

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Fairfield County

Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LATROY D. SAMPSON,

APPELLANT

APPELLATE CASE NO 2016-001676

RECORD ON APPEAL

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- 1 Q. Looking up which direction?
- 2 A. Like from here.
- 3 Q. From here?
- 4 A. Yes, from that direction.
- 5 Q. Here is basically where he would have been?
- 6 A. Yes.
- 7 Q. Looking?
- 8 A. He was looking in and out again, he would look up
- 9 that road.
- 10 Q. Looking around this corner?
- 11 A. Right.
- 12 Q. Kind of towards -- would that be towards the road?
- 13 A. That's right.
- 14 Q. Okay.
- 15 A. Looking up the road.
- 16 Q. What did you hear them talking about?
- 17 A. All I caught is something about Aids and I caught
- 18 something about money. He hollered something about
- 19 something. Actually, I didn't really pay it too
- 20 much of attention of the conversation. That's not
- 21 the first time I seen them, you know, really.
- 22 Q. What kind of lighting was there?
- 23 A. It was a pole light. It is a pole light.
- 24 Q. Was that out in the street?
- 25 A. Yes.

1 Q. Okay.

2 A. You can see real good.

3 Q. Okay.

4 A. You know what I'm saying? It shows the light
5 pretty good, it really did. That's how I know who
6 he was.

7 Q. How long did you look out the window at them?

8 A. Maybe about 5 or 10 minutes, you know, just looking
9 at them.

10 Q. Okay.

11 A. They was just talking, yada, yada, yada, you know.
12 She was saying this and that. They normally like
13 talk crazy stuff like that.

14 Q. The entire -- when you were watching them from your
15 window, were they always on this side of the house?

16 A. Yes.

17 Q. Or did you ever see them go towards the front of
18 the house or anything? Just answer verbally.

19 A. At first they start, you know, walking. He was
20 walking. She was walking. Come back. Then that's
21 when I saw them.

22 Q. Okay. What did you do then?

23 A. I just turned around, went back and laid back down.

24 Q. Where were they at the last time you saw them
25 before you went back and laid back down?

- 1 A. Right there on that corner.
- 2 Q. As you described it earlier?
- 3 A. Yes, right there.
- 4 Q. And where were his hands at?
- 5 A. Up on the wall like this.
- 6 Q. Was she --
- 7 A. She was in between --
- 8 Q. Kind of in between?
- 9 A. He was like facing her, you know like pinning her,
- 10 had her pinned in.
- 11 Q. Okay. Did you go --
- 12 A. Pretty much, she was acting like she was trying to
- 13 get away from him, you know.
- 14 Q. What was she doing in regards --
- 15 A. She was up against the wall, you know, just had her
- 16 head -- she always walked with her head kind of
- 17 like down, you know, like to the side. That's the
- 18 way she was.
- 19 Q. The position of his hand, would that have blocked
- 20 her from going back to the front of the house?
- 21 A. Yeah.
- 22 Q. And when you -- did you go back to sleep when you
- 23 laid back down?
- 24 A. Yes, I did. I went straight back to sleep.
- 25 Q. What do you remember from there?

1 A. And then, I don't know how long that was, but I
2 hear this loud hollering.

3 Q. Did that wake you up?

4 A. Yes, that woke me up.

5 Q. Did you get up?

6 A. And when I got up, I walked back towards the
7 window, but I ain't see anybody. I said, I wonder
8 where all that hollering coming from. Then I
9 walked out the trailer. As I walked out the
10 trailer, I seen all these people, and they was
11 hollering, crying, and going on.

12 I walked around there and I said, What's the
13 matter?

14 Q. Is that when --

15 A. Then I ain't even know she was over, you know, was
16 laying -- lying down over there until I heard
17 Joseph. He the one hollered out there towards the
18 end of that fence. Coming across is a fence.
19 Coming out the entrance of that little fence right
20 there in the front.

21 Q. Are you referring to this?

22 A. Yeah, trailer like. Yes. Joseph, he hollered,
23 Wake up, Jen. Wake up, Jen.

24 Q. Did you see where he was?

25 A. It was in between the fence and the house, the back

1 part.

2 Q. Back here?

3 A. Yes, sir.

4 Q. Back here?

5 A. Yes, sir, right back in there, back door entrance
6 come out.

7 Q. Did you walk back there?

8 A. I walked as far as that -- where that little pad,
9 that concrete pad, right there.

10 Q. You didn't walk back any further?

11 A. But, see, it was other people was standing, you
12 know, in the area also.

13 Q. Were the police there yet when you got up and
14 walked over there?

15 A. Huh?

16 Q. Were the police there yet?

17 A. No.

18 Q. Okay.

19 A. No. They came about right after I had just walked
20 to that corner of that pad right there. Because I
21 didn't know that she was still back there, you know
22 what I'm saying? Okay.

23 Q. When you said Joseph, is that Joseph Sampson?

24 A. Joseph Sampson. That's the one that holler out.

25 Q. Okay.

1 A. Wake up, Jen. Wake up, Jen. Wake up.

2 Q. Okay.

3 A. Like he had her like in his arms, had her head like
4 in his arms.

5 So a few minutes after that, some -- it was
6 some person walked passed me. I wasn't really
7 paying attention. There was so many -- so many
8 people started coming out, you know what I'm
9 saying, with all that hollering, or whatever. I
10 happened to glimpse around, that's when I seen the
11 officers, they had came up on the scene.

12 Q. Okay. And just to go back a second.

13 A. Uh-huh.

14 Q. The girl you saw on the side of the house, was that
15 Jennifer?

16 A. Yes.

17 Q. And the person who was with her that had his hands,
18 I guess, around or surrounding her a little bit?

19 A. Right.

20 Q. That's Latroy -- is that Latroy Sampson?

21 A. It was him (indicating).

22 Q. Okay.

23 A. It was him.

24 Q. And did you see him, Mr. Latroy Sampson, when you
25 walked back out there after you heard all the

1 screaming? Did you see him out there?

2 A. No. No.

3 Q. Did you stick around that area as more and more
4 people and law enforcement came?

5 A. Yes.

6 Q. And do you remember talking with law enforcement?

7 A. Yes.

8 Q. Do you remember giving statements to law
9 enforcement?

10 A. Yes.

11 Q. I show you two pieces -- or a total of four pieces
12 of papers, but two different sets of papers. Take
13 a second to look. I'll hand it to you one at a
14 time. Take a second to look at that. Does that
15 purport to be a statement you gave to law
16 enforcement? Does it have your name on it? Can
17 you tell, is that your handwriting or anything?

18 A. This is not my handwriting. I didn't do no
19 writing.

20 Q. What about the signature on the bottom of it?

21 A. No, I didn't. I didn't do no writing, period,
22 pointblank. These statements, some of it is right
23 and some of it is not. Some of it needs corrected.

24 Q. But you did talk to law enforcement?

25 A. I did.

1 Q. On the bottom of this paper, there's a date and
2 time, 5:39 a.m. Would that be roughly about the
3 time --

4 A. Yeah, you know.

5 Q. And that is dated July 4th. Does sound about
6 right?

7 A. Right. Yes, sir.

8 Q. All right. And I think the statement says Adam
9 Evans.

10 A. Sir?

11 Q. Adam Evans is a police officer. Do you remember
12 who specifically you talked to?

13 A. Not really.

14 Q. Okay. Do you remember telling law enforcement that
15 you heard Sampson say, I kill you, bitch, you
16 trying to play me. Do you remember hearing that?

17 A. No, I didn't.

18 Q. Do you remember if you told that to law
19 enforcement?

20 A. I did not.

21 Q. Do you remember telling law enforcement, Then he
22 put his hands around the victim's throat?

23 A. No.

24 Q. You remember --

25 A. No.

1 Q. -- seeing that or telling people that?

2 A. Those statements I did not say.

3 Q. Okay. All right. Do you remember saying, Latroy
4 said, You are playing me, I'm going to kill you.
5 Do you remember him saying that --

6 A. No.

7 Q. -- or telling law enforcement that?

8 A. No. No. This is what I'm saying, the one that
9 wrote that, some of the statement is correct and
10 some of it is not. I don't know where all that --
11 where all that came from.

12 Q. I understand. And you gave a second statement.
13 Take a second to look at that. Do you see the date
14 and time on that, on the bottom of it?

15 A. Uh-huh.

16 Q. What is the date and time on it?

17 A. The time is 1:29; right?

18 Q. I think it is 7:29. Does 7:29 a.m. sound right or
19 look right?

20 A. Yes, 7:29.

21 Q. Is that also July 4th?

22 A. Yes, July 4th of '14.

23 Q. I hand that back. Let me ask you a question about
24 that. Do you recall talking to law enforcement
25 then, talking to Melinda Martin and Oren Gadson?

1 Do you remember talking to them? You don't
2 remember who you talked to? Just answer best you
3 can, how you best remember.

4 A. It was about four or five different officers came
5 on the scene, just being around.

6 Q. Do you remember hearing a voice you identified as
7 Troy, You playing me, I'm going to kill you over
8 and over. Do you remember that?

9 A. No.

10 Q. Do you remember telling law enforcement that during
11 the second statement?

12 A. No.

13 Q. And just so we're clear, the last time -- when you
14 walked away from the window, the last thing you saw
15 was Jennifer and Latroy on that corner?

16 A. That was the last time I saw them, those two.

17 Q. And then you went back to sleep?

18 A. Until I seen him --

19 Q. You went back to sleep?

20 A. I went back to sleep.

21 Q. Any idea how long before you -- when you went back
22 to sleep how long you were woken back up by the
23 screaming?

24 A. That is the thing of it, it was a little while.

25 Q. Okay.

1 A. It was a little while. I don't -- I didn't see him
2 when he leave, or nothing like that. When I went
3 back to sleep, they -- you know, they was still
4 standing there, you know, talking.

5 Q. Okay.

6 A. Really. To be honest.

7 MR. MAXWELL: Nothing further.

8 CROSS-EXAMINATION

9 BY MR. FRICK:

10 Q. Mr. Davis, when -- the Solicitor was asking you
11 about when the car pulled up, all the way at the
12 very beginning. I think you were still sitting at
13 the pecan tree is what you said?

14 A. That's right.

15 Q. Which is directly across the street?

16 A. Yeah, directly in front of the house and across the
17 street from it.

18 Q. And Garden Street is not -- I mean, it's -- it
19 ain't an extra wide road?

20 A. No, no, it is same road.

21 Q. You had a good view?

22 A. Oh, yeah. The pole light was shining.

23 Q. Okay. And it was 2:00 o'clock in the morning at
24 that point?

25 A. I believe, yes, sir, somewhere like that.

1 Q. Okay.

2 A. From the time he first got out the car.

3 Q. Okay.

4 A. And she brought him down the street, I guess.

5 Later on, I say about -- later on, I seen Jennifer
6 walk down the street.

7 Q. After you see the car?

8 A. Yeah.

9 Q. Okay.

10 A. Jennifer.

11 Q. Do you know which direction she was coming from?

12 A. It's a -- okay -- from the --

13 Q. Back from town or the other way?

14 A. No. Well, can I still look -- it was the north
15 side.

16 Q. I got you.

17 A. Know what I'm saying? North side, like from the
18 funeral home towards south.

19 Q. I got you.

20 A. Feel me? Okay. She pulls in the driveway.

21 Q. Okay.

22 A. And she stops right in between front of that house
23 and the apartments.

24 Q. Okay.

25 A. This gentleman gets out the car.

- 1 Q. Okay. Now, initially when the Solicitor was
2 talking to you, you called the name Tyrone?
- 3 A. That's what I thought. That's the first time I
4 really -- second time I ever really seen him.
- 5 Q. Okay.
- 6 A. You know, I don't really know his name.
- 7 Q. So you hadn't really seen him around the
8 neighborhood too much?
- 9 A. Too much.
- 10 Q. Okay. Okay.
- 11 A. But I do know his face.
- 12 Q. Okay. And you're certain, though, this is one of
13 the --
- 14 A. Yes.
- 15 Q. -- few times you'd seen him around there?
- 16 A. Yes.
- 17 Q. Where did he go? I got a little confused on that
18 part.
- 19 A. When he got out of the car, she pulled down in the
20 back.
- 21 Q. Uh-huh.
- 22 A. A few minutes after that, then he walks down behind
23 the car.
- 24 Q. Okay.
- 25 A. Later on. Jennifer walks down the street after he

1 had walked down in the back.

2 Q. Down that driveway between the house and the
3 apartments?

4 A. Right. Right. Right.

5 Q. All right.

6 A. Feel me? All right. She walks -- I notice her
7 come through a little path come through by Wayman
8 Church past -- she comes down the street. Feeling
9 pretty good. She always walked with her head down,
10 sort of like. So she walks up on her porch, she
11 goes in the house.

12 Q. Okay. Let me -- right there. How long had you
13 been sitting at the pecan tree?

14 A. I would say good about an hour, hour and a half,
15 somewhere like that.

16 Q. Okay. Were you there by yourself?

17 A. Yes, I was. Yes, I was.

18 Q. Okay. And I don't mean this how it may sound.
19 Were you drinking anything?

20 A. I had drunk one beer.

21 Q. Okay.

22 A. To be honest with you, I had drunk one beer. I was
23 pretty much tired because I had been doing a little
24 work, whatever. And I was just sitting out. It
25 was kind of, you know, summertime, pretty warm.

- 1 Q. July 4th, yeah.
- 2 A. I do that a lot now. I have a bad heart. But,
- 3 anyhow, I drunk that.
- 4 Q. The hour that you were sitting there, did you see
- 5 anybody come in or out of Jennifer's house other
- 6 than --
- 7 A. Pretty much her kids.
- 8 Q. Okay.
- 9 A. That was about the only --
- 10 Q. And you recognized them?
- 11 A. Sure.
- 12 Q. Him? Was it more than one?
- 13 A. Ain't but two.
- 14 Q. Two?
- 15 A. Okay. I know him. I know him pretty good.
- 16 Q. All right. And you decide to go in your house,
- 17 you're ready to go to bed; right?
- 18 A. True.
- 19 Q. Tired, going to lay down?
- 20 A. (Nods affirmatively.)
- 21 Q. And you did lay down?
- 22 A. Yes, sir.
- 23 Q. Fell asleep?
- 24 A. Yes, sir.
- 25 Q. The voices woke you up?

1 A. Yes, sir.

2 Q. And then you looked out the window?

3 A. Yes, sir.

4 Q. The window, does it have any blinds on the window?

5 A. No.

6 Q. Okay. This is one of those older mobile homes got
7 the crank-out window?

8 A. Right.

9 Q. Okay. I'm not trying to impugn your housekeeping,
10 but do you regularly clean the outside of your
11 window?

12 A. Yes.

13 Q. So it was clean, you had a good view?

14 A. As a matter of fact, it was cracked, you can see
15 right dead out.

16 Q. Okay. Did you have a screen in that window?

17 A. Yes.

18 Q. One of those metal screens, mesh metal screens?

19 A. No.

20 Q. Okay.

21 A. Like -- like plastic-like screen.

22 Q. Okay.

23 A. A little short piece when the window be open a
24 certain length of it.

25 Q. I got you. Okay. But it drew your attention, but

- 1 you didn't really think anything about it, did you?
- 2 A. That's true.
- 3 Q. Okay.
- 4 A. That's right.
- 5 Q. Okay. I mean, you didn't feel like you needed to
- 6 go --
- 7 A. No.
- 8 Q. -- call the cops?
- 9 A. No.
- 10 Q. Or go find somebody to help out or?
- 11 A. At that moment in time, no, sir.
- 12 Q. Okay.
- 13 A. To be honest with you, no.
- 14 Q. And the person that you see, I'm going to use your
- 15 term, kind of pinning in Jennifer wasn't laying
- 16 hands on her?
- 17 A. (Nods negatively.)
- 18 Q. Say yes or no. She's got to record all this.
- 19 A. Oh, no, sir, he didn't have his hands on her. I'm
- 20 sorry.
- 21 Q. Okay.
- 22 A. No, sir.
- 23 Q. At no time did you see him lay a hand?
- 24 A. No, sir, I sure didn't. All I just seen is he had
- 25 her against the wall. He had his hands on the

1 wall.

2 Q. Okay.

3 A. You know. That's all I saw.

4 Q. And then you went back to bed?

5 A. Yeah, I went back to bed, to be honest with you.

6 Q. Nothing that concerned you?

7 A. Nothing really. Nothing to me.

8 Q. In fact, I think you -- correct me if I'm wrong,
9 but I thought I heard you tell the Solicitor they
10 normally talk crazy like that?

11 A. They do.

12 Q. Okay.

13 A. They do.

14 Q. So --

15 A. That ain't the first time -- like I told him, that
16 wasn't the first time I saw them talking like that.

17 Q. Okay. Now, when you say them, are you talking
18 about this guy over here and her?

19 A. Him, her -- what's the name, they call him Map?

20 Q. Map?

21 A. Yes.

22 Q. Joseph Sampson, that sound right?

23 A. Joseph Sampson, yes. When they get -- they be
24 intoxicated, they high, they be saying all kind of
25 things.

1 Q. Okay.

2 A. Seriously.

3 Q. Crazy stuff like, I'm going to kill you, Bitch?

4 A. No. If they do, I didn't hear them say that, you
5 know what I'm saying.

6 Q. I mean, that wouldn't be unusual?

7 A. I didn't hear them say that.

8 Q. I understand. And I'm not trying to put words in
9 your mouth, don't get me wrong.

10 A. I understand. They talk all kind of ways, you
11 know, whatever --

12 Q. Talking junk?

13 A. -- conversation they get started up, or whatever.

14 Q. Okay. Okay. So it wasn't unusual to see her have
15 a conversation like this with someone?

16 A. Very unusual. Then, again, she was the type --
17 from what I know, most I been around her, she was
18 the type of woman that she was very nice. She was
19 very quiet. She liked to socialize with certain
20 people. Some people she didn't. She had a lot
21 of -- she had a lot of guys that say things to her,
22 you know, from what I gather.

23 Q. Uh-huh. Did you ever --

24 A. Some she give conversation, some she don't.

25 Q. Okay. Did you ever see her get in a physical

1 altercation with any of them?

2 A. Not that I know of.

3 Q. Okay.

4 A. Not that I know of.

5 Q. You said you had only seen Latroy over there a
6 couple of times?

7 A. Yes, sir.

8 Q. And you also said that you had seen her having one
9 of these conversations with Map before?

10 A. Right.

11 Q. Had you seen Map over there often?

12 A. Map would come around pretty much. From what I
13 gather that they was involved with each other, call
14 theirself being involved with each other.

15 Q. He did?

16 A. Map.

17 Q. Okay.

18 A. I hear -- I had heard --

19 MR. MAXWELL: Objection.

20 A. -- Map --

21 THE COURT: Sustained.

22 A. -- responding --

23 MR. MAXWELL: Object to him saying what
24 anybody else said, what he may have heard.

25 BY MR. FRICK:

1 Q. Don't tell us what somebody else told you, okay?

2 A. Uh-huh.

3 Q. We can't do that. But your belief was that they
4 were in some kind of relationship?

5 A. Pretty much, yeah.

6 Q. Okay. I mean, this is based on your observations,
7 right?

8 A. Yes. Uh-huh.

9 Q. You've seen them together, how they interacted?

10 A. Right.

11 Q. Okay. And you said you -- how often would you see
12 him over there?

13 A. Map?

14 Q. Yes, sir.

15 A. Pretty often. Pretty much often.

16 Q. I mean daily? Every other day?

17 A. Uh, let's see.

18 Q. Whatever you can tell me. If you can't recall --

19 A. From what I gather, the relationship was going on,
20 been about -- maybe about a month, you know,
21 according to knowing that they was in a
22 relationship with each other.

23 Q. Okay. The Solicitor asked you about one of your
24 statements -- he asked you about all of them. I
25 want to ask you about one in particular. I'm going

1 to ask you about the one July 4th, 7:29. I think
2 it was about the second statement you gave, okay?
3 Up here -- and I ain't trying to embarrass you, I'm
4 just trying to figure out what -- up here it is
5 circled that you cannot read or write?

6 A. Right.

7 Q. Is that correct?

8 A. I can read, but I can't write.

9 Q. I got you. Okay. So you can read okay, that's why
10 this isn't in your handwriting?

11 A. That's right.

12 Q. Is that your signature at the bottom? I think it's
13 about right there?

14 A. Yes.

15 Q. Okay. All right. And you said some of that stuff
16 in those statements is accurate and some of it is
17 not?

18 A. (Nods affirmatively.) Yes.

19 Q. But you're not the one who sat down with the piece
20 of paper and filled it out?

21 A. No, I really didn't.

22 Q. Okay. Mr. Davis, give me one second.

23 (Pause.)

24 MR. FRICK: Thank you, Mr. Davis. That's all
25 the questions I have.

1 MR. MAXWELL: Briefly.

2 REDIRECT EXAMINATION

3 BY MR. MAXWELL:

4 Q. Mr. Davis, let me show you the statement -- the
5 5:39 a.m. statement. Is that your signature at the
6 bottom of that one right here?

7 A. Yes.

8 Q. That is your signature?

9 A. Yes, sir.

10 Q. And, again, if you need to -- I'll let you look at
11 it. On the second line, towards the end of the
12 second line, can you see that? Can you read that?
13 If you can't, that's fine. Starting right here,
14 can you see that?

