

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Sumter County

JUN 19 2017

Honorable George C. James, Circuit Court Judge
_____ SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RAYMOND ANGELO SCOTT,

APPELLANT

APPELLATE CASE NO 2016-001560

RECORD ON APPEAL

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Raymond Scott-Cross by Meadors

1 much for him not to be no threat anymore. You know
2 like it was just for if it took cover, just give me
3 a route to get out of here, you feel me. As quick
4 as I get to the hospital bed.

5 MR. MURPHY: Thank you, Mr. Scott. I have
6 no more questions.

7 THE COURT: Mr. Meadors.

8 MR. MEADORS: May it please the court.

9 THE COURT: Yes, sir.

10 Cross Examination by Mr. Meadors:

11 Q. Good afternoon Mr. Scott.

12 A. How are you doing, sir?

13 Q. I'm doing fine, thank you. I don't know
14 if you were asked this by Mr. Murphy. What kind of
15 gun did you say Mr. Williams had?

16 A. I never said what kind of gun he had. I
17 just know it fires.

18 Q. I'm asking you what kind of gun did he
19 have?

20 A. I can't describe it.

21 Q. And you said you saw him pull it from
22 where?

23 A. Off his hip.

24 Q. You didn't see what it was?

25 A. It wasn't even relevant at the time.

Raymond Scott-Cross by Meadors

1 Q. Him pulling a gun off his hip wasn't
2 relevant at the time.

3 A. No, that's not what I'm saying. What I am
4 saying is, the type of the gun or the caliber of the
5 gun or the color of the gun wasn't relevant at the
6 time.

7 Q. Mr. Murphy asked you at the end of your
8 statement about he just kind of glossed over what
9 you told Investigator Thomas and Sergeant Dubose.
10 You said you just told a bunch of lies, right?

11 A. Yes, sir.

12 Q. And you said awe, I just didn't tell them
13 anything. That's not really true, is it?

14 A. What's not true?

15 Q. Well you told them creative lies, didn't
16 you?

17 A. It was created at the scene, at the
18 hospital.

19 Q. But it was created by the circumstances
20 that you were involved in, and you just adapted them
21 to make up a story, didn't you?

22 A. It was created. Excuse me?

23 Q. Well it was created by what you were
24 experiencing. You just put them all together to
25 make a story at the hospital. Do you remember

Raymond Scott-Cross by Meadors

1 Ardis?

2 A. Yes, sir.

3 Q. You liked Ardis.

4 A. Yeah, he talked -- he was really like how
5 you say, leading. Like how you just, leading.

6 Objection to leading question.

7 Q. Yeah.

8 A. It was like when I was talking to Ardis, I
9 told him I'm not from around here. I don't know
10 anything about none of the roads and streets.

11 And---

12 Q. That's right.

13 A. ---when he was asking questions, he was
14 also providing street names and counties and things
15 of that nature.

16 Q. Because he was from Clarendon County,
17 right?

18 A. I didn't know that at the time.

19 Q. But you had told him that you got shot in
20 Clarendon County.

21 A. Actually I told him Fairfield. And he
22 asked me was it Fairfield County or Fairfield Road.
23 Because I'm not from around here. And that's when
24 he was like, was it a dirt road. And I told him,
25 yes, it was a dirt road. He was like all right, now

Raymond Scott-Cross by Meadors

1 we're getting some place. Clarendon County. I went
2 with it.

3 Q. So initially you were going to tell him
4 Fairfield County?

5 A. Initially, I wasn't going to tell him
6 nothing. I was putting it out there, and he could
7 took it however he wanted it.

8 Q. You were putting the lie out there.

9 A. Exactly.

10 Q. But he was familiar with Clarendon County,
11 and you were familiar with Clarendon County.

12 A. I was familiar with it?

13 Q. You were familiar with Clarendon County,
14 weren't you? Well you said your girlfriend was from
15 there. From Manning.

16 A. I tell you, I say she's from Manning.

17 Q. So is she?

18 A. Yeah, she's from Manning.

19 Q. And you were talking about roads with him
20 that -- you said, awe, yeah, I know where that is.
21 So all that was just a lie, the whole conversation
22 back and forth with Ardis?

23 A. Manning is in Clarendon County?

24 Q. Yes, sir.

25 A. Well I know Peacock Street, because that's

Raymond Scott-Cross by Meadors

1 her address.

2 Q. Is that in Manning?

3 A. That's in Manning.

4 Q. But when Ardis was asking you about
5 certain roads and a church and where these people
6 live near there, you were saying yeah, I know where
7 you're talking about. Do you remember that?

8 A. Yeah.

9 Q. So was that a lie?

10 A. Yes, sir.

11 Q. So you were just going with him.

12 A. Pretty much.

13 Q. And he believed you, didn't he?

14 A. I don't know.

15 Q. And as a matter of fact, you told him you
16 had from Charleston with this white couple, right?

17 A. And he introduced a white male. He asked
18 me who was the white female and the white male that
19 I came here with.

20 Q. That's right. And then you---

21 A. I didn't know nothing about a white male.

22 Q. And you had seen a white male or a white
23 female sometime that day, right?

24 A. Yeah, when I came to the hospital.

25 Q. And you made them your ride from

Raymond Scott-Cross by Meadors

1 Charleston to Sumter, didn't you?

2 A. Yes, I did.

3 Q. You took that fact and then made it into a
4 story, right?

5 A. Yes, I did.

6 Q. That's creative lying, right? I mean,
7 that wasn't true.

8 A. I'm not familiar with the term you're
9 using.

10 Q. Well it a lie, right?

11 A. It was a lie.

12 Q. And it was based on, you met these two
13 people here. Well I'm going to say they drove me
14 from Charleston, right?

15 A. No, sir.

16 Q. Was that right?

17 A. I said a white male drove me from
18 Charleston. I never said it was---

19 Q. Well is that who you were thinking about?
20 Is that how it got in your mind?

21 A. Was I thinking about it?

22 Q. Yeah, did the two white folks that helped,
23 just good samaritans, who helped you in to Tuomey,
24 is that what put in your mind the two white folks to
25 drive you here?

Raymond Scott-Cross by Meadors

- 1 A. No, that's not correct.
- 2 Q. You just made up two white folks.
- 3 A. No. What put it in my mind was the fact
- 4 that Ardis asked me specifically who they were.
- 5 Like he connected the dots with them two. minor
- 6 never mentioned it.
- 7 Q. And then told him that you all got out on
- 8 a road in Manning, do you remember?
- 9 A. Yeah.
- 10 Q. Explain that to us.
- 11 A. Explain.
- 12 Q. Explain the road in Manning.
- 13 A. What happened right now it would be trying
- 14 to create a lie on top of a lie. Because like I
- 15 tell you, all that was a lie.
- 16 Q. Well you're doing that now, aren't you?
- 17 A. Telling you about the lies that I told
- 18 him.
- 19 Q. We can't keep them straight.
- 20 A. Who can't?
- 21 Q. You can't.
- 22 A. I am not going good at lying. I mean, it
- 23 is evident.
- 24 Q. I agree with that. So what did you tell
- 25 him about being on Manning -- in Manning, as far as

Raymond Scott-Cross by Meadors

1 when you got shot in Manning?

2 A. What did I tell Ardis? Honestly I can't
3 really go into details as far as what I told him,
4 because like I told you, it was a lie.

5 Q. So saying you were shot, and y'all
6 stopped. Did you stop in Fairfield and smoke
7 marijuana on Fairfield Road in Clarendon County?
8 Did you all stop and smoke marijuana?

9 A. The first time I ever heard about it was
10 from Ardis.

11 Q. And do you remember telling Ardis that you
12 got shot in Clarendon County?

13 A. I do remember that.

14 Q. And that was you telling him that.

15 A. I did tell him that.

16 Q. And you said it was something about some
17 people behind you must have done something, and
18 shots started firing.

19 A. Yes, sir.

20 Q. And that was a lie.

21 A. Yes, sir.

22 Q. Didn't tell him that you had been shot on
23 ■ Manning Avenue. Didn't tell him you had been
24 shot at ■ Manning Avenue when Ardis is there
25 trying to help you, treating you as a victim.

Raymond Scott-Cross by Meadors

1 You're saying no, I got shot in Clarendon County.

2 There were 8 people out there or more. I had been
3 driven by two white people. And then that's where I
4 got shot. That's what you told him, right?

5 A. I didn't know the address until there was
6 a part about the spot. I didn't know the address.
7 I couldn't tell him the address anyway.

8 Q. He's trying to help you though, isn't he?

9 A. Who? Him?

10 Q. Ardis.

11 A. It could have been his intentions.

12 Q. And you had the opportunity then to tell
13 him everything, didn't you? What you're telling us
14 today, and you didn't.

15 A. I had the opportunity.

16 Q. And you didn't, you told him a lie.

17 A. Yes, sir.

18 Q. Did you meet your girlfriend in Manning
19 that day?

20 A. Yes, sir.

21 Q. And did she come on with you to Sumter?

22 A. No, sir.

23 Q. Where did you go with her in Manning that
24 day?

25 A. I was at her house.

Raymond Scott-Cross by Meadors

1 Q. Where is that?

2 A. Peacock Street.

3 Q. How long did you stay there?

4 A. Sir, I am not really a tie and type -- I
5 don't wear watches, so as far a specific time, I
6 can't give you that.

7 Q. What did you all do?

8 A. Well first of all, I went in the house and
9 spoke to the family. You know, like I say, I spoke
10 to her mom and her sister. We chill in the bedroom
11 for a couple of minutes. Came back outside, you
12 know. Cow been outside sitting in the car playing
13 with his phone. And pretty much, I was just kicking
14 it with her, until he let me know he done contacted
15 Buster, and got in contact with him.

16 Q. Did you tell her where you were going?

17 A. I did not.

18 Q. Now let me ask you. Can we approach?

19 (Whereupon, attorneys approach the bench
20 and confer with judge.)

21 THE COURT: Yes, sir.

22 THE COURT: Ladies and gentlemen, step to
23 your jury room. You may not discuss this case.

24 (Whereupon, the following takes place out
25 of presence of jury.)

Raymond Scott-Cross by Meadors

1 THE COURT: Mr. Meadors.

2 MR. MEADORS: We're not quite there yet in
3 the cross, but it will be coming up. And as Your
4 Honor instructed me, and I just did not want to
5 blurt it out. On direct I have noticed that he had
6 been in prison before. But I thought he said, never
7 hurt anybody. According to my memory, that I'm not
8 a scary dude. One of the other two prior armed
9 robberies, he's given the indication that he could
10 have been in there for anything. It could have been
11 forgery. Whatever, I'm not a bad guy. I think that
12 opens the door. He's got two prior armed robberies.

13 MR. MURPHY: Your Honor, he did not say.
14 My recollection is, and I do recall. My
15 recollection is what he was talking about was what
16 Cow was telling Mr. Williams. He's been in prison
17 before. And then he said---

18 THE COURT: He's telling Mr. Williams that
19 who had been in prison before?

20 MR. MURPHY: That my client had been---

21 THE COURT: Okay.

22 MR. MURPHY: ---in prison before. That's
23 where the 10 years come. He's the one talking
24 about himself. And as far as saying, you know, I'm
25 not---

1 THE COURT: I ain't no scary dude.

2 MR. MURPHY: I don't think he said I'm not
3 no scary dude. I think what he said was, as far as
4 I can piece it, and again this is vague. But I'm
5 not scared of that dude or something like that.
6 It's in the tape.

7 THE COURT: I'll be able to hear it. But
8 let's just assume, I know he did not say, I'm not
9 going hurt anybody. He didn't say that.

10 MR. MEADORS: I thought he said I never
11 had hurt him. And beneath that I do see now, no
12 scary dude.

13 THE COURT: He didn't say, I've never hurt
14 anybody. He didn't say that. Because if he had
15 said that, I would have written it down and put a
16 big circle around it. Notice I did write down, I've
17 been in prison. Now if he said those words, I don't
18 know whether he was quoting somebody saying that, or
19 whether or not he was saying that about himself.
20 Let's assume that he was saying it about himself,
21 I've been in prison before.

22 MR. MEADORS: I don't have a problem with
23 it. I did do a little asteric after mine. I wish
24 we could play it back.

25 THE COURT: Well I looked at you and you

1 looked at me, which is the way it normally works
2 when something comes up on these types of issues. I
3 ain't no scary dude is what I wrote down. I don't
4 know what that means. I don't -- I'm not scared of
5 him. But anyway, it's just the simple fact that
6 whether or not, what do you contend, Mr. Meadors,
7 that he said, that opens the proverbial door?

8 MR. MEADORS: I wrote down very word,
9 never hurt anybody. I know you didn't. And I'm not
10 saying mine is better than yours.

11 THE COURT: You want to listen for it?

12 MR. MEADORS: I'm not saying I'm better
13 than yours. But I did that and did three dots. And
14 then underneath that, I wrote down, no scary dude.

15 THE COURT: Would you like Margaret to
16 find that?

17 MR. MEADORS: I hate to be difficult.

18 THE COURT: No, that's all right. That's
19 fine. It's after zip ties.

20 MR. MEADORS: It was right after first
21 time coming until the vibe changed.

22 THE COURT: Let's stop so Margaret can
23 find. Have you got real time?

24 THE REPORTER: I do.

25 THE COURT: Can you search zip ties or can

1 you do a word search?

2 (Whereupon, attorneys listen to audio on
3 zip ties.)

4 THE COURT: Any further comment,
5 Mr. Meadors?

6 MR. MEADORS: No, I think I had told
7 there.

8 THE COURT: Sir?

9 MR. MEADORS: I had told, but then after
10 that, is no scary dude.

11 THE COURT: Mr. Murphy anything else?

12 MR. MURPHY: I don't see how that opens
13 the door to....

14 THE COURT: Mr. Meadors.

15 MR. MEADORS: Again, he's putting his
16 character in evidence. Says I have done time. I'm
17 not a scary dude.

18 MR. MURPHY: Once again, he's paraphrasing
19 what is in the context of Mr. Williams tripping out,
20 and Mr. -- and Cow telling Mr. Williams, you know,
21 he's good, he ain't told nobody. That's the way I
22 took that.

23 THE COURT: Well I took it to mean that
24 Mr. Scott was saying that he himself had been in
25 prison, and that I ain't no scary dude. Him putting

1 himself in prison is certainly not him vouching for
2 his own character. It would be the exact opposite.
3 If he had said I've never done anything to go to
4 prison before, then you'd jump all over it.

5 MR. MEADORS: Of course. Yes, sir. I
6 thought I was hurt, and I was on the run.

7 THE COURT: He's putting his bad,
8 potential bad character in evidence which doesn't
9 open an door, it just.

10 MR. MEADORS: Although, I respectfully
11 disagree with you a little bit. He's trying to have
12 it both ways. Yeah, I've been there but I ain't
13 scared. I ain't done nothing real bad. I think
14 you can argue that, but be that as it may.

15 THE COURT: Okay, I don't think that's
16 opened the door. Are you ready to continue,
17 Mr. Meadors, or would you like to take a break?

18 MR. MEADORS: I'm ready.

19 THE COURT: Mr. Murphy.

20 MR. MURPHY: I'm ready, Your Honor.

21 THE COURT: Bring in the jury.

22 (Whereupon, the following takes place
23 within the presence of the jury.)

24 THE COURT: Do we have everybody, Mr.
25 Bradley?

1 MR. BRADLEY: Yes, sir, Judge.

2 THE COURT: Mr. Meadors.

3 MR. MEADORS: May it please the court.

4 THE COURT: Yes, sir.

5 Cross examination by Mr. Meadors:

6 Q. Let's go back to Tuomey Hospital, okay.

7 The first person you talked with Ardis. Corporal---

8 A. Yes, sir.

9 Q. ---Ardis, James Ardis, and lied to him,
10 correct? And you also talked to Jennifer.

11 Jennifer, you're still here. Raise your hand up.

12 Do you remember talking to Jennifer?

13 A. I honestly never remember talking to her.

14 Q. You don't remember talking to her?

15 A. No, sir.

16 Q. And you don't remember telling her where
17 you were from and being in Charleston?

18 A. Personally, I don't remember her or not.

19 Q. Do you dispute that you lied to her.

20 A. Every officer that talked to me, I lied
21 to.

22 Q. Sergeant Dubose, do you remember talking
23 to Sergeant Dubose?

24 A. I remember him coming through.

25 Q. And he was nice to you.

Raymond Scott-Cross by Meadors

1 A. I didn't like him too much, to be honest
2 with you.

3 Q. You didn't like him.

4 A. No.

5 Q. And but he didn't yell at you. It's on
6 the tape, isn't it?

7 A. He ain't been yelling or nothing.

8 Q. That tape, what's on the tape is what
9 happened, isn't it? I mean that tape, y'all's
10 conversation that accurately reflects it.

11 A. That definitely did take place.

12 Q. And he was trying to find out where you
13 got shot, wasn't he?

14 A. Everybody.

15 Q. I mean, wasn't he trying to find out?

16 A. Yeah.

17 Q. And said you got shot, and somebody else
18 got shot. You all came in here at the same time. I
19 mean he wanted to know. I mean he was trying to
20 find out who shot you, wasn't he?

21 A. All right.

22 Q. Is that a yes or no?

23 A. Yes, sir.

24 Q. And, please, and did you tell him that
25 some white folks had taken you up from Charleston to

Raymond Scott-Cross by Meadors

1 Manning and then to Sumter?

2 A. Yes, sir.

3 Q. You had the opportunity to tell him right
4 off the bat, when he's treating you as a victim,
5 here's what happened Investigator Dubose.

6 A. Yes, sir.

7 Q. You could have told him that, couldn't
8 you?

9 A. Yes, sir.

10 Q. You could have told him, look, I got shot,
11 right?

12 A. Right.

13 Q. And I had shoot back in self defense,
14 right?

15 A. Yes, sir.

16 Q. And you could have told him that, couldn't
17 you?

18 A. I could have.

19 Q. And you didn't, did you?

20 A. I did not.

21 Q. As a matter of fact, you made up a lie.

22 A. Yes, sir.

23 Q. About getting shot in another county?

24 A. Yes, sir.

25 Q. Now I got a brother in Charleston, okay.

Raymond Scott-Cross by Meadors

1 Have you all got marijuana in Charleston?

2 A. Do we have marijuana in Charleston?

3 Q. Yeah.

4 A. Sure we do.

5 Q. You said you were worried about traveling
6 with zip ties, right? You're so worried about these
7 zip ties and stuff hanging out of the car that you
8 even say it might be probable cause to stop. So
9 you've got zip -- what have you got the zip ties
10 for?

11 A. I disagree with that right there. I
12 didn't say that.

13 Q. What did you say about it?

14 A. I said that I wasn't going to travel on
15 the highway. We're about to go and buy marijuana,
16 and we're on the road with wires hanging out. I
17 went and got the zip ties from the house.

18 Q. That's what I was asking you. I didn't
19 say anything different from that.

20 A. You just say that I was worried about
21 traveling with the zip ties. I never said I was
22 worried about traveling with zip ties. What I said
23 was, I was worried about traveling on the highway
24 with the wires hanging out from under the steering
25 wheel.

Raymond Scott-Cross by Meadors

1 Q. And that's why you had zip ties.

2 A. I went to get the zip ties to tie it up
3 before we hit the road.

4 Q. But you never did that.

5 A. Yes, I did.

6 Q. Here are the zip ties.

7 A. Yeah, that's not a whole pack. You don't
8 need a whole pack to tie up the wires.

9 Q. But you were worried about traveling from
10 Charleston to where? Where are you going?

11 A. Going to Sumter.

12 Q. And worried about getting stopped.

13 A. If we get stopped and they look at them
14 wires, that's probable cause to search the vehicle.

15 Q. Wires hanging down.

16 A. Yes.

17 Q. And so you were worried about that. So
18 you're traveling all the way from Charleston to
19 Sumter to buy a quarter pound?

20 A. No, I didn't say that.

21 Q. Well you said you had \$500. You were
22 going to buy a quarter pound.

23 A. I did not say that.

24 Q. You said you all were going to buy a
25 pound, and you were going to get a quarter pound of

Raymond Scott-Cross by Meadors

1 it.

2 A. I said, my exact words was, I had \$500.
3 Cow was going to put the remaining wherever I
4 needed, to get a pound of reefer. That's what I was
5 going to get. As far as what he was buying, it
6 don't work like that. He ain't going to tell how
7 deep his pockets, what he buy. I was going to get
8 a pound of reefer. I ain't ride all the way up
9 there for the quarter pound.

10 Q. And you're going to travel to all these
11 counties to get dope from somebody you don't know,
12 instead of doing it somewhere close to home. Chance
13 of traveling all this way, right?

14 A. The price is different.

15 Q. What else you can do with these ties? Do
16 they use these as handcuffs?

17 A. I was never put in any zip ties and no
18 handcuffs.

19 Q. Police do, don't they?

20 A. I had never seen it.

21 Q. You remember everything you said for this,
22 but you can't even remember talking with Jennifer?
23 You can't remember all your?

24 A. I don't remember talking to her.

25 Q. And what type of gun did you have?

Raymond Scott-Cross by Meadors

1 A. A revolver.

2 Q. What specially?

3 A. A 38 special.

4 Q. Now a 38 that revolver, you can put
5 different type of projectiles in there, can't you?
6 They don't all have to be the same kind of ammo, do
7 they?

8 A. I couldn't tell. I mean, you've got to
9 put 38 bullets in there.

10 Q. That's right, just as long it's a 38. And
11 how many 38's did you have in that revolver?

12 A. How many bullets I have? Well I fully
13 loaded all 5.

14 Q. But you end up shooting some at [REDACTED]
15 Manning, right? But you did shoot Raymond Scott.
16 There ain't no question about it. You said you may
17 have shot him all four times. But your hands pulled
18 the trigger that put the bullets in his body, right?

19 A. I did not say that. I am Raymond Scott.

20 Q. You know what I mean, Tyrone Williams.
21 You shot the bullets in to Tyrone Williams, didn't
22 you?

23 A. It is possible I shot him all four times.

24 Q. It's possible you shot him all four times.
25 All 38's, correct?

Raymond Scott-Cross by Meadors

1 A. Every shot he got him in, it was possible
2 to be a 38.

3 Q. And that doesn't eject or leave shell
4 casings, does it, with a revolver?

5 A. No, sir.

6 Q. Where did you get that gun from?

7 A. Charleston.

8 Q. Where?

9 A. Goose Creek.

10 Q. From who?

11 A. AP.

12 Q. AP who?

13 A. That's the nickname.

14 Q. Just tell me the location of where AP was
15 when you got it?

16 A. Goose Creek.

17 Q. Where in Goose Creek?

18 A. Goose Creek, Burch Hollow. Certain
19 streets, I can't even tell you.

20 Q. You can't tell me. When did you get it?

21 A. It was about close to about a week, give
22 or take, a couple of days before Christmas.

23 Q. Close to about a week, give or take before
24 Christmas.

25 A. I know I had it around like a week---

Raymond Scott-Cross by Meadors

1 Q. Why did you get it?

2 A. ---to 10 days.

3 Q. Why did I get it?

4 A. Why did I get it? It's a gun. I mean,
5 protection.

6 Q. And you knew you weren't supposed to have
7 a gun.

8 A. I did know that.

9 Q. You did know that.

10 A. I did.

11 Q. And where did you get the ammunition?

12 A. Well, you can get 38 bullets from
13 Wal-Mart. I got a girl I can, you know, I know from
14 Charleston to buy 38 bullets from Wal-Mart.

15 Q. That's---

16 A. A whole box.

17 Q. ---illegal -- that's illegal for you to
18 have ammunition too, isn't it?

19 A. Yes, it is.

20 Q. So you knew that was wrong.

21 A. I did know that.

22 Q. You knew that having a gun was wrong.

23 A. I did know that.

24 Q. Why did you have the three 38's in your
25 hand when you went to the hospital?

Raymond Scott-Cross by Meadors

1 A. To be honest with you, I was trying to
2 find a way a throw them.

3 Q. Well...

4 A. I didn't have any opportunity to.

5 Q. And you left from -- and you say you were
6 parked right across the street from [REDACTED] Manning
7 Avenue?

8 A. No, sir.

9 Q. Where were you parked again?

10 A. Well it wasn't definitely on the street
11 in the front of the building. We didn't park in
12 front of the building. There was two cars out there
13 already. We park on the side of the building. So
14 when you come out, you got to -- if we had the
15 picture right here, I would been able to show you
16 the location. But you come out, you go, as my
17 memory brings it, you go to the right.

18 Q. You mind if I approach you?

19 A. No.

20 Q. I have it up right now, and I know it's
21 just easier. So this is State's, what's that
22 number right here, sir?

23 A. 39.

24 Q. 39. So when you come out of the business,
25 which way do you go?

Raymond Scott-Cross by Meadors

1 A. You come out, you right here.

2 Q. You come down this way?

3 A. Yeah, that would be when you come over
4 this way. Because this would have been where the
5 window is at, you could see in when you're coming
6 in. So we went this way.

7 Q. And you didn't have any trouble seeing
8 inside the building, either, did you? I mean, it is
9 pretty well lighted, right?

10 A. Yes.

11 Q. I mean, no question you could see -- you
12 could see Mr. Williams and Mr. Williams could see
13 you, right?

14 A. Yes, sir. Right in front of me.

15 Q. And you all close enough like we are just
16 now talking, right? Back and forth, right? Ain't
17 no question about that.

18 A. No question.

19 Q. He saw you, you saw him.

20 A. Definitely.

21 Q. And you'd never been there before.

22 A. Never was.

23 Q. They didn't know who you were.

24 A. None of them. That was the first time I
25 met both of them.

Raymond Scott-Cross by Meadors

1 Q. And you say, Walter just dapped you right
2 off the bat?

3 A. As soon as I came in, it was like what's
4 up, you know, going on.

5 Q. Tyrone Williams who had never seen you,
6 never met before, treated just like nothing to it
7 when you first came in, right?

8 A. I mean nothing to it.

9 Q. That means you all were fine when you
10 first came in.

11 A. No, disagree.

12 Q. Tell me how it was.

13 A. Well when I first walked in, like I told,
14 it was inquired about, who the little man was, you
15 know, the small child.

16 Q. That's when you first came in?

17 A. As soon as we came in. Me and Cow dapped,
18 walked up. I went to dap Walter up. And then the
19 inquiry came. I said, who is your little man is.
20 So he was like, yo, that's my son. What have you
21 got a little man in the mix for, we're able to
22 handle business. Right off the bat, it just took a
23 wrong turn.

24 Q. Why didn't you leave?

25 A. Why didn't I leave?

Raymond Scott-Cross by Meadors

1 Q. Yeah, why didn't you turn around and
2 leave?

3 A. Right then?

4 Q. Yeah.

5 A. It was no point. I came up here, it was
6 no point. I came up here to buy marijuana.

7 Q. So everything was fine with you after you
8 said this bad vibe about his son, you saw some
9 change. But you said, well, you didn't think you
10 should have just left then?

