

23197

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

V.

RESPONDENT,

J'QUAN MARQUEL SCOTT,

APPELLANT

APPELLATE CASE NO 2016-000559

RECORD ON APPEAL

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SC Court of Appeals

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State of South Carolina) In General Sessions Court
County of Charleston) Ninth Judicial Circuit

State of South Carolina) Transcript of Record
Vs.) 2013-GS-10-7416
J'quan Scott,) 2013-GS-10-7418
Defendant.) 2013-GS-10-7419
2013-GS-10-7421

May 27, 2015

Charleston, South Carolina

B E F O R E:

The Honorable Kristi L. Harrington, Presiding Judge

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CIRCUIT COURT REPORTER

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1 Wednesday, May 27, 2015

2 MR. BROWN: Your Honor, while that's going on and
3 he's coming out, we have filed this with the clerk. This
4 is a copy. The hard copy has been served. It's a
5 substantive evidentiary motion, so I just wanted to
6 provide that for purposes of going through the roster
7 this morning.

8 THE COURT: Are you J'quan Scott? Are you J'quan
9 Scott?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Please swear the defendant.

12 (The Defendant was given his oath.)

13 THE COURT: Ms. Wilson, is the State ready?

14 MS. WILSON: Yes, ma'am.

15 THE COURT: And how long do you anticipate this
16 will take?

17 MS. WILSON: Through Friday.

18 THE COURT: Have any offers been conveyed?

19 MS. WILSON: No.

20 THE COURT: Mr. Brown, are you prepared to go
21 forward?

22 MR. BROWN: We are prepared to go forward. We do
23 have two concerns we'd like to raise that we think are
24 better done today, administratively.

25 THE COURT: Then I will handle them after I go

1 through the docket.

2 MR. BROWN: Yes, ma'am.

3 THE COURT: I will place you at this time first up
4 in front of Judge Jefferson because I understand this has
5 significant technology.

6 MS. WILSON: Yes, and we have the three-defendant
7 case which needs the big courtroom.

8 THE COURT: So we'll assign it to Judge Jefferson.
9 I'll address any pretrial matters at the end of the
10 docket.

11 MR. BROWN: Yes, ma'am.

12 THE COURT: All right. Thank you.

13 MR. BROWN: That's one of the concerns I have is
14 about the --

15 THE COURT: I'll let you get that at the end of the
16 docket. Thank you.

17 MR. BROWN: Absolutely. Thank you.

18 (WHEREUPON, the hearing was recessed.)

19 THE COURT: All right. Mr. Brown, I have several
20 matters, I guess to address with you, that you brought to
21 the Court's attention.

22 MR. BROWN: May it please the Court?

23 THE COURT: Yes.

24 MR. BROWN: As far as administrative concerns, I
25 think really two, and one is a motion to recuse the

1 prosecutor as a witness in the defense case and then
2 there is a second one regarding the judicial assignment.
3 I did not file that as a written motion because according
4 to part of the docket stuff it indicates that the
5 assignment of judges would be made this morning. So I
6 guess until -- it actually was made when that hadn't even
7 become ripe yet, and I know we had some e-mails which I
8 do have that I would like to submit for the record on
9 that and I'm not sure which one of those two
10 administrative issues you'd like to take up.

11 The evidence motion I just provided to the Court is
12 an idea for scheduling purposes what we looked at as
13 pretrial issues. When I talked to Solicitor Wilson she
14 had indicated -- the first one deals with a statement,
15 suppression statement which is a dovetail into their
16 Jackson V. Denno.

17 THE COURT: All right. Well, let's address the
18 motion -- I think the easier one is for judicial
19 assignment. What is your issue?

20 MR. BROWN: We had got the docket and, Your Honor,
21 I think the best way to do this is kind of hand up, and
22 I've got copies of these.

23 THE COURT: Let me just make it simple to you.

24 MR. BROWN: Yes, ma'am.

25 THE COURT: Until Monday I have jurisdiction over

1 which case, so even though I even assign it to Judge
2 Jefferson there is nothing written and there is no
3 written order that she's been assigned. So up until the
4 case is called as chief administrative judge I have the
5 jurisdiction to assign it to whomever.

6 MR. BROWN: Yes, ma'am.

7 THE COURT: So I don't know what your issue is with
8 judicial assignment because I certainly don't think you
9 are asking to judge shop, are you?

10 MR. BROWN: No. Absolutely not. I would like to
11 discuss --

12 THE COURT: And that one is easily addressed, who
13 it's assigned to.

14 MR. BROWN: If I may, because when we got the
15 docket --

16 THE COURT: Let me just -- the docket is prepared
17 by the Solicitor's Office. I'm the chief administrative
18 judge and I make the determination of where the case is
19 assigned. The issue is decided. Move on. All right?

20 MR. BROWN: I haven't been able to make my record.

21 THE COURT: You can make it at a later time. Move
22 on to your next issue.

23 MR. BROWN: Your Honor, I have got to be able to
24 proffer the information for the purposes of an
25 interlocutory appeal.

1 THE COURT: I have ruled. You will make your
2 motion as to recusing the prosecutor.

3 MR. BROWN: Your Honor, if I could submit the
4 attachments that go along with that?

5 THE COURT: I have not prevented you from doing
6 that but I'm going to tell you one more time and if I
7 have to direct you again I'm going to find you in
8 contempt. Now, I want to hear about the motion to recuse
9 the prosecutor.

10 MR. BROWN: The attachments you said I could
11 submit?

12 THE COURT: Mr. Brown, I said that at the beginning
13 before we began.

14 MR. BROWN: Okay.

15 THE COURT: I want to hear right now about the
16 motion to recuse the prosecutor.

17 MR. BROWN: Yes, ma'am. Yes, ma'am, and then
18 reserving the supplementation of the attachments, I
19 guess, for the time that Your Honor directs.

20 THE COURT: Correct. Let's move on.

21 MR. BROWN: Yes, ma'am. There was a motion filed
22 to recuse the prosecutor and that motion was originally
23 sent to the judge on the docket, Judge Dennis, who was, I
24 thought at the time, the one -- and if I may hand up to
25 Your Honor a copy.

1 THE COURT: You may.

2 MR. BROWN: With the attachments, Your Honor, if I
3 may hand that up. And the attachments, which I think
4 would be better marked, I guess, as Defendant's 1 for
5 purposes of reference.

6 (WHEREUPON, Defendant's Exhibit Number 1, a
7 Document, was marked for identification only.)

8 THE COURT: Thank you.

9 MR. BROWN: And they indicate that there was a
10 revaluation that occurred on Friday, May 15th of the
11 results of an interview with the co-defendant who had
12 previously been identified as a cooperating witness
13 based on a recorded statement that was provided in March
14 of this year.

15 The prosecutor took a statement that was recorded
16 from the co-defendant, Isaac Williams, in March. That
17 statement essentially indicated that my client was the
18 shooter and that Mr. Williams, himself, was innocent as
19 he had no idea there would be a crime that would be
20 committed.

21 In May we received this e-mail from the prosecutor
22 indicating that they met with Mr. Williams and that it
23 became apparent to all of us that he was being
24 untruthful, and then when I asked for the copy of the
25 recording I was told that this, which this being the only

1 interview, I have about 10 conducted in the case, that
2 was not recorded in any manner but I get a report
3 regarding it.

4 The report which is the second e-mail, which is the
5 one or one through seven, is a summary of the meeting and
6 it gives essentially bullet points, and, of course, it
7 speaks for itself about blow-by-blow of how the interview
8 was conducted. That summary of events was provided from
9 the prosecutor.

10 Now, Your Honor may be aware, this comes up
11 frequently in Federal Court where an FBI agent will
12 conduct an interview. Through routine, there's no actual
13 statement provided from the lips of cooperating person,
14 and so when the cooperating witness takes the stand he
15 can't be impeached with the FBI agent's report, and the
16 common retort from the judges is that you can call the
17 FBI agent and ask him about his notes. And a long story
18 short, these are the only notes regarding this hearing
19 and those are the notes of Solicitor Wilson. So there is
20 no one else I can call to go over these notes.

21 Now, that's pertinent because whether or not
22 Mr. Williams takes the stand and provides a statement
23 consistent or inconsistent with this the defense -- and I
24 know I'm projecting it, it's in the motion itself, is
25 primarily based upon the fact that for 18 months -- well,

1 actually, a little bit more than that, 19 months going
2 into May, the prosecution believed that Mr. Williams'
3 statement was essentially true, at least from March until
4 now. And so what we've got is a two-month time period
5 where Ms. Wilson has indicated that Mr. Williams'
6 statement that he didn't do anything or know anything was
7 truthful.

8 And two months later after intense investigation it
9 turns out that she had been duped, and that's essentially
10 the defense we are offering in trial, that the evidence
11 is not sufficient for the jury to determine beyond a
12 reasonable doubt my client's involvement, and as part and
13 parcel would be the testimony of Solicitor Wilson about
14 this part of the interview. Not the words from
15 Mr. Williams' mouth but, in fact, how she came about
16 breaking him out of his false testimony about how -- and
17 I think to use her statement it became apparent to us
18 that he was not being truthful.

19 I cannot impeach or hold to this seven-page
20 statement any other witness except Solicitor Wilson
21 because it's her statement.

22 THE COURT: And so what are you asking?

23 MR. BROWN: Well, I'm asking to call her as a
24 witness. Now, whether or not she needs to be recused I
25 think comes back to the part about her serving in her own

1 trial. So, quite frankly, I think the rules then require
2 her recusal but I'm just giving you notice I intend to
3 call her in the defense.

4 Now, she has filed a reply. She cites two cases
5 which I wish to distinguish. I do cite the only case
6 that I can find in South Carolina. It is not on point on
7 all fours factually. It does discuss the rule. And in
8 that case, they sought to disqualify an employee, who I
9 know from a firm in Beaufort, is in a personal injury
10 case and that employee is essentially an investigator.

11 So the investigator was going to take the stand and
12 they said, No, he can't take the stand because he is part
13 and parcel of the counsel on the case, and so the judge
14 disqualified that witness. And they took it up on
15 interlocutory appeal and the Court found that that
16 disqualification of that witness not -- they didn't
17 actually disqualify the lawyers but the actual witness,
18 the investigator for Jim Moss' law firm, they found that
19 that disqualification was wrong and they found that
20 interlocutory appeal based upon the forced recusal of
21 counsel or his employee was properly brought.

22 There was a dissent from Justice Pleicones
23 indicating that interlocutory appeals are regulated
24 totally by statute as a legislature matter, but that is
25 the only case. I cite in there as a reason I thought

1 this needed to be provided to the judge early because
2 instead of a June 1st ruling on whether or not Ms. Wilson
3 would have to be recused I'm trying to be efficient with
4 the Court, have a ruling early in case it's granted, my
5 motion is granted, and providing Ms. Wilson time to file
6 an interlocutory appeal. And so the reason why I'm
7 asking Your Honor to hear it is for that reason. It was
8 provided to Judge Dennis back when I thought he was the
9 assigned Judge. So that's the basis of my motion.

10 There is not one other piece of writing other than
11 what's been presented in Defendant's 1. There's no other
12 recording or anything else regarding this interview.

13 Now, there are other people in the room but, Your Honor,
14 they are not the ones that gave me the statement that I
15 can then use to make sure that they are held to this. In
16 other words, this statement helps me and I need to make
17 sure this statement is the one that gets into evidence,
18 and the person who's the witness to this statement is
19 Ms. Wilson.