15 A. Uh-huh.

16 Q. Can you read it out loud? Start with, Sampson
17 said.

18 A. Okay. Sampson said, I will kill you, Bitch. You
19 try to play me again. And he put his hands around
20 her neck and throat.

21 No, this statement is not right.

22 Q. That's not -- that is your signature on the bottom
23 of it; right?

24 A. That is my signature, but it is not right.

25 Q. Okay. Thank you.

1 MR. MAXWELL: Nothing further.

2 THE WITNESS: I did not say that.

3 MR. FRICK: Real quick following up on that.

4 RECROSS-EXAMINATION

5 BY MR. FRICK:

6 Q. You didn't write the words up here; right?

7 A. No, sir. None of that.

8 Q. Would you agree that it appears that this is two
9 different people that wrote these parts of the
10 statements?

11 A. Yes.

12 Q. Okay.

13 A. It is.

14 Q. Okay.

15 MR. FRICK: Thank you, sir. That's all the
16 questions I have.

17 THE WITNESS: I told the officer --

18 MR. MAXWELL: Nothing further.

19 THE COURT: All right, sir, you can step down.
20 (Witness steps down.)

21 MR. MAXWELL: The State calls Matthew Stone.
22 (Witness approaches.)

23 THE CLERK: If you'll raise your right hand,
24 and put your left hand on the Bible.

25 (Witness complies.)

1 THE CLERK: Do you solemnly swear or affirm
2 the testimony you give to this Court and jury will
3 be the truth, the whole truth, and nothing but the
4 truth, so help you God?

5 THE WITNESS: I swear.

6 MATTHEW STONE,
7 after being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MAXWELL:

10 Q. Good afternoon, Matthew.

11 A. Good afternoon.

12 Q. State your name for the record.

13 A. Matthew Stone.

14 Q. And, Mr. Stone, how old are you?

15 A. I'm 20.

16 Q. And where did you grow up?

17 A. I grew up in Fairfield County.

18 Q. And did you go to Fairfield Central High School?

19 A. Yes, sir.

20 Q. Did you graduate from there?

21 A. Yes, sir.

22 Q. And where are you living now?

23 A. I live in Newberry County.

24 Q. Back in July of 2014, where did you live?

25 A. [REDACTED] Garden Street.

1 Q. And who did you live there with?

2 A. My mother and my two younger brothers.

3 Q. How old are your brothers?

4 A. Now, they are 15.

5 Q. Are they twins?

6 A. Yes, sir.

7 Q. How many other brothers do you have?

8 A. I have two more other brothers.

9 Q. How old are they?

10 A. There's five of us all together.

11 Q. What are the ages of your brothers?

12 A. The one up under me is 16, my twins are 15, and my
13 youngest brother is 11.

14 Q. And when you lived on [REDACTED] -- or specifically
15 July 4th, 2014, were you living at [REDACTED] South
16 Garden?

17 A. Yes, sir. Yes, sir.

18 Q. And were you home on that date?

19 A. Yes, sir.

20 Q. Who else was with you -- who else was at your
21 house?

22 A. On that night, I was sleep, so I don't know, like,
23 exactly who was in the house.

24 Q. Were any of your brothers home?

25 A. Yes.

- 1 Q. Which brothers?
- 2 A. The two younger brothers.
- 3 Q. The twins?
- 4 A. Yes, sir.
- 5 Q. What time did you go to bed on July the 3rd?
- 6 A. I would say, like, 9:30, going on 10:00.
- 7 Q. P.m.?
- 8 A. Yes, sir.
- 9 Q. Do you remember what you did earlier that day?
- 10 A. Well, I played cards that day.
- 11 Q. Where at?
- 12 A. Around Crawford Street.
- 13 Q. Is that kind of the same place people have been
- 14 talking about all week where people kind of gather
- 15 on Crawford Street?
- 16 A. Yes.
- 17 Q. Do you know Marcus Douglas?
- 18 A. Yes.
- 19 Q. Do you remember anything -- do you remember hanging
- 20 out with Marcus even before that day --
- 21 A. Yes.
- 22 Q. -- hanging out at your house drinking?
- 23 A. Yes.
- 24 Q. Do you remember Marcus was throwing up from
- 25 drinking?

1 A. Yes, sir.

2 Q. Where were y'all at, what room?

3 A. In my room.

4 Q. Were y'all inside and outside doing that, or what?

5 A. We were inside, then we went outside.

6 Q. Did y'all -- did you ever hang out in a little
7 alleyway next to your house, between the trailer
8 and the house?

9 A. Yes.

10 Q. Showing you State's Exhibit 3, is that your house
11 where you lived at back in July of 2014?

12 A. Yes.

13 Q. This is the side of the house back in this corner
14 where y'all used to hang out sometime?

15 A. After school.

16 Q. When was the -- when did you see your mother last
17 on July 3rd?

18 A. I saw my mother like earlier that day.

19 Q. Did you see Latroy Sampson on July the 3rd?

20 A. Yes, sir, while I was playing cards.

21 Q. Over on Crawford Street?

22 A. Yes.

23 Q. Was he with your mother?

24 A. No, he walked up to the card table.

25 Q. Can you -- was that daytime or nighttime when that

- 1 happened?
- 2 A. Daytime.
- 3 Q. What was your belief of the relationship between
- 4 Latroy Sampson and your mother?
- 5 A. He was obsessed.
- 6 Q. I'm sorry?
- 7 A. He was obsessed. Obsessed with my momma like a
- 8 little gnat, always around.
- 9 Q. And is that Latroy Sampson there in the white shirt
- 10 over there?
- 11 A. Yeah, that fellow right there(indicating).
- 12 Q. Did he stay at your mother's house sometimes?
- 13 A. Probably a couple of times.
- 14 Q. What about Joseph Sampson?
- 15 A. Yeah.
- 16 Q. Did he stay at your house?
- 17 A. I believe so.
- 18 Q. Did you call him Joseph or anything else?
- 19 A. Map.
- 20 Q. And what about Latroy, did he have any other names
- 21 that he went by that you know of?
- 22 A. Tow Dow, something like that. A crazy name.
- 23 Q. Okay. When you went to bed about 9:30 or 10:00,
- 24 who was in your house at that point in time, or
- 25 right before you went to bed?

1 A. I went straight in the house and went straight to
2 bed, so I don't know who was in my house.

3 Q. Okay. In this neighborhood, were a lot of people
4 coming and going in a lot of different houses?

5 A. Yes.

6 Q. What do you remember -- do you remember waking up
7 sometime after you went to bed, kind of in the
8 middle of the night?

9 A. Yes.

10 Q. What woke you up?

11 A. Joseph Sampson, two bottles of liquor, saying,
12 Matthew, you want a drink?

13 Q. And did you get up?

14 A. No, not at that time.

15 Q. Was that odd for him to come in asking you if you
16 --

17 A. It was very odd.

18 Q. Okay. What did Joseph do then?

19 A. He disappeared. And after I said no, I like -- you
20 know what I'm saying, he disappeared, and I dozed
21 back off.

22 Q. Okay. What was the next thing you remember
23 happening?

24 A. I heard something outside of my window going like
25 this (indicating).

1 Q. Let me ask you this. What side of the house was
2 your room on?

3 A. Right there where that basketball goal at.

4 Q. On the left side?

5 A. Yes.

6 Q. Is that the side of your house on that TV screen?

7 A. Yes, sir.

8 Q. And I'm referring to State's Exhibit 13. Did you
9 have a window unit in your room?

10 A. Yes, sir.

11 Q. Is that your bedroom window where the window unit
12 is in that picture?

13 A. Yes.

14 Q. I'll show you a close-up if you need it.

15 A. The first room was my twin brothers' room. The one
16 with the AC is my room. But my twin brothers
17 hardly ever slept in that first room, they slept
18 with my mom.

19 Q. Say that again, I'm sorry?

20 A. The first room was my brothers' room, the second
21 one with the AC is my room. The twins hardly ever
22 slept in their room, they slept with my mom.

23 Q. Okay. That's your brothers' room?

24 A. Yeah.

25 Q. And back here is your room?

1 A. Yeah.

2 Q. Okay. When you wake up the second time, what wakes
3 you up?

4 A. A noise going like this(indicating).

5 Q. Could you tell where it was coming from?

6 A. The side of my window right where the AC is.

7 Q. Was it coming from the outside of your room?

8 A. Yes.

9 Q. Did you hear anybody talking?

10 A. No talking.

11 Q. Did you know what it was or did you think -- what
12 did you think it was?

13 A. At that time, I didn't know what it was.

14 Q. Okay. And what did you do?

15 A. I got up. I peeped my head like -- if you put a
16 picture of the front of my house, I can show you
17 where I peeped around the corner.

18 Q. State's Exhibit 3. Did you get up and leave your
19 room when you heard the noise?

20 A. Yes.

21 Q. Did you go outside?

22 A. Yes.

23 Q. What door did you go out?

24 A. The front door, the open door right there.

25 Q. Okay. When you came out this door, where did you

1 go?

2 A. I walked to that corner right there where that
3 black mat at.

4 Q. When you walked out, did you go to the right or --

5 A. I went right.

6 Q. Walked to this corner?

7 A. Yes.

8 Q. All right. And how far did you go?

9 A. All the way to that corner where the end of the
10 house is.

11 Q. We've seen some other pictures. Is there pavement
12 going all the way to the corner?

13 A. It's like a teeny step down, then it's like another
14 pavement.

15 Q. Okay. Is it paved, I guess, all the way to the
16 corner?

17 A. Yes.

18 Q. Did you leave the pavement at that point?

19 A. I didn't leave the pavement. I was right at the
20 end of the pavement of the end of the house where
21 the -- yes, right there.

22 Q. All right. When you got to the corner, what did
23 you see or hear?

24 A. I said -- I heard somebody say, Hey. And I thought
25 somebody was peeing. It was him. He was around

1 there. I thought --

2 Q. Did you recognize the voice?

3 A. Yeah, him right there(indicating).

4 Q. You are referring to Latroy Sampson?

5 A. Yeah, Latroy.

6 Q. Could you see him?

7 A. No, I couldn't see him at this time.

8 Q. Now, back in that corner, way back in the corner,
9 was there any lights on back there?

10 A. No lights.

11 Q. Did you see your mother at that point in time?

12 A. No.

13 Q. Okay. When you heard someone say, Hey, you
14 identify as --

15 A. Latroy.

16 Q. -- Latroy, what do you do next, or what do you
17 think?

18 A. I thought he was peeing, or something like that, I
19 mean, he had something going, some -- peeing,
20 anything like -- because I did not know, like, what
21 was, like, really going on. So I was just like, My
22 bad, you know what I'm saying? And then I walked
23 back in the house. I didn't know what was going on.

24 Q. Did you close the door?

25 A. Yes, I closed the door.

- 1 Q. What else did you do?
- 2 A. I walked towards my room. Before I got to my room,
3 there was a knock at the door.
- 4 Q. What did you do?
- 5 A. I went back to the door and I opened it.
- 6 Q. And who was at your door?
- 7 A. The dude right there, Latroy.
- 8 Q. And was he standing face-to-face with you at that
9 point when you opened the door?
- 10 A. Yes, he was standing face-to-face. He turned around
11 and his butt was hanging out. Yeah, his butt was
12 hanging out.
- 13 Q. Can you describe what other clothing he had on?
- 14 A. Nothing but pants. I don't know if the dude had on
15 drawers or not, but his butt was hanging out.
- 16 Q. Did he have a shirt on or anything?
- 17 A. No, he didn't have no shirt on.
- 18 Q. And what did he say to you?
- 19 A. He like, Come here, let me tell you something,
20 something crazy, like, Come here, but --
- 21 Q. What did you do?
- 22 A. I kind of walked towards him, but I got -- I was
23 like, Nah.
- 24 Q. Did you come out of the house -- did you come out
25 of the house on the porch?

1 A. Yes, I came out. I came on the porch.

2 Q. And where was he going, trying to get you to come
3 with him?

4 A. He was going -- he was trying to take me to the
5 corner of the house.

6 Q. Back to this corner?

7 A. Yeah, back there behind where they found my momma
8 at.

9 Q. He walked ahead of you?

10 A. Yes, he was ahead of me.

11 Q. All right. And when you came out, again, you take
12 a right and follow him?

13 A. Yes, sir.

14 Q. How far did you get before you stopped?

15 A. Sort of like at the end of that -- my brothers'
16 window.

17 Q. Referring to this window here?

18 A. Yes.

19 Q. All right. Was Latroy still close to this corner?

20 A. I think so, because I turned around.

21 Q. Describe what happens when you leave -- when you
22 first walk out the door, tell the jury what
23 happened.

24 A. When I first walked out -- like back when I first
25 walked out the door when he knocked?

- 1 Q. Yes.
- 2 A. When I came out the door, this dude had his butt
3 hanging out.
- 4 Q. And what are you -- were his pants down?
- 5 A. Yeah, but he was trying to pull them up at that
6 time, you know what I'm saying.
- 7 Q. And continue on. What happened when you -- as you
8 walked out to the porch?
- 9 A. So I walked out on the porch. The dude was like,
10 Come here, let me show you something, something
11 like that. I just had a feeling, Nah, don't go,
12 don't go. So I turned around. Next thing you
13 know, somebody attacked me from the back.
- 14 Q. All right. And where did you turn around at again?
- 15 A. Like at my brothers' window.
- 16 Q. Right here?
- 17 A. Uh-huh.
- 18 Q. Turn around and just go back this way?
- 19 A. Yes.
- 20 Q. Someone tapped you on the back. What do you mean?
- 21 A. No, attacked.
- 22 Q. Attacked, I'm sorry.
- 23 A. Yes.
- 24 Q. Describe what that means.
- 25 A. Like hit me in the back of my head and pulled, but

- 1 I was -- I started running so fast, it just
2 snatched. I fell, got back up. Gone. Left him.
- 3 Q. Where did you run?
- 4 A. I ran like around the corner.
- 5 Q. Around this corner?
- 6 A. Yeah.
- 7 Q. To your left?
- 8 A. Yeah.
- 9 Q. Kind of between these apartments and your house?
- 10 A. Uh-huh.
- 11 Q. Go back a second. Was there anybody else out here
12 other than Latroy?
- 13 A. No, he was by hisself.
- 14 Q. And how close was he to you when you turned around?
- 15 A. From like me to this little stand right here.
- 16 Q. The edge of this stand?
- 17 A. Uh-huh.
- 18 Q. That's how close you were to him?
- 19 A. (Nods affirmatively.)
- 20 Q. And is that when you turned around?
- 21 A. Uh-huh.
- 22 Q. And when you attacked -- again, describe what you
23 mean, you got attacked?
- 24 A. I felt something hit me in the back of my head and,
25 know what I'm saying, pull.

1 Q. Okay. Did you have the same haircut you have now?

2 A. Yeah, the same hairstyle.

3 Q. I show you what has been marked State's Exhibit 15.

4 Can you see that good?

5 A. Yes.

6 Q. What does that look like in that picture?

7 A. My hair.

8 Q. Your hair?

9 A. Yes. Dreads.

10 Q. I am going to show you -- I'm going to have it on
11 the TV screen in a moment, but I show you State's
12 Exhibit 14. Is that kind of a backed-up view of
13 your hair on the porch?

14 A. Yes, that's my dreads.

15 Q. Is that near the front door?

16 A. Yes.

17 Q. Just in this picture, you are referring to the
18 dreads right here close to the door?

19 A. Yes.

20 Q. Okay. And based off State's Exhibit 14, point
21 out -- go back to State's Exhibit 3, your dreads in
22 this right here, that area left of the door?

23 A. Yes.

24 Q. Is that about where you were right after you turned
25 around trying to go the other way?

- 1 A. Yes.
- 2 Q. Does he say anything else to you other than, Come
3 here, I want to show you something?
- 4 A. Yes. When I got like -- when I started running at
5 Pam, the lady, when she -- when I start towards
6 her, he was standing at the driveway, talking
7 about, Come here, Come here, you know what I'm
8 saying, like trying to get me to come back, or
9 something like that. That's when I just left all
10 of them.
- 11 Q. Where did you see Pam and them at?
- 12 A. I saw Pam by herself.
- 13 Q. Okay. Where was she at?
- 14 A. Like in the middle of -- like in front of her porch
15 like.
- 16 Q. In front of her porch?
- 17 A. Yes.
- 18 Q. Like at the second house --
- 19 A. Yeah.
- 20 Q. -- of the apartments? Kind of around this corner?
- 21 A. Yeah.
- 22 Q. All right. Where did you go from there?
- 23 A. I left Pam.
- 24 Q. Did you keep running?
- 25 A. Yeah, I kept running.

- 1 Q. Is there a way out the back, back behind --
- 2 A. Yeah, I made a way.
- 3 Q. I'm sorry?
- 4 A. Yeah, I made -- I don't know if it's a way, but I
- 5 made a way, yeah.
- 6 Q. And where did you go from there?
- 7 A. I went behind a trailer. The last trailer behind
- 8 all them apartments, I went behind there and I came
- 9 out in Ms. Dot -- Ms. Dot yard. It is another
- 10 trailer on the next street. I came in front of her
- 11 house and took off walking.
- 12 Q. What were wearing at that point?
- 13 A. Nothing. I was in bed, so I didn't have no socks
- 14 on, no shoes on. I just had my gym shorts on.
- 15 Q. Did you run into anybody?
- 16 A. No, I ran --
- 17 Q. Did you get somebody to come back to the house with
- 18 you?
- 19 A. Yes.
- 20 Q. And who was that?
- 21 A. Joseph and Albert Simmons.
- 22 Q. And where did you find Joseph at?
- 23 A. I found them on the four-way apartment crossroad
- 24 and all -- like the four-way of the whole
- 25 neighborhood.

1 Q. And they walked back to the house with you?

2 A. Yes, sir.

3 Q. When you got back to the house, what happened?

4 A. When I got back to the house, I was telling them to
5 go check my house, you know what I'm saying, like

6 --

7 Q. At that point in time, did you have any idea where
8 your mother was or anything had happened?

9 A. No, I didn't.

10 Q. All right. When you get back to the house --
11 describe what happens when you get back to the
12 house?

13 A. I'm telling them like, Go check the house, you know
14 what I'm saying, like, go see what's going on. So
15 they went on inside -- they went inside the house.
16 And I walked to the side of building because I had
17 a feeling, you know what I'm saying. I just wanted
18 to check it out and see what was going on on the
19 side of my window. I went and I seen a body --

20 Q. Talking about going back here?

21 A. Yes.

22 Q. All right.

23 A. And I seen somebody, you know what I'm saying. It
24 had hair. So I just ran in the house. I got my
25 cell phone and used the light. And that's when I

1 found momma. I'm like, Momma, get up, Momma, get
2 up, Momma, get up, you know what I'm saying. I
3 tried to lift her up, but she wouldn't move, so I
4 just run to the front screaming, like, you know
5 what I'm saying, like, I was devastated. I done
6 lost my momma.

7 Q. Were you the first person to get to your mom at
8 that point?

9 A. I'm thinking, yes.

10 Q. Where was Joseph at?

11 A. Somewhere behind me, somewhere around -- he was
12 around.

13 Q. Did he end up going to her as well?

14 A. Yes.

15 Q. Did you see him go to her?

16 A. Yeah.

17 Q. Did he -- what did you see him do?

18 A. I left my mom back there, like, I couldn't go back.

19 Q. You didn't go back in that part of the house?

20 A. No.

21 Q. Did law -- did somebody call 9-1-1?

22 A. Yes, plenty of people.

23 Q. Did the police --

24 A. Everybody I walked past, I told them to call 9-1-1.

25 Q. And the law people did show up, both law

1 enforcement, First Responders, as well as just
2 people in the neighborhood?

3 A. Yes, sir.

4 MR. MAXWELL: Beg the Court's indulgence.

5 (Pause.)

6 Q. Did you speak with law enforcement that morning --

7 A. Yes.

8 Q. -- when they came?

9 A. Yes.

10 Q. Do you remember at all who you talked to?

11 A. Officer Seibles.

12 Q. Do you remember talking to anybody else?

13 A. I think somebody took my report.

14 Q. Okay.

15 A. I forgot who took my report.

16 Q. I'm going to show you two pieces of paper, two
17 different statements. Take a second to look at
18 those. Let me first get you to refer you to that
19 one, okay? Is your name on that piece of paper?

20 A. Yes, sir.

21 Q. Does that purport to be a statement you gave law
22 enforcement?

23 A. Yes, sir.

24 Q. Is there a date and time on the bottom of it?

25 A. 5:45 a.m, 4th of July, '14.

1 Q. 5:45 a.m.?

2 A. Yes, sir.

3 Q. And is your signature on the bottom of it?

4 A. Yes, sir.

5 Q. And is John Seibles, the officer you said you
6 talked to, is his name on it as well?

7 A. Yes, sir.

8 Q. Now, take a second to read that statement.

9 (Pause.)

10 A. Yes, sir.

11 Q. Is there anything -- you say in the statement,
12 going outside twice?

13 A. Say that again?

14 Q. You say in the statement that you went outside to
15 check what the noise was, then you went back
16 inside, and then you heard the knock at the door
17 where you went out the second time. You say that
18 in the statement?