11 A. I didn't think that, in my mind I didn't
12 think it was going to escalate to the point it did
13 escalate.

14 Q. So it wasn't that bad of a vibe to make
15 you even think about leaving then. You still
16 thought it okay. Right?

17 A. I believe so.

18 Q. Okay.

19 A. I can go for that.

20 Q. So after you did tell him little man here,
21 he's still okay according to you.

22 A. Who is okay?

23 Q. Tyrone Williams still okay.

24 A. Okay about me?

25 Q. After you. You said you got a vibe after

Raymond Scott-Cross by Meadors

1 you asked him about the little man being here. But
2 then you said well---

3 A. The whole vibe in the whole place with him
4 changed.

5 Q. Well why didn't you leave?

6 A. I had no business to leave right now. I
7 came up here for a purpose. I was trying to
8 accomplish what I came up here for, and then go on
9 my own way.

10 Q. You're going to come in a place you've
11 never met anybody, neither one of them. You're from
12 out of town, and you're going to come in and just
13 expect him to sell you marijuana? That's
14 incredible.

15 A. It is.

16 Q. It is.

17 A. Have you ever bought marijuana?

18 Q. I have not.

19 A. All right then you can't tell me.

20 Q. Do you think it's reasonable to go buy
21 something from somebody you don't even know?

22 A. Cow was going to make the purchase.

23 Q. And he even started asking.

24 A. I knew his face.

25 Q. Let's ask about Cow. How do you spell

Raymond Scott-Cross by Meadors

1 that?

2 A. C-O-W.

3 Q. C-O-W.

4 A. That's how I pronounce it.

5 Q. And on -- strike that. I'm sorry, on
6 December 29 2015, when you talked to Jennifer, when
7 you talked to Greg Hawkins, when you talked to
8 Sergeant Dubose, how many times did you mention Cow?

9 A. None.

10 Q. And how many times did you mention --
11 what's his real name?

12 A. Alonzo Fitzgerald.

13 Q. Alonzo Fitzgerald.

14 A. Yes, sir.

15 Q. How many times did you mention Alonzo
16 Fitzgerald?

17 A. None.

18 Q. Not at all. And you mention him here
19 today, why?

20 A. First off, I got his blessings.

21 Q. You got his blessings.

22 A. Yeah.

23 Q. When did you talk to him?

24 A. On the phone. And the last time I spoke
25 to him would actually be Monday.

Raymond Scott-Cross by Meadors

1 Q. And you got his blessing to snitch on him.

2 Because you're snitching now.

3 A. I definitely am not.

4 Q. Well the record will reflect, you're

5 telling on, you're a snitch.

6 A. That's what you want to call it.

7 Q. Well if you tell on somebody else if

8 they're involved in something, what's the definition

9 of that?

10 A. Well if they give you their blessings,

11 then what is the definition?

12 Q. Where does he live right now?

13 A. I have no idea.

14 Q. Where did you talk to him?

15 A. When did I talk to him?

16 Q. Where was he when you talked to him?

17 A. He was on the street.

18 Q. Where, what county?

19 A. Right, Monday?

20 Q. When you talked to him.

21 A. I talked to him, and that was in

22 Sumter/Lee Regional when I went back to the county

23 jail.

24 Q. Where was he?

25 A. I didn't ask him.

Raymond Scott-Cross by Meadors

- 1 Q. What county?
- 2 A. I did not ask him.
- 3 Q. He's in South Carolina, wasn't he?
- 4 A. He is South Carolina.
- 5 Q. I mean he lives in South Carolina.
- 6 A. To my knowledge, he does.
- 7 Q. And when did you meet him?
- 8 A. When did I meet him?
- 9 Q. Uh-huh. (Affirmative.)
- 10 A. The very first time?
- 11 Q. Yes, sir.
- 12 A. Well we went to school together at
- 13 Sedgefield Intermediate.
- 14 Q. And when was the last time you saw him?
- 15 A. December 29th.
- 16 Q. And how many times have you talked to him
- 17 since then?
- 18 A. A couple of times.
- 19 Q. And he doesn't exist, does he?
- 20 A. He doesn't exist?
- 21 Q. There's not an Alonzo Fitzgerald in South
- 22 Carolina. Did you know that?
- 23 A. I disagree.
- 24 Q. Well the records disagree with you. He
- 25 does not exist. So I agree, you're not snitching on

Raymond Scott-Cross by Meadors

1 a real person, are you?

2 A. And if that's what you call it. I
3 disagree. I know we've -- as a matter of fact, all
4 phone calls in Sumter/Lee Regional are recorded.

5 Q. That's right, and you got access to them,
6 don't you?

7 A. Access to the recording?

8 Q. You got access to them, don't you?

9 A. To the recording?

10 Q. Yeah.

11 A. No, I don't.

12 Q. You got access to him. You talked to him
13 Monday.

14 A. I can get on the phone.

15 Q. You got access to him. You got on him
16 Monday, and you talked to him, didn't you?

17 A. I did get a phone.

18 Q. So you know how to get in touch with him,
19 don't you?

20 A. I can.

21 Q. You can.

22 A. I can.

23 Q. And our records reflect he don't exist.

24 Why didn't you tell on him on the 29th?

25 A. For the record, I ain't telling on him.

Raymond Scott-Cross by Meadors

1 But on the 29th when I was talking to officers, it
2 wasn't my intentions to involve him, because at the
3 time, I knew nothing about what was going on.

4 Q. And he just let you off at Tuomey?

5 A. He had intentions of taking me in there.
6 I told him go ahead, I'm going to handle it.

7 Q. So you were covering him.

8 A. Yes, sir, he saved my life. I owed it to
9 him.

10 Q. Now did I ask you, why did you have those
11 3 bullets in your hands in the hospital?

12 A. Yes, sir, you did.

13 Q. And why did you say?

14 A. I said I was trying to rid of them. I was
15 trying to throw them.

16 Q. So let's go back to that. When you left
17 in the car from [REDACTED] Manning Avenue to Tuomey, was
18 anybody stopping you from just throwing them out the
19 window, or throwing them out the door?

20 A. Besides my mind thinking about it being in
21 my pocket, no, sir.

22 Q. But they were in your hand when you went
23 in the hospital.

24 A. Yeah, I actually retrieved them out from
25 my pocket when I was in the hospital. That's why I

Raymond Scott-Cross by Meadors

1 remember it.

2 Q. How did you get those extra 3 bullets?

3 A. Excuse me?

4 Q. I mean why were they in your hand?

5 A. I was trying to get rid of them.

6 Q. Yeah, but why were they in your hand.

7 A. I put them in my pocket, and I was trying
8 to find some way to dispose of them to get off my
9 person. I knew I wasn't supposed to have them.

10 Q. You didn't unload your gun, did you?

11 A. No, sir.

12 Q. So you had three extra bullets. You've---

13 A. Yes, sir.

14 Q. ---already said your revolver was loaded,
15 right?

16 A. Yes, sir.

17 Q. And then you had three extra bullets?

18 A. Yes, sir.

19 Q. You were looking for trouble, weren't you?

20 A. No, sir.

21 Q. How many bullets did you have total?

22 A. A total? Five in the gun, and three in my
23 pocket. That would have made a total of 8.

24 Q. So you had 8 total.

25 A. Yes, sir.

Raymond Scott-Cross by Meadors

1 Q. How many times did you fire?

2 A. I can't keep count, but I can tell you
3 this, it's very much possible that I shot them all
4 four times.

5 Q. Four times. And did you shoot on the way
6 out too?

7 A. No, sir.

8 Q. The light skinned fellow whoever he is, he
9 ended up shooting. You didn't hear shots coming
10 towards you?

11 A. I got shot.

12 Q. You got shot from the light skinned fellow
13 shooting his 45 back toward you, didn't you?

14 A. No, sir.

15 Q. He was firing.

16 A. He was behind me.

17 Q. Firing in your direction.

18 A. He was behind me to the right. So if he
19 was firing in my direction, I would have been hit on
20 the right side.

21 Q. You can turn your body any way you want to
22 when shots are fired, can't you?

23 A. Yeah, but at same time, If you want to see
24 the bullet enter me from a left angle, you know, you
25 want to take a look?

Raymond Scott-Cross by Meadors

1 Q. I will do whatever you want to do.

2 A. Right here by me standing right in front
3 of you, you know, see me, this is the line.

4 Q. And if he's standing over here, and you're
5 here, it goes straight towards to you, doesn't you?

6 A. If he's standing to my right.

7 Q. That's right.

8 A. Or if he's standing directly in front of
9 me. But if he's standing behind me, I mean to my
10 left over here. But if he's standing behind me to
11 the right, you know, for a bullet to come from over
12 here, I would have to do like a boomerang to come
13 from a left hand.

14 Q. And if you're Raymond -- if you're
15 shooting Tyrone Williams, Raymond Scott, as you
16 admitted right here, and these shoots are coming
17 right here and you've moving, that would go
18 straight in your leg, wouldn't you? Do you stand
19 still when a gunshot -- do you sit there and stand
20 still when shots are going off?

21 A. Of course not, I was on the ground. I
22 wasn't standing.

23 Q. Did your buddy apologize to you for
24 shooting you? You think this is funny?

25 A. Nah, it's the question you asked me.

Raymond Scott-Cross by Meadors

1 Q. You think it's funny that you lie to law
2 enforcement officers?

3 A. I just told you Tyrone Williams shot me.

4 Q. Do you think it's funny to lie to law
5 enforcement officers?

6 A. I don't trust law enforcement.

7 Q. You think it's funny to come in to Sumter
8 County with five bullets in a revolver and three
9 projectiles looking for trouble? You think that's
10 funny to come in this county looking for trouble?
11 Huh? Is---

12 A. I wasn't---

13 Q. ---that funny?

14 A. ---looking for trouble.

15 Q. And you never, ever, ever told anybody
16 about this until today?

17 A. I disagree with that too.

18 Q. You didn't tell law enforcement.

19 A. That aren't on the my side. There are no
20 law enforcement besides the people that escorted me
21 in here, sitting behind the defense.

22 Q. No, sir. I disagree with you. James
23 Ardis was on your side. You even called for him.
24 James Ardis back in the back of the courtroom, doing
25 what law enforcement is supposed to do, thought you

Raymond Scott-Cross by Meadors

1 were a victim. You're so good, you convinced them
2 you were shot in Clarendon County. He called
3 Clarendon County investigator and say hey---

4 MR. MURPHY: Your Honor, is there a
5 question in here?

6 MR. MEADORS: I'm getting to it.

7 THE COURT: Wait. You can continue, let
8 me rule first.

9 MR. MEADORS: I'm sorry.

10 THE COURT: You can ask the question. Go
11 ahead.

12 Q. He called Clarendon County based on your
13 story and asked them, say, hey, see if somebody
14 fired here. Do you realize that? He believed you.

15 A. Yes, sir.

16 Q. He was on your side. He was trying to
17 find out who shot you. That's what good law
18 enforcement does.

19 MR. MURPHY: Your Honor, is that a
20 question?

21 THE COURT: Sustained.

22 Q. Did he try to help you?

23 A. Mr. Ardis?

24 Q. Yes, sir.

25 A. Yes, sir.

Raymond Scott-Cross by Meadors

1 Q. And you lied and told him you were shot in
2 Clarendon County.

3 A. Yes, sir.

4 Q. And that is totally inconsistent with what
5 you're saying today.

6 A. Yes, sir.

7 Q. Lied to Jennifer. Lied to Dubose. Lied
8 to Ardis, correct?

9 A. Jennifer, that's -- all right, yeah.

10 MR. MEADORS: I beg the court's
11 indulgence.

12 Q. So for the record, let me get Cow. And
13 tell me his name again.

14 A. Alonzo Fitzgerald.

15 Q. And Alonzo Fitzgerald did what in this
16 thing?

17 A. Excuse me?

18 Q. Did he fire his weapon?

19 A. Did he fire his weapon?

20 Q. Yes, sir.

21 A. Yes, sir.

22 Q. How many times?

23 A. I cant' give you under oath, I can't give
24 you an accurate amount.

25 Q. What type of gun did he have?

Raymond Scott-Cross by Meadors

1 A. I couldn't tell you that either. I didn't
2 ask.

3 Q. Did you ever see it?

4 A. Did I see his gun?

5 Q. Yeah.

6 A. No, sir.

7 Q. You all are coming up here to Sumter, a
8 place you've never been before, and you knew he had
9 a gun, didn't you?

10 A. I was pretty much, I can't say I knew for
11 a fact, because I've never seen it.

12 Q. You're going to walk into a place to buy
13 dope, and you don't know if you're partner has got a
14 gun?

15 A. I can tell you that it's just people. I
16 wasn't expecting any trouble.

17 Q. He's from Charleston, isn't he?

18 A. Yes, he is.

19 Q. So you don't know if he had a gun.

20 A. I know he had a gun after shooting. I
21 didn't know about it coming up here.

22 Q. And what did you all talk about on the way
23 to the hospital?

24 A. I talked about everything. How I been
25 doing, and giving me my condolences about, you know,

Raymond Scott-Cross by Meadors

1 I lost my twin brother.

2 Q. No, on the way to the hospital after the
3 shooting.

4 A. Oh, I told him, shoo. While he was
5 talking, I told him to shut up and get me to the
6 hospital. My focus was about getting medical
7 attention.

8 Q. So your testimony under oath is that you
9 went [REDACTED] Manning Avenue with a weapon, with extra
10 firearms, to buy dope?

11 A. Weed, marijuana.

12 Q. Excuse me. And you could have walked out
13 of there, couldn't you? After you felt the vibe
14 something wrong, you could have just left, couldn't
15 you?

16 A. After, I could have.

17 Q. You could have. You could have just
18 walked out.

19 A. I could have.

20 Q. Nobody was keeping you staying there, were
21 they?

22 A. No, sir.

23 Q. And you didn't, did you?

24 A. At that time.

25 Q. You got the Mystic?

Raymond Scott-Cross by Meadors

1 A. I left it, you know, I got shot and wasn't
2 paying attention.

3 Q. But you bought the Mystic.

4 A. I did buy it.

5 Q. He told you \$5?

6 A. No.

7 Q. Two dollars.

8 A. Two dollars. I give him a 5.

9 Q. He gave you change.

10 A. Yeah.

11 Q. And at that point you say he pulled out
12 his weapon?

13 A. I went and got the change. He came and
14 give it back to me. And he pull out, he shot. No
15 talk, no...

16 Q. So he just decided that he's going to
17 shoot you?

18 A. I don't if when he if just -- I don't know
19 when he decided, but I know when he pull out his
20 gun, he shot. That's why when Walter, Walter was
21 over there by Cow. Cow. Walter got hit in the
22 head. He didn't get shoot, because he wasn't
23 firing. Cow was behind me. He started shooting at
24 Walter. I mean, at Buster. Because Buster shoot
25 me. You feel me. So when I got shot, I fall down.

Raymond Scott-Cross by Meadors

1 They started shooting at each other.

2 Q. And Mr. Williams just started firing at
3 you, because you had said something, why is this kid
4 here.

5 A. I can't tell you what his intentions was,
6 and why he did what he did.

7 Q. He just came out and started firing after
8 he gave you change.

9 A. I got the change. The money is still in
10 my hand. And he pull, boom.

11 Q. So he just after giving change, selling
12 you a Mystic, he decided he's just going to shoot
13 you. That's what you're saying, he just shot you?
14 No other bad blood. I mean, you all didn't have
15 words. You weren't yelling at each other. You
16 weren't pushing each other.

17 A. I had words prior.

18 Q. About what?

19 A. I first came and I told you.

20 Q. About the kid.

21 A. I guess, well it ain't really a guess,
22 but when I made my statement about why you got your
23 little man in the mix, we're supposed to be
24 handling. For one, I was in his establishment, I
25 ain't trying to tell him what to do. And they were

Raymond Scott-Cross by Meadors

1 supposed to be conducting anyway, you feel me.

2 Q. No, I don't feel you. By the way, I
3 don't. And because of that one statement you said
4 why is your son in this place of business, you're
5 saying that because of that he got so mad, and then
6 finally shot you? Because nothing else transpired
7 besides that between you all. You all didn't have
8 any other bad words. He didn't come at you. You
9 weren't afraid of being hurt of anything. You
10 hadn't tried to hurt him. Because you said you got
11 your son in here, you're saying all of a sudden, he
12 just shot you? He got mad about that?

13 MR. MURPHY: Your Honor, I don't believe
14 that's what the testimony is.

15 THE COURT: He can -- the witness can
16 explain if he -- if that is the question, the
17 witness can admit or deny it or answer otherwise.
18 Go ahead.

19 A. Can you rephrase your question.

20 Q. Sure. You said, your testimony was that
21 you said the vibe changed when you asked him, why
22 you got your little man around here. You didn't say
23 anything else happened between you all. As a matter
24 of fact, the only thing you said after that, you
25 want a Mystic. He got it to you. You gave him a 5.

Raymond Scott-Cross by Meadors

1 He gave you change. And then all of a sudden he
2 came out and started shooting you. Nothing else
3 happened besides you asking about your kid, right?

4 A. Yeah, I am walking---

5 Q. Can you answer that yes or no?

6 A. Can I answer that?

7 Q. Well go ahead, say whatever you want to.

8 A. When I'm walking after I say, you know,
9 why you got your little man in the mix when we're
10 supposed to be handling business. He starts
11 battling. He was the one asking me all these
12 questions and all that. I walked to the Mystic
13 machine, well to the cooler, and get the Mystic
14 myself. But when I was walking over there, I said
15 it loud enough for them to hear it, man, you ain't
16 talking about nothing. And pretty much, I was like,
17 I was dismissing him. Like, that's irrelevant.
18 Like I ain't really pressed about this exchange of
19 words that's going on right now.

20 I went and grabbed a Mystic. He came --
21 like and we moved for this, when you put money in
22 somebody's pocket they tend to calm down usually.
23 So I bought the Mystic. He walked off. When he
24 came back, we were sitting by one the pool tables.
25 When he came back, he tried to hand me the money in

Raymond Scott-Cross by Meadors

1 my left hand. I didn't accept it from there. I
2 went and turned back with my right hand. He's
3 leaped forward, that's when he shot me.

4 Q. So the only time that caused him to do
5 this was you said something about why is your boy
6 here.

7 A. I can't tell you what his mind was
8 thinking, why he did what he did.

9 Q. Just a few more questions. You said you
10 brought \$500 to buy some weed. You knew how much
11 you were going to buy. How much money did you
12 bring?

13 A. 500 was going from pocket, from my
14 possession to Cow. And he was going to put the
15 difference to buy the marijuana. All the rest of
16 the money was going to be mine.

17 Q. And how much was a pound?

18 A. How much a pound is it? Well from my
19 understanding Buster was selling \$1,000 a pound.

20 Q. And you were going to buy how much?

21 A. I was just going get a pound.

22 Q. And you had how much on you?

23 A. \$500.

24 Q. And they took \$569 off of you. That's the
25 money you grabbed from the floor after Tyrone--

Raymond Scott-Cross by Meadors

1 A. No, sir.

2 Q. ---threw it to you, didn't they?

3 A. No, sir.

4 Q. In your pocket. It was separate from the
5 \$7 you had in your other pocket.

6 A. Yeah, I don't remember that. But if
7 anything, that came from something different. But
8 the money in my pocket, \$500 was going to get the
9 weed. The rest of my money was my personal. It was
10 just for me to get my feet and get myself
11 established.

12 Q. The extra \$69?

13 A. That's mine. All -- everything else was
14 just for my personnel, not to go into the weed. The
15 weed, the whole part of him of making the
16 difference, is for me to get that part of the weed,
17 for me to get everything established. Get myself
18 together.

19 Q. That whole \$569 was Tyrone Williams,
20 wasn't it? That you got from -- again, is this
21 funny?

22 A. I mean you're asking me a question. I
23 just gave you an answer.

24 Q. Yeah, well the first time today you're
25 trying to interject an imaginary person. Let me ask

Raymond Scott-Cross by Meadors

1 you this question, where was the marijuana?

2 A. Where was who marijuana?

3 Q. What do you who marijuana? The marijuana
4 you came here. You said you came here to buy it.
5 Where was it?

6 A. You have to ask the victim that.

7 Q. Law enforcement didn't find but a couple
8 of roaches there.

9 A. You've got to ask the victim that.

10 Q. No, I'm asking you that.

11 A. I never saw it. I told you what happened
12 when I came in there. I can't tell you where the
13 marijuana was at. He never produced. He never
14 showed it. I came up there with the intentions to
15 buy marijuana.

16 Q. And you all never talked about it all
17 about the marijuana when you got there, did you?

18 A. When we came in, the marijuana approach in
19 the conversation about, yo, what's up with the
20 business. I never get spoken about as marijuana.
21 It was just said that we came in and handle
22 business. And you got your little man in the mix.

23 Q. And your friend never talked to you about
24 how it was going to go down. Where were you going
25 to buy it. Who you buying it from. And how you

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1 were paying him, or what were they were going to
2 take it in or anything, did they? What were you
3 going to put the marijuana in?

4 A. Yes, sir.

5 Q. What were you going to put the marijuana
6 in?

7 A. What do you mean what was I going to put
8 it in?

9 Q. What were you going to put it in? What
10 were you going to carry it in?

11 A. I came up here to buy marijuana from
12 Buster. When you buy marijuana from a -- in a
13 quantity, it's going to come in like one of these
14 Piggly Wiggly bags or whatever they put it in. And
15 you can go in the truck and drive right back on down
16 to Charleston. As far as, where he had it at, and
17 what he did with it, and if he even had it there
18 from the very get go, I don't know.

19 Q. Well you knew it wasn't there, because you
20 heard the testimony. They didn't find any big
21 marijuana there, right? Just a couple of roaches.

22 A. At the same time, I also know that Tyrone
23 Williams took an ambulance ride to the hospital.
24 And Investigator Dubose didn't speak to Walter until
25 after the fact. So he left the scene. I was with a

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1 gunshot wound. I left them there. I didn't know
2 what they did when I left.

3 Q. You're kind of adapting everything to the
4 way the evidence came out, aren't you?

5 MR. MURPHY: Your Honor, is that a---

6 MR. MEADORS: That's a question. Are
7 you---

8 THE COURT: Wait. If he objects, you all
9 can't talk back and forth---

10 MR. MEADORS: I'm sorry.

11 THE COURT: ---between yourself.
12 Mr. Murphy, what was your objection?

13 MR. MURPHY: It's argumentative.

14 THE COURT: Mr. Meadors. Overruled.

15 Q. Are you adapting your testimony to the
16 evidence that came in, kind of making things fit?

17 A. No, sir.

18 Q. That's kind of what you did with the
19 officers on December 29th, wasn't it?

20 A. Excuse me?

21 Q. Adapting your story to the circumstances.

22 A. Well on December 29th, not October 29th.

23 On December 29th, I knew nothing about none of the
24 evidence. The actual crime scene investigator
25 wasn't even probably at the crime scene by the time

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1 I made it to the hospital.

2 Q. Well you knew you'd come up here for a
3 drug deal according to you.

4 A. I didn't. I don't trust law enforcement.

5 Q. A man shot you. You're saying for no
6 reason. No reason. You're there inquiring, well
7 you've got your son here. He shot you.

8 MR. MURPHY: Your Honor, asked and
9 answered.

10 MR. MEADORS: I'm following up.

11 THE COURT: Sir?

12 MR. MEADORS: I was following up on what a
13 point he made.

14 THE COURT: Overruled.

15 MR. MEADORS: I'm sorry.

16 THE COURT: But you know, we are getting
17 to be---

18 MR. MEADORS: I'm close.

19 THE COURT: ---in the spine cycle.

20 MR. MEADORS: I'm close. Hopefully not
21 too bad, I'm close.

22 Q. You knew you had been robbed that day.
23 And you're saying shot, unjustified, and you didn't
24 tell anyone.

25 A. I was not robbed, because nothing was took

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1 from me.

2 Q. Excuse me, you knew shot. And you're
3 saying your story as a drug dealer, you didn't tell
4 police that you were shot, and it was unjustified.
5 You didn't tell them, did you?

6 A. If I told the police officers what
7 happened, Tyrone Williams would have been locked up
8 with me. That wasn't my intentions.

9 Q. So you're looking out for him.

10 A. It wasn't my intentions then, and it
11 wasn't my intentions now, for anybody to have
12 charges pressed against them. I never seek for
13 charges to be pressed against Tyrone Williams. And
14 before I got my motion as far as the clear, the
15 allegation you made, before I got my motion and
16 discovered anything about the evidence, and I do
17 understand that my lawyer is an officer of the law
18 first and foremost. I did give them my version of
19 events, and I did let them know what happened before
20 any of this took place. I didn't have to talk to
21 investigators. I don't trust the police. And
22 that's what I lie to them.

23 Q. Why didn't you throw the bullets out
24 before you got the hospital?

25 A. I didn't remember I had them in my pocket

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1 until I was inside the ER. If you look at the
2 camera, you can see me reach in my pocket and pull
3 them out, and try to throw them away.

4 Q. Where is the gun?

5 A. The gun? Cow took the weapon. I don't
6 know what he did with, I never asked.

7 Q. So Cow took the gun.

8 A. Definitely.

9 Q. Excuse me?

10 A. Definitely. I left it with him.

11 Q. And what type make was it, the gun?

12 A. 38 special.

13 Q. And you've been convicted of a crime of
14 violence, correct?

15 A. Yes, sir.

16 Q. And the phone number for Alonzo Fitzgerald
17 is what?

18 A. I have a phone number for my Uncle Tank,
19 and as I advised my attorney, and that's how to get
20 talk to Alonzo.

21 Q. So you've got that phone number.

22 A. From my Uncle Tank.

23 Q. And you don't know what it is. You know
24 you're uncle, don't you?

25 A. Definitely. I can provide my lawyer with

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1 that as soon as I get back.

2 Q. Okay.

3 A. It's written down.

4 Q. And where can I contact Alonzo?

5 A. Where can you contact him? I don't where
6 you can contract him at.

7 Q. What's your uncle's last name?

8 A. Smith. David Smith.

9 Q. And you call him?

10 A. Uncle Tank.

11 Q. Give me an address, please.

12 A. I can't tell you that. I don't know his
13 address.

14 Q. You don't your uncle's address.

15 A. I don't.

16 Q. Where does he live?

17 A. Charleston.

18 Q. Have you got his phone number?

19 A. It's written down at my house. The phone
20 numbers ain't something that you can just, you know,
21 the way technology is with the phones, you dial the
22 number on your phone, then you call it.

