of people around, hundreds of people at the club is what the testimony was. Conceivably this trial could have taken a month. We could have brought in lots of people but as you've heard and the Judge will explain to you, the State bears the burden in this case. The State has the burden of proof to demonstrate these defendants are guilty of the

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1 crimes for which they are charged beyond a reasonable
2 doubt. And I tried very carefully to select the evidence
3 that I thought would help you reach that decision. That's
4 why the trial has taken as long as it has but not as long
5 as it could have.

6 In any event, I want to start off by talking
7 about what we know happened. We know that the victims in
8 this case and the defendants in this case were at the Red
9 Planet Nightclub being Saturday night, July 16, 2011. As
10 the night wore on it became the early morning hours of
11 July 17, Sunday morning. We know that inside the club
12 there was some conflict. We heard about a few different
13 kinds of conflict but the one we heard most about was
14 between Mr. Vincent Fant whose friends call him Buddha and
15 Mr. Michael Williams.

16 We heard testimony about a confrontation that
17 occurred inside the club, maybe it was over a girl or any
18 number of things, but in any event a few witnesses
19 testified they thought that what happened in the club had
20 been squashed. They thought it was over, didn't think it
21 was a problem, but as you heard, as the night wore on, the
22 events, emotions kept spilling out into the parking lot
23 and ultimately there were a few incidents in that parking
24 lot.

25 The one that's of interest in this case is

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1 the conflict between Vincent Fant again and Mr. Michael
2 Williams. And if you remember in his testimony Mr. Fant
3 was confident that Michael Williams was the person that he
4 fought because he picked him out of the photo line-up when
5 he spoke with Investigator Campbell.

6 They fought in the parking lot, took a few
7 swings maybe landing some, maybe missing some, whatever,
8 but in any event we know that at some point during that
9 fight somebody else fired a shot and hit Vincent Fant in
10 the arm. That was the testimony we heard.

11 Now, you heard some testimony later in the
12 case about how an individual has been charged and
13 identified in that shooting and that's a different
14 incident for a different day. We also know that there was
15 another shooting in the parking lot that night.

16 We heard testimony that Brandon Edwards and
17 Brandon Davis were both shot in the parking lot. You
18 heard testimony that someone was charged in that shooting
19 and that's another trial for another date. But in any
20 event, what happens when these shots are fired everyone
21 scatters, that's what we heard. Cars starting leaving the
22 parking lot, people started running, Vincent Fant's
23 friends picked him up and put him in the car and took him
24 to Saint Francis Hospital.

25 And what happened next is particularly

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1 disturbing. I think it's fair to say that we who live in
2 society in this community agree to certain basic
3 standards. We respect one another. We try our best to
4 obey the law as best we can and have a general
5 appreciation for the lives of other people. That's what
6 we expect for one another as members of the same society,
7 but what these men did after they left the Red Planet that
8 night was civilization suspended.

9 These four defendants and their four friends
10 combined and have no respect for the lives of the people
11 that were at the Lil Cricket, the people who might have
12 been driving by, the people who might have been at the gas
13 station that night, Ms. Smith who was the clerk. But
14 here, here in this courtroom, here is where civilization
15 is restored because the people who do this are held
16 accountable for what they've done. That's how we address
17 violence at this magnitude, at this extreme level and
18 that's what this case is about.

19 This isn't about someone deserving to be
20 shot. This isn't about someone who got what was coming to
21 them, this violence is unacceptable in civilized society.
22 That's what this case is about.

23 Now, what we've heard as the trial progressed
24 after the victims gathered at the Lil Cricket, they
25 testified they were there to check on one another to see

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1 if anybody else had been hurt in that parking lot
2 altercation and just sort of decompress and deal with the
3 fact that their friend had been shot.

4 These defendants and their four friends made
5 a serious mistake and Larry Johnson testified about it.
6 If you remember yesterday he described that the reason he
7 eventually owned up and told the truth about what happened
8 that night was because he heard his friend RaRa had been
9 shot and you heard from RaRa, Ricky Maddox that his
10 friends call him Dutch. And Larry told you that when he
11 found that RaRa was one of the individuals shot at the gas
12 station, he knew he had gotten the wrong people and that's
13 what got to him. That's what made such an impact on him.

14 The fact that this was a mistake makes it
15 even more alarming. No one deserves to be shot but
16 certainly people who had nothing to do with what had
17 happened at the nightclub that night.

18 You heard some testimony about what the
19 defendants did after they left the parking lot. You heard
20 testimony that they left the Red Planet and went straight
21 to Club 864 on Whitehorse Road. They tried to get into
22 that club, you heard some testimony they were denied
23 admission. I think the testimony was that the club had
24 heard what happened at the Red Planet and they weren't
25 letting anyone inside 864. So the defendants decided to

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1 leave. I think you heard testimony that they were going
2 to go to the Waffle House on Whitehorse Road.

3 You heard the testimony that when they
4 reached the Lil Cricket gas station on Whitehorse Road,
5 the cars made a U-Turn. All of the cars traveling to the
6 Waffle House on Whitehorse Road did a U-turn and came back
7 to the Club 864 parking lot. And its in that parking lot
8 that you heard testimony that Raymond Young told the
9 people there cover your faces, mask up because we're going
10 to get the guys that shot our friend. They're at the gas
11 station, let's go.

12 You heard testimony that Raymond traded cars
13 with his girlfriend Joseline, got into her red Honda with
14 Tavarus Holmes and Michael Williams. You heard the
15 Esaiveus Booker was driving Simone Kerns green Camary.
16 Shaquille Hogan told you he was in that car with Kinjta
17 Sadler. The third car was Larry Johnson who told you he
18 was driving his black Cutlas and Daquan Bruster, Buddha,
19 another Buddha in the case, was with him and those eight
20 men traveled to the Lil Cricket gas station and positioned
21 themselves behind the gas station in an effort to ambush
22 these victims. And that's exactly what they did.

23 They walked to the darkest corner of the
24 parking lot and absolutely unloaded. You heard testimony
25 there were at least 32 shell casings collected from that

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1 corner of the parking lot.

2 And if you remember the victims testified
3 that there was a pause, lots of shooting and then there
4 was a pause and more shots. Larry Johnson told you that
5 he stayed behind and when everybody started running
6 towards him and not knowing what was going on started
7 shooting into the air thinking, perhaps, his friends were
8 being chased. That explains the pause, of course.

9 But in any event, after that, after that
10 shooting after everyone returned to their cars, they
11 hightailed it out of there to get as far as away from that
12 crime scene as possible. Their friends were at the
13 Whitehorse Road Waffle House. Ms. Kerns testified that
14 she waited there and she finally got word that instead she
15 should go to the Fleetwood Waffle House over on Melvin
16 Drive. That was an effort to get as far away from the
17 incident site as they could possibly get. That was the
18 effort to establish what they thought would be an alibi.

19 Not 17 minutes, 17 to 18 minutes, after
20 deputies say they responded to a call of shots being fired
21 do these defendants arrive at the Melvin Drive Waffle
22 House by Fleetwood in exactly the same cars that Larry
23 Johnson and Shaquille Hogan told you they would be in.

24 I told you at the beginning of this case that
25 this is a case about retaliation and I hope over the

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1 course of the trial you've come to appreciate exactly why
2 that's at the core of what these defendants were after
3 that night.

4 Now, you may not like the victims in this
5 case. You may think if you go to a club where you expect
6 violence and when violence comes your way, it's kind of
7 expected. If you go to the kind of club where you think
8 you need to carry a gun, trouble is going to find you.

9 These victims admitted rather candidly to you
10 that at least two of them carried guns with them that
11 night. Jamal Williams admitted to you that he carried a 9
12 millimeter and T.J. Walker told you that he put his .38
13 Special revolver in the glove compartment of his Crown
14 Vic., and when I asked them both why. If you'll recall
15 they testified the streets are rough. That's just the way
16 it is. Jamal Williams even testified for exactly this
17 kind of situation just in case something like this
18 happened.

19 And there's been some insinuation throughout
20 this trial that perhaps they did fire shots back. But if
21 you'll remember and I'll get to the ballistics in
22 hopefully just a few minutes, there were no casing
23 collected from the parking lot of the Lil' Cricket that
24 matched Jamal William's 9 millimeter.

25 James Armstrong testified he compared, he

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1 testified this 9 millimeter and he compared the 9
2 millimeter that were collected from that parking lot and
3 they didn't match. Of course, since a revolver doesn't
4 eject any casing, there are not casing to compare.

5 But there's no testimony that any bullets,
6 fragments, projectiles, pieces were collected from where
7 the casings were found, and ladies and gentlemen, I
8 believe they'd be proud to tell you they had an
9 opportunity to fire back. None of them was ashamed of the
10 fact that they carried a gun that night and they both
11 testified that the reason they didn't retrieve their guns
12 is they never got the chance.

13 There's no reason to think they would be in
14 any trouble for firing back when someone was shooting at
15 them. They have no reason to conceal that from you. It
16 seem to me that they had ---

17 MR. QUINN: Objection. She's not allowed to
18 put her personal beliefs into closing.

19 THE COURT: Don't get personal.

20 MS. SALISBURY: In any event, it's likely
21 they would not have any reason to conceal that from you.
22 Just as they admitted they carried a gun, they would
23 admitted if they had a chance to fire it. But regardless
24 it doesn't matter if they did fire shots. It doesn't
25 matter if they did get a chance to fire back because no

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1 one deserves to be gunned down in any case especially when
2 they weren't even involved. Where they had nothing to do
3 with the reason that these defendants wanted to retaliate.
4 They wanted to retaliate for their friends Brandon Edwards
5 and Brandon Davis getting shot. And just like Larry
6 Johnson told you, we were wrong. It was the wrong guy.

7 More than importantly a few of these people
8 weren't even at the Red Planet. Travis Thompson told you
9 he didn't even go to the club that week. He was headed to
10 the hospital and learned that everybody was going to the
11 gas station so he went there instead. Ms. Perry was never
12 involved in any conflict inside the club. And certainly
13 the clerk at the the gas station, Ms. Smith had no reason
14 to have shots descending at the gas station that night on
15 her.

16 Now, there's been testimony about how
17 reluctant these victims were to talk to police. Obviously
18 some of them were reluctant to even testify. I want to
19 ask yourself why that might be. Is it because they're
20 scared? Is it because they're scared of what might happen
21 to them if they do get up there and testify? Could they
22 have been scared of what might happen if they did get a
23 statement to police? I want you to keep that in mind when
24 you consider exactly what these victim told you and how
25 they told it to you.

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1 Now, most of the victims testified that they
2 didn't see much of anything. Some of them had their backs
3 to where the bullets were coming from. Some of them were
4 walking around that gas station parking lot, but two of
5 them testified that they remembered seeing people of this
6 dark corner of this parking lot.

7 Mr. Raheem Adams testified that he remembers
8 seeing three or four people, couldn't remember much about
9 them, couldn't tell whether they were men or women,
10 couldn't tell what race they were, couldn't tell anything
11 about them, but he remember seeing people, more than a few
12 three or four.

13 And as Mr. Javon Henry told police that night
14 and as he testified here in court earlier on Tuesday, he
15 testified he same maybe five or as many as 10 people and
16 what he was able to tell was he remember seeing white tee
17 shirts and black coverings. I believe he said black
18 bandannas in this statement, but none-the-less their faces
19 were covered by something black. Keep that in mind when
20 you recall exactly the testimony you've heard from
21 Mr. Johnson, Mr Hogan, and even Mr. Bruster.

22 Now, we saw some video surveillance from the
23 video gas station which was painful to sit through, but in
24 any event, the point of that is to give you an idea of
25 exactly how long these victims were at the gas station

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1 before any of this incidents started and if you want to
2 see that video again, we have the opportunity to play it
3 for you again, but in that video you see all of a sudden
4 some action and it's obviously that's when the shots
5 start. That's when it gets real. You see someone run and
6 you saw someone get on the ground and that's exactly what
7 the victims told you. Some of them were able to get
8 inside one of the cars and hide, some of them said they
9 ducked behind items, pumps, cars or whatever was there.
10 Others told you they ran from the scene.

11 The purpose of that is to allow you to have
12 the information you need to decide exactly what was going
13 on that night. It doesn't show much but it helps you get
14 an accurate idea of exactly what the victims were doing as
15 it relates to what they told the police they were doing
16 and what they told you they were doing.

17 After we got through the victims on the first
18 day, we moved into the deputies that responded on the
19 scene and those victims told you the role they played with
20 respect to maintaining the integrity of the scene, taping
21 it off, making sure there was no traffic, so to speak,
22 through the scene and some of them tended to the victims.

23 The explained to you that it was chaos. I
24 believe deputy owns testified that they were walking on
25 each other on the radio. Somebody was trying to talk

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1 while somebody else was trying to talk, somebody is out
2 with a victim, somebody else is out with another victim
3 and the police had absolutely no idea what was going on,
4 no clue. They didn't know if they were dealing with
5 suspects, didn't know if they were dealing with victims,
6 had no idea.

7 In any event, their testimony was to give you
8 an idea of how long it took to manage this situation from
9 the very beginning, and Deputy Brown told you he was one
10 of the first on scene and that he maintained the security
11 of the scene, saw the cars exactly at the gas pumps. As
12 per the testimony, that's how it looked when the victims
13 left the scene and he waited there until forensics was
14 able to arrive.

15 Ms. Oaten with the forensics division told
16 you how she collected the evidence in this case, how she
17 noted damage to each of the cars on scene, bullet holes in
18 the fenders, blood on the cars, smashed windows in each of
19 the cars, bullet hole in one of the gas pumps.

20 But she testified that the casings that she
21 found in that parking lot were all isolated to the darkest
22 corners of the parking lot where there was no illumination
23 and she explained that she started closest to the pumps
24 and started to put down those plackers to mark each casing
25 that she found, and then she back up and expanded away

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1 from the building. There were more and more and more
2 until she eventually testified she ran out of plackers and
3 had to start using notebook paper.

4 They searched the cars, the area of the cars,
5 under the cars, all of the casings were isolated to that
6 particular site of the parking lot.

7 You heard from John Derby who looked at each
8 of the victim's cars and he told you about taking a closer
9 look at the specific damages. We heard about windows tat
10 were smashed, trajectory rods inserted into the bullet
11 holes in an effort to find bullets, and based on how the
12 cars were parked at the pumps that night, and this
13 trajectory as Mr. Derby identified and testified about,
14 it's obvious, all of the bullets came from the same
15 direction. They came from this dark corner of the parking
16 lot exactly like Larry Johnson, Shaquille Hogan and Daquan
17 Bruster told you. They all stayed in one location in the
18 darkest corner before they started shooting.

19 After that we heard testimony from
20 Investigator Campbell. As y'all know he's the primary
21 investigator on the case and he told you about his
22 methodical investigation, going out to the scene that
23 night, making sure the cars were sealed up and taped so
24 they can be towed and examined.

25 We heard about swabs of blood collected, DNA

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1 samples just in case any of that material ended up being
2 helpful to the investigation. He collected surveillance
3 video from the gas station and from the Waffle House on
4 Melvin Drive near Fleetwood and the Waffle House on White
5 Horse Road.

6 He told you that he interviewed Larry Johnson
7 on the 21st of July. And at that point Larry Johnson was
8 a witness. This happened on Sunday morning July, 17th.
9 Investigator Johnson learned he may have some information
10 so he talked to him. He interviewed him as a witness and
11 Larry Johnson did have some information. He interviewed
12 him again on the 22nd and he gets more details, and he
13 interviewed him again on the 23rd and its that third
14 statement that Larry says it was time for him to come
15 clean. It was time for him to be totally candid about
16 everything he knew.

17 Why? Because he had learned they had gotten
18 the wrong people. He had learned his friend RaRa had been
19 shot and he said we got it wrong. He didn't realize it.

20 Now, what's so important about those dates
21 and I believe Shaquille Hogan was interviewed on July 22nd
22 as well, the interview of both of those men, the timing of
23 it is of critical importance in this case. Because at the
24 time Investigator Campbell conducted those interviews, the
25 information he had about the weapons that had been fired

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1 at the gas station was that there were .45 caliber
2 cartridge casings, .40 caliber cartridge casings, .9
3 millimeter cartridge casings and .380 automatic cartridge
4 casings.

5 He knew that there were four different kinds
6 of guns fired but until ballistics was done, that's all he
7 could know. During the interview with Larry Johnson, even
8 if you believe that Investigator Campbell told him what to
9 say, told him who to name, told him who he thought was
10 responsible for this case, how could he have known to name
11 seven different guns and eight different people being
12 involved?

13 Investigator Campbell had no idea that six
14 different guns were used in the parking lot and a seventh
15 in the alley behind. Larry Johnson named eight people,
16 identified six of them as the shooters in the actual
17 parking lot and identified himself as the shooter in the
18 alley way. There's no way that information could be known
19 to anyone unless they were there and they did exactly what
20 they say they did.

21 During the interview with Shaquille Hogan,
22 Shaquille Hogan identified exactly the same eight people.
23 That's a mighty coincidence.

24 But more importantly, again, Investigator
25 Campbell could not have known there were six different

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1 hand guns used, six different shooters in that parking
2 lot, and a shooter in the alley behind, but Shaquille
3 Hogan did. Shaquille could not have known that
4 information unless he was there and he did exactly what he
5 said he did.

6 James Armstrong testified that it wasn't
7 until July 26th that he pulled the casing out of property
8 and evidence and began processing them. Before July 26th,
9 no analysis of a ballistics nature could have been done on
10 those casings to determine exactly how many different
11 firearms were used.

12 Now, with respect to the Waffle House video,
13 both Larry Johnson and Shaquille Hogan, testified that
14 immediately after the three cars left the gas station,
15 they headed to the Waffle House by Fleetwood. They
16 testified that's where they were told to go. And you've
17 seen portions of the surveillance video from that parking
18 lot and if you want to see it again, you're certainly free
19 to do that. We can arrange for you to view it again, but
20 in that parking lot, the red Honda Accent being driving by
21 Raymond Young in which Michael Williams was a passenger
22 and Tavarus Holmes was a passenger pulls up right in front
23 of the store.

24 Immediately thereafter, the green Toyota
25 Camary being driving by Esaiveus Booker pulls up occupied

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1 by Shaquille Hogan and Kinjta Sadler, exactly as Larry
2 Johnson and Shaquille Hogan both said. They testified who
3 was in each car, which cars they were and they all arrived
4 together. That's obvious on the surveillance tape. Each
5 of them both testified -- Larry Johnson testified more
6 clearly about -- sort of a little conversation that
7 happens in the parking lot and in the video you can see
8 these guys get out of the car, walk to the corner of the
9 parking lot and have a discussion.

10 Larry Johnson testified that that discussion
11 was about what had just happened so long as everybody is
12 cool we'll be okay. And you see them have that discussion
13 and then everybody goes inside of the Waffle House.

14 The other surveillance video that we watched
15 just this morning is from the other Waffle House because
16 as part of the investigation, Investigator Campbell
17 learned that some of the defendants in this case may have
18 visited this other location and in that surveillance
19 video, in spite of the fact that Ms. Joseline Mack denied
20 ever going to that Waffle House, you see her pull up in
21 her red Honda Accent. You see Raymond pull up in his
22 green Crown Vic, Michael Williams and Tavarus Holmes get
23 out that car and then you see something particularly
24 interesting, everyone else walks inside of the Waffle
25 House.

1 And what does Raymond Young do? He walks
2 over to Joseline's red car, opens the door, gets inside
3 and then he walks back to his car. What is he carrying?
4 A black tee shirt. It's the same black tee shirt that he
5 used to cover his face, and in both videos he's wearing
6 the white tee shirt. Larry Johnson pointed him out for
7 you wearing the white tee shirt still from where he left
8 the scene at the gas station.

9 Now, Investigator Campbell also testified
10 about cell phones and phone records and what he did in an
11 effort to get information about the cell phones that were
12 being used. He testified that he sent out 16 requests, 16
13 different phone numbers and got a response from only a few
14 of them. When I asked him whether those records advanced
15 the investigation and he said, no. And if you'll remember
16 he said the reason it didn't seem to help is that when he
17 asked for subscriber information either it was an NA, I
18 believe he testified, not applicable, no information from
19 the cell phone company or it was information he couldn't
20 verify.

Investigator Campbell testified that there was no way for him to know who was using these phones on the night of the incident and for that reason couldn't attribute these phones to any particular defendant.

25 | Investigator Perry later on in the trial

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1 testified about cell phones generally that cell phone
2 companies don't keep record of text messages. Cell phone
3 companies don't have the ability to retrieve text
4 messages. That was the testimony and a little bit later
5 in the trial we got to State's Exhibits 55 and 56, these
6 big packets of forensic downloads. And if you'll remember
7 you heard testimony from Investigator Devon Hoover who
8 said that he collected two cell phones at the time of
9 Raymond Young's arrest.