19 A. Yes.

20 Q. Do you? Just check it just to make sure.

21 A. I was asleep when I heard something knocking
22 against my wall. I walked outside and Latroy was
23 standing there. He say, Come around, I want to
24 tell you something.

25 Q. Okay. That's fine right there. Refer to the

1 second piece of paper, please. And in that
2 statement, is that -- is your name on that
3 statement?

4 A. Yes, sir.

5 Q. Is your signature on the bottom of it?

6 A. Yes, sir.

7 Q. And is there a date and time on that?

8 A. 7:50 a.m, 4th of July, 2014.

9 Q. These were both statements you gave early that
10 morning on July 4th?

11 A. Yes, sir.

12 Q. And about what time was it, do you remember,
13 actually finding your mother and the police coming?

14 A. I don't know the time.

15 Q. Okay. Would 4:00 o'clock in the morning sound
16 about right?

17 A. Yes, something like that.

18 Q. And is that statement basically the same as your
19 first statement?

20 A. My first statement, I was like wrecked, devastated,
21 you know what I'm saying, but this one, this is the
22 basics. This detail -- this is all of them details
23 right here.

24 Q. Okay.

25 MR. MAXWELL: No further questions, Your

1 Honor.

2 CROSS-EXAMINATION

3 BY MR. FRICK:

4 Q. Mr. Stone, you said the second statement had all
5 the details in it?

6 A. Yes.

7 Q. I think that's -- is that the same one the
8 Solicitor just talked to you about? That's the
9 second statement. Is that --

10 A. Yes, sir.

11 Q. Okay. Can you show me in there where you talked
12 about going in the house, shutting the door, and
13 then Mr. Sampson coming and knocking on the door
14 and you coming back outside?

15 A. I was asleep in my bed when I heard a noise like a
16 bang outside.

17 Q. Uh-huh.

18 A. Then I went outside to see what it was. I saw
19 Latroy standing -- I messed that up.

20 Q. I'm sorry, what are you --

21 A. I missed the part where he knocked on the door.

22 Q. Okay. So you didn't put that in the statement?

23 A. No, because this is the part -- my momma died that
24 same day, so, you know.

25 Q. I understand. Okay. But that's not in here. And

- 1 the part where he comes to the door and he is
-2 pulling his pants up and his butt is hanging out,
3 where is that in there?
- 4 A. It's not in there. This is the same day my mom
5 passed, so.
- 6 Q. Okay. But you said --
- 7 A. At this time, I was devastated, sir, like, I
8 couldn't get, like, everything out. This is the
9 same day. I found my momma like two or three hours
10 from this.
- 11 Q. A couple of hours. I understand, Mr. Stone. But
12 you just told the Solicitor that's the one that had
13 all the details in it, didn't you?
- 14 A. Most of the details.
- 15 Q. Now, it's most of the details. Okay. And you
16 didn't see who punched you in the back of the head?
- 17 A. I know who punched me in the back of the head.
- 18 Q. You didn't see them?
- 19 A. I know who did it.
- 20 Q. Okay. And you said that he followed you, standing
21 on the edge of the -- about right here is what it
22 sounded like, is that about right, when you go
23 running off?
- 24 A. Yeah.
- 25 Q. And he comes over here still trying to get you to

1 come over?

2 A. Somewhere in between there. I could still see him
3 telling me to come back.

4 Q. Okay. Did he have his pants on then?

5 A. Yeah, his pants been up. Like on our way, like, he
6 was telling me to come to the corner of house, he
7 was pulling his pants up then.

8 Q. Okay. And you ran to that back trailer. Did you
9 stop at all? I'm trying to --

10 A. Yes, Pam Peay stopped me trying to help me out, but
11 I couldn't stay long with her. I left.

12 Q. Now, when all this stuff happened, was Latroy
13 living in that area?

14 A. No. I mean, he was probably living -- homeless, no
15 telling where he was living at.

16 Q. Okay. All right. But you said he was hanging
17 around there a lot?

18 A. Yeah.

19 Q. So he -- I believe you said he was obsessed with
20 your mom?

21 A. Seemed like it.

22 Q. Hanging around like a gnat is what you said; right?

23 A. Like a gnat.

24 Q. Okay.

25 A. All the time.

1 Q. Okay. I mean, did they have anything going on?

2 A. No, my momma is not -- no, huh-uh.

3 Q. Okay. How about Joseph, was he staying around
4 there?

5 A. He chill sometime. My momma and Joseph was, like,
6 real close.

7 Q. Did he stay over there a lot? And I'm saying stay,
8 but I mean would you see him over there a lot?

9 A. Yes.

10 Q. Did he live over there?

11 A. No.

12 Q. Okay. Did you see him every day, every other day?

13 A. Yes. Mostly, every other day.

14 Q. Okay. And you said he and your mom were tight?

15 A. Yeah.

16 Q. I mean, did they have something going on?

17 A. No.

18 Q. Okay. Earlier that day --

19 A. Yes.

20 Q. -- you said that you were someplace playing cards?

21 A. Yes.

22 Q. Okay. And you saw Latroy at some point?

23 A. Yes.

24 Q. That was -- was that Crawford Street, you said?

25 I'm trying to remember.

- 1 A. Crawford Street, daytime.
- 2 Q. Okay. About what time during the day?
- 3 A. Like 2:00 p.m.
- 4 Q. Okay. All right. I mean, did y'all conversate at
- 5 that time?
- 6 A. No. I was playing cards. He just walked up to the
- 7 table.
- 8 Q. Okay. Did he talk with anybody at the table?
- 9 A. Yes.
- 10 Q. Okay. How long were you over there?
- 11 A. I played cards for like two, three hours that day.
- 12 I was playing cards like a long time that day.
- 13 Q. Okay. Did you go straight home?
- 14 A. Afterwards, yes. I had won, so I went home.
- 15 Q. Okay. So at that point it's about 9:30 or so?
- 16 A. Yes.
- 17 Q. You went straight home and went to bed?
- 18 A. Yes.
- 19 Q. Don't know who was in your house?
- 20 A. Don't know who was in my house.
- 21 Q. Where were your younger brothers?
- 22 A. They were sleep.
- 23 Q. Okay. Did they -- were they in their bedroom or
- 24 your mom's bedroom?
- 25 A. My mom's bedroom, because they don't sleep in their

1 bedroom.

2 Q. Okay. Did you go check on them?

3 A. No.

4 Q. Okay. Soon as you get in the bed, you fall asleep?

5 A. Yes, I was asleep.

6 Q. And I believe you said at some point Joseph comes
7 in?

8 A. Yes.

9 Q. Got two bottles of liquor?

10 A. Yes.

11 Q. And asking you if you wanted to drink?

12 A. Yes.

13 Q. Do you have any idea when that was?

14 A. No.

15 Q. Okay. You've been here for most of the testimony
16 today; correct?

17 A. Yes.

18 Q. Okay. And you were here when I believe it was
19 Ms. Peay said that she talked to Latroy; right?

20 A. Yes.

21 Q. And she said that there was some statement about
22 you stealing somebody's stash?

23 A. Yes, she said that.

24 Q. Okay. You didn't take nobody's stash?

25 A. Never.

1 Q. That's not why anybody would want to hit you in the
2 back of head?

3 A. Never. No. The reason he hit me in the back of
4 the head because he didn't want me being what I'm
5 doing now, being here doing what I'm doing now. He
6 tried to kill me.

7 Q. He did?

8 A. Yes. That's what I'm thinking, he wanted to kill
9 me.

10 Q. Okay.

11 A. Because he knew I was going to take up for my
12 momma, being here doing what I'm doing now. He
13 didn't want me here.

14 Q. Okay. Well, when you went down to the trailer, did
15 you come back to Garden Street?

16 A. Yes.

17 Q. In fact, you came back and got Joseph and a couple
18 of other people and went to your house; right?

19 A. Yes.

20 Q. You so concerned somebody is trying to kill you,
21 he's done ripped the hair out the back of your
22 head, you go get Joseph Sampson?

23 A. Yes, sir.

24 Q. You don't go find law enforcement?

25 A. I didn't know it was this serious. Like, for what?

1 Q. So you didn't know now what he was going to do, but
2 now you're convinced he was going to kill you?

3 A. Yes, because now I know why it was he trying to do
4 it.

5 Q. Prior to all this stuff, did you get along with
6 Latroy?

7 A. Yes. He was a cool dude. I used to see him
8 around.

9 Q. Okay. But now he's a bad guy who was a gnat
10 hanging around your house?

11 A. Yes.

12 Q. Okay. Were there any other dudes that hung around
13 with your mom?

14 A. Joseph, Sheon, who was here earlier. She hung
15 around a couple of people.

16 Q. Okay. Did you ever see her get in any arguments
17 with them?

18 A. Not really.

19 Q. She ain't never argued with Joseph?

20 A. Yeah. Her and Joseph was like close. They argue
21 about little petty stuff all the time.

22 Q. All the time. Okay. All right.

23 MR. FRICK: Thank you, Mr. Stone. That's all
24 the questions I have.

25 MR. MAXWELL: A few questions, Your Honor.

REDIRECT EXAMINATION

BY MR. MAXWELL:

Q. Matthew, did you specifically seek out Joseph when you were running away, or is that just who you ran into?

A. I ran into Joseph.

Q. You weren't searching him out?

A. No.

Q. And did you have your phone with you when you ran from your house?

A. No, no phone with me, no.

Q. And as far as Joseph and your mother's relationship, did you ever see any physical arguments between them?

A. Huh-uh.

Q. Is that yes or no?

A. No.

Q. And just refer you back to the two statements you gave, one at 5:45 a.m., the other at 7:50 a.m. In both of those statements you identify Latroy Sampson as the person on your porch?

A. Yes.

Q. And did you identify him as the person that tried to get you to come outside to that corner of the house?

1 A. Yes.

2 Q. Did you identify him as the person who assaulted
3 you?

4 A. Yes.

5 Q. And pulled your hair out?

6 A. Yes.

7 MR. MAXWELL: No further questions.

8 MR. FRICK: Nothing further, Your Honor.

9 THE COURT: All right, sir, you may step down.
10 (Witness steps down.)

11 THE COURT: Yes, sir?

12 MR. MAXWELL: Your Honor, the State rests.

13 THE COURT: All right, ladies and gentlemen of
14 the jury, I am going to send you back in the jury
15 room, and I will have you back out shortly.

16 All right. Thank you.

17 (WHEREUPON, the jury retires to the jury
18 room at 12:39 p.m.)

19 THE COURT: All right. Anything -- the State
20 has rested. Anything from the Defense?

21 MR. FRICK: Your Honor, at this time, the
22 Defense would move for a directed verdict. Taking
23 the evidence in the light most favorable to the
24 State, I believe you can decide this as a matter of
25 law. It does not need to be sent to the jury.

1 There is no direct evidence in this case saying
2 that Mr. Sampson is, in fact, the person who killed
3 Ms. Stone. There is circumstantial evidence, but
4 as the Court is aware, it must be more than merely
5 circumstantial and speculative evidence. It has
6 got to be substantial circumstantial.

7 There is no witness who sees the event. There
8 is -- perhaps the DNA evidence can be classified as
9 substantial, but I would say it is merely
10 speculative as well, in that all it can do is
11 identify that Mr. Sampson cannot be excluded
12 because of this Y DNA chromosome. It does not say
13 that it is him, so therefore it is merely
14 speculative and not substantial circumstantial.

15 And based on that, I would move for a directed
16 verdict of not guilty.

17 THE COURT: Yes, sir?

18 MR. MAXWELL: Very briefly. You have several
19 eyewitnesses putting Latroy Sampson with the
20 victim, Jennifer Stone, leaving Crawford Street,
21 together shortly -- late morning hours of July 4th
22 shortly before she was found dead.

23 You have David Lee Davis putting both of them
24 clearly on the side of the house where her body
25 ended up and she ends up dying.

1 You have her son Matthew inside the house
2 putting Latroy Sampson there trying to assault him,
3 putting him back in the corner right next to the
4 body of Jennifer Stone.

5 And then you have a DNA profile that matches
6 his Y strand of DNA.

7 I think there is clearly enough evidence --
8 overwhelming evidence for this case to go to the
9 jury.

10 THE COURT: All right. The Court finds that
11 there is substantial circumstantial evidence
12 putting the Defendant at the scene within a short
13 time of the initial person finding the victim's
14 body.

15 There is also eyewitnesses, I believe it is at
16 least two or three witnesses who see him leave
17 Ms. Trapp's home or leave with her.

18 There is also eyewitnesses who see him
19 within -- I think the testimony would be within
20 minutes of hearing some incident occurring outside
21 of the house.

22 Furthermore, the Court finds that the DNA YSTR
23 strand puts his Y chromosome, I believe, on the
24 body of the victim.

25 All these things together the Court finds are

1 substantial enough for the case to go to the jury
2 as a question of fact. The motion for directed
3 verdict is denied.

4 All right. So, Mr. Frick, have you had an
5 opportunity to speak with your client regarding
6 presenting evidence and testifying?

7 MR. FRICK: We have. I would request just a
8 little bit more time to finish up some stuff.
9 Based on the presentation today, there is some
10 stuff I'd like to talk to my client about about
11 whether he wants to testify or not.

12 THE COURT: All right. And what I'll do is go
13 ahead and read him his rights, and then we will, I
14 guess, take a lunch break and bring the jury back.
15 Will you all be ready to argue and charge this
16 afternoon?

17 MR. MAXWELL: I believe so, Your Honor.

18 MR. FRICK: I think so.

19 THE COURT: All right. I'll have her print --
20 over the lunch break, I'll have her print out the
21 jury charge. Y'all can take a look at it and
22 see -- or she can e-mail it to you, whichever is
23 easiest.

24 MR. MAXWELL: E-mail and print.

25 THE COURT: So it is quarter till 1:00. I

1 guess we'll start back at 2:00 o'clock? Is that
2 enough time?

3 MR. FRICK: I think that will be fine.

4 THE COURT: Enough time?

5 MR. MAXWELL: Yes, ma'am.

6 THE COURT: All right. Sir, Mr. Sampson, let
7 me have you stand.

8 (Defendant stands.)

9 THE COURT: And I'll ask the clerk to put him
10 under oath.

11 THE CLERK: Do you solemnly swear or affirm
12 that the testimony you give will be the truth, the
13 whole truth, and nothing but the truth so help you
14 God?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: All right. Mr. Sampson, at this
17 time I am going to explain to you certain rights
18 that you have. If you do not understand anything
19 that I say, please let me know. And if you want me
20 to explain anything in more detail, please let me
21 know. Do you understand?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. We have now reached
24 the stage in your trial where you may present your
25 defense. You have the right to claim the

1 protections given to you by the Fifth Amendment to
2 the Constitution of the United States. This
3 amendment states in part: No person shall be
4 compelled in any criminal case to be a witness
5 against himself. This means that you cannot be
6 required to testify in this case. You may have the
7 right to testify on your own behalf; however, no
8 one can make you testify. This is a personal right
9 and no one can waive that right except you.

10 If you decide to testify, you will be subject
11 to the same rules that govern other witnesses and
12 you may be examined and cross-examined on any
13 relevant issue in this case.

14 In addition, if you have any convictions
15 involving dishonesty or false statements or for
16 crimes punishable by imprisonment for more than one
17 year and this Court determines that the probative
18 value of admitting this evidence outweighs its
19 prejudicial effect to you, the Solicitor will be
20 able to introduce your record to attack your
21 credibility.

22 If you decide to testify, this decision on
23 your part must be freely, voluntarily, and
24 intelligently made with knowledge of the
25 protections given to you by the Fifth Amendment and

1 the consequences of your decision to testify.

2 If you decide not to testify, I will instruct
3 the jurors that they cannot give the fact that you
4 did not testify any consideration whatsoever and
5 that there is to be absolutely no prejudice to you
6 because you did not testify.

7 It is left entirely up to you whether or not
8 you testify. You may talk with your attorney, your
9 family and friends or anyone else, but the final
10 decision will be left entirely up to you.

11 Do you understand what I have explained to
12 you?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Do you have any questions about
15 what I have explained to you?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: And I know you have discussed it
18 with your attorney. We are going to take our lunch
19 break and you can discuss it further with him over
20 lunch.

21 If you do choose to testify, we will be able
22 to proceed or present any evidence, we will be
23 ready to proceed after lunch at 2:00 o'clock.

24 And does he have -- I am assuming he has a
25 prior criminal record because of the LWOP?

1 MR. MAXWELL: He has an armed robbery
2 conviction, Your Honor.

3 THE COURT: All right.

4 MR. FRICK: Just for purposes of us having our
5 conversation, I'd ask whether the Court would allow
6 that to come in. I cannot recite the name and cite
7 of the case, but I know the Court is aware of a
8 fairly recent case that says that armed robbery is
9 not per se a crime of dishonesty.

10 THE COURT: But it carries over --

11 MR. FRICK: It does carry over a year, but I
12 think we still have to do the balance of the 403
13 balancing test to determine whether it is more
14 prejudicial than probative. My concern is, of
15 course, armed robbery is considered a violent
16 crime. Here we are on trial for a violent crime.
17 I would say it might be more prejudicial than
18 probative and under that test may not be allowable.

19 THE COURT: All right. Yes, sir? And I'll
20 have to research the case. I recall reading
21 something, but it has been a minute.

22 MR. MAXWELL: I think it is probative. I
23 think it does go to his credibility, him trying to
24 get out underneath this other violent crime. The
25 rules are there to allow these kinds of convictions

1 if the Defendant chooses to testify. He is still
2 under community supervision. He got out of prison
3 not too long before this happened. I think if he
4 got on the stand, he puts himself at the mercy of
5 maybe answering some questions about how long he
6 had been out on the street, and so forth.

7 THE COURT: All right.

8 MR. FRICK: I would certainly disagree with
9 that assessment. I don't know that the rules allow
10 you to go into him being on supervision. It may
11 perhaps if the Court deems it appropriate and
12 probative talk about the conviction, but I don't
13 think we can talk about being on community
14 supervision.

15 THE COURT: Talking about the conviction is
16 just a question of whether or not he has -- the
17 only way you can get into it is if he denies
18 that -- I mean, other than being an armed robbery
19 conviction.

20 MR. FRICK: Yes, ma'am.

21 THE COURT: Nothing more than that.

22 MR. FRICK: That he's got a conviction?

23 THE COURT: Yes.

24 MR. MAXWELL: The perspective, I guess, I was
25 getting to there was if he gets on the stand, I

1 think we can ask him about where he has been
2 leading up to the events of this and where he has
3 been living. And I think that could come up that
4 he hasn't been out very long to be in this
5 neighborhood. Maybe just get some guidance on that
6 and how to approach that.

7 THE COURT: I will be glad to look at any case
8 law that you may have. I'll look at some over --
9 my law clerk is looking at it now. We'll look at
10 it over the lunch break. So I will tell them 2:15.
11 And then we'll know by then if your client is going
12 to testify. Then I'll have to send them back in
13 the jury room for a little bit while we look at --
14 go over the jury charges if he is not going to
15 testify.

16 Okay. Let me bring -- let's bring them back
17 out real quick. All right.

18 (WHEREUPON, the jury came into open
19 court at 12:52 p.m.)

20 THE COURT: Ladies and gentlemen of the jury,
21 as you have heard, the State has rested.

22 As I explained to you earlier in the trial,
23 the Defendant does not have to put up any
24 witnesses, does not have to testify unless he
25 chooses to do so.

1 And so I am not -- we are going to take a
2 lunch break, and then we will come back and see if
3 they intend on putting up any evidence.

4 If not, we will try to move forward with --
5 we'll see what happens after lunch. I don't want
6 to predict and then be wrong.

7 So I'm going to go ahead and let you all go to
8 lunch. We will hear from them one way or the other
9 around 2:15. So I'll see you all back at 2:15.

10 All right. Thank you.

11 Remember, do not discuss the case.

12 (WHEREUPON, the jury is excused for
13 lunch at 12:53 p.m.)

14 THE COURT: Do you know what case you are
15 talking about, because there is a case, State v.
16 Al-Amin, that says --

17 MR. FRICK: Al-Amin got overruled by this
18 case.

19 THE COURT: Yes. Yes.

20 MR. FRICK: And I think it was Cooper's case.
21 I can't remember the name. It was last year or so.

22 THE COURT: Okay. We'll take a look at it.
23 We will see you all back around 2:00.

24 (WHEREUPON, a lunch break was taken at
25 12:55 p.m.)

1 THE COURT: All right. Are we ready?

2 MR. MAXWELL: Yes.

3 MR. FRICK: Yes, ma'am.

4 THE COURT: All right. Have you had enough
5 time to speak with your client?

6 MR. FRICK: Your Honor, we discussed it, and I
7 believe Mr. Sampson has reached a decision
8 regarding testifying.

9 THE COURT: He is going to testify?

10 MR. FRICK: No, ma'am, he is not going to
11 testify.

12 THE COURT: Okay. All right. I guess you
13 won't need a ruling on the -- if you were asking --
14 if he testified, then I would have to make a ruling
15 on it.

16 MR. FRICK: Yes, ma'am, I think that's a moot
17 point now, so I think we're fine now.

18 THE COURT: All right. So let's talk about
19 the jury charges real quick.

20 I'm sorry, is he going to present any other
21 evidence?

22 MR. FRICK: No, ma'am, the Defense will rest.

23 THE COURT: All right. So we'll let you rest
24 formally in front of them, and then I will send
25 them back out again, make any motions.