23 Q. David Smith.

24 A. David Smith.

25 Q. On December 29th of 2015, you came into

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1 this man's business. Didn't know him. Cased the
2 joint with whoever else, and you put your gun, and
3 you shot him. And you shot him.

4 A. I couldn't really hear you.

5 Q. You went in his store on December 29th
6 2015, with the intention of robbing him, didn't you?

7 A. No, sir.

8 Q. And you shot him four times?

9 A. I can't say that either, but it is
10 possible that I shot him four times.

11 MR. MEADORS: That's all. Thank you.

12 THE COURT: Redirect?

13 Redirect Examination by Mr. Murphy:

14 Q. Does Cow have a criminal record to your
15 knowledge?

16 A. No, sir.

17 Q. And your uncle Tank, is David Smith,
18 correct?

19 A. To my knowledge.

20 Q. In Charleston.

21 A. You can definitely get the answer his
22 first and last name when you talk to my mother.

23 Q. And you called -- you did a three way call
24 to get a hold of Cow when you talked him on Monday,
25 correct?

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1 A. In Sumter/Lee Regional the phone calls
2 like for me to be calling Charleston is \$2.50 for
3 the first minute. Forty cents for each additional
4 minute. If you're calling the number from Sumter
5 is 1.65 for the first minute, and 70 cents for each
6 additional minute. So it's cheaper to call the
7 number from Sumter if you're at Sumter/Lee Regional.
8 So, you know, what most people do is try to find
9 somebody in the Sumter Region and call their phone,
10 and get three ways like that, because it's less
11 expensive.

12 Q. Now there's going to be a record of that,
13 right?

14 A. There will definitely be a record---

15 Q. All right.

16 A. ---that you can look at it.

17 Q. Why did you ask for permission for you to
18 talk about Cow? Why did you feel the need to ask
19 him for permission?

20 A. First and foremost, like I tell you, the
21 man saved my life the first time. The second time
22 he saved my life, the fact that he let be able to,
23 you know, let the truth be told. But he saved my
24 life the first time. That's the first reason. The
25 second reason is, yo, I never been with telling on

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1 people, you feel me. So that's why I was not able
2 to testify, because I wasn't going to lie and make
3 up no name, so I wasn't going testify. After I got
4 confirmation like your man, hey, go ahead and get up
5 and tell the truth.

6 MR. MEADORS: Objection, hearsay.

7 THE COURT: Sustained.

8 Q. Don't go in to what he what he told you,
9 but you got his permission. You got his blessing.
10 So it's different today than it was when you were
11 talking to the police.

12 A. Even I still wouldn't tell them. Like to
13 be honest with you, I still wouldn't tell them
14 nothing.

15 MR. MURPHY: I have no further questions.

16 THE COURT: Anything else, Mr. Meadors?

17 MR. MEADORS: No, sir.

18 THE COURT: Thank you, sir. You can step
19 down. Can I see you all up here for just a moment?

20 (Whereupon, the attorneys approach the
21 bench and confer with judge.)

22 THE COURT: Ladies and gentlemen, we are
23 going to stop until 9:30 in the morning. We will
24 begin promptly at that time. I guarantee you. I'll
25 have my fingers crossed. Please do not discuss the

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1 case. Do not undertake to do any research on your
2 own. We'll see you back tomorrow morning at 9:30.
3 Thank you.

4 (Whereupon, 4:39 p.m. jury dismissed.)

5 THE COURT: Anything before we recess?

6 MR. MEADORS: No.

7 MR. MURPHY: No, sir.

8 THE COURT: Mr. Murphy, if you additional
9 have witnesses or a witness in the morning, that
10 person will be here promptly at 9:30, correct?

11 MR. MURPHY: Yes, sir.

12 THE COURT: Mr. Meadors, if he has no
13 other evidence to offer, if you have any reply,
14 that reply evidence will start right at 9:30, okay.

15 MR. MEADORS: Yes, sir. Judge, we will
16 then be going straight in to closing after that, I
17 presume.

18 THE COURT: If you have no reply.

19 MR. MEADORS: Well I will have a short
20 reply probably.

21 THE COURT: Yes, sir. We'll go straight
22 into it.

23 MR. MEADORS: I have not been back in the
24 office today. So there is State v. Mouzon. I'll
25 see if Mr. Brown will e-mail Your Honor's law clerk,

1 would be our request. I don't know. Are we going
2 to argue about whether or not self defense is going
3 to be charged?

4 THE COURT: At some point we're going to
5 have to. I want to spend the next 15 minutes or so
6 going over issues like that so we won't have to have
7 an extended break tomorrow. First of all, other
8 than State v. Mouzon, will you have any proposed
9 charges that you would think are not what you would
10 consider part of the general charge?

11 MR. MEADORS: I don't think so. No, sir.

12 THE COURT: What is it, State v. Mouzon
13 that you would want?

14 MR. MEADORS: Well I wish I had -- I may
15 have it over here. Just a total disregard for
16 malice.

17 THE COURT: Mr. Murphy. I think that's in
18 the charge anyway, isn't it?

19 MR. MEADORS: I have not been in front of
20 Your Honor in a while. I have not.

21 MR. MURPHY: I would have to take a look
22 at it, Your Honor.

23 THE COURT: That will be easy enough.

24 MR. MURPHY: And a malignant heart, and no
25 disregard.

1 THE COURT: How about self defense since
2 you brought it up? Is it your position---

3 MR. MURPHY: I am going to be requesting
4 self defense as well.

5 THE COURT: Mr. Meadors.

6 MR. MEADORS: I don't think, if he comes
7 armed, he's not supposed to be armed, but comes
8 armed for a marijuana deal, I don't think he comes,
9 is without fault.

10 THE COURT: Let him expand on that, and
11 you will have your chance.

12 MR. MEADORS: And then secondly, and
13 probably most important, he said, the only testimony
14 I've heard was that the victim had a bad vibe and
15 things just went from there until he shot him. And
16 I said, well couldn't you have just walked away
17 after the bad vibe. And he admitted he could have
18 just walked away.

19 THE COURT: Anything else?

20 MR. MEADORS: No, sir.

21 THE COURT: Mr. Murphy. We'll talk about
22 it in more detail immediately before the jury
23 charge, but I'll allow you to comment now.

24 MR. MURPHY: Well I think the testimony is
25 pretty clear that, and I would contend the case law

1 is clear that the illegal possession of a weapon in
2 and of itself doesn't render a self defense
3 obsolete. Regarding the facts, you know, the point,
4 and I piggyback on what Mr. Meadors was doing
5 during cross examination was like out of blue. He's
6 saying that Mr. Williams pulled a gun. So the fact
7 that he would back away, there was no aggressive
8 confrontation before the -- my client testifies
9 vibe, Mr. Williams pulled the gun and shot. There
10 was a bad vibe. Mr. Williams was accusing of being
11 a police officer and questioning him aggressively,
12 but not to the point that as some of the case law
13 talks about, there's a fight going on and somebody
14 runs in to the fight and then shoots a gun. A bad
15 vibe does not constitute a confrontation such that a
16 self-defense instruction is disqualified.

17 THE COURT: Mr. Meadors, anything else at
18 this stage anyway?

19 MR. MEADORS: No, sir.

20 THE COURT: I'll consider all that. I
21 think at least the two versions of events are clear
22 for me anyway, of what I would have to consider. If
23 I do give a self-defense, then the implication of
24 malice from the use of a deadly would by default be
25 excluded.

1 MR. MEADORS: State v. Belcher.

2 THE COURT: State v. Belcher. What I'm
3 trying to find before we leave is my malice charge.

4 MR. MEADORS: Judge, if you could, and we
5 respectfully hope you don't. But if you do charge
6 self defense, I'd still be able to argue it to the
7 jury, wouldn't I?

8 THE COURT: Argue what?

9 MR. MEADORS: Would I still be able to
10 argue inferred malice? It just wouldn't be a
11 charge. That was kind of my reading.

12 THE COURT: It depends on who you ask.
13 And I'll guess y'all be asking me. So---

14 MR. MEADORS: Yes, sir.

15 THE COURT: ---I'll have to answer that.
16 I have had defendants before in cases where I have
17 refused to charge self defense, who still insist
18 they be permitted to argue it. My law clerk
19 probably gets tired of hearing me say this, but
20 that's counterintuitive. But, I'm not the smartest
21 person in the world, so I'll have to figure that
22 out. I've asked that question before, how does that
23 makes sense. Maybe you can tell me tomorrow before
24 I charge.

25 MR. MEADORS: I just read the case, and I

1 thought that's what it said.

2 THE COURT: It might. If you tell me the
3 name of it, I'll find it. You can tell me tomorrow.

4 MR. MEADORS: I think Belcher implies
5 that. It's been a long time since I've read that,
6 but I'll read it again.

7 THE COURT: I'll take a look at it.
8 Anything else?

9 MR. MEADORS: No, sir. Thank you.

10 THE COURT: I'll see you guys tomorrow
11 shortly before 9:30, okay.

12 (Whereupon, the trial commences on
13 Thursday July 21, 2016 at 9:30 a.m.)

14 THE COURT: Mr. Murphy, are you going to
15 call any more witnesses.

16 MR. MURPHY: We rest.

17 THE COURT: Any reply that you are going
18 to have, Mr. Meadors?

19 MR. MEADORS: Yes, Your Honor.

20 THE COURT: Mr. Murphy, I will allow you
21 to rest in front of the jury, but do you want to
22 restate your motions for the record here?

23 MR. MURPHY: Yes, Your Honor. I would
24 renew the motions I made at the directed verdict
25 stage.

1 THE COURT: Those are respectfully denied.

2 And I will entertain those at the close of all the
3 evidence as well. Mr. Meadors. Yes, sir, anything
4 else, Mr. Murphy?

5 MR. MURPHY: No, Your Honor. I am curious
6 as to what specifically.

7 THE COURT: Who is going to be your reply
8 witness?

9 MR. MEADORS: I beg the court's
10 indulgence. I'm trying to debate which one.
11 Sergeant Dubose.

12 THE COURT: All right.

13 MR. MURPHY: Your Honor, if I mean I would
14 just rather than do it in front of the jury, if
15 testimony is going to be regarding the searches they
16 made, I am going to the hearsay.

17 MR. MEADORS: Searches?

18 MR. MURPHY: Well databases and things
19 like that.

20 THE COURT: Well I don't have any way of
21 knowing.

22 MR. MEADORS: It's going to be that
23 there's no Alonzo or Alphonzo Fitzgerald in South
24 Carolina.

25 MR. MURPHY: Again, I am going to object

1 to that.

2 THE COURT: Mr. Meadors?

3 MR. MEADORS: On what grounds?

4 THE COURT: He said hearsay.

5 MR. MEADORS: Okay, well I don't think
6 it's hearsay. They're going on the internet. They
7 looked. They checked to see if there is an
8 Alphonso. There's not. There's no other way to do
9 it.

10 MR. MURPHY: Well again, that's hearsay
11 unless you're going to bring somebody in here from
12 those search databases.

13 THE COURT: Well let me just ask a simple
14 question. Let's just forget about his -- are you
15 saying, is your suggestion is that they're not --
16 he's not using the real name? Of course, everybody
17 knows there was another guy there. Everybody says
18 there was.

19 MR. MEADORS: Right.

20 THE COURT: You're just contesting or
21 disputing that that's his name.

22 MR. MEADORS: That he's lying about his
23 name, yes, sir.

24 THE COURT: What is it about a database
25 search that---

1 MR. MEADORS: It's a public record.

2 THE COURT: What kind of public record?

3 MR. MEADORS: DMV. The TLO which is a law
4 enforcement tool that they can go and search
5 statewide to see if anybody exists. He also in
6 South Carolina---

7 THE COURT: Did they search Alonza also or
8 just Alonzo?

9 MR. MEADORS: He spelled I think, Alonzo.
10 We did Alphonzo and Alonzo.

11 MR. MURPHY: He didn't spell anything.

12 THE COURT: Well yes -- I'm going to allow
13 it, Mr. Murphy. Because yesterday I know
14 Mr. Meadors, well that can't be the basis for my
15 ruling. Mr. Meadors said yesterday several times,
16 do you know that a search of the records in South
17 Carolina indicates there is no Alonzo Fitzgerald.

18 MR. MURPHY: And that could have -- look,
19 I mean the bottom line is that's a question. I
20 don't -- I could have objected. That's a question,
21 that's fine. It's different when you're trying to
22 produce evidence.

23 THE COURT: How else are they supposed to
24 establish it?

25 MR. MURPHY: I don't think it's relevant.

1 They can establish if they put somebody on that
2 understands the databases. My objection is hearsay.
3 I think it's hearsay, Your Honor.

4 THE COURT: Now in the past Mr. Miller has
5 testified about DMV records. I'm going to allow it,
6 Mr. Murphy. You can object as many times and on as
7 many grounds as you think are appropriate. And of
8 course you can cross-examine the witness on the
9 search itself.

10 MR. MURPHY: Yes, sir.

11 THE COURT: Is that the scope of it,
12 Mr. Meadors?

13 MR. MEADORS: I think so. If Your Honor
14 will give us 30 seconds. Thank you.

15 THE COURT: Are you ready, Mr. Murphy?

16 MR. MURPHY: Yes, sir.

17 THE COURT: She's just handing you all
18 that in advance.

19 MR. MEADORS: Judge, are we going to see
20 Your Honor's or could we look at Your Honor's charge
21 before we start?

22 THE COURT: Yes, sir. I'll have to make
23 two extra copies of it.

24 MR. MEADORS: I'll just look at the
25 reasonable doubt. And I guess we are going to

1 discuss that with what you are charging still.

2 THE COURT: Absolutely.

3 MR. MEADORS: That's my main question.

4 THE COURT: All right, bring in the jury.

5 (Whereupon, the following takes place
6 within the presence of the jury.)

7 THE COURT: Mr. Murphy, any additional
8 witnesses from the defendant?

9 MR. MURPHY: No, Your Honor, the defense
10 rests.

11 THE COURT: Mr. Meadors, any reply?

12 MR. MEADORS: May it please the court. We
13 would call Sergeant Dubose.

14 THE COURT: You are still under oath,
15 Mr. Dubose, you can come up.

16 Sergeant Wayne Dubose, being previously
17 sworn, testified as follows:

18 MR. MEADORS: May it please the court.

19 THE COURT: Yes, sir.

20 DIRECT EXAMINATION by Mr. Meadors:

21 Q. Sergeant Dubose, at my request, did you
22 check the South Carolina database of Department of
23 Motor Vehicles, and another tool that you have in
24 law enforcement, I'm going to ask you to explain the
25 procedure in a minute, to determine if a person

1 existed in South Carolina?

2 A. Yes, sir.

3 Q. And what websites or sites did you use?

4 A. Actually I use the Department of Motor
5 Vehicles here in South Carolina. The name that was
6 given in the hearing, an Alonzo Fitzgerald. I
7 searched that through the South Carolina DMV, there
8 is no record of an Alonzo Fitzgerald in South
9 Carolina. We've also searched an Alonzo, Olonzo,
10 Alphonso, with a P and with an H, there is nothing
11 there in South Carolina. I also used another
12 search, database that was provided to law
13 enforcement.

14 Q. What's that called?

15 A. It's called TLO. It's something that the
16 office pays for. Every member has access to it.
17 You get a password. Every time you log in, you have
18 -- they send you a confirmation code. You have to
19 put that confirmation code in. Then it's basically
20 you search for addresses, phone numbers, some stuff
21 you can search for. Names, you can do age range.
22 There is just a number of things. You plug that
23 information that in, and that gives you the results.
24 You can do it one state, or you can do it
25 nationwide.

1 Q. But no Alonzo Fitzgerald and no Alphonso
2 Fitzgerald. And what other name?

3 A. Alonzo. I even did it with an O. Olonzo,
4 O-L-O-N-Z-O. Alphonzo with a P, and also did it
5 with an F. I searched for South Carolina. There is
6 nothing. There is other states, but there's not --
7 no one listed by those names in South Carolina.

8 MR. MEADORS: Thank you. That's all.

9 THE COURT: Mr. Murphy.

10 Cross Examination by Mr. Murphy:

11 Q. Did you check any records for Sedgefield
12 Intermediate School in Goose Creek in Berkeley
13 County?

14 A. Sir?

15 Q. Did you check any records for Sedgefield
16 Intermediate School in Goose Creek in Berkeley
17 County?

18 A. No, sir. I plugged the information in to
19 this TLO website and plugged South Carolina, a name
20 for South Carolina in there, it did not give any
21 responses for South Carolina.

22 Q. So your answer to my question is no, it
23 didn't?

24 A. No, sir.

25 Q. And there was no -- well that's all I

1 have. Thank you.

2 THE COURT: Anything else?

3 Redirect Examination by Mr. Meadors:

4 Q. Is Goose Creek in South Carolina?

5 A. It is.

6 MR. MEADORS: That's all.

7 THE COURT: Thank you, sir. You can step
8 down. Additional witnesses, Mr. Meadors?

9 MR. MEADORS: No, sir.

10 THE COURT: Ladies and gentlemen, that
11 concludes all the evidence and the rules require me
12 to take a recess at this point. The next stage of
13 the trial in just a minutes is going to be the
14 closing arguments of the attorneys, and then the
15 charge that I give you on the law. So you will
16 deliberating this case relatively soon this morning.
17 I am going to ask you to please go to your jury
18 room.

19 Yesterday we covered a lot of this after
20 you left. But they're -- but the rules require me
21 to let the lawyers know exactly what I am going to
22 charge you, and they have the right to give input on
23 that. And since the evidence is in, we must take
24 this step right now. It may sound out a little bit
25 out of the ordinary to you, well I just walked in,

1 now you're sending me back out, that's the way the
2 rules work. I'll have you back out shortly. Thank
3 you. Do not discuss the case.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 THE COURT: She is going to get a copy of
7 that for you. And I would ask you to do this, as
8 I've only had it happen two times and it's kind of
9 surprising. I'm going to give you a copy of the
10 charge. Don't put it up on the projector.

11 MR. MEADORS: I would never do that, Your
12 Honor.

13 THE COURT: I know, but some people have,
14 and that's okay. But I just don't give it verbatim.
15 And plus, I do allow you to use like a little poster
16 board, but I don't want you to take my physical
17 charge. I do not give the jury a copy of it.

18 MR. MEADORS: Judge, I am not planning on
19 putting anything on the law on, I promise you.

20 THE COURT: Mr. Murphy, your motions.

21 MR. MURPHY: Your Honor, I would just
22 renew my motions for a directed verdict as I
23 indicated before. Are we also -- are we talking
24 about instructions?

25 THE COURT: No, not yet. I am going to

1 deny your motions. Here's the question I have on
2 the attempted murder count as to minor
3 The Court of Appeals in 2014, in the State vs.
4 Howard, decided that attempted murder is a specific
5 intent crime. It is not a general intent. ABWIK
6 was general intent. The court said it was err to
7 charge general intent. What is the evidence,
8 Mr. Meadors, that Mr. Scott had the specific intent
9 to kill minor I know that recklessness,
10 abandonment, conscious disregard for the rights of
11 others and just acting, a flagrant disregard for the
12 safety of others is basically what Mouzon says.
13 But how does that fit in -- that's in the context of
14 malice. But how does that fit within the specific
15 intent ruling of the court of appeals two years ago?

16 MR. MEADORS: If you believe Tyrone
17 Williams, he's sitting there holding his son, a foot
18 away from the defendant, and he's firing several
19 shots into his body. And he could, in my mind, I
20 think I could argue, he's there. His son is there.
21 And he's just firing. I don't know how to show
22 intent, that he didn't care who he hit.

23 THE COURT: But if you -- so you're saying
24 there is evidence of knowledge on the part of
25 Mr. Scott that the little boy was there.

1 MR. MEADORS: Yes, sir. And I
2 respectfully I thought we established through his
3 father.

4 THE COURT: At least he had to see him at
5 least circumstantially.

6 MR. MEADORS: Yes, sir.

7 THE COURT: Mr. Murphy, any response on
8 that?

9 MR. MURPHY: I think what the State has
10 just argued is a lack of specific intent. You know,
11 I mean he's standing there shooting. I will
12 concede that based on the evidence you can
13 theoretically make the argument on specific intent
14 if you believe Mr. Scott had a specific intent to
15 shoot Mr. Williams, because he's shooting. But the
16 testimony is, the boy comes running up. And at that
17 point---

18 THE COURT: It's just a melee.

19 MR. MURPHY: Right.

20 THE COURT: At least for that. I'm going
21 to let it go to the jury, Mr. Murphy. But, you
22 know, that's just to me that's where the law
23 sometimes doesn't make much practical sense, because
24 under the law if I were to be aiming at your head
25 with a gun, Mr. Meadors, and miss you, and give

1 someone a flesh wound in the back of room, I cannot
2 be prosecuted for trying to murder the person behind
3 you, because I had no specific intent to kill that
4 person. Go figure. But anyway, that's what --
5 that's how I interpret Howard. I am going to let it
6 go to the jury. And they'll be -- we'll debate that
7 if and when the jury comes back with a guilty
8 verdict on that count.

9 MR. MEADORS: I understand.

10 THE COURT: She's giving you a copy of the
11 charge. And let's just go through it page by page.
12 This not in order.

13 MR. MEADORS: Can we sit down as we do
14 this.

15 THE COURT: Sure. While you've giving
16 your arguments, I'm going to be putting them in
17 order. Obviously the first three pages, the first
18 four pages, are not a great import for these
19 purposes. For the charge conference purposes.
20 Reasonable doubt, I give the entire charge not
21 verbatim, but those topics I do cover.

22 MR. MEADORS: I beg the court's
23 indulgence. Yes, sir.

24 THE COURT: Criminal intent, of course, I
25 do give a criminal intent charge, but that's at the

1 end after I've discussed all 5 counts. Now the
2 attempt charge, A-T-T-E-M-P-T, any comments on that
3 from the State?

4 MR. MEADORS: Your Honor, I'm still
5 reading the other one. I'm sorry.

6 THE COURT: At the least, I am going to
7 give the first two sentences.

8 MR. MEADORS: Yes, sir.

9 THE COURT: Any objections to that charge,
10 Mr. Murphy?

11 MR. MURPHY: Your Honor, I don't have any
12 objection. I would think it would probably flow
13 better if you just gave the first two.

14 THE COURT: Well especially in the context
15 of what this offense is. There is no evidence of
16 overt -- there's evidence of, is it -- well I think
17 the first two sentences gives the gist of it. And I
18 may give the charge intent means intending the
19 result which actually occurs. So even though that
20 really doesn't fit here, because the result that
21 actually occurred was not murder. Attempting to
22 murder somebody, that doesn't make any sense. I am
23 going to give the first two sentences.

24 MR. MEADORS: Yes, sir.

25 THE COURT: It will come after or sometime

1 during the attempted murder charge which immediately
2 follows.

3 MR. MEADORS: Does Your Honor have to have
4 reasonable doubt in there or the attempted murder,
5 therefore the State must prove beyond a reasonable
6 doubt? You say the State must prove that the
7 defendant, and then kind of an end to reasonable
8 doubt.

9 THE COURT: No. Are you talking about
10 attempted murder? It's in the first paragraph.

11 MR. MEADORS: Yes, sir. I saw that. I
12 just didn't know if it had to be every one.

13 THE COURT: At some point during the
14 charge I will always tell the jury that if I tell
15 you the State has to prove something, they've got to
16 prove it beyond a reasonable doubt.

17 MR. MEADORS: I've heard, Your Honor.

18 THE COURT: That's what I'll tell them.
19 The only part about malice that I have a question
20 about in this case, and I'm -- this may dovetail
21 into the depraved heart charge that the State wants.
22 We haven't got to that yet. Keeping in mind that
23 attempted murder is a specific intent crime. There
24 may an issue with the second page of attempted
25 murder, the second paragraph that says malice may be

1 inferred from conduct showing a total disregard for
2 human life. That's kin to the Mouzon situation,
3 which was the horribly reckless operation of a motor
4 vehicle. That's usually the context where that
5 comes up.

6 In light of the fact that attempted murder
7 is a specific intent crime, I don't whether that
8 sentence is appropriate.

9 MR. MURPHY: We would object to that
10 sentence, Your Honor.

11 THE COURT: Mr. Meadors. It seems to me
12 that from the State's perspective, you don't care,
13 because you've got evidence that he just took dead
14 aim at him and started firing. That's just specific
15 intent. That is not a total disregard for human
16 life except until young minor enters the
17 picture. And I'm afraid that that sentence is no
18 longer the law in attempted murder cases. And I
19 don't know if the State wants to go to the mat on
20 that and take the chance on saying that an appellate
21 court saying that that was wrong to say and you've
22 got to come back and do it all over again.

23 MR. MEADORS: We trust and understand Your
24 Honor's ruling.

25 THE COURT: I'll take that sentence out.

1 Now while we're on the subject, I am not going to
2 charge that inferred malice may arise when the deed
3 is done with a deadly weapon. Mr. Murphy, my
4 reading of Belcher is as Mr. Meadors said yesterday.
5 The reason I can't charge it, is because it's
6 considered to be a charge on facts. That does not
7 mean that Mr. Meadors can't argue it.

8 MR. MURPHY: Yes, sir.

9 THE COURT: So you will be able to argue
10 that based on your argument yesterday.

11 MR. MEADORS: Thank you.

12 THE COURT: The -- I don't know how on my
13 computer it made that type so small on the next
14 page, where it says a specific intent to kill is not
15 an element of attempted murder. But you can see, I
16 crossed it out.

17 MR. MURPHY: Yes, sir.

18 THE COURT: I will not be giving evidence
19 of the character of the instrument used, the manner
20 in which it was used, the purpose to be accomplished
21 in the resulting wounds or injuries may be
22 considered in determining intent, I think that cuts
23 against the specific intent rule.

24 MR. MEADORS: That's the first sentence
25 starting with evidence?

1 THE COURT: You don't need to stand up.

2 Let's see where are you?

3 MR. MEADORS: I've got it, Judge.

4 THE COURT: And I do also tell the jury if
5 you see some of these things more than once, I do
6 tell the jury that if I repeat something, I'm not
7 intending to give emphasis to it, or give them any
8 subliminal suggestion, I'm just required to give
9 them a complete charge, and that requires
10 repetition.

11 Obviously, presumption of innocence is out
12 of order. I'll give that sooner than it appears
13 here. Armed robbery will come right after attempted
14 murder. I have lined out several things that are
15 irrelevant, like hands and fists and toy guns and
16 BB guns. Possession of a weapon during the
17 commission of or attempt to commit a violent crime.
18 It's pretty explanatory.

19 Now, one thing I realized when I was
20 looking at the unlawful possession of a firearm by a
21 person convicted of a violent crime, it does say in
22 there, it is unlawful for a person who has been
23 convicted of a violent crime that is classified as a
24 felony offense, to possess a firearm. In this, the
25 violent crime he was convicted of, was a felony. I

1 am going to tell the jury that the evidence is that
2 the defendant has been convicted of a violent crime
3 that is classified as a felony. I am going to tell
4 them that. Is that suitable, Mr. Meadors?