10 He asked that both be forensically processed
11 and Sergeant David Wiener testified that at the time Larry
12 Johnson was arrested he retrieved a cell phone and made
13 the same request for forensic analysis. Investigator
14 Perry testified that these are the forensic reports
15 generated from each of these phones.

16 What is particularly interesting about each
17 of these records with respect to the phone retrieved from
18 Raymond Young at the time of his arrest, all record of
19 calls made, calls received or calls missed, or text
20 messages has been deleted. It's not here.

21 With respect to Larry Johnson this forensic
22 report, no text messages before Monday July 18th. Isn't
23 that entirely consistent with what you heard about his
24 conversation in the parking lot of the Waffle House. Get
25 rid of the evidence, give rid of any indication that we

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1 talked to one another, get rid of any possibility that we
2 could ever be identified.

3 Aside from all that we know based on the
4 testimony we heard from Mr. Johnson, Mr. Hogan and even
5 Mr. Bruster that three cars were traveling together, the
6 red Honda, the green Camary and the black Cutlas. Would
7 it be any surprise to you if there was no reason for them
8 to call one another? More importantly even if they had
9 called one another, even if there were phone records
10 showing that these guys called one another, would it make
11 you more confident that they carried guns to the gas
12 station. We know they were together that night. They
13 took photos together at the club and in the surveillance
14 together at the Waffle House. We know they were together.
15 Would it be any surprise to you that friends called one
16 another?

17 Finally one of the things that Investigator
18 Campbell touched on were these other guns that were
19 tested. He testified that as the investigation was
20 ongoing, he felt it important to continue to try and
21 retrieve the firearms that were used in this case. At
22 this point in the investigation, he knew that several hand
23 guns had been used and any time when they were seized, he
24 asked them to be tested.

25 You heard testimony about the .380 hand gun

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1 that was seized that was tested. James Armstrong
2 testified it didn't match any of the casing from the
3 parking lot. You heard about a .380 hand gun that was
4 seized when Daquan Bruster was arrested in Denmark and
5 James Armstrong testified that he tested that hand gun and
6 it wasn't a match.

7 Investigators were finally able to get a
8 match with this hand gun that they got from Simone Kerns
9 and we'll talk a little more about that in just a minute,
10 but of all the hand guns used, this were the only one that
11 they were able to recover that we know was used at the gas
12 station.

13 Now, as part of the processing of this
14 evidence, the casings and some other ammunition that was
15 retrieved from the Davis Roads residence and I'll get to
16 that in a second, Investigator Ooten testified,
17 Investigator Campbell testified that there was a request
18 made to get fingerprints off of these casings and if
19 you'll recall the testimony was that Ms. Ooten was unable
20 to develop any fingerprints from either the casings on the
21 scene or from these .40 caliber bullets.

22 Do you remember what Ms. Joseline Mack said
23 about that? Do you remember her testimony that in the
24 morning hours, the next day, after this incident at her
25 apartment that she watched Raymond reload his gun being

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1 careful to wipe off every single bullet as he loaded it.
2 Is it any surprise that that that's exactly what the other
3 defendants did? Is that why there are no prints on any of
4 these casings or any of this ammunition?

5 After that we met Ms. Peoples. Ms Peoples
6 testified that she came in to assist with the
7 investigation at the Red Planet while Investigator
8 Campbell was over at the Lil Cricket and she said she took
9 a statement from Mr. Michael Williams, Mickey, and she
10 read that statement to you and you might be wondering what
11 the big fuss is.

12 In this statement Mr. Williams admits to
13 being at the Red, Planet. He admits to going to 864, but
14 what is particularly curious is that he says he got into a
15 burgundy mini-van when he left Club 864, not a red Honda,
16 a burgundy mini-van. He says he went to Waffle House, the
17 one by Fleetwood after Raymond got there. We saw on the
18 tape from the Waffle House by Fleetwood, Michael Williams
19 didn't arrive in a burgundy mini-van, he did not arrive
20 after Raymond. He arrived in the red Honda with Raymond.

21 The reason that statement is so significant
22 is because he can't even get his lies straight with the
23 most innocuous details of the case how he got from one
24 place to another let alone the important part, the part
25 where he shot people. We know that's a lie. We know that

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1 can't be true because the video surveillance from the
2 Waffle House tells us otherwise. He's there in the car
3 exactly as Larry Johnson and Shaquille Hogan tells you he
4 was in the red Honda Accent with Raymond Young and Tavarus
5 Holmes.

6 We moved on after that to hear from Mr. Moore
7 who used to be a deputy from the Sheriff's Office and
8 Deputy Dustin Woodall and they talked about a search
9 warrant that was executed at this residence on David Road.
10 If you'll recall they testified that some information they
11 had they might be able to locate some suspects for whom
12 they have arrest warrants in this case at that residence
13 and that's why they went there.

14 The testimony was that the first time they
15 went there they met Michael Williams. He came to the
16 door, met him right there. And the deputies testified
17 that they asked Ms. Brittany Phillips who identified
18 herself as one of the tenants of the home if they could
19 search the residence and she said no, I'm not going to let
20 you search the house. And if you remember, Mr. Moore
21 testified that when he walked the trailer to make sure
22 there was nobody there, nobody hiding, nobody else with a
23 gun, he saw a black duffel bag and some holsters. He told
24 you he wanted to look inside.

25 At the time in the investigation, that black

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1 duffel bag had no significance, but unfortunately the ways
2 of the universe didn't work quite as we had hoped because
3 it was hours later when Investigator Brown was
4 interviewing Joseline Mack that investigators learned that
5 that black duffel bag could be actually very important.

6 So the investigators go a search warrant and
7 went back to Davis Road and they executed that search
8 warrant and they found no black duffel bag. Where did it
9 go? Disappeared. Why? Mr. Moore testified that when
10 they went back the second time to serve the search
11 warrant, one of the car was gone but he remember that
12 black duffel bag was no longer there.

13 But what the investigators did find was this
14 .40 caliber ammunition. The reason this is so important
15 is because we know that one of the hand guns used at the
16 Lil Cricket was a .40 caliber semi-automatic weapon. The
17 investigators testified that when they searched the
18 trailer at Davis Roads, they found documents of a personal
19 nature with Raymond Young's name on it. They believed he
20 lived there. They testified that Michael Williams was
21 arrested there. That's at least two of these defendants
22 that had immediate access to the exact same kind of
23 ammunition that was used in one of the guns at the gas
24 station. We know a .40 caliber was used and they've got
25 .40 caliber ammunition, but remember, no fingerprints on

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1 this item either.

2 The investigators also found these holsters.
3 The holsters was still there but no black duffel bag, no
4 guns.

5 After that, it go a little intense, at least
6 it was for me and we heard testimony from Ms. Joseline
7 Mack. Ms. Mack testified that what she told police in her
8 statement simply wasn't true, wasn't true, that she was
9 intimidated by Investigator Brown, that she had no
10 opportunity to read that statement. She just signed it.

11 If she was so intimidated by Investigator
12 Brown in that interview, why did she call him back a
13 couple of days later to give him additional information
14 about this black duffel bag? If she was so intimidated by
15 the interview she had with Investigator Brown, why did she
16 call back and say I need to correct something I said in my
17 statement, I initially told you that Drake Glover was at
18 the 864 parking lot and I was wrong, it was instead Daquan
19 Bruster.

20 The reason she says that is because she was
21 dating Raymond Young at the time. She's got some loyalty
22 issues. Is it possible she's scared of him? Regardless
23 of what she maintains about the truth of the statement she
24 gave that night, I asked her if what she remembered about
25 that night with respect to the cars was true and she said

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1 that she remembered traveling down White Horse Road and
2 the cars doing the u-turn. She drove her red Honda back
3 to 864 parking lot just like all the other cars in the
4 group and Raymond approached her in the parking lot and
5 traded keys with her. You drive my Crown Vic, I'm going
6 to drive your red Honda. You go straight to the Waffle
7 House by Fleetwood.

8 And she said she got a car full of girls and
9 they went straight to the Waffle House by Fleetwood and
10 you can see it in the tape. They show up a few minutes
11 before the red Honda, the green Toyota Camary, the black
12 Cutlas.

13 She testified that she remembers that. She
14 testified that she remembered that Raymond was driving her
15 car, that Mickey was in her car. She testified that she
16 couldn't remember whether Tavarus was in that car or not
17 because she doesn't know who that is. She testified that
18 she remembers Esaiveus Booker driving her roommate
19 Simone's green Camary and she remembers Lips, whose real
20 name she doesn't know, being in that car and she remembers
21 Ken being in that car.

22 So independent of the statement that she gave
23 police about all of the events of that night, she
24 testified that she independently remembers that being
25 true, that when she left the parking lot of Club 864

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1 that's who was in those cars and that's who later arrived
2 -- we know that's who later arrived at the Waffle House.

3 Now, she denied being at the White Horse Road
4 Waffle House. I asked her if she remembers going there
5 after and she said it didn't happen. Well, we know that's
6 not true either. The video we saw this morning, she pulls
7 up in the red Honda and that's where we see Raymond go
8 from one car to the next. You can watch that video again
9 if you like. Again, think about why she in particular
10 would not be completely truthful in her testimony to you.

11 Now, we heard testimony from Investigator
12 Brandon Brown and he testified that he showed upon scene
13 at the Lil Cricket that night and sent his partner to the
14 Red Planet and he talked to the victims and the witnesses
15 there at the gas station and the only leads he had were
16 that there was a fight with someone named Mickey and that
17 the attackers were the people with whom the victims had
18 contact at the club wore black and grey.

19 But when Investigator Brown testified when he
20 got together with Investigator Woodall who had been at the
21 Red Planet scene, they put two and two together because
22 when they found out that Brandon Edwards was one of the
23 victims in the Red Planet parking lot and they learned
24 that the conflict was with individuals wearing black and
25 grey, is it possible that these events were related. And

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1 that's what changed the pace of the investigation. That's
2 what changes its focus. That's when it becomes about
3 these photos.

4 Investigator Brown testified that he spoke
5 with Larry Johnson and that he assisted in the search
6 warrants at Davis Road that we talked about and an
7 additional search warrant at Kiara Simone Kerns's
8 apartment. And if you'll recall, the context of the
9 search warrant was that Ms. Joseline Mack provided some
10 information about these black duffel bags.

11 In an effort, again, to locate these
12 firearms, the officers got a search warrant for that
13 apartment. Deputy Woodlock testified that when he went to
14 the apartment, no one was home, they searched the
15 apartment and found nothing inside. But eventually
16 Ms. Kerns came on scene understandably probably wondering
17 why the police were there.

18 She testified that she was not initially
19 forth coming with the police that there had been firearms
20 in her apartment. It was her testify to you that when she
21 learned after speaking with the investigators that there
22 might be guns in her apartment, she went home and she
23 searched her apartment. She and Joseline searched her
24 apartment.

25 She testified that she found two guns in her

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1 apartment, a large gun, and a small hand gun. I asked her
2 what she did with those? What happened when she told the
3 police that there were guns in her apartment? She said I
4 didn't call the police, I tried to get rid of them. It's
5 that decision that got her charged with obstruction of
6 justice to which she pled guilty to earlier this week.
7 She pled guilty to having attempted to conceal this
8 evidence.

9 She testified that she called her brother
10 Adrian Kerns to come and take these guns. Initially she
11 gave him the shot gun and she testified that Joseline says
12 she would get rid of the hand gun. The next day,
13 Ms. Kerns testified that that hand gun was still in her
14 apartment, that Joseline had not gotten rid of it.
15 Ms. Kerns testified she found the hand gun and again
16 called her brother and said I have another gun and I need
17 you to get rid of it.

18 Ms. Kerns testified she gave both of those
19 guns to her brother and she remembers that her mother
20 returned those same guns to the scene that day the police
21 were at her house. This was one of those guns. Deputy
22 Woodlock testified this was the hand gun that he took from
23 Ms. Kerns's mother Amanda Bell and you heard testimony
24 from the ballistics examiner that these hand guns fired at
25 least one set of the .380 automatic casings at the gas

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1 station parking lot.

2 Now, Simone Kerns's brother was not
3 particularly informative or helpful. He testified he
4 didn't remember anything about anything. But you heard
5 testimony from their mother about getting those guns from
6 Mr. Kerns and bringing them back to the police.

7 Simone Kerns's testified that she allowed her
8 boyfriend or the guy that she had been dating, Esaiveus
9 Booker to drive her car on a routine basis. She testified
10 that the night of this incident he stayed the night at her
11 apartment. How is it that Simone Kerns came into
12 possession of a hand gun that matched shell casings fired
13 at the Lil Cricket gas station unless her boyfriend put it
14 in her house. Esaiveus Booker hid that hand gun and that
15 shot gun in her apartment. She thought she was helping by
16 trying to get rid of it.

17 I want to look at ballistics briefly before
18 we get into the home stretch. I apologize this has taken
19 so long. James Armstrong testified about each set of
20 shell casings and he said he processed all of the shell
21 casings, the fragments, the projectiles, the bullets,
22 everything that was collected there on scene. He
23 testified that the bullets and fragments aren't
24 particularly informative unless you have the gun to
25 compare it to. The focus were the casings.

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1 He testified that after he compared each of
2 these casings, he was able to determine that these casings
3 come from seven different hand guns, a .45 caliber, a .40
4 caliber, a .9 millimeter, .380 automatic, a different .380
5 automatic, a different .9 millimeter, and a third .380
6 automatic. We know that one set of these .380 automatics
7 came from this gun. We know based on James Armstrong's
8 testimony that seven different guns were fired on the
9 scene that night.

10 Now, we turn to the folks who were there.
11 Larry Johnson was the first that you heard from and as
12 I've already mentioned there was some discussion about the
13 different statements he gave, the ways in which he
14 eventually becoming forth coming. You even heard about
15 him drafting a letter about recanting everything he told
16 the police. You saw some pictures of Larry Johnson with
17 guns and you heard that this isn't the first time he's
18 ever been in trouble with the law.

19 Larry Johnson's testimony is particularly
20 informative because of reasons I've already talked about
21 that being that he named eight different people, six
22 specific parking lot gun men and himself without knowing
23 from the investigators exactly how many guns were used on
24 scene. Like I said, the only way he could have known that
25 information is if he was there and he did exactly what he

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1 said he did.

2 To believe that Larry Johnson is lying about
3 the people with whom he was at the gas station during the
4 early morning hours of July 17th, you have to believe
5 three things. You have to believe that Larry Johnson pled
6 guilty and is going to be sentenced for crimes he didn't
7 commit because he pled guilty to being part of a mob that
8 joined together for the purpose of this attack.

9 He pled guilty to conspiring with these
10 defendants as well as three others to make the eight for
11 purpose of committing this attack. If you believe he's
12 lying you have to believe that he pled guilty and is going
13 to stand in punishment for something he didn't do.

14 You also have to believe that in spite of the
15 fact that he says he's known some of these men for years,
16 he described his relationship with many of them as like a
17 brother. He testified he was close with these defendants.
18 If you believe Larry Johnson is lying, you have to believe
19 that he hates these defendants so much that he wants to
20 see them convicted of crimes they didn't commit. Is it
21 reasonable to believe that he would do to friends he
22 characterized as being close as brothers.

23 Just one more thing you got to believe if you
24 think Larry was lying, you have to believe that he has
25 such unyielding loyalty to the actual people that

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1 participated in the shooting with him that he, himself, is
2 okay with accepting punishment pleading guilty, being
3 sentenced why they go completed free, unidentified and
4 unprosecuted.

5 Why would Larry Johnson lie about friends
6 that he characterizes as being like brothers to him? He
7 told you why he came around when he learned that he had
8 gotten the wrong people, that got to him. There's no
9 reason he would accept responsibility for what he's done
10 while the others go free.. The only reasonable conclusion
11 is that he did exactly what he said he did and that these
12 defendants were of the men that were with him.

13 You heard testimony from Shaquille Hogan.
14 Shaquille Hogan is in a similar situation. Shaquille
15 Hogan told police on July 22nd that he was in a green
16 Camary with Esaiveus Booker and Ken Sadler and that they
17 went to the Lil Cricket, he stayed in the car. He
18 testified that he left driving, that he was shaken up from
19 the incident, that he switched places in the car. There's
20 a lot of ruckus about which seat he was in and where he
21 was sitting, where he could have been sitting or could not
22 have been sitting. He testified over and over and over
23 again it was such a long time ago, he doesn't remember.
24 We know which seat he was sitting in when he got to the
25 Waffle House. You can see him get out of the car

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1 passenger seat. Larry Johnson pointed him out.

2 Does that make what he says untrue? Again,
3 to believe that Shaquille Hogan is lying, you have to
4 believe that he is willing to plead guilty, accept
5 responsibility for what he's done, while the actual people
6 who were there with him walk free. And, again, you have
7 to believe he hates these defendants that he says were his
8 friends that he known for at least a year that he hates
9 them so much that he wants to see them convicted for
10 crimes they didn't do. Is that reasonable?

11 Now, as I mentioned you've heard about both
12 of them recanting their statements, letters that they
13 wrote where they said everything I said to the police was
14 untrue, but with Shaquille in particular, on July 22nd,
15 four days before the ballistic examiner even pulled the
16 casings out of property and evidence, how was it that
17 Shaquille Hogan was able to say exactly which hand gun
18 each defendant was carrying. He testified that he gave
19 his .380 to Tavarus. I asked him why and he said he asked
20 for it.

21 I asked him why he had to follow that
22 directive. Why he had to do what Tavarus tells him to do
23 and he said he's got that power. And the reason you heard
24 from Investigator Campbell later in this case is for
25 exactly this reason, that Shaquille Hogan was able to tell

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1 investigators exactly which firearms were used at the
2 scene that night. How is it that Shaquille Hogan could
3 have known there were two .9 millimeters used? How is it
4 that Shaquille Hogan could have known there were three
5 .380 automatics used as well as the .40 and .45 unless he
6 was there and he knew exactly what happened.

7 With respect to Larry Johnson's attempt to
8 recant his statement, he testified he was threatened to do
9 it. At the jail he was told either you are with us or
10 against us. In fact, he testified he thought he would be
11 "x-ed" out. I asked him what that meant and he said it
12 was his understanding that meant he would be murdered if
13 he didn't withdraw that statement. Keep that in mind when
14 you're evaluating what kind of pressure that is being
15 exerted on the witnesses that come to this witness stand.

16 Keep that in mind when you think about the
17 testimony of Daquan Bruster who interestingly enough pled
18 guilty on Monday morning and then all of a sudden couldn't
19 remember any details. Think about what must be happening
20 to influence these witnesses in the way that makes them
21 withdraw their statement, subject themselves to jail time,
22 penalties for this offense. Think about how heavy that
23 must way on the people who came to this witness stand.

24 Now, the judge is going to charge you with
25 respect to each of the offenses in this case and he read

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1 to you all the indictments at the beginning of this case
2 and I told you when he started on Tuesday that each of
3 these four defendants is charged with seven counts of
4 attempted murder.

5 The judge is going to instruct you about a
6 concept in South Carolina law that is often referred to as
7 the hand of one is the hand of all. The theory of this
8 rule of law is that if people join together to commit a
9 crime, they agree to do it together, they assist one
10 another to do this crime together, then each person who is
11 part of that agreement is responsible for all of the
12 consequences.

13 An example I'd like to think of is a bank
14 robbery. Imagine there's a driver of the get away car and
15 then there's a person who actually goes in side the bank
16 and points a gun in the teller's face. The get away
17 driver may never go inside the bank, but if the guy who
18 goes inside the bank ends up shooting and killing the
19 telling, based on the theory of the hand of one as the
20 hand of all, the get away driver is responsible for that
21 crime because they joined together to commit the same
22 crime and they assisted one another.

23 Now, on Tuesday during opening statements,
24 one of the attorneys mentioned to you that the State is
25 required to prove which bullet struck which victim and

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1 which bullet came from which gun, that's not true. The
2 State is required to prove that these four defendants each
3 with the intent to kill attempted to kill the victims in
4 this case and there's a count on each victim that was
5 struck; Travarus Thompson, Anthony Callahan, T.J. Walker,
6 Dontavious Sullivan, Raheem Adams and Russell Patterson
7 and Jamal Williams, each of those victims were the ones
8 that were struck by the bullet.

9 The State is required to prove that when
10 these defendants went to the gas station and opened fire
11 from the darkest corner of the parking lot that their
12 intent was to kill these victims, and you've heard
13 testimony that the purpose of going to that gas station
14 was to get the people who shot the defendant's friend
15 Brandon Edwards and or Brandon Davis. The intent was to
16 get them back. It was to kill them.