1 Did you get the verdict form too? She'll get
2 the verdict form. I'm assuming it will be pretty
3 straightforward. One indictment, guilty or not
4 guilty.

5 Mr. Frick, you will be closing first?

6 MR. FRICK: Yes, ma'am.

7 THE COURT: Are you going to open on the law?

8 MR. MAXWELL: No, ma'am.

9 THE COURT: All right.

10 MR. MAXWELL: Your Honor, I don't have any
11 opposition with bringing them out, resting, and
12 going forward, unless he is making other motions.

13 THE COURT: Let's do this. Why don't you rest
14 for the record, and then we will just do -- and
15 then do you want to make any motions?

16 MR. FRICK: I would just renew my directed
17 verdict motion based on the same ground. That will
18 be it. So if you want me to go ahead and do that
19 now on the record that will be fine.

20 THE COURT: Yes, let's go ahead and do that.

21 MR. FRICK: Your Honor, at this time the
22 Defense would rest.

23 Also at this time I would renew my motion for
24 a directed verdict based on the lack of direct
25 evidence and the evidence that has been provided

1 not being substantial circumstantial evidence.

2 THE COURT: Yes, sir?

3 MR. MAXWELL: The same argument I had.

4 THE COURT: All right. I will respectfully
5 deny the motion for the reasons the Court stated
6 previously.

7 MR. FRICK: I understand.

8 THE COURT: Did you all have a chance to --
9 because I have not looked at the jury charge. Have
10 you all had a chance?

11 MR. FRICK: I did, Your Honor. I have two
12 issues.

13 THE COURT: Okay.

14 MR. FRICK: Based on the evidence that has
15 been presented, I think the jury can surmise that
16 my client was present at the scene, but I think I
17 can also argue that he not necessarily participated
18 in the ultimate act, so I would ask for --

19 THE COURT: Is there a mere presence?

20 MR. FRICK: I would ask for mere presence. I
21 didn't see --

22 MR. MAXWELL: There is one in there.

23 MR. FRICK: Well, I didn't see --

24 MR. MAXWELL: There is one, yes, ma'am.

25 THE COURT: We'll put mere presence in there.

1 Is that what you're asking?

2 MR. FRICK: Yes, ma'am, I'm asking for mere
3 presence.

4 THE COURT: Okay.

5 MR. FRICK: Additionally -- and I don't
6 understand why it works this way, but in the
7 circumstantial evidence charge, I believe you're
8 using the traditional circumstantial evidence
9 charge. The Logan case, which I'll pass forward,
10 in the Logan case they did a different
11 circumstantial evidence charge.

12 And it basically says if I ask for it, I think
13 I can get it, but if I don't ask for it, then it
14 goes with the standard traditional language, which
15 I believe is what you have.

16 THE COURT: So what is it that you want?

17 MR. FRICK: It's at the bottom of Page 6.

18 THE COURT: Is that not the same?

19 MR. FRICK: No, ma'am.

20 THE COURT: It sounds the same.

21 MR. FRICK: It starts the same --

22 THE COURT: Okay.

23 MR. FRICK: -- but it goes into a little
24 different explanation of circumstantial evidence.

25 (Pause.)

1 THE COURT: What is your position on charging
2 the Logan circumstantial evidence?

3 MR. MAXWELL: I think if he asked for it,
4 legally he's entitled to it. I don't think there's
5 a legal objection.

6 THE COURT: So you just want me to charge this
7 instead of the other one?

8 MR. FRICK: Yes, ma'am.

9 THE COURT: Anything else, Mr. Frick?

10 MR. FRICK: That's all I have.

11 THE COURT: Do you have anything?

12 MR. MAXWELL: Identity, I guess, is in there?

13 THE COURT: I haven't looked at it.

14 MR. MAXWELL: I didn't get a chance to.

15 THE COURT: The identity charge -- do you have
16 a charge for the identity?

17 MR. MAXWELL: What I have is the judicial
18 instructions. I thought there was one in there.

19 THE COURT: Let me look at the charge.
20 Identification.

21 MR. MAXWELL: I think that's it.

22 THE COURT: So you want the one that reads,
23 And the issue in the case is the identification of
24 the Defendant --

25 MR. MAXWELL: Well, I think there's several

1 people saying it's him.

2 THE COURT: -- as the person and the State has
3 the burden of proving that beyond a reasonable
4 doubt. You must be satisfied beyond a reasonable
5 doubt of the accuracy of the identification. Is
6 that the charge?

7 MR. MAXWELL: Yes, ma'am.

8 THE COURT: All right. Are ready to bring
9 them in?

10 MR. MAXWELL: Yes, Your Honor.

11 THE COURT: Here's the verdict form. Y'all
12 just take a look at it to make sure it's good.

13 MR. MAXWELL: It looks fine.

14 MR. FRICK: Yes.

15 THE COURT: All right. We're ready to bring
16 them in.

17 (WHEREUPON, the jury enters the
18 courtroom at 2:34 p.m.)

19 THE COURT: All right, ladies and gentlemen of
20 the jury, I hope that you had a good lunch.

21 At this time I will -- as we stated before
22 lunch, the State has rested at this time. We will
23 see if the Defense has any evidence that they wish
24 to present, although they are not required to do
25 so.

1 MR. FRICK: The Defense rests, Your Honor.

2 THE COURT: All right.

3 All right, ladies and gentlemen of the jury,
4 the State has rested. The Defendant is not
5 presenting any evidence. As I stated to you
6 earlier, the Defense does not have to, the burden
7 is solely upon the State to prove the Defendant
8 guilty beyond a reasonable doubt.

9 And at this time we are ready for closing
10 argument. You will hear first from Mr. Frick on
11 behalf of the Defendant, and then you will hear
12 from Mr. Maxwell on behalf of the State. Following
13 the closing arguments, you will hear the charge on
14 the law from the Court.

15 All right. Please pay close attention to the
16 lawyers and their arguments. Thank you.

17 MR. FRICK: Thank you, Your Honor. Solicitor.

18 CLOSING STATEMENT

19 MR. FRICK: Mr. Foreman, ladies and gentlemen
20 of the jury, it is almost time for y'all to get
21 down to business and going back there deliberating.
22 You just have to suffer through hearing from me and
23 Mr. Maxwell, and then you'll hear about the law and
24 go back.

25 You've heard everything there is to know about

1 this case. As I said at the beginning and the
2 judge has said, and I'm going to say again, the
3 burden is entirely over here for the State to prove
4 their case. They have to prove that Latroy Sampson
5 did what they say he did. He does not have to
6 disprove their case. He does not have to prove
7 that he is innocent. And I know we're all familiar
8 with that concept. I'm simply reiterating it to
9 you so you clearly understand that by not putting
10 up any evidence or not testifying, you are not to
11 form any conclusion by that. In fact, it is not
12 even to be considered.

13 So what you have to simply do is look at what
14 was presented to you by the State and determine
15 whether they have met the high burden of beyond a
16 reasonable doubt. Not, is it more likely than not,
17 I think he did it, he kind of looks like he did it,
18 but did he do it? Is that the man who choked the
19 life out of a person? I submit to you, the
20 evidence does not prove that.

21 Remember what I told you before, is there any
22 other reasonable explanation? Yes. Who is the
23 last person holding her when she takes her last
24 breath? There is reasonable doubt right there
25 regarding Latroy Sampson.

1 Now, in a minute the State is going to come up
2 here and talk about the evidence they have and how
3 it does suggest it, and then they're going to point
4 out one thing, that Mr. Sampson went to New York.

5 Now, that's a factor, you're welcome to
6 consider that. But the fact that he went to New
7 York doesn't mean that he did anything wrong.
8 Maybe he's got family there. Maybe he had business
9 there. Maybe he had something else going on.
10 Maybe he had no idea what happened. It is not
11 illegal for him to go to New York. If he didn't do
12 it, there is no problem with him going.

13 But this is what the State has to rely on.
14 They want you to see these things, like going to
15 another place. Scant evidence that suggests that
16 maybe possibly it could be maybe someone related to
17 him that did this.

18 They want you to speculate. That's not what
19 this is about. This is not about speculation.
20 This is about proving beyond a reasonable doubt.
21 Does the evidence prove it? No.

22 First, I ask you to take a look at the
23 autopsy. You've got the report back there. This
24 is Dr. Ross's report of her findings. She said it
25 is pretty clear what happened in this case.

1 Someone placed their hands on Jennifer Stone's neck
2 and squeezed the life out of her.

3 Now, what about the hyoid bone? That little
4 bone she said right there. She said it doesn't
5 always break, but it does break. If you're going
6 to apply that type of pressure for up to four
7 minutes, if you go with the State's theory that she
8 is held up against that wall by Latroy Sampson, you
9 really think that little bone would not be broken
10 if he's the one who did it? It's not even bruised
11 according to Dr. Ross's report. Is that plausible?
12 That's what you get to decide.

13 Let's talk about this report. I'm going to
14 harp on this a bit. It's a DNA report. Now, you
15 may think that I gave the DNA expert a little hard
16 time. If you do, I'm not going to apologize for
17 doing my job, but I want you to hold anything
18 against me and don't hold it against Mr. Sampson.

19 But let's be crystal clear, there are two
20 different analyses in here. One, we do the
21 standard DNA where we take a cheek swab and we get
22 your DNA profile, your blueprint that shows all
23 your chromosomes that make up who you are. And we
24 do that analysis versus what we find and make
25 determinations.

1 And then there's another one that they do.
2 The YSTR DNA, which is nothing that can match you
3 to another person. It does not match you to a
4 person. All it does is says whether or not, if
5 you're male, your line goes back to someone else's.
6 That's it.

7 So it could be this person's YSTR DNA, a
8 brother's, another brother, father, grandfather,
9 anybody along that paternal line. But what it
10 cannot tell you is that it is specifically one
11 person or not. All it simply says is there is DNA
12 that matches a string of chromosomes that may be
13 with Latroy Sampson, or anybody else who is in his
14 paternal line. Who might that be? Maybe another
15 person named Sampson?

16 Now, the State will come up here likely and
17 suggest, Well, you've heard about the family tree.
18 I mean, the stepdad was a Sampson, but he's not a
19 Sampson. You also heard there is a whole lot of
20 intermingling amongst the family here, so I think
21 it is entirely possible that everybody in this case
22 could be related to a degree. And therefore it is
23 just as possible that that YSTR DNA could be from
24 someone else who was out there that night. Perhaps
25 the last person holding her that night.

1 Now, let's talk about what they do have in the
2 regular DNA when they do the matching, when they
3 look at the chromosomes and determine whether or
4 not it is somebody's DNA.

5 What you have, Item Number 7, which is the
6 left hand fingernail. That is Ms. Stone's left
7 hand right there. They clipped the fingernails and
8 then scrape them and then take swabs to see if
9 there is any DNA under those fingernails. This is,
10 in fact, a close-up where she, in fact, has blood
11 on her finger.

12 Now, if she's got this going on, wouldn't it
13 stand to reason that if she's being held against
14 that wall that she's not simply standing there with
15 her arms at the side, but perhaps trying to fight
16 back, perhaps scratching the person. Maybe the
17 person even ended up with a little scar under their
18 left eye. We don't know.

19 But what we do know is there is, in fact, DNA
20 under her fingernails that's not hers. There's
21 someone else's DNA there under her left fingernail.
22 But it cannot -- cannot -- this is DNA, not YSTR
23 DNA, this is a complete match, okay -- cannot be
24 Latroy Sampson. That is not his DNA under her
25 fingernail on the left hand. In fact, on Item 6,

1 which is the right hand, they cannot make a
2 comparison to anybody who has been submitted. Now,
3 not everybody who was involved in this thing had
4 their DNA submitted. Why are we not interested in
5 that last person who was holding her?

6 Furthermore, you've got another item, very
7 interesting. This is quite interesting. In
8 State's, I think it is 20 -- I think it is the most
9 interesting in 26 and 27. The air conditioner
10 that's in that little teeny alleyway. I call it an
11 alleyway, it's just kind of a side yard. There is
12 what the SLED agent called a piece of human. This
13 is flesh laying on this air conditioner that
14 morning when law enforcement is there to process
15 the scene. It is not Latroy Sampson. It is, in
16 fact, Mr. Marcus Douglas, who tells you some
17 amazing story about how he's able to vomit out this
18 window without this air conditioning unit falling
19 out and it's got no support up under it.

20 Now, the key part. Talk about Item Number 9.
21 They do a swab on Ms. Stone's neck. Okay?
22 Remember, there is two different analyses on this.

23 The first analysis on Item 9 is the DNA. Can
24 we match up all the -- can we say that it is a
25 particular person? And what they say is, No, we

1 cannot. We can't match it to anybody. So we can't
2 conclusively say that it is some particular person,
3 but it is a mixture.

4 When we do the YSTR DNA, we determine it is --
5 we take the male part -- because it has got Ms.
6 Stone's DNA, and then there's a male part. That's
7 what the YSTR is looking for is the male part. And
8 we actually determine it's two different males that
9 contributed to this sample. One of them
10 possibly -- I'll get to that in a second --
11 possibly has the same YSTR DNA, the same DNA, the
12 line that Latroy Sampson has that was passed to him
13 from his father, that gets passed on through every
14 paternal line. It doesn't change without mutation.
15 It doesn't prove that it is an individual person,
16 it proves it is a line. So it could be anybody in
17 that paternal line. It doesn't say it is one
18 particular person.

19 But, folks, don't forget the second part of
20 that. There's another guy. There's two guys that
21 contributed to this. They're only talking about
22 the guy they're interested in, not anybody else.
23 And I say supposedly match, because then they put
24 some number up here to make you believe that, you
25 know, this has some credibility behind it. Well,

1 the chances of randomly finding an unrelated
2 person -- okay, YSTR is all about related people,
3 so I don't understand why this statistic even is
4 put here in the first place if you are going to
5 say, If we compare it to unrelated people. But if
6 you compare it to unrelated people, there is a 1 in
7 8,600 chance of finding this same DNA.

8 You heard the testimony of the database that
9 they use to make this statistic has 25,000 people
10 in it. So if you use their numbers, according to
11 their odds, there is a one in three chance of
12 finding this randomly from somebody else.

13 What does it mean? It means nothing. It
14 certainly is not proof beyond a reasonable doubt.
15 There is plenty of doubt in this test result.
16 Nothing but doubt. It cannot prove anything.

17 And, of course, there is some other items that
18 they examined, T-shirt in the front yard, clearly
19 had DNA of Mr. Stone, and some other items. But
20 the most interesting I believe are 6 and 7 and 9.

21 The other DNA, of course, are some swabs where
22 they find DNA belonging to Ms. Stone on the front
23 of the house. Well, of course, there's DNA on the
24 front of the house, this is where she lived.

25 So, if you can't support it with the DNA, if

1 it's not about where Latroy went, then what do you
2 have? Well, you must have some witnesses. There
3 is no one who saw the event. They saw what
4 happened before, but no one has any idea what
5 happened at the time, with the possible exception
6 of David Lee Davis. But he doesn't even see an
7 event. He sees some people talking. Nobody --
8 nobody can give a clear statement of when anything
9 occurred.

10 Now, I'm not faulting people sitting around
11 having a good time on July 4th, but there was some
12 serious consumption of alcohol going on during this
13 day. That's perfectly fine. But it doesn't make
14 your recollection any better. Your memory is not
15 going to be very good. So no one can give a
16 consistent picture of the chain of events that even
17 gets us to this.

18 Again, it's speculation. Mere speculation.
19 Nothing that you can hang your hat on and say, That
20 is proof beyond a reasonable doubt.

21 All of the statements are inconsistent about
22 who was with whom, where they were, were they
23 sitting over here, were they sitting over here.
24 It's all over the place. Did they go to Heyward's?
25 Did they not go to Heyward's? When did they go

1 there? When did they come back? This is what the
2 State wants you to rely on to convict somebody of
3 murder.

4 And I submit to you that's not sufficient.
5 And I submit to you when you hear the instruction
6 on circumstantial evidence -- which that's what
7 this is, it's not direct evidence, no one sees what
8 happened, so you have to listen to this evidence
9 and determine whether you want to believe it --
10 well, this doesn't reach the level to satisfy
11 what's required for the State to get a conviction.
12 And you'll hear that charge shortly as the judge
13 gives you the law.

14 Now, David Lee Davis gives a statement and
15 says -- or testifies here today that he saw folks
16 talking. And maybe they were using some loud
17 language, but it was nothing that concerned him.
18 He's the closest one to anything going on. He's
19 the only one that could have seen anything. He
20 says he went to his window and he sees them, but it
21 didn't raise any concerns. He went back to sleep.
22 Didn't feel like there was any reason for him to
23 need to go intervene, call law enforcement, do
24 anything like that. They talk crazy like that all
25 the time.

1 And remember I pressed him on it and asked him
2 about who are we talking about here. He said he
3 only seen -- he lives right next-door. This is the
4 trailer right there. I mean, a little teeny yard
5 right beside the house. He said he had seen -- he
6 called him Tyrone. He didn't even know his name.
7 Then when he looked at him, had no idea what his
8 name was, said he had seen Mr. Sampson a couple of
9 times. He had seen Joseph there all the time, seen
10 him and Ms. Stone hanging out a whole lot. He
11 thought they had some kind of relationship going
12 on.

13 And you heard from Mr. Joseph Sampson, the
14 last person to hold her. Now, I put this in
15 because I want you to take a look at it. This is
16 what he told law enforcement. He can sit up here
17 all day long and say, I didn't make this statement,
18 that John Seibles forged my name on this, all he
19 wants.

20 Well, here it is, ladies and gentlemen. This
21 is the statement that he gave on July 4th at 7:34
22 in the morning.

23 And he even tells the Solicitor at one point,
24 Well, part of it is true and part of it ain't true.

25 Okay, Mr. Sampson, you can't have it both

1 ways. Did they make up the statement or did you
2 give the statement?

3 First he says he and Jen were smoking weed.
4 Well, how do you know that's not true? We have the
5 toxicology report. Jennifer Stone had a blood
6 alcohol level of point 12, legally intoxicated, but
7 she had nothing else other than Benadryl in her
8 system. She did not smoke any marijuana that
9 night. She did not consume any other drug. The
10 only thing she had done is had drunk alcohol.

11 Right there, if you didn't do anything else to
12 not put a word of truth into Joseph Sampson's
13 statement, that right there defeats it entirely.

14 Now, also Her Honor told you on Monday as we
15 began this thing, you get to decide who you want to
16 believe and how much of their statement you want to
17 believe and if you don't want to believe any of it
18 at all. And you get to decide whether they've got
19 any reason to get up here and say what they said.
20 And you get to determine that also based on their
21 demeanor as they're up here testifying.

22 I submit to you demeanor alone showed you that
23 Joseph Sampson did not tell you a truthful thing
24 from this stand.

25 As I said before, it is all about whether the

1 State can prove beyond a reasonable doubt. Is
2 there any other reasonable explanation? Yes. Yes.
3 There were a lot of people over there at that
4 house. It sounds like there are a lot of people
5 who might have had issues with Ms. Stone maybe
6 talking to another man. Maybe. Maybe she was
7 talking to Latroy that night. Maybe someone who
8 was close to her maybe thought that their
9 relationship was a little stronger than it was and
10 got a little upset and confronted her. Maybe they
11 are the ones who actually did this and not Latroy.

12 See, I submit to you they've got just as much
13 on other people as they do on Latroy Sampson, but
14 he's the one here defending the charge.

15 Now, let's talk about what we don't have. You
16 have some stuff in this case that can call into
17 question basically the investigation of the matter.

18 You've got a SLED agent who gets up here and
19 says, When I get there, she's covered with this
20 sheet and this other thing, and I don't know who
21 put it there.

22 I find it a little disconcerting that a SLED
23 agent, who is here to process the scene, has no
24 idea what has happened to the scene before he gets
25 there, because all the information is supposed to

1 be relayed to him. He should have known where that
2 sheet came from, but he can't tell you.

3 Secondly, remember, we have a search
4 warrant. We go into the house. Apparently there's
5 nothing interesting in the house. Oh, wait, we got
6 two cell phones out of the house. But we didn't do
7 anything with them.

8 Well, wait a minute, Investigator, you got
9 this search warrant that says you got the SIM card
10 data.

11 Yes, but there wasn't anything on it.

12 Are you kidding me? The card in the phone
13 that has all the data that has ever been on that
14 phone and We don't have it?

15 Then this brown shirt. I mean, first of all,
16 you've got the person who is the last person to
17 hold her as she is taking her last breath,
18 supposedly, who is trying to do a good thing and he
19 takes off his shirt and covers her up. Covered up
20 her private parts with it. There's a photograph of
21 it. You can take a look at it. It is covering
22 her.

23 When we do the autopsy, we need -- we
24 determine we need to do a rape kit to see whether a
25 sexual assault occurred. Here you've got a T-shirt

1 over her private parts and no one takes it into
2 evidence.

3 Then, looking at the SLED chain of custody, we
4 have got Item Number 18, one heat-sealed pouch
5 containing jewelry, described as one lip ring stud.
6 Not submitted. Item is present on autopsy
7 paperwork, but not present at inventory.