20 Now, if she wants me to just introduce this
21 statement and stipulates to it I don't mind, and I'll
22 just introduce her seven-page e-mail. That works for me
23 but it is pitting her against her own case, which is odd,
24 then she wouldn't have to be a witness.

25 And, Your Honor, one thing I have to come back to

1 is that we know that offers to stipulate things like that
2 is an analogy or something that can be accepted or
3 rejected by the other side because as the law says, it's
4 up to the party to try the case the way they see fit.

5 Now, whether or not there are other witnesses to
6 interview whose statements I don't have or recordings I
7 don't have they may be eligible to be a witness. As a
8 defense lawyer I don't know what they are going to say.
9 I only know what Ms. Wilson would say.

10 And number two, that's the way that I prefer to
11 present the case because there's no better person to show
12 who was duped by the evidence or unclear of the evidence
13 than the elected prosecutor herself, the head
14 representative of the State. That's the most powerful
15 witness I could put up.

16 I'm not going to argue against their authority
17 that's from another jurisdiction and secondary authority
18 but after they give their response I would like the
19 opportunity to distinguish those two cases they cite.
20 They are federal cases from other jurisdictions, I
21 believe Indiana, maybe Idaho or Iowa. And that's
22 essentially my argument, Your Honor.

23 THE COURT: All right. Thank you.

24 MR. BROWN: Thank you.

25 THE COURT: Ms. Wilson?

1 MS. WILSON: Judge, have you had an opportunity to
2 see our response?

3 THE COURT: I have.

4 MS. WILSON: Okay. First of all, it's very
5 peculiar that this motion is being made and that there is
6 some issue being interjected into this case as to what
7 the prosecutor believed or whether or not the prosecutor
8 was duped. That's not relevant for the jury.

9 The issue is what the jury believes and how the
10 jury assess the case. And it's also an unfortunate
11 motion in that what -- the e-mail that I sent Mr. Brown
12 was to comply with my obligations under Brady. I didn't
13 have to send him an e-mail at all. I didn't have to take
14 notes at all. All I had to do was make sure that I was
15 abiding by the rules and abiding by Brady by letting him
16 know that there was an inconsistency in what the
17 defendant, the cooperating defendant said.

18 You know, this notion that that makes me a witness
19 is absurd when there are several people in the room.
20 That e-mail that I sent to Mr. Brown outlining the Brady
21 information -- and I even went beyond Brady which is
22 something I didn't have to do either. I did that to try
23 to be consistent with giving him everything that I
24 thought he would have and that he would need to prepare
25 his case, but to call that e-mail and my responsibility

1 under Brady a statement or to call it even my notes, I
2 didn't take notes during the interview.

3 We had other people there who were taking notes.
4 We have met, we have gotten together so that I can
5 compile the information from that meeting and give it to
6 the defense. That happens in almost every case where we
7 are trial prepping witnesses. Something comes up, you
8 know, say, the witness originally said the car was red
9 and now the car is green and that's somehow pertinent, we
10 provide that information to the defense because it's our
11 obligation to do that. That doesn't make us a witness.
12 There is a reason that we have investigators in these
13 meetings with us so that if a witness needs to be
14 impeached they can be impeached.

15 I don't have any indication that Isaac Williams is
16 going deny that his story has changed throughout. If
17 that were to happen, as I said in my response, you know,
18 there are three or four other witnesses who could testify
19 as to how that witness changed his statement.

20 So I really don't grasp where Mr. Brown is coming
21 from and I don't believe that the trial judge and even
22 Your Honor sitting here will see or could see that my
23 impressions of whether or not I believe Isaac Williams is
24 relevant to anything.

25 THE COURT: Okay.

1 MS. WILSON: And I don't believe I've ever told
2 Mr. Brown that I bought anything that Isaac Williams said
3 and that's been -- he has sent me several e-mails along
4 and along trying to pin me down on what I know and what I
5 believe with regards to Mr. Williams.

6 Mr. Williams is going to say whatever Mr. Williams
7 is going to say. There are parts of it that we can
8 corroborate. There are parts of it we can't, and the
9 trial court will instruct the jury that they can believe
10 all, part or none of what Mr. Williams says. So that's
11 the way I've approached it myself.

12 The e-mail that I sent Mr. Brown was nothing but an
13 attempt to comply with Brady. It is similar to the
14 correspondence that we have in almost every case when
15 Brady matters come up. It certainly doesn't make me a
16 witness and I think the motion to recuse should be denied
17 now and if he needs to raise it again at some point
18 certainly he could. But I can't imagine under these
19 circumstances it being a true issue.

20 THE COURT: Thank you.

21 Mr. Brown, anything?

22 MR. BROWN: Briefly in rebuttal. There's not a
23 question about impeaching Mr. Williams. We are offering
24 -- it's in my motion, a defense which Justice Souter said
25 in Kyles V. Whitley at page 446 of that opinion that

1 common defense tactic is to impeach the caliber and bias
2 contained within the investigation and prosecution of a
3 case.

4 And so we clearly were told that to the March
5 recorded interview with Mr. Williams, which the
6 questioning was primarily done by Ms. Wilson there and
7 that didn't generate a problem because I have a recording
8 that showed what the State did and did not think, but as
9 we go through it since that date they offered to put up
10 Mr. Williams in the case to testify regarding that
11 statement, the March statement.

12 They can't put him up if they believe that
13 statement is false. So they had to believe at least for
14 some period of time that his statement was true,
15 otherwise they couldn't put him up. They are not allowed
16 to present false testimony. That's pretty clear.

17 So they believed his March statement until May 15th
18 and that's when we get into this process. And the phrase
19 we use is in there. The only person I can impeach with
20 this is Ms. Wilson, the only person I can hold to it
21 because, quite frankly, I think I call her and I think
22 she'll testify consistent with her e-mails, and the
23 reason I say that is that's the purpose of calling her as
24 a witness.

25 But if I have to impeach her prior to statement the

1 only person I could impeach is Scarlet Wilson, and I say
2 this is no different than the FBI agents in the drug
3 cases. They take a cooperating witness' statement, the
4 cooperating witness testifies, the defense lawyer tries
5 to impeach the witness with the FBI agent's report and
6 the judge says you can call the FBI agent but you can't
7 impeach the cooperating witness with a statement he did
8 not make. It would be different if it was Mr. Williams'
9 statement that we are dealing with but it is the process
10 and bias the State went through.

11 Judge, there's no question. They had a proffer
12 deal with Mr. Williams. You give a truthful statement we
13 protect you. He gave that statement in March. They went
14 all the way to the State. The e-mails speak for
15 themselves. They then rejected it after it became
16 apparent to all of us, and this was, again, the only
17 statement that this comes from is from Ms. Wilson.

18 If there had been a statement from someone else
19 then I would have that to go with, but this is a
20 beneficial statement to me because she admits that she
21 was duped for at least two months and unable to determine
22 what happened in the --

23 THE COURT: Where does she say she's duped?

24 MR. BROWN: Well, she says she is going to put
25 Mr. Williams up at the March statement pursuant to a

1 proffer that requires him to be truthful. That's in
2 March. Between March and then that was the party lie
3 from the State. May 15 it became apparent to us that he
4 was not being truthful.

5 And, again, we don't know the events that occurred
6 in that vehicle on October 3rd and the State was willing
7 to believe something in March, that was 17 months after
8 the event, and for two more months they were stuck with
9 that, believing that and using that as the evidence that
10 they would provide against me.

11 I agree that this is compliance with Brady but this
12 isn't the same as her saying that interview with a
13 witness was done and he provided this information as
14 Brady. This is we did this, which is in part I did this,
15 and other people. This is Ms. Wilson's statement
16 regarding her interview with this person. It's not like
17 she was a witness to an interview conducted by
18 detectives.

19 And there was another way it could have been
20 handled, I think. A recording would have sufficed
21 because I could have introduced the recorded audio apart
22 from presenting her testimony. Now I do have a
23 recording, recorded the old fashioned way in writing, and
24 it's Ms. Wilson's writing.

25 As to the two cases, they weren't cited by the

1 State. They are cited in their reply. And, Your Honor,
2 just to flip to the right case here, in U. S. vs. Melton,
3 which is a criminal case, they sought disqualification of
4 defense counsel in a criminal matter, and the Court says
5 in that opinion that the beginning point is the Sixth
6 Amendment choice of counsel right of accused. That's the
7 beginning. And that there is a presumption that you get
8 to choose your lawyer, and that's a heavy presumption.

9 Now, that's not the case we are dealing with here.
10 The State has no right to choose their counsel. And so
11 that case is distinguished right off the bat because the
12 analysis actually says that they are beginning their
13 analysis in that case with the Sixth Amendment Right to
14 counsel -- choice of counsel.

15 Now, the other case is a civil case, and in the
16 Mills vs. Hossman McNalley, S. C. that case deals with a
17 malpractice claim that's brought against some other party
18 firm, and the party firm then seeks to disqualify the
19 malpractice attorneys related to their representation in
20 the plaintiff's claim and they put in there that it's not
21 even clear that the testimony even goes to the issue of
22 malpractice.

23 Further, they don't end there and they say for now
24 we are not going to disqualify and they go on to say that
25 they will address it later if they can meet that burden,

1 but the important part is this, the question about
2 whether it went to the issue at play and the issue at our
3 defense to use Kyles V. Whitley is the common defense
4 tactic to impeach the caliber and bias of the
5 investigation prosecution.

6 MS. WILSON: Judge?

7 THE COURT: Hold on one second.

8 Is there anything else? Have you marked everything
9 you needed to mark, Mr. Brown?

10 MR. BROWN: For this motion.

11 THE COURT: For the two motions that we have
12 addressed, have you marked everything you need to mark?

13 MR. BROWN: No, ma'am. On the judicial assignment
14 I do have some matters I need to have marked.

15 THE COURT: All right. Well, go ahead and mark
16 them.

17 MR. BROWN: Yes, ma'am.

18 MS. WILSON: Judge, if I could just add one other
19 thing.

20 THE COURT: I'm going to let him get his record
21 complete, Ms. Wilson, and then I'll hear from you.

22 MR. BROWN: Thank you, Your Honor.

23 (PAUSE.)

24 MR. BROWN: If I may just mark these items, Your
25 Honor. And I apologize, I had them in sets and now I'm

1 fumbling with my documents. And it's a series of
2 e-mails, e-mail or e-mail threads. If I just may mark
3 them. Defendant's 2 would be an e-mail thread that is
4 a --

5 THE COURT: They can speak for themselves --

6 MR. BROWN: They speak for themselves. We are
7 going to mark them --

8 THE COURT: Mark them and let's go.

9 MR. BROWN: -- Defendant's 2, 3, 4, and 5.

10 (WHEREUPON, Defendant's Exhibit Numbers 2 through
11 5, Documents, were marked for identification only.)

12 THE COURT: Anything else, Mr. Brown?

13 MR. BROWN: Nothing else for the record on that. I
14 appreciate it, Your Honor.

15 THE COURT: Anything else you need to put on the
16 record at all?

17 MR. BROWN: No, ma'am. Not at this time because I
18 do think that the discussion with the prosecutor has been
19 very productive.