5 MR. MEADORS: Yes, Your Honor.

6 THE COURT: Mr. Murphy?

7 MR. MURPHY: Yes, Your Honor.

8 THE COURT: I am not going to charge B, C,
9 and I don't even know what D means. I'll be honest
10 with you. I'll make a -- I am going to tell the
11 jury that it was -- that he was a convicted of a
12 violent offense that it is classified as a felony
13 offense. And I am making a specific finding of that
14 right now. So maybe I just complied with the
15 statute. Identification is that any longer an
16 issue, Mr. Murphy?

17 MR. MURPHY: Not really, Your Honor.

18 THE COURT: So it's suitable to take that
19 out?

20 MR. MURPHY: Yes, sir.

21 THE COURT: Credibility and expert
22 witnesses will come somewhere near the beginning.
23 The circumstantial evidence charge under State v.
24 Logan, it came out 3 years ago, I will give that
25 one. Closer in time that it appears here. Now do

1 you need a charge on any -- the statement of the
2 defendant? He's admitted he gave it. He's admitted
3 that he gave it, and he knew it wasn't true. Do you
4 want that in here, Mr. Murphy?

5 MR. MURPHY:- No, Your Honor.

6 THE COURT: That gets us to self defense.
7 Arguments on that from the defendant?

8 MR. MURPHY: Your Honor, if the jury
9 believes my client, we've established self defense.
10 In regard the first element without fault, I believe
11 the case law is pretty clear. It's not the
12 difficulty in regard to without fault in bringing in
13 the difficulty. It's not the more generic, you
14 shouldn't be dealing in drugs kind of difficulty.
15 It is the specific difficulty focused on the
16 encounter with the other person.

17 The testimony that my client gave was that
18 he came in; said some words, Mr. Williams got angry.
19 And the testimony of my client if it's to be
20 believed is, that he tried to calm the situation by
21 going over and getting him a Mystic and giving him
22 some money. I believe he said on cross examination
23 usually when you gave somebody some money, it calms
24 them down. He didn't anticipate it. Some testimony
25 we believe the shooting was unanticipated. And it

1 happened quickly. And so that would be the facts on
2 without fault.

3 In regard to imminent danger again, the
4 shootout is starting to occur. He explained
5 himself. He explained himself. He explained what
6 happened. He explained that after the man fell, he
7 left. And I would submit that it's a reasonable
8 person in my client's position, would do the same
9 thing.

10 So I believe we've established self
11 defense. I believe it's something that is
12 sufficient to go to the jury and let them decide.

13 THE COURT: Mr. Meadors.

14 MR. MEADORS: Respectfully this was argued
15 yesterday, I think when one is, he comes armed with
16 a loaded 38 and three extra bullets, and then his
17 testimony was after he felt -- after the vibe got
18 bad, I said could you have left. And he said, yeah,
19 I could have left. Then I thought he kind of said,
20 it wasn't that bad. And kind of eased down. But
21 anyway, he said, I could have left, and I didn't.
22 So we don't think 1 and 4 have been established at
23 all.

24 THE COURT: Anything else, Mr. Murphy?

25 MR. MURPHY: No, Your Honor.

1 THE COURT: I am going to charge self
2 defense. The reason being, of course Mr. Meadors
3 that's an interesting argument about entering that
4 type of atmosphere in the first place. But I think
5 what I'm required to look at is the difficulty as
6 that term is used, arising at the instant Mr. Scott
7 claims that the victim pulled his gun and started
8 shooting. I think that's the difficulty. If the
9 jury believes Mr. Scott, he didn't bring on that
10 difficulty. He just said we want to do some
11 business. Why is that little man here.

12 Of course the jury could also conclude
13 that ticked Mr. Scott off, and he's going to show
14 him who is the boss, but that will be up to the
15 jury. There is evidence as to point No. 2, that
16 being the second, or the second element of self
17 defense, imminent danger, which arose at the time
18 Mr. Scott claims that the victim started shooting at
19 him. And lastly, under those isolated or that
20 specific time he had no other way to avoid the
21 danger of death or serious bodily injury other than
22 to act as he did from his perspective.

23 MR. MEADORS: So, judge, that really was
24 an interesting argument, I think.

25 THE COURT: Well it is interesting, but

1 I'm required to look at it from both sides.

2 Mr. Murphy, are you going to request or demand that
3 Mr. Meadors open in full on the law, or do you just
4 want to start off?

5 MR. MEADORS: I certainly would waive it,
6 Judge.

7 THE COURT: Yeah, I know. My rulings
8 usually are, if the defendant insists, I make you
9 just generically talk to them about the law as you
10 want to and then sit down. But if Mr. Murphy allows
11 them to waive it, we'll do that.

12 MR. MURPHY: I'm more than happy to just
13 start.

14 MR. MEADORS: I left something in my car,
15 or at home. Can I have three minutes to run out
16 there?

17 THE COURT: To your car?

18 MR. MEADORS: Yeah, and then if it's not,
19 then I mean obviously.

20 THE COURT: Depends on what it is. Is it
21 something for this case?

22 MR. MEADORS: Yes, sir.

23 MR. MURPHY: Your Honor, we had spoken
24 about lesser included charges.

25 THE COURT: Right. Is there one in this

1 case? I know there's not on attempted murder. Is
2 there?

3 MR. MURPHY: I would argue ABHAN on the
4 one involving Mr. Williams.

5 THE COURT: How so?

6 MR. MURPHY: Well if you, the jury can
7 conclude that the shooting was not done with a
8 specific intent to kill. I mean I think that they
9 can conclude that he didn't intent to kill them and
10 it is an injury. So I would say, yes.

11 THE COURT: How about the---

12 MR. MURPHY: And clearly in regard to the
13 child, I would argue assault and battery first.
14 That doesn't require, really that's more it.

15 THE COURT: How about, is attempted armed
16 robbery a lesser included of armed robbery? Because
17 you say there's no evidence that he actually took
18 anything. He just, at the most, there's evidence
19 that he tried to, but he abandoned it after he got
20 shot.

21 MR. MURPHY: Well I not asking for that
22 instruction either, theoretically speaking.

23 THE COURT: Is the State asking for that
24 instruction?

25 MR. MEADORS: On robbery?

1 THE COURT: Yeah, are you asking for a
2 lesser included of attempted armed robbery?

3 MR. MEADORS: No, sir.

4 THE COURT: Then I won't give it. She's
5 going to get the book. I can't read those statutes
6 on the computer. She's bringing me the book on
7 attempted murder.

8 MR. MURPHY: Your Honor, again if it---

9 THE COURT: I am not saying I'm not going
10 to give ABHAN. I'm just trying to find it so we
11 can talk about it.

12 MR. MEADORS: 16-3-600.

13 THE COURT: 600. A person commits the
14 offense of assault and battery of a high and
15 aggravated nature if the person unlawfully injures
16 another person and great bodily injury to another
17 person results, or the act is accomplished by means
18 likely to produce death or great bodily injury.
19 Great bodily injury is bodily injury that causes a
20 substantial risk of death or which causes serious
21 permanent disfigurement or a protractive loss or
22 impairment of the function of a bodily member or
23 organ. It is a lesser included offense of attempted
24 murder. Mr. Meadors.

25 MR. MEADORS: I am fine with whatever you

1 rule.

2 THE COURT: I'll charge it. If you want
3 to see a jury's agony when you start defining these
4 terms. Do you want A and B first also, Mr. Murphy?

5 MR. MURPHY: I believe in regard to the --
6 I don't believe assault and battery of a high
7 aggravated is appropriate for the charge involving
8 the little boy.

9 THE COURT: I agree with that.

10 MR. MURPHY: I do believe assault and
11 battery first is appropriate for the charge
12 involving the little boy.

13 THE COURT: But it says commits the
14 offense of assault and battery in the first degree
15 if the person unlawfully injures another person.
16 He wasn't hurt.

17 MR. MURPHY: Well it can either be offers
18 or attempts to injure and the present ability to do
19 so, and the act is accomplished by means likely to
20 produce death or bodily injury. Or occurs during
21 the commission of a robbery, burglary, kidnapping
22 and theft.

23 THE COURT: Mr. Meadors.

24 MR. MEADORS: Can you give me one second
25 please, sir?

1 THE COURT: Sure.

2 MR. MEADORS: And, Judge, why would ABHAN
3 not apply to the child under B? Or the act is
4 accomplished by means likely to produce death or
5 great bodily injury.

6 THE COURT: Well I guess it would under B
7 (1)b.

8 MR. MEADORS: So I guess and this would, I
9 had this case with Judge Cothran not too many months
10 ago. And there's someone in the courtroom here
11 where we charged ABHAN and ABHAN first, and I tell
12 you the truth, I couldn't tell, it was hard to
13 explain the difference.

14 THE COURT: You're on to something,
15 because there is not a difference.

16 MR. MEADORS: So it was -- that was
17 problematic. So as far as -- we're saying as far
18 Mr. Williams A & B, ABHAN, I certainly agree with
19 that. I'm fine with that. As far as the child, we
20 think ABHAN would be appropriate. But then the
21 question would whether A & B first should be charged
22 as a lesser of that or just for the child.

23 THE COURT: Mr. Murphy, isn't he right
24 about that? It's the same thing as A & B first, but
25 a couple of little different words. In other words,

1 your argument that offers or attempts to injure
2 another person under A & B first, is pretty much the
3 same as B(1)b. But there is no injury. But,
4 Mr. Meadors, under ABHAN here's what you have to
5 prove. A person commits the offense of assault and
6 battery of high aggravated nature if the person
7 unlawfully injures another person and the act is
8 accomplished by means likely---

9 MR. MURPHY: Right.

10 MR. MEADORS: You're right.

11 MR. MURPHY: There's no injury.

12 THE COURT: There is no ABHAN on the
13 child.

14 MR. MEADORS: That makes, and then the
15 question is, would you charge A & B first on the
16 child.

17 THE COURT: That's what he's asking. And
18 that's what says A & B first if the person
19 unlawfully offers or attempts to injure another
20 person, the child, with the present ability to do
21 so, and the act is accomplished by means likely to
22 produce death or great bodily injury and occur
23 during the commission of a robbery. And then it
24 gets you down to A & B second. I will give A & B
25 first on the child, but do you want A & B second?

1 MR. MEADORS: No, sir.

2 MR. MURPHY: No.

3 MR. MEADORS: Judge, I know Your Honor
4 will be more than -- well that it will clear that
5 just applies to.

6 THE COURT: Yeah, I'll make it clear.
7 Well I am going to stop on what I think the
8 legislature should do because I'm only---

9 MR. MEADORS: You might be able to
10 determine that.

11 THE COURT: ---a voter. We'll take a few
12 minutes for you to go to your car, and that will
13 give you time to get your thoughts together. And I
14 will charge the charge the verdict form. Okay.

15 MR. MURPHY: Yes, sir.

16 THE COURT: I am not going to let the
17 stipulation, piece of paper, go back to the jury.

18 MR. MEADORS: Is that 89?

19 MR. MURPHY: I will agree with that, Your
20 Honor.

21 THE REPORTER: 89.

22 THE COURT: When Margaret is ready, I need
23 to ask one more thing before we move on. And that
24 is, I'm going to charge ABHAN as a lesser on Tyrone
25 Williams. I am going to jump from attempted murder

1 to a lesser included of A & B first on minor
2 minor Did you ask for a lesser included of A & B
3 first on Tyrone Williams, Mr. Murphy?

4 MR. MURPHY: No.

5 THE COURT: That's where -- that was my
6 question. I think that's -- it would be proper not
7 to charge it.

8 THE COURT: Mr. Meadors, are you ready?

9 MR. MEADORS: Yes, sir.

10 THE COURT: Mr. Murphy?

11 MR. MURPHY: Yes, sir.

12 THE COURT: Okay, you can bring in the
13 jury.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: Ladies and gentlemen we are
17 ready to move forward now. It's a very interesting
18 process about how we get to this point. And I want
19 to make sure you understand that this is the
20 opportunity and the right for the attorneys to give
21 you their closing arguments. It's extremely
22 important that you do exactly what you have been
23 doing during the trial, and that is to pay
24 attention. They will be permitted to argue to you
25 the conclusion that they believe you should reach

1 based on the evidence and the lack of evidence. Or
2 the lack of evidence.

3 They are not witnesses, but they are
4 permitted to refer to the evidence that has been
5 introduced. If they refer to evidence that has been
6 introduced in a manner that does not correspond with
7 your collective memory of what the evidence actually
8 is, you go with your memory. But they do have the
9 right to argue the evidence and the inferences that
10 they think you should draw. At all times, of
11 course, the State has the burden of proving the
12 elements of the crimes charged beyond a reasonable
13 doubt. And that doesn't change insofar as the
14 arguments are concerned. The burden still remains
15 with the State.

16 I am going to go over all of that with you
17 in extreme detail during the jury charge. Likewise
18 during the course of the arguments, the lawyers are
19 permitted to refer to the law as I am going to
20 charge it to you. They will not purposefully
21 misquote or mischaracterize the law or the evidence
22 for that matter. But if they refer to a point of
23 law that does not match up to what I tell you the
24 law is, you must go with the law as I tell you. The
25 order of the arguments is going to be Mr. Murphy

1 arguing first, and then since the State has the
2 burden of proof, the State will give the last
3 argument. Mr. Murphy, are you prepared to go
4 forward?

5 MR. MURPHY: Yes, sir.

6 THE COURT: Yes, sir.

7 MR. MURPHY: If it please the court. Good
8 morning.

9 THE JURY: Good morning.

10 MR. MURPHY: First of all, on behalf of my
11 client Mr. Scott, I want to thank you for your
12 attentiveness over the course of the last couple of
13 days. It's been a lot of information. A lot of
14 testimony. And now is the time for us to basically
15 close this and kind of discuss some of the concepts.
16 What I want to do is talk a little bit about some of
17 the legal concepts that are involved in this case.
18 And propose to you what a methodology or a prism
19 though which you examine the evidence when you go
20 back in your deliberations.

21 You know, one of the things that was said
22 in opening argument by the State was this is kind
23 of like a search for the truth, veritas. I took
24 Latin. It means truth, and render a verdict. In a
25 way that's true. Your Honor is going to give an

1 instruction on that. In a way though, your role is
2 much more important than that. And that is that,
3 you know, there's a ground of truth and that's what
4 happened. And you and me and Mr. Meadors and the
5 judge, we we're there. So again, remember the term
6 ground of truth. The truth you are determine is
7 whether or not the State has met its burden beyond a
8 reasonable doubt. And it's through that prism
9 hopefully some sort of truth is discovered. What
10 it's not and shouldn't be, is extraneous types of
11 issues about, you know, whether Mr. Williams is a
12 bad guy or whether my client is a bad guy. What it
13 is, is about happened on December 29th 2016. So I
14 would ask you to focus on that when you look through
15 the evidence.

16 I'd also like to say early on, I am going
17 to be talking about counts 1 through 4. My client
18 is charged with felon in possession of a weapon. He
19 admitted on the stand he's a felon. He shouldn't
20 have had the weapon. He said it on the record. You
21 don't need to think about that. The judge is going
22 to talk about two principles of the law. They're
23 important in the justice system. And that's the
24 reason I talked about them a little bit in my
25 opening, and that's the presumption of innocence and

1 the burden of proof. Even now after you've heard
2 all the testimony and after you know, you've had the
3 opportunity to at least ponder a bit about some of
4 the witnesses, even now, my client is entitled to
5 that presumption that we're talking about, the
6 presumption of innocence. And the judge will talk
7 to you about that in more detail. But even now, he
8 is entitled to that cloak of righteousness that
9 exists all the way through the process. Even after
10 he testifies, he's entitled to that presumption of
11 innocence.

12 He's not just not guilty at this point,
13 he's innocent. And it's important that you carry
14 that principle back with you as you begin your
15 deliberations at the start of examining the
16 evidence. The second principle is kind of like the,
17 it's like a coin and the presumption of innocence is
18 on one side of the coin, and it's proof beyond a
19 reasonable doubt on the other side of the coin. And
20 let's talk about that a little bit, the burden of
21 proof. The State has the burden throughout this
22 process. The burden of proof to prove the elements
23 of every charge throughout this process. We could
24 have sat over there and twiddled our thumbs, asked
25 no questions, presented no testimony, and done

1 absolutely nothing. And based on the presumption of
2 innocence alone, if the State had failed to meet its
3 burden, an acquittal would be required, would be
4 mandated by the law. That demonstrates what the
5 burden of the proof is.

6 And the difference between the proof --
7 the burden of proof on the State and the lack of any
8 burden on the defendant to prove innocence. That
9 even extends to defenses. And you'll hear about
10 that a little bit later from the judge. You know
11 now proof beyond a reasonable doubt is not proof
12 beyond all doubt, and we'll concede that. But it is
13 the highest burden known in the law. The judge will
14 define it in a few minutes. It's a kind of doubt
15 that causes one to hesitate to act. The kind of
16 doubt I'd like to say that makes you want to stop
17 and think and wander. That's the kind of doubt it
18 is. You could and if you use an example in this
19 case, you know, you could be sitting there in your
20 deliberations and say, you know what, I think
21 Mr. Scott might be guilty or he might be. That's
22 not enough.

23 You can say, you know, I think he's
24 probably guilty. I think he's probably guilty of
25 everything. That's not enough. You have to be

1 convinced beyond any reasonable doubt. Firmly
2 convinced. No could's, no might's, no probably.
3 Firmly convinced. So using that prism, presumption,
4 reasonable doubt. I would like to talk about some
5 of the things in the evidence. Now let's talk a
6 little bit about credibility, because that's going
7 to be a thing in this case in a bit. I mean, in a
8 lot of ways, what this case comes down to is, the
9 testimony of my client. The testimony of the
10 individuals that were in club that night. And I'm
11 going to address that. And it's your job to assess
12 credibility.

13 Certainly assessing credibility goes
14 beyond the demeanor of the individuals on the stand.
15 It also includes common sense, your logic, or the
16 logic of what they're saying. Does it make sense.
17 I also want to address a couple of things. Now
18 look, it would be nice if we lived in a world where
19 everybody obeyed the law, but we don't. And it
20 would be nice if we lived in the world where
21 everybody talked to the police about what happened,
22 but we don't. It would be nice if we lived in a
23 world where illegal drugs like marijuana weren't
24 sold, but we don't. And I would caution you that
25 this case isn't really about those things. What

1 it's about is what happened on December 29th 2015.
2 That's what this case is about. It's not about
3 whether Mr. Williams or Mr. Brunson are bad people,
4 or my client is a bad person. It's about what
5 occurred on December 29th.

6 Now let's talk about the State's case and
7 basically the two scenarios. One that my client
8 testified to, and one that's present by the State.
9 And I would ask you to focus on those areas. My
10 client got on the stand. He told you what happened.
11 He told you he lied to the police afterwards. He
12 told you he doesn't trust the police and that's why
13 he lied. He told you some things that, you know,
14 like he's got a record okay. He told you the name
15 of the guy that was with him, you know. I would
16 love it Mr. Fitzgerald would walk in here to prove
17 it. Yeah, I do live in South Carolina. But, you
18 know, that's not going to happen. But he gave as
19 much information he could as Mr. Meadors was talking
20 to him, but he said what happened.

21 And, you know, he explained to you why,
22 you know, why he gave up the name of this guy. He's
23 not a snitch. He got his blessing, and gave
24 Mr. Meadors his name. That's kind of extraneous to
25 some degree. He told you what happened. So let's

1 examine what happened and let's look. Some of the
2 evidence, the State's evidence, and compare and
3 contrast with my client says happens and what the
4 Stated says happened. So let's talk first about
5 the nature of this meeting. Now under the State's
6 version, this armed robbery and this shooting,
7 happens by chance, by chance. Two guys from
8 Charleston, come up I-95 I guess, however they,
9 it's middle of Sumter to some 2-bit club house
10 when -- to commit an armed robbery, when this club
11 house isn't even supposed to be open at that time.
12 And happened to wander in on two guys. One of whom
13 has \$3,000 in his pocket.

14 Now that is the State's version of what
15 happened. These guys just wandered in there out of
16 the blue. Of all the places between Charleston and
17 here, they pick this dive to rob, with the intent to
18 rob. That's State's version. Now is that
19 reasonable, or is it more reasonable than what my
20 client says is the truth, that this was a
21 pre-planned meeting for a drug deal. And that's why
22 Mr. Williams was there. And that's why my client
23 and Cow show up at that time. What makes more
24 sense. What makes more common sense. I would
25 submit to you what makes more sense is that this is

1 a preplanned meeting. Now that's the State's
2 suggestion is that this was just random. I would
3 submit to you that's just not supported by common
4 sense.

5 Let's compare and contrast the nature of
6 the meeting. The State would have you believe these
7 guys come in and try to rob. And, you know, quite
8 frankly, the worse robbers in the world, because
9 there is a guy with \$3,000 who, I am not even, it's
10 not clear what they got. Or and the marijuana is to
11 some degree pushed aside. I mean, a couple of
12 roaches, you know, let's not talk about. We're the
13 ones that, you know, that said my client got on the
14 stand and said, look, this was a marijuana buy. Now
15 what State witnesses support that? At the time
16 Investigator Dubose went to the clubhouse, I asked
17 him, these are his words not mine, it smelled like
18 marijuana. It reeked, these are his words, not
19 mine, reeked of raw marijuana.

20 Mr. Williams smelled like marijuana when
21 he was in the hospital. There are scales in the
22 establishment. And, you know, the officers or the
23 investigations, they ask, I mean they confirm, they
24 asked about this. They're doing to their job.
25 Marijuana is clearly, I would submit to you, clearly

1 the purpose of this meeting. Clearly the purpose.
2 Now does that cause you to stop and think, to
3 hesitate? And wonder about the State's case? Well
4 it should. And that's reasonable doubt. That's a
5 reasonable doubt. Was there an armed robbery at
6 all? At all. Or was it as my client indicated, for
7 lack of a better phrase, and I hate to use this
8 phrase, but a a drug deal gone bad. Okay.

9 Now is it reasonable to think that any
10 father who's concerned about his son with \$3,300 in
11 his pocket at gunpoint, is going to say, I don't
12 have anything. I don't have anything. Is that
13 reasonable? Now there is some discrepancy in what
14 Mr. Williams said. And I not going to get in to the
15 details. But you know initially he talks about
16 peeling money and then handing it to him. And then
17 he talks about, oh, I'm shot, and I'm throwing it at
18 them. And look the bottom line is, there are some
19 discrepancy there, but you put the weight on it that
20 you want. But I would submit to you, that there was
21 no robbery. What my client indicated happened makes
22 much more sense than what Mr. Williams says
23 happened.

24 I would submit to you that an individual
25 does not peel money at gunpoint, and give the guy

1 holding the gun whatever 100, 400, 500. I mean, he
2 wasn't sure how much he had. But we know what he
3 had in his pocket when he showed up at the hospital.
4 That just doesn't make sense. That's not
5 reasonable. Does that cause you to hesitate in fear
6 and ponder. Well it should. And that's a
7 reasonable doubt. That's a reasonable doubt.

8 My client testified that Mr. Williams was
9 armed. But there's an issue about whether we have
10 two guns or three guns. Now I may not have been
11 able to identify the particular type of gun, and I
12 submit that's reasonable too. Two guns or three
13 guns. Now State's Exhibit No. 38, I am not going to
14 mess with this high tech stuff, okay. It's Exhibit
15 38. Their evidence, okay. Their expert testified
16 on cross examination, a 45 casing. I think you can
17 infer that it came from a 45 weapon. I think you
18 can infer that was possessed by a light skinned guy,
19 Cow. A 45. Behind is a 38 slug that's embedded in
20 the wall.

21 Now then in the middle and over here, more
22 45 casings. More 45 casings. Again over here,
23 No. 31, a 38 embedded in the wall. Now Mr. Williams
24 also had a bullet extracted from him, it was a 38.
25 And my client had three 38 caliber bullets in his

1 hand. What's the difference. If you recall the
2 testimony of the, I forgot his name, I apologize,
3 the ballistic's guy, the ballistic's expert. The
4 expert they put on. The 38 caliber bullets in the
5 wall, differ from the 38 caliber bullets in my
6 client's hand and that were extracted from
7 Mr. Williams, because those bullets have bronze
8 casings. They're different. They are different.
9 This is their evidence. I would submit to you that
10 this, the fact that my client was shot, I mean what
11 are they, are they going to argue that Cow shot my
12 client and that my client shot back.

13 Not only did two guys, these two guys come
14 up, you know, happen to wander in to a store they
15 could rob, and then they start shooting at each
16 other. I mean that's illogical. I mean this is
17 evidence of what my client, this is physical
18 evidence of what my client is telling you about the
19 gun fight is true, that Mr. Williams was armed.
20 These are the bullets. They don't match the bullets
21 that my client had. They don't match the 38 caliber
22 bullet that was extracted from Mr. Williams.

23 Now that is their evidence. They got the
24 burden. Their case. Does that cause you to stop
25 and think and wonder and hesitate. It should. And,

1 Ladies and gentlemen, that is a reasonable doubt.
2 That is a reasonable doubt. The judge is going to
3 instruct you on self defense. And I want to go over
4 that, because self defense is an absolute defense.
5 And I would submit to you on Counts 1 through 4 and
6 5. In order to find self defense first, you've got
7 to find that my client did not bring on this
8 difficulty. Now, you know, that isn't and I will
9 submit to you, that isn't some sort of esoteric
10 discussion or pondering about whether or not
11 somebody should be engaged in a drug deal. That is
12 specific determination on whether he not he brought
13 on the difficulty on December 29th. I would submit
14 his testimony is clear. He came in. He was there
15 to do some business, and he realized that
16 Mr. Williams was getting upset with him. If you
17 recall his testimony, he said he went over to get
18 the Mystic and give the money. On cross examination
19 he told Mr. Meadors usually if you give a guy money,
20 he calms down. He did not provoke Mr. Williams. He
21 did nothing unreasonable to provoke Mr. Williams in
22 the shooting. And he's obviously shot. He showed
23 you his bullet holes. He didn't do anything to
24 provoke Mr. Williams. For whatever reason
25 Mr. Williams lost it.

1 And at that point, I would submit to you
2 he's fighting to get out of there. All right,
3 things just went south. There was clearly gunfire.
4 That has been demonstratively proven from both
5 sides, by I submit, the ballistics. And he left the
6 scene as soon as he could. He told you what he, you
7 know, what he did. He told you he was shot. He
8 told you the guy fell and then he left. He had no
9 other means to do it. He was on the ground. I
10 submit to you that he was acting reasonable under
11 the circumstances. That reasonably under the
12 circumstances.