8 Oh, that's just a mistake. It was written
9 down wrong. Don't worry about it.

10 It was important enough for the doctor to
11 document, you put it in the chain of custody.
12 There's a pouch. It's not like it didn't exist.
13 There is actually a pouch. That's what this tells
14 you. There is an empty envelope that says it
15 should contain something that has nothing.

16 But don't worry about that, that was just
17 written down wrong.

18 Folks, this is a murder case. It doesn't get
19 any more serious. And the State wants you to pin a
20 case on speculation and pay no attention to the
21 minor details like cell phones, like T-shirts that
22 were in places that could have possibly had
23 evidence, pay no attention to a lip stud. It's not
24 important. Don't worry about. No. Every bit of
25 it's important. And every bit of it contributes to

1 the mounting reasonable doubt.

2 Pretty clear from the testimony, Latroy
3 Sampson was over at ■ Garden Street that night.
4 He went over there. It could be possible that he
5 was the person to hit Matthew Stone in the back of
6 the head.

7 But I suggest to you if that is what
8 happened -- and he can't conclusively tell you
9 because he has no idea. He didn't see anything.
10 He walks outside. He doesn't look around the
11 corner. He hears a voice.

12 And then at the moment in time when you think
13 his memory would be best, he tells law enforcement
14 not once, but at least twice, that's when he had
15 the conversation.

16 Then he comes in here today almost two years
17 later, or more than two years later, to tell you
18 Oh, yeah, I went back in the house, closed the
19 door, laid back down, then he came and knocked on
20 the door, and then I opened it up, I got back out.
21 And then when I looked there, his butt is hanging
22 out.

23 These are all, I would say, significant
24 details. They were left out of the statement that
25 should be the best one. In fact, he told you one

1 of them was the statement that had all the details
2 in it. Clearly Mr. Stone is upset, and he's got
3 every right to be upset. He lost his mother that
4 day. But, because he's been told that it's
5 Latroy -- not that he knows, he's been told it's
6 Latroy -- that must be the bad guy, so let's talk
7 about this.

8 Even if all of that stuff occurred with Mr.
9 Sampson, Mr. Sampson is there. Being there ain't
10 enough. It's called mere presence. The judge is
11 going to tell you about that shortly.

12 And remember the story I told you about the
13 cat in the trash bag, okay? I wasn't telling that
14 story to try to be cute or funny or try to, you
15 know, compare it to anybody in this case. I do
16 that as an illustration.

17 The cat is sitting beside a torn open trash
18 bag. That's proof, but is it beyond a reasonable
19 doubt? I have no idea whether the cat had been
20 outside or inside because I let the cat out, other
21 people let the cat in, some people let the cat out.
22 I don't know what happened with the cat. I don't
23 know where the cat was. It could have been a
24 possum, raccoon, any other animal crawled up on my
25 front porch and tore open that trash bag.

1 You have evidence, you have circumstantial
2 evidence, but you don't have sufficient evidence to
3 show beyond a reasonable doubt that that's what
4 happened. The cat was merely there.

5 Mr. Sampson was merely there. That doesn't
6 make him guilty. No one can put him on the other
7 side of that house when the fatal event occurred.

8 But there is someone there who tells you on
9 July 4th, shortly after the incident, She was alive
10 and tried to talk to me. That's what Joseph
11 Sampson said. He admits he's the last person
12 holding her when she takes her last breath. That's
13 reasonable doubt.

14 Remember, what they want you to rely on is the
15 speculation of the report. It doesn't say what
16 they want it to say. They want you to make a
17 conclusion on speculation. That's not how this
18 works.

19 Beyond a reasonable doubt means that there is
20 no other reasonable explanation, and there is.
21 This proves nothing except that whoever she
22 scratched wasn't Latroy Sampson.

23 And I submit to you it's actually unreasonable
24 to believe she's pinned up against that house, life
25 being choked out of her and she didn't scratch

1 somebody. In fact, this does suggest that she did.
2 And it suggests that it's a male. It's not that
3 male. And we know that because it is not his DNA.
4 That, ladies and gentlemen, is reasonable doubt as
5 well.

6 You have everything here. You have all these
7 pictures and anything else that you may need that
8 has been submitted into evidence. And once you
9 weigh it all, I know that you will reach the
10 conclusion that the State has not met their very
11 high burden, very important burden, of
12 reasonable -- beyond a reasonable doubt.

13 Is there any other explanation? Yes. Yes.
14 Latroy Sampson is not guilty.

15 Thank you very much for your time and
16 attention.

17 MR. MAXWELL: May it please the Court?

18 THE COURT: Yes.

19 CLOSING STATEMENT

20 MR. MAXWELL: Good afternoon, ladies and
21 gentlemen. Again, thank you for your time and
22 attention in this important matter. In just a
23 couple of minutes, you will be asked to go back
24 into the jury room and make a tough decision. But
25 what I submit is while it is a tough decision, it

1 is going to be an easy decision.

2 Beyond a reasonable doubt is a high burden.
3 In just a few minutes when Judge Benjamin instructs
4 you on what reasonable doubts means, one of the
5 things she's going to tell you is beyond a
6 reasonable doubt does not mean beyond all doubt.
7 We don't have to prove our case up to 100 percent,
8 even though I think it comes pretty close, if not
9 to 100 percent. We don't have to prove this case
10 beyond all doubt, we just have to prove it beyond a
11 reasonable doubt.

12 That means when you consider the testimony
13 from this witness stand and all this evidence that
14 has been presented that you'll have in the jury
15 room with you presented this week, when you form
16 your opinion on this case, whatever doubts you must
17 have -- or may have -- must be in light of all of
18 this evidence.

19 And the evidence does not create any other
20 doubt except it only creates the situation which
21 Latróy Sampson killed Jennifer Stone July 4th two
22 years ago.

23 You get to be the fact finders in this case.
24 You get to take what the witnesses said, put it
25 together, and determine the truth in this case.

1 These witnesses, as Mr. Frick said and as we
2 readily admit, some had been drinking. Some had
3 been drinking longer than others. Their memories
4 are going to be a little inconsistent, but they are
5 consistent where it is important. They are
6 consistent putting Latroy Sampson and Jennifer
7 Stone together on Crawford Street, leaving
8 together, a short while later witnesses putting her
9 and him together at her house, and shortly
10 thereafter she is dead. Those are -- there are
11 consistent statements from the witnesses to those
12 facts.

13 Now, the night, for the most part, started on
14 Crawford Street, the important parts. And this is
15 the map of what has been referred to as Walk One.
16 Down here on the right side, bottom right, is
17 Jennifer Stone's house. This is Garden Street
18 running this way. This is Crawford Street here.
19 Sheon Simmons and Sharon Trapp live -- or lived,
20 basically in this group of buildings here. That's
21 where everybody gathered. There's a lot of
22 apartments and trailers there, bunch of people
23 gathered over there. It sounded like they gathered
24 there on a regular basis. They certainly did on
25 the night of the 3rd and going into the morning of

1 the 4th after midnight.

2 At some point in time -- this kind of goes
3 back to some inconsistency of the witnesses on what
4 time -- I think Joseph said 1:30 is when he's at
5 Pam's. And I think he testified that when he found
6 Jen, it was almost close to 1:30. Well, we know
7 the police responded at 4:07 a.m. That's when
8 Darrell Young pulled up here at Crawford Street. I
9 think Janice Sampson said she was walking down
10 Crawford -- excuse me, Garden Street. She was
11 walking down Garden Street and about 2:00 o'clock
12 is when she hears Jen Stone telling somebody to get
13 out of her house. Sheon Simmons over here says
14 it's between 2:00 and 3:00 o'clock when Joseph saw
15 Latroy and Jen leave walking. They leave walking
16 this way. They go around Abraham Russell's
17 trailer, which I believe is this one or that one,
18 but go around this back side, back out here, and
19 they walk home. Then she was killed shortly
20 thereafter.

21 That timeframe there I believe is more
22 condensed. I think everything happened probably
23 within a 30 to 40 minute timeframe. I think it
24 happened probably between 3:00 or 4:00 o'clock. I
25 think they left here about 3:00 o'clock. The

1 police roll up here at 4:00 o'clock. She was dead.

2 A lot of these people are not people on a
3 deadline, they're not on an alarm clock. It is a
4 holiday. They're not paying a lot of attention to
5 the time. It's the middle of the night, they've
6 been drinking a little bit. 2:00 o'clock, 3:00
7 o'clock, it's not a big difference in their mind as
8 to what happened. But the timeframe is clear in
9 regards to where Latroy and Jennifer were. Late at
10 night, they're here, and 4:00 o'clock they end up
11 here and she's dead.

12 Now, SLED was called in to do the crime scene.
13 They got there maybe about 7:00 o'clock or so in
14 the morning. They process the scene. They took
15 all these pictures. You've seen this, there's a
16 lot of them, several times. And you'll have those
17 pictures back in the jury room. But on the corner
18 of the house, this left corner, there's several
19 notable things in this picture, in that area.

20 There's a fingernail, an acrylic fingernail
21 found right here. There's a screw head that's got
22 her hair in it, or hair consistent with Jen Stone's
23 hair hanging from it. There's blood splatter. You
24 can't say it in this picture, but there's a
25 close-up picture you'll have with you. Right

1 underneath here, there's a leaf you can see in this
2 picture, it has blood drops. There's a close-up
3 picture of that.

4 Additionally, this was pointed out to you,
5 there's the block on the corner and there's a
6 close-up of the fingernail. And that fingernail,
7 as Agent Oliphant testified to, is consistent with
8 the acrylic fingernails she had on her left hand.
9 You see a broken-off acrylic fingernail on her
10 thumb. She lost it in the struggle that began near
11 the corner of the house.

12 This corner here, David Lee Davis saw Latroy
13 Sampson and Jennifer Stone.

14 Additionally, Agent Oliphant photographed and
15 noted some dreadlocks right there by the door, in
16 this area. There is a close-up picture of that.
17 The same hairstyle that Matthew Stone had, and had
18 back in July of 2014.

19 Additionally, Agent Oliphant swabbed Jennifer
20 Stone's neck and took those swabs in for analysis.

21 Law enforcement comes out there at
22 4:00 o'clock in the morning. Very quickly on, they
23 get the name of Latroy Sampson as a suspect. I
24 think Matthew Stone's statement is at 5:39 a.m.
25 And that's a written statement he wrote down and

1 dated. They had probably already named him well
2 before then. David Lee Davis put Latroy Sampson's
3 name in a statement at 5:45 a.m. Again, that's
4 just when that statement is documented. They've
5 got his name to law enforcement well before then.

6 Well, what does Mr. Sampson do? He's nowhere
7 to be found. There is a BOLO, be on the lookout,
8 put out for him that morning. That morning.
9 Someone who is from Winnsboro, is always hanging
10 around this neighborhood, and they can't find him.
11 They can't find him.

12 If Mr. Sampson had nothing to do with this, if
13 he is merely present, as Mr. Frick wants you to
14 believe, and had nothing to do with the assault
15 against Matthew Stone and clearly the death of
16 Jennifer Stone, they would have found him close-by.
17 They would have found him -- they would have woke
18 him up in a bed somewhere, We want to talk to you
19 about what happened earlier. They would have found
20 him at 8:30, 9:00 o'clock walking down the street.
21 They didn't. They didn't find him. Because he was
22 gone. He's in the wind. He may be laying low at
23 somebody's house he trusts, and he hightails it out
24 of there.

25 At 11:45, about 11:45 a.m., his name is in the

1 NCIC, the national database. That if he's caught
2 in a car speeding down 26 or 95 or 77 somewhere and
3 gets pulled over sometime that afternoon, it would
4 have hit. Officers would have got his
5 identification, Oh, you're wanted out of Fairfield
6 County. By 11:45 his name is in that database.
7 Somehow he is able to get away.

8 Three weeks later, on July 25th, I believe,
9 found in Rochester, New York. Rochester, New York
10 is 800 miles away. Rochester, New York is on the
11 coast of Lake Erie. On the other side of Lake Erie
12 is Canada. That's how far he got away from here.
13 He ran because he knew the police were looking for
14 him because he knew he killed Jennifer Stone.

15 He wouldn't have known all these other people
16 were putting his name in it and ran. He ran
17 because he did it. He would have found out later
18 if the police were just going by the statements.
19 If the statements were false putting him in there,
20 they would have found him, he wouldn't have run.

21 A lot of these people gave these statements
22 within just a couple of hours of this. I'm talking
23 about more than Matthew and Joseph, but all of them
24 included Latroy Sampson as the person with Jennifer
25 in her last hours. In her last hours. In her last

1 minutes before her death. All these people are
2 telling police this before the sun comes up. They
3 are not making this up. They are telling you the
4 truth. They are telling the stuff that they saw,
5 what they observed. They didn't have time to get
6 together and say, Let's all blame Latroy. They
7 didn't have time to talk to the police and say,
8 Let's come up with this grand scheme, let's all
9 blame Latroy. They're telling the truth. They're
10 telling the truth when they say Latroy and Jennifer
11 left together from Crawford Street. That Latroy
12 was at Jen's house. Pam Peay, Joseph Sampson say
13 that. Matthew Stone saying, He was on my porch
14 trying to assault me. David Lee Davis put him
15 right there on the corner of that house.

16 Joseph. The Defense seems to want you to
17 think he did this. When did he do it? Why did he
18 do it? He admittedly touched her. When he touched
19 her, he was cradling her. She was dying. She died
20 basically in his arms. Telling her to wake up,
21 wake up. His close friend.

22 The Defense wants you to believe that he
23 strangled her after Latroy, for some reason,
24 assaulted Matthew and ran away. Then they go back
25 and find Jennifer on the side of the house. And

1 Matthew and Quinten standing right there, at that
2 point he's going to take the time to say, Well,
3 I've been meaning to kill her. This is a good time
4 for me to do it. Let me go ahead and strangle her
5 while we're here on this corner while her son is
6 right there. Her son came and got me to come get
7 help -- to help him at that house because Latroy
8 had already assaulted her. That doesn't make any
9 sense. That's speculation.

10 There was a struggle out there right on the
11 corner of that house. It could have began earlier.
12 It could have began inside the house, maybe just
13 near the door when you heard Janice Sampson
14 saying -- heard -- Janice Sampson say she heard
15 Jennifer Stone trying to tell somebody, Get out my
16 house, get out my house. Goes out onto the porch.
17 She bleeds on the vinyl siding on the front side.
18 Her nail comes off. She bleeds on the leaf. Her
19 hair gets caught on the screw. She is forced back
20 into that alley where she is strangled to death,
21 whether he was on top of her or whether he had her
22 up against the side of the house where David Lee
23 Davis basically pretty close put him in position
24 with him strangling her and where his hands were
25 right with her neck, which may have been both. Or

1 drug back further back into that alley where she
2 dies.

3 I don't have to prove to you exactly how that
4 struggle happened. I have to prove that she was
5 killed and Latroy Sampson did it. I don't have to
6 prove to you why he did it. There could be several
7 different motives in this case. That's not a
8 requirement the State has to prove to you, his
9 motive of killing her. There are several different
10 theories of motive.

11 A, just an argument that escalated, escalated,
12 escalated to a point where he decided to take her
13 life or decided to hurt her and that decision to
14 hurt her led to her dying. He may have grabbed her
15 and choked her to scare her and went overboard with
16 it. That's still murder. That's still murder.
17 That's not an excuse.

18 And it may have been some attempt of sexual
19 assault. They didn't find any sperm. If all --
20 tell you the whole story. There was -- we did
21 check to see if there was any sperm. I don't think
22 he got that far, if that's what the motive was.
23 She didn't have anything on her lower body. Her
24 breasts, though, were exposed when she was found.
25 They were exposed before the person actually found

1 her. Clothes are torn. They're out of place. Her
2 son says, Latroy was on his porch, knocked on the
3 door. He turned, he saw the pants were below his
4 butt, he didn't have a shirt on. That could be
5 another reason why he did this. She didn't want to
6 have sex with him at the time. He wanted to have
7 sex. Maybe they had some kind of relationship. I
8 think they probably did have some level of some
9 kind of relationship. I'm not sure exactly what or
10 how often they saw each other or how often he
11 stayed there and spent the night. They were
12 certainly associated with each other. She wouldn't
13 have left with him from Crawford Street if they
14 didn't have some association.

15 Dr. Ross testified that she was strangled.
16 She died due to asphyxiation due to strangulation.
17 She would lose consciousness within seconds of
18 being strangled. A couple of minutes later, that
19 force killed her. The only person that had the
20 opportunity to strangle her for that period of
21 time, that 4-minute period of time Dr. Ross
22 testified to, is Latroy Sampson.

23 The DNA analysis. Again, there is two tests
24 here. The first test was done by Agent Money from
25 SLED. Two or three different items. She had

1 Matthew's DNA, she had Jennifer's DNA, she had
2 Latroy's DNA. And there were certain items that
3 came up clearly as Jennifer. The main item I'm
4 going to talk about is Item 9, the swabs Agent
5 Oliphant took from her neck at the scene. The
6 initial DNA analysis, they determined the major
7 contributor to that DNA sample was Jennifer
8 herself. Makes sense. Her skin, her DNA should be
9 all over her own body. So she's the major
10 contributor. There was two other contributors.

11 Well, Joseph might be one of those
12 contributors. Joseph admits touching her. Darryl
13 Young, the first officer to arrive on the scene,
14 says Yes, Joseph was holding her. David Lee Davis
15 said, Joseph was holding her. Matthew Stone, I
16 believe even said, Joseph went and checked her out
17 and was holding her, cradling her. His DNA could
18 be there. There was not enough DNA to figure out
19 who the other contributor was until they did this
20 other test, the YSTR test.

21 I want to talk a little bit about that. I'm
22 certainly no biologist or scientist. I just want
23 to be clear on what we're talking about when we
24 talk about what the Y is.

25 All males, all males have an X chromosome they

1 got from their mother and a Y chromosome they got
2 from their father. All females have an X
3 chromosome they got from their mother and they have
4 another X chromosome they got from their father.

5 So if this male and female have a child
6 together, each one has to donate one of those
7 chromosomes. If the male donates -- well, of
8 course, the female, all she has to give is the X
9 chromosome. The male can give either or. If the
10 male gives another X, they have a daughter, another
11 female, just like her mother.

12 Now, if they have another son -- or another
13 child, again, the mother is going to give the X.
14 Now the father gives his Y. And they have a son.
15 And if that Y chromosome fathered another son and
16 it could be traced all the way back to granddad.
17 Granddad can pass it down to dad's brothers, and so
18 forth.

19 So that's what they're looking for. They're
20 looking for this Y chromosome that only a male has.
21 A female doesn't have Y chromosomes. And that's
22 what this specialized test does.

23 I have a sister, I don't have any brothers. I
24 got my Y chromosome from my father. He got it from
25 his father. My dad has two brothers. One of his

1 brothers has two sons. His other brother has one
2 son. So I've got three male cousins, two uncles,
3 my father that all have the same Y profile DNA. My
4 daddy's sister's son doesn't have the same Y
5 profile that I would. He's got it from his dad.
6 My grandfather had two brothers. My oldest brother
7 is deceased, and all he had was daughters. He
8 didn't pass on his Y strand. He has a younger
9 brother, still alive. He's got a son. So I have
10 another great uncle and his son that all have the
11 same Y strand because it all came from my
12 great-grandfather. I don't know anybody else,
13 basically, beyond my great-grandfather.

14 But of my three uncles, my father, and my
15 three cousins, all of us having the same Y strand,
16 we get together a couple of times a year,
17 Thanksgiving, Christmas.

18 And if a SLED agent wanted to come in or any
19 law enforcement officer wanted to come in and take
20 a swab from my grandmama's house at Sunday dinner,
21 Christmas dinner, they are going to come back with
22 the same thing saying, same thing in this case, my
23 Y strand DNA is in my grandmama's house at
24 Christmas dinner.

25 Does that tell you anything? No. Because

1 there are several other people there that have that
2 same Y strand DNA.

3 But if the same agent came in here and swabbed
4 right here where I've been standing and I've been
5 touching all week and they did that test, my Y
6 strand DNA is here. That's a much bigger
7 difference. That shows that I was here, and my
8 cousin, my uncles, my father have never been in
9 this courtroom.

10 This Y strand DNA that Agent Oliphant took was
11 not taken from Latroy Sampson's house. It wasn't
12 taken from a place where he lived with his brother,
13 his uncles, his father, his grandfather. It was
14 taken from Jennifer Stone's house where he was. He
15 put that DNA there. That is compelling evidence
16 that he left that DNA on her neck, on the neck of a
17 woman who was strangled to death. The Y strand
18 analysis was just icing on the cake.

19 Again, you've got Sheon Simmons, Sharon Trapp,
20 and Angela McDaniel all saying Latroy and Jennifer
21 left Crawford Street together walking towards
22 Garden Street late at night. They say 1:00
23 o'clock, they might say 2:00 o'clock, they might
24 say 3:00 o'clock. That's a minutia of detail. The
25 clear thing is they left together. Shortly

1 thereafter, she's dead. That's the last time those
2 friends of hers saw her alive.

3 Then over at Jen's, David Lee, Matthew, and
4 Joseph all have Latroy at Jen's house. Joseph and
5 Pam, they are a little bit out of sync on their
6 story, but they tell very close to the same story.
7 They are both sitting on Pam's stoop.