20 THE COURT: Ms. Wilson, anything?

21 MS. WILSON: Just so we have this in this portion
22 of the record, I'm a little concerned at Mr. Brown's
23 characterization of our first interview Mr. Williams as
24 being conducted primarily by me. I think he's shading
25 things because it was actually Detective Goldstein who

1 did most of the interview there.

2 And as I heard Mr. Brown make the remainder of his
3 argument it sounded to me like he was bootstrapping into
4 his argument that the State supposedly vouches for its
5 witnesses, and vouching went away a long time ago. And I
6 certainly -- while we can't suborn perjury, I would never
7 do that. I certainly don't vouch for the defendant's
8 friends who are going to testify and who I can't
9 corroborate every word that they say.

10 The things that I can corroborate, yeah, I'll vouch
11 for that. The things that I can't I certainly don't
12 vouch for that and, again, I think that's what the jury
13 is here to do. But you have my response that's part of
14 the record. There are several witnesses who can testify
15 to anything that I would be able to testify to.

16 I don't believe that my legal correspondence
17 complying with Brady makes me a witness or constitutes a
18 statement by me but, again, if Mr. Brown needs to raise
19 this as it comes up if the case unfolds in a way
20 differently than I would imagine then maybe it can be
21 revisited.

22 THE COURT: All right. Last response, Mr. Brown.

23 MR. BROWN: I would suggest that the evidence that
24 I've submitted is supportive by efforts to call her is
25 subject to interpretation according to which side you are

1 advocating for and certainly this is different than some
2 Brady situations because Ms. Wilson is the firsthand
3 witness to the developments of their investigation as far
4 as the interviews with Mr. Williams go, and that's the
5 difference.

6 THE COURT: Well, I guess I'm not understanding the
7 totality of your argument, Mr. Brown, because what you
8 are suggesting would be to deny a prosecutor the ability
9 to interview any witness and even if there was five
10 people in the room, five investigators -- you can have a
11 seat. I appreciate you standing.

12 MR. BROWN: Well, just you were addressing me, Your
13 Honor.

14 THE COURT: I'm just addressing -- I'm getting
15 ready to rule.

16 MR. BROWN: Yes, ma'am. I understand.

17 THE COURT: All right. So I'm failing to see what
18 I perceive from the e-mail to be compliance with the
19 rules of discovery and apparently in an over abundance of
20 caution that there were more than one investigator,
21 Mr. Osborne and Mr. Hare, as well as the defendant's
22 attorney. So while what I perceive these bullet points
23 to be is Ms. Wilson's attempt to comply with discovery
24 and her analysis of what happened I do not know that that
25 in and of itself makes her the only witness or an

1 essential necessary witness from which you could not get
2 the other information that you desire.

3 So while I hear what you are saying and I do
4 understand I think the big picture would lead to an
5 absurd result if I were to rule that Ms. Wilson or any
6 prosecutor would have to be recused from doing an
7 investigation which I think clearly it is laid out she
8 has done it with investigators otherwise and then with
9 the intent and the follow up to give you the information
10 as required by law.

11 I do not find that this affects any substantial
12 rights and deny your motion to recuse the solicitor's
13 office. As indicated in several cases cited and uncited
14 by both of you in your briefs and in your e-mails to me,
15 again, the case as Ms. Wilson's indicates unfolds a
16 different way than as we have anticipated here.

17 There is nothing from preventing you from calling
18 her as a witness and thus even if you do that the case
19 law is clear that she does not have to be recused.
20 Although, I do not think that is an appropriate use of
21 what we have addressed here today. I do not think that
22 there's anything that requires her to be recused at this
23 time.

24 MS. WILSON: Beg the Court's indulgence?

25 THE COURT: Yes.

1 (PAUSE.)

2 MS. WILSON: Judge, do you have any other matter
3 besides us?

4 THE COURT: I do.

5 MS. WILSON: Because it may be helpful if we have
6 five minutes of your time --

7 THE COURT: All right. Let's take few minutes.

8 (WHEREUPON, a recess was taken and other matters
9 were heard.)

10 THE COURT: Mr. Brown, are you ready to proceed?

11 MR. BROWN: We have reviewed it all and we just
12 have four signatures he's doing. I've already signed it.

13 THE COURT: And, Ms. Wilson, you are ready?

14 MS. WILSON: Ms. Apps, can you hear us?

15 MS. APPS: Yes, I can.

16 THE COURT: And, Ms. Wilson, you are comfortable
17 proceeding with the victim via phone for this portion of
18 the hearing?

19 MS. WILSON: Yes, ma'am, Your Honor. When we left
20 the pretrial conference this morning I called Ms. Apps
21 immediately and let her know that something had come up
22 rather unexpectedly and I talked with her about the right
23 to be here and we let her know that we would like to go
24 forward. We wouldn't have to go forward but that I
25 thought this was the better course. She agreed and then

1 on the way over here I thought about maybe we could
2 conference her in, and I appreciate the clerk's office
3 working that out for us.

4 So she's ready to go forward. She understands that
5 this will be a rather technical hearing, that you are
6 deferring sentencing and that we'll get into aggravation
7 and mitigation for sentencing at a later date.

8 THE COURT: All right. Ms. Apps, did you
9 understand what Ms. Wilson indicated to you? This is
10 Judge Harrington.

11 MS. APPS: Yes.

12 THE COURT: And I will be more than happy to defer
13 this part of the plea in order for you to be present.
14 Are you ready to go forward on this part via telephone?

15 MS. APPS: Yes. I'm fine with being conferenced
16 in.

17 THE COURT: All right. Thank you.

18 MR. BROWN: Your Honor, would you like for us to
19 approach the podium?

20 THE COURT: Wherever you are comfortable.

21 MR. BROWN: I think this is a little easier if
22 that's fine, and I do have the sentencing sheets. If I
23 may approach?

24 THE COURT: All right. For the purposes of this
25 hearing let's swear Mr. Scott.

1 J'QUAN SCOTT, after having been duly sworn,
2 testified as follows:

3 THE COURT: All right. Mr. Scott, I'm going to
4 need you to remain standing. You are here to plead
5 guilty on indictment 2013-GS-10-7416, 7418, 7419 and
6 7421. You understand you do not have to plead guilty
7 here today?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: I need you to speak loudly. This is my
10 court reporter. She is writing down everything that I
11 say as well as everything that you say but I need you to
12 speak loudly. Do you understand you do not have to plead
13 guilty here today?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you wish to plead guilty on these
16 four indictments here today?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And you understand that I am going to
19 take the plea and defer sentencing to a later time, that
20 I'm going to request a presentence investigation?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Is that what you wish to do here today?

23 THE DEFENDANT: Yes.

24 THE COURT: You have the right to a jury trial,
25 which I statused earlier in the morning, the docket for

1 the jury trial. You are first up next week. By pleading
2 guilty here today you give up your right to a jury trial.
3 Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: By pleading guilty here today you are
6 giving up your right to have a jury determine your guilt
7 beyond a reasonable doubt based upon the evidence the
8 State will present as well as any evidence you may
9 introduce. Do you understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And do you give up that right?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: You are giving up your right against
14 self incrimination, which is your right to say nothing at
15 all. Do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you give up that right?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: You are giving up your right to
20 confront and be confronted by the witnesses against you
21 as well as the right to call witnesses on your behalf.
22 Do you understand that right?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And do you give up that right?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: By pleading guilty here today you give
2 up any defense that you may have to any of these
3 indictments. Do you understand those rights?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And do you give up any defense you have
6 on any of these indictments?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: I can sentence you on murder for 30
9 years up to life. Do you understand that's the possible
10 punishment?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: It is classified as a violent and a
13 most serious offense. Do you understand what those
14 classifications mean to you?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: I can sentence you on armed robbery
17 from 10 years up to 30 years. That is a violent and a
18 most serious offense as well. Do you understand that's
19 the possible punishment?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: I can sentence you on the kidnapping
22 not to exceed 30 years. Do you understand that's a
23 violent and a most serious offense?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: I can sentence you on possession of a

1 weapon during the commission of a violent crime up to
2 five years in the Department of Corrections. Do you
3 understand that's the possible punishment?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Knowing that, do you still wish to go
6 forward here today?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: You understand that I can run these
9 sentences consecutive to each other and you are facing a
10 life sentence plus 65 years? Do you understand that's
11 the potential punishment?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Knowing that, do you still wish to go
14 forward here today?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Has anybody promised you anything,
17 threatened you, forced you to pled guilty here today?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Whose decision was it for you to pled
20 guilty?

21 THE DEFENDANT: Mine.

22 THE COURT: Have you had the advice of counsel of
23 your attorney?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Has his advice been of benefit to you?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Any complaints about the way he's
3 handled this case?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: You will have the right to appeal this
6 plea and the sentence that I impose but you will have to
7 do it 10 days after I impose sentence; do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Are you entering into this plea freely
10 and voluntarily?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Please listen to the facts.

13 Ms. Wilson?

14 MS. WILSON: Thank you, Your Honor. Before getting
15 into the facts because we are deferring sentence I just
16 want to make it crystal clear that upon your acceptance
17 of this plea there is no taking it back. He's locked
18 into his guilty plea, and I've been very straightforward
19 with Mr. Brown about our intentions in seeking the
20 maximum sentence in this case. We'll do that at a later
21 date but I just want that on the record so that everybody
22 understands the State's position and the victim's
23 position in this case.

24 THE COURT: All right.

25 MS. WILSON: I'm going to give you --

1 THE COURT: One more time before we get started.
2 I'll just go over that with Mr. Scott one more time.
3 Mr. Scott, you understand that there is no recommendation
4 or negotiation on behalf of the Solicitor to you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And what she just indicated to me was
7 when we come back for the pretrial -- the sentencing
8 portion after the investigation that the State will be
9 asking for the maximum penalty. Do you understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And at that time, regardless of what
12 the pretrial -- the presentencing investigation indicates
13 you then cannot withdraw your plea just because you don't
14 like what it says. Do you understand that, sir?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: You still wish to enter into this plea?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right.

19 MS. WILSON: Okay, Your Honor. Thank you for doing
20 that. I'll just go into the bare minimum on the facts.

21 THE COURT: You all can have a seat if you want to.

22 MS. WILSON: This occurred on October 3rd of 2013
23 here in Charleston County. The victim in this case was
24 Alex Apps, and he was attending College of Charleston and
25 had a giant truck that he wanted to sell because it was

1 such a pain to operate here in town.

2 He set up an account on Craig's list and began
3 negotiating with the defendant about the price of the
4 truck. They had met one time before the 3rd for the
5 defendant to look at the truck, and then they met again
6 on October the 3rd.

7 Ms. Apps, who is on the phone, had driven up from
8 Beaufort because her son called and said, I've got a
9 buyer. She had the title so she felt like this would be
10 safe as far as him getting ripped off with the truck
11 because he couldn't do anything without the title and
12 without her being there.

13 So she and Alex, her son, met at the Hardee's over
14 on Spring Street with the defendant and a co-defendant,
15 Isaac Williams. She still had the title. The negotiated
16 price was \$17,000, and it was her understanding that the
17 two co-defendants and Alex were going to just take the
18 truck on a short test drive. She waited there and they
19 never returned.

20 She started to get texts from who she thought was
21 Alex. It turns out it wasn't Alex at all. It was the
22 defendant and perhaps the co-defendant who was texting
23 telling her to go back to Beaufort, you know, go home,
24 I'll catch up with you later. So she left.