13 You know, at the beginning of my opening
14 statement I asked you and I advised you, the only
15 thing my client asked is what we're entitled to.
16 You know, your attention, more consideration of all
17 the evidence and your application of the facts to
18 the applicable law. And as I start to close my
19 comments, really that remains what the evidence is.
20 We can't selectively provide rights to people. He's
21 entitled to these rights as a American citizen.
22 Every American citizen. You know, in a political
23 season, these rights aren't slogans. You just don't
24 apply some and not others. And sometimes you're
25 faced with factual scenarios. And I submit this is

1 that case where it's difficult to come to a
2 conclusion, and that's what you kind of have to do.
3 But in applying the applicable law in this case, I
4 submit to you, Ladies and Gentlemen, there is more
5 than reasonable doubt in this case. And based on my
6 client's testimony, he engaged in self defense. The
7 State's own case demonstrates that ballistically
8 what my client is saying that happened on December
9 29th, is confirmed by their own ballistics. It
10 makes sense that they were there for a drug deal
11 given the overpowering odor of marijuana that's in
12 that place. And it's illogical to think that an
13 armed robbery was the purpose behind this meeting.
14 It just doesn't make sense.

15 So what he asks is that presume him
16 innocent; that you give him the benefit of every
17 doubt, and that you consider the reasonableness of
18 his testimony. He is not a perfect man. None of us
19 are. Some of us are less perfect than others. But
20 in this situation, he did not commit the crimes for
21 which he's charged. He just didn't. And so we're
22 asking on Counts 1 through 4, that he be acquitted.
23 And your verdict reflect that truth. Thank you.

24 MR. MEADORS: Mr. Foreman, Ladies and
25 gentlemen, good morning.

1 THE JUROR: Good morning.

2 MR. MEADORS: I also on behalf of the
3 sheriff's department, Mr. Miller and the victim,
4 want to thank you for being here. I want to thank
5 you for the attention you've given all of us.
6 That's all we can ask. And I just ask that you
7 listen to me as I finish, and then listen to His
8 Honor, as he charges the law. Thank your for being
9 here. Mr. Murphy said he wanted to talked a little
10 bit about credibility. I want to talk a lot about
11 credibility. Because perhaps in more than any
12 other case I've ever tried in my 30 years,
13 credibility is the central issue in this case.
14 Credibility. Believability. And you can't look at
15 in a vacuum. You've got to like in life look at
16 what someone has said of the entirety of the
17 incident. And you determine what is credibility
18 by evaluating everything they said. Everything
19 they've done. Their actions initially, in the
20 middle, in the end. How they look. When they're
21 testifying. Their demeanor. That's what you're
22 looking at and what they're evaluating. The
23 credibility and believability.

24 I was on Arland Road in Clarendon County.
25 But is it near a church, or there is a a dirt road.

1 Yes, that's where it was. There's Arland Road there
2 off Fairfield Road. That's where I was. Of course
3 yesterday Fairfield, he said, you know, I started to
4 say Fairfield County, but then I went with that.
5 This is when you start judging the credibility and
6 believability of the defendant, Raymond Scott. And
7 you have to. You have to judge it on everything.
8 Right off the bat, and he's saying I was just
9 rolling. He actually said JJ put it his mind. But
10 he said, I was rolling. Not right off the bat.
11 Look man, I went up a do a little drug, this guy
12 blow me -- tried to blow me away, okay. No, sir,
13 distancing himself from [REDACTED] Manning Avenue as much
14 as he could. It happened on Fairfield Road. Well
15 who were you with. Well I was with these two white
16 folks that brought me to Charleston. Two white
17 folks that brought me from Charleston. Well who
18 were they. I don't know. Where did you go on
19 Fairfield Road. Well we went on this, excuse me,
20 Clarendon County. We went on Fairfield Road. What
21 happened there. Well we got out to smoke. No you
22 didn't. I mean that's lie. That's a lie.

23 Well what happened when you got out to
24 smoke. Well we were starting to smoke and there
25 were a group of us. There were about 8 of us.

1 Eight of you. Who were there. I don't know. I
2 don't know who they were. What happened after
3 that. Somebody behind us must have moved or
4 something, and then I shot by the other side.
5 Telling this to JJ, to the corporal. Who were they.
6 Well I don't know. Why did you shoot you. I don't
7 know, somebody just must have moved behind me. Well
8 that's a lie. You start judging his credibility
9 right there back on December 29th, right after this
10 happened. He doesn't even mention [REDACTED] Manning
11 Avenue. And he says he just walked in and was may
12 have disrespected and he gets blown away. And I'm
13 going to get to that in a minute. That makes no
14 sense.

15 Got a Charleston accent. At this point
16 Sergeant Dubose doesn't know that. He puts that
17 together. Because at this point, everybody is in
18 the blind. He's in the blind. He doesn't know what
19 they've got on him. He doesn't know if he's killed
20 Tyrone Williams. He knows he's put some bullet in
21 him, that's for sure. But he don't know if he's
22 killed him. He's going to distance himself as much
23 as he can from [REDACTED] Manning Avenue. Well what does
24 he say next. Guys ran up to us. Black or white.
25 Black guys ran up to us. Had the drop on us, the

1 dirt road. I don't know what happened. Somebody
2 behind me must have done something. I just got
3 home. Paid the white guy to bring from -- the white
4 guy to bring me Charleston. I was supposed to be
5 going to Sumter. My girlfriend lives in Manning.
6 And then when I asked him that yesterday, what did
7 you do in Manning. And did you see his expression,
8 well went to -- paused a little bit. I went to her
9 house with this other fellow. Waited outside.
10 Waited a while there. Of course is that lie?
11 Because he smoked early on the road where he got
12 shot. You can't tell what's the truth and a lie.
13 You can't tell. He said I am a terrible liar. I
14 agree with him. And that's all you've got to base
15 this case on. He gives you his resume. He gives
16 you his resume of for truth and veracity. And it's
17 not good. Everything says, resume. Raymond Scott,
18 December 29th, I lied. December 29th, I lied to
19 Jennifer Thomas. December 29th, I lied to Corporal
20 Ardis. December 30th, I lied to Sergeant Dubose.
21 But you all forgive me of that. I got it. You
22 know, can't judge me on that. Well that's all you
23 can judge somebody on, their credibility, their
24 believability. And he's good. And he takes the
25 facts. And he said well Ardis took me there. I'll

1 just follow that lead. That's the real Raymond
2 Scott. If it's real.

3 Excuse my language. After we stopped and
4 smoked the weed in Sumter, that's when the bullshit
5 happened. It took us forever to get here. Now this
6 what he's telling -- Ardis believes him. He's that
7 good, Corporal Ardis believes it. Got shot. The
8 bullshit happened in Clarendon County. And it took
9 us forever to get to Tuomey. Not shot over here.
10 Not Manning Avenue. Not where I had to defend
11 myself, in Clarendon County. It took us forever to
12 get here.

13 Well I don't know any of these people.
14 Here's what he said. He said this to Dubose. You
15 all listen to me. I ain't got no reason to lie to
16 Sergeant Dubose. Why go to Sumter. Well I went to
17 see my girl in Manning. That doesn't makes sense.
18 A guy and a girl. Fairfield Road. Wake up. Guys
19 ran out. What's up. They start firing.

20 Folks, it hit on my way over here today,
21 and I lose sight of the forest for the trees
22 sometimes. I just do. I might have done it
23 putting this evidence in. I did pretty good I
24 thought. I know it took a while, and I apologize it
25 took so long. But what does somebody distance

1 themselves whether you're a child or an adult or
2 anything else from something, because you know you
3 did wrong. You know it's wrong. Nah, I didn't do
4 that. I've got four kids. Did you do that. No,
5 sir, I didn't. I wouldn't do it, I was over here.
6 Why do you put yourself somewhere else and lie about
7 being somewhere else. Because you know you've done
8 wrong. You fled from the scene. Evidence of
9 flight is guilt. He not only doesn't put himself in
10 Sumter, he puts himself in another county. Puts
11 himself going to the hospital. It's believable
12 enough where Ardis calls Clarendon County. A
13 Clarendon County Deputy comes. An investigator
14 comes over. They go check to see if there's been an
15 incident near Fairfield Road in Clarendon County.
16 He's that good. No, there hadn't been a shooting.
17 There wasn't an incident over here in Clarendon
18 County. We knew it was a lie before he testified.
19 He just said, well, I just did that because I don't
20 trust the police. No, sir. No, ma'am, it's a lie,
21 and you start judging his credibility and
22 believability on December 29th. And you have to.
23 So let's look and sees what he says
24 yesterday. Well did you park in front. No, we
25 parked down the side of the road. Why not.

1 Wouldn't it be simpler if you wanted to buy dope,
2 just to be right there at the front and go in and
3 get it and come out. No, they parked down on the
4 side of the road, so they're going to have carry the
5 marijuana all the way out. That's absurd. They
6 parked on the side so they could come in, rob them.
7 They didn't know they were coming. And, you know,
8 this is a question Mr. Murphy said. You know, all
9 of sudden they come to this place they didn't know
10 about. And that's what the judge will tell you. We
11 don't have to prove beyond all doubt. They can just
12 throw stuff up like that. We can never prove
13 everything. If you did that, well let him go for
14 this fictitious Alphonzo who doesn't even exist.
15 It's incredible.

16 I submit to you, there had been a gambling
17 the night before. It was testified. There is
18 money. They found out about it. They knew about
19 it. That's why they sat on the side of the road.
20 And that's why came in. That's the only thing that
21 make sense. The ties. What have you got these ties
22 for. And you all, all the evidence came up during
23 the week. And what he's doing is fitting his
24 testimony to that evidence respectfully, for the
25 first time yesterday. Where are these ties from?

1 Well I got them from my mom. You stole all your --
2 you took all mama's ties just to rap up some little
3 wires. That doesn't make sense. I don't know why
4 he had those wires. I know they're used for
5 handcuffs. I know you can tie people up with them.
6 That makes more sense than having a whole thing of
7 wires, a whole thing of ties to tie some wires up
8 under brand new truck. I think it 2016, he said,
9 so it wouldn't be probable cause to drive your truck
10 if you got stopped, which isn't true. Coming up
11 here to get to marijuana and go all the way back.
12 He stops. Marijuana in the car. That's a little
13 more risky than wires. It doesn't make sense.
14 He's trying to fit everything to the facts. He's
15 trying to trade places with Tyrone Williams. That's
16 exactly what he's trying to do. He's trying to fit
17 it like he did to Corporal Ardis. Fit to what came
18 out. Oh, no, this is me.

19 There are no drugs. Law enforcement
20 doesn't find drugs, they find roaches. I'm against
21 marijuana. It's wrong. It's illegal. Mr. Williams
22 said people come in there and smoke. Come in there
23 to gamble. It happened, It shouldn't happen. And
24 agree with Mr. Murphy that's not what this case is
25 about. Do a little smoking in there. That's where

1 the smell came from, the cigarettes, roaches are in
2 there. The people have been smoking there the night
3 before. That's why he came to clean up. But there
4 are no drugs. He's coming to Charleston with \$500.
5 Well that's a lie. No, he had \$560 something. Is
6 that a big deal? Sure it is. Man knows what he's
7 got. I've got 500 I'm putting towards. Well no,
8 you've \$562. He said well that's what I was going
9 to live on. He's got an answer for everything.
10 That's what he stole and took when Tyrone Williams
11 threw the money at him as he's been shot, or after
12 he shot, just take it. I don't care if he said
13 peeled it. Whatever. He threw the money at him.
14 And that's what he put in his pocket. The different
15 pockets are the \$7.

16 His story basically and I asked if he'd
17 done a drug deal. I want the record to reflect we
18 went through it yesterday. But I got common sense.
19 And he's saying this fellow, light skinned guy, set
20 this up with Tyrone. And he comes in the business.
21 Never said the light skinned ever talked to Tyrone.
22 But this doesn't make sense. That's why he's
23 adding as he goes along. He said he goes and talks
24 to Tyrone. He goes in. Never seen him before.
25 Never been there before. Never talked to him

1 before. All this a lie. And he goes over---

2 MR. MURPHY: Your Honor, I think that's
3 misquoting the evidence.

4 THE COURT: Mr. Meadors.

5 MR. MEADORS: I do not think it is.

6 MR. MURPHY: Your Honor, they were
7 dapping. He said they were all dapping each other
8 that was the evidence.

9 MR. MEADORS: No, he said he went over and
10 talked to the victim.

11 THE COURT: Well the jury can evaluate
12 that. I'll respectfully overrule that objection.
13 Thank you.

14 MR. MEADORS: Y'all remember what y'all
15 remember. He comes in and he greets Walter
16 according to his testimony. And then they come
17 over, and he goes down and talks to Tyrone Williams.
18 Starts talking to him. And he says, man, what you
19 got your child here for. The man who doesn't know
20 Tyrone Williams. Not from here. Not from the
21 county. Goes in supposedly for a drug deal. And
22 he's the one he goes talks to him. Man, what you
23 got -- what you got your child here for.

24 No. 1, I submit to you there wasn't a drug
25 deal. That's convenient because there are roaches

1 there, and they want to make it look like that.
2 Back into the evidence sought of like Fairfield
3 County and Arland Road. But you've got to evaluate
4 all of that. I submit to you, he wouldn't have his
5 child there. He said the night before he was
6 gambling, his child wasn't there. But let's think
7 about this as we go through it. He said Tyrone gets
8 mad because he says, why you got your child here.
9 And as a result of that, he gets so mad and so mad,
10 that after he gives him change for a Mystic, he
11 comes out with his gun and just starts shooting.
12 Shoots him once. And then he says again, oh, the
13 next time shot me in my leg. That's a -- why didn't
14 you just finish him off. He's going to shoot him
15 here. And then shoot him in leg when he goes out.
16 And by the way, there's no evidence of that on the
17 floor. And he's got these drugs there. And he gets
18 so mad because he said his son -- something about
19 his son being there.
20 So you know what, I'm going to kill you,
21 and bring all the law here. That makes no sense.
22 It makes no sense. Just like it made no sense that
23 he was shot in Fairfield County and two white folks
24 probably from Charleston. You've got to consider
25 one or the other. That's all you can do is

1 somebody's credibility. That's all you can do.
2 And it doesn't make sense under his version that he
3 would shoot in there and bring all the law there.
4 Just because he said, why is your son. Said well
5 I'm going to kill you. I'm going to kill you. I'm
6 not worried about this fellow. I'll just kill you
7 right in front of my son. That is what -- that's
8 the really the credibility and believability it
9 boils down. If you all believe it, let him go.

10 I submit as Mr. Murphy said, there's no
11 reasonable doubt. We don't have to prove beyond all
12 doubt. I think we have. That's up to you all. A
13 couple of things Mr. Murphy said the 38, they're
14 bullets firing. I don't know 8, 9, 45's going off.
15 There are two 38's in the wall. We know we a 38
16 came out of our victim. There's still a bullet in
17 him. Don't know what's in him. I submit to you
18 it's 45's. I'm submitting there's a melee. Shots
19 are fired. His buddy is shot. He got shot in the
20 melee. That's consistent with all those projectiles
21 back there, heading in their direction. Heading in
22 their direction. And a 38 in Tyrone Williams came
23 from that man. He's admitted he shot him, he says
24 four. I admit one of them could have come from the
25 other fellow that hit him. I don't know. He's

1 telling you four. I don't know if I believe he shot
2 him four. But he's saying he shot him. But it
3 doesn't matter which one of those two shot Tyrone
4 Williams. The hand of one is the hand of all. But
5 ain't no question he shot him.

6 What's reasonable. And you have to
7 evaluate it. That man right there. Raise your hand
8 please, Tyrone. From December, and this is what the
9 case boils down. It really is, and as Mr. Murphy
10 said and if ever a case I tried, these two fellows,
11 and I can argue that when that's the issue in the
12 case. On December 29th 2015, he told the same
13 version of events in the hospital talking to this
14 man. Two guys come in. Told this man that they
15 had a revolver. That's why those shell casings are
16 found. The same story. The same event. They came
17 in. Didn't know who they were. I described them.
18 Light skinned guy. Maybe hazel eyes. I described
19 them. Described the clothes, the dark skinned guy.
20 Guess what, they're the same clothes. This went
21 from an ID case to not an ID case. I wonder why.
22 Because the ID was so good. So we've got come up
23 with something else.

24 Describe the cargo pants, the shirt. And
25 that matched. And that's one thing that Sergeant

1 Dubose said well you know what, this might be the
2 guy that Tyrone said. The same time that came in.
3 I didn't know them. I had a kind of just had a
4 feeling. You ever had a feeling. I just had
5 feeling. Walter at first says, and is this
6 credible. Walter at first says, you know, I thought
7 I recognized them Lincolnshire. Wasn't sure. But
8 when they came up, and then I started talking to
9 them, and I got up closer and listened to them. The
10 accent wasn't from around here. The accent hurt
11 him. That accent got him. Got a lot of my good
12 friends have got the same accent. I'm not saying
13 anything bad, but that accent, I beat him. I beat
14 him when the defendant told. And he had a accent.
15 When sergeant gets on the audio and says you know,
16 he's got that accent. Law enforcement coming
17 together when he's telling the same story. He
18 didn't tell them he was in Fairfield. And he didn't
19 tell him he's in Clarendon County. Yeah, I'm at my
20 place of my business. Yeah, I had money on me from
21 the night before. We were gambling.

22 He told them what happened right off the
23 bat. Oh, nothing happened. No, I got shot
24 somewhere else. And he comes in and you've heard
25 Walter or Tyrone, I can't remember; saying that the

1 light skinned guy was looking around. I can now
2 argue, he's casing the joint. He was looking
3 around to see if there are any cameras or anything.
4 People they didn't recognize. And then dark skinned
5 guy who we now know is the defendant Raymond Scott,
6 comes down and he starts talking to him. He said, I
7 was looking at him. And this is what you judge this
8 case on and decide. You watched him right here.
9 You watched Tyrone Williams. The same statement.
10 The same tale he's told on December 29th until
11 today. It didn't change. Not in another county on
12 this.

13 He says, man, why did you come here.
14 There's a convenience store here. A convenience
15 store here. Why did you come in to my store. Why
16 did you come in to my store. Well we wanted a
17 drink. Well there are drinks down there. Go ahead
18 and get you a drink. And he says as he gets to the
19 drink, and you've got a Mystic bottle there. And
20 this is all corroborating the victim. He says as he
21 starts to give him change, gives him change. Comes
22 back, then he comes out with his weapon.

23 Now he's tried to make that him now.
24 Mr. -- I was in Clarendon County. Hold on, I
25 wasn't. White folks coming from Charleston. Oh, no

1 they didn't. Took them awhile to get to the
2 hospital. No credibility. Incredible story.
3 He's now trying to become Tyrone Williams in this
4 instance. It makes no sense why Tyrone would put
5 out and start firing and kill him with this thing.
6 Why did he not give his money to start with.
7 Mr. Murphy wants to say it's a a reasonable doubt.
8 I don't know. I've never been robbed. Thank God.
9 But if somebody comes up to me and says, give me
10 your money, my first reaction, no. You ain't
11 getting my money. I think that's a reasonable
12 response. But he ultimately did. But unfortunately
13 it was after his body was filled with a bullet
14 holes. And thank God he's alive.

15 I mean Tyrone, you all think about this.
16 Tyrone Williams should be dead. He should be dead.
17 He should not be here. He took four bullets in his
18 body. And he protected his son. You see the ways
19 he's described it. He went up and then he shot.
20 He's protecting minor His name was said
21 once. Five year old minor who ran to his
22 daddy when he heard a gunshot. He's protecting him.
23 And say, minor could be dead. He didn't
24 care where he was shooting. He didn't really think
25 that much about minor on there when he was asked.

1 Well he was. minor was on his daddy. And his
2 daddy was saving him. Thank God minor is alive.
3 He comes back and gives him change
4 supposedly. Or gives him change and then he starts
5 firing. He starts firing. Give me your money. I
6 ain't got no money. Here it is, and throws the
7 money at him. He takes the money. That's kind of
8 funny, it was \$562. There was about \$3,000 that
9 Tyrone had on him. There's no question about that,
10 from the drug deal the night before, from the
11 gambling from the night before. And he had that
12 money on him. And he didn't want to give it to him.
13 And then he finally threw it out the door. And he
14 took the money. Brunson told you that. He took
15 the money and grabbed it up and he left. That's the
16 armed robbery. That's the taking and carrying away
17 from a person by force or intimidation with the
18 intent to deprive them of their goods. Nothing else
19 makes sense. The fact they're are two 38's leaving,
20 no, sir, no, ma'am. He fired though. As he's
21 leaving, shots are being fired. Eight shots, two
22 shots that way. But clearly he fired the 38 at the
23 defendant. And the argument though, they're
24 different type of 38's. It can fire -- you can put
25 any type 38's in a 38 revolver, Ladies and

1 gentlemen. That's not a reasonable doubt. You can
2 fill up a 38 with all kind of different type of 38
3 bullets.

4 There were two guns there. And how do we
5 know that. He's in Clarendon to start with. Tyrone
6 tells you the same version from day one, when he's
7 in the hospital, been shot. This is what happened.
8 These two guys came in, and I didn't know know. I
9 was a little on edge. I started asking him
10 questions. Why are you in here. What did you hear.
11 He gets a gun -- he gets a Mystic, pays him. It's
12 credibility testimony. He gives him change, and
13 then he pulls out and starts shooting. Parks on the
14 side of the road. Runs. Flees. Evidence of guilt.

15 Inference of malice, you can infer. I'm
16 asking you to infer inference of malice with the use
17 of a deadly weapon. Folks, he didn't care. He
18 wanted to kill him. He shot him. He shot him. He
19 shot him. January 2nd, December 29th, he tells them
20 what happened. He goes back and sees the next day.
21 Shows him the line up. And it's not an issue in
22 this case, but we've explained those lineups. I
23 think I need to go over that any more. That's the
24 guy. Didn't want to say I wasn't involved. Didn't
25 want to say something else, which might be true if

1 it really was a drug deal. No, that's the guy.
2 Worried about the little box, which was nobody's
3 problem. Nobody. Nobody realized that box was
4 there except Dubose, and he cleaned it up. But he
5 says that's the guy. Walter Brunson, that's the
6 fellow. That's the fellow that came in here. Then
7 they gave statements. Statements, describing them
8 both. Not afraid to. Not lying about it. Not
9 saying, I don't want to get involved in this. This
10 is the light skinned guy. This is the dark skinned
11 guy. This is what he looked like. This is what
12 he's wearing. This is what happened. This is when
13 he shot me. This is when I threw the money at him.
14 The 29th, 30th, January 7th, January 8th, two days.
15 Was he exactly the same, no. And if everything is
16 exactly the same, but it was pretty close to the
17 version. This is what happened. I didn't know
18 him. This is the only thing that makes sense.

19 Well then yesterday, and finally as we're
20 going on this credibility train, yesterday for the
21 first time I hear this other version. And then we
22 hear about Alonzo Fitzgerald. Alphonso Fitzgerald.
23 He got his blessing to come testify. Let him go.
24 Let him go on Alphonso's blessing. What does that
25 mean. First of all, Alonzo Fitzgerald is not --

1 does not exist in South Carolina. There is no
2 Alonzo, Alphonso Fitzgerald. It's a lie. It's the
3 last lie that he's trying to tell you to persuade
4 you. I don't know, to try to make himself
5 believable here again. His day in court. Who does
6 he talk to? Just this month. Since this case
7 started. There is no Alonzo Fitzgerald. And you
8 can judge him on that credibility, because Sergeant
9 Dubose checked. He doesn't exist. And I'm allowed
10 to argue this since they put up evidence. If they
11 exist, you don't think he would have him.

12 MR. MURPHY: I am going to object to, Your
13 Honor.

14 THE COURT: Mr. Meadors. You all come up
15 here, please.

16 (Whereupon, the attorneys approach the
17 bench and confer with judge.)

18 THE COURT: Go ahead, Mr. Meadors.

19 MR. MEADORS: Alonzo Fitzgerald does not
20 exist. He has no ability to call somebody that
21 doesn't exist. He doesn't exist. If he did, would
22 he not be here. I haven't talked to you about the
23 law. I don't know if I'm going to like I usually
24 do. The judge is going to tell you the law. I can
25 just tell you briefly, attempted murder is a

1 specific intent to kill somebody. He had an intent
2 to do. He fired a 38 at somebody at least three
3 maybe four times when they were giving you change,
4 and you were trying to rob them, is an attempted
5 murder. It's an intent to try to do something. And
6 you're not successful. Thank God he's not
7 successful.

8 Intent on little ^{minor} who was in
9 dad's arms. That's up to you. Intent to kill. He
10 was in his arms. He's firing. Looking at both of
11 them. Knowing they're both there, I submit to you
12 that's specific intent to kill. Attempted murder.
13 He didn't, thank God. Armed robbery, taking from
14 the person or presence of another by means of force
15 or intimidation, the goods of another. In this
16 case, the money of Tyrone Williams. His money he
17 took, while armed with a firearm. Count 4 and 5, if
18 you believe the evidence, you've got to find him
19 guilty or not guilty. Possession of a firearm
20 during the commission of criminal offense.
21 Possession of a firearm by a person convicted of a
22 violent crime.

23 Now, the judge will charge you, and I'm
24 not saying that you should find him guilty because
25 he's got a conviction for a violent crime. I'm not

1 saying that; would not say that. I follow the
2 rules. I know what the rules are, and I follow
3 them. But I can argue to you all, that you can
4 consider his conviction of a violent crime, a
5 felony, as it goes to his credibility. I'm allowed,
6 and that's the law. And you can consider it. And
7 please consider it, as to whether or not he's
8 telling the truth. In addition to what he said,
9 this didn't even happen in this county, as he starts
10 off. And ends with Casper, a fictitious person
11 that doesn't exist. That's kind of where we start,
12 don't we. We start in another county, and we end
13 with somebody that doesn't exist. And you all have
14 got to decide what the truth is.

15 Now Mr. Murphy said you won't -- we don't
16 want to you find him guilty of Counts 1 through 4.
17 I submit to you that arguably, he wants you to find
18 the defendant guilty of a lesser offense. He may
19 not. You're going to be allowed, and the judge will
20 charge you on what's called some lesser offenses. I
21 submit they don't apply. I submit you shouldn't do
22 it. But you're going to be allowed to consider as
23 far as Tyrone is concerned, a charge called assault
24 and battery of a high and aggravated nature. A
25 lesser included offense of attempted murder.