17 Each of these defendants is also charged with
18 possessions of a weapon during the commission of a violent
19 crime and as I told you on Tuesday, the State has to prove
20 exactly what it sounds like, that these defendants were in
21 possession of weapons, in this case hand guns, during the
22 commission of this violent crime. The judge is going to
23 instruct you that attempted murder is classified as a
24 Violent Crime under South Carolina law.

25 The State is required to prove exactly what

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1 it says that while they were shooting at these victims,
2 that each of them was armed with a hand gun and I think as
3 I've probably beat to death, you've heard about each of
4 the hand guns that each of these defendants was carrying.
5 We know that six different hand guns was used in the
6 parking lot. We know there were six shooters. These
7 defendants were four of them.

8 The defendants were charged with conspiracy
9 and just like I told you on Tuesday the State has to prove
10 that the defendants agreed to commit a crime together,
11 that they entered into an agreement to commit this crime.
12 The testimony that you've heard that everybody who was in
13 the parking lot of 864, everybody who was in, everybody
14 that was out was to go to the Waffle House by Fleetwood.
15 Everybody that was in was to cover their face and follow
16 the lead car, Joseline's red Honda.

17 These defendants knew exactly what was going
18 to happen at the Lil Cricket. They knew that the
19 function, the purpose, the reason for going to the Lil
20 Cricket was to shoot these victims. That's the agreement,
21 that's the conspiracy.

22 Finally each of these defendants is charged
23 with assault and battery by mob in the second degree. The
24 State has to prove that two or more people joined together
25 with a common purpose to commit this assault and battery.

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1 It's very similar to what conspiracy sounds like but what
2 the difference is that the State must prove that the
3 defendant's acted together with a joint purpose, a shared
4 objective to commit the attack, and the evidence
5 demonstrate they all went with the same reason, the same
6 purpose. Even Daquan Bruster with what little he remember
7 testified he was going there, he was told to make sure he
8 had his gun, he was told to cover his face and he went
9 there knowing that he was going there knowing that the
10 purpose was to shoot.

11 And as I said what makes that assault and
12 battery by mob in the second degree is that serious bodily
13 injury or the gun shot wounds that you heard about, that's
14 what makes it second degree.

15 And as I'm sure the judge will instruct you,
16 you have to consider the evidence against each of these
17 defendants separately. We know that Larry Johnson was at
18 the Red Planet Nightclub. He pointed himself out in the
19 photograph. We know that 17 to 18 minutes after the
20 shooting he arrived at the Waffle House by Fleetwood. He
21 can be seen arriving in that black Cutlas that he talked
22 about.

23 We know that Shaquille Hogan was at the Red
24 Planet Nightclub. He was identified in that picture. We
25 know that he was at the Waffle House 17 to 18 minutes

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1 after the 911 came in about the Lil Cricket shooting. We
2 know that Daquan Bruster was at the Waffle House by
3 Fleetwood 17 to 18 minutes after the gas station shooting.
4 We know Esaiveus Booker was at the Red Planet Nigh club
5 and just behind Mr. Bruster, Larry Johnson told us that
6 that's Esaiveus Booker in the Waffle House by Fleetwood 17
7 to 18 minutes after the 911 call.

8 Tavarus Holmes was at the Red Planet. He was
9 in the group photo and Larry Johnson told us that was
10 Tavarus Holmes at the Waffle House 17 to 18 minutes after
11 the 911 call. Larry Johnson told us that Ken Sadler is in
12 this photo, that Ken Sadler was at the Red Planet
13 Nightclub and we know he was at the Waffle House by
14 Fleetwood just minutes after the call came in.

15 We know Michael Williams was at the Red
16 Planet and we know he was at the Waffle House just minutes
17 after the call. We know Raymond Young was at the Red
18 Planet and we know he was at the Waffle House just a few
19 minutes after the call.

20 There is an extreme small window of time
21 between when the shooting happened and we find these
22 defendants on camera as far away as they could get from
23 the crime scene. The testimony you heard was that it took
24 anywhere from 15 to 25 minutes to get from the Lil Cricket
25 gas station to the Waffle House by Fleetwood.

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1 The surveillance video shows these defendants
2 arrived exactly as their co-defendants described. Raymond
3 Young is driving Joseline's red Honda, in his car is
4 Michael Williams and Tavarus Holmes. Esaiveus Booker is
5 driving Simone Kerns's Camary. In his car was Shaquille
6 Hogan and Kinjta Sadler. Larry Johnson is driving his
7 black Cutlas and his car is Daquan Bruster. How is it
8 that Larry Johnson and Shaquille Hogan admit to being at
9 the gas station witnessing what happened and find
10 themselves with these defendants unless these defendants
11 were involved?

12 Unless Shaquille Hogan was in the car was
13 Esaiveus Booker and Kinjta Sadler at the time of the
14 shooting, how is it that he found himself in that green
15 Camary 17 minutes after the 911 call comes out? Is it
16 reasonable to believe that Esaiveus Booker picked up
17 Shaquille Hogan as he was running down the street? It's
18 plausible but the reality is Shaquille Hogan was in the
19 green Camary with Esaiveus Booker and Kinjta Sadler just
20 like he says he was.

21 The reality is that Raymond Young was driving
22 Joseline Mack's red Honda and was carrying Tavarus Holmes
23 and Michael Williams. That's the truth. The truth is
24 that these defendants did the shooting exactly as you
25 heard it described and they did it to retaliate for what

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1 happened to their friends at the Red Planet. The most
2 horrific part of it is they were completely wrong about
3 who they were trying to get back.

4 I apologize for taking up so much of your
5 time and I promise I won't belabor it any more. The
6 victims in this case don't deserve what happened to them.
7 I ask you to carefully review the evidence in this case
8 and think about what may be going on to influence the
9 testimony you've heard. I won't have another opportunity
10 to talk to you but I hope that during your deliberations
11 you arrive at the truth that each of these four defendants
12 is guilty of seven counts of attempted murder, possession
13 of a weapon during the commission of a violent crime,
14 conspiracy and assault and battery by mob in the second
15 degree.

16 Thank you so much.

17 THE COURT: Let's and gentlemen, let's take a
18 short break at this time. Please do not begin your
19 deliberations. Everyone else stay seated in the
20 courtroom.

21 We'll take about five minutes or so.

22 (Jury exits the courtroom.)

23 (Whereupon, there was a brief recess.)

24 (Jury re-enters the courtroom.)

25 THE COURT: Okay. Mr. Chambers.

Closing Arguments - Chambers

1 MR. CHAMBERS: Ladies and gentlemen, as I
2 told you at the outside my name is Randy Chambers and very
3 specifically I am here and been throughout this trial
4 representing Esaiveus Booker seated here beside me and
5 have been seated here beside me throughout the course of
6 this trial. You've heard him referred to countless times
7 as the defendant. What he really is is an accused.

8 I was lucky enough to start my career as a
9 lawyer as a Navy Jag officer in court marshals and in the
10 military you refer to somebody on trial as the accused
11 which always seems to be a better way to phrase it, more
12 accurate. Defendant sounds like you have obligation to
13 defend against those allegations, but you don't. These
14 folks make the allegations, these folks have to prove the
15 allegations. And as I've told you from the outset and as
16 you heard from his Honor, you're going to get more
17 specific instructions on this later, when they walk in
18 here to prove the allegations, they have to prove it to
19 you beyond a reasonable doubt.

20 Now, that is a term that all of us have heard
21 time and time again that a person is accused of something
22 he's innocent until proven guilty, well, folks you are in
23 a situation that a lot of people don't find themselves in,
24 you actually get to put them to the test. All of you took
25 an oath earlier saying that you would do that. Now,

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1 here's the thing, I always here juries referred to as a
2 jury of ones peers but what I find over time is that's
3 really not always true.

4 Most of us who find ourselves on jury duty
5 are people who I think would refer to ourselves as middle
6 class. We get up, we go to work, we go home and hang out
7 with our families and eat dinner, go to bed at a certain
8 time. We don't know anything about gangs or these clubs
9 that we heard about, going out to a club carrying guns.
10 We don't know anything about stuff like that. It's
11 different. It's scary to us for people who don't deal
12 with that.

13 So you are, at least some of you, perhaps all
14 of your are hearing about things you've only seen on tv
15 that you've seen in movies and things like that. But what
16 you have said that you would do and I know that I will
17 because as I sat here this week, and it's been a long
18 week, we've had long days, I've seen all of you paying
19 attention, taking notes, taking this very seriously. And
20 I told you at the outset and it's something that I tell
21 juries all the time and I've even in the past gone to
22 these trial seminars where they say you should never get
23 into that kind of thing but I always do and that is this
24 talking about the importance of jury service and what
25 you're here to do.

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1 Our founding fathers people like John Adams
2 and Thomas Jefferson said and I'm paraphrasing but in
3 different ways this is the truest exercise of democracy.
4 This is how we ensure our liberty because the government
5 has the power to take away our liberty, to put us behind
6 bars and before we allow the government to do that, we
7 bring 12 citizens to sit and listen to the evidence that
8 they present. That is the check from the government
9 running amuck.

10 We set the highest bar possible under the law
11 in these kinds of cases and that's beyond a reasonable
12 doubt. You heard the solicitor say evidence that would
13 leave you firmly convinced and his Honor will probably
14 charge you that. And I always think that doesn't sound
15 like a very high standard but think about what firmly
16 convinced actually means. Firmly convinced means, firmly
17 means definitely, you're definite in that conviction. And
18 convinced means you're sure.

19 In other words, to a moral certainty because
20 it's not enough to think well they probably did if any of
21 you have that thought. That's not enough. And the other
22 thing to remember as you sit here as jurors, you are a
23 deliberate bottom. You will go back into your
24 deliberation room and you will talk to each other and you
25 will try to come to a unanimous decision because that is

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1 what is required, but none of you is any more or less
2 important than the other. It's just natural that some of
3 your are shy and some of your are assertive and some of
4 you fall somewhere in between, but when you go back there
5 and you start to sort through this evidence and you start
6 to review the testimony in this case remember that your
7 opinion, your conclusions about what happened, are just as
8 important as anybody elses. You are not to let anybody
9 trample on that.

10 You are to keep in mind at all times the
11 standard by law that has been set for them.

12 And with that, let's take a look at this
13 case, ladies and gentlemen. I'm going to start with the
14 big picture and work my way down and what I mean by that
15 is this the first thing whenever I get involved in a case
16 and I want to start hearing about the case I ask myself
17 what are they saying about my client, in this case,
18 Esaiveus Booker, does it make sense to me or does
19 something feel wrong. And based on the case that was
20 presented by the State something feels wrong to me. We're
21 not getting the whole picture from the victims in this
22 case.

23 Now, there's no question the young men that's
24 been seated in the back through the trial, they were shot.
25 No question about that. The question is who shot them?

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1 Let's think about this situation and why I say something
2 about this doesn't add up.

3 Now, we know that those young men were at the
4 Red Planet Nightclub. We know that there were hundreds of
5 people at the Red Planet Nightclub. We know that
6 according to the testimony of Investigator Brown there
7 were at least three known separate groups there but
8 probably more than that. I mean it's a bunch of young
9 people. They tend to travel in groups. They tend to have
10 each other's back and, you know, when you mix in alcohol
11 and you put in young ladies into the mix, things happen.
12 They fussed with one another and they get into it with one
13 another and as you heard the victims, at least, two of
14 them carried guns to the club.

15 Apparently that's fairly common at the Red
16 Planet Club people come and they bring guns with them
17 which means that at some point there's going to be a
18 possibility of gun play if something happens. But think
19 about it, there was a fight inside the Red Planet. At
20 this point I will point out nobody who you heard testify
21 who was a victim in this case indicated that they saw
22 Esaiveus Booker in the Red Planet.

23 Now, we know he was there because we saw a
24 picture of him with his friends but none of those
25 individuals saw him. They said that there was a

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1 discussion that went on and this fella they called Buddha
2 and that was broken up. There is one thing I want you to
3 keep in mind is that even Mr. Fant said that during that
4 discussion they basically parted amicable when it was over
5 because Buddha said that Raymond said to him I don't want
6 any trouble and then they went back to what they were
7 doing.

8 And then later on there was a fight out in
9 the parking lot and then apparently that fight erupted
10 between Buddha and Mr. Williams. Some people were in the
11 club and couldn't get out and some people in the parking
12 lot and then Buddha got shot. Did he get shot by any of
13 these folks? No. He got shot by somebody named Wair. We
14 don't know anything about the person who was identified as
15 shooting him.

16 And then what happens, and this is where
17 things start to break down and seem not to me to make
18 sense, two of the people and I believe that it was Thomas
19 Walker and I honestly don't remember who the other one
20 was, they don't call 911, they don't try to get an
21 ambulance or anything out there. They put Buddha in the
22 car -- it was Mr. Suber, that's who it was, Mr. Suber and
23 Mr. Walker -- and they get in a car and they take Buddha
24 to Saint Francis Hospital.

25 According to Mr. Walker, they were there for

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1 a grand total of five minutes. Maybe it was longer, but
2 if you're going to stay five minutes from the stand you
3 weren't there very long. That in and of itself seems odd
4 but then what do we find out? The reason they were only
5 there for a few minutes in part at least was because they
6 got into a fight with each other Suber and Walker. Now,
7 they're friend has been shot, someone they're concerned
8 about taking to the hospital and they get into a fight and
9 what are they fighting about because Mr. Walker thought
10 that Mr. Suber didn't have Buddha's back enough out there
11 at the club. What did he do? He took Suber home.

12 Now, they could have all gone home. We keep
13 hearing how scared these young men were supposedly of
14 these gentlemen seated over here but they weren't scared
15 enough to go home. Now, I'm going to tell you something,
16 I'm a middle aged man who usually in bed by 10:00 but if I
17 found myself at the Red Planet and there was a shooting
18 that occurred there, I would make a B-line to my house
19 particularly if somebody that I knew had been shot.

20 But what did these young men do? They met up
21 at the Lil Cricket on White Horse Road. And in fact they
22 called around to each other to make sure that everybody
23 was there. Trez Thompson who wasn't even with them
24 started to the hospital, saw them leaving, and joined them
25 at the Lil Cricket. That doesn't sound like people who

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1 are scared to me. That sounds like people who are up to
2 something.

3 Why wouldn't you just go home? Especially if
4 you thought that this supposed -- listen, the implication
5 is throughout this is they were a gang. That they are the
6 Folk Nation I think is what Brandon Brown attributed it
7 to, that they are scary people and these victims were
8 scared of them. They didn't go home. They didn't try to
9 call the police or do anything, they went to the Lil
10 Cricket and again maybe it's just me but when you watch
11 that video and you remember some of the testimony you herd
12 how they went there.

13 They were there for a good long time. They
14 were there at least 30 minutes or so. They pull in, not
15 where the parking spaces are, they pull in and block all
16 of the gas pumps. Only one person said anything about
17 getting gas and that was the person who was driving the
18 Impala. All the other witnesses said they weren't there
19 getting gas and if you look at the video, that's true.
20 They were there blocking the gas pumps and just hanging
21 out and talking, guns in the car.

22 When you watch that video you can see that.
23 And you can also see at one point there's another car that
24 pulls up, sits there talking to somebody about 19, 20
25 minutes and we don't know anything about that car or what

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1 happened. We know that later a girl in a silver car pulls
2 up, gets on the pay phone which one of the victims in the
3 case said, and in retrospect I thought was odd because
4 nobody uses a pay phone any more. I'm surprised there was
5 a pay phone and very shortly after she left, this happens.

6 The other thing to think about is this, in
7 one of the cars there, if you remember, Mr. Walker said
8 that he had a .9 millimeter and then also in that car was
9 a .38 revolver and he said with that .9 millimeter there
10 was also an extra clip. The shooting occurred, these
11 fellas scattered and the police respond fairly quickly
12 because they're getting these 911 calls from different
13 places and they immediately secure the scene.

14 The first officer that pulled up said he
15 secured the scene. At that point nobody is going back
16 around these cars doing anything. Now, we know that when
17 the car that Mr. Walker was in left the Red Planet and
18 then to the Lil Cricket, there were two guns in this car
19 and by his own testimony and an extra clip. There was a
20 .9 millimeter with an extra clip and a .38. Strangely
21 enough when those cars were towed in and they were
22 inventoried, no extra clip no .38 revolver. They just
23 disappeared.

24 Now, do I have an answer for why that
25 happened or how that's important? No, but it's very

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1 strange. There could be a number of reasons for that. I
2 could be that the victims were using the gun in some way
3 and disposed of it. It could be that the police lost it
4 which would obviously cast doubts on how they conducted
5 their investigation and how well they protect evidence in
6 the case. There are any number of ways to look at that
7 folks. I don't know, but I will tell you this none of
8 that makes sense.

9 Another thing you keep hearing about is these
10 men supposedly went to the 864 -- there was conflicting
11 testimony all around about you know whether they tried to
12 go in, couldn't get in. Mr. Johnson is the only one who
13 said this said they went inside the 864. But anyway they
14 supposedly then met up and said we're going to go eat.
15 And then they started off down White Horse Road and
16 supposedly the lead car just saw these people over at the
17 Lil Cricket and just like that flipped the car around and
18 went back to the 864 parking lot and that's when they
19 masked up.

20 Now, I want you to think about this, first of
21 all, if you were these victims in a case like this and you
22 were at the Lil Cricket and you had just been at the Red
23 Planet where all this commotion had gone on and all these
24 people had been shot and you were at they said meeting up
25 with one another to talk about it, to be concerned about

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1 it with one another, if all of a sudden you saw a line of
2 cars several cars flip a u-turn in front of where you
3 were, wouldn't you be concerned about that? Wouldn't that
4 get noticed? Wouldn't you be on guard?

5 Likewise, if you had concerns that you had
6 people who were considered to be part of the Folk Nation
7 and you knew who they were, wouldn't you have recognized
8 them. I want to call something to your attention very
9 specifically, Larry Johnson, I want you to look at that
10 video and see his car, that is a very noticeable car and
11 he's got nice rims on them, he's got a shiny paint job.
12 It looks like it was jacked up in the back a little bit.
13 You would notice that car and yet they never mention
14 seeing anybody flip a u-turn. That would have been an
15 important detail. That's something that would have
16 corroborated all this other stuff but you didn't hear
17 that.

18 The other thing you would have to believe is
19 this, details, details, that's what always points to the
20 truth in a case. Javon Henry, he was the only witness, I
21 believe the solicitor said there were two but he was the
22 only witness I remember saying anything about seeing
23 anybody was he saw a line of five to ten, as many as ten,
24 shooters coming around the parking lot. And what did he
25 say very specifically -- he didn't say this on the stand

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1 but he said it in the statement that he gave to police
2 that I had him look at and he had to admit was in his
3 statement, that they were wearing, all of them, white tee
4 shirts and black bandannas.

5 Now, the solicitor gives you her argument and
6 she says they all covered their faces with black tee
7 shirts, and I guess you can say bandanna, tee shirt, but I
8 don't think bandanna looks like a tee shirt but we'll
9 give her that. What about the white tee shirts? When
10 these folks show up at the Waffle House, you can look on
11 the video and I very specifically will talk to you about
12 Esaiveus Booker, you see him in the Waffle House and
13 inside the Waffle House he's not wearing a white tee
14 shirt, he's wearing a black shirt.

15 And, of course, what she says and intimated
16 to us is they carry these around with them. Well, how is
17 that? Well, certainly they didn't go out to the Red
18 Planet that night planning to shoot anybody to have a
19 supraspinous raid on other people. They didn't plan to do
20 that. They were in different cars with different people.
21 Do they have backpacks that they carry around with their
22 white tee shirts and their black bandannas. Where would
23 they get them on the spur of the moment? How would that
24 happen?

25 How would it happen within in an instant

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1 after you had seen people at the Lil Cricket flip a u-turn
2 in the middle of the road, gone back to the 864, mask up
3 and somehow they all produce white tee shirts and black
4 bandannas, get in their cars and roll off? How does that
5 happen? It doesn't. It doesn't make sense. It is an
6 important detail though.

7 So you ask yourself if they didn't do the
8 shooting who did? I don't know. There were lots of
9 people at the Red Planet. The officer even said there
10 were at least three groups that night that interacted with
11 each other in a negative way, and bear in mind, folks,
12 their testimony was that all of these men had actually
13 left the Red Planet and the only person anybody knew about
14 being shot was Buddha. It's not one of their people and
15 nobody has really connected as these other people being
16 shot was part of their group. That's not what the
17 evidence in this case is.