25 She was a little puzzled by it because that wasn't

1 the plan and that wasn't their norm. They usually would
2 have dinner together or something but he told her he was
3 frustrated because the deal didn't go through. He was
4 taking these guys home and that he'd hook up with her
5 later. That was on Thursday, October 3rd.

6 As the weekend wore on she never heard any more
7 from Alex except for a call that was from this defendant
8 pretending to be Alex the next morning at 7:00 a.m.
9 Beyond that there was no more communication. Alex had
10 plans that weekend with friends. He was supposed to go
11 to a concert Friday night. He never showed for that. He
12 had a live-in girlfriend who had expected to see him
13 Thursday night at home, no contact from him.

14 On the other side through telephone records we
15 learned of the defendant and investigators, including
16 Detective Goldstein, who is here because he was here for
17 trial prep this morning, they started figuring out
18 through much of Ms. Apps's investigation that Alex's
19 credit card was being used in Beaufort, which turns out
20 to be a coincidence.

21 But, again, when Ms. Apps sees that in Beaufort
22 County she's thinking, well, maybe he came home because
23 that's where they were from. But she does more
24 investigating and finds out that an African-American has
25 used the card to buy a pair of shoes, and that really

1 alarmed her because obviously Alex, her son, is not
2 African-American.

3 She's having contact with Beaufort County. They do
4 an interview with the defendant who is still driving the
5 truck. He took it down to Beaufort to show off with all
6 of his friends, partied some that weekend. But he does
7 agree to talk with the Beaufort investigators back in
8 Charleston. He gives a story about having purchased the
9 truck, dropped Alex off in Mount Pleasant and never seen
10 him again. He claims that he's given Alex thousands of
11 dollars and somebody must have gotten him, in essence.

12 The Beaufort investigator looked at the truck and
13 noticed that the passenger seatbelt was cut out. He also
14 noticed that there was blood on the roof liner and blood
15 in other areas on the sides of the seats on the passenger
16 side. The defendant told him he didn't know where that
17 blood came from, he didn't know anything about it. Last
18 time he saw Alex, Alex was fine. That was on Sunday the
19 6th that that interview took place.

20 On the 7th, Beaufort County comes back up and works
21 with Detective Goldstein and the other detectives with
22 Charleston County. The defendant agrees to come in and
23 be interviewed, and for hours on end he is interviewed.
24 And I say on end, it was not really aggressive most of
25 the time. He wasn't under arrest for a lot of the time,

1 and he feigned cooperation but eventually his story
2 shifted. He finally admitted to cutting the seatbelt,
3 and that was the first real break. Then he gave a
4 cockamamie story about why he needed to cut the seatbelt
5 out, and things sort of evolved from there.

6 Eventually on the 7th he led the detectives to
7 Alex's body which was located just behind Channel 2 in
8 Mount Pleasant right off of -- right just beyond the
9 bridge. I don't know if you are familiar with that. So
10 he led them to the body.

11 The autopsy revealed that Alex had been shot. It's
12 unclear from the autopsy whether it was one or two shots.
13 The projectiles were not in good enough shape to tell.

14 Since that time -- he was charged with murder at
15 that point. Since that time, we developed more
16 information from text messages from this defendant with
17 his co-defendant, Isaac Williams, which made it very
18 crystal clear that there was never an intent to buy the
19 truck. It was going to be a rip off from the start. And
20 they are back and forth discussing somewhat in code but
21 enough that I think a jury would have been able to see
22 exactly what they were up to.

23 Also, since that time, as you heard this morning at
24 the pretrial conversation, the co-defendant,
25 Mr. Williams, gave us a proffer. In his proffer he

1 claimed first that he agreed to the meeting at Hardee's.
2 He claims because he worked at Rick Hendrick that he
3 thought that he was just test driving the car for the
4 defendant and that he had no idea that anything was going
5 to happen, that out of the blue the defendant sitting in
6 the backseat of the truck, he shoots Alex and Isaac
7 Williams claims he's in shock.

8 That was all well and good until we confronted him
9 with the text messages which did not support that story,
10 and that's what Mr. Brown made reference to when it
11 became clear that he wasn't telling the truth. We
12 revoked his proffer and told him that we were not going
13 to give him any benefit of a proffer. If he wanted to
14 continue cooperating he could. If he didn't that was
15 fine, that we could convict him and convict Scott without
16 it. He agreed to continue talking with us.

17 He gave a second story which I don't really buy
18 either. The mechanics of the murder are the same, that
19 he claims the defendant shot Alex on the bridge but the
20 motive he claims this story about J'quan telling him that
21 this was a hit, that there was going to be a murder to
22 take revenge for Alex having snitched on the defendant's
23 father who was in prison.

24 None of that is true. Alex had nothing to do with
25 that and I'm not sure why Mr. Williams has chosen that

1 route but that's the story he has chosen right now. But
2 my point is in all of that he continued to cooperate.
3 The facts of the murder remain the same, this defendant
4 was the trigger man. And we were prepared and are
5 prepared to go forward next week for trial when this
6 development arose.

7 Again, as far as the kidnapping indictment goes I
8 think that is supported by the co-defendant testimony and
9 the text messages which indicate that this was a ruse.
10 They were scheming and scamming Alex from the start and
11 that when he voluntarily got in the truck with him it was
12 under his belief that he was selling the truck, and I
13 believe that would fit under the kidnapping element of
14 evangelizing or decoying a victim, and I think that's what
15 they did in this case. A weapon was not recovered but we
16 do know that it was a shooting.

17 THE COURT: All right. Prior record?

18 MS. WILSON: No prior record.

19 THE COURT: Mr. Scott, you heard the facts as
20 presented by the State. Sir, are those facts true? Is
21 that what you did?

22 THE DEFENDANT: Ma'am?

23 THE COURT: Is that what you did, sir?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Again, has anybody promised you that a

1 certain sentence will be imposed upon you in order to get
2 you to pled guilty here today?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Have you been satisfied with the
5 services of Mr. Brown?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Do you need any additional time to meet
8 with him before I accept your plea?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: And you understand what I said to you
11 before, the Solicitor recited the facts, that once you
12 plead guilty you are pleading guilty regardless of the
13 sentence that is imposed or what the pretrial -- the
14 presentence investigation indicates?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Are you pleading guilty because you, in
17 fact, did commit these four offenses?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: I find a substantial factual basis for
20 your plea, your decision to pled guilty had been freely,
21 voluntarily, knowingly and intelligently made. You have
22 given me your complete and truthful responses; is that
23 correct, Mr. Scott?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: You have indicated to the Court you've

1 had the advice of counsel of a competent attorney with
2 whom you've told the Court you were satisfied and that
3 you need no further time to meet with in order to enter
4 this plea. I hereby accept your plea of guilt to murder,
5 armed robbery, kidnapping, and possession of a firearm
6 during the commission of a violent crime.

7 I am indicating and ordering that the probation
8 office complete a presentence investigation, and once
9 that is completed we will set this matter for sentencing..
10 Until that time Mr. Scott will remain in custody awaiting
11 the sentencing.

12 Anything further, Mr. Brown?

13 MR. BROWN: I would just -- I'm going to give my
14 information to probation department and just ask that
15 they consult with me for the purposes of that.

16 THE COURT: All right. Anything further?

17 MR. BROWN: I would point for the record, and it
18 really goes to the co-defendant, his proffer never
19 influenced our decision about the strength of their case
20 and I put that out there because that has been a concern
21 about my client getting some kind of benefit.

22 The text messages which came out later on proved to
23 be the issue that we had to confront, and I do want to
24 put that out there. My job is not to go after
25 Mr. Williams but I do think it's fair to point out that

1 his offering to cooperate did not indicate any strength
2 on the government's case as far as that because my client
3 did have concern about whether he was going to get a deal
4 out of this.

5 THE COURT: And, Mr. Scott, you need not to be
6 concerned about anyone else's involvement in this case.
7 I am only going to be sentencing you as to what you have
8 indicated to me that you have done. You've indicated to
9 me that you are guilty of murder; is that correct?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And you wish to enter a plea to the
12 murder of Alex Apps; is that correct?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: You've also indicated to me that you
15 are guilty of armed robbery; is that correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: You have also indicated to me that you
18 are guilty of kidnapping; is that correct?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: You have also indicated that you had a
21 firearm during the commission of a violent crime, murder
22 and armed robbery being violent crimes; is that correct?

23 MR. SCOTT: Yes, ma'am.

24 THE COURT: And you still wish to enter a plea of
25 guilt on all four indictments?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Knowing that you are facing the
3 potential of a life sentence plus?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And that is still your intention here
6 today regardless of what the co-defendant may or may not
7 receive or benefit he receives?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: All right. Thank you.

10 MS. WILSON: Thank you.

11 THE COURT: Thank you, Ms. Apps. I'm sorry for
12 your loss.

13 (WHEREUPON, the hearing was concluded.)

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1 C E R T I F I C A T E

2

3 I, Sharon L. Vizer, Official Court Reporter for the
4 Ninth Judicial Circuit of the State of South Carolina, do
5 hereby certify that the foregoing is a true, accurate and
6 complete transcript of record of all the proceedings had
7 and the evidence introduced in the hearing of the
8 captioned case in Circuit Court on the 27th day of May
9 2015.

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

12

13 December 18, 2016

14 s/Sharon L. Vizer

15 SHARON L. VIZER

16 CIRCUIT COURT REPORTER

17

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19

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25

1 STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 2 COUNTY OF CHARLESTON) No. 2013 GS 10 7416; 7418;
) 7419; 7421
 3

4 STATE OF SOUTH CAROLINA)
)
 5)
)
 6 versus) TRANSCRIPT OF RECORD
)
 7)
)
 8 J'QUAN SCOTT)
)
 9 Defendant)

10 Charleston, South Carolina

11 August 26. 2015

12

13 B E F O R E

14 HONORABLE KRISTI L. HARRINGTON, Judge

15

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

17 For the State: SCARLETT WILSON, Esq.
 Solicitor
 18 JENNIFER SHEALEY, Esq.
 Assistant Solicitor

19 For the Defendant: JIM BROWN, Esq.

20

21

22 Reporter Present: SUSAN MIA PERRON

23

HARRIET P. BENNETT
 Reporter, S.C. Court Administration
 46 Regency Oaks Drive
 Summerville, S.C. 29485

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25

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1 (The within matter came before the Court for hearing
2 on August 26, 2015, at 2:19 P.M.)

3 THE COURT: Thank you. Be seated.

4 SOLICITOR: First up, we have the State of South
5 Carolina versus J'Quan Scott, 2013 GS 10 7416, 7418, 7419
6 and 7421.

7 His CoDefendant is also present in the Courtroom and
8 his name is Isaac Williams, and his Indictments are 2013A
9 GS 10 2054 -- really, that's the warrant number.

10 As Your Honor will recall, and just for everyone else's
11 benefit, these Defendants were scheduled for trial earlier
12 this year.

13 Mr. Williams began cooperating with us, and shortly
14 thereafter -- actually a few months afterwards and shortly
15 before the trial, we had a status conference. The Defen-
16 dant, Mr. Scott, decided to plead guilty.

17 The Court, the Clerk's Office, everybody bent over
18 backwards to make that happen that day. We actually --
19 instead of the victims being present we called it in by
20 speaker phone so that we could get that done, and we ap-
21 preciate that greatly, for the Court's benefit, and the
22 Clerk's Office.