8 Pam. As she remembers it, Matthew comes
9 running by. What's he doing? He's holding his
10 head. Holding the back of his head. What just
11 happened to him? His dreads have just been ripped
12 out of his head by Latroy Sampson on his porch.
13 He's trying to get away. He don't know really what
14 happened.

15 Joseph. Matthew came running by holding his
16 shoulder. Had his hands up here. He said he had
17 been hit by Latroy Sampson. Matthew said he had
18 also been hit as well as had his hair pulled out.

19 Now, in Pam's version, Latroy comes by after
20 Matthew runs off. In Joseph's version, Latroy
21 comes just before Matthew does. That's them just
22 remembering it best they can. That means they
23 didn't get their stories -- they didn't plot and
24 hatch a scheme to blame Latroy, they're just
25 telling it how they remember it. After -- Joseph

1 says he had been drinking a good bit. They're
2 telling you the truth as best they can remember.
3 And that's still truthful. That's still honest.

4 They all give clear IDs. Everybody in this
5 case clearly identifies Latroy Sampson. No doubt
6 about who he is. Taw Daw, Tow Dow, however they
7 want to say it, all of them clear about who he is.
8 Several of them pointed him out over there and told
9 his name to the police before the sun is coming up
10 on July 4th, 2014.

11 David Lee Davis. I believe he's not telling
12 you everything he saw. I'm not sure why. He could
13 be a little scared. But what he tells you is
14 clear. He puts Jen and Latroy on the side of that
15 house with his hands up around her. What he told
16 police at 5:39, 5:45 in his statement was he had
17 his hands around her throat. That's the truth. I
18 think he puts her there in that alley with Latroy
19 strangling her as he watched out the window. I
20 think he's scared to come in here and say it.
21 Still, I think his story is very compelling,
22 putting them in that corner, putting them in that
23 alley.

24 Matthew Stone. Very honest. Very truthful.
25 Very compelling witness. He came in here to talk

1 about the day he found his mother murdered to
2 death. And the Defense wants to make a big deal
3 about an 18-year-old kid who has not just learned
4 that his mother had died, not just learned his
5 mother had likely been murdered, but he's the one
6 that found her, found her naked. And then within
7 three to four hours he talks to police with two
8 statements and leaves out the details that he went
9 outside one time, then came back in and went
10 outside again, all within probably a 60-second
11 timeframe.

12 The Defense says, Well, he don't know what
13 he's talking about, just because he leaves out the
14 fact he went back inside and then there was a knock
15 on the door. Or that he didn't put what Latroy's
16 clothes looked like or how he was wearing his
17 clothes below his butt without a shirt on in that
18 statement. An 18-year-old kid who had just found
19 his mother dead, he's going to leave out some
20 details.

21 But what does he say? He hears something.
22 Something outside that draws his attention. He
23 goes out on the porch. Goes out to the right.
24 It's dark back in the back of that alley. He can't
25 see who's there, but he hears a voice he knows as

1 Latroy.

2 Oh, he's messing around back there, urinating.
3 It's nothing. I'm going back to go to bed. He has
4 no idea what has happened to his mother now. Goes
5 back inside. What he testified to was before he
6 could even get back to bed, there's a knock at the
7 door. He opens it up and it's Latroy Sampson
8 looking at him face-to-face. Come here, I want to
9 show you something.

10 He hesitatingly walks out, takes a couple of
11 steps towards that window, doesn't even get too
12 far, feels like something is going on, I need to
13 get out of this situation. Something is wrong.

14 He turns around, and that's when Latroy
15 assaults him.

16 Mr. Frick wants you to believe that Matthew
17 can't say who assaulted him. If he's walking
18 behind Latroy and he turns around, takes one step
19 and the person hits him, he can say, It's that
20 person I was two feet from just a second ago.

21 Why did Latroy want to kill -- or hurt
22 Matthew? I think he wanted to kill Matthew.
23 Latroy, for whatever reason, had strangled Jen in
24 the back part side of the house, and then Matthew
25 comes out on the porch. Latroy now thinks he's

1 caught. If Matthew doesn't get out of bed at that
2 point in time, Latroy probably runs away and then
3 when the sun comes up somebody finds Jen lying on
4 the side of the house. But Matthew comes outside,
5 doesn't even know what has happened to his mother,
6 but Latroy has got to be thinking, Matthew just
7 caught me. What can I do? I've got to do
8 something to him. I need to get him back out here.

9 So he knocks on the door and lures him
10 outside, tries to assault him, tries to grab him
11 back towards him. Matthew tries to get away,
12 pulling his dreads out that end up right on the
13 left side of that door on the front porch, and
14 Matthew gets away. And Latroy has to hightail it
15 out of there to Rochester, New York.

16 The Defense, as I understand their theory,
17 Joseph strangled her after Matthew went and got him
18 to come back to the house with him, which is just
19 who he ran into. Joseph took that opportunity to
20 strangle her. Or they think some ghost was out
21 there strangling Jen in the back of that -- side of
22 the house and another ghost was attacking Matthew
23 on the front porch and Latroy was caught in
24 between -- on that porch between these two mystery
25 ghosts.

1 Ladies and gentlemen of the jury, that's
2 speculation. That's reaching for something that
3 the evidence doesn't indicate.

4 Latroy Sampson was not merely present at [REDACTED]
5 South Garden Street. He was present. He killed
6 Jennifer Stone. You got a pretty good case of
7 beyond a reasonable doubt. I believe we proved
8 this case beyond all doubt. Latroy Sampson is the
9 person who killed Jennifer Stone. I ask that you
10 return a verdict of guilty.

11 Thank you, ladies and gentlemen.

12 THE COURT: All right. Does anyone need to
13 use the restroom, stand, stretch?

14 You need to use the restroom?

15 All right. Let's take a 5-minute break. I
16 have the jury charge. It should not take -- it
17 will take a little bit of time, maybe about 20
18 minutes, 30 minutes. So if you need to use the
19 restroom, let's go ahead and do that now.

20 (WHEREUPON, the jury retires to the jury
21 room at 3:41 p.m.)

22 THE COURT: Let's take about 5 or 10 minutes.
23 About 5, I should say.

24 (WHEREUPON, the jury came into open
25 court at 3:53 p.m.)

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JURY CHARGE

THE COURT: All right, ladies and gentlemen of the jury, you have heard all of the evidence. You have heard the arguments of the parties. Now it is my responsibility to charge you as to the law.

I remind you that during this trial you and I have certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during this trial.

You are to consider only the competent evidence before you. If there was any evidence ordered stricken from the record in this case during this trial, you must disregard that testimony.

You are to consider only the testimony which has been presented from the witness stand, any exhibits which have been made a part of the record in this case, and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law of this case, and it is your duty as jurors to accept and apply the law as I now state it to you.

1 If you already have an idea as to what the law
2 is or what the law ought to be and it does not
3 agree with what I now tell you the law is, you must
4 abandon this idea because you are sworn to accept
5 the law and apply the law exactly as I state it to
6 you.

7 In every case tried in this court before a
8 jury, the jury becomes the sole and exclusive judge
9 of the facts in a case. A trial judge cannot
10 state, comment on, or make any statement to a trial
11 jury about the facts in a case.

12 Since you, the jury, are the sole judges of
13 the facts in this case, you are not to infer from
14 what I have said during the progress of this trial
15 in ruling upon admissibility of evidence, or
16 otherwise, or anything that I say now during the
17 course of this instruction to you, that I have an
18 opinion about the facts in this case. The law does
19 not allow me to have an opinion about the facts in
20 this case. This is a matter solely for you, the
21 jury, to determine. As jurors, it is your duty to
22 determine the effect, value, weight, and truth of
23 the evidence presented during this trial.

24 Ladies and gentlemen of the jury, there are
25 two types of evidence which are generally presented

1 during a trial---direct evidence and circumstantial
2 evidence. Direct evidence directly proves the
3 existence of a fact and does not require deduction.
4 Circumstantial evidence is proof of a chain of
5 facts and circumstances indicating the existence of
6 a fact.

7 Crimes may be proven by circumstantial
8 evidence. The law makes no distinction between the
9 weight or value to be given to either direct or
10 circumstantial evidence; however, to the extent the
11 State relies on circumstantial evidence, all of the
12 circumstances must be consistent with each other
13 and, when taken together, point conclusively to the
14 guilt of the accused beyond a reasonable doubt. If
15 these circumstances merely portray the Defendant's
16 behavior as suspicious, the proof has failed.

17 The State has the burden of proving the
18 Defendant guilty beyond a reasonable doubt. The
19 burden rests with the State regardless of whether
20 the State relies on direct evidence, circumstantial
21 evidence, or some combination of the two.

22 Ladies and gentlemen of the jury, necessarily,
23 you must determine the credibility of witnesses who
24 have testified in this case. Credibility simply
25 means believability. It becomes your duty as

1 jurors to analyze and to evaluate the evidence and
2 determine which evidence convinces you of its
3 truth.

4 In determining the believability of witnesses
5 who have testified in this case, you may believe
6 one witness over several witnesses, or several
7 witnesses over one witness. You may believe a part
8 of the testimony of a witness, and reject the
9 remaining part of the testimony of that same
10 witness. You may believe the testimony of a
11 witness in its entirety, or reject the testimony of
12 a witness in its entirety. You may consider
13 whether any witness has exhibited to you any
14 interest, bias, prejudice, or other motive in this
15 case. You may also consider the appearance and
16 manner of a witness while on the witness stand.

17 During the trial, we have had several expert
18 witnesses testify. The rules of evidence
19 ordinarily do not permit witnesses to testify to
20 opinions or conclusions. An exception to this rule
21 exists for witnesses we call expert witnesses. A
22 witness who, by education and experience, has
23 become an expert in some art, science, profession,
24 or calling may state an opinion as to relevant and
25 material matters in which the witness claims to be

1 an expert and may also state the reasons for their
2 opinion.

3 You should consider an expert opinion received
4 in evidence in this case and, like any other
5 evidence, give it the weight you think it deserves.
6 If you decide that the opinion of the expert
7 witness is not based on sufficient education and
8 experience, or if you conclude that the reasons
9 given in support of the opinion are not sound, or
10 that the opinion is outweighed by other evidence,
11 you may disregard the opinion entirely.

12 An expert witness' testimony is to be given no
13 greater weight than that of other witnesses simply
14 because the witness is an expert. Further, you are
15 not required to accept an expert's opinion even
16 though it is not contradicted.

17 A person who has a past criminal record is
18 competent to testify during a trial. A past record
19 does not affect the ability of that witness to
20 testify. The past record may only be considered by
21 you, if at all, in determining the believability of
22 the witness.

23 Remember, you are the sole judges of the facts
24 in this case and of the believability of any and
25 all of the witnesses.

1 While the argument of counsel is a beneficial
2 part of every trial, you should remember that the
3 statements made by counsel are not evidence. In
4 presenting their arguments, counsel often refer to
5 the evidence; however, you should base your verdict
6 on the evidence as you remember it. Therefore, if
7 there are any conflicts between the recollection of
8 counsel about the evidence and your own
9 recollection, you should rely upon your own
10 understanding of the evidence.

11 As I told you at the beginning of the trial,
12 ladies and gentlemen of the jury, the Defendant in
13 this case is charged in the indictment with murder.
14 I remind you that the fact that the Defendant was
15 arrested, charged and indicted in this case is not
16 evidence in this case and cannot be considered by
17 you as evidence of guilt in this case, nor does it
18 create any presumption or inference of guilt. This
19 document is simply the formal written instrument
20 which contains the charge made against the
21 Defendant. It is the formal document by which this
22 case is brought into court.

23 Ladies and gentlemen of the jury, the
24 Defendant in this case has failed to testify. I
25 instruct you and emphasize that the fact that the

1 Defendant did not testify is not a factor to be
2 considered by you in any way in your deliberations
3 and in your consideration on the question of guilt
4 or innocence of the Defendant. It must not be
5 considered by you in any manner. A Defendant has a
6 constitutional right to remain silent, and the
7 assertion of the right must not be considered by
8 you in your deliberations.

9 I repeat, under your oath, you are to draw no
10 conclusions whatsoever from the fact that the
11 Defendant in this case did not testify. The fact
12 that the Defendant did not testify should not even
13 be discussed in the jury room. The burden of
14 proof, as I have stated it to you, is on the State.
15 The Defendant is not required to prove himself
16 innocent. The burden of proof remains on the State
17 to prove the Defendant guilty beyond a reasonable
18 doubt.

19 In this case the Defendant has pled not guilty
20 to the indictment of murder, and that plea puts the
21 burden on the State to prove the Defendant guilty.
22 A person charged with committing a criminal offense
23 in South Carolina is never required to prove
24 himself innocent.

25 I charge you that it is an important rule of

1 law that the Defendant in a criminal trial, no
2 matter what the seriousness of the charge may be,
3 will always be presumed to be innocent of the crime
4 for which the indictment was issued unless guilt
5 has been proved by evidence satisfying you of that
6 guilt beyond a reasonable doubt.

7 This presumption of innocence does not end
8 when you begin your deliberations, but it
9 accompanies the Defendant throughout the trial
10 until you reach a verdict of guilt based on
11 evidence satisfying you of that guilt beyond a
12 reasonable doubt.

13 The presumption of innocence is like a robe of
14 righteousness placed about the shoulders of the
15 Defendant which remains with the Defendant until it
16 has been stripped from the Defendant by evidence
17 satisfying you of the Defendant's guilt beyond a
18 reasonable doubt.

19 The presumption of innocence is not mere legal
20 theory. It is not just a legal phrase. It is a
21 substantial right to which every defendant is
22 entitled unless you, the jury, are satisfied from
23 the evidence of the Defendant's guilt beyond a
24 reasonable doubt.

25 An issue in this case is the identification of

1 the Defendant as the person who committed the crime
2 charged. The State has the burden of proving
3 identity beyond a reasonable doubt. You must be
4 satisfied beyond a reasonable doubt of the accuracy
5 of the identification of the Defendant before you
6 may convict the Defendant.

7 Identification testimony is an expression of
8 belief or impression by a witness. You must
9 determine the accuracy of the identification of the
10 Defendant. You must consider the believability of
11 each identification witness in the same way as any
12 other witness. You may consider whether the
13 witness had an adequate opportunity to observe the
14 offender at the time of the offense. This will be
15 affected by things like how long or short a time
16 was available, how far or close the witness was,
17 the lighting conditions, and whether the witness
18 had the chance to see or know the person in the
19 past.

20 Once again, I instruct you the burden of proof
21 is on the State and it extends to every element of
22 the crime charged, and this specifically includes
23 the burden of proving beyond a reasonable doubt the
24 identity of the Defendant as the person who
25 committed the crime. If, after examining the

1 testimony, you have a reasonable doubt as to the
2 accuracy of the identification, you must find the
3 Defendant not guilty.

4 Mere presence. Mere presence at the scene is
5 not sufficient to prove someone guilty of a crime.
6 A defendant's presence where a crime is being
7 committed or mere association with a person who
8 commits a crime does not make a defendant an
9 accomplice or aider and abettor of the person
10 committing a crime.

11 The burden is on the State to prove every
12 element of the crime charged. If you find, after
13 reviewing all of the evidence that the State has
14 proved, that the Defendant was only present at the
15 scene of the crime and that they have not proved
16 beyond a reasonable doubt any other participation
17 in the crime, then you must find the Defendant not
18 guilty. The law is that proof of at the scene of
19 the crime is not sufficient to find someone guilty.

20 Reasonable doubt. What is reasonable doubt in
21 the law? A reasonable doubt is the kind of doubt
22 that would cause a reasonable person to hesitate to
23 act.

24 The State has the burden of proving the
25 Defendant guilty beyond a reasonable doubt. Some

1 of you may have served as jurors in civil cases
2 where you were told that it is only necessary to
3 prove that a fact is more likely true than not
4 true, such as by the greater weight or
5 preponderance of the evidence. In criminal cases,
6 the State's proof must be more powerful than that.
7 It must be beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that
9 lives you firmly convinced of the Defendant's
10 guilt. There are very few things in this world
11 that we know with absolute certainty, and in
12 criminal cases the law does not require proof that
13 overcomes every possible doubt. If, based on your
14 consideration of the evidence, you are firmly
15 convinced that the Defendant is guilty of the crime
16 charged, you must find the Defendant guilty. If,
17 on the other hand, you think there's a real
18 possibility that the Defendant is not guilty, you
19 must give the Defendant the benefit of the doubt
20 and find him not guilty.

21 Ladies and gentlemen of the jury, as I stated
22 to you earlier, the Defendant in this case is
23 charged with murder. The State must prove beyond a
24 reasonable doubt that the Defendant killed another
25 person with malice aforethought.

1 Malice is a legal term implying wickedness and
2 excluding a just cause or excuse. The term malice
3 indicates a formed purpose and design to do a
4 wrongful act under the circumstances that excludes
5 any legal right to do it. It is something which
6 springs from wickedness, from depravity, from a
7 heart devoid of social duty and fatally bent on
8 mischief. Malice may be express or implied.

9 Malice is hatred, ill-will, or hostility
10 towards another person. It is the intentional
11 doing of a wrongful act without just cause or
12 excuse and with the intent to inflict an injury or
13 under circumstances that the law would infer an
14 evil intent.

15 Malice aforethought does not require that
16 malice exist for any particular time before the act
17 is committed, but malice must exist in the mind of
18 the Defendant just before and at the time the act
19 is committed. Malice may be conceived at the very
20 moment the fatal blow is given. Therefore, there
21 must be a combination of the previous evil intent
22 and the act.

23 Malice aforethought may be express or
24 inferred. These terms "express" and "inferred" do
25 not mean different kinds of malice, but merely the

1 manner in which malice may be shown to exist. That
2 is, either by direct evidence or by inference from
3 the facts and circumstances which are proven.
4 Express malice is shown when a person speaks words
5 which express hatred or ill-will for another, or
6 when a person prepared beforehand to do the act
7 which was later accomplished; for example, lying in
8 wait for a person or any other acts of preparation
9 going to show that the deed was within the
10 Defendant's mind would be express malice.

11 Malice may be inferred from conduct showing a
12 total disregard for human life. Malice may be
13 inferred from the facts and circumstances
14 surrounding the case.

15 Malice does not necessarily impart ill-will
16 toward the individual injured, but signifies rather
17 a general malignant recklessness towards the lives
18 and safety of others, or a condition of mind which
19 shows a heart, regardless of social duty, and
20 fatally bent on mischief.

21 In order to establish criminal liability,
22 criminal intent is required. For example, the
23 mental state required to be proven by the State for
24 a particular crime might be purpose, intent,
25 knowledge, recklessness, or criminal negligence.

1 Criminal intent must be proven by the State beyond
2 a reasonable doubt. Criminal intent is always a
3 matter that must be determined by the jury from the
4 circumstances surrounding the situation. There is
5 no way to prove intent to a mathematical certainty.
6 There is no way medical science can dissect a
7 person's brain and determine what the person had in
8 mind, so the law says that criminal intent may be
9 inferred from the circumstances shown to have
10 existed.

11 This is how you make a determination of
12 whether or not the element requiring intent was
13 present. It is not necessary to establish intent
14 by direct and positive evidence, but intent may be
15 established by inference in the same way as any
16 other fact taking into consideration the acts of
17 the parties and all the facts and circumstances of
18 the case.

19 Criminal intent is a mental state, a conscious
20 wrongdoing. It is up to you to determine what the
21 Defendant intended to do based on the circumstances
22 shown to have existed. Criminal intent can arise
23 from action or a failure to act. It may arise from
24 negligence, recklessness, or an indifference to
25 duty or to consequences that is considered by the

1 law to be the equivalent of criminal intent.

2 Ladies and gentlemen of the jury, the law
3 requires that a jury verdict be unanimous, which
4 means that all of the jurors must agree. The only
5 two forms of the verdict are guilty or not guilty.

6 Mr. Foreman, once the jury reaches a verdict
7 of not guilty or guilty, circle the verdict on the
8 face of the verdict form and sign under the verdict
9 form to signify that what you have circled is the
10 verdict of all the jurors. Then notify us that you
11 have reached a verdict by knocking on the door.

12 The State and the Defendant are entitled to
13 the individual opinion of each juror on the issues
14 of fact in this case. It is the duty of each of
15 you to consider and weigh all of the evidence in
16 this case and, from such evidence, to determine, if
17 you can, the question of guilt or innocence of the
18 Defendant.

19 There is nothing peculiarly different in the
20 way a jury should consider the evidence in a
21 criminal case from that in which a reasonable
22 person treats any question depending upon evidence
23 presented to them. You are expected to use your
24 good sense, consider the evidence in the case for
25 only the purpose for which it has been admitted,

1 and give it a reasonable and fair construction in
2 the light of your common knowledge of the natural
3 tendencies and inclinations of human beings.

4 If the accused be proved guilty beyond a
5 reasonable doubt, say so. If not so proved guilty,
6 say so.

7 Your verdict in this case will be one of two
8 forms. If, from the evidence and the law, you find
9 that the Defendant is not guilty, you will circle
10 "not guilty" on the verdict form and the foreman
11 will sign his name. If, on the other hand, you
12 find that the Defendant is guilty based upon the
13 evidence and the law which you have heard, you will
14 circle "guilty" on the verdict form, and Mr.
15 Foreman, you will sign your name. Your verdict
16 must be unanimous. It must be guilty or not
17 guilty, and all of you must agree on that verdict.