18 Folks, those are the things that don't make
19 sense.

20 So you have to take a really hard look at the
21 evidence in this case. It comes down essentially to
22 witnesses and their testimony in this case, how they
23 testified. What was their demeanor and what did they
24 remember? How did they remember it?

25 Now, you heard people say it was a long time

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1 ago but here's the thing, folks, if I were to say to any
2 one of you what happened on July 17, 2011 what were you
3 doing? You don't know. It's hard for me to even tell
4 people what I had for lunch the day before, but if you had
5 gone through a traumatic experience or been involved in an
6 event of that sort, you would remember and you would
7 remember it in great detail.

8 If there were details that you were fuzzy
9 about, you would have been fuzzy about them in the
10 beginning. You wouldn't have forgotten them over time and
11 certainly if you were going to testify, I believe, that
12 you are going to be given the opportunity to look at the
13 statement you gave. It seems reasonable.

14 So if somebody comes in here and takes the
15 witness stand and all of a sudden what they're saying now
16 is vastly different than what they gave to the State,
17 there's a reason for that. It's not time went by and they
18 forgot, it's because they're probably not telling the
19 truth or at least not the whole truth. The truth is
20 consistent. It's the lie that's inconsistent. It's hard
21 to keep a lie straight, the truth is.

22 The great things about trials is this, if
23 you're going to make an accusation, if you're going to
24 give testimony, you got to come in and you've got to sit
25 on that stand and we make a big production out of it. You

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1 come in, you stand here, you put your hand on the Bible.
2 You don't have to do that. We don't have to have a Bible
3 here. We could just have somebody raise their hand and
4 swear but we put a Bible here and we have them raise their
5 right hand and swear and they have to answer questions.
6 That doesn't ensure that people are going to tell the
7 truth. I wish that it did. But it is the best way I know
8 of to ferret out the truth.

9 And the other thing about it is sometimes
10 when people take that stand, it does hit home and they're
11 hesitant. And even though it may be easy not to tell the
12 truth in a prior statement, it's not so easy on the
13 witness stand. Especially when you may have had somebody
14 coercing you or forcing you in that situation.

15 Now, I talked to you at the beginning of this
16 trial and again just a few minutes ago about the
17 importance of a jury keeping diligent the facts and if
18 ever there were a case where we needed that, this is the
19 case. This case can not stand because it is rotten to the
20 very core. It is rotten to the very core.

21 Now, by saying that and I realize that most
22 of your are saying wait a minute he's talking about police
23 officers, he's talking about prosecutors. He's trying to
24 say they are doing things that are unethical or illegal
25 and I don't believe police officers do that.

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1 Ladies and gentlemen, here is what the
2 problem is I'm sure they believe these young men are
3 guilty at what they said they did. I don't doubt that for
4 a minute, but they are wrong. What happens is when you
5 take the police which is abundantly clear in this case
6 that the ends justify the means you're going to get bad
7 results. And when you reach the conclusion and then work
8 backwards to make the evidence fit that conclusions, you
9 are going to get bad results and that's what happened in
10 this case.

11 So what do I mean by that. Investigator was
12 home. He was on-call. He was told about this shooting at
13 the Lil Cricket and later told about the one at the Red
14 Planet and he responded that day. And he started to talk
15 to the victims in the case. Now, strangely enough even
16 though they are not homicide investigators, right from the
17 outset they called out two gang investigators, people
18 whose sole purpose in life, at least as far as their job
19 goes, are to investigate gangs. Why would you do that?

20 The reasonable inference is that they believe
21 the victims to be involved in a gang and that would be a
22 reasonable belief based on everything they knew at that
23 point. So Brandon Brown and Investigator Woodall respond.
24 One went to the Red Planet and one went to the Lil Cricket
25 and that is when the focus turned on Raymond Young,

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1 Michael Williams, and anybody who might be friends with
2 them and that's when they started to try to make the
3 puzzle pieces fit the picture of what they had.

4 Brandon Brown is the one who introduced those
5 names. He heard about the discussion between Buddha and
6 Raymond Young. He heard about the discussion between
7 Mr. Williams and Buddha, and then he started to say with
8 these people are associated with Raymond Young and he came
9 up with a list and that's who they started focusing on
10 from that point on and they never did anything else.

11 Here's what I'm talking about, they could
12 have found out as best they could who was out there at the
13 Red Planet Club. There was a photographer there taking
14 pictures of lots of different groups. They could have --
15 I would imagine there was surveillance cameras inside the
16 Red Planet given that they had them outside the Red
17 Planet. They could have gotten security people to give
18 them information but you didn't hear anything about any of
19 that. They focused on Raymond Young, Michael Williams,
20 and people who are friends or associates, according to
21 Mr. Brown, with those people and that's where the
22 investigation went. And that's how we end up where we are
23 now.

24 I'm sorry, but I'm not going to be as smooth
25 or as eloquent as the solicitor was. She made it almost

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1 sound like she had a case, but basically what I want to go
2 witness by witness and talk about it because this is her
3 case. You know, I've often heard it said as a juror you
4 are to take the law as the judge gives it to you, take the
5 evidence from the witness stand and then apply the law to
6 the evidence and use your common sense. You don't leave
7 it at the door when you walk in here. You can make
8 reasonable inferences. You can judge these people. You
9 can ask yourself as you go through this whether this was
10 deliberate because has what I heard convinced me beyond a
11 reasonable doubt.

12 If I had to bet something that is important
13 to me would I be able to live with that decision or would
14 it keep me up at night, that's where we are with this
15 case.

16 Now, the first person who took the stand was
17 Mr. Fant who was shot at the Red Planet. I'll tell you
18 specifically he made no mention whatsoever of Mr. Booker.
19 In fact none of the victims did. Then we have Raheem
20 Adams and he had a lot of trouble remembering what exactly
21 happened. In fact, if you will remember she essentially
22 had to impeach him with his own statement. She didn't
23 like what he was saying and the way he was saying it so
24 she went back to his statement and had him read it,
25 correct some things he was saying because he didn't like

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1 it because he wasn't consistent.

2 Then we had Mr. Parenton take the stand. He
3 specifically said, he called him Trez. That's what all
4 Esaiveus's friends call him, Trez, Trez is my friend and
5 I'll say what the solicitor said, why would you shoot at
6 your friends and he said I wouldn't but he said I didn't
7 see Trez. He said I didn't even know he was at the Red
8 Planet. So certainly he wasn't involved with bothering
9 anybody, getting in any commotion. You never heard that
10 from anybody about Esaiveus Booker. He also was
11 apparently inconsistent with the statement he gave on the
12 stand because the solicitor impeached him.

13 Thomas Walker took the stand and I've already
14 gotten into what he said didn't make any sense about how
15 he went to Saint Francis and then left. He talked about
16 having a gun, having an altercation with Mr. Suber. Then
17 we get to Mr. Henry. He is a very interesting witness.

18 Mr. Henry said I didn't see any problems at
19 the club, didn't know of any kind of altercation at the
20 club, didn't see it. He said he did give a statement to
21 the police. This is what is interesting, this is one of
22 the victims, folks, when he started to kind of go astray
23 and the solicitor handed up his statement and talk to him
24 about it, he was one of the first ones I remember saying
25 that's not really my statement. That's not my statement.

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1 And then she pressed a little further and he said they
2 weren't really asking the questions, they were telling me
3 what to say. Think about that. Now, that fits exactly
4 with what I'm talking about.

5 Now, Investigator Brown and Woodall got out
6 there to the scene and said it's the Folks, that's who
7 we're looking for. The victim, Mr. Henry sits down with
8 them and they're saying this is what happened, isn't it.
9 That's what he said. That's their witness, that's their
10 victim.

11 Now, I'm going on and on about it because I
12 want you to think about that and ask yourself does not
13 raise a reasonable doubt? Does that not cast doubt on
14 every thing these folks did as part of their
15 investigation? Why would you do that if you're victim?
16 Or if anybody has a reason to lie in this case, it's not
17 one of the victims yet he says that wasn't my statement
18 and I didn't even get a copy of the statement. I don't
19 even know what was in the statement. That's Investigator
20 Campbell's statement.

21 And then we have Ms. Perry, she didn't have
22 anything to say about Mr. Booker and again solicitor
23 didn't like what she had to say on the stand, hands up her
24 statement, gets into the inconsistencies with her,
25 essentially impeaches her own witness.

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1 Jamal Williams, he had a gun. TJ Walker was
2 holding it for him. His was the .9 millimeter. Walker's
3 was bathe .38, the .38 that was never found. Jamal had
4 the extra clip that was never found. He doesn't mention
5 Esaiveus Booker, nothing about him, and then, again, his
6 statement doesn't jive with the statement they have. So
7 what does the solicitor do, again, does this refresh your
8 memory, and essentially impeaches her own witness.

9 Mr. Sullivan, he didn't say anything
10 Esaiveus Booker, Carol Jackson doesn't say anything about
11 Esaiveus Booker. Trevarous Thompson, he wasn't even at
12 the Red Planet. He supposedly heard that his cousin
13 Buddha had been shot and was on his way to Saint Francis
14 Hospital but he didn't care enough about his cousin to go
15 on to the hospital to check on him. Nope, he decided to
16 go with another victim or who ever to meet up over at the
17 Lil Cricket. I don't know why. Seems strange to me, but
18 that's what they did. He certainly never saw Mr. Booker.
19 He never saw any cars. He never saw anybody that was
20 supposedly related to this.

21 Next witness was Ms. Smith and she did
22 nothing more. She was at work. She was probably
23 wondering why they hell these people were pulling up
24 blocking my gas pumps, but she didn't call the police.
25 She didn't do anything about that. Either she was used to

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1 them doing that or she was scared to cross them. I don't
2 know, but she didn't do anything about that. If anybody
3 wanted to get gas while they were over there, they were
4 pretty much out of luck.

5 Deputy Chris McCalmont, and this was
6 interesting to me, he was one of the first officers to
7 arrive and he talked to two victims, Callahan and
8 Williams. Folks, they refused to answer his questions.
9 Here you have a uniformed police officer who has responded
10 to a 911 call where you've been shot. I don't know about
11 you but if people were shooting at me, I would be really
12 happy to see those boys in blue to pull up. I would
13 tickled to death and I would tell them anything I knew
14 that could help them, but what did these guys do, they
15 refused to answer.

16 Now, the solicitor said time and time again
17 in a very polished delivery they were scared. They
18 weren't scared. Do they look like people that would scar
19 easily to you? They're the kind of people who would put
20 guns in their car and go a club. They're the kind of
21 people that when one of them gets shot, they gather
22 everybody up and go block the pumps and hang out over t
23 the Lil Cricket and talk about what they're going to do.

24 There's a reason they refused to talk, I
25 don't know what it is, but you know what? That's their

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1 problem, not mine. Chris Hill and he didn't have anything
2 to add. Deputy James Brown responded. He was actually
3 the first one on the scene.

4 And then we had Deputy Matt Owens. He said
5 he saw Mr. Thompson -- he didn't know it was Mr. Thompson
6 at the time and later learned it was Mr. Thompson -- run
7 from the scene. So he ran after him and said I didn't
8 know at first. He knew that there had been some shootings
9 and somebody running from the scene, he didn't know if it
10 was a victim or a perpetrator and so he pulled his gun
11 until he was sure that he and the officer would be safe
12 which is what I would expect him to do.

13 Then after he confirmed Mr. Thompson was a
14 victim and somebody who had actually been shot and this
15 was significant because he put it in his report just this
16 way, "He was hesitant to answer even basic questions."
17 And why is that? Again, I don't know the answer but
18 that's their problem. That impacts their case, that's
19 their victims who testified. That's their victims who
20 testified all testifying giving inconsistent statements
21 who had to be impeached with their own statements.

22 And then we had Ms. Ooten who came in. She
23 works for the crime scene unit. She went about finding
24 all these shell casings and she told you that and showed
25 you pictures. Now, here's something that I want to point

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1 out to you that's really important, the solicitor in an
2 effort to overcome just the terrible witnesses she had in
3 this case said there are forensics in this case.

4 We know Mr. Johnson is telling the truth
5 because he knows what kinds of guns that were used in this
6 case and how many. First of all let me say as far as how
7 many, they already concluded who they were looking for.
8 They had a number, okay, and bare in mind we don't know
9 how many guns could have been out there or how many
10 shooters. They only took into evidence two guns. One of
11 them was in Mr. Walker's car, the .9 millimeter and the
12 other one was the .380 and we'll talk about that a little
13 later. They didn't find any other guns from anywhere.

14 They knew the amount of people they were
15 looking for because they already reached that conclusion.
16 But they knew right then on the 17th well before Johnson
17 gave his first statement on the 20th what guns were used
18 and how is that? That's because Ms. Ooten went out there
19 and picked up the shell casings. And guess what? Every
20 one of those shell casings has stamped on the head the
21 caliber of ammo.

22 Here's one. You look at it when you go back
23 there and if you want to, just because they have these
24 little envelopes doesn't mean you can't look at them. You
25 can rip these open and look at them. They're in evidence,

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1 but it says right on there head stamped RP .45 auto
2 casing. It's right there. So they knew. They knew the
3 guns that was involved and they knew the kind of guns that
4 were involved.

5 And the other things I point out to you and
6 this is when James Armstrong testified, there were,
7 according to him seven different guns, and of course, this
8 is if the science was correct. I'm not really disputing
9 that but you have to, as you look at this investigation
10 and all the problems with it you can ask yourself, but
11 let's just assume he was correct about it. Seven and
12 possibly nine guns and he was hedged a little bit when he
13 was pushed by co-counsel a little bit, and why would he
14 hedge? Because it don't fit the narrative.

15 Don't ever think that they don't have an
16 interest in winning the case. As far as they're
17 concerned, their reputation is on the line. I mean you
18 can see officers sprinkled around that bothered to come
19 back. They don't have to be here now, but they're here.

20 THE COURT: Mr. Chambers, you need to start
21 rapping it up.

22 MR. CHAMBERS: They have an interest in this
23 case.

24 And then we hear from Mr. Derby. He
25 processed one of the calls and then Jonathan Hamilton who

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1 processed one of the cars. He processed the Crown Vic.
2 He found in the car a black tee shirt. We keep hearing
3 about these nefarious back tee shirts. Well, guess what?
4 In the front seat of that car was a black tee shirt and .9
5 millimeter pistol, no extra clip, no .38.

6 Then we hear from the lady from P&E and then
7 we hear from Investigator Campbell. I've already talked a
8 lot about what Mr. Campbell had to say but here's
9 something interesting to me, he conducted these interviews
10 and he sat there and talked about it and he seems like a
11 very amicable fellow. He seems like somebody's dad that
12 they talk to. He doesn't give us the benefit of seeing
13 the interview. He gets them to sign statements
14 acknowledging their rights.

15 When you get people coming in here saying
16 they were coerced or forced or words put in their mouth,
17 the easiest way to prove that's not true is to tape. And
18 what is the excuse you get? Don't have a tape recorder.
19 When it benefits them, they have video. You get charged
20 with a DUI, they got a video of you taking the field
21 sobriety test. They got a video of you driving? Why?
22 Because that helps them. They don't want you to see the
23 interview. They don't want you to see how many people
24 were in that room. They don't want you to see what they
25 said to these people. They don't want you to see it.

Closing Arguments - Chambers

1 None of them do it; Brown didn't do it,
2 Campbell didn't do it, Peoples didn't do it, none of them
3 did it. They don't want you to see it. And we already
4 heard from the victim, Mr. Henry who said that wasn't my
5 statement, he didn't ask me any questions, he told me what
6 was going on and then asked me to agree.

7 He didn't have gunshot residue done on the
8 victim even though he knew they had guns, even though we
9 knew there was a clip missing, even though we know that
10 there was a .38 missing. He didn't think it was
11 important. He said they didn't have time but you heard
12 Ooten say there's a six hour window for gunshot residue..
13 He was on the scene in about 45 minutes after these
14 shootings took place.

15 There were no fingerprints of any kind found.
16 There were never any fingerprints on any gun or anything
17 tied to Esaiveus Booker, no fingerprints from anybody.
18 You heard from Ms. Peoples and we talked about her and
19 then Moore. They made a big deal about the fact there was
20 a black bag in a trailer. So what? If they really
21 thought that they had something there, they could have
22 secured those premises. The officer even said that was
23 true, gotten a search warrant and come back.

24 What they want you to believe because they
25 want you to rely a lot on speculation, innuendo and those

Closing Arguments - Chambers

1 sorts of things that there was evidence in that bag and
2 they took it away. We don't know that. All that is is
3 speculation. You can not rely on speculation in a case
4 like this, folks.

5 Deputy Woodall testified. His testimony I
6 guess had to do with the black duffel. And then we get to
7 Ms. Mack. I'm not going to spend a lot of time on
8 Ms. Mack but I'm going to tell you this, she was the very
9 next witness who said that that statement was not her
10 statement. The statement we didn't get to see that we
11 only got to hear about. And she told you when they
12 brought her in to give that statement that they threatened
13 her. That they told her she could get up to 30 years in
14 prison for accessory to a felon; that they told her that
15 she could lose her one year old child. That was her
16 testimony from the witness stand.

17 She denied that most of that statement was
18 anything that she told them. You got to throw that
19 statement out, you can't rely on that. If you need to
20 know if she was telling you the truth, I want you to
21 remember this point, because this is what happens when
22 police officers write statements and they basically
23 putting in what they want in, sometimes cop language gets
24 into the mix.

25 With police officers you don't get out of

Closing Arguments - Chambers

1 your car, you exit your vehicle. Well, here is what was
2 included in her statement and I asked her about it, we're
3 talking about when Raymond Young was supposedly there and
4 he was loading his gun, in her statement which is what
5 supposed to be what she said, said he chambered a round.
6 Do you think Joseline Mack sat there and told a police
7 officer he chambered a round? No. The fact of the matter
8 is, folks, she told you they threatened me. They put what
9 they wanted in the statement and guess what we can tell by
10 the language they used she was telling the truth.

11 The next is Brandon Brown. I already talked
12 about him. He's the one that set this whole thing in
13 motion along with Woodall.

14 One other thing I want to bring out that's
15 really interesting to me and it's these small details as
16 to what I'm talking, a lot of what they want to do is they
17 want you to be scared, to be scared of these young me, to
18 think that they are bad people, that they are a gang and
19 run amuck in this community. And they want you to ignore
20 all these problems that we're talking about and find them
21 guilt just because they're bad people and get them off the
22 street.

23 They bring in these pictures that show what a
24 lot of young men do and that's posing for pictures, making
25 signs. The Hardliners had a sign but according to Brandon

Closing Arguments - Chambers

1 Brown, that's not a gang sign. Why? Because it wasn't fit
2 with what they are trying to feed to you that they were
3 good, innocent and weren't doing anything and these are
4 the bad guys.

5 It was funny to me that when they brought in
6 those pictures of some of these young men over hear
7 posing, supposedly making the three point crown and all of
8 that, he made the comment well look in the back ground.
9 They're standing in front of Spilled Beans downtown. Why
10 would he say that? They say that because they want to
11 scare you folks. These guys are going downtown, they're
12 going to where you go. Get them off the street or you
13 could be the one that gets shot at next.

14 Just those gratuitous comments shows you
15 where they're going in a case like this.

16 Then you heard from Deputy Woodlock. He
17 exited the search warrant in Kiara's apartment and found
18 no evidence and this is where they start to try to bring
19 my client into it. They offered up supposedly Kiara was
20 his girlfriend. She told you we were friends. We dated a
21 little bit but not boyfriend and girlfriend. He spent the
22 night over there at her apartment and that's where this
23 something had happened. But again there's no fingerprints
24 tied to Esaiveus Booker. This gun is never been tied to
25 him.

Closing Arguments - Chambers

1 Another thing I want to point out to you is
2 all those people who said he had a gun said he had a .9
3 millimeter. They didn't say anything about a .380.
4 Here's something I want you to think about, Kiara told you
5 too that she had come forward after her mother had talked
6 to her and put the fear of God in her about guns and they
7 went there and executed the search warrant. They went in
8 and I'm assuming these officers had executed search
9 warrants before. They started searching this apartment,
10 the didn't find anything.

11 They could stay there as long as they wanted
12 to and I'm assuming they did but they didn't find
13 anything. But after Kiara mom talks to her because the
14 police had talked to Kiara's mom, she and supposedly
15 Joseline go through this and guess what? They find this
16 .380 that supposedly is tied to this shooting and a sawed
17 off shotgun which we heard about for the first time.

18 First of all, if Esaiveus is responsibility
19 for it, why is it not a .9 millimeter which what he was
20 supposed to have been carrying. Secondly, we have no idea
21 in the world where this came from. The police would have
22 found it. Are you telling me that seasoned police
23 officers executing a search warrant didn't look under a
24 mattress which is where she said she found it.