23 Because these two are CoDefendants and because cer-
24 tain of the victims are from out of town, we asked the
25 Court to schedule these at the same time.

1 We would like to go forward first with Mr. Scott's
2 case, and then after that we will have some more to add
3 for Mr. Williams' case.

4 Again, we appreciate the Court accommodating us and
5 we thank you in behalf of the victims. With every step
6 of this process it has taken extra effort from the Court
7 and the Clerk's Office. It wouldn't have happened with-
8 out that, so thank you.

9 THE COURT: Mr. Brown, you represent Mr. Scott?

10 MR. BROWN: I do, Your Honor.

11 THE COURT: And, Mr. Mlynarczyk, you represent Mr.
12 Williams?

13 MR. MLYNARCZYK: I do, Your Honor.

14 THE COURT: Are you prepared to go forward at this
15 time?

16 MR. BROWN: Yes, Your Honor.

17 THE COURT: And are you prepared to go forward at this
18 time?

19 MR. MLYNARCZYK: We are prepared.

20 THE COURT: I think for counsel and everyone in the
21 audience and everyone involved in this case, let me first
22 of all thank you for your patience. We had some technical
23 difficulties due to some information that Mr. Brown wishes
24 to present to the Court based upon mitigation for his cli-
25 ent. The Courtroom upstairs was not suited for that

1 technology, and the Clerk of Court here and her staff have
2 been working diligently to provide this Courtroom so that
3 we could provide Mr. Brown with what was needed to present
4 his mitigation on behalf of his client.

5 Thank you for your patience and understanding. I know
6 we are off schedule, and I apologize for that. The Clerk
7 has made every effort to facilitate the technology that is
8 needed and to make sure that it is up and running.

9 So, again, thank you for your patience, and I do apolo-
10 gize for the inconvenience.

11 Anything further, Mr. Brown? Anything further re-
12 garding that matter, Mr. Brown?

13 MR. BROWN: Just that at some point in time there are
14 some comments I would ask to put on the record.

15 THE COURT: Thank you. Mr. Mlynarczyk, anything at
16 this time?

17 MR. MLYNARCZYK: No, maam. Nothing, Your Honor.

18 THE COURT: Ms. Wilson, you have received the pre-
19 sentence investigation. Do you have any questions or con-
20 cerns about that?

21 SOLICITOR: No, maam.

22 THE COURT: Ms. Polson, you prepared that pre-sen-
23 tence investigation?

24 MS. POLSON: Yes, Your Honor.

25 THE COURT: Any questions of Ms. Polson regarding

1 the investigation for Mr. Scott?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Mr. Mlynarczyk?

4 MR. MLYNARCZYK: No, Your Honor.

5 THE COURT: Then we will go ahead and mark that as
6 Court's 1. Without objection?

7 SOLICITOR: No objection.

8 MR. BROWN: No objection.

9 MR. MLYNARCZYK: No objection, Your Honor.

10 THE COURT: Thank you.

11 (Pre-sentence investigation report marked Court's
12 Exhibit 1)

13 THE COURT: And today we had an in-chambers confer-
14 ence, an in-hall conference, and, Mr. Brown, you were in
15 on that scheduling?

16 MR. BROWN: Yes, Your Honor.

17 THE COURT: Mr. Mlynarczyk?

18 MR. MLYNARCZYK: Yes, Your Honor.

19 THE COURT: And so we will let you present whatever
20 you want to present. I believe what we talked about was
21 Mr. Brown going first with his presentation. Mr. Brown?

22 MR. BROWN: May it please the Court, Your Honor?

23 (Brief pause)

24 MR. BROWN: Your Honor, there is a sentencing memo I
25 have handed up that I would introduce as Defense 1. I

1 believe Your Honor has been provided a copy, as well as
2 has Ms. Wilson, the Solicitor.

3 THE COURT: And the report was provided to the Court
4 by a copy given to my Clerk on Monday afternoon, and Mr.
5 Mlynarczyk has a copy. Is that correct?

6 MR. MLYNARCZYK: That's correct, Your Honor.

7 THE COURT: And the Videographer has been advised
8 and will abide by the Court's instructions?

9 MR. BROWN: Yes, maam.

10 THE COURT: Is that a yes?

11 VIDEOGRAPHER: Yes, maam.

12 THE COURT: And that will be Court's 2.

13 MR. BROWN: Sure. Yes, maam. I said Defense but De-
14 fense or Court's -- either way.

15 (Memo of Defendant Brown marked Court's Exhibit 2)

16 MR. BROWN: Your Honor, this will lay out four points
17 of mitigation, some traditional mediation points, and I
18 mention that as there are different types of court systems,
19 but it will be used as a mitigator in the sense of culpa-
20 bility, as well as the lack of a prior record, as well as
21 the cooperation and what is shown in the video.

22 Then, finally, his acceptance of responsibility, and,
23 if I may, I will submit some stuff on the power point.

24 What we would start with, Your Honor, is the life ex-
25 pectancy data that we've talked about as far as culpability

1 related to youth.

2 And in this case one charge has a mandatory minimum
3 and then, of course, the murder case essentially that is
4 the one that you have to give at least thirty years on
5 that, and that is the maximum you can give without there
6 being some type of consecutive sentence.

7 Of course, the maximum would be the life sentence,
8 and there has been a lot written in the Courts about the
9 propriety of a life sentence and what that means for young
10 people, and I point that out.

11 The first thing we notice in the U. S. Supreme Court
12 Opinions on cases dealing with lifers versus living expec-
13 tancy and life sentences is that there is not a good en-
14 vironment for brain development, especially the cerebral
15 cortex that deals with judgment which is not fully devel-
16 oped even with suspects who are about twenty-five years of
17 age.

18 THE COURT: How old is your client?

19 MR. BROWN: He was nineteen at the time when this
20 happened, Your Honor. He is about twenty-one years old.

21 And, Your Honor, with life expectancy as the Court has
22 mentioned -- a life sentence to a sixteen year old or a
23 seventy-six year old is the same in name only, because the
24 amount of time that they actually serve, which is the
25 punishment part of it -- the time is different when you

1 are sixteen, or in this case nineteen.

2 With life expectancy the percentage is slight, and
3 the life expectancy is seventy-seven years . .

4 THE COURT: And have you selected Michigan and not
5 the . .

6 MR. BROWN: That is Michigan. South Carolina has a
7 flat chart, and there is a contributable chart in South
8 Carolina. The spread in that is pretty significant -- so
9 it is seventy-seven years versus fifty-eight.

10 If you are sentenced to a life sentence at the age
11 of eighteen and you go by the Michigan studies of the
12 Michigan inmates, it is fifty-eight years, which means
13 that somebody who is sentenced to life at eighteen or nine-
14 teen, twenty, or even forty, they average fifty-eight
15 years -- not fifty-eight years of life but fifty-eight
16 years in prison.

17 And the information as you break it down African-
18 Americans, add about two years, and that is consistent with
19 South Carolina. The life expectancy in prison and break-
20 ing it down into life sentences is slightly lower but it
21 still is in the fifties as a whole, and it affects a large
22 amount of African-American inmates, but if you look at
23 youth -- and this is huge -- I mean, people who are sen-
24 tenced as adults in Michigan if you look down at the foot-
25 notes in the Michigan Opinion in my memo is that the young

1 people or youth or adolescents who are sentenced to life
2 in prison are likely to suffer abuse in prison more so than
3 are adults.

4 That is a significant factor and the Courts recognize
5 that fact in the Opinions, that that is something to be
6 considered in imposing sentence, and so as we consider Mr.
7 Scott's case a thirty-nine year sentence given at the age
8 of nineteen would get him to fifty-eight, and that was the
9 number, Your Honor, for all Michigan inmates sentenced to
10 life, whether they were sentenced at fifty or twenty.

11 So that type of a sentence is essentially what you're
12 going to see as a life sentence under their data, and af-
13 ter that more likely than not he would not still be living.

14 If you take the four hundred seventy-one information
15 which is what the Federal Court uses in considering sentence
16 reduction, and I mention that, Your Honor, as to life sen-
17 tences as well -- however, when they do a sentencing cut
18 for cooperation or something of that nature or they go back
19 to factor it, you can't say, well, there was a major cut
20 for somebody -- a forty percent or sixty percent -- but in
21 a life sentence there is more to it.

22 So the Court will promulgate a ritual by the U.S.
23 Sentencing Commission as to sentencing guidelines and also
24 Court Opinions, which is that the four hundred and seventy-
25 one -- thirty nine years and two months is the equivalent

1 functionally for purposes of the Federal Court guidelines,
2 which is also consistent with the same coincidentally as
3 would give Mr. Scott fifty-eight, the average life expect-
4 tancy time.

5 The average African-American youth would come out with
6 an age thirty-seven years sentence at fifty-six, and an
7 average African-American youth at eighteen would come out
8 having a thirty-one year sentence which is at the bottom
9 of the guidelines.

10 Effectively, Your Honor, that is what the odds are in
11 Michigan and that is consistent with the South Carolina num-
12 bers.

13 The next part I want to talk about is cooperation,
14 and in looking at the videos of the interrogation of my
15 client -- as Your Honor may recall, there is a case of
16 Weaver versus Williams before the U. S. Supreme Court that
17 had to do with Sixth Amendment rights; essentially that case
18 talks about the proper procedures and does an analysis of
19 what may be coercive-types of interrogation.

20 But in this case, the statement made by law enforce-
21 ment, and I quote, and I can play it for you -- but essen-
22 tially they asked my client to lead them to the body . .

23 THE COURT: Mr. Brown, your client is pleading guilty,
24 and in doing so he would waive any defense he might have.

25 So please tell me why I need to hear this . .

1 MR. BROWN: In talking about the cooperation part, he
2 did comply with . .

3 THE COURT: So do I need to hear it for purposes of
4 cooperation and not for purposes of challenging . .

5 MR. BROWN: Absolutely, and I would even suggest to
6 Your Honor that there was a point of succeeding with the sup-
7 pression of the statement but we still were not put in a
8 situation where we felt comfortable in going to trial.

9 THE COURT: Ms. Wilson, there was some Email exchanged
10 late last evening, and do you have any objections to those
11 being entered into the record?

12 SOLICITOR: My only objection -- maybe it's just a red
13 herring, but if he wants to present it I think he would be
14 able to present it in full.

15 I don't believe that the cases speak to cooperation of
16 someone who has waived their Fifth Amendment rights and has
17 agreed to be interrogated, or that someone new has been
18 charged and appointed to a lawyer and they didn't want to
19 speak with that lawyer and the Defendant was coerced through
20 the conversations that take place in his presence about re-
21 ligious and things like that that sort of coerces them to
22 speak without a lawyer.

23 This is a situation where the Defendant was cooperat-
24 ing. He waived his right. He had not been formally charged
25 or taken before a Judge or anything like that.

1 So I think that is different, and if he wants to de-
2 fend that I think he is entitled to do it.

3 THE COURT: I just wanted to place that on the record.
4 All right, Mr. Brown. Thank you.

5 MR. BROWN: Yes, maam, thank you.

6 What we have here is a number of clips which talk --
7 they talk about the fact that my client cooperated with au-
8 thorities.