1 If a person commits a crime of assault and
2 battery of a high and aggravated nature, if the
3 person unlawfully injures another person and great
4 bodily injury to another person results. Basically
5 you can find that there wasn't an intent to kill.
6 That's really the difference, that he didn't intend
7 to kill him. Attempted murder. We submit it's
8 attempted murder. Y'all be able to consider that.
9 His Honor has ruled. Respectfully he has, and
10 correctly, and I submit that's what he's trying to
11 get you to do. It's not, it's attempted murder.

12 You'll also I think unless I'm wrong, be
13 able to consider assault and battery in the first
14 degree as it pertains to minor the
15 5-year-old. We submit it doesn't apply, but you'll
16 be able, I have cover this. Assault and battery in
17 the first degree if the person unlawfully -- if the
18 person offers or attempts to injure another person
19 with the present ability to do so and the act is
20 accomplished by means likely to produce death or
21 great bodily injury or occurred during the
22 commission of a robbery, burglary, kidnapping or
23 theft. You'll have the right to consider assault
24 and battery first degree as it pertains to minor
25 minor

1 Again, I think and Your Honor will tell
2 you much more hopefully than I will. The difference
3 is, there's not a -- that charge would say, you
4 didn't find there was an intent to kill or an
5 attempted murder on assault and battery first
6 degree. We submit it's attempted murder. That will
7 be up to you all. I'm fixing to sit down. My
8 father, a preacher, a bishop, a Methodist Bishop,
9 who is one of my best friends. Somewhere in my
10 formative years, he gave me a book entitled, Your
11 Greatest Power. Your Greatest Power. And basically
12 that book says, your greatest power is your power to
13 choose. You choose what you do in life. You choose
14 how you to live your life. You make decisions that
15 affect your life and other people's lives. But
16 you're the one making them. Don't blame anybody
17 else. You do. And in this case, he chose to try to
18 rob Tyrone Williams. He chose to shoot him while
19 he's holding his son. He chose to lie and lie and
20 lie, I wasn't there. And he chose to make up
21 somebody that doesn't exist. All trying to get you
22 all to say, hey I am credible. Believe me, I am the
23 one after the change is done, that got shot. It's
24 not credible. It's not believable. It is going to
25 be your time to choose in a minute.

1 The presumption of innocence I want to end
2 on. There is no greater doctrine that we have than
3 the presumption of innocence. You're presumed
4 innocent unless and until the State proves you
5 guilty beyond a doubt. And that stays with you as
6 Your Honor will tell you. Stays with the defendant
7 as you go back in your jury room. It goes back like
8 it's a blanket or a robe covering the defendant
9 until it gets back to the jury room. And once you
10 all start looking at the evidence, once you start
11 weighing the credibility of the witnesses that you
12 heard from December 29th until yesterday, you can,
13 and you will we respectfully submit, start taking
14 off that robe or that blanket. And that's what you
15 do. And as you take it off after you review the
16 facts, and you just come to the conclusion, we
17 submit the evidence shows, that he's guilty beyond a
18 reasonable doubt. Save that blanket. Save that
19 robe. Save it please. And when you come back in
20 with your guilty verdict we submit, bring it in here
21 symbolically, and give it to Tyrone Williams so he
22 can take it with him to minor I'm peeing
23 daddy. Let him take it home to him, because they're
24 the innocent ones. Thank you.

25 THE COURT: Thank you, Mr. Meadors.

1 Ladies and gentlemen, the next stage of the trial
2 will be for me to give you the charge on the law.
3 That's going to take probably 30 to 40 minutes.
4 We're going to take a recess now to allow you to
5 take a break. If you're not ready when the bailiff
6 comes to the door, Mr. Foreman, just let the bailiff
7 know you all aren't quite ready. In the meantime,
8 you may not discuss the case. That point is coming
9 quickly. Thank you.

10 (Whereupon, the court takes a short
11 recess.)

12 (Whereupon, the following takes outside
13 the presence of the jury.)

14 THE COURT: First I will put on the
15 record, the bench conference. Mr. Murphy moved for
16 a mistrial on the basis that Mr. Meadors had
17 commented on the defendant's failure to call a
18 potential witness. Mr. Murphy, you can put your
19 position on the record.

20 MR. MURPHY: Your Honor, it's our position
21 that we have no burden; that under the federal
22 constitution clearly, that would be reversible
23 error. I am aware and I have been trying to find
24 the cases that deal with South Carolina. I am aware
25 that there was a practice where I believe the

1 language, and you have equal access to certain
2 information. The solicitor can comment on it. I am
3 aware in the last two years that again, I don't have
4 the decision. I apologize, I have been looking for
5 it. That language in a narrative degree. I will
6 say that had -- on regard on the prejudice prong, I
7 will tell the court that it appears that the
8 argument didn't go quite as far as I anticipated
9 after we had our bench conference. But I believe
10 very firmly that when, you know, the comments
11 regarding my client and his testimony are
12 appropriate. But when it comes to the burden for
13 us, or when it comes to us or any defendant having
14 to produce evidence that shifts the burden, and is
15 grounds for a mistrial, and that's the basis for my
16 argument.

17 THE COURT: Mr. Meadors.

18 MR. MEADORS: May it please the court.

19 THE COURT: Yes, sir.

20 MR. MEADORS: I almost brought it up
21 beforehand, but I felt so right in my what I was
22 doing, I guess I forgot. I have done it for 30
23 years. I do believe there is a case out there, I'll
24 have it to Your Honor before your charge is over,
25 that says if the defendant takes the stand and puts

1 into evidence, evidence and basically there is
2 testimony that comes out about other witnesses. The
3 State is allowed to argue that they have as much
4 access and can call that as much as we do. And that
5 case held it was not shifting the burden. I would
6 not have done it otherwise if there was something
7 that I knew directly on point, I would assure the
8 court.

9 THE COURT: But you would be able to find
10 it?

11 THE COURT: I know the State vs. Primus
12 which is ended up being overruled on other grounds
13 in State v. Gentry, which is the sufficiency of
14 indictment case. Obviously irrelevant here, where
15 the defendant called no witnesses. But his alibi
16 defense came in through State's witnesses, but the
17 defendant didn't call anybody. The solicitor
18 commented on the defendant's failure to call those
19 witnesses, and his convictions were reversed. That
20 was a setting where the defendant offered nothing in
21 the form of evidence. So if you can find that case
22 for me, Mr. Meadors, I will try to find it too.

23 We are going to break for maybe 5 minutes.
24 Are you going to be able to find it pretty quickly?

25 MR. MEADORS: I hope so.

1 THE COURT: I am going to take your motion
2 under advisement, Mr. Murphy. I am going to go
3 ahead and charge the jury. Maybe if you can get
4 back in 5 minutes. I see you have a research
5 assistance in the back of the courtroom.

6 MR. MEADORS: I so.

7 THE COURT: So we'll take a break.
8 Please be back in the courtroom in 5 minutes.

9 (Whereupon, the court takes a short
10 break.)

11 MR. MEADORS: The case cite 504, S.E. 2d,
12 307.

13 THE COURT: 504, S.E. 2d., 307?

14 MR. MEADORS: Yes, sir. 1998.

15 THE COURT: Mr. Murphy, have you had a
16 chance to take a look at it?

17 MR. MURPHY: I have read that case, Your
18 Honor. And I am looking for the other case.

19 THE COURT: All right.

20 MR. MURPHY: It's more recent.

21 THE COURT: Mr. Meadors, I see that
22 Mr. Williams is here. I just want to make sure that
23 everybody understands that when I start the charge,
24 they are going to lock the doors. So if anybody
25 needs to use the restroom, they won't be able to for

1 awhile.

2 MR. MEADORS: I do, but I will hold it.

3 THE COURT: Go ahead.

4 MR. MEADORS: Do we have time to?

5 THE COURT: You've got 48 seconds.

6 MR. MURPHY: State v. McFadden, 342, South
7 Carolina, 637.

8 THE COURT: 342.

9 MR. MURPHY: It's a 2013 South Carolina
10 Appeals Court case. I believe it can be cited.

11 THE COURT: It's unpublished.

12 MR. MURPHY: It's unpublished. But it
13 quotes McFadden as stating the State may not comment
14 on the defendant's exercise of a constitutional
15 right. Specially, the solicitor must not comment
16 either directly or indirectly on the defendant's
17 silence, failure to testify, or failure to present
18 evidence.

19 Now clearly in this case, he testified.
20 So his credibility is fair game. I appreciate that.
21 What isn't fair game is arguing that we have an
22 obligation to present any additional evidence. And
23 I would argue that that is distinguishable. And
24 that's the basis for it.

25 THE COURT: Anything, Mr. Meadors?

1 MR. MEADORS: Your Honor, I think Douglas
2 is directly on point. He not only took the stand
3 and gave this person's name, didn't know the phone
4 number for him, didn't know where he lived, said he
5 talked to him Monday. And then in Mr. Murphy's
6 closing he gets up and says, you know, I wish he was
7 here. I think Douglas is right on point and allows
8 me to say, he's the only one that didn't have access
9 to him. And he's trying to throw that out to the
10 jury. There is no way we could have called him.
11 He didn't exist.

12 So we think Douglas applies and it was an
13 appropriate argument.

14 MR. MURPHY: I would briefly respond, that
15 I think it was fair argument to say based on the
16 evidence, this guy doesn't exist. But what's unfair
17 is to argue we have an independent obligation to
18 present this individual. We don't. We don't have
19 an obligation to present anybody.

20 THE COURT: I'm going to deny your motion
21 for a mistrial. State vs. --- excuse me, Douglas
22 vs. the State is directly on point. McFadden was
23 the case where the defendant offered no defense, I
24 believe. And the PCR or the appellate court said
25 that it was improper for there to be any comment on

1 the fact that there was no defense put up.

2 In Douglas, the supreme court said that
3 there was no error in refusing to give a curative
4 instruction after the solicitor referred to the
5 defendant's failure to call witnesses, because even
6 though the defendant didn't testify in his own
7 defense, he did call several witnesses in his
8 behalf. So I am going to respectfully -- I think
9 Douglas is the law in this State right now. So I am
10 going to respectfully deny your motion. Are you
11 ready for the jury?

12 MR. MEADORS: State's ready.

13 MR. MURPHY: Yes, sir.

14 THE COURT: We'll need, Mr. Brown, if you
15 will check down the hall for Mr. Bradley. I want
16 him to be in here for the charge. Of course, I
17 asked him to order lunch. Have you all taken a look
18 at the verdict form that Sara handed to you?

19 MR. MURPHY: No objection.

20 THE COURT: You can bring in the jury.

21 (Whereupon, the following takes place
22 within the presence of the jury.)

23 THE COURT: Thank you, Mr. Bradley.

24 Ladies and gentlemen, you have heard been presented
25 with all the evidence in this case. You've heard

1 the arguments of the attorneys. And it's come to
2 point now during the trial where I am going to give
3 you what is called the charge on the law. It's also
4 called jury instructions and the jury charge. In
5 essence what I'm going to do, is give you the law
6 this State, and you are to take your common sense
7 view of the evidence and put it together with the
8 charge as I give it to you and reach verdicts in
9 this case.

10 I will tell you from the outset, that the
11 verdicts that you reach must be unanimous. That
12 means 12 to 0. Whatever your verdicts are. This is
13 not 7 to 5, or even an 11 to 1 vote. Your verdicts
14 must be absolutely unanimous. And, Mr. Foreman,
15 that will be your primary responsibility to make
16 sure that these verdicts that the jury reaches are
17 unanimous. During the course of this charge, I can
18 guarantee you a couple of things, first of all, I'm
19 going to repeat myself. I am going to be talking to
20 you about several different legal principles, and I
21 will explain to you the elements of the crimes
22 charged. And when I do all that, some of the legal
23 principles that I will talk to you about do
24 interrelate with other ones. So when I talk about
25 another one later on, I have to refer back to what

1 I've already told you. And that is not an attempt
2 on my part to have you draw any undue emphasis on a
3 certain legal principle. It's just I am required by
4 the law to give you a complete charge. And in doing
5 that, I will have to repeat myself. In addition to
6 that, depending upon where we are, I may take a
7 break right in the middle of the charge, it will
8 just depend. If anybody does want to take a break
9 during the charge, which is probably going to last
10 about 30 minutes or so, just raise your hand and
11 we'll stop.

12 Please pay very close attention. My
13 relation to you of what the law is not going to be
14 as dynamic as the presentation of the evidence and
15 the arguments of the lawyers. I wish I could get up
16 and have that remote control apparatus and show you
17 these things on a power point, but we haven't gotten
18 to that point yet. I certainly do feel more
19 comfortable on my feet talking to you, but I'm
20 required to sit right here and do that. Please give
21 me your undivided attention. You might have come
22 into the case with a preconceived notion of what you
23 think the law is or what you think it should be.
24 But for today's purposes, you must accept the law
25 exactly as I give it to you, even if you disagree

1 with it.

2 A very fundamental example of that if you
3 were on a magistrate's court jury, and it's a
4 speeding ticket on Liberty Street, if the law that
5 the judge charged you that the speed limit was 40
6 miles an hour, you couldn't base your verdict on
7 what you thought the speed limit should be, you
8 have to base it on what the speed limit is. So on
9 this particular case, you have to base -- you have
10 to take into account and accept the law exactly as I
11 give it to you.

12 Now obviously during the course of this
13 trial, you and I have had certain duties to perform.
14 I think you probably understand that by now. You
15 know that when these witnesses were testifying, they
16 were testifying to you, not to me. Because it does
17 not matter at whether or not I believe a witness.
18 It has nothing to do with it. That's your
19 responsibility alone. The exhibits that were
20 introduced have been introduced for your benefit.
21 Now I have seen them on my screen just as you have.
22 But the only role that I have when I look at those
23 is to make sure that the number corresponds to what
24 they're talking about, the exhibit number, and
25 whether or not the exhibit is in or not in evidence

1 yet. Or What I think about what's in an exhibit
2 doesn't matter. These are introduced for your
3 benefit.

4 If I have ordered you or instructed you to
5 disregard something you have just seen or heard
6 under the oath that you've taken to follow the law,
7 you must do that. That may have happened a couple
8 of times. If evidence has come in, you can consider
9 it unless I've told you to disregard it. You will
10 not, and I repeat, you will not be getting any new
11 evidence. Now, Mr. Foreman, during the course of
12 your deliberations, you'll be permitted to ask
13 questions. If you do have a question, there's a
14 note pad in there. You write it down, sign your
15 name, date it, tap on the door and let the bailiff
16 know you have a question. But I will not be giving
17 you any new information. You can ask any question
18 you want, but I can tell you, I am not going to be
19 giving you anything new. Because as I've mentioned,
20 all of the evidence that is going to be introduced,
21 has been introduced. There will be nothing new.

22 Now, Ladies and gentlemen, in every case
23 that's tried before any jury, the jury is the sole
24 and exclusive finder of fact. I have nothing to do
25 with what your findings of the fact are. If I have

1 said or done anything during the course of this
2 trial that makes you think I favor one party over
3 another or one result over another, you can put that
4 out of your mind, because I have no role. I respect
5 your role, and I have nothing to do with what you
6 determine your verdicts -- what your verdicts will
7 be.

8 Now I am going back to the questions.

9 You can ask to hear testimony played back. That can
10 be done. You can ask for a recharge on certain
11 points of the law that I am going to give you. But
12 again, you're not going to get anything new. In
13 addition to that, I want to tell you that some of
14 these envelopes and container are things that I
15 don't want you to tamper with. For example, I
16 believe there has been two envelopes with money
17 introduced. I am not going to let those envelopes
18 go back there with you. If you want to have them
19 come back there, we'll send them back for the very
20 limited purpose for you to look at that at that
21 time. But I don't want there to be any confusion
22 about what money goes in what envelope and what may
23 have happened to some money. So that money is not
24 going to be back there with you unless you
25 specifically request it.

1 In addition to that, there has been
2 introduced a CD of a 9 minute 15 second long
3 interview between Sergeant Dubose and the defendant.
4 If you want to listen to that, I will allow that to
5 be done, but it will be with some very strict
6 instructions, and we may have you come back here to
7 listen to that interview. There are some metal
8 cannisters that have certain things in them. And,
9 Mr. Foreman, if you look in those metal cannisters,
10 look in one at a time. And whatever you pull out of
11 it, put it back in. Put the cannister top back on
12 before you go to the next one. That's because I
13 don't want all those cannisters and all the contents
14 to be scattered all over the table, and you not be
15 able to know which one goes back in to which
16 cannister. So please honor that instruction. All
17 of the other bags or envelopes, if you pull
18 something out, that's certainly fine, but please
19 before you go on to the next envelope, put back in
20 the other envelope what you were looking at. That
21 will allow us to make sure that what came out, goes
22 back in.

23 Now the indictment in this case charges
24 the defendant with five separate criminal offenses.
25 I remind you that the fact that a defendant is

1 arrested, charged or indicted for any criminal
2 offenses is not evidence of guilt or nonguilt. The
3 case has to get in to court in some fashion, and in
4 South Carolina we use the indictment process. Some
5 other states don't use that, but that's what we use.
6 So the fact that he has been indicted for these
7 offenses in and itself is not evidence. The
8 evidence comes to you in the ways that I explained
9 at the beginning of the trial. The indictment
10 simply put, is a charging document. The State has
11 the burden of proving guilt beyond a reasonable
12 doubt the elements of the crime charged. And the
13 indictment is of no practical import for you, except
14 it allows me to go by it to put the charges on the
15 verdict form, and you go by the verdict form when
16 you are reviewing the particular offenses. With the
17 exception of one that I will get to towards the end,
18 your verdict on one count does not control your
19 verdict on any other count. Just to get right to
20 the point, I will tell you that I will charging you
21 that attempted murder and armed robbery are violent
22 crimes. If you find the defendant not guilty of
23 attempted murder and not guilty of armed robbery,
24 you would not be able to find him guilty of
25 possession of a weapon during the commission of a

1 violent crime, because you have not found him
2 guilty of a violent crime. So I will talk about
3 that in more detail later.

4 Now necessarily as fact finders you have
5 to have to determine the credibility of the
6 witnesses who have testified. That's your role, not
7 my role. You do that using your good common sense.
8 You can believe every word that a witness says. You
9 can disbelieve every word or you can believe parts
10 and disbelieve the rest. You can believe one
11 witness over many or many over one. That's entirely
12 up to you. You can take into account in your mind
13 how did the witness appear on the stand. Was that
14 witness hesitant or straightforward. The fancy word
15 for that is demeanor. How did they act. You can
16 also take into account whether or not that witness
17 has an interest in the case or a bias or a prejudice
18 for one particular party or a result over another.
19 You can take into your -- into your mind whether or
20 not the witness' testimony is strengthened or
21 weakened by other evidence that is the record. And
22 you can take into account what in your mind, what
23 was that witness' ability to know what the witness
24 claims to know. In other words, does that make
25 sense what he or she claims to know.

1 Please recall my instruction of yesterday
2 which I am now going to repeat. The defendant, it
3 has been stipulated, that the defendant has been
4 convicted in the past of a violent crime. You may
5 consider that evidence only for either or both of
6 these two purposes. No. 1, to determine whether the
7 State has proven the elements of Count 5 beyond a
8 reasonable doubt, which is possession of a weapon by
9 a person convicted of a violent crime. You can use
10 it if at all to determine that. Or No. 2, to
11 evaluate the defendant's credibility. You are not
12 to use that stipulation, that evidence to evaluate
13 whether or not the defendant is a bad person, or to
14 use it to determine that sense he committed a
15 violent crime in the past, that he must have
16 committed this one. You are not to use it for that
17 purpose at all. Please use it if at all, only for
18 the two limited bases that I just mentioned.

19 As I mentioned to you briefly Tuesday, the
20 rules of evidence ordinarily do not permit a person
21 who testifies to give opinions. Under our rules,
22 there is an exception for witnesses we call expert
23 witnesses. And that is a witness who by education,
24 training or experience is qualified as an expert in
25 a particular art, science or profession. The rules

1 say that those witnesses can give opinions and they
2 can give the reasons for those opinions. Now you
3 are to consider within your common sense any expert
4 opinion just like any other evidence. You give it
5 the weight you believe it deserves. If you believe
6 that the opinion given by an expert is not based on
7 sufficient education, training or experience, or if
8 you conclude that the reasons given in support of
9 the opinion are not sufficient in your mind, or if
10 you conclude that the opinion is outweighed by other
11 evidence, you can disregard the opinion entirely.
12 You can believe parts and disregard the rest.
13 That's up to you.

14 In other words, an expert's opinion
15 testimony is not to be given any greater weight than
16 testimony of other witnesses just because it comes
17 from an expert. And you are not required to accept
18 an expert's opinion even though the opinion might be
19 uncontradicted. I have talked to you in the
20 beginning about the ways evidence comes in,
21 testimony, exhibits and stipulations. Just to shift
22 gears for a moment, I am going to talk to you about
23 two different types of evidence that are generally
24 presented during a trial. You may have heard of
25 these. These are called direct evidence and

1 circumstantial evidence.

2 Direct evidence is evidence that
3 immediately proves the existence of a fact. It
4 doesn't require deduction. An example of that is if
5 an issue in a case was whether or not a dog crossed
6 the street. If you are on that jury and had to make
7 that decision, or if that was an issue in the case
8 and there was a witness who testified and you
9 believed that witness and the witness said, I saw
10 the dog cross the street. That's direct evidence.
11 And if you choose to believe it, that immediately
12 establishes the main fact to be proven and that is,
13 the dog crossed the street.

14 Now circumstantial evidence is proof of a
15 chain of facts and circumstances that indicate or
16 prove the existence of a fact. Crimes may be proven
17 by circumstantial evidence, direct evidence or some
18 combination of the two. The law makes no
19 distinction between the weight or value that you are
20 to give to either direct or circumstantial evidence.
21 However, to the extent that the State relies on
22 circumstantial evidence, all of the circumstances
23 must be consistent with one another, and when they
24 are taken together, they must point conclusively to
25 the guilt of the accused beyond a reasonable doubt.

1 If the circumstances merely portray defendant's
2 behavior as suspicious then the State's proof has
3 failed. Now the State has the burden of proving the
4 defendant guilty beyond a reasonable doubt, and that
5 burden is on the State's shoulders regardless of
6 whether the State relies on direct evidence,
7 circumstantial evidence, or some combination of the
8 two.

9 Now the defendant as I mentioned to you,
10 has pled not guilty to the indictment. The plea
11 puts the burden on the State to prove him guilty
12 beyond a reasonable doubt. A person who is charged
13 with a criminal offense is never required to prove
14 himself not guilty, is never required to prove
15 himself innocent. It is an extremely important
16 principle of law that the defendant in any criminal
17 case regardless of what the charge is, is always
18 presumed innocent of the crime for which the
19 indictment has been issued unless guilt is
20 established by proof beyond a reasonable doubt.
21 That presumption does not end when you get up in a
22 minute and leave this room and go back to
23 deliberate. The presumption of innocence remains
24 with the defendant at all times during your
25 deliberations, unless and until, you conclude that

1 he is guilty of the offense you're considering at
2 that time beyond a reasonable doubt.

3 So the presumption of innocence to be sure
4 you understand, is not a legal theory that we
5 casually toss around. The presumption of innocence
6 is a substantial right which every defendant is
7 entitled unless a jury is satisfied of guilt beyond
8 a reasonable doubt. You probably have it counted.
9 I did it one time. I think probably I have said the
10 words reasonable doubt 15 times. I am going to tell
11 you what that is now. A reasonable doubt in the
12 law is the kind of doubt that would cause a
13 reasonable person to hesitate to act. The State as
14 I've told you, has the burden of proving the
15 defendant guilty beyond a reasonable doubt. If I
16 say during the remainder of this charge that the
17 State has to prove something to you, at all times I
18 mean they must prove that to you beyond a reasonable
19 doubt.

20 Now some of you may have been on a jury in
21 a civil case. I know some of you have been on a
22 jury before. Typically in a civil case there are
23 two different burdens of proof. I am going to talk
24 to you about the primary one, is proof by a
25 preponderance of the evidence. In that kind of

1 case, a civil case, you're told that you are to
2 imagine a set of scales, lady justice holding up,
3 they're even. If a party has the burden of proving
4 something by the greater weight or the preponderance
5 of the evidence, that party has to tip those scales
6 ever so slightly and they're satisfied that burden.
7 In criminal cases, the State's proof must be more
8 powerful than that. The State must present proof
9 beyond a reasonable doubt. Proof beyond a
10 reasonable doubt is proof that leaves you firmly
11 convinced of the defendant's guilt. Now there
12 aren't many things in this world that we know with
13 absolutely certainty, and the law does not require
14 the State to present proof that overcomes every
15 possible doubt. If based on your consideration of
16 the evidence you are firmly convinced that the
17 defendant is guilty of the offense you are
18 considering at that time, you must find him guilty.
19 If on the other hand, you believe based on your
20 review of the evidence that there is a real
21 possibility that the defendant is not guilty, you
22 must give him the benefit of the doubt and find him
23 not guilty of the offense you are considering at
24 that time. I am not going take a break now, this is
25 where I would. But since we're only about 10

1 minutes in to this, I am going to move forward.

2 I am going go now specifically in the
3 offenses charged. And I am going to into this
4 verdict form. I am going to talk to you in order of
5 these. And, Mr. Foreman, as to numbers 1, 2, and 3
6 on this verdict form, you can talk about anyone you
7 want to at the time you want. But don't talk about
8 4 and 5 until you have resolved 1, 2 and 3. I am
9 going to talk about that now. Count 1 talks about
10 the charge of attempted murder as it pertains to the
11 victim Tyrone Williams. When I use the term victim,
12 that's a term of art. That's not an indication to
13 you that I think he is or isn't. That's what he has
14 been referred to in this case. That is a term of
15 art in the legal profession.

16 Count 1, talks about attempted murder as
17 to the victim Tyrone Williams.

18 Count 2, talks about attempted murder as
19 to the victim minor Count 3, references
20 armed robbery. So what I want you to do before you
21 go to 4 and 5, which are the two weapon's charges,
22 make sure you resolve your verdicts on 1, 2 and 3.
23 And even that has a little angle to it that I will
24 explain to you later. In doing all this, I am going
25 to talking to you also about lesser included

1 offenses. They're also called lesser offenses. It
2 sounds complicated, but if you listen carefully it's
3 really not.

4 Now the defendant is charged with the
5 offense of attempted murder. The statute enacted in
6 this State says this, a person who with intent to
7 kill, attempts to kill another person with malice
8 aforethought either express or implied, commits the
9 offense of attempted murder. Now therefore the
10 State must prove beyond a reasonable doubt that the
11 defendant with the specific intent to kill,
12 attempted to kill another person with malice
13 aforethought express or implied. Malice is hatred,
14 ill will or hostility towards another person. It's
15 the intentional doing of a wrongful act without just
16 cause or excuse and with a specific intent to commit
17 the offense. And that can be established either by
18 direct evidence or by circumstantial evidence or by
19 some combination of the two.