25 That's one of the main places people will

Closing Arguments - Chambers

1 hide a gun. They know that. They have no idea where that
2 came from or why it turned up. It doesn't have anything to
3 do with Esaiveus Book and there is no proof that it did.

4 Adrian Kerns was basically of no value what
5 so ever but he certainly didn't corroborate Kiara's story
6 that she gave it to him and even if she did so what, it
7 doesn't matter. And Kiara's mom said she retrieved the
8 gun and took it to the police. The police to this day
9 don't know whether that gun was ever in Kiara's apartment.
10 They have no idea. We know they looked, they did a
11 thorough search and they didn't find anything.

12 Now, we heard from Hoover about the fact that
13 they got the cell phones and that doesn't have anything to
14 do with Esaiveus Booker. Sergeant Wiener, he's important
15 folks. He didn't have a lot to say about this case but
16 he's the one that got Larry Johnson to Investigator
17 Campbell because he was being investigated in an armed
18 robbery case.

19 Here's what I want you to think about with
20 all of these people who got up and took the stand, they
21 and I'm talking about the police and the prosecutor, had
22 leverage on these people. She wants to know why would
23 they testify, why would they admit to something they
24 didn't do? They must hate these people to testify against
25 them. Listen, if you've got and I'll clean this up a

Closing Arguments - Chambers

1 little bit, your butt in a wringer, you're going to save
2 yourself. That's what you're going to do and loyalties go
3 out the window.

4 Mr. Johnson had other charges. Mr. Johnson
5 they said if you go down on that and this, you're going
6 away for a long long long long time.

7 THE COURT: Two minutes, Mr. Chambers.

8 MR. CHAMBERS: Your Honor, with all due
9 respect, I've got some important witnesses I need to speak
10 about.

11 THE COURT: You need to move it along.

12 MR. CHAMBERS: Mr. Johnson testified. I'll
13 just leave it at this because I'm being rushed, there are
14 a lot of inconsistencies in his testimony. You can take a
15 look at them. He signed a statement he claimed this
16 threatened recanting everything he told the police in his
17 statement. What I want you to remember is when he went
18 down there and Wiener had him down there, first, they
19 bring him into the Law Enforcement Center and have
20 somebody there who says he's a FBI agent.

21 The FBI agent says if you're involved in a
22 gang, we're going to prosecute you under something that
23 says Callback(ph), and you're going to get 30 years and
24 they take him upstairs where there are four or five
25 detective sitting.

Closing Arguments - Chambers

1 Once again they don't tape this. You don't
2 get to see what they told him. I don't know if he did
3 anything or not, but if you don't think under those
4 circumstances, you don't think you're going to go to jail
5 possibility for the rest of your life and they're
6 threatening you to that degree and they have leverage on
7 you, you wouldn't make up something about yourself or you
8 wouldn't lie about people who you say were close to you?
9 He's so inconsistent. Nothing that he says makes sense.

10 Then we get Shaquille Hogan. Shaquille Hogan
11 is interesting because not only did he give one statement
12 and recanting his prior statement, he gave two, one in the
13 September and one at the end of June of 2012. Not only
14 that when he showed up on Monday, he initially did not
15 want to plead guilty. Why? Perhaps because he didn't do
16 anything and he was being forced into it with the leverage
17 they had on me.

18 Remember he hadn't been sentenced on that
19 yet, robbery, kidnapping, he was looking at a lot of time.
20 Once they got him to stand up to plead guilty, deferred.
21 What he pled to in this case, deferred. The other thing I
22 wanted to mention, the solicitor tried to minimize it but
23 its an important thing because it shows he's not telling
24 the truth. It shows that basically he's probably been
25 told what to say or he's trying his best to comply with

Closing Arguments - Chambers

1 what they want him to say and that is the business about
2 him switching seats in the car.

3 It's not a trivial point, folks, because
4 whatever car he got out of, he got out of the front
5 passenger's side. What he said about what happened, which
6 would be easy enough to remember, is he had to switch
7 seats with Esaiveus Booker, he would have been seated in
8 the back seat of the car. Then he pulls up to the Waffle
9 House and the solicitor said it was a car being driving by
10 Esaiveus Booker. Look at that all you want to, you'll see
11 Esaiveus Booker. You can't tell what car it was. The
12 only time you see Esaiveus Booker was inside the Waffle
13 House if you look at the film.

14 The truth of the matter is Shaquille Hogan
15 didn't want to be here. Shaquille Hogan did what they
16 wanted him to do because they had a ton of leverage on
17 him. They worried about his testimony, too. What did
18 Investigator Campbell do, he went back to some notes that
19 are not in the report or the statement where Shaquille
20 Hogan supposedly told him exactly what guns everybody was
21 carrying.

22 Daquan Bruster, they weren't happy with him.
23 He came in yesterday and said I don't remember anything so
24 they took him away. Then they put Tavarus Williams upon
25 the stand. If you remember he's here and then all of a

Closing Arguments - Chambers

1 sudden he's not going to testify. You folks go out and
2 come in and whose on the stand, Daquan Bruster and now
3 they've got him to talk. And what did he say he was told,
4 hey, remember that life without parole that we withdrew,
5 you could be looking at that, and he still couldn't bring
6 himself to tell a lie and claim that these people were
7 involved with something that they didn't do.

8 There's probably a lot more I could say. I
9 have been talking for a long time and I apologize for that
10 but folks, this is a very important day for Esaiveus
11 Booker and he's looking at possibly losing his liberty. I
12 am his advocate and I am the one who speaks for him.

13 I'm sure when I sit down I'm going to think
14 of something I should have said but I'm confident that
15 you've been paying attention, taking notes and taking your
16 responsibility seriously, each and every one of you. And
17 I know that you're not going to let them convict Esaiveus
18 Booker on emotions, scare tactics, speculation and
19 innuendo and with witness after witness who said that they
20 were intimidated and they were told what to say and it's
21 not on video.

22 Folks, I really appreciate your patience with
23 me and I ask that you go back and take a look at every
24 piece of evidence and I know you will reach the verdict
25 that the State has not reached its burden for Esaiveus

Closing Arguments - Robinson

1 Booker and I believe that will acquit him all of all of
2 the charges.

3 THE COURT: We'll take a 10 minute break.

4 (Jury exits the courtroom.)

5 (Whereupon, there was a brief recess.)

6 (Jury re-enters the courtroom.)

7 THE COURT: Mr. Robinson.

8 MR. ROBINSON: If it please the Court.

9 THE COURT: Okay.

10 MR. ROBINSON: I join Mr. Chambers in
11 thanking you for your service. I am the middle child so
12 I'm king of the person whose going to hit some random
13 points for you to think about so here it goes.

14 My name is Scott Robinson and I practice law
15 in Greenville and my client is Mr. Michael Williams who is
16 sitting to my left over there. We appreciate all of you
17 coming here and looking at this case, using your
18 experiences, your common sense, and so forth. I think I
19 eluded to that in that opening statement and I think
20 Mr. Chambers may have eluded to that a second ago you
21 don't leave your common sense at the door.

22 The four of us wanted you to look at this
23 case very carefully, but there are some things that you
24 need to be thinking about possibility in terms of common
25 sense as to what people normally do in certain situations.

Closing Arguments - Robinson

1 If you look at the prosecutions videos, they have two
2 videos of two Waffle Houses at two different times with a
3 bunch of kids basically going to the Waffle House late at
4 night to eat or drink or whatever, but does it make sense
5 to y'all that these guys did these things that they were
6 drive to a Waffle House? Now, we're talking about three
7 cars 3, 4:00 in the morning with no witnesses going to a
8 Waffle House with cameras with Waffle House employees and
9 security standing around.

10 In the first part of her opening statement on
11 Monday she said that these guys were taking off, fleeing.
12 She also mentioned in her closing statement about hiding
13 or possibly getting away. Did you see that? We're
14 talking about a Waffle House in public with cameras, a
15 security guy. Would guilty people do something like that?
16 Would they? Use your common sense because I would submit
17 to you they wouldn't, and I would submit to you that
18 Michael Williams and the rest of these folks are not
19 guilty.

20 At they kids? Yes. Do they go to clubs?
21 Yes. There were hundreds of people at that Red Planet
22 that night, hundreds. There were at least three groups of
23 people according to the investigators. They were just
24 kids but it's not illegal or wrong to go to a Waffle House
25 late at night. It's not wrong to go to a club.

Closing Arguments - Robinson

1 You may not like the fact that these are
2 young men. You might not like the fact that they go to
3 clubs like other people do but it does not make them
4 criminals. It makes them young men. Young men that went
5 to two Waffle House with two video cameras. Does that
6 really make sense to y'all. That's the first point I want
7 to make, does it really make sense.

8 Second, I want to talk to you about this
9 retaliation we've all been talking about. The solicitor
10 in her closing statement spoke about basically a strike
11 against civilization basically, a retaliation against
12 these young victims or something. Well, what's missing
13 here is this, they haven't established in this case with
14 one witness who would indicate that this is the same group
15 that had anything to do with this. We're talking about a
16 parking lot with hundreds of people late at night.

17 If you look at the picture that she has here
18 of the group that we're talking about, this person that
19 may have shot Mr. Fant isn't even in that picture. He's
20 not even connected with these fellas. Why would they have
21 a reason to retaliate? They had no reason to retaliate.
22 Why retaliate against these people when they aren't even
23 connected to your people.

24 Here's the other part of this and the
25 solicitor attempted to reform her witnesses as far as the

Closing Arguments - Robinson

1 that came in here that had offers and deals on the table
2 and so forth by saying that they were such and such. Why
3 would they testify against their friends? Mr. Chambers
4 eloquently eluded to this and this is true, they have
5 every reason to do this, every reason in the world to get
6 what they want. One of the reasons, if you listen to the
7 testimony had a certain amount of time over his head for
8 charges dismissed and their sentences are all deferred.

9 What does that mean? I means, I would
10 submit, if they testify the right way, you get the benefit
11 of this, however, if you testify the wrong way, you don't
12 get that. Self preservation, that's what we're talking
13 about here.

14 Self preservation, self interest and when
15 people have self interest and their looking out for
16 themselves, they're going to do whatever they can to help
17 themselves. The prosecutor in her direct examination I
18 believe of one of these folks said assisting the
19 prosecution, assist the prosecution, and I think she spoke
20 about pressure and how much pressure was on these folks.
21 They're getting a ton of pressure from the prosecution.

22 As I said a minute ago, do this, we'll help
23 you.

24 The third thing is there's no physical
25 evidence. As Mr. Chambers said no fingerprints, nothing

Closing Arguments - Robinson

1 that connects anything to these four defendants. We have
2 self interested witnesses who try to do that but the
3 connection can not be made. They have the Red Planet and
4 they have the Lil Cricket. They can't connect the two.

5 So I submit to you is this and I asked you
6 this in the beginning use your common sense. I'm sure you
7 heard more attorneys saying common sense than you every
8 possible have and I don't mean to belabor that point but
9 it's part of this case. It's an important case but we
10 want you to use your common sense and carefully look at
11 this evidence. It's nothing hidden. We want justice. We
12 want the right thing. Use your common sense.

13 The second thing I said in my opening
14 statement was garbage in, garbage out. What does that
15 mean? Garbage are those folks who were the co-defendants
16 that have an interest, that's where the garbage comes in.
17 If you put garbage in, you get garbage out.

18 Ladies and gentlemen, I appreciate having the
19 opportunity to talk to you or having the best conversation
20 that I can. I'm doing all the talking and you're not
21 saying anything but I appreciate y'all listening to this.
22 It's an important case for my client, Michael Williams,
23 and other folks here and I ask you to return a verdict
24 that's the right verdict, not guilty. Thank you.

25 THE COURT: Mr. Abdalla.

Closing Argument - Abdalla

1 MR. ABDALLA: Thank you, Your Honor, Madam
2 Clerk, solicitor, ladies and gentlemen of the jury.

3 I'm John Abdalla and I've been representing
4 Raymond Young the entire time. I know you're tired of
5 hearing from us and I will try to keep this brief as
6 possible. I see your eyes getting glassed over but there
7 are so many inconsistencies I have to try to point some of
8 them out and I'll try not to be redundant. I'll try to go
9 through this and bring out points that I don't recall
10 being brought out.

11 First I want to talk about Larry Johnson. He
12 seems to be their star witness. He took the stand and
13 testified against our clients. He made several statements
14 and you can use your own recollections. If I misstate
15 anything, please don't think I'm trying to mislead you.
16 I'm human, I forget, and if you remember something
17 different, go by what you recall. Larry Johnson gave
18 several different statements, several different versions
19 of the truth.

20 We know Larry Johnson has quite a record. We
21 know Larry Johnson got quite a deal. It's already been
22 discussed with you previous today but that's something I
23 really want you to take into consideration during your
24 deliberations. They say why would people lie, people
25 don't lie, they don't give statements that are not true.

Closing Argument - Abdalla

1 Of course, they're not going to give a statement that's
2 isn't true, they're not going to coerced into doing it,
3 that's not a part of our history, is it?

4 Just think about Central part when those boys
5 confessed to a murder they didn't commit and was found out
6 after they served several years in prison. It was a big
7 story and didn't happen that long ago, given statements
8 confessing to a crime they know they didn't commit.

9 Please think about those things, that's very
10 important. It's the important for the liberty of my
11 client an the other gentlemen that are being represented.
12 Nobody really knows the truth, accept the people who
13 really did whatever was done. Remember this, we do know
14 Larry Johnson sat up here and confessed to having
15 committed a crime. We do know everything he did was self-
16 serving.

17 He talked about having a gun, but he didn't
18 fire it at anybody. He just fired it up in the air and
19 not knowing what was going on. Again, I believe it was
20 Mr. Hogan who said he was running back and he didn't know
21 what was going on that Larry Johnson was shooting. He
22 didn't say he was shooting at him and he didn't say he was
23 shooting in the air. Larry Johnson was the only one
24 shooting at that point. These are important
25 considerations.

Closing Argument - Abdalla

1 Larry Johnson pled guilty because he is
2 guilty. He got a deal because he could turn in other
3 people. There are at least two ways to conduct an
4 investigation. One is to start right here and look at the
5 evidence and see where the evidence goes, the other is
6 called result oriented. Well, we start with maybe A,B and
7 C were involved and then you can say I think we have
8 something with these guys and you can make puzzle to fit a
9 fact pattern if you just get the right pieces. And then
10 you say what do you say about A,B & C and then you start
11 feeding them information.

12 As Mr. Chambers already discussed, Joseline
13 Mack took the stand and she talked about how she was
14 intimidated into giving a statement. She was threatened.
15 She was threatened to have her child taken away and they
16 ended up not charging her.

17 But the point is you as jurors I hope sit
18 here and say oh, I don't like what's going and I'm not
19 going to go back and charge them with that. I think
20 Mr. Robinson did a good job pointing that out.

21 Larry Johnson is also the guy that had a
22 picture of himself with the guns and the signs and the
23 gang thing, but not this group, the Bloods. Everything
24 Mr. Johnson said was self serving, pointing fingers at
25 someone else. He doesn't want to accept responsibility.

Closing Argument - Abdalla

1 He accepted because he was caught and then he tried to
2 turn on the others so he wouldn't get a life sentence and
3 he said well, I'll just go on an cooperate.

4 They admitted to having two .380s in the car,
5 Mr. Johnson and his passenger. How can he be trusted. If
6 he's going to be their star witness, you should go back
7 into your deliberations and say, something stinks here, we
8 don't like the crime that was committed and we don't like
9 these boys and girls were hanging out all night long and
10 wound up at the Waffle House but something likes right.
11 Please make sure there's a wall between something's not
12 right and proof beyond a reasonable doubt. That is the
13 benchmark of our justice system. There are some mistakes
14 made but this is the best system in the world.

15 It wouldn't work without jurors like
16 yourselves who get to make these decisions. I know you
17 take your oath seriously.

18 Thomas Walker, I just wanted to point out,
19 had a .38 special and he said he took his gun to the club
20 and said he was not waiving it around but all of these
21 victims ended up at the Lil Cricket for at least 30
22 minutes. Why would they be waiting at a gas station
23 that's essentially closed. The doors close at 11:00, but
24 there was a window open. Why would they be waiting there?
25 It's like the gunslingers at Okay Coral where the

Closing Argument - Abdalla

1 gunfighters were laying in wait.

2 The problem is they have not shown you proof
3 beyond a reasonable doubt who showed up and had the gun
4 fight. They showed you a lot of smoke and a lot of
5 mirrors and a lot of different things. It's a puzzle that
6 doesn't fit together but they want you to believe it
7 anyway and take all the pieces and make them fit, throw
8 stuff on the wall and some of it will stick.

9 Javon Henry was already discussed and he said
10 his statement was coerced. Anthony Callahan talked about
11 they went to the Lil Cricket, not to get gas to cigarettes
12 but to meet in one place. Jamal Williams talked about
13 having a .9 millimeter gun and TJ had a .38 specials.
14 These are the victims who were armed and apparently
15 dangerous.

16 Deputy Matt Owens said when he got to the
17 station there were four cars and no one around. As
18 discussed earlier, these folks don't call EMS. They went
19 to the hospital, dropped off their friend and went to the
20 Lil Cricket. Even after the Lil Cricket they didn't call
21 EMS.

22 We know at the Red Planet there were a couple
23 of shootings and we know that Mr. Roberts and Mr. Ware
24 were charged with those shootings and had nothing to do
25 with this case.

Closing Argument - Abdalla

1 The deputies went into a house and they said
2 guilty because they found a piece of paper with Raymond
3 Young's name on it, among other people's names. I have
4 two questions to ask you, one, where is the paperwork?
5 And two, what kind of document, paper or whatever are we
6 talking about. I'm sure a lot of people have my name in
7 their house. That doesn't mean I live there and I don't
8 know what that meant, but don't you think if they found a
9 piece of paper with Mr. Young's name on it, they would
10 have brought it into court? It's really asking too much.

11 Remember this is proof beyond a reasonable
12 doubt. We have to hold their feet to the fire and say we
13 want all of this evidence. We don't want people convicted
14 on a hunch because I do fear that it's easy for all of us
15 to sit there and say this doesn't look right, yeah,
16 they're probably guilty. This is more than a gut check,
17 this is a conscience check and it's a tough one.

18 Could you dim the lights. I want to show you
19 one thing from the Waffle House. If you could pay
20 attention to the side of this car right here, that right
21 there is Mr. Johnson's brother, and that's Mr. Johnson --
22 Raymond Young, I'm sorry, my client, and his brother got
23 out of the back seat and you can see him right here. Can
24 everybody see that?

25 We can't deny that our clients went to the

Closing Argument - Abdalla

1 Waffle House. They are seen at the Waffle House. The
2 things we know is everybody went to the Red Planet and the
3 Waffle House. The thing that we don't know is who went to
4 the Lil Cricket. The only people we know were at the
5 Lil Cricket were the victims and the four folks who pled
6 guilty.

7 We know that Tavarus Holmes pled guilty. He
8 was charged with seven counts of attempted murder, one
9 count of conspiracy -- he was charged with everything our
10 clients were charged with. He was the one who took the
11 stand yesterday morning. We know that Daquan Bruster pled
12 guilty and we know that Larry Johnson pled guilty and he
13 was the one who cooperated most with the police. He was
14 only charged with assault and battery by a mob and
15 conspiracy. He was the first one to get a deal.

16 He talked about being intimidated and that's
17 why in November of 2012 he feared for his safety and he
18 wrote a safety and recanted everything he said.. That was
19 roughly 15 or 16 months after the fact and then all of a
20 sudden he decided in hindsight he was afraid and that's
21 why he recanted.

22 Kiara Kerns pled guilty to obstruction of
23 justice and they dismissed the accessory after the fact
24 and Shaquille O'neal -- I mean Shaquille Hogan pled to
25 assault and battery by mob in the second degree. These

Closing Argument - Abdalla

1 are all the guys that pled guilty and they were the
2 State's witnesses.

3 A funny thing happened on the way to the
4 farm, most of them recanted, forgot what they were
5 supposed to say, couldn't remember the script. Again,
6 please think back to the boys in Central Park who
7 confessed to a rape they did not commit. We know that for
8 a fact.

9 Shaquille, if you remember, said he was
10 recanting his statement and he said the reason he gave the
11 statement is that Larry was in his ear saying he has to
12 cooperate. He also said no one covered their faces, no
13 one changed tee shirts. He's the one he said he saw Larry
14 shooting his way back to the car. He also said Raymond
15 had a .357. And he said he just didn't want to testify.

16 There is an adage about clean hands when you
17 come to the court and I just want you to think the facts
18 that the victims in this case don't seem as clean as you'd
19 like them to be and you have to wonder not one of them
20 wanted take the stand and testify against our clients so
21 why should we care. Who's pushing this case? Name one
22 person who said Raymond shot at anyone.