9 THE COURT: Mr. Brown, you are being given this oppor-
10 tunity to turn your phone off -- everyone.

11 Thank you, Mr. Brown.

12 THE COURT: Thank you, Your Honor.

13 (Whereupon, a video was played for the Court which is
14 not contained on the record).

15 MR. BROWN: Your Honor, the fact is that law enforce-
16 ment told him to take us to the body, and we will tell
17 everybody that you cooperated -- have taken care of every-
18 body else is what they say.

19 (Video continuing to be played)

20 MR. BROWN: Your Honor, I want to point out the fact
21 that the part about take us to the body is not with a law-
22 yer. I think he formally was arrested after that had hap-
23 pened, and he went in there generally speaking and he cooper-
24 ated.

25 I tried to put that in there the best way I could to

1 show that he was assisting. He was arrested after his as-
2 sistance was provided, after law enforcement had located
3 the body. This does trigger that there is nothing to ask of
4 somebody after they have been given what they needed.

5 We do ask the Court to consider that cooperation and to
6 accept that as cooperation. Consider what he was in fact
7 told and what he did, again with a nineteen year old again
8 taking that at face value.

9 THE COURT: Mr. Brown, he pled without any recommenda-
10 tion or negotiations. Correct?

11 MR. BROWN: Absolutely.

12 THE COURT: Did you advise him the penalty he was fac-
13 ing on each Indictment?

14 MR. BROWN: I did, Your Honor.

15 THE COURT: Did he knowingly and voluntarily enter into
16 the plea?

17 MR. BROWN: Absolutely.

18 THE COURT: There was no negotiation or recommendation
19 whatsoever?

20 SOLICITOR: Absolutely not, Your Honor. I was very clear
21 that nothing was on the table.

22 MR. BROWN: I think the law is very clear and inexplic-
23 able that police officers cannot bind or make an agreement
24 with a Defendant.

25 Before we go on, he did accept responsibility. He then

1 hired a lawyer. He had a preliminary hearing in 2013, and
2 October 7th was the arrest of 2013.

3 We did in fact discuss a plea. The Solicitor and I did
4 talk about a plea, and actually we had a discussion with
5 another Judge about the plea. My client would agree there
6 was never a recommendation, and this was not last week but
7 it was much earlier.

8 Again, there was never even -- we never even filed for
9 a bond setting in this case, so we knew the time he was
10 getting was something -- we knew at some point in time that
11 it might well result in a conviction, and that was about the
12 responsibility, to have a plea without negotiations in the
13 case which carries a life sentence, Your Honor.

14 That is my presentation on that, and I do want to show
15 you something of Mr. Scott that is not a part of the legal
16 aspects.

17 It is fairly well known that Mr. Scott has starred in
18 sports and played a lot of sports. He was a two-year All
19 State Football Player, and known as one of the best quarter-
20 backs in South Carolina. He was on the All Star Team during
21 his junior year, and actually the gentleman or one of the
22 coaches at his school is actually from Beaufort and coach at
23 a high school there and coached my children. I coached with
24 him and his child. His wife taught my children and taught
25 at the same school Mr. (inaudible) attended. He coached

1 Mr. Scott, and that is how everybody is kind of inner-related
2 from that time. We have the photos from the paper.

3 I've tried to give a lot of information. My son is the
4 very same in sports. Same All State in baseball for him and
5 football for Mr. Scott with secondary sports as well.

6 I have some clips on that if I could . . .

7 (Portion of video played for the Court)

8 Your Honor, this is the way his family knows him, the
9 way they saw him before this came about. Obviously at high
10 school graduation.

11 He did attend college and was in the fall semester and
12 doing well in Minnesota. It is a Christian College that he
13 attended as a football player, Your Honor, so he was there
14 less than twelve months before he was arrested for this.

15 This is the image that Jake Long and many others in the
16 Courtroom know.

17 Your Honor, we would ask to be allowed to present some
18 people here to speak in his behalf. We have tried to make
19 it a cross-section, and there are some family members. My
20 client would then like to speak in his own behalf.

21 If I may, I would ask them to stand.

22 THE COURT: You may.

23 MR. BROWN: I would ask Jonathon Inabinett to speak to
24 you first. He was his coach at some point in time.

25 THE COURT: Sir, if you could please state your full name

1 for the record.

2 MR. INABIN: My name is Jonathon Inabin. Last name is
3 spelled I N A B I N.

4 THE COURT: Happy to hear from you, sir.

5 MR. INABIN: Thank you. I've known J'Quan for many years.
6 I had started coaching before he came along and he has actu-
7 ally come and helped me out quite a bit since were short-handed.
8 He would also come over and chill out as well somtimes.

9 I knew him well before this back when he was in school.
10 He would always apply himself and get his work done. As you
11 know, to play sports you have to be eligible and do well in
12 class, especially when you attend private school.

13 It is a little harder than public schools, and he did
14 well with that. He was always eligible to play.

15 When I was coaching we had one incident I wanted to bring
16 to light. During practice one time he refused to participate
17 in a drill that we were doing. I gave him three opportuni-
18 ties to participate in this one drill we were doing with a
19 basketball. By the third I was concerned he would not do it so
20 I asked him to leave the field.

21 The next day he came back to me and he apologized, and
22 he said that he wanted to do the drill and that he wanted to
23 be a part of the team on the field.

24 So after that he showed me his willingness to actually
25 realize that when you falter at something that you have to

1 pay for the mistakes you make, and he was willing to do that
2 and take whatever punishment he had to face. So he came back
3 and he participated again and completed all the work we had
4 for him.

5 So at that moment and that time I was reminded that he had
6 apologized for something he did like that and he did apologize
7 for his actions. In that instance he came right to me and
8 did what he needed to do.

9 THE COURT: Thank you.

10 MR. BROWN: I would ask next that you hear from Mike
11 Gooch who knows J'Quan well. Actually, he and his wife have
12 been involved with him in church. He did attend James Island
13 Christian School as well as church.

14 THE COURT: Sir, if you would please state your name for
15 the record and spell your last name.

16 MR. GOOCH: Sure. My name is Mike Gooch, and I appreciate
17 the opportunity, Your Honor, to speak on J'Quan's behalf.
18 G O O C H.

19 I am in the people business, and currently I'm employed
20 by Embassy Suites, and I'm a pastor.

21 At the time -- I've known J'Quan and his family for many
22 years now, and when I first met him I was a teacher at James
23 Island Christian School and was on the staff at James Island
24 Christian Church.

25 So that is the time I can speak to because that's the

1 time I was close to J'Quan. Like I said, I have known J'Quan
2 and his family for years, nine years. I first met J'Quan when
3 his mom Rekay was doing resident care for our special needs
4 daughter, Stefanie, and J'Quan and his brother would come with
5 their mom and I got to know them very well.

6 I spent time together with them, and I was very impressed
7 with their mannerisms and their respect and the young men they
8 were becoming.

9 So I was drawn to J'Quan and his brother, Vance, and I
10 really felt drawn to encourage and support Rekay in the good
11 job she was doing with the boys. She was a good mother to them.
12 So our son, Andrew, who is two years older than J'Quan, and
13 I started actually planning some activities with them and my
14 son and I, including J'Quan and Vance in those.

15 We began to do things like -- well, Thanksgiving we would
16 go and serve a Thanksgiving meal to the homeless down at
17 Hampton Park, and we did that for four years, and whenever I
18 needed as a student minister J'Quan -- whenever I needed some-
19 body to help me with setting up youth events and all I could
20 always count on J'Quan and Vance to come and be a part of that
21 and give me a hand.

22 We did something throughout the years in outreach events,
23 and J'Quan was always involved in that, and that included
24 things like minor home repairs, painting, yard work, and we
25 worked with agencies and their clients like Meals on Wheels

1 and Lowcountry Relief -- things like that.

2 He was always very involved in that. One of the last
3 things is I would like to mention that J'Quan during his time
4 in high school -- we had a program for the elementary kids in
5 soccer and basketball, and J'Quan twice a week gave of his time
6 to assist with the elementary kids by coaching soccer and bas-
7 ketball, and so when I heard what had taken place, the news
8 about J'Quan, my first thought was that is not the J'Quan that
9 I know.

10 Your Honor, I just appreciate the opportunity to be able
11 to speak for him. Thank you.

12 THE COURT: Thank you, Mr. Googe.

13 MR. BROWN: I would ask you to hear from Antonio Godfrey
14 briefly.

15 THE COURT: Thank you. Mr. Godfrey.

16 (Mr. Godfrey speaking in behalf of Defendant Scott but
17 his statement was not audible)

18 THE COURT: Thank you, Mr. Godfrey.

19 MR. BROWN: Your Honor, Pastor Russ Miller is the cur-
20 rent pastor at the James Island Christian Church.

21 MR. MILLER: Your Honor, Russ Miller, M I L L E R.

22 THE COURT: Thank you.

23 MR. MILLER: Your Honor, as a Pastor I'm happy to speak
24 in behalf of J'Quan. The actions that he did were evil, and
25 I want to let you know about some things that might be

1 helpful.

2 I've known the family for the last nine years, and I have
3 worked very closely with them. Our Church has a school that
4 is connected to it. J'Quan's mother is one of the hardest
5 working people I've ever known. She would work two or three
6 jobs at a time to enable her children to get a Christian edu-
7 cation.

8 I have been here in your Court and had a chance with his
9 mom and his sister to talk specifically with him about plead-
10 ing guilty, and we encouraged him to do that, not because it
11 was a great legal move but because it was the right decision
12 to make.

13 And I saw his Mom impress on him to make that plea for
14 the sake of the family and to not have to take this to a
15 trial. We encouraged him to take responsibility for his ac-
16 tions, and he did. He definitely did and did it wilfully.

17 I wanted you to know that. There has been a bold change
18 in his demeanor since then. I've seen him go from being
19 closed off and unreachable to being humble. I was speaking to
20 him yesterday and again today, and he is very painfully tak-
21 ing responsibility by pleading guilty.

22 So I do have hopes that in his time away it will be help-
23 ful to him, and I want to assure you and him that our Church
24 has a life interest in their family. So wherever he is, we'll
25 continue to work with him and his mom.

1 The mercy on the other side of this is that he will be
2 able to live with hope and we will work with him to make sure
3 of that.

4 THE COURT: Thank you, Pastor Miller.

5 MR. MILLER: Thank you.

6 MR. BROWN: Your Honor, Mr. Walker, James Walker, is his
7 grandfather, and his grandmother is on the other side there,
8 and he wishes to address you.

9 MR. WALKER: My name name is James Walker, W A L K E R.
10 I'm a twenty year policeman for Johnson City, Johnson County,
11 and have spent as well many years with CSX in its police de-
12 partment.

13 J'Quan -- this is wrong to me. I have to repeat what
14 some of the others have said. It is not the J'Quan that I
15 know.

16 I used to take J'Quan around every summer on a riding lawn
17 mower to cut the grass, him and his brother. We went to the
18 lake, and I tried to instill in them some factor of certainty.

19 I -- my heart goes out to the victims' families. I can-
20 not for the life of me understand what happened or why this
21 here is before you, Your Honor.

22 THE COURT: Thank you, sir.

23 MR. BROWN: Your Honor, there was another gentleman who
24 wanted to be here but his wife had cancer treatment. He was a
25 co-worker and store owner and career law enforcement. He has

1 known J'Quan since he was six years old, and he is Mr.
2 Thomson -- M S O N.