20 Now the term malice aforethought does not
21 require that malice exists for any particular time
22 before the act is committed, but the malice must
23 exist in the mind of the defendant just before and
24 at the time the act is committed. So there has to
25 be a combination of the previous intent and the act.

1 Malice aforethought can be express or it can be
2 implied. Those terms express and implied do not
3 mean different kinds of malice, but merely the
4 manner in which the malice may be proven to exist.
5 Again, it's by either direct or circumstantial
6 evidence or some combination. Express malice is
7 shown when a person speaks words which express
8 hatred or ill will for another person. Or when the
9 person prepared beforehand to do the act which was
10 later accomplished. Implied malice may be inferred
11 from the overall circumstances surrounding the
12 situation.

13 Now, Ladies and gentlemen, in the context
14 of attempted murder, when I mention the word
15 specific intent, the word intent means intending a
16 particular result to occur. It means not
17 accidentally or not involuntary. An intent again
18 may be shown by acts and conduct of the defendant in
19 other circumstances from which you may naturally and
20 reasonable infer intent. Evidence of the character
21 of the act, the purpose to be accomplished and
22 resulting wounds or injuries may be considered by
23 you if at all, in determining the intent with which
24 the act was committed.

25 Now, Ladies and gentlemen, intent may also

1 be inferred when it is demonstrated that the
2 defendant voluntarily and willfully committed an act
3 the natural tendency of which is to destroy another
4 person's life, as long as the State has proven to
5 you beyond a reasonable doubt that the defendant
6 acted with a specific intent to kill. Now ladies
7 and gentlemen, on the verdict form under question
8 No. 1, it says this, if you have found the defendant
9 guilty of this offense, that is the attempted murder
10 of Tyrone Williams, you go to question 2, which
11 deals with the the count of attempted murder as to
12 minor

But No. 1 also says this, if you
13 have found the defendant not guilty of the attempted
14 murder of Tyrone Williams, you must decide whether
15 the defendant is guilty or not guilty of the lesser
16 offense of assault and battery of a high and
17 aggravated nature. An acronym for that is ABHAN,
18 put that in parenthesis.

19 ABHAN is a lesser included offense of
20 attempted murder in the State of South Carolina. A
21 person commits the assault -- excuse me, commits the
22 offense of assault and battery of a high and
23 aggravated nature if the person, the defendant,
24 unlawfully injures another person and great bodily
25 injury to the other person results or the act is

1 accomplished by means likely to produce death or
2 great bodily injury.

3 Now, Ladies and gentlemen, our legislature
4 has defined great bodily injury to mean: Bodily
5 injury which causes a substantial risk of death or
6 which causes serious permanent disfigurement or
7 protracted loss or impairment of a function of a
8 bodily member or organ. That is the definition. So
9 under Count 1, you are to determine whether first of
10 all, the State has proven beyond a reasonable doubt
11 that the defendant is guilty of the attempted murder
12 of Tyrone Williams. If you feel -- if you find the
13 State has met that burden, you check guilty. If you
14 have determined unanimously that, both of these have
15 to be unanimous. If you have determined that he not
16 guilty of that offense, you have got to consider
17 that lesser offense. That's also has to be
18 determined by unanimous vote.

19 Now moving to the Count 2, as to the
20 attempted murder of minor the instruction
21 I gave you earlier about attempted murder as to
22 minor is the same. However and the
23 question No. 2 is the same, except it has minor
24 referred to. But here's what No. 2 goes on
25 to say. If you have found the defendant guilty of

1 this offense, the attempted murder of minor
2 you go to question 3, which is armed
3 robbery. If you have found the defendant not guilty
4 of the attempted murder of minor you must
5 decide whether the defendant is guilty or not guilty
6 of the lesser offense of assault and battery in the
7 first degree of minor Assault and battery
8 in the first degree is different from ABHAN. It is
9 a less inclined offense of attempted murder. And
10 here's what our legislature has enacted. A person
11 commits the offense of assault and battery in the
12 first degree if the person unlawfully offers or
13 attempts to injure another person with the present
14 ability to do so, and the act is accomplished by
15 means likely to produce death or great bodily
16 injury, or the act occurred during the commission of
17 a robbery, burglary or kidnapping.

18 So if you determine that the State has not
19 met it's burden of proof as to the attempted murder
20 of minor you answer the question as to
21 assault and battery in the first degree as to the
22 defendant's actions concerning minor Your
23 two choices obviously would be not guilty or guilty.
24 Again, all your decisions must be unanimous.

25 The defendant is charged with armed

1 robbery. That is Count 3 of the indictment. And
2 not coincidentally, it is No. 3 on the verdict form.
3 In order to proof that offense, the State must first
4 prove beyond a reasonable doubt that the defendant
5 took personal property from the person or presence
6 of another person. Property is in the presence of a
7 person if it is within the person's reach,
8 inspection, observation, or control so that that
9 person could if not overcome with violence or
10 prevented by fear, keep possession of the property.

11 The State must also prove beyond a
12 reasonable doubt that the defendant carried the
13 property away intending to permanently deprive the
14 owner of property and to keep that property for the
15 defendant's own use. The slightest removal of the
16 property or the complete possession of the property
17 even for an instant by the defendant, is sufficient
18 to prove a taking and carrying away of the property.

19 Now the State must prove that the taking
20 and carrying away was done with violence or by
21 putting the owner of the property in fear of
22 violence. The State must prove beyond a reasonable
23 doubt that the defendant was armed with a deadly
24 weapon during the robbery. A deadly weapon is any
25 article, instrument or substance which is likely to

1 cause death or of great bodily harm. Whether an
2 instrument has been used as a deadly weapon depends
3 on the facts and circumstances of the case.

4 I will gave you some examples of deadly
5 weapons: A razor, metal knuckles, slingshot, a
6 knife, a rifle, shotgun, pistol, Molotov cocktail.
7 Those are examples of deadly weapons. A gun may be
8 a deadly weapon even if it is not operating.

9 Count 4, the defendant is charged with
10 possession of a weapon during the commission of or
11 the attempt to commit a violent crime. The State
12 must proof beyond a reasonable doubt that the
13 defendant was in possession of a firearm or visibly
14 displayed what appeared to be a firearm during the
15 commission of a violent crime. A firearm means any,
16 well it means a machine gun, automatic rifle,
17 revolver, pistol, or any weapon which will or is
18 designed to expel a projectile. In order to find
19 the defendant guilty of possession of a weapon
20 during the commission of a violent crime, you must
21 first find the defendant guilty of committing or
22 attempting to commit a violent crime. I charge you,
23 Ladies and gentlemen, that armed robbery is a
24 violent crime. I charge you that attempted murder
25 is a violent crime.

1 If you have found the defendant not guilty
2 of attempted murder and not guilty of armed robbery,
3 you must find the defendant, excuse me, then you
4 consider Count 4 which is possession of a weapon
5 during the commission of a violent crime. If you
6 have found him not guilty, and I may have said this,
7 I apologize for garbling it. If you find him not
8 guilty of armed robbery and not guilty of attempted
9 murder, you must find him not guilty of possession
10 of a weapon during the commission of a violent
11 crime. The State must prove beyond a reasonable
12 doubt that the weapon further advanced or helped in
13 the commission or the attempt to commit a violent
14 crime.

15 Count 5, our legislature has enacted a
16 statute that states, it is unlawful for a person who
17 has been convicted of a violent crime that is
18 classified as a felony offense to possess a firearm
19 or ammunition within the state. As you have heard,
20 the parties have stipulated that the defendant has
21 previously been convicted of a violent crime. I
22 charge you that that violent crime for which he was
23 convicted in the past is classified as a felony
24 offense.

25 Ladies and gentlemen, in order to

1 establish criminal liability or criminal or guilt of
2 a crime, the State must prove the element of
3 criminal intent. That applies to all of these .
4 counts in this indictment. Now, Ladies and
5 gentlemen, criminal intent is always a matter that
6 must be determined by a jury if at all. From the
7 circumstances surrounding the situation, criminal
8 intent can be proven by direct evidence and it can
9 be proven by circumstantial evidence or some
10 combination of the two. We all know that is no way
11 at least yet that medical science can dissect a
12 person's brain, look at the brain and determine what
13 if anything that person intended to do at any given
14 time. So the law says criminal intent may be
15 established circumstantial evidence. It not
16 necessary to establish intent by direct evidence.
17 But I just told you a moment ago it can be, it
18 doesn't have to be. But intent may be established
19 by the circumstances surrounding the evidence just
20 like any other issue in this case. Criminal intent
21 is a mental state. It's a conscious wrongdoing.
22 And it's up to you to determine what if anything the
23 defendant intended to do based on the evidence
24 presented to you.

25 Ladies and gentlemen, at issue in this

1 particular case is the defense of self defense. It
2 is a complete defense. The State -- the defendant
3 does have to prove self defense. The State has the
4 burden of disproving self defense beyond a
5 reasonable doubt. As I mentioned to you earlier, if
6 you have a reasonable doubt of the defendant's guilt
7 after considering all the evidence including
8 evidence of self defense, you must find him not
9 guilty. If on the other hand you have no reasonable
10 doubt of defendant's guilt after considering all the
11 evidence, including evidence of self defense, you
12 must find him guilty.

13 Self defense, Ladies and gentlemen, has
14 certain elements that have to exist, but these have
15 to be disproven by the State. No. 1, the defendant
16 must be without fault in bringing on the difficulty.
17 If the defendant's conduct was the type which was
18 reasonably calculated to and did provoke a deadly
19 assault, the defendant would be at fault in bringing
20 on the difficulty and would not be not entitled to
21 an acquittal or finding of not guilty based on self
22 defense. Second, the second element of self defense
23 is that the defendant was actually in imminent
24 danger of death or serious bodily injury or that the
25 defendant actually believed that he was in imminent

1 danger of death or serious bodily injury.

2 If the defendant was actually in imminent
3 danger, it must be that the circumstances would have
4 warranted a person of ordinary firmness and courage
5 to strike the blow to prevent death or serious
6 bodily injury to himself. If the defendant believed
7 he was imminent danger of death or serious bodily
8 injury it must be that a reasonably prudent person
9 of ordinary firmness and courage would have had that
10 same belief.

11 Now, Ladies and gentlemen, in determining
12 whether the defendant actually was or believed he
13 was in imminent danger of death or serious bodily
14 injury, you should consider all the facts and
15 circumstances surrounding the situation including
16 the physical condition and characteristics of the
17 defendant and the victim. The defendant does have
18 to show he actually was in danger. It does have to
19 be that the defendant actually was in danger. It is
20 enough if the defendant believed he was in imminent
21 danger and that a reasonably prudent person of
22 ordinary firmness and courage would have had that
23 same belief. The defendant has the right to act on
24 appearances even though the defendant's belief's may
25 have been mistaken. And again it's for you to

1 determine whether the fear of immediate danger of
2 death or serious bodily injury was reasonable and it
3 would have been felt by an ordinary person in that
4 situation.

5 The third prong of self defense is that
6 the defendant had no other probable way to avoid the
7 danger of death or serious bodily injury than to act
8 as he did in these particular instances. The
9 defendant has no duty to retreat if by doing so the
10 danger of being killed or suffering serious bodily
11 injury would increase. And I will close by
12 repeating that the defendant does not have to prove
13 self defense. The State must disprove it beyond a
14 reasonable doubt. That concludes the charge, Ladies
15 and gentlemen. As I mentioned to you at the
16 beginning if you want to hear any of this charge
17 again, we'll bring you back out and I will do that.
18 This is not going to go back to the jury room with
19 you.

20 You will have back in your jury room your
21 collective view of the evidence, your common sense,
22 these exhibits. And we are confident that you are
23 going to give the issues in this case the serious
24 consideration that they deserve. Remember my
25 instruction about questions. And I feel like I

1 probably don't have to do this, but I will do it.
2 Once you have reached unanimous verdicts, you record
3 those on the verdict form in the appropriate spaces,
4 sign the verdict form, date it, tap on the door and
5 let the bailiff know you have reached a verdict.
6 Don't tell them what it is. You just let them know
7 we have a verdict. We will then gather back
8 together and we will receive your verdict. Keep in
9 mind, I don't need to tell you this again, but I
10 will, your verdicts have to be unanimous.

11 If you have any questions at all about the
12 verdict form or the charge, write it down and let me
13 know. If you have any questions about any other
14 thing, I have already told you how to do that. The
15 law dictates if and how I can respond, but I will
16 certainly address a question. My answer may be I
17 can't answer that. My answer may be that all the
18 evidence has been presented, you're not going to get
19 any new evidence, but you're certainly entitled to
20 pass out any question that you want. If anybody
21 needs to use the phone, you have to get the
22 bailiff's permission which will come from me, then
23 you can go down the hall and use the phone. Whoever
24 you might talk to, don't tell them anything about
25 the case. Don't even tell them that you're

1 deliberating. But if you have some type of
2 obligation you are going to have to miss or be late
3 for, just tell them you are going to be running a
4 little bit late. If you have any childcare issues
5 that you need to resolve, you can do that. But just
6 don't talk to anybody about the case.

7 Mr. Foreman, if anybody does leave the
8 jury room to use the phone or even the restroom,
9 wait until they come back before you resume your
10 deliberations. Because that person needs to be
11 present for everything that is talked about. What I
12 am going to do now, we're already kind of done this,
13 but I am going to let you go to your jury room. I
14 need to confer with the lawyers and the court
15 reporter to make sure all the exhibits are in order,
16 and then your -- and the lawyers also have the right
17 to let me know if I said something wrong during the
18 charge, or if I left something out. If I need to
19 give you any other information or clarify any
20 confusion that my charge may have caused, I'll bring
21 you right back out. Don't begin talking about the
22 case yet. Your signal to deliberate will be when
23 the bailiff comes to the door with this form and
24 with the evidence and tells you that can begin.

25 Lunch has been ordered. That will be here

1 probably around one or 1:15. Perhaps a little bit
2 sooner. And certainly you can continue to
3 deliberate while you eat. We're at your disposal.
4 You've been waiting on us all week and that will be
5 reversed, and you have all the time that you need.
6 I wish you luck during your deliberations. You can
7 go to your jury room, don't start quite yet.

8 (Whereupon, the following takes place
9 outside the presence of the jury.)

10 THE COURT: Any exceptions or additions
11 from the State?

12 MR. MEADORS: No, sir.

13 THE COURT: Defendant?

14 MR. MURPHY: No, sir.

15 THE COURT: State's position on the
16 release of the alternate?

17 MR. MEADORS: Whatever Your Honor thinks
18 is fine with me.

19 MR. MURPHY: No objection.

20 THE COURT: You can bring Ms. Coker in.

21 (Whereupon, alternate is excused.)

22 (Whereupon, At 12:34 jury commences
23 deliberating.)

24 THE COURT: I shouldn't have any problems
25 with the lawyers. I did have it happen before that

1 a lawyer left and went to Shoney's during lunch.
2 The jury had a verdict, and he said, can you wait
3 until I get back. That didn't happen. So if you do
4 leave the courtroom, Mr. Murphy, and, Mr. Meadors,
5 if you would call number up here where we can reach
6 you. Just don't leave the building of course.

7 Mr. Williams, we'll certainly wait for him
8 for a reasonable time for a question and the
9 verdict. But if he leaves the courthouse property,
10 we'll probably receive those outside his presence.
11 Is that all right, Mr. Meadors?

12 MR. MEADORS: He won't be leaving. We'll
13 be here.

14 THE COURT: And the other folks who are
15 interested in what the verdict will be, we won't be
16 waiting for you, but we will wait for Mr. Williams,
17 of course and for the defendant to be in the
18 courtroom before we receive those things.

19 (Whereupon, the jury commences
20 deliberations at 12:48 p.m.)

21 THE COURT: We have a question from the
22 jury.

23 (Whereupon, At 1:58 p.m. the jury has a
24 question.)

25 THE COURT: The jury has a question. I

1 hate to gather everybody together, but especially
2 since this is General Sessions, I have got to put it
3 on the record. They would like to see the money
4 from Mr. Scott and Mr. Williams. Just to be clear,
5 there is evidence that there is money taken from
6 Mr. Scott. There is no money in evidence taken
7 from Mr. Williams, is it?

8 MR. MEADORS: No, sir. That was actually,
9 it was not.

10 THE COURT: Unless as the State says,
11 Mr. Scott took it from Mr. Williams. But my answer
12 to the question is going to be, to give you the
13 envelope with the money that the evidence indicates
14 was obtained by law enforcement from Mr. Scott. But
15 there is no evidence that law enforcement obtained
16 any money from Mr. Williams. Would that be
17 suitable?

18 MR. MURPHY: What I would suggest, I
19 think there is some evidence that there was money on
20 him, but I mean I think it's more accurate to say,
21 money from Mr. Williams is not in evidence.

22 MR. MEADORS: No, I don't know if that is
23 fair because---

24 THE COURT: Did they take any money from
25 Mr. Williams?

1 MR. MEADORS: They took it and gave it
2 back.

3 MR. BRADLEY: Judge, they got what was in
4 the jar. The change jar.

5 THE COURT: Okay.

6 MR. MEADORS: That's in evidence, isn't
7 it?

8 THE COURT: I just wasted 30 seconds. So
9 I'll tell them they can take it back there with
10 them, but to only open one envelope at a time. What
11 they look at and put it back before they open the
12 next envelope.

13 MR. MEADORS: And, Judge, just to not to
14 be overly paranoid, but I guess I'm following the
15 way you did it. The cash off of him they took, but
16 then gave it back to him.

17 THE COURT: Well I am not going to comment
18 on that unless they ask where is the money that they
19 took out of his pocket and gave back to him.
20 Mr. Murphy, do you want to see the note?

21 MR. MURPHY: No, that's all right.

22 THE COURT: I'll just read it verbatim.
23 Would like to see the money from Mr. Scott and Mr.
24 Williams. And it's signed and then dated. I'll
25 bring them out here and instruct them that we will

1 give them that money, unless you all just want
2 Mr. Bradley to give that instruction, I would prefer
3 to do it myself.

4 MR. MURPHY: Your Honor, I don't know --
5 oh, you mean bring them out?

6 THE COURT: Yes.

7 MR. MURPHY: That's fine. Whatever your
8 preference.

9 THE COURT: You can bring in the jury.

10 (Note from jury marked Court's Exhibit No.
11 1 for Id.)

12 (Whereupon, the following takes place
13 within the presence of the jury.)

14 THE COURT: Ladies and gentlemen, I have
15 your foreperson's note. It says, we would like see
16 the money from Mr. Scott and Mr. Williams. There is
17 nothing earth shattering about this. It's not that
18 long, but I am going to send those envelopes back
19 there with you. There are three that I think more
20 than likely cover what you're asking for. Please
21 open at one at a time. When you finish looking at
22 what's in one, put that back in, you know, that
23 little metal thing you can bend over. Fasten it
24 back. And then look at the next one. And then the
25 next one. Of course, you can look in those all you

1 want, but just have one open at a time, okay.

2 THE FOREMAN: Yes, sir.

3 THE COURT: Could you come up and unseal
4 this, please, sir. And this will be exhibit number
5 what, Mr. Bradley?

6 MR. BRADLEY: 74.

7 THE COURT: Do any of the attorneys want
8 to see that before we send it back?

9 MR. MEADORS: No, sir.

10 THE COURT: Thank you, Ladies and
11 gentlemen, just follow those instructions, okay.

12 (Whereupon, the jury commences
13 deliberations at 2:04 p.m.)

14 THE COURT: Any objections or comments,
15 Mr. Meadors?

16 MR. MEADORS: The question was the intent
17 about the money that Mr. Williams had, that would be
18 the next question I guess if they would be inquiring
19 about that.

20 THE COURT: Right.

21 MR. MEADORS: That money was taken from
22 him and then given back to him.

23 THE COURT: Mr. Murphy, any comments?

24 MR. MURPHY: If that ends up being a
25 question I would suggest the court say it's not in

1 evidence.

2 THE COURT: Well we'll see. If they ask
3 it, we'll deal with it then. Thank you.

4 (Whereupon, at 2:21 p.m. jury has a
5 question.)

6 THE COURT: The jury has a question. It
7 will be the next numbered Court's Exhibit. Can you
8 hand it up. Oh, here we go.

9 (Note from the jury marked Court's Exhibit
10 No. 2.)

11 THE COURT: It says, which pocket did
12 State's Exhibit 84 come from. I know that that was
13 according to my notes, a pouch or envelope of money
14 taken from one of the defendant's pockets. The
15 testimony was that 83 came from one pocket and 84
16 came from another pocket. I frankly don't remember
17 anything other than it was from one of defendant's
18 pockets. If you all want to -- Mr. Murphy, if you
19 want to show the note to your client that's up to
20 you. And if you all want to take a look at the note
21 and talk about it on the record, I will be glad to
22 hear from both of you.

23 MR. MURPHY: 83. Which one is 84?

24 THE COURT: 84, I don't know which dollar
25 amount it is, but I guess a jury will have to tell

1 us. Can Mr. Bradley just go ask the jury how much
2 money is in that one?

3 MR. MURPHY: Yes, sir.

4 THE COURT: And then we'll know.

5 MR. MEADORS: And I don't care what we do,
6 and I don't mean that in a bad way. Are we going
7 to be able -- are we going to answer them?

8 THE COURT: It is says which pocket did
9 State's No. 84 come from. I'm not going to answer
10 it unless it's in the record.

11 MR. MURPHY: Right.

12 THE COURT: I am going to get you all to
13 tell me and then I tell them---

14 MR. MURPHY: Right.

15 THE COURT: ---that would be giving them
16 new evidence. I don't know whether Mr. Dubose or
17 somebody else distinguished whether it was right,
18 left, front, back. I think he said pants.

19 MR. MEADORS: Yeah, I think there's a
20 picture in evidence with two sums of money on the
21 cargo pants. I could be wrong, but one in one
22 pocket and one in the other.

23 MR. MURPHY: I don't know that was
24 introduced.

25 MR. MEADORS: I say I think. I'm not --

1 if I'm wrong, I'm wrong.

2 MR. MURPHY: They wouldn't be asking that
3 question.

4 MR. MEADORS: I remember showing it to
5 somebody I thought.

6 THE COURT: So first let's let Mr. Bradley
7 ask them what's the sum of money in their No. 84,
8 can he do that?

9 MR. MEADORS: Well I don't mind that.
10 But if we come back and they say \$562, what are we
11 going to tell them?

12 THE COURT: Probably not anything
13 different, but I just want it to be clear. Okay,
14 would you please go ask them. Does that suit you,
15 Mr. Murphy? The only thing that I can imagine, and
16 this is pure speculation. There was some evidence
17 put in by Mr. Williams that he reached from his --
18 into his right pocket, as he was putting the change
19 in there, and came out with a gun. I don't know
20 whether that's what they're looking at or what. I'm
21 just guessing. But I don't think any witness
22 testified which pant's pocket whatever money came
23 out of. I think the witness testified, one came out
24 of one, one came out of the other. If you all want
25 to look at the photos.

1 MR. MEADORS: I'm pretty sure we put a
2 picture of the photo in, but I don't think we were
3 specific about pockets. No, sir, I don't think that
4 question was asked.

5 THE CLERK: \$462.

6 THE COURT: \$462. I thought it was \$562.

7 MR. MEADORS: It says 562 on the envelope.

8 THE COURT: That's why I didn't want to
9 send the money back there. But I don't know if
10 anybody counted it before it was sent back.

11 MR. MEADORS: It was counted by somebody,
12 because I know it says 562 on there.

13 THE COURT: Well maybe they miscounted,
14 but we know it's the larger sum.

15 MR. MEADORS: Right.

16 THE COURT: Input from the State?

17 MR. MEADORS: And again the question would
18 be what knowing that?

19 THE COURT: Which pocket did State's 84
20 come from.

21 MR. MEADORS: I don't know how I can
22 answer that, other than what you usually say, all
23 the evidence has come in. I don't know how else--

24 MR. MURPHY: Yeah, I would agree. That's
25 not in evidence.

1 MR. MEADORS: Well I wouldn't say it's not
2 in evidence. But you've heard all the evidence.

3 MR. MURPHY: Well you've heard all the
4 evidence.

5 THE COURT: It is in evidence. It came
6 from one of the defendant's pockets. They didn't
7 say which pocket of the defendant did it come from.
8 They said which pocket. It could have been a pocket
9 of Mr. Williams. You know, in other words, I don't
10 know what they're thinking. My suggestion is that I
11 answer it saying the evidence presented, should you
12 choose to believe it, is that the money in Exhibit
13 84 came from one of the defendant's pockets.

14 MR. MURPHY: That's fair. I would agree
15 with that.

16 THE COURT: And if they say one which one,
17 I would say, it's not in evidence. Or I can just
18 say, which pocket it came from is not in evidence.

19 MR. MEADORS: Well although the picture is
20 in there, circumstantially they might figure it out.
21 So if we get to that, we're not to that yet.

22 THE COURT: But you just said the pictures
23 don't show which pocket it came from.

24 MR. MEADORS: Oh, they do.

25 MR. MURPHY: I don't know that they did.

1 MR. MEADORS: My memory is that they do.
2 But we can't answer that. Unless I'm crazy, I put
3 it in through Dubose, and you see two pockets. Now
4 maybe you can't tell how much is in each pocket.
5 Maybe that's what they're trying to figure out.

6 THE COURT: I think we have to answer that
7 question first. If he -- right there the foreman
8 says, well which one of the defendant's, what would
9 you proposal be that I say? Based on the evidence.

10 MR. MEADORS: I think you -- I would love
11 to answer it for them. But I think all we can say
12 is you've heard all the testimony. All the
13 testimony has been presented. I don't think we can
14 add any to it, unless I'm wrong. And I have no
15 problem with you writing out your first answer to
16 this one and just sending it back.

17 THE COURT: General Sessions I can't do
18 that. In civil court I can do it, but I can't do it
19 here.

20 MR. MEADORS: So would you read it again
21 what you're fixing to tell them?

22 THE COURT: I am going to tell the jury
23 that all evidence that's introduced by way of
24 testimony is subject to your credibility test. The
25 evidence is, should you choose to believe it, that

1 Exhibit 84 came from one of the defendant's pocket.

2 MR. MEADORS: Thank you.

3 (Whereupon, the following takes place
4 within the presence of the jury.)

5 THE COURT: Ladies and gentlemen, I have
6 your question, and it is: Which pocket did State's
7 Exhibit 84 come from. The weighing of testimony as
8 I've mentioned to you, is always an exercise in the
9 credibility determination by you. The evidence has
10 come in should you choose to accept it, that the
11 money that is Exhibit 84 came from one defendant's
12 pockets.

13 THE COURT: Yes, sir.

14 THE FOREMAN: From one of the pockets? It
15 does not specific which one?

16 THE COURT: Come up here, please,
17 gentlemen. We anticipated that.

18 (Whereupon, the attorneys confer with
19 judge at the bench.)