23 There's another statement that says just
24 because you're a (inaudible) people aren't out to get you.
25 It's obvious that son of us that the police really wanted

Closing Argument - Abdalla

1 these guys at the table and they did what they had to to
2 get them to court here. And we just you to weigh the
3 evidence and see if they've met their burden and our
4 position is they haven't even come close.

5 Each have been charged with seven counts of
6 attempted murder and, yes, the hand of one is the hand of
7 all, but that's a lot of leverage to have. They also
8 charged them later one with assault and battery by mob.
9 Why do you think that is? Well, if we can't get them for
10 this, let's get them for this. Can't get them for the
11 attempted murders, let's get them for the assault and
12 battery by mob. And here's the catch all, conspiracy. If
13 we can't get them or this, this or this, maybe we can
14 convince the jury that they inspired to do something
15 illegal.

16 They covered all their basis. The thing I
17 say to you there is no certainty of what happened. This
18 is not a clean prosecution and we say the State hasn't
19 proven their burden.

20 I would think as jurors you would like to
21 think that you've done the right thing, but there are
22 certain things we know. We know that people were shot at
23 and we know that four people took the stand and pled
24 guilty to those shootings. So we know who shot those
25 people. Are there others? Possibly so, probably so, I

Closing Argument - Abdalla

1 don't know. I would like to think if it's not clear to
2 me, it's not clear to the jury.

3 I would like to think that you would say to
4 yourself this is not enough. I'm not going to convict
5 these men in this case on what I've heard.

6 The last thing I want to talk about is there
7 was a movie called 12 Angry Men from the 50's. And it was
8 about a jury who were deliberating and one of the men
9 didn't want to convict because there wasn't enough
10 evidence. The jury got quite hostile and they argue to
11 the entire thing. One by one each juror started coming
12 around. They said it was a circumstantial case and there
13 were witnesses they weren't confident of. One of the best
14 lines was, "I can not in good conscience vote guilty when
15 reasonable doubt exists."

16 And there is reasonable doubt for these four
17 folks which would warrant a verdict of not guilty. I
18 would hope that your understanding of the facts and the
19 evidence would bring you to that conclusion because they
20 have not proven their case beyond a reasonable doubt.

21 Thank you.

22 THE COURT: We have one more closing argument
23 and my close on the law. I would think that it would be
24 less than an hour but I would be happy to right now -- you
25 know that lunch we're providing for you is out there so.

Closing Argument - Quinn

1 MS. FOREMAN: I think we'd like to hear the
2 last closing argument and then start deliberating.

3 THE COURT: Alright, Mr. Quinn.

4 MR. QUINN: Ladies and gentlemen of the jury,
5 truth can be a number of things, however, it has certain
6 definable qualities one of which the truth is constant.
7 What that means is what is true today will be true next
8 Monday and the Tuesday after, Tuesday after that and the
9 Tuesday after that. It doesn't change over time. It is a
10 truth, it is a fact, it is something that can be
11 demonstrated and proven.

12 So the truth doesn't change from July 17,
13 2011 to July 22nd to June 12, 2012, I guess, until today.
14 The truth is constant and one of the things most
15 reasonable people would do in search for the truth is has
16 it been constant, a routine. Has it been consistent? If
17 I think somebody's tie was blue and somebody else thought
18 it was red, we don't have the truth because we don't have
19 consistency. If all of us agree the tie was red, then we
20 have the truth between the two of us. Now, one of us may
21 be right and the tie was actually blue and the other guy
22 was just wrong, but we don't know the truth because we
23 don't have consistency. We don't have everyone saying the
24 same thing.

25 When you have two different versions, you are

Closing Argument - Quinn

1 not supposed to as reasonable people try to reach a
2 terrible conclusions about somebody else. You're supposed
3 to find consistency.

4 The truth should be complete. You can lie by
5 omissions as well as you can lie by telling the story. If
6 I leave out half the story, I'm lying by omission. If I'm
7 selling you a car and don't bother mentioning I put
8 sawdust in the transmission, I'm lying by omission. I'm
9 not telling you the car runs fine, but I'm sure, jazzing it
10 up to make it look like it does.

11 So when you tell the truth, you have a child
12 and they tell you the truth on Monday, they have to come
13 back on Tuesday and tell you a little bit more of it, they
14 come back on Wednesday and they give you a little bit more
15 of it you say, well, you lied to me on Monday. That's not
16 how you tell the truth. When you tell the truth, tell me
17 the complete truth.

18 And finally the truth can be corroborated.
19 There will be evidence. I can find the tie and show it to
20 you that it is red or I can get three other people who saw
21 it and say what color was it and it was, in fact, red. It
22 can be corroborated.

23 This case lacks all of these qualities of the
24 truth. That's the problem that you're going to have in
25 trying to make any decision in this case is that the truth

Closing Argument - Quinn

1 has not been using these qualities provided to you.

2 Now, I represent Kinjta Sadler. You know who
3 he is because we all did a staring contest for five days.
4 We sat directly across from you and I catch you looking at
5 me and I try not to stare but you know who he is. He's
6 the one you can see without having to turn your eyes. For
7 the first three days of this trial nobody mentioned
8 Kinjta's name. No witness mentioned his name, the
9 prosecutor didn't mention his name in opening statement.
10 Three days of trial and nobody mentions his name.

11 The lead investigator, Mr. Campbell
12 testifies. He doesn't mention my client's name, the first
13 time when he testified. We'll talk about when he has to
14 get back up there and try to patch up Mr. Hogan, but when
15 he testifies the first time, he doesn't mention my client.
16 He's the lead investigator.

17 Their back-up investigator gets on the stand,
18 Ms. Peoples. She worked primarily the scene at the Red
19 Planet. She doesn't mention Kinjta's name. Then they put
20 up their gang investigator and he gets up there and he
21 knows everything there is about gangs. I am the man for
22 gangs in Greenville County, you want to know about gangs,
23 come to me. I said, okay, well tell us about the gangs
24 these fellas were in. He doesn't mention Kinjta Sadler.
25 He calls him that guy. Well, I know this fella, this

Closing Argument - Quinn

1 fella, that fella and that guy.

2 They show a picture to him that appears to
3 have Mr. Sadler in it. Five fellas and he identifies
4 three of them and he says he doesn't know the last ones.
5 He doesn't mention Mr. Sadler. I don't know him and he's
6 the gang investigator.

7 There are two other pictures taken at the
8 club that night that supposedly -- I'm going to take a
9 slight detour here and I hope I've got them right. This
10 one is a rap group and this one is a gang. No, wait,
11 maybe this one is the rap group and this one is the gang
12 because you can see how different they really are, but
13 this one is throwing up the hand signs but this one is the
14 rap group.

15 Really? Really that's the testimony, a bunch
16 of kids at a club and you're supposed to decide that their
17 guilty based on these pictures. I showed this to the
18 investigator. Are these the people in those pictures?
19 Yep, I can pick up somebody, somebody and somebody but
20 Mr. Sadler is not mentioned and he's not in the picture.
21 Anyone who puts Mr. Sadler in these pictures is Johnson,
22 Larry Johnson and he claims that he is in State's Exhibit
23 3, the piece of the face in the back that you'll be able
24 to see because it's behind the fellow with the baseball
25 cap with the "B".

Closing Argument - Quinn

1 Now, somehow Kinjta who you've had the
2 opportunity to see stand up, sit down, fight, fight,
3 fight, this is like a football game where you are able to
4 look at him all the time, he got to be a small fellow in
5 this picture because this guy in front of him covers him
6 up. He ain't a small fella. He ain't a small fella
7 because he's bigger than I am, but that's the only
8 evidence that supposedly puts Mr. Sadler in any of these
9 photographs where he's identified and it wasn't done by
10 their gang expert.

11 And the reason I keep going back to this is,
12 and I'm not going to try not to echo what co-counsel has
13 said but it's not possible when talking about the case and
14 I may repeat some of it, but their trying to say they're
15 all in this gang. This was gang activity so you should
16 convict everybody in the gang. Anybody who touched this
17 gang, they're guilty and the ones you got in the
18 courtroom, they're guilty. But there's no evidence that
19 Mr. Sadler is part of any gang. Their testimony, in fact,
20 from their gang expert is I don't know.

21 We talk about the gang and whether the Hard
22 Liners are a gang, it's a decision, if it affects you, you
23 can take it for whatever you want.

24 These pictures were taken at the Red Planet.
25 I'm going to try to point out as we go things that are

Closing Argument - Quinn

1 like, what in the world. When we started this case, we
2 talked about a shooting at the Red Planet and in closing
3 the prosecutor says the incident involving Fant, Buddha,
4 is the cause of all this. Well, that doesn't make a lick
5 of sense. Keep in mind the person who got injured in this
6 case is a Hard Liner. He's one of these rap group
7 fellows.

8 He gets taken to the hospital. Well, then
9 why is the group that won the fight retaliating? If
10 you're going to retaliate, it makes sense if that's your
11 motive, that the Hard Liners would be trying to get even
12 with the group who hurt their friend, but the State has
13 got it the opposite way. They're saying, well, the group
14 who won the fight now they're going to go retaliate or
15 follow-up. This whole case is based upon the retaliation
16 or retribution because the Hard Liners lost the fight
17 doesn't make any since. It's backwards, but that's their
18 motive. Otherwise they don't have a motive.

19 Until two days into the trial, in the middle
20 of the afternoon, all of a sudden they go hey there was
21 another shooting at the Red Planet and maybe we should
22 mention there was another shooting. Any testimony about
23 that? The people who were involved in this other shooting
24 or how it affects this case.

25 Did you hear whether they recovered the guns?

Closing Argument - Quinn

1 Were there any ballistics? Did they arrest somebody? Has
2 he been convicted? Did he give a statement? Was he
3 involved with any of these groups in any way? Is that
4 supposed to be a motive? In this first shooting they
5 agree they arrested somebody named Ware and I'm sorry, I
6 don't remember his first name. Why didn't they bring him
7 to testify? I'm not going to admit I did anything, but,
8 yeah, I'm associated with these fellas.

9 Why didn't their gang investigator say okay
10 well the motive is because one member of this gang and
11 another member -- he didn't say anything like that, none
12 of that, and two days in the trial somebody had another
13 shooting that there is no evidence for. The motive that
14 they put before you doesn't mesh.

15 These victims had to leave the hospital
16 because there was altercations in their group, because
17 there was problems. There were two guns there you heard
18 talked about. Jamal Williams had a gun. The more
19 interesting one is Thomas Walker. Thomas Walker admits he
20 had a gun that night and, in fact, had the gun at the Lil
21 Cricket.

22 So I say, well, did you turn it over to the
23 police to do ballistics. Ballistics seems to be an issue
24 in this case. No, I lost it. I'm sorry, you lost it
25 between the Lil Cricket and the hospital you lost your

Closing Argument - Quinn

1 pistol? Yeah, I lost it. Really? That's the kind of
2 evidence the State is going to put up to a jury and say,
3 come on, now, trust us, believe this because its the truth
4 and it certainly is consistent with the things you expect
5 here. Really? He lost the gun and that's Thomas Walker's
6 explanation as to why there's no ballistics on Thomas
7 Walker's gun.

8 You heard the victims refused to cooperate
9 and refused to answer basic questions.

10 The Lil Cricket video, some of these things
11 are too good to let go. The Lil Cricket video is emblem
12 of their entire case. This is the video that we sat and
13 watch and I started writing notes while we were doing it.
14 I wrote, show us something. It looked like a still photo
15 up there accept that you could see the cash register was
16 still going for cigarettes or something.

17 We learned that the woman who works there is
18 a hard working and nobody is monitoring her and she's
19 moving stuff and she's sweeping and she's working. That's
20 impressive at 3:30 in the morning. And the next question
21 is if you're going to show us something, show us something
22 that's important to a jury, that's going to advance their
23 ability to make a decision about whether Mr. Sadler is
24 innocent or guilty. Nothing.

25 The last few seconds in one of the corners,

Closing Argument - Quinn

1 you could see movement so I wrote down show us something
2 that might prove that Kinjta Sadler is guilty beyond a
3 reasonable doubt. And they don't. They don't in that
4 video and they don't throughout this case.

5 That video is emblematic of exactly the case
6 they have against Mr. Sadler. We talked about
7 corroboration and that's what that video is supposed to
8 show and it showed you nothing about Mr. Sadler. What it
9 did show you is there's a missing car. A car pulls up
10 next to them at the pumps, blocks out the white car, it
11 sits there 18, 19 minutes and pulls away. Officer, who is
12 it? You've got everybody at the pumps, whose that fella
13 that pulled and talked to you? Was it one guy, two,
14 three, who were they? I don't know. They were gone
15 before the shooting.

16 Did they see anything? Did they see people
17 behind the store? Did they see people pulling around?
18 Did they see -- I don't know who they are. That's what
19 you're supposed to use to convict Mr. Sadler. I asked
20 about the gunshot residue test which Ooten testified could
21 be done didn't bother to do them. Somebody may have been
22 gone from the hospital, I don't know.

23 I asked them about trajectory evidence, no,
24 don't bother. What about the witnesses at Club 864? The
25 testimony was some people got in, some people got left

Closing Argument - Quinn

1 out. Well, security was working. If the issue is going
2 to be black tee shirts, white tee shirts, bandannas bring
3 me the witness. Let the jury say, okay, that makes sense
4 to me, that's collaboration, yes, they were all wearing
5 those things, how hard is that. They had cameras but if
6 the cameras were going to show what they showed at the Lil
7 Cricket, they weren't going to be any help. So they don't
8 have that witness.

9 And the officer tells us there's a 90 degree
10 mark on the windshield of the green Ford Escort. These
11 cars are parked at the gas station and there's a bullet in
12 the windshield of the car. There was no testimony about
13 whether it was coming out of the car or going into the car
14 or what ballistics it matched up to or what shell it
15 matched up to or nothing.

16 That may sound silly, may sound like I'm
17 trying to pick but that's corroboration. If you're going
18 to say that this is what happened and these are the guys
19 that did it, prove it. That's what a trial is about, prove
20 it. Bring me evidence or bring me something I can rely on
21 and even when it's available to them, they don't.

22 Joseline Mack testified and I'm talking about
23 this for just a few second, to give you a flavor about
24 what I'm going to say, Joseline Mack was lying. Everybody
25 knows she was lying. The solicitor thought she was lying,

Closing Argument - Quinn

1 everybody in the courtroom thought she was lying. She got
2 up and said some of the things in the statement was true,
3 some of it was not. Some of the things about her
4 testifying to, she changed. Well, then how do you know
5 what to believe.

6 If I come to you and said, I got to prove
7 this thing. It's my obligation to convince you beyond a
8 reasonable doubt so I'm going to throw a liar on the
9 stand. Something I'm going to say Ms. Mack is lying and
10 isn't it true that in your statement this is what
11 happened, but you 12 decide beyond a reasonable doubt that
12 the pieces I like are the ones you should believe. If the
13 truth is going to be constant, we should have that she's
14 lying now should be the same.

15 If it's going to be complete, then why don't
16 we have the complete truth as opposed to oh, this piece is
17 true and this piece is true, that piece is a lie and that
18 piece is a lie. And who gets to make that decision? You
19 12, and you're supposed to be able to rely on a witness an
20 that's the problem you're going to have over and over.
21 And does she lie on little things? Oh, no. When we talk
22 about it should be complete, she calls about two or three
23 days later and say hey, I know all these people, their my
24 buds and we run together. You what I told you about Derek
25 Glover, wrong, different guy, wrong. It was some other

Closing Argument - Quinn

1 guy named Buddha, I'd better change that statement.

2 Come on, and you're supposed to rely on it.

3 She's never change it again. You're supposed to believe
4 that it was a different person completely after she said I
5 knew who it was.

6 Kiara Kerns, we're back to, doesn't mention
7 my client. I'm leaving all these cops out. All the cops
8 that testified doesn't mention my client. All of this
9 stuff, the holster, nothing to do with my client. The
10 guns not associated with my client in any way. All the
11 ballistics, none tied to any gun or associated with my
12 client. These tapes, the 911 call, all of these telephone
13 records, nothing ties to my client, nothing. That's the
14 corroboration that's supposed to be tie to my client.

15 Keep in mind they have these phones, all they
16 have to do is turn it on and see the contact list. Any
17 evidence that Kinjta Sadler is on the contact lists for
18 either of these phones or has there ever been any phone
19 calls? Well, I ask there are no text messages for July
20 17th. There are. What she means there is none for that
21 time of day and I agree there's not. Is there any
22 evidence they were deleted? I thought their expert say we
23 can't tell if that happened, but she's now going to say we
24 must of deleted them. Really? Prove it.

25 If they did, why is the first one at 6:54

Closing Argument - Quinn

1 that night? Why bothered to delete everything that day
2 and you will look and see there is page after page of
3 phone numbers. Is there any testimony that any of those
4 are associated with Kinjta Sadler at his home anything to
5 do with him? Nothing. That's supposed to be the
6 corroboration.

7 We have the co-defendants. These are their
8 witnesses. They choose to put these people on the stand
9 and as you've already heard it is too strange not to
10 mention that this morning you come in and Mr. Holmes get
11 put on the stand, y'all leave, you come back and there's a
12 different person on the stand. It's the strangest thing
13 I've seen in a long time and I'm wondering if y'all are
14 wondering where did that come from.

15 Mr. Holmes, gone. Mr. Bruster, yeah, he's
16 real consistent. From yesterday to today he changed his
17 story. It's real complete. I don't remember, I'm not
18 sure. This is the State's witness. This is who they put
19 up. Then they have Hogan and Johnson. Y'all get to
20 decide what you think of the witnesses. I don't. It's
21 not as if I have to right to get up and say, you're going
22 to believe this or you're going to believe that. You
23 decide who you believe that was reasonable and based on
24 your experience and what you saw in the courtroom.

25 If you had to rely on somebody for a serious

Closing Argument - Quinn

1 decision and comes to your house and says you and I are
2 going to decide something important, are you going to
3 trust Larry Johnson as far as you can throw him. Larry
4 Johnson comes here and says that picture I took with the
5 bloods, I took that to help the police solve a crime.
6 That's pretty impressive. Whose the cop? What's the guys
7 name? When was it? It was six month, oh, I don't know.

8 This picture of the Bloods is on his phone.
9 Well, why do you have the guns? He can't legally possess
10 a firearm, but he had two of them floating around in the
11 pictures. And all the money, where did that come from in
12 the pictures? Oh, a tax return. That's pretty good for a
13 guy who makes \$8 an hour. That's a lot of money. That's
14 Larry Johnson. Before he says a word, that's what you
15 know about Larry Johnson.

16 And then he tells you, I am known so well in
17 the club that one of the bouncers came up to me and said,
18 no trouble tonight, make sure there's no trouble. And at
19 the end -- this bouncer's name is Steele. At the end of
20 the night he gets thrown out of Waffle House because he
21 gets in a confrontation, I think that's the word we're
22 using not fight, but confrontation, over whether it was
23 juice or orange soda and he gets thrown out of the Waffle
24 House. That's what you know about Larry Johnson. That's
25 the fella they're bringing to you and say you should be

Closing Argument - Quinn

1 able to rely on.

2 You know; even though the State wants to make
3 him their star witness, can not be telling the truth or if
4 he is, then Shaquille Hogan their other witness is not
5 telling the truth. So I want y'all to go out and find
6 that one of the star witnesses is not telling the truth
7 because Shaquille Hogan says Larry Johnson got out of the
8 car, went around the side of the building shooting. In
9 fact he saw him shoot coming back to the car. Larry
10 Johnson says I never got out the car and I shot the gun
11 while I was sitting in the car down the road. This is
12 their witnesses.

13 And she wants to make a point of well, if
14 you're going to not to believe Larry Johnson, you got to
15 believe he's no good. Well, fine, I'll say it because
16 those two witnesses don't go together. It's like black
17 and white. It's not as if one of them is barely wrong,
18 that Shaquille says I saw him shoot three times and Larry
19 says it was four. Larry said I never got out of the car
20 and the only reason I shot is I didn't know who it was
21 that was coming back to the car.

22 He could have turned on the lights to see who
23 was coming back to the car, but instead of using
24 headlights, he just starts shooting out of the car. His
25 gun, which was not prepared or turned in might have been

Closing Argument - Quinn

1 able to prove his story if it had matched, but, Larry
2 where is that gun, I can't get it. This is three days
3 later and Larry can't produce his gun for the police.
4 Larry has to come three straight days to give a statement
5 to the police and his testimony here doesn't match his
6 statements.