3 This is Ms. Walker, his grandmother.

4 MRS. WALKER: I am Harriet Walker.

5 THE COURT: I need you to speak loudly.

6 MRS. WALKER: My name is Harriet Scott Walker, W A L
7 K E R. J'Quan is my grandson, my oldest grandson, and I just
8 want to say that he has always been special to me. (Portion
9 not audible)

10 When he was younger and his mom had to work I would talk
11 to him and try to direct him in the right way. He was raised
12 as a Christian, and he was taught that every day, and that
13 his actions affect other people, but sometimes terrible
14 things happen. J'Quan is still my grandson. I love him, love
15 him today.

16 I ask that you please have mercy on him when you sentence
17 him because (inaudible). I want to say to the victim's fam-
18 ily that I don't know what happened but we have to learn to
19 forgive.

20 My grandson, I love you.

21 THE COURT: Thank you.

22 MR. BROWN: Your Honor, beside the grandparents is Kee-Gee
23 which she goes by Scott to speak to you.

24 (Inaudible)

25 THE COURT: I'm going to need you to speak loudly.

1 MR. BROWN: I don't believe she is able to speak to you,
2 but I want to let you know that this is J'Quan's mother, Rekey
3 Scott. His brother, Vance, is seventeen years old, and af-
4 ter discussions we decided he should not be here. It's not
5 that he wasn't willing to come, but we just think this way is
6 better.

7 When this happened, of course, his brother was fifteen,
8 and he has since grown up, but I don't think it would be posi-
9 tive for him to be here at this time. This is one of the
10 things that happens, when a small bad decision becomes a big
11 bad decision, and it affects other people outside. I just
12 wanted to point that out.

13 We'd also like to have his mother at his side so she can
14 speak to Your Honor.

15 MRS. SCOTT: My name is Rekey Scott, and I am J'Quan's
16 mother, and (inaudible).

17 MR. BROWN: Your Honor, may my client speak briefly?

18 There are many other people here for J'Quan and many did
19 volunteer to speak. Your Honor, we tried to keep it to an ap-
20 propriate length of time.

21 THE COURT: Is there anyone else who wishes to address
22 the Court?

23 MR. BROWN: I'm not sure if there is anyone else. Thank
24 you, Your Honor. I believe that's all.

25 THE COURT: Please swear Mr. Scott.

1 (Defendant sworn by the Clerk)

2 DEFENDANT SCOTT: I want to apologize to everyone for
3 what happened and to my family . .

4 the court; We cannot hear you. I need you to speak
5 louder, please.

6 Mr. Brown, if you would move that microphone closer,
7 perhaps.

8 DEFENDANT SCOTT: (Portion inaudible) I am sorry for
9 the victims, and I apologize to my mother and the rest of
10 my family. I messed up my life, and I'm sorry.

11 I ask for the mercy of the Court. I'm sorry for what
12 I have done.

13 THE COURT: Thank you. Mr. Brown?

14 MR. BROWN: Thank you, Your Honor. If I might just
15 close? You have heard from many here that that wasn't the
16 J'Quan that they knew.

17 I don't think there is any indicator out there, and
18 there were a lot of text messages that we've gone through
19 most of, and some of that was just high school stuff.

20 It certainly is not a reflection on the church -- cer-
21 tainly not. There is no reflection on his family because
22 there is no past indication even from his high school days
23 that J'Quan would ever be here in this Court.

24 There is no way to rationalize an irrational act,
25 Your Honor, but I would suggest in the words of Professor

1 Delgado from law school that a person is not the sum of their
2 worst acts, and even though he only had nineteen years be-
3 fore he was arrested there was a lot more to him up to that
4 time.

5 We know that this is serious, and we know that the
6 General Assembly decided that the incident of murder, not
7 manslaughter, not self-defense -- we know the General Assem-
8 bly clearly feels that at some point a person convicted of
9 murder -- that for them a thirty year sentence was suffi-
10 cient.

11 We urge Your Honor that this is one of those cases that
12 we have presented information about to Your Honor intending
13 that you consider that on October third of 2013 was the worst
14 decision that Mr. Scott ever made.

15 The biggest decision related to this case now is the one
16 you are about to make, and we ask that you use mercy and use
17 wisdom that Mr. Scott did not use when this happened.

18 I don't think there is a person in this Courtroom who
19 wouldn't want to turn back the clock and send all three sons
20 back home to their families, Your Honor.

21 Again, we ask for your mercy and we ask that you con-
22 sider the information that we have provided today and get
23 a sense that shows retribution but certainly tempered with
24 the mercy and justice also.

25 Thank you, Your Honor.

1 THE COURT: Why wasn't he in college?

2 MR. BROWN: He did not go back for the second semester.
3 He tells me that according to the NCAA he has to go back home
4 before transferring to another school. He had had discussions
5 with another coach at another college here.

6 I understand he did not go back for eligibility purposes.
7 I see that in the text messages but I've never even spoken to
8 his mother about that. I didn't follow up on it.

9 He did talk to a recruiter and he did go in September
10 of 2013 -- the one before.

11 Like I said, anybody in this Courtroom would want to turn
12 back the clock. I'm sure they would, and we can only ask for
13 your mercy and wisdom, as I said, in this important decision.
14 Thank you.

15 THE COURT: Solicitor.

16 SOLICITOR: Judge, before I get started in talking
17 about the crime, I think it is important that we focus also
18 on Alex and his life. As we set up to get ready to come to
19 Court and show mitigation, I think they need mitigation as
20 well.

21 As I mentioned before, all of these things happened very
22 suddenly, and I think they feel a little in the dark, not hav-
23 ing known that we resolved the cases and that we were ready
24 for sentencing.

25 One of the things I've discussed with Mr. Brown and Mr.

1 Mlynarczyk was that despite how horrible this case is, we
2 have such great people on both sides. On the Defendants'
3 side I've met Mr. Williams' mother. I know about Mr. Scott's
4 family.

5 Certainly it has been that the entire community around
6 Alex has risen to the occasion, and they have been more than
7 patient with my office. They have been fabulous to work with.
8 They have sat back and let all of us do our jobs, and that
9 isn't always the case.

10 It was certainly painful to watch today these good peo-
11 ple who I have no doubt are fine and devout people here for
12 Mr. Scott, and the bottom line is that he fooled them. He
13 was really a silver-tongued devil, and they believed him.

14 He was living a double life that they had no idea about
15 in all of this, and out of their good hearts and good na-
16 ture they played into the double life that he was living.

17 Alex was everybody's friend. He is what any mother
18 would want in a child. Friendly and ambitious and all of
19 those things. He was a history buff. He loved to dance. ~~His~~
20 This is a picture from when he was younger and I guess he was
21 at a cottillion or whatever civilized people do when learning
22 to dance, and that continued on through his life.

23 He was just full of life. He loved the lowcountry and
24 all that it had to offer, and he really took advantage of it.
25 Alex's mom was a single mom. Her husband, Alex's father,

1 had been killed earlier when Alex was in his high school
2 years, and that took a major toll on Alex and certainly on
3 his mom.

4 But they persevered together and it is clear what a close
5 close relationship they had. All the trauma he had in high
6 school and then coming to college unlike many others and es-
7 pecially in the United States for history. Part of the time
8 he worked as a tour guide, telling people about this great
9 place, and all of this is really a shame.

10 People ask Craig's List -- why Craig's List because
11 as you recall this is about Alex selling his truck on
12 Craig's List.

13 Well, again, for Alex and his family, this was not the
14 first time he had been involved in the purchase of a ve-
15 hicle over the Internet and that sort of thing. He had
16 actually bought the truck that J'Quan Scott wanted so des-
17 perately so that he could remain this star in everyone's
18 mind, I guess.

19 Alex had bought that truck on line or through corres-
20 pondence with someone in another State. He went to go buy
21 the truck and got it, and Alex remained friends with the
22 guy. They immediately just hit it off. Alex continued to
23 be friends with the guy from some other State who sold him
24 the truck. That's the kind of guy Alex was. He met him,
25 he loved him, and from then on he was his friend.

1 And so I have no doubt that Alex thought that he was
2 entering into the same type of agreement with this person,
3 J'Quan Scott -- not Isaac Williams -- J'Quan Scott -- who
4 he was going to be selling his truck to.

5 They had numerous interactions back and forth about
6 the sale of this truck, and I think it is important to re-
7 alize that this was not a split second decision. There was
8 always a time that J'Quan could have changed his mind and
9 not killed Alex.

10 This was a plan. This was not an armed robbery gone
11 bad. This was not a drug deal gone bad. This was a planned
12 execution, and I understand that that is not the J'Quan
13 that many good people know, but that is the J'Quan who
14 is here to be sentenced, and that is the reason that we
15 were so adamant that we were willing to go to trial -- no
16 plea offer, no nothing, because a life sentence is what is
17 appropriate for someone who sets another person up who has
18 been nothing but nice and nothing but accommodating.

19 There was no bad blood, there was no nothing. He
20 just wanted the truck. He couldn't afford a truck. He
21 knew he had conned how many people for how many years about
22 who he was and what he was, and he thought he could get
23 away with this.

24 And this notion that he cooperated -- yes, he did. The
25 authorities are here for the trial but we are not going to

1 use them. We have been through all of that with the trial
2 prep and we actually went through the trial prep.

3 While he was in his ten hour interview with the author-
4 ities, he started crying. Yes, he cried, but he even said
5 when he was crying that he was thinking about the money he
6 had lost, because one of his stories was that Alex went off
7 with the money and somebody must have robbed him later.

8 Alex went through hour after hour, even taking him out
9 there. This is not just that he couldn't own up. It is
10 not just that he thinks it was his CoDefendant. He started
11 naming people, and the cops were going out interviewing
12 real guys that he knew, that he tried to involve in this
13 murder.

14 That is not the same thing as when they talked about
15 his acceptance of responsibility and cooperation. That is
16 not what it's about.

17 I will show you in a minute, but he was looking for
18 an accomplice. He had been looking for an accomplice who
19 would help him out with this for a long time before. The
20 reason the deal didn't go forward was because Alex was hav-
21 ing trouble with the truck.

22 So Alex, being the good guy he is, he's not trying to
23 sell J'Quan a lemon. He's trying to see about getting it
24 fixed and getting it right before he turned it over. He
25 doesn't want J'Quan to have some truck, you know, that

1 breaks down or causes J'Quan a problem. He wants to make
2 good on it and to assure that J'Quan knows exactly what he
3 is getting, and so there was a delay.

4 And during that time of delay J'Quan is shopping around
5 in his buddies, not decent people, because J'Quan had plenty
6 of those. He had plenty of drug dealer friends. He had
7 plenty of armed robbery friends. He knew exactly who he was
8 dealing with.

9 So finally when they did set up the deal to make this
10 purchase, with the title needed and all of that was there
11 waiting for them to return from the test run. I mean, there
12 was a long wait for J'Quan to do a test run and then come
13 back. Ms. Capps was actually there waiting for them to re-
14 turn from the test drive.

15 I mean, she's waiting for Alex to give J'Quan a test
16 drive and then come back, but Alex never comes back, and
17 little does she know her son is dead and this guy is text-
18 ing her for hours and even the next morning pretending to be
19 Alex.