18 Mr. Foreman, I have in my hand the verdict
19 form. And it reads: State of South Carolina,
20 County of Fairfield, In The Court of General
21 Sessions, Sixth Judicial Circuit, Indictment Number
22 2015-GS-20-00291, State of South Carolina vs.
23 Latroy D. Sampson, Defendant. Verdict Form. It
24 states: Please circle the appropriate verdict
25 below and follow the accompanying instructions

1 carefully.

2 The first question says: As to the indictment
3 alleging murder, We, the jury, unanimously find the
4 Defendant---and we have on here "guilty" or "not
5 guilty." You are to circle whichever one you all
6 unanimously decide. You will stop and end your
7 deliberations at that time. You will sign,
8 Mr. Foreman, where it says foreman and date it.

9 I am going to send you back to the jury room,
10 but you cannot begin your deliberations until you
11 receive the verdict form, the exhibits, and the
12 instructions from the bailiff to begin your
13 deliberations.

14 Once you receive that, you may begin your
15 deliberations, but we don't want you to begin until
16 we get you all of the exhibits so you'll have those
17 back there, and the verdict form. All right. So
18 don't start deliberating just yet.

19 And then we have got two alternates. We are
20 going to hold them back. Just hold them outside.

21 (WHEREUPON, the jury retires to the jury
22 room at 4:16 p.m.)

23 THE COURT: All right. Any objections or
24 exceptions from the State?

25 MR. MAXWELL: None from the State.

1 THE COURT: Any from the Defense?

2 MR. FRICK: None from the Defense.

3 THE COURT: All right. Y'all take a look at
4 the exhibits, that's the verdict form. Make sure
5 we have everything, and we can get them started.

6 (Pause.)

7 THE COURT: I am going to release the
8 alternates.

9 All right. So it appears that all of the
10 jurors will remain, so therefore we did not have to
11 use your services as far as deliberating. We
12 needed you here during trial, but now that we are
13 at deliberations, there can only be 12 jurors that
14 can deliberate.

15 So we are at the point where I am going to
16 release you all from jury service for the week.
17 You are more than welcome to stick around if you
18 want to see what your fellow jurors are going to
19 come up with, or you are free to leave.

20 And, once again, you will not have to serve in
21 this court for three years. I can't promise you
22 won't have to serve in federal court, magistrate's
23 court or municipal court, but you will not have to
24 serve here for three years. And I believe the
25 clerk has paperwork for you.

1 All right. Thank you for your service. All
2 right, thank you.

3 (WHEREUPON, the alternate jurors were
4 excused at 4:19 p.m.)

5 (WHEREUPON, deliberations began at 4:21
6 p.m.)

7 (WHEREUPON, court was in recess awaiting
8 a verdict.)

9 THE COURT: It's my understanding we have a
10 verdict. Y'all may be seated.

11 MR. FRICK: Your Honor, may we remain seated
12 while the verdict is read, or do you want us to
13 stand?

14 THE COURT: Whatever works best for you.

15 MR. FRICK: Okay. Thank you.

16 THE COURT: All right. Are we ready to bring
17 them in?

18 Bring them on in.

19 Close that door one second.

20 And let me just remind those of you who are in
21 the audience that there are to be no outbursts
22 after the reading of the verdict. We will accept
23 the verdict. If you feel as if you cannot control
24 yourself, I would suggest that you leave out of the
25 courtroom at this time.

1 All right.

2 (WHEREUPON, the jury came into open

3 court at 5:11 p.m.)

4 THE COURT: All right. Mr. Foreman, it is my
5 understanding from the bailiff that you all have
6 reached a verdict; is that correct?

7 THE FOREMAN: Yes.

8 THE COURT: And is that verdict unanimous?

9 MR. FOREMAN: Yes.

10 THE COURT: All right, if you can hand that
11 verdict form to the bailiff, she will bring it up.

12 (The Court receives the verdict form.)

13 THE COURT: And I will ask the clerk to
14 publish the verdict.

15 VERDICT

16 THE CLERK: Indictment Number
17 2015-GS-20-00291, State of South Carolina versus
18 Latroy D. Sampson, Defendant.

19 As to the indictment alleging murder: We, the
20 jury, unanimously find the Defendant "guilty."

21 Signed by the Foreman, August 10th, 2016.

22 THE COURT: All right. Anything else from the
23 jurors before I release them?

24 MR. MAXWELL: None from the State.

25 MR. FRICK: The Defense requests polling.

1 THE COURT: Yes, sir.

2 All right. At this time, I am going to have
3 the clerk pool the jurors by number.

4 THE CLERK: Juror 107, was this your verdict?
5 Was this your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror 114?

10 THE JUROR: Yes.

11 THE CLERK: Was this your verdict?

12 THE JUROR: Yes, ma'am.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes, ma'am.

15 THE CLERK: Juror 79?

16 THE JUROR: Yes.

17 THE CLERK: Was this your verdict?

18 THE JUROR: Uh-huh.

19 THE CLERK: Is it still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Juror 94?

22 THE JUROR: Yes.

23 THE CLERK: Was this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is this still your verdict?

1 THE JUROR: Yes.
2 THE CLERK: Juror 86?
3 THE JUROR: Yes.
4 THE CLERK: Was this your verdict?
5 THE JUROR: Yes.
6 THE CLERK: Is it still your verdict?
7 THE JUROR: Yes.
8 THE CLERK: Juror 21?
9 THE JUROR: Yes.
10 THE CLERK: Was this your verdict?
11 THE JUROR: Yes.
12 THE CLERK: Is this still your verdict?
13 THE JUROR: Yes.
14 THE CLERK: Juror 56?
15 THE JUROR: Yes.
16 THE CLERK: Was this your verdict?
17 THE JUROR: Yes.
18 THE CLERK: Is it still your verdict?
19 THE JUROR: Yes.
20 THE CLERK: Juror 91?
21 THE JUROR: Yes.
22 THE CLERK: Was this your verdict?
23 THE JUROR: Yes.
24 THE CLERK: Is this still your verdict?
25 THE JUROR: Yes.

1 THE CLERK: Juror 41?
2 THE JUROR: Yes.
3 THE CLERK: Was this your verdict?
4 THE JUROR: Yes.
5 THE CLERK: Is this still your verdict?
6 THE JUROR: Yes.
7 THE CLERK: Juror 121, was this your verdict?
8 THE JUROR: (Nods affirmatively.)
9 THE CLERK: Is it still your verdict?
10 THE JUROR: Yes.
11 THE CLERK: Juror 49?
12 THE JUROR: Yes.
13 THE CLERK: Is that your verdict?
14 THE JUROR: Yes.
15 THE CLERK: Is it still your verdict?
16 THE JUROR: Yes.
17 THE CLERK: Juror 44?
18 THE JUROR: Yes.
19 THE CLERK: Was this your verdict?
20 THE JUROR: Yes.
21 THE CLERK: Is it still your verdict?
22 THE JUROR: Yes.
23 THE CLERK: Juror 65?
24 THE COURT: Oh, those are the alternates.
25 THE CLERK: Oh, yes, excuse me. Thank you.

1 THE COURT: All right, ladies and gentlemen of
2 the jury, I would like to thank you on behalf of
3 the State and the Defense for your service here
4 this week on this trial.

5 As you can see, there are matters that come up
6 that cannot be resolved without the assistance of
7 12 persons like yourself, and so I do want to thank
8 you for your service here this week.

9 As I told you at the beginning of the week --
10 I think I told you -- you will not have to serve in
11 this court for another three years unless you
12 choose to do so; however, I can't protect you from
13 federal court, magistrate's or municipal court, but
14 as far as circuit court is concerned, you will not
15 have to serve for another three years unless you
16 choose to serve. I believe the clerk will have
17 some paperwork for you.

18 THE CLERK: We'll mail it.

19 THE COURT: Okay, they will mail you the
20 paperwork. And I hope that you all -- once again,
21 thank you on behalf of everyone here, the court
22 staff, the clerk's office, and the parties involved
23 for your service here this week.

24 Thank you, and you are released for the week.

25 All right. Thank you.

1 (WHEREUPON, the jury was excused at 5:16
2 p.m.)

3 MR. FRICK: Your Honor, before we move to
4 sentencing, at this time if I can go ahead and put
5 my motions on the record.

6 THE COURT: Sure. Yes, I was going to give
7 you the opportunity to do that.

8 MR. FRICK: Do you want me to do that now or
9 wait a minute?

10 THE COURT: No, you can go ahead and do it
11 now.

12 MR. FRICK: Your Honor, at this time, the
13 Defense would move for a new trial based on the
14 previous pretrial motions regarding the flight
15 evidence, any other 404 evidence. I think you
16 partially got the assault and battery third degree,
17 but I think that includes the 404(b) evidence that
18 I discussed. The YSTR DNA evidence. I would ask
19 you to reconsider those and grant us a new trial.

20 THE COURT: Okay.

21 All right. Any response?

22 MR. MAXWELL: No response, Your Honor.

23 THE COURT: I believe I excluded the assault
24 and battery third.

25 MR. FRICK: That's correct, Your Honor, you

1 did exclude the mention of the conviction.

2 THE COURT: Okay.

3 MR. FRICK: But they were allowed to talk
4 about the event itself, and I continued my
5 objection regarding that discussion.

6 THE COURT: I believe you did. As to that, I
7 will respectfully deny the motion for the reasons
8 previously stated, but I believe on the assault and
9 battery third degree, the finding was that the
10 incident arose out of the murder, and that is the
11 reason why that was allowed to stay in, although
12 the conviction itself was excluded because the
13 Defendant did not have representation of counsel
14 and was not advised of his rights.

15 And the motion regarding exclusion of evidence
16 regarding flight, that was allowed; however, I
17 believe there is case law -- I don't have it
18 directly in front of me, but it was quoted at the
19 time, it is pretty clear and on point as to flight.
20 And, also, there was an in-camera hearing as to
21 admissibility of flight. For that reason, that
22 motion was denied.

23 And as to the YSTR DNA evidence, an in-camera
24 hearing was held, and at that time the Court denied
25 the motion for the exclusion of the YSTR DNA

1 evidence based on the reliability. I do find that
2 the witness was able to establish the reliability
3 of the method used. And the issues that were
4 presented by the Defense went more to the weight of
5 the evidence as opposed to the admissibility.

6 And as to other, I think, 404 motions and
7 objections, they are preserved for the record, but
8 respectfully denied.

9 MR. FRICK: I understand. Thank you, Your
10 Honor.

11 THE COURT: Thank you.

12 I was trying to find -- somebody said there
13 was a notice, and I don't see it. That's why I was
14 looking through the file.

15 MR. MAXWELL: In the clerk's file?

16 THE COURT: That he was filed with a notice.

17 MR. MAXWELL: I have my copy of it.

18 MR. FRICK: And, Your Honor, the Defense has a
19 copy of it as well.

20 THE COURT: Okay. So he's been served with
21 it? Just making sure it was handled.

22 MR. FRICK: Judge, I can tell you for the
23 record --

24 THE COURT: Oh, I have it here. It was filed
25 July 29th?

1 MR. MAXWELL: Yes, ma'am.

2 MR. FRICK: I believe we were served with it
3 at the same time we were served with a Schmerber
4 request.

5 THE COURT: Okay.

6 MR. FRICK: I think it was on July 30th or
7 29th.

8 MR. MAXWELL: I think we had a hearing before
9 Judge Gibbons on the 30th, I'm thinking in the
10 Chester County courthouse --

11 MR. FRICK: That's correct.

12 MR. MAXWELL: -- where we served both motions
13 at the same time. And everything was put on the
14 record in regards to the motion to seek the penalty
15 pursuant to 17-25-45.

16 THE COURT: All right. Anything else you want
17 to add?

18 MR. MAXWELL: Your Honor, Mr. Sampson's prior
19 record does consist of a '96 -- 1996 assault and
20 battery of a high and aggravated nature. He was
21 given a suspended YOA sentence and probation.

22 In 1998 he was convicted of armed robbery with
23 a deadly weapon, which is the prior most serious
24 offense. He was sentenced to 18 years, which he
25 began serving in July of 1998. I think he was also

1 at the same time violated on the probation, so he
2 was doing a concurrent sentence from the ABHAN,
3 which is just under the YOA sentence.

4 Since he's been out of jail, which I think was
5 in the spring of 2014, he did have a conviction for
6 disorderly conduct on April 21st, 2014.

7 I think he has spent a good portion of his
8 adult life in prison.

9 Again, as Your Honor is aware, Matthew Stone
10 is present. Jennifer Stone's father, Jack Stone,
11 is present. I don't know if either one of them
12 would like to address the Court. I'll check.

13 (Pause.)

14 MR. MAXWELL: They do not.

15 THE COURT: Thank you all for being here
16 throughout the trial. And I am sorry for your
17 loss. Hopefully this brings some closure -- this
18 portion brings some closure to you.

19 All right. Thank you.

20 All right. Anything else?

21 MR. MAXWELL: Nothing else from the State,
22 Your Honor.

23 THE COURT: Yes, sir?

24 MR. FRICK: Your Honor, if you feel that the
25 statute gives you any authority to deviate from the

1 life without parole request from the State, I'll be
2 glad to go forward with mitigation; however,
3 barring that, I wouldn't have anything additional
4 to offer other than saying Mr. Sampson has been an
5 excellent client to deal with. He has been
6 absolutely respectful and helpful. And I wish it
7 were not the case that we had this statute to deal
8 with, but I certainly understand what the statute
9 says. And I know you have to do your sentencing
10 accordingly.

11 THE COURT: All right. And is there anything
12 he would like to say?

13 MR. FRICK: I have talked to him about that,
14 Your Honor. Of course, my standard procedure in
15 this is to file a notice of appeal. I think it is
16 best for him not to make any statements at this
17 time, and I don't think he wishes to do so.

18 THE COURT: All right. And you have explained
19 to him that he has the right to appeal his
20 conviction within 10 days of today's date?

21 MR. FRICK: Yes, ma'am. And I've advised him
22 that I will go forward with that process and let
23 him sort out the rest of it with appellate defense.

24 THE COURT: All right. On Indictment
25 2015-GS-20-291, sir, indictment for murder, you

1 will be sentenced to the State Department of
2 Corrections for a determinate sentence of life
3 without parole pursuant to section 17-25-45.

4 All right. All right, thank you.

5 MR. MAXWELL: Thank you, Your Honor.

6 PROBATION OFFICER: Your Honor, for purposes
7 of the record, to address Mr. Sampson's community
8 supervision that occurred at the time that he
9 committed these offenses -- this offense, if I can
10 just address that for the court.

11 THE COURT: He was on parole?

12 PROBATION OFFICER: Community supervision,
13 which is -- a probable cause warrant was issued
14 subsequent to this offense, also because of his
15 leaving the state, and it does constitute a
16 violation of that. I know it was a long time ago,
17 but it held the case open, and so he is facing a
18 revocation up to one year.

19 THE COURT: And he has been in jail, I guess,
20 one year, at least?

21 PROBATION OFFICER: Yes, ma'am.

22 THE COURT: So revoke one year, credit for
23 time served, terminate, convert fees and fines to a
24 civil judgment.

25 PROBATION OFFICER: Pursuant to state law, I

1 don't believe the Court has authority to terminate.
2 It only has the authority to revoke or continue.

3 THE COURT: Well, revoke one year and you can
4 convert the fees -- he has fees and fines related?

5 PROBATION OFFICER: He just has supervision
6 fees, Your Honor.

7 THE COURT: You can convert those to a civil
8 judgment.

9 All right. Thank you.

10 MR. MAXWELL: Thank you, Your Honor.

11 MR. FRICK: Thank you, Your Honor.

12 THE COURT: And I assume all that time would
13 run concurrent, whatever he has left on the
14 probation?

15 PROBATION OFFICER: That's correct.

16 (WHEREUPON, the proceedings were
17 concluded at 5:27 p.m.)

18

19

20

21

22

23

24

25

(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth 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 the trial of the captioned case, relative to appeal, in the Court of General Sessions for Fairfield County, South Carolina, on the 8th, 9th, and 10th days of August, 2016.

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

February 25, 2017

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

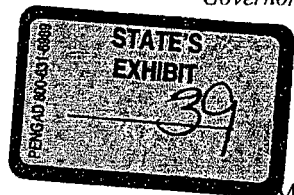
SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief



Maj. William Gonzalez
Winnsboro Department of Public Safety
P. O. Box 209
Winnsboro, SC 29180

DNA ANALYSIS
December 11, 2015
SLED LAB: L14-08305
Your Case No: 14072570
Incident Date: 07/04/2014
[V-Deceased] Jennifer Stone
[S] Latroy Sampson

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

SEROLOGY ANALYSIS

Items Submitted:

Results of Examinations:

4.1	Dried blood standard - Jennifer Stone	4.1	See DNA analysis.
6	Right hand fingernail clippings - Jennifer Stone	6	See DNA analysis.
7	Left hand fingernail scrapings - Jennifer Stone	7	See DNA analysis.
8	Suspected tissue from top of air conditioning unit	8	See DNA analysis.



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014



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SLED LAB No. L14-08305
December 11, 2015

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Items Submitted:

Results of Examinations:

9	Swabs from neck – Jennifer Stone	9	See DNA analysis.
10	Swabs from left middle finger and left ring finger – Jennifer Stone	10	Blood identified. See DNA analysis.
11	Swabs - vinyl siding on front porch	11	Blood identified. See DNA analysis.
12	Acrylic fingernail from front porch	12	See DNA analysis.
13.1	Swab - blue in color shirt from front yard	13.1	See DNA analysis.
23	Buccal swabs - Latroy Dante Sampson	23	See DNA analysis.
24	Buccal swabs - Matthew Stone	24	See DNA analysis.

DNA ANALYSIS

ITEMS ANALYZED:

4.1 Dried blood standard – Jennifer Stone
23 Buccal swabs – Latroy Dante Sampson
24 Buccal swabs - Matthew Stone

6 Right hand fingernail clippings - Jennifer Stone
7 Left hand fingernail scrapings - Jennifer Stone
8 Suspected tissue from top of air conditioning unit
9 Swabs from neck – Jennifer Stone
10 Swabs from left middle finger and left ring finger – Jennifer Stone
11 Swabs - vinyl siding on front porch
12 Acrylic fingernail from front porch
13.1 Swab - blue in color shirt from front yard

EXAMINATIONS

DNA analysis was performed on the items above using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in the following table(s).



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014



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RESULTS

The DNA profile developed from item 6 is a mixture of at least two individuals. The partial DNA profile of the major contributor to this mixture is consistent with the DNA profile of Jennifer Stone. The partial DNA profile of the minor contributor is insufficient for comparison.

The DNA profile developed from item 7 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture is consistent with the DNA profile of Jennifer Stone. Latroy Dante Sampson and **Matthew Stone** are excluded as minor contributors to this item.

The DNA profile developed from item 8 is from an unidentified male individual and has been entered into the Combined DNA Index System (CODIS). Jennifer Stone, Latroy Dante Sampson and **Matthew Stone** are excluded as contributors to this item.

The DNA profile developed from item 9 is a mixture of at least two individuals. The partial DNA profile of the major contributor to this mixture is consistent with the DNA profile of Jennifer Stone. Due to low levels of DNA being contributed by the minor, no conclusive statement can be made regarding the inclusion or exclusion of Latroy Dante Sampson as a minor contributor to this mixture. **Matthew Stone is excluded as a contributor to this mixture.**

The DNA profile developed from item 10 is consistent with the DNA profile of Jennifer Stone.

The DNA profile developed from item 11 matches the DNA profile of Jennifer Stone. The probability of randomly selecting an unrelated individual having a DNA profile matching this item is approximately 1 in 130 quintillion. Latroy Dante Sampson and **Matthew Stone** are excluded as contributors to this item.

The DNA profile developed from item 12 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture matches the DNA profile of Jennifer Stone. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this mixture is approximately 1 in 130 quintillion. The partial DNA profile of the minor contributor to this mixture is insufficient for comparison.

The DNA profile developed from item 13.1 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture **matches the DNA profile of Matthew Stone. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this mixture is approximately 1 in 320 quadrillion.** The partial DNA profile of the minor contributor to this mixture is insufficient for comparison.

The partial Y-STR DNA profile developed from item 6 is a mixture of at least two male individuals. Due to the inability to calculate a statistic, no conclusive statement can be made regarding the inclusion or exclusion of Latroy Dante Sampson as a contributor to this mixture. **Matthew Stone is excluded as a contributor to this mixture.**



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SLED LAB No. L14-08305
December 11, 2015

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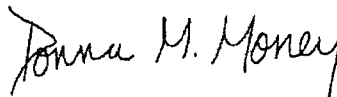
The Y-STR DNA profile developed from item 7 is a mixture of at least two male individuals. Latroy Dante Sampson and **Matthew Stone** are excluded as contributors to this mixture.

The partial Y-STR DNA profile developed from item 9 is a mixture of at least two male individuals. The partial Y-STR DNA profile of the major contributor to this mixture matches the Y-STR DNA profile of Latroy Dante Sampson. The probability of randomly selecting an unrelated male individual having a Y-STR DNA profile matching the major contributor to this mixture is approximately 1 in 8,600. Paternal male relatives of Latroy Dante Sampson may not be excluded as the major contributor to this Y-STR DNA profile. The partial Y-STR DNA profile of the minor contributor to this mixture is insufficient for interpretation.