7 And Shaquille Hogan's story doesn't not match
8 Larry Johnson's.

9 Truth is consistent if you have two people at
10 the same spot at the same time, if they're telling the
11 truth, they see the same thing. Yet what the solicitor
12 wants you to do is go out and choose one of them. I think
13 she wants you to pick Larry Johnson, but she wants you to
14 choose one. How do you do that?

15 Listen to the Judge's charge, he's not going
16 to say you can wily nily throw one of the witnesses out
17 and believe another or that you can just say the State put
18 up three different witness and we're just going to pick
19 one. Shaquille Hogan's testimony flies directly in the
20 fact of Larry Johnson's. They can not exist at the same
21 time.

22 Shaquille Hogan talks about where he was in
23 the car and you know there was a lot of ruckus about what
24 seat he was in. She, of course, called Joseline a liar,
25 and she probably is, because of the Waffle House video.

Closing Argument - Quinn

1 She says she didn't go to the Waffle House she showed up
2 on the video. The problem they go is Shaquille gets out
3 of the wrong seat according to his story. According to
4 his story, he ought to be sitting back driver's seat when
5 he gets out of the car so her own video contradicts his
6 story. So when testified yesterday, his own story doesn't
7 conform.

8 Poor Shaquille Hogan, I don't know what
9 version is true. Y'all get to decide what is true or
10 believable but he gives a statement saying it's true and
11 then he gives a statement says it's not true and then he
12 gets here and can't tell you where they were or where it
13 was and the solicitor has to pretty much read his
14 statement to him and ask is this true or is that true and
15 try to piece together what she wants out of the statement.

16 Now, I'd love to say the statements you're
17 going to get to read but none of those statements were put
18 into evidence so you only get to hear the pieces we argued
19 about what he did or didn't say, but the solicitor had to
20 pretty much, and Mr. Chambers did an excellent job in
21 pointing out, that the solicitor had to rehabilitate all
22 of her witnesses. She had to pretty much say that's not
23 what you said before and that's not what I want to here, I
24 want you to say it is, isn't that what you said.

25 And that's the other time Mr. Campbell

Closing Argument - Quinn

1 testified and he did mention Mr. Saddler's name once,
2 after Mr. Hogan doesn't testify the way they want,
3 Mr. Campbell gets up and says, okay, Mr. Hogan actually
4 gave me two statements. He started giving a statement and
5 they so, no, no, no, that's not right, erase it and give
6 another statement but in my notes I've got these people
7 having these guns one of which was that Kinjta supposedly
8 had a .9 millimeter. Is that noted evidence? No, because
9 it wasn't kept. Is in the statement that he signed? No,
10 somehow it didn't make it in the statement. Is it in the
11 police report someplace? Well, no, it didn't make it to
12 the police report.

13 The solicitor in closing argument says her
14 case is Larry Johnson, Shaquille Hogan and this trick they
15 talk about they didn't know how many guns they got. I
16 spoke more about Larry Johnson and look at, as the Judge
17 is going to tell you, demeanor and how they testify on the
18 stand whether in the past they testified in this way.
19 Have they been consistent? Have they given a complete
20 statement? Has it not changed? Larry changes.

21 You heard Shaquille Hogan who the physical
22 evidence, the video tapes, contradicts and gives a story
23 that can not match Larry Johnson's. It does not fit, but
24 the solicitor tells you this is how you should trust them
25 because we didn't know how many guns there were, Armstrong

Closing Argument - Quinn

1 hadn't done his analysis, and this is the last thing I'm
2 going to talk to you about. These were collected by
3 Officer Ooten, you probably remember her.

4 She testified that she worked the scene and
5 marked and collected all the casings and cartridges. She
6 in that report that morning delineated each of these by
7 type of gun. She's, in fact, the one who put them in
8 these envelopes for us. We took a break because we had
9 them all loose in boxes and we put them all in envelopes
10 we could say that's how many guns there are. That's how
11 we know there are definitely seven because they broke them
12 down in envelopes. She wrote on each one of them what it
13 is. She broke them down by this .380 ammunition is
14 different .380 ammunition from the other one, that's how I
15 know that's a different one.

16 MS. SALISBURY: Objection, Your Honor, that's
17 a misstatement of the evidence.

18 THE COURT: The jury can determine what the
19 evidence is.

20 MR. QUINN: That collection was done that
21 morning. You may remember she said she left the scene
22 about 9:30 that morning. So that collection was done the
23 morning of July 17th by her. They knew on the morning of
24 July 17th, where she testified she met Mr. Campbell and
25 they walked the scene together, they knew that morning

Closing Argument - Quinn

1 what type of ammunition and how many guns and what
2 caliber. So this story that they didn't know until
3 Armstrong does his final report simply doesn't hold up to
4 the evidence the State has submitted.

5 This isn't some kind of trick that I've
6 somehow come up with. None of this is my evidence. None
7 of this is any evidence against Mr. Sadler. The only
8 verdict for Mr. Sadler which is the only person I
9 represent is not guilty. There is no evidence in this
10 case of a conspiracy of an agreement, no evidence that
11 they joined to do something.

12 Kinjta Sadler has no evidence, physical
13 evidence submitted against him at all. The only people
14 that testified who even mentioned his name is Joseline
15 Mack who the solicitor called a liar, Shaquille Hogan who
16 the solicitor tried to walk through his story that had
17 changed, and Larry Johnson whose story changed day after
18 day for a while, and his story doesn't match Shaquille
19 Hogan's.

20 The Judge is going to tell you that you have
21 to make a decision beyond a reasonable doubt, the proof is
22 on the government and it has to be based on evidence.
23 There is no corroboration for any of these charges against
24 Kinjta Sadler. There is no credible testimony that's been
25 introduced against Kinjta Sadler. There is no consistent

Closing Argument - Quinn

1 testimony by the State's witnesses against Kinjta Sadler
2 except to see him at the Waffle House. They can't even
3 see him in these pictures and they don't identify him as
4 any member of a gang.

5 Don't do it. Don't find him guilty just
6 because they claim these fellas were all doing this stuff
7 together. Just make it individual, individual decision
8 and in the case of Kinjta Sadler the verdict should be not
9 guilty.

10 ---END OF REQUESTED RECORD---

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State versus Booker, Williams, Young, Sadler

1 think I have any idea as to what the law is or what the
2 ought to be and it does not agree with what I tell you the
3 law is, you must set aside your own opinion because you've
4 sworn an oath to accept the law and apply the law
5 precisely as I state it to you.

6 I would remind you that in every case tried
7 in this court before a jury you the jurors are the sole
8 and exclusive judges of the facts and a trial judge can
9 not comment on or make any statement about the facts in a
10 case. So please don't think by anything I may have said
11 or done throughout the course of the trial that I have
12 such an opinion I do not and the law does not allow it.

13 I again instruct you that the fact that these
14 defendants have been arrested, charged and indicted in the
15 case is not evidence of guilt, nor does it create any
16 presumption or inference of guilt. These documents are
17 simply the formal written instruments which contain the
18 charges made against each defendant and they serve as the
19 formal document by which the case is processed and brought
20 into court for disposition.

21 Now, I charge you that there are four
22 defendants in this case each of whom is charged with seven
23 counts of attempted murder, conspiracy, possession of a
24 weapon during the commission of a violent crime and
25 assault and battery by a mob second degree. Each case of

State versus Booker, Williams, Young, Sadler

1 each defendant and the evidence and the law concerning
2 each defendant should be considered separately and
3 individually. Your verdict does not have to be the same
4 for all defendants and the fact that you may find one
5 defendant guilty or not guilty should not control your
6 verdict as to the other defendants.

7 Where more than one person is charged with a
8 crime, if the evidence warrants it, you may convict one
9 and acquit the other or you may acquit both or you may
10 convict both. It would depend upon your views of the
11 testimony and the evidence and you must take each
12 defendant and consider the evidence as to that defendant
13 on each charge and my instructions to you on the law and
14 then you will write a separate verdict of guilty or not
15 guilty for each charge for each individual defendant.

16 So I remind you that each indictment charges
17 a separate and distinct offense and you must decide each
18 indictment separately on the evidence and the law
19 applicable to it uninfluenced by your decision as to any
20 other indictment.

21 Now, necessarily you must determine the
22 credibility or believability of the witnesses who have
23 testified and it becomes your duty as jurors to evaluate
24 the evidence and determine which evidence convinces you it
25 is true. And in determining the believability of the

State versus Booker, Williams, Young, Sadler

1 witnesses, you may believe one witness over several or
2 several over one. You may believe a part of the testimony
3 of a witness and reject the remaining part. You may
4 believe the testimony of a witness in its entirety or
5 reject that same testimony in its entirety. You may
6 consider whether the witness has an interest in the result
7 of the trial, whether the witness is prejudice towards
8 either the State or the defendants, the opportunity for
9 the witness to have seen the matter and things to which
10 the witness has testified and the way the witness acts on
11 the witness stand or what we call a witness's demeanor.

12 I will also tell you that a witness who has a
13 past criminal record is competent to testify during a
14 trial and a past criminal record does not affect the
15 ability of that witness to testify. The past criminal
16 record may only be considered by you, if at all, in
17 determining the witness's believability or credibility.

18 Remember you are the sole judges of the facts
19 in the case and of the believability of any and all of the
20 witness and any and all of the evidence. I instruct you
21 and emphasis that the fact that defendants did not testify
22 is not a factor to be considered by you in any way in your
23 deliberations on the question of the guilt or innocence of
24 each defendant and it must not be considered by you in any
25 manner whatsoever. Every citizen has the constitutional

State versus Booker, Williams, Young, Sadler

1 right to remain silent and the assertion of this right
2 must not be considered by you in your deliberations.

3 Now, each defendant has pled not guilty to
4 each indictment and that plea puts the burden on the State
5 to prove the defendant guilty. A person charged with
6 committing a criminal offense in South Carolina is never
7 required to prove themselves innocent and I charge you
8 that it is an important and cardinal rule of the law that
9 a defendant in a criminal trial will always be presumed to
10 be innocent of the crime for which the indictment was
11 issued unless and until guilt has been proven by evidence
12 satisfying you of guilt beyond a reasonable doubt.

13 Now, reasonable doubt is the kind of doubt
14 which would cause a reasonable person to hesitate to act
15 and reasonable doubt may arise from the evidence which is
16 in the case or the lack or absence of evidence in this
17 case and you the jury must determine whether or not
18 reasonable doubt exists as to the guilt of each defendant.

19 The State has the burden of proving each and
20 every element of a crime beyond a reasonable doubt and any
21 reasonable doubt that you may have in your deliberations
22 should be resolved in favor of the defendant.

23 Now, there are two types of evidence which
24 are generally presented during a trial, that is direct
25 evidence and circumstantial evidence. Direct evidence is

State versus Booker, Williams, Young, Sadler

1 the testimony of a person who claims to have actual
2 knowledge of a fact such as an eyewitness. It is evidence
3 which immediately establishes the main fact to be proved.
4 Circumstantial evidence is prove of a chain of facts and
5 circumstances indicating the existence of a main fact. It
6 is evidence which immediately establishes collateral facts
7 from which the main fact may be inferred.

8 Circumstantial evidence is based on inference
9 and not on personal knowledge or observation and the law
10 makes absolutely no distinction between the weight or
11 value to be given to either direct or circumstantial
12 evidence nor a greater degree of certainty required of
13 circumstantial evidence than of direct evidence.

14 Now, if a crime is committed by two or more
15 people who are acting together in committing a crime, the
16 act of one is the act of all, and a person who joins with
17 another or others to accomplish an illegal purpose is
18 criminally responsible for everything done by the other
19 person or persons which occurs as a natural consequence of
20 the acts done for carrying out a common plan or purpose.

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

State versus Booker, Williams, Young, Sadler

1 offense, the act of one or the act of all or as sometimes
2 said the hand of one is the hand of all.

3 Now, each defendant is charged with
4 conspiracy and the state must prove beyond a reasonable
5 doubt that each defendant combined with the purpose of
6 committing and unlawful act or unlawful act by lawful
7 means. There's must be a mutual understanding, agreement
8 or common intention and plan. Mere passive knowledge or
9 consent to the criminal conduct of another is not a person
10 to make a person a conspirator. There must be guilty
11 knowledge and participation.

12 Similarly the mere fact may have associated
13 with another person or met with another person and
14 discussed common aims and interests does not necessarily
15 establish proof of the existence of a conspiracy or that
16 the defendant was involved in a conspiracy. On the other
17 hand, it is not necessary that the agreement be a formal
18 one, that it be in writing, that the persons hold a
19 meeting and expressly state the terms of the common plan
20 or that the agreement be stated in words between them.
21 The agreement of a criminal conspiracy that come into
22 being through an implied mutual understanding. The
23 willful intentional and knowing adoption by two or more
24 persons by a common plan is sufficient. No overt acts
25 needs to be brought to establish a conspiracy.

State versus Booker, Williams, Young, Sadler

1 A conspiracy can be shown by circumstantial
2 evidence and the conduct of the parties. In order to
3 convict a defendant of conspiracy the state must prove
4 beyond a reasonable doubt not only that that defendant
5 knew of unlawful conduct, but that the defendant agreed to
6 combine with the other persons for purpose of
7 accomplishing that unlawful conduct.

8 Each defendant is also charged with assault
9 and battery by mob in the second degree. For the purposes
10 of the offense a mob is defined as the assemblage of two
11 or more persons without color or authority of law for the
12 premeditated purpose and with the premeditated intent of
13 committing an act of violence upon the person of another.
14 Any act of violence inflicted by the mob upon the body of
15 another person which results in series bodily injury to
16 that person shall constitute the crime of assault and
17 battery by mob in the second degree.

18 And serious bodily injury is defined as a
19 physical condition which creates a substantial risk of
20 death serious personal disfigurement or protracted loss
21 or impairment of the function of a bodily member or organ.

22 Each defendant is charged with seven counts
23 of attempted murder and in order to prove this crime, the
24 state must prove that each defendant attempted to kill
25 another person with malice aforethought either expressed

State versus Booker, Williams, Young, Sadler

1 or implied. Malice is hatred ill-will or hostility
2 towards another person. It is the intentional doing of a
3 wrongful act without just cause or excuse and with the
4 intent to inflict an injury or under circumstances that
5 the law will infer and evil intent.

6 Malice aforethought does not require that
7 malice exists for any particular length of time before the
8 act is committed, but malice must exist in the mind of the
9 defendant just before and at the time that the act is
10 committed. Therefore, there must be a combination of a
11 previous evil intent and the act. Malice aforethought may
12 be expressed or inferred and these terms expressed and
13 inferred do not mean different kinds of malice but merely
14 the manner in which the malice may be shown to exist that
15 is either by direct evidence or inference from the facts
16 and circumstances which are proven.

17 Express malice is shown when a person speaks
18 words which express hatred or ill will for another or when
19 the person prepared before hand to do the act which was
20 later accomplished for example lying in wait for a person
21 or any other acts or preparation going to show that the
22 deed was within the defendant's mind would be expressed
23 malice. And malice may be inferred from conduct showing a
24 total disregard for human life and inferred malice may
25 also arise when the deed is done with a deadly weapon. A

State versus Booker, Williams, Young, Sadler

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

5 And if facts are proved beyond a reasonable
6 doubt in your mind sufficient to raise an inference of
7 malice to your salification, this inference would be
8 simply an evidentiary fact to be considered by you along
9 with all the other evidence in this case and you give it
10 the weight that you think it should receive.

11 A specific intent to kill is not an element
12 of attempted murder but there must be a general intent to
13 commit serious bodily injury and intent means intending
14 the result which actually occurs, not accidentally or
15 involuntarily.

16 Intent may be shown by acts and conduct of
17 the defendant and other circumstances from which you may
18 actually and reasonably infer intent and evidence of the
19 character of the act, the instrument that it was used, the
20 manner in which it was used, the purpose to be
21 accomplished and the resulting wounds and injuries may be
22 considered in determining the intent with which the act
23 was committed. Intent may also be inferred when it is
24 demonstrated when the defendant voluntarily and willfully
25 commits an act, the nature tendency of which is to destroy

State versus Booker, Williams, Young, Sadler

1 another's life.

2 Each defendant is also charged with the
3 possession of a weapon during the commission or attempt to
4 commit a violent crime and in order to prove this, the
5 State must prove beyond a reasonable doubt that each
6 defendant was in possession of a firearm or visibly
7 displayed what appeared to be a firearm during the
8 commission of a violent crime. A firearm means any
9 machine gun, automatic riffle, revolver, pistol or any
10 weapon which will is designed or readily converted to
11 expel a projectile.

12 In order to find a defendant guilty of
13 possession of a weapon during the commission of a violent
14 crime, you must find the defendant guilty of either
15 committing a violent crime or attempting to commit a
16 violent crime so you may not consider this offense unless
17 you first find that each particular defendant guilty of a
18 violent crime.

19 Under our law attempted murder is a violent
20 crime.

21 Now, ladies and gentlemen, we have prepared
22 verdict forms. There is one verdict form for each
23 individual defendant and each form lists each charge
24 against that particular person. I want to tell you that
25 as to each charge and as to each defendant there are two

State versus Booker, Williams, Young, Sadler

1 possible verdicts in which you may reach in this case and
2 there is no significant order in which I am stating them
3 to you and they are guilty or not guilty.

4 I will tell you that all 12 of you must agree
5 on your verdict. Your verdict must be unanimous and it
6 can not be based on sympathy, passion, prejudice, emotion
7 or any other consideration which is not in evidence in
8 this case. You have no friends to reward you have no
9 enemies to punish. Now, ladies and gentlemen, I'm going
10 to excuse you all to your jury room and ask you to eat
11 your lunch but don't begin your deliberations until the
12 bailiff comes with the evidence. I have to go over my
13 jury charge with the attorneys to make sure that I did not
14 state something or omit something. So when all of this
15 comes to you, you may begin your deliberations.

16 Sir, just hold on for a second. I would tell
17 you that the law unfortunately -- you have been every bit
18 as attentive as all the other juries and I would love to
19 let you go back there but the law won't allow it so you
20 are free to go. Your lunch is back there and you're free
21 to talk about the case with who ever you want to. If
22 someone approaches you and bothers you about the case and
23 you don't want to talk about it, get that person's name
24 and let me or the bailiffs know and we will take care of
25 it. Thank you.

State versus Booker, Williams, Young, Sadler

1 (Jury exits the courtroom.)

2 Any objection to the charge?

3 MS. SALISBURY: Nothing from the State.

4 MR. CHAMBERS: No, Your Honor.

5 MR. ABDALLA: No, Your Honor.

6 MR. QUINN: No, Your Honor.

7 (Jury began deliberations at 1:30.)

8 THE COURT: They have a question. They want a
9 copy of the explanation of the law so we're making four or
10 five copies and we're going to send that back into them.

11 MS. SALISBURY: No objection, Your Honor.

12 MR. CHAMBERS: No objection.

13 MR. ROBINSON: No objection.

14 MR. ABDALLA: No objection.

15 MR. QUINN: I'd object. I'd ask that we get
16 a further definition of what they mean in case they only
17 want one portion of it.

18 THE COURT: What the law requires for a
19 guilty verdict for each charge. I'm not sending in part,
20 I'm sending in the whole charge.

21 (Court in recess.)

22 Bring them in.

23 (Jury enters the courtroom.)

24 It's late and we are going to come back
25 tomorrow to continue deliberations. Please remember don't

State versus Booker, Williams, Young, Sadler

1 talk about the case. Thank you.

2 ---END OF TRANSCRIPT RECORD FOR DAY 5 ---

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State versus Booker, Williams, Young, Sadler

1 THE COURT: Okay. We have a verdict. I will
2 make it perfectly clear if you are unable to contain your
3 motions because we are not going to tolerate any outbursts
4 of any kind from anybody and if you can't do that, leave
5 now. There's no shame in leaving. If you violate, and
6 this is an order, you will be in contempt of court and
7 treated accordingly.

8 (Jury enters the courtroom.)

9 Madam Clerk would you publish the verdict,
10 please?

11 THE CLERK: Your Honor in Case No. 2011-GS-
12 23-8010, 8011, 3838a, 8012, 8013, 8014, 8015, 8016, 8017,
13 8018, the State versus Raymond Lewis Young, II. As to the
14 charge of conspiracy we the jury find the defendant
15 guilty. As to the charge of possession of a weapon during
16 the commission of a violent crime we the jury find the
17 defendant not guilty. As to the charge of assault and
18 battery by mob in the second degree, we the jury find the
19 defendant guilty. As to the charge of attempted murder
20 seven counts, we the jury find the defendant guilty.