20 THE COURT: The money in 83 came from one
21 pocket. The money in 84 came from the other pocket.
22 Which pocket, well that's the evidence. Okay.

23 THE FOREMAN: Yes, sir. I have just one
24 more thing since we've in here.

25 THE COURT: Yes, sir.

1 THE FOREMAN: In the bag of the money,
2 exhibit I think, it's 83 or 84.

3 THE COURT: 84.

4 THE FOREMAN: Yes, sir. It says 562 on
5 it. When we pulled the money out, it's \$100 short.
6 I just want to make that aware.

7 THE COURT: Thank you.

8 THE FOREMAN: Yes, sir.

9 THE COURT: You call can continue your
10 deliberations.

11 (Whereupon, the jury commences
12 deliberations at 2:39 p.m.)

13 (Whereupon, the following takes place
14 outside the presence of the jury.)

15 THE COURT: Any comments?

16 MR. MEADORS: No, sir. I'll be next
17 door. And I understand you're running ragged. I
18 understand that. Yes, sir, Mr. Murphy.

19 MR. MEADORS: I just hope they miscounted
20 that money.

21 THE CLERK: But they didn't. They counted
22 it three times.

23 THE COURT: We will just continue to wait.

24 MR. MURPHY: Yes, sir.

25 THE COURT: We have another note saying we

1 would like listen to or read Mr. Williams' testimony
2 and Mr. Scott's. If you want to look at the note
3 you can. I am looking for, and make sure I have it.
4 I have to get to the trial part. Mr. Williams on
5 Tuesday started testifying at 10:52. We broke for
6 lunch at 12:20. Started back at 2:07. And cross
7 examination went on. And redirect went on for a
8 total of 24 minutes. So that's about 2 hours. The
9 defendant testified starting yesterday at 3:10. His
10 testimony was over about a quarter till 4. So
11 that's about an hour and a half. So that's about 3
12 and half hours. So if that's what the jury wants,
13 that's what the jury wants.

14 Anything from the State?

15 MR. MEADORS: No, sir.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: No, sir.

18 THE COURT: I will tell the jury it
19 appears it is about 3 and half hours. And they will
20 need to let me know when they want to take a break.
21 Otherwise, we'll just have to sit here and assume
22 they have no discomfort about staying in those
23 seats. Anything else the State or the defense would
24 like me to relay to the jury?

25 MR. MEADORS: May I use the restroom?

1 THE COURT: Yes. You may bring the jury.

2 (Whereupon, the following takes place
3 within the presence of the jury.)

4 THE COURT: I received your note saying we
5 would like to listen to or read Mr. Williams'
6 testimony and Mr. Scott's. You won't be able to
7 read it because there is no written transcript. We
8 spent a few minutes while you were out. The
9 testimony of Mr. Williams was 92 minutes. The
10 testimony of Mr. Scott was 88 minutes. Or actually,
11 yeah, 88 minutes. I think that takes into account
12 breaks as well. The reason I am mentioning that is
13 because if you want to take a break while it's being
14 replayed, you will have to raise your hand, and
15 we'll stop and you can take a break if you need to
16 use the restroom or something like. And if anyone
17 is going to need to use the phone for any purpose,
18 we'll just have to accommodate that as best we can,
19 but we won't be able to know that unless you raise
20 your hand as the testimony is being played.

21 Is the State ready for playing the
22 testimony? Mr. Meadors?

23 MR. MEADORS: Yes, sir.

24 MR. MURPHY: Yes, sir.

25 MR. FOREMAN: Your Honor.

1 THE COURT: Yes, sir.

2 MR. FOREMAN: We the jury say that we need
3 to listen to part of the testimony. That's why we
4 were asking. When we have heard enough of one, can
5 we ask to listen to the other one and can we stop?
6 Is that possible?

7 THE COURT: It is possible. But as I am
8 required to do, let me talk to the lawyers up here
9 for a second, so you all hang tight.

10 (Whereupon, the attorneys confer with
11 judge at the bench.)

12 THE COURT: Let's do this, Mr. Foreman.
13 Since the deliberations have to be a group effort
14 and I know that common sense would tell you that
15 perhaps you all can discuss it there in the jury.
16 If you take a minute or two in the jury room to
17 refine your question and tell me exactly what you
18 want played.

19 MR. FOREMAN: Yes, sir.

20 THE COURT: We can do that. But the
21 reason I am mentioning that is, two or three of you
22 might want to hear just a part. And that might not
23 satisfy the rest, and the rest won't raise their
24 hands in the courtroom. So if you will go back to
25 your jury room and tell us what in Mr. Williams's

1 testimony you want to hear.

2 MR. FOREMAN: Yes, sir.

3 THE COURT: And what in Mr. Scott's
4 testimony you want to hear. Of course, you can
5 change your request at any and all times. You can
6 forget it, and we'll just go on with what we have.
7 Or you can also say we want to hear this, this, this
8 and this. So it's all up to you. If you want to
9 refine it, that's fine. If you want to hear it
10 all, that's fine. I want to make sure you
11 understand that. So go back to your jury room, and
12 then just let the bailiff know what you want to
13 hear.

14 MR. FOREMAN: Do I need to write it down
15 or just tell you?

16 THE COURT: Just write it down and hand it
17 to me since we have to make a record of everything.
18 Thank you.

19 (Whereupon, the following takes place
20 outside the presence of the jury.)

21 THE COURT: Mr. Murphy, do you have any
22 problem with that?

23 MR. MURPHY: No, Your Honor.

24 THE COURT: Mr. Meadors?

25 MR. MEADORS: No, sir.

1 THE COURT: If they want to hear the
2 entire testimony, we'll honor that. If they want
3 to refine it, we'll honor that as well. So let's
4 just everybody stay in the courtroom just a minute.

5 (Whereupon, jury has a note.)

6 THE COURT: We have a note. We want to
7 hear Mr. Williams' testimony on the events inside
8 the clubhouse from when the two men, I would think
9 entered the building. And the same for Mr. Scott.
10 Why don't you all take a minute to look at this, so
11 I won't misinterpret it. And, Mr. Murphy, you can
12 show it to your client. Let's go on the record.
13 Mr. Meadors, have you had a chance to read the note?
14 Your position.

15 MR. MEADORS: I can't remember when it
16 started. But that was most of the direct was what
17 happened inside the -- so I don't where you would
18 start. But I think that was most of the testimony
19 about what happened inside.

20 THE COURT: What was Exhibit 6? Six
21 through 19 out of the box that were not objected to.
22 The photos of inside the building?

23 THE REPORTER: Yes.

24 THE COURT: You started with that pretty
25 much immediately, Mr. Meadors.

1 MR. MEADORS: I didn't do much background
2 on this. No, sir, but it was pretty -- I have no
3 problem starting there.

4 THE COURT: Mr. Murphy.

5 MR. MURPHY: That's fine.

6 THE COURT: And it would have to include
7 all the cross examination that both of you did to
8 each other's witness.

9 MR. MEADORS: I would think -- I would
10 certainly request that.

11 THE COURT: Now I don't know if they want
12 to stop when they get to the hospital. But they've
13 asked for Mr. Williams on the event and the
14 clubhouse from the time the men entered the
15 building. And the same for Mr. Scott. That's
16 pretty much as you said, right off the bat.

17 MR. MURPHY: Your Honor, I would suggest
18 that you start prior to, and advise the jury that
19 when they have reached the point they've heard
20 enough, maybe one of them -- you know, the foreman
21 can raise his hand and let us know. Okay we've
22 heard what we need to. And go on to the next one.
23 I mean otherwise---

24 MR. MEADORS: I just think one person
25 making that decision.

1 THE COURT: I will be careful to say that.
2 If the foreman does that, I will ask if all the
3 other jurors have you heard what you want to hear.
4 And if all 12 raise their hands, we'll stop.

5 MR. MURPHY: Right.

6 MR. MEADORS: I think in fairness to the
7 defense and the State, that opportunity for direct
8 and cross ought to be given to them obviously.

9 THE COURT: Absolutely.

10 MR. MURPHY: If that's what they want. To
11 be frank, I kind of read that they want the direct
12 testimony. But I could be wrong.

13 THE COURT: You can bring them out.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: Ladies and gentlemen, I have
17 your note that says we want to hear Mr. Williams'
18 testimony on the events inside the clubhouse from
19 when the two men were entering -- I think you mean
20 entered the building. And the same for Mr. Scott.
21 We can certainly do that. The one question I have
22 is, those points were covered on direct examination
23 and cross. And I'm assuming from your question that
24 you want to hear the direct on that and the cross.
25 There is sometimes when a lawyer moves from talking

1 about the topic you want to hear, digresses to
2 another point, and then comes back to the topic you
3 want to hear. So it may be a little difficult.

4 But in the event that, Mr. Foreman, you
5 believe that you -- the jury has heard what it's
6 asked to hear, you can raise your hand and we will
7 stop the tape. And then I will ask all of the jury
8 to confirm. If everyone raises their hand that
9 they've heard what they want to hear, we'll stop
10 that portion and move to the other witness. Any
11 objection to that from the State?

12 MR. MEADORS: No, sir.

13 THE COURT: The defendant?

14 MR. MURPHY: No, sir.

15 THE COURT: In the first part, Madam
16 Court Reporter, if you would just go ahead and start
17 it at 10:52 a.m. on Tuesday. This is Mr. Williams.

18 (Whereupon, the playing of testimony of
19 Mr. Williams to the jury.)

20 THE COURT: Yes, sir.

21 THE FOREMAN: We are good with that. We
22 would like to hear Mr. Scott's now.

23 THE COURT: Does everybody agree with
24 that, so raise your hand?

25 (Whereupon, all jurors affirm.)

1 THE COURT: everybody raised their hand.

2 We will move to yesterday at 3:10 p.m. This is

3 Mr. Scott now.

4 (Whereupon, the playing of Mr. Scott's
5 testimony to the jury.)

6 THE FOREMAN: Your Honor, we have heard
7 all we need.

8 THE COURT: If everybody agrees with that
9 on the jury, would you raise your hand, please.

10 (Whereupon, all jurors affirm.)

11 THE COURT: All raise their hands. Thank
12 you, Ladies and gentlemen, you can continue to
13 deliberate.

14 (Whereupon, at 4:48 p.m. jury commence
15 deliberations.)

16 THE COURT: Mr. MEADORS, anything for the
17 record?

18 MR. MEADORS: No, sir.

19 THE COURT: Mr. Murphy?

20 THE COURT: No, Your Honor.

21 (Whereupon, at 5:04 p.m. jury has a note.)

22 THE COURT: I have a note which says, is
23 ABHAN a violent crime. Excellent question. I
24 admittedly did not cover it, but 16-1-60 says that
25 it is. Mr. Meadors, your position on how I should

1 respond?

2 MR. MEADORS: Yes.

3 THE COURT: Mr. Murphy?

4 MR. MURPHY: The same.

5 THE COURT: Bring in the jury.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Thank you very much.

9 Mr. Foreman, I have your note. It is, is ABHAN a
10 violent crime. Answer, yes. Thank you.

11 (Note marked Court's Exhibit No. 4 for
12 Id.)

13 THE COURT: Any comment from either side?

14 MR. MURPHY: No, Your Honor.

15 (Whereupon, at 5:12 jury commences
16 deliberations.)

17 (Whereupon, At 5:14 p.m. jury reached
18 verdict.

19 THE COURT: The bailiff has advised that
20 the jury has advised that it has reached a verdict.
21 Is the State ready?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Is the defendant ready?

24 MR. MURPHY: Yes, Your Honor.

25 THE COURT: You may bring the jury.

1 (Whereupon, the following takes place
2 within the presence of the jury.)

3 THE COURT: Thank you, Mr. Bradley.
4 Mr. Foreman, I understand you have reached a
5 verdict.

6 THE FOREMAN: Yes, sir.

7 THE COURT: Is it unanimous?

8 THE FOREMAN: Yes, sir.

9 THE COURT: You may hand up the form to
10 Mr. Bradley.

11 THE COURT: Mr. Bradley, you can publish
12 it. Mr. Scott, please stand and face the jury.

13 THE CLERK: For the State of South
14 Carolina, County of Sumter, in the Court of General
15 Sessions, Docket No. 2016-GS-43-0565. The State of
16 South Carolina versus Raymond A. Scott, defendant.
17 As to Count 1, attempted murder of Tyrone Williams,
18 we unanimously find the defendant not guilty. As to
19 the lesser offense of ABHAN, we unanimously find the
20 defendant guilty.

21 As to count 2, attempted murder of minor
22 minor we unanimously find the defendant not
23 guilty. As to the lesser offense of assault and
24 battery first, we unanimously find the defendant not
25 guilty. As to Count 3, armed robbery. We

1 unanimously find the defendant not guilty. As to
2 Count 4, possession of a weapon during the
3 commission of a violent crime, we unanimously find
4 the defendant guilty. As to Count 5, possession of
5 a firearm by a person convicted of a violent crime,
6 we unanimously find the defendant guilty.

7 Signed by Richard T. Newman, foreman dated
8 July 21, 2016.

9 Ladies and gentlemen, is this your
10 verdict, so say you all by raising your right hand,
11 please.

12 (Whereupon, all jurors affirm.)?

13 THE COURT: The record reflects that all
14 jurors did raise their right hands. Thank you,
15 Mr. Scott, you can have a seat. Mr. Meadors,
16 anything that you would like to put on the record
17 before I release the jury?

18 MR. MEADORS: No.

19 THE COURT: Anything, Mr. Murphy, before I
20 release the jury?

21 MR. MURPHY: No, Your Honor.

22 THE COURT: Ladies and gentlemen, that
23 does conclude your service in this case. And I
24 thank you for the remarkable degree of attention
25 that you paid throughout, and I thank you for your

1 service. It's obviously Thursday at 5:25, so you
2 have probably have gathered that your service for
3 week is over. A couple of final instructions. You
4 can talk about this case now all you want. No
5 prohibition on it any longer. However, if you don't
6 want to, you don't have to. You know, it may be
7 that somebody connected to the case has some
8 questions they want to ask you about, you know,
9 whatever went on during the trial. Your thoughts
10 about certain things. You can answer those if you
11 want. My request is, even though you can do it, is
12 that you not do it on this property until your
13 service is over, because that you will get you away
14 and you won't bothered by it. But if you want to
15 talk, you can.

16 If someone wants to talk to you about it,
17 and you tell them you don't want to, and that person
18 persists, I would ask you to please call the clerk
19 of court's office, let the clerk know who you are
20 and who that person was. And it will be brought to
21 my attention, and I will deal with it very quickly.

22 In addition to that, if there is anyone
23 who needs a work excuse, Mr. Bradley will have those
24 for you right out in the hall. And lastly, well not
25 lastly, you're not permitted to serve as jurors

1 anymore this year. You might be glad of that. But
2 in any event, you also have an exemption for 2017
3 and 18 from the circuit court. That does not apply
4 for federal or magistrate court duty.

5 Lastly, we are going to engage in
6 post-trial matter matters now that will probably
7 take 20 minutes or so. Mr. Murphy, I will give you
8 10 days to file any post-trial motions should you
9 want the 10 days. As a matter of practice, I don't
10 calculate it for you, but you have that if you want.
11 Or you can state them today. I'll leave that up to
12 you. After any post-trial motions that are made
13 today, I am going to be engaging in the sentencing
14 phase of the trial. You're certainly welcome to
15 remain behind for that. You can stay right there in
16 jury box, or you can leave the courtroom and come
17 around the back. You can come in the back and have
18 a seat.

19 If you have any questions after we
20 conclude the proceedings, I'll be happy to answer.
21 I won't answer anything that has to do with specific
22 points of evidence, but I'll certainly be able to
23 answer any questions about the overall process just
24 in case you're curious about what happens.

25 Mr. Murphy, first of all, would you like

1 the 10 days to research your notes?

2 MR. MURPHY: No, Your Honor.

3 THE COURT: You want to make any motions
4 at this time?

5 MR. MURPHY: The only motion I would make
6 is to renew my motion for a mistrial based on the
7 argument of counsel. I guess quite frankly, that's
8 the only motion left.

9 THE COURT: The motion for a mistrial is
10 respectfully denied. As I mentioned, is denied. As
11 I mentioned, I think Douglas is still the applicable
12 law in this state. Certainly you've have raised
13 that, and I'll respectfully deny it. Mr. Meadors,
14 are you prepared to go forward with sentencing?
15 Would you like a few minutes?

16 MR. MEADORS: The Sheets are being
17 prepares by Mr. Brown right now. They should be up
18 momentarily.

19 THE COURT: And I will state for record, I
20 think both of you probably know I wouldn't say it
21 unless I meant it, it's always a pleasure when you
22 have lawyer's appear who are prepared,
23 knowledgeable, collegial, and anything included in
24 that. The case was well very tried. I certainly
25 appreciate your efforts.

1 MR. MEADORS: Thank you very much, Your
2 Honor.

3 THE COURT: I'LL step back in, in just a
4 minute. Does either side want to see the verdict
5 form.

6 MR. MEADORS: No, Your Honor.

7 MR. MURPHY: No, sir.

8 THE COURT: Mr. Meadors before I begin, I
9 know that the two prior convictions that you
10 weren't, this is not an LWOP case, and no notice was
11 given. So I want to make sure of that.

12 MR. MEADORS: No notice was given.

13 THE COURT: Mr. Meadors.

14 MR. MEADORS: Your Honor, may it please
15 the court, I first want to thank law enforcement, my
16 boss, of course, Mr. Finney. And Tyler Brown for
17 his help. And specifically, Wayne Dubose Michael
18 McCauley and Ardis who literally working with him
19 for the last few weeks. Judge, very briefly, again,
20 these cases, if it didn't come into evidence it
21 wouldn't be allowed to. But Mr. Murphy had it
22 obviously the first tape Dubose took of
23 Mr. Williams, he was in the hospital, groggy out of
24 it. But he's told the same version in the hospital
25 bed that he's told the whole time. And I first

1 heard that and met with him, and talked to him on
2 the phone. And then in person found him to be
3 credible. Obviously the jury believed his
4 testimony. Anyway, I just want to thank him for his
5 patience in working with us.

6 I don't know if he wants to say anything.
7 He's here with his mother who supports him. Do you
8 want to speak on your behalf?

9 MR. WILLIAMS: Yes, sir.

10 MR. MEADORS: He wanted to thank all the
11 parties that helped him and thank Your Honor and the
12 jury. Judge, as far as the prior record, I know you
13 heard it. He has an armed robbery conviction in
14 November of 2007. And an armed robbery conviction
15 in June 21st 2007. One of those was Dorchester and
16 one of those was Charleston. And it appears that
17 both of those will run concurrent, Judge. He got
18 out of jail I think December 1st 2015, less than 30
19 days before this incident. I do believe for
20 whatever it's worth, I don't know what else I have
21 to say. Thank you, Judge. We appreciate Your
22 Honor and the way you handled this case.

23 THE COURT: The sentencing range on ABHAN
24 is 0 to 20.

25 MR. MEADORS: Yes, sir.

1 THE COURT: 85 percent.

2 MR. MEADORS: Yes, sir.

3 THE COURT: Then sentencing range for
4 possession of a weapon during the commission of a
5 violent crime is 0 to 5. And likewise under Count 5
6 is 5 years. Mr. Murphy, Is that correct?

7 MR. MURPHY: Yes, sir.

8 THE COURT: Anything you would like to
9 say, or your client or anyone else or all of the
10 above?

11 MR. MURPHY: Your Honor, I don't have too
12 much to say. I do want to recognize his mom and
13 sister have been here throughout the trial. And he
14 does have a son, and we would ask that whatever
15 sentence you impose, it be a concurrent sentence.

16 THE COURT: Mr. Scott, is there anything
17 you would like to tell me?

18 THE DEFENDANT: No, sir, Your Honor.

19 THE COURT: Mr. Meadors, anything else?

20 SERGEANT DUBOSE: Judge, on behalf the
21 State, I would ask you to impose the maximum
22 sentence. Mr. Scott was out of jail for 28 days.
23 He came to Sumter. Luckily he did not kill
24 Mr. Williams. Then he had an opportunity to make
25 things right and tell us the truth in the beginning,

1 and he didn't. And we might not have gone quite
2 this far. We would ask that impose the maximum
3 sentence.

4 MR. MEADORS: Judge, I would like to say.
5 I said it a little maybe in my closing. But it is a
6 kind of a miracle. But thank God Tyrone is here,
7 because he could have easily dead and we'd be here
8 on a murder. And thank God minor wasn't killed.

9 THE COURT: How old is minor now? Six?

10 MR. WILLIAMS: Five, sir.

11 THE COURT: How he's doing?

12 MR. WILLIAMS: Yes, sir. He's going
13 through some stages, but he don't like to be around
14 people no more. A crowd people, he will distance
15 himself from them. I got him a lot of toys. He's
16 going through a lot of things. Like he's taking his
17 toys and start -- he like guns now. And I am going
18 to carry him to therapy. I am going to talk to some
19 people about it. But I thought it would be a little
20 early to take him, but I am going to find some help
21 for him.

22 THE COURT: Mr. Murphy, anything else?

23 MR. MURPHY: No, Your Honor.

24 THE COURT: Please stand, Mr. Scott. I
25 don't have any words of wisdom. I don't have

1 anything prepared to say, but I will say a few
2 things. I see when I look at you and when I was
3 listening to you talk, a remarkable waste of
4 intellect. You're a smart guy. You could have put
5 your mental capabilities to great use, but you chose
6 not do that.

7 Of course everybody in here knows, lawyer
8 wise knows, that your prior armed robbery
9 convictions were not admissible and they weren't
10 admitted because of the balancing test that I had to
11 do on the record the other day. That's just the
12 reality of it. But I can take it into account now.
13 You were out of prison for 28 days, after committing
14 an armed robbery. In your words, you were coming up
15 here to buy marijuana with a gun. Blatantly in
16 violation of the law as you absolutely knew it to
17 be. Couldn't have a gun. Most reasonable --
18 you're smart. But most reasonable people, there's a
19 difference between being smart and being reasonable.
20 Most reasonable people would say well, let me keep
21 me head down. Let me go find a job. Let me go do
22 something constructive instead of packing heat,
23 driving up to Sumter, and let's just give you the
24 benefit of the doubt, going to buy marijuana. Most
25 reasonable people wouldn't do that.

1 This jury in all likelihood got it right.
2 And it just disturbs me that in this day and age
3 what Mr. Meadors sees, what Mr. Dubose sees, what
4 Mr. Murphy sees, has become all too common. People
5 with guns will just do what they want to do. You're
6 26 years old, right?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You were put in prison when
9 you were 17?

10 THE DEFENDANT: That's when I got
11 convicted. I was 16. I was a juvenile.

12 THE COURT: But you were tried. You were
13 waived up, right?

14 THE DEFENDANT: Yeah, I been charged as
15 adult. I was convicted when I was 17.

16 THE COURT: How far did you go in school?

17 THE DEFENDANT: I graduated two years
18 early. And I got out a high school -- I mean a GED
19 while I was incarcerated.

20 THE COURT: You've never been accused of
21 not being smart, have you? You're a smart guy,
22 right?

23 THE DEFENDANT: That's what I was accused
24 of.

25 THE COURT: You're an intelligent fellow.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And sometimes that's the
3 scariest thing. The ones who are intelligent,
4 crafty, good on their feet, choose to go down this
5 path, that's just a little bit scary. I am going to
6 impose a sentence that I think is appropriate.
7 There might be some who agree with it. Some who
8 disagree with it, but it's the sentence that I think
9 is just.

10 On the charge of assault and battery of a
11 high and aggravated nature, you are committed to the
12 State Department of Corrections for a period 20
13 years. On the charge of possession of a weapon by a
14 person convicted of a violent crime, classified as a
15 felony, you're committed to the Department of
16 Corrections for a period of 5 years. That will be
17 consecutive to the sentence for ABHAN. Lastly, 5
18 years for possession of a weapon during the
19 commission of a violent crime. Five years. That
20 will be concurrent with the other 5-year-sentence.

21 As I have typically tell young folks like
22 you, I hate putting people in prison who are wasting
23 their lives. I don't like it. I don't feel good
24 about it. And I don't think anybody should feel
25 good about it. Because your life is too valuable to

1 waste. You shot a man four times. Y'all get credit
2 as the law dictates for all time you have served on
3 these warrants. And we're adjourned. Thank you.

4 --End of Requested Transcript of Record--

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the
Third Judicial Circuit of the State of South Carolina,
do hereby Certify that the foregoing is a true, accurate
and complete Transcript of Record of the proceedings had
and evidence introduced in General Sessions Court on
July 18th-21st, 2016, in Sumter County, Sumter, South
Carolina.

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

12/16/16
DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/21

6/6

08-23-2016

09:33:45 a.m.

WITNESSES

W. Dubose
Sheriff

Sumter County

T. Mims Sumter County Sheriff

ARREST WARRANT NUMBER

2015A4310100913 2015A4310100917
2015A4310100914

2015A4310100915 2015A4310100916

ACTION OF GRAND JURY

Robert E. Halloran
Foreperson of Grand Jury
Date: *5/12/16*

***VERDICT**

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-43-0565

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

May TERM 2016

THE STATE

vs.

RAYMOND ANGELO SCOTT

Indictment for

Attempted Murder/Attempted Murder/Armed
Robbery/Possession of a Weapon during the Commission
of a violent Crime/Possession of a Firearm by a Person
convicted of a Violent Crime

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

8034362223

708

COUNT FOUR

**POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME**

That Raymond Angelo Scott did in Sumter County, on or about December 29, 2015, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: Attempted Murder and Armed Robbery, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

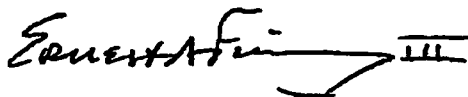
COUNT FIVE

Possession of a Firearm by a Person Convicted of a Violent Crime

That Raymond Angelo Scott, did in Sumter county on or about December 29, 2016, fire several shots with a handgun at Tyrone Williams and did rob the said Tyrone Williams of cash, while armed with a firearm, the said Defendant being prohibited from possessing a handgun in the State of South Carolina due to a prior conviction of a violent crime, in violation of Section 16-23-500(A), S.C 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.

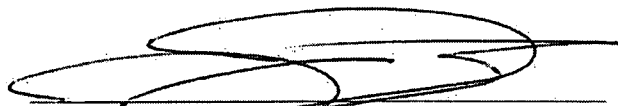
Solicitor



CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John H. Strom", written over a horizontal line.

John H. Strom
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 19th day of June, 2017.

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."

RECEIVED
JUN 19 2017
SC Court of Appeals

Respectfully Submitted,



John H. Strom
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 19th day of June, 2017.