The partial Y-STR DNA profile developed from item 12 is a mixture of at least three male individuals. Due to the potential number of contributors, no conclusive statements can be made regarding the contributors to this mixture.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.



Donna M. Money
Forensic Scientist



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Table 1 - Identifiler Plus

Case Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	AMEL
4.1 Jennifer Stone	12,15	30	10,11	9,10	15,18	7	12,14	9,14	19,21	12,14	15,16	9,11	14,20	12	22,24	X
23 Latroy Dante Simpson	13,14	29,34.2	11	9,12	16,17	8,9	11,13	11,13	17,25	14	15,16	8	17,19	12	21,24	XY
24 Matthew Stone	14,15	28,30	10,11	7,10	15,16	7	12,13	9,14	19,20	12,14	15,17	8,11	16,20	12,13	21,24	XY
6 Right hand fingernail clippings - Jennifer Stone	12,(13) 15	30	10,11	9,10	15,(16) 17,18	7	12,14	9,14	19,(21)	12,14	15,16	9,11	14,20	12	22,24	X
7 Left hand fingernail scrapings - Jennifer Stone	12,(14) 15	30	10,11	9,10	15,(16) 18	7	11,12 14	9,(10) 13,14	19,21	12,14	15,16	9,11	14,20	12	22,(23) 24	X
8 Suspected tissue from top of air conditioning unit	13,14	28,30	8,10	(12,13)	15,17	6	12,14	10,12	18,20	14	15,16	8,12	12,17	10,13	22,23	XY
9 Neck - Jennifer Stone	12,(13) (14),15	(29),30	(10),11	(9),10	15,16 (17),18	7,(8)	11,12 14	9,(11) 14	(19,21)	12,14	15,16	(8),9 11	(14,20)	12	22,24	X
10 Left middle finger and left ring finger - Jennifer Stone	12,15	30	(10),11	9,(10)	15,18	7	12,14	9,14	19,21	12,14	15,16	9,11	14,(20)	12	22,24	X



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

11 Vinyl siding on front porch	12,15	30	10,11	9,10	15,18	7	12,14	9,14	19,21	12,14	15,16	9,11	14,20	12	22,24	X
12 Acrylic fingernail	12,(14) 15	30	10,11	9,10	15,(16) (17),18	7	(11),12 (13),14	9,14	19,21	12,14	15,16	9,11	14,20	12	22,24	X
13.1 Blue in color shirt from front yard	(13),14 15	28,(29) 30	10,11	7,10	(13),15 16	7	(11),12 13	9,14	19,20	12,14	15,(16) 17	8,11	16,20	12,13	(21),24	XY

() = stochastic range - = no result Bold = major contributor Inc = Inconclusive

Table 2 - Yfiler

Case Items	DYS456	DYS389I	DYS390	DYS389II	DYS458	DYS19	DYS385	DYS393	DYS391	DYS439	DYS635	DYS392	Y_GATA_H4	DYS437	DYS438	DYS448
23 Latroy Dante Sampson	16	12	25	29	17	13	16,19	13	9	12	21	12	12	14	11	22
24 Matthew Stone	15	13	21	30	16	15	15,21	14	10	13	20	11	13	14	11	21
6 Right hand fingernail clippings - Jennifer Stone	16	12	25	(29)	16,17	(13)	19	13	(10)	12	21	-	12	14	11	20,22
7 Left hand fingernail scrapings - Jennifer Stone	(15),16	12,13	24,(25)	(29)	16,17	15	(12,14) (16)	13	(9),10 11	13	(21,24)	(11),13	11,(12)	14,15	11,12	(20,22)
9 Neck - Jennifer Stone	16	12	-	(29)	17	(13)	-	13,(14)	9	(12)	21,(23)	(12)	12	(14)	(11)	22



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

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SLED LAB No. L14-08305
December 11, 2015

Page 7 of 7

12 Acrylic finger nail	15	12,13	21	29,30	15,16 17	(15,16) (17)	(17)	(13),14 (15)	9,10	12	21,(22)	-	11,(12)	(13,14)	11	(22)
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() = alleles between 75 and 149 rfu - = no result **Bold** = major contributor **Inc** = inconclusive



AN ASCLD/LAB-*International* ACCREDITED TESTING LABORATORY SINCE 09/19/2014



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

653

WINNSBORO PUBLIC SAFETY VOLUNTARY STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF _____

PERSONALLY appeared before me _____, who states:

"My name is Joseph Sampson My address is _____

Date of Birth _____ Social Security Number: _____ Phone Number _____

I completed the _____ grade in school, and I can cannot read and write."

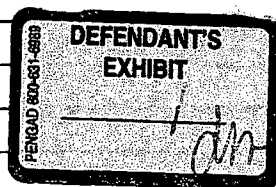
Before answering any questions or making any statements _____

a person who identified himself as _____
duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise or hope of reward, without fear or threat of physical harm, without coercion, favor, without leniency or offer of leniency, by any person or persons whomsoever.

me AND Jen. WAS Abroad the corner smoking weed. we were on Palmer st. Lottery came up AND told Jen to walk with him. I told her I had weed. They walked off. me AND my home boy came to check on Jen. When we got there she was lying beside the house with no clothes on. She was Allure AND tried to talk to me. I think she called Lottery's name. I told her next to talk the Ambulance WAS coming.



I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 7:34 A.M. on the 4th day of July, 2014.

SWORN TO AND SUBSCRIBED TO BEFORE

ME THIS _____ DAY OF _____, 20 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: _____

Signature of person giving voluntary statement

WITNESS: John Seible

WITNESS: _____

I certify that I have been given a copy of this statement consisting of _____ pages _____

Sorry, some features may not work in this version of Internet Explorer.
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United States of America, Plaintiff,

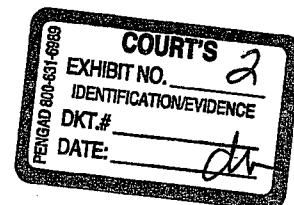
v.

Theodore Kootswatewa, Defendant.

No. CR-15-08034-001-PCT-DLR

United States District Court, D. Arizona.

March 2, 2016.



ORDER

DOUGLAS L. RAYES, District Judge.

The Government alleges that Defendant Theodore Kootswatewa, a Hopi adult, sexually assaulted a Hopi girl inside an abandoned trailer owned by a Hopi woman on the Hopi reservation. (Doc. 1.) Pursuant to Federal Rules of Evidence 702 and 403, Defendant moves to preclude the Government's expert from testifying about the probability of a random match of the Y-STR partial DNA profile identified on the victim. (Doc. 77.) The Court held an evidentiary hearing on Defendant's motion on February 10, 2016. The Government and Defendant each presented one expert witness. The Court admitted five exhibits: two from the Government and three from Defendant. For the following reasons, the Court grants Defendant's motion.

BACKGROUND

Deoxyribonucleic acid ("DNA") is material found within cells throughout the human body that contains the information necessary to make a human being. (Doc. 100 at 10.) DNA analysis requires a four-step process. (*Id.* at 13.) Step one involves extraction of the DNA using chemicals to break open the cells. (*Id.*) Next, the quantity of the DNA obtained from the sample is determined in a process called "quantitation." (*Id.*) Third, the examiner copies the relevant areas of the DNA using the "polymerase chain reaction" ("PCR"). (*Id.*) Finally, the DNA is separated by size to generate a DNA profile. (*Id.* at 13-14.) In criminal investigations, a DNA profile from cells found on a victim can be compared with samples from suspects to determine whether there is a match. (*Id.* at 14.) Because each person's DNA is distinctive, the probability that a random person's DNA profile would match the crime scene sample is extraordinarily low, sometimes one in several billion. (*Id.* at 10, 21-22.)

When a crime scene sample contains an excess amount of female DNA compared to male DNA, examiners employ a different process called "Y short tandem repeat" ("Y-STR") DNA analysis. (*Id.* at 14.) The first two steps are the same as regular, autosomal DNA analysis. (*Id.* at 15.) From there, the process differs by utilizing a special kit that seeks out only the Y-chromosome, which is found only in males, instead of any of the other 22 pairs of chromosomes found in the human body. (*Id.* at 14-16.) The Y-chromosome DNA profile is then cross-referenced against a database of known samples to generate a statistical estimate of the probability that the profile would be observed randomly among certain populations. (*Id.* at 16-17.) This statistical calculation process is known as the "counting method." (*Id.* at 21.)

A man's Y-chromosome is inherited entirely from his biological father. (*Id.* at 22-23.) Identical Y-chromosomes are likely to be shared not only by immediate family members, such as fathers, sons, brothers and uncles, but also by very distant male relatives whose family relationship has centuries ago been lost. (*Id.*) Because there are fewer

permutations when examining only the Y-chromosome than in the usual DNA examination, the extraordinarily low statistical probability of a random match of a full DNA profile does not exist with Y-STR analysis. (*Id.*) In other words, there are large numbers of other individuals who likely share any man's Y-chromosome. For this reason, the results of Y-STR analysis only allow an examiner to determine whether a crime suspect and his male paternal relatives can be excluded as contributors.

Specific Y-STR profiles are not likely to be evenly dispersed among populations of the world. (*Id.* at 28-31.) Some populations have existed in relative isolation while others have been engaged in significant historical genetic mixing with other populations. For example, people living on a remote Pacific island in genetic isolation for thousands of years likely would not share Y-STR profiles with people living in Europe, but would share many Y-STR profiles with each other. Even though not geographically remote, some populations tend to mate preferentially with other members of the group and not with outsiders. The geographical remoteness and/or the preferential mating practices of certain populations have resulted in Y-STR clusters. Certain Y-STR profiles are common in some regions of the world or among certain ethnic groups but entirely absent among others. (*Id.*) Forensic scientists attempt to account for this non-random sorting by categorizing profile frequencies in terms of race. (*Id.* at 28, 30.) Probability statistics of a random Y-STR DNA match are expressed and qualified by the race of the individual for whom there is a match. For example, there are categories for Caucasians, African-Americans, and Native Americans. (*Id.*)

In this case, Erin Daniel, a criminalist with the Arizona Department of Public Safety crime lab in Flagstaff, examined external genital swabs from the victim, a swab from the crotch of her underwear, and buccal swabs from Defendant's mouth. (*Id.* at 7, 19.) The DNA testing of the external genital swabs and the victim's underwear revealed DNA of at least two individuals. (*Id.* at 20.) The major component of the DNA recovered was the victim's own, which potentially blocked the ability to fully observe the other DNA. (*Id.*) Thus, Ms. Daniel examined the sample using Y-STR analysis. (*Id.*)

Ms. Daniel utilized the "YFiler" kit, manufactured by Applied Biosystems and made specifically for separating female DNA and copying the Y-chromosome. (*Id.* at 15-16.) She generated the DNA profile and found that it matched the profile of Defendant's Y-chromosome on all 16 loci, meaning Defendant and his male paternal relatives could not be excluded as contributors. (*Id.* at 20.) Ms. Daniel then checked the profile against the Applied Biosystems database and determined that the profile has not been observed. (*Id.* at 20-21.) Based on the size of the Applied Biosystems database, Ms. Daniel concluded that the Y-STR profile from the crime scene sample is not expected to occur more frequently than in 1 in 35 Native Americans. (*Id.* at 21.)

LEGAL STANDARD

The district court determines whether expert testimony is admissible. See Estate of Barabin v. AstenJohnson, Inc., 740 F.3d 457, 464-65 (9th Cir. 2014). Pursuant to Fed. R. Evid. 702:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

Rule 702 requires expert testimony to be both relevant and reliable. Barabin, 740 F.3d at 463. Testimony is relevant if "[t]he evidence . . . logically advance[s] a material aspect of the party's case," Cooper v. Brown, 510 F.3d 870, 942 (9th

Cir. 2007), and reliable if it has "a reliable basis in the knowledge and experience of the relevant discipline," Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137, 149 (1999).

When assessing the reliability of expert witness testimony, the court should consider the non-exhaustive factors identified by the Supreme Court in Daubert v. Merrell Dow Pharmaceuticals, Inc.: (1) whether the method "can be (and has been) tested;" (2) whether the method "has been subjected to peer review and publication;" (3) the method's "known or potential rate of error;" (4) whether there are "standards controlling the technique's operation;" and (5) whether the method has "general acceptance" within the "relevant scientific community." 509 U.S. 579, 592-94 (1993). "[T]he test of reliability is 'flexible,' and Daubert's list of specific factors neither necessarily nor exclusively applies to all experts or in every case." Kumho Tire, 526 U.S. at 141.

Additionally, Fed. R. Evid. 403 allows the district court to "exclude relevant evidence if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence." "Rule 403 and Daubert address different aspects of evidence and therefore act independently." United States v. Ramirez-Robles, 386 F.3d 1234, 1246 (9th Cir. 2004). Evidence found reliable under Rule 702 may nonetheless be excluded under Rule 403 "if its probative value is outweighed by its prejudicial impact." *Id.*

DISCUSSION

Defendant does not challenge Ms. Daniel's qualifications to offer opinions on DNA evidence and random match probabilities, nor does he contend that Y-STR DNA analysis or the counting method are generally unreliable under Daubert. Rather, Defendant argues the Government has not shown that "Native American" is a scientifically coherent category of genetic classification for purposes of Y-STR DNA analysis. In other words, Defendant contends that the data upon which the Government's statistic rests is not adequate to produce a reliable result. He seeks to preclude Ms. Daniel from testifying about this random match probability, arguing that the statistic is unreliable under Rule 702, and that its probative value is substantially outweighed by the risk of unfair prejudice under Rule 403.

I. Reliability under Rule 702

There are 105 self-identified Native Americans in the Applied Biosystems database. (Doc. 100 at 29.) The tribal affiliations of the subjects are unknown. (*Id.*) Thus, it is unknown whether any are from the Hopi tribe. (*Id.*) There presently is no Y-STR database known to exist exclusively for Hopis. (*Id.* at 29-36, 80.) Ms. Daniel employed the Applied Biosystems database to determine the random match probability because she had no other database available. (*Id.* at 30-31.)

Although she testified that the Applied Biosystems database was peer-reviewed and accepted in the scientific community, Ms. Daniel was unaware of any peer-reviewed articles examining the database or endorsing the pooling of Native American populations for purposes of Y-STR DNA analysis. (*Id.* at 40, 47.) Nor did the Government produce other evidence that pooling Native Americans results in a scientifically accepted category of genetic classification for purposes of Y-STR DNA analysis.

On the other hand, Defense expert Charles H. Brenner, who holds a Ph.D. in forensic mathematics and has published peer-reviewed articles on Y-STR DNA analysis, testified that, although there might have been common ancestry among Native Americans going back thousands of years, it is questionable whether there would be any genetic common ancestry among Native Americans today because of the isolation of specific tribes and the natural mutation process. (*Id.* at 53-59.) He testified that, as a result, pooling Native Americans into a single genetic classification could manufacture diversity, thereby inflating random match probabilities to make the DNA profile appear rarer than it might actually be. (*Id.* at 62-63.) Like Ms. Daniels, Dr. Brenner was unaware of any peer-reviewed articles endorsing the pooling of Native Americans into a single genetic classification. But he was aware of research, including a report entitled "Forensic Application of Y Chromosome STRs and SNPs," authored by Michael Hammer and Alan J. Reed

and submitted to the United States Department of Justice by the National Criminal Justice Reference Service, which disapproves of the use of agglomerated Native American Y-STR databases. (*Id.* at 70-73.)

Dr. Brenner opined that using the Native American pooled data when the suspect is a Hopi charged with an offense on the Hopi reservation likely results in "a hugely exaggerated statistic," and that by using the pooled data "[y]ou'll be framing the suspect." (*Id.* at 73.) He stated that the only appropriate database to use in a case involving a Hopi man charged with a crime in a population of Hopis would be a database of only Hopi tribe members. (*Id.* at 74.) Dr. Brenner opined that the "1 in 35 Native Americans" statistic generated by Ms. Daniel's analysis is not reliable because it cannot be known whether the Applied Biosystems database includes an appropriately representative population of any particular Native American tribe. (*Id.* at 80, 90.)

The Court finds Dr. Brenner's testimony persuasive. Pooling all tribes into one Native American category risks manufacturing diversity that would not exist in an appropriate database, likely resulting in inflated statistics. The Government, which bears the burden of establishing the admissibility of its expert opinion evidence, has not shown that the data upon which the "1 in 35" calculation is based is reliable. Accordingly, Ms. Daniel will not be permitted to testify about the probability of a random match of the Y-STR partial DNA profile identified on the victim.

II. Prejudicial Impact under Rule 403

Even if Ms. Daniel's testimony regarding the random match probability of the Y-STR DNA profile is admissible under Rule 702, the Court finds that its probative value is substantially outweighed by the risk of unfair prejudice to Defendant. The pooling of Native Americans into a single genetic classification calls into doubt the soundness of the "1 in 35" random match probability. Ms. Daniel acknowledged that certain Y-STR DNA profiles likely would occur with different frequencies within different tribal groups, but could not explain how the formula used to calculate the "1 in 35" statistic accounted for genetic diversity among Native American populations. (Doc. 100 at 30-35, 43, 45.) Without sound population frequency estimates, a jury cannot properly evaluate the weight to be given to Ms. Daniel's findings. See United States v. Pritchard, 993 F. Supp. 2d 1203, 1214 (C.D. Cal. 2014). Although Defendant can emphasize the limits of Y-STR DNA analysis on cross-examination, there exists a substantial risk that a jury hearing the statistic might give it more weight than appropriate under the circumstances.

CONCLUSION

For the foregoing reasons, the Court finds that Ms. Daniel's testimony about the probability of a random match of the Y-STR partial DNA profile identified on the victim is not reliable under Rule 702 because it likely is based on unrepresentative data. Further, the dubious reliability of the random match probability would leave a jury with little guidance on how to evaluate the weight to be given to the DNA testing results. Consequently, even if the evidence is admissible under Rule 702, its probative value is substantially outweighed by the risk of unfair prejudice.

IT IS ORDERED that Defendant's Motion to Preclude Expert Testimony under *Daubert* and FRE 403 and 702, (Doc. 77), is GRANTED.

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WITNESSES

WPS

Carrell

ARREST WARRANT NUMBER/DOA

2014A2020100110 (DOA05-14-15)

ACTION OF GRAND JURY

~~TRUE BILL~~

Blanche E. Mandaball
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-20-291

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE

vs.

Latroy D. Sampson

Indictment for

Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

2015 SEP 15 PM 2 01
FAIRFIELD COUNTY
CLERK OF COURT
PETTY JO BECKHAM

Oct 21 2016 12:03pm

P005/006
659

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

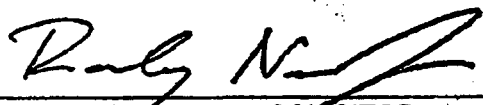
INDICTMENT

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of
Fairfield County present upon their oath:

MURDER

That Latroy D. Sampson did in Fairfield County on or about July 4, 2014,
feloniously, willfully and of his malice aforethought kill and murder Jennifer Stone by
strangulation and the victim did die as a proximate cause then and there of, July 4, 2014
in violation of the common law of South Carolina and §16-3-10, *Code of Laws of South
Carolina*.

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



Randy E. Newman, Jr., SOLICITOR

COUNTY OF Fairfield
STATE OF VS.
Latroy D Sampson
A:
Race: BLACK Sex: M Age: 38
DOB: 1977 SS#: [REDACTED]
Address: Syrup Mill Road
City, State, Zip: Winnsboro, SC 29180
#: SID#:
DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
Disposition of the said indictment comes now the Defendant who was
1: Murder / Murder

INDICTMENT/CASE#: 2015-GS-20-291
A/W#: 2014A2020100110
Date of Offense: 7/4/2014
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45
Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

FBST Maxwell, Riley 74878 Defendant Attorney for Defendant SC Bar#
HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed years
or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
\$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or ☐ CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP days/hours Public Service Employment
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

fine:	\$
4-1-206 (Assessments 107.5 %)	\$
4-1-211(A)(1) (Conv. Surcharge)	\$100
4-1-211(A)(2) (DUI Surcharge)	\$100
56-5-2995 (DUI Assessment)	\$12
56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
14-1-212 (Law Enforce. Funding)	\$25
14-1-213 (Drug Court Surcharge)	\$150
50-21-114(BUI Breath Test Fee)	\$50
16-5-2942(J) (Vehicle Assessment)	\$40/ea
% to County (if paid in installments)	\$

TOTAL \$ 128.75

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

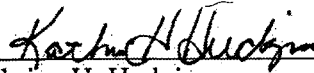
Clerk of Court/ Deputy Clerk Judy M Bonds
Court Reporter: Deborah McCurdy
CA/217 (07/2016)

Presiding Judge
Judge Code: 2161
Sentence Date: 8-10-16

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,



Kathrine H. Hudgins
Appellate Defender

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

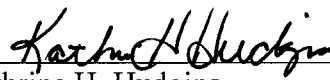
ATTORNEY FOR APPELLANT

This 30th day of August, 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."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 30th day of August, 2017.

RECEIVED

AUG 30 2017

SC Court of Appeals