21 2011-GS-23-7957, 7958, 7959 - 7965, 3839A,
22 the State of South Carolina versus Michael Antonio
23 Williams as to the charge of conspiracy, we the jury find
24 the defendant guilty. As to the charge of possession of a
25 weapon during the commission of a violent crime, we the

State versus Booker, Williams, Young, Sadler

1 jury find the defendant not guilty. As to the charge of
2 assault and battery by mob in the second degree, we the
3 jury find the defendant guilty. As each of the charges of
4 attempted murder, we find the defendant guilty.

5 2011-GS-23-7940, 7930, 3841a, 7941 - 7947,
6 the State of South Carolina versus Esaiveus Booker, as to
7 the charge of conspiracy we the jury find the defendant
8 not guilty. As to the charge of possession of a weapon
9 during the commission of a violent crime, we the jury find
10 the defendant not guilty. As to the charge of assault and
11 battery by mob second degree, we the jury find the
12 defendant guilty. As to the charge of attempted murder
13 times seven, we the jury find the defendant guilty.

14 2011-GS-23-9237, 9238, 3840a, 9239 - 9245,
15 the State of South Carolina versus Kinjta Kadeem Sadler,
16 as to the charge of conspiracy, we the defendant find the
17 defendant not guilty. As the charge of possession of a
18 weapon during the commission of a violent crime, we the
19 defendant find the defendant not guilty, as to the charge
20 of assault and battery by mob in the second degree, we
21 find he defendant not guilty, as to the charge of
22 attempted murder as to each charge we find the defendant
23 guilty.

24 Each of these verdicts has been signed by the
25 fore person, Christine Ferguson.

State versus Booker, Williams, Young, Sadler

1 THE COURT: This is the last page of that
2 entire sheet, I'm going to ask you all to retire to the
3 jury room. Give them the verdict form. We've
4 mispublished the verdict with respect to Mr. Williams.
5 The last page is blank so I'm going to ask y'all to review
6 that, make your decision, sign it and we'll accept you
7 back. Okay.

8 (Jury exits the courtroom.)

9 Okay, bring them back in.

10 (Jury re-enters the courtroom.)

11 My apologies. We had an extra verdict form
12 was given to the clerk to allow her to review so she could
13 prepare to publish and she put your finished form it got
14 misplaced in all of the paperwork. That was our mistake,
15 but for the record, I'm going to pass all verdict forms
16 back to you and ask you to review them and make sure those
17 are your forms.

18 The fore lady indicates they are her verdict
19 forms.

20 Is there anything further for the jury?

21 MR. CHAMBERS: No, Your Honor.

22 MR. ROBINSON: No, Your Honor.

23 MR. ABDALLA: No, Your Honor.

24 MR. QUINN: No, Your Honor.

25 Alright, ladies and gentlemen, believe it or

State versus Booker, Williams, Young, Sadler

1 not you are through for the week. Your service has been
2 invaluable and at this time I'd like to excuse you back to
3 the jury room because we have some forms we'd like to give
4 you.

5 (Jury exits the courtroom.)

6 Any motions?

7 MR. CHAMBERS: Your Honor, on behalf of
8 Mr. Booker I would like to make a motion for a new trial
9 and also a motion notwithstanding the verdict.

10 THE COURT: I'll denied.

11 MR. ROBINSON: I would make a motion as well
12 on behalf of my client the same as Mr. Chambers.

13 THE COURT: Denied.

14 MR. ABDALLA: For my client as well, Your
15 Honor.

16 THE COURT: Denied.

17 MR. QUINN: I would join in that motion as
18 well as well as the inconsistent verdict against my
19 client.

20 THE COURT: Be more specific.

21 MR. QUINN: The jury found he was not part of
22 the conspiracy or part of the mob that was involved but
23 yet found that he caused an injury so the verdicts are
24 inconsistent..

25 THE COURT: I would disagree with you and

State versus Booker, Williams, Young, Sadler

1 deny your motions. Are you ready for sentencing?

2 MR. CHAMBERS: Yes, sir.

3 THE COURT: How would you want to proceed?

4 MS. SALISBURY: I'll leave it to your
5 discretion, but if you want to handle them one at a time.

6 THE COURT: Tell me his background.

7 MS. SALISBURY: Mr. Sadler has no prior
8 record. I believe you heard the bulk of the information
9 during the course of this trial.

10 MR. QUINN: Seventeen years of age when the
11 incident occurred. He is the youngest person involved in
12 the matter probably the most easiest influenced. How he
13 ever got in this club is a mystery to start with because
14 it serves alcohol and he should have been stopped at the
15 door. He was attending JL Mann and has been in jail since
16 his arrest which was July of 2011.

17 You've had the opportunity to see his
18 demeanor in the courtroom, the manner in which he has
19 conducted himself. I think it is fair to say that he has
20 not caused any outbursts in the courtroom. He has been
21 pleasant and respectful to the authorities in the
22 courtroom including the court.

23 As the Court knows each of these charges
24 carries a sentence of up to 30 years. If Your Honor gives
25 him a jail sentence, he would have to serve 85 percent of

State versus Booker, Williams, Young, Sadler

1 the other cases. Best of luck to you.

2 Mr. Williams.

3 MS. SALISBURY: Mr. Williams has no prior
4 record and any input the State would offer is that
5 received during trial.

6 MR. ROBINSON: May it please the Court, this
7 was a very hard fought trial and we appreciate the efforts
8 of the jury in this case. It's a very complicated case
9 and obviously they put a lot of thought into this.

10 Your Honor, he is 22 and he has three
11 children. He's been in jail for 18 months now and he's
12 very sorry and apologetic and I think he wants to express
13 that the Court.

14 DEFENDANT WILLIAMS: I want to apologize for
15 anything that happened to the victims. I'm sorry that it
16 every happened to them that they had to go through all
17 that pain and suffering.

18 THE COURT: Why don't you explain to me why
19 this happened?

20 DEFENDANT WILLIAMS: I can't explain to you
21 why it happened. They say people that -- you see I didn't
22 get found guilty of the pistol charge. They say people
23 that were with them did it so, the hand of one and hand of
24 all, but I'm sorry them dudes had to go through what they
25 had to go through.

State versus Booker, Williams, Young, Sadler

1 MR. ROBINSON: Thank you, Judge.

2 THE COURT: On each of the attempted murder
3 cases, the sentence is 25 years, assault by mob 20 years,
4 conspiracy five years, all concurrent and credit for any
5 time he's entitled to.

6 Mr. Young.

7 MS. SALISBURY: Your Honor, he has a criminal
8 record beginning in 2002 criminal domestic violence,
9 carrying a concealed weapon, 2003 assault and battery of a
10 high and aggravated nature, possession of stolen good,
11 2004 auto breaking, interfering with police, 2005 strong
12 armed robbery and 2006 three counts of a high and
13 aggravated nature. It would be the State's contention
14 that Mr. Young organized this effort. It's my information
15 that he is of at least a superior position with respect to
16 the other defendants and I would note for the Court that
17 Mr. Young was released from the Department of Corrections
18 in 2010 seven months before this happened.

19 Should there been an opportunity to pursue a
20 recidivist enhancement, we should have.

21 THE COURT: Alright.

22 MR. ABDALLA: Your Honor, I would just like
23 to say that thank God nobody got killed and generally in
24 manslaughter cases, customary sentences are around the 15
25 to 20 year range. I'd ask the Court to keep that in

State versus Booker, Williams, Young, Sadler

1 consideration since nobody was killed.

2 THE COURT: This isn't a manslaughter case,
3 this was a cold blood ambush. I don't care what the prior
4 conduct in the evening was, these people had no idea this
5 was coming. If there had been incident people there
6 pumping gas, they would have been subject to hellish reign
7 of bullets that was unleashed.

8 What do you want to tell me, Mr. Young?

9 DEFENDANT YOUNG: I want to tell you I had
10 nothing to do with this. I'm sorry for what happened to
11 the victims. I wasn't responsible for this. I had
12 nothing to do with this. I'm innocent of these charges.
13 I've been prejudiced by this via this trial and my
14 co-defendants this whole trial. Everything -- you got all
15 these crooked officers lying, telling lies, getting people
16 to tell lies and putting stuff in their statement. I have
17 not received a fair trial.

18 I was not responsible for these acts. I had
19 nothing to do with this. I even proved I ain't hand
20 nothing to do with this. Even the testimony showed the
21 people that was in the car with me is all. I can not
22 believe that this Court found me guilty of these charges.
23 I had nothing to do with these charges, none whatsoever.
24 I feel sorry for the victims, and I'm sorry that we're
25 here today. I had nothing to do with this at all, at all.

State versus Booker, Williams, Young, Sadler

1 THE COURT: With respect to each of the
2 attempted murder cases, the sentence is 30 years.
3 Conspiracy, five, those are all concurrent. Assault and
4 battery by mob in the second degree, 10 years, consecutive
5 suspended with five years probation. And when you get out
6 of prison, you report to probation.

7 DEFENDANT YOUNG: Thank you, sir.

8 MR. ABDALLA: The assault by mob was --

9 THE COURT: Consecutive suspended with five
10 years probation. Court adjourned.

11 ---END OF TRANSCRIPT RECORD---

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WITNESSES

W.T. Campbell (S)

Greenville County Sheriff's Office

7/23/2011

ARREST WARRANT NUMBER
J992380

ACTION OF GRAND JURY

TRUE BILL

Foreman Grand Jury

Foreperson of Grand Jury

VERDICT

Guilty

Christine L. Ferguson

Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-
KBS

007958

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

2012
TERM 2011

THE STATE

VS.

MICHAEL ANTONIO WILLIAMS

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CONSPIRACY

At a Court of General Sessions, convened on May 9, 2011, the Grand Jurors of Greenville County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July 2011, willfully and unlawfully combine with RAYMOND YOUNG-II, and/or ESAIVEUS BOOKER, and/or KINJTA SADLER, and/or TAVARUS HOLMES, and/or DAQUAN BRUSTER, and/or SHAQUILLE HOGAN, and/or LARRY JOHNSON for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: ATTEMPTED MURDER. This is in violation of §16-17-410 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
 STATE VS.
Michael Antonio Williams

INDICTMENT/CASE#: 2011GS2307958

AKA: _____

A/W#: J992380Race: BLACK Sex: _____ Age: 22Date of Offense: 7/17/2011

DOB: _____ SS#: _____

S.C. Code § : 16-17-0410Address: 2CDR Code #: 0049City, State, Zip: Greenville, SC 29609

DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☒ CONVICTED OF or ☐ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: CONSPIRACYin violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)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.

ATTORNEY: Salisbury, Karyna Bevis 73489 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 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ 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: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling ☐§ 14-1-206 (Assessments 107.5 %) _____ Random Drug/Alcohol testing ☐§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Clerk of Court/ Deputy Clerk Paul B. WickensCourt Reporter: Asker Presiding Judge EdwardsSCCA/217 (03/2011) Judge Code: 2120Sentence Date: 1-12-13

WITNESSES

W.T. Campbell

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER

J992372

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-

KBS

007959

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

2012
TERM 2011

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

MAY 25

the Grand Jurors of Greenville

County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July 2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Anthony Callaham. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.AKA: Michael Antonio WilliamsRace: BLACK Sex: M Age: 22

DOB: _____

City, State, Zip: Simpsonville, SC 29680

DL#: _____

No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ATTEMPTED MURDERin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)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.ATTORNEY: Salisbury, Katryna Bevis 73909 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 25 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

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(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2307959A/W#: J992372Date of Offense: 7/17/2011S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP _____ 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: Michelle

SCCA/217 (03/2011)

Presiding Judge Ed W. WikeJudge Code: 2130Sentence Date: 1-12-13

WITNESSES

W.T. Campbell (S)

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER
J992373

ACTION OF GRAND JURY

TRUE BILL

Foreman Grand Jury

Foreperson of Grand Jury

VERDICT

Guilty

Christine L. Ferguson

Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-

KBS

007960

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2011

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

MAY 29, 2011

the Grand Jurors of Greenville

County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July 2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Jamal Williams.

This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.Michael Antonio Williams

AKA:

Race: BLACK Sex: M Age: 22DOB: SS#:

Address:

City, State, Zip: Greenville, SC 29609DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ATTEMPTED MURDER

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2307960A/W#: J992373Date of Offense: 7/17/2011S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ 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

Salisbury, Karyna Bevis739109
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 15 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 ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 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	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender 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: Hickell

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2130Sentence Date: 1-12-13

WITNESSES

W.T. Campbell (S)

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER

J992374

ACTION OF GRAND JURY

TRUE BILL

Jonathan P. [Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Christine L. Ferguson
Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-

KBS

007961

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2011 *2012*

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

MAY 29 2012

the Grand Jurors of Greenville

County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July 2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Raheem Adams. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Michael Antonio Williams

AKA:

Race: BLACK Sex: Age: 22
 DOB: ---

City, State, Zip: Greenville, SC 29609

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: ATTEMPTED MURDER

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2307961A/W#: J992374Date of Offense: 7/17/2011S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ 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:

Sallisbury, Katryna Bevis73989 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 25 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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

PTUP _____

_____ 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: Hester

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2130Sentence Date: 1-12-13

774

WITNESSES

W.T. Campbell

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER

J992375

ACTION OF GRAND JURY

TRUE BILL

Joseph L. Davis
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Christine L. Ferguson
Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-
KBS

007962

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

2011
TERM 2011

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

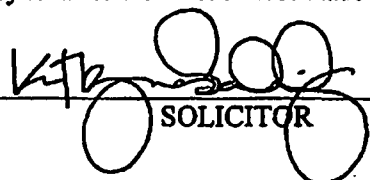
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on MAY 29 the Grand Jurors of Greenville
County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July
2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Trevis Thompson.
This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.Michael Antonio Williams

AKA:

Race: BLACK Sex: Age: 22

DOB: SS#:

Address:

Zip: Greenville, SC 29609

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ATTEMPTED MURDERINDICTMENT/CASE#: 2011GS2307962A/W#: J992375Date of Offense: 7/17/2011S.C. Code § 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ 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.

ATTORNEY

Salisbury, Kathryn Bevis73489
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 25 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

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	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

_____ 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.

Presiding Judge

Judge Code:

Sentence Date:

306W. Well
2130
1-14-13

WITNESSES

W.T. Campbell

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER

J992376

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-

KBS

007963

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

2012
TERM 2011

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

MAY 26

the Grand Jurors of Greenville

County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July 2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Thomas Walker.

This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Michael Antonio Williams

AKA:

Race: BLACK Sex: Age: 22DOB: SS#:

Address:

City, State, Zip: Greenville, SC 29609DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: ATTEMPTED MURDER

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2307963A/W#: J992376Date of Offense: 7/17/2011S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ 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

Sallsbury, Katryna Bevis73909
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 25 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 ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(7) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$
TOTAL		\$

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther:
☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge Judge Code: Sentence Date:

WITNESSES

W.T. Campbell

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER

J992377

ACTION OF GRAND JURY

TRUE BILL

Joseph P. Davis
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Christine H. Ferguson
Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-
KBS

007964

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM *2012*
2011

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

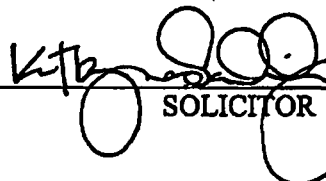
MAY 29 2011

At a Court of General Sessions, convened on
County present upon their oath:

the Grand Jurors of Greenville

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July 2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Russell Morris. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
Michael Antonio Williams

INDICTMENT/CASE#: 2011GS2307964

AKA:
Race: BLACK Sex: M Age: 22

A/W#: J992377
Date of Offense: 7/17/2011
S.C. Code §: 16-03-0029

DOB: SS#
Address:
Zip: Greenville, SC 29609

CDR Code #: 3410

DL#:

SENTENCE SHEET

Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: ATTEMPTED MURDER

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

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.

ATTORNEY: Salisbury, Karyna Bevis 73909 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 25 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 \$ 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 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$
3% to County (if paid in installments) \$
TOTAL \$

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: H. E. Hall

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2130

Sentence Date: 1-12-12

WITNESSES

W.T. Campbell

Greenville County Sheriffs Office

7/23/2011

ARREST WARRANT NUMBER

J992378

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 1/12/13

DOCKET NO. 2011-GS-23-

KBS

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

2012
TERM 2011

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

OCT 27 2011

Clerk of Court
Greenville County

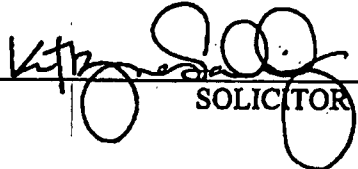
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on MAY 29 2011 the Grand Jurors of Greenville
County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County, on or about the 17th day of July
2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Dontavious
Sullivan. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.Michael Antonio Williams

AKA:

Race: BLACK Sex: M Age: 22DOB: SS#: 2

Address:

Zip: Greenville, SC 29609DL#: 102055717 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ATTEMPTED MURDER

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2307965A/W#: J992378Date of Offense: 7/17/2011S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)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.

ATTORNEYS:

Salisbury, Kathryn Bevis73489 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 25 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$

\$12

\$

\$25

\$

\$150

\$

\$50

\$

\$40/ea

\$

\$5

\$

\$

\$

\$

\$

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge Judge Code: Sentence Date:

DOCKET NO. 2012-GS-23-
KBS

003039 A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2012

THE STATE

vs.

MICHAEL ANTONIO WILLIAMS

WITNESSES

W.T. Campbell

Greenville County Sheriffs Office

7/24/2011

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

DOB: 01-29-90 B/M SSN: 250-81-4600

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Christine L. Ferguson

Foreperson of Petit Jury

Date: 1/12/13

Indictment for

3432

ASSAULT AND BATTERY BY MOB SECOND
DEGREE

VIOLATION § 16-03-0210

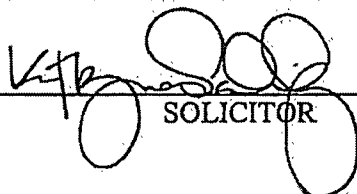
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ASSAULT AND BATTERY BY MOB SECOND DEGREE

At a Court of General Sessions, convened on July 29 the Grand Jurors of Greenville
County present upon their oath:

That MICHAEL ANTONIO WILLIAMS did in Greenville County on or about the 17th day of July
2011, willfully and unlawfully participate as part of a mob that inflicted serious bodily injury upon
ANTHONY CALLAHAM, and/or JAMAL WILLIAMS, and/or RUSSELL MOORE-PATTERSON,
and/or DONTAVIOUS SULLIVAN, and/or RAHEEM ADAMS, and/or TREVIS THOMPSON, and/or
THOMAS WALKER, and/or others. This is in violation of §16-03-0210 of the South Carolina Code of
Laws (1976) as amended.

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



SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Michael Antonio Williams

AKA: _____
Race: BLACK Sex: M Age: 22
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Simpsonville, SC 29680
DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: ASSAULT AND BATTERY BY MOB 2ND DEGREE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2303839A

A/W#: 2012GS2303839A

Date of Offense: 7/17/2011

S.C. Code § : 16-03-0210(C)

CDR Code #: 3432

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0210(C) of the S.C. Code of Laws, bearing CDR Code # 3432
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)

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.

ATTORNEY: Salisbury, Katryna Bevis 73989 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 20 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: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$
§ 14-1-206 (Assessments 107.5 %) _____ \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 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 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$
3% to County (if paid in installments) \$
TOTAL \$

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: Paul B. Williams

SCCA/217 (03/2011)

Presiding Judge 2012GS2303839A

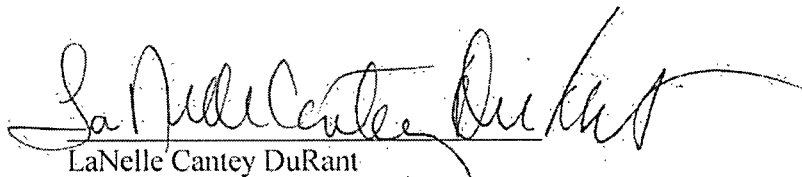
Judge Code: 2012

Sentence Date: 1-12-13

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."

January 20th, 2016



LaNelle Cantey DuRant
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

JAN 20 2016

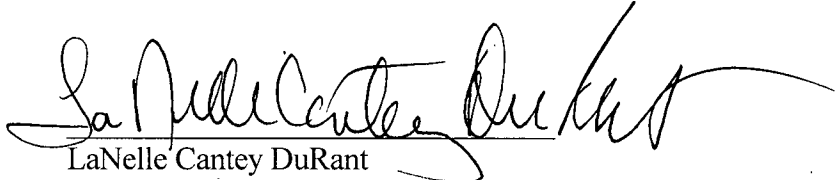
786

SC Court of Appeals

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."

January 20th, 2016


LaNelle Cantey DuRant
Appellate Defender

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

ATTORNEY FOR APPELLANT