20 I can't imagine what that did to his mother. I really
21 can't imagine that. Knowing that her son was murdered -- I
22 believe she knew in her mind that something was wrong and he
23 never showed up. Then day after day after day after day
24 goes by with nothing. She knew Alex wouldn't do that to
25 her.

1 Where are they and what are they doing? They're going
2 over to my neck of the woods where they used to go hunting,
3 looking and just doing everything to make it not be true, but
4 everybody knew Alex wouldn't have done that to his mother
5 and he wouldn't have done it to his girlfriend, Lauren.

6 These people had to suffer from Thursday on into Monday
7 before they find out the ultimate truth.

8 You know, one of the things that touched me in looking
9 at this is that this was the -- this apartment they shared
10 with Lauren, his girlfriend, and when the police came in it
11 is what they saw -- just one shot. You can see the mounted
12 deer. He was an avid hunter. Another shot of it.

13 But what got me was that and that -- those were notes
14 Lauren had left and put them the two places she thought for
15 sure he would see. One was over the TV and another was over
16 in the bathroom -- Alex, call me and your mom.

17 You know, she had gone back to Beaufort with her mother,
18 and there was a chance -- they are still hoping, but, as we
19 know, this truck that was so important to J'Quan that he had
20 planned an execution.

21 He had an image to maintain, and I just can imagine how
22 it happened. You're at school, you're a nice looking guy,
23 you're a smart guy, you have set records, you have accom-
24 plished things, and for whatever reason all your friends are
25 doing well. All your friends have good jobs. They are at

1 USC Beaufort, and they are hanging out. You are down here in
2 Charleston. No job, no nothing. Wouldn't it make you look
3 a little bigger, more important, to have a manly truck?

4 One of the things that pained me about this case also
5 and that is so hard to get is that this was the first real
6 decision she let Alex make. She was a good mom, and she had
7 the insurance policy in her hand she thought, and that was
8 the title. She knew he couldn't mess up too bad because she
9 had the title, so she let him plan to get rid of the truck
10 because he did not need that truck living in downtown
11 Charleston. It was impractical and he insisted, so she went
12 along with it.

13 Well, guess what? Mom was right, and then he had to
14 get rid of it. That's what he was trying to do.

15 And what did J'Quan do after he bought the truck, right
16 after he got the truck, Judge? There was blood in the truck
17 so he cleaned it out. He cut some of the seats out. These
18 are just some pictures from inside of the truck. You can't
19 see it real well but there was still blood in the truck. It
20 was still on the seats.

21 He went back to Beaufort with all of his friends from
22 high school who were doing well, and he had his truck and
23 he wasn't worried about any of that. What was he not wor-
24 ried? Because he had this gift of gab. He could explain
25 it away.

1 Just like he did when the first police officers talked
2 to him. His clothes, they're at home. No need to destroy
3 them or wash them. His clothes with blood on them, and he
4 was interested in one thing at the time which was impress-
5 ing his friends with this truck.

6 We know, Judge, that eventually law enforcement found
7 Alex's body right around where that red circle is, just to
8 orient you. This is from Mount Pleasant and looking to
9 Charleston.

10 That is Channel Two right there, and this was right on
11 the other side of the road from Channel Two where they lo-
12 cated his body, and I remind you, Judge, that this took
13 place in broad daylight. That is how brazen -- that's how
14 brazen J'Quan Scott was.

15 I want to go through with you again -- I mentioned the
16 fact that this had been planned for some time. If you read
17 the texts between J'Quan and another guy, Dennis Heyward, and
18 they took place September 16th to September 18th, and event-
19 ually, Judge, he sent Dennis Heyward to meet Alex the week
20 before the murder.

21 Again, Alex did a good job getting the truck ready to
22 sell. J'Quan's words are in red. What is he saying at
23 eight P.M.? (Reading from messages) He said he would need
24 a whip lol, and then he said call and see if he got it, and
25 he wanted him to bring the strap -- the strap is a gun.

1 He might like to argue about a strap being a gun, but
2 he had called Dennis about getting a gun. Again, this was
3 on September 20th before meeting Alex for the first time.

4 (Solicitor reading from messages) Look at that. I
5 mean, this is for days that J'Quan thinks about doing this,
6 and when Dennis Heyward wanted to back out he said he could-
7 n't go through with it. He didn't go along with it, and so
8 that is where Isaac Williams comes in.

9 What Isaac eventually told us after some other stories
10 is that this was planned, and when I say it was planned I
11 don't mean just the robbery -- to say that the robbery was
12 planned, but that the murder was actually planned, and so
13 Isaac knew that as well.

14 So let's take a look at some texts between the two of
15 them, and this is now the other side of the picture. Dennis
16 had met Alex, and J'Quan couldn't get him to go through with
17 it -- Dennis wasn't going through with it or follow through
18 with it.

19 All right, so J'Quan was told by Alex that the wrong
20 part was ordered for his truck and he couldn't get it until
21 Thursday, so they would have to wait to meet up. J'Quan re-
22 sponds that is all right; just get it done.

23 (Reading from messages) Just don't say shit to anyone,
24 and he gets the response, I won't even say anything to my-
25 self.

1 That goes on and we get to the third, in the hours be-
2 fore the third. (Reading messages and video playing at
3 some points)

4 They are supposed to go meet Alex, so J'Quan is telling
5 Isaac -- telling Isaac take your lunch at three, and Isaac
6 saying, no, I'll take it at three thirty.

7 Then we have J'Quan telling Isaac he's on the way and
8 Isaac responds, all right. (Reading messages) Do you want
9 to bust a cab or do you want to drive? Drive. He said --
10 he reminds him; don't say anything in front of this other guy
11 who is giving us a ride -- don't say anything to him, so that
12 guy was going to testify. He didn't know anything about all
13 this stuff at all.

14 J'Quan tells him he needs a ride and they get in, and
15 Isaac tells him he doesn't want to drive; he wants to bust a
16 cab.

17 There are other things, you know, that are important as
18 well. They kill Alex, dumped his body in broad daylight in
19 Mount Pleasant just over the bridge, and there doesn't seem
20 to be any reaction from them and certainly no remorse because
21 later that night what are they talking about? They're talk-
22 ing back and forth about the money; whether or not they can
23 use the card.

24 It was noted that later on that week while they were --
25 at USC Beaufort that J'Quan starts using Alex's card to make

1 purchases, to buy food, buy shoes, and they try to find out
2 if they can get cash from the card, and J'Quan said I don't
3 have the pin -- I forgot the pin. We don't know whether or
4 not J'Quan ever knew the pin. There is no indication from
5 either of them that he did. I don't know whether he saw the
6 pin somewhere in Alex's belongings. I just don't know, but
7 there is no question that that night they are still trying
8 to figure out a way to get money.

9 So those are the things that I need the Court to think
10 about when imposing sentence because I understand that a
11 part of mitigation can be sufficient or not sufficient, or
12 when somebody loses their cool, loses their temper or gets
13 upset -- that is not what we're dealing with here.

14 I wanted you to see, Judge, just a couple of short clips
15 from the Hardee's where Alex and Ms. Scott met J'Quan and
16 Isaac, and the white SUV you see there on the left is
17 Agatha's car. What is what she and Alex -- what she came in
18 and Alex brought the truck.

19 So what you are seeing here is that you will see them
20 greeting J'Quan and Isaac.

21 (Brief pause)

22 That is Alex standing to the right by the truck, and
23 that is Isaac and J'Quan walking there to the side of Alex.
24 You see J'Quan -- you may not be able to see it there, Judge,
25 but J'Quan had a book bag and Isaac had nothing.

1 The way Isaac tells is that there is a gun in the
2 book bag and that J'Quan got in the back seat. Of course,
3 J'Quan later lied about where everyone was seated, and then
4 you see the car, Agatha's car.

5 One of the things that has haunted her, and as a mother
6 I don't know how she has handled it as well as she has hand-
7 led it, but they shook her hand, they looked her in the eye,
8 knowing that they were driving her son to his death.

9 You know, I don't know how people deal with that. As
10 I would sit in my office and watch this stuff, you know, two
11 years later, it just was beyond comprehension. It really
12 still is.

13 If there was a time to turn back, that was it. These
14 guys knew that she was sitting in that car waiting. What kind
15 of brain is his, what kind of confidence would allow him to
16 do something like that? Yes, there has been a change in
17 his demeanor. Let him keep the change -- let's keep his de-
18 meanor changed. Let's keep him where he belongs.

19 We see them back out and then Isaac driving. He's got
20 on a dark outfit, and they knew she is watching her son
21 driving away.

22 I think I have given you a pretty good outline of this
23 crime and the type of person that we're dealing with here.

24 Again, when we -- we can't stop someone from pleading
25 guilty straight up. Someone may -- they have a right to

1 plead guilty. He took that right and he did that, and it
2 in our view was not timely. We had been through all of this.
3 We had been forced to sit down and go through all of this
4 production. We're not talking about just a week, but when he
5 decided to enter a plea I think it is clear from what little
6 bit I have shown you here today that he knew where this was
7 heading. This wasn't an about-face. This is about a life
8 sentence which I think is called for.

9 Judge, I have a number of people who wish to speak to
10 you, and I don't know if the mother wants to speak. I am
11 not sure what words she could tell you.

12 (Brief pause)

13 MS. FORD: My name is Stacy Ford, F O R D, and I am
14 friends with Alex and his mother. My daughter -- I have
15 three daughters -- we have been present with the family, and
16 Alex is like my son. Unfortunately, two of my daughters had
17 other commitments and could not be here today. They wanted
18 me to read this statement to you from each of them about how
19 they are feeling.

20 (Reading statements of daughters to the Court)

21 My name is Allison Ford and I am currently a fourth year
22 medical student (inaudible). I've known Alex since the
23 first grade. We were friends, we were study buddies, we
24 were (inaudible) -- together our whole lives so the relation-
25 ship was amazing.

1 (Balance of statements read by Ms. Ford were inaudible)

2 THE COURT: Just so the record can be clear, the letters
3 were already a part of what I have been given.

4 MS. FORD: I won't read the rest of them in that case,
5 but I want to say that I know that Alex's friends and family
6 and his mother and myself and my family will continue to
7 miss him.

8 My best friend will never have the opportunity as his
9 mother to be at his wedding and watch Alex grow, and it truly
10 breaks my heart that my friend's life will never be the same.

11 Thank you for your time.

12 THE COURT: Yes, ma'am.

13 MR. BOSWORTH: Your Honor, my name is Bill Bosworth, B O
14 S W O R T H. I have known Alex since I started dating Agatha
15 some ten years ago. It was not hard to see the loving rela-
16 tionship they had together.

17 He became my buddy, and Alex adored his mom. It's been
18 almost two years and the real fact is that she will never hold
19 her son. That's heart-wrenching. She has become a different
20 person in her relationship with me, with her family and her
21 friends. That is changed forever as a result of this crime.

22 She will never see Alex get married, never hold a grand-
23 child in her arms, and will never recover from it. She has
24 lost her son and not a day goes by that Alex isn't missed.
25 Not a day goes by that I don't miss the sound of Alex coming

1 through the front door and you can hear his voice from one
2 end of the home to the other.

3 As people come and go on this earth we know that Alex was
4 a truly exceptional soul.

5 Thank you.

6 MS. EPPES: My name is Agatha Eppes, E P P E S. (Por-
7 tion inaudible)

8 Alex was an average sort of man but he was a very special
9 person. Alex was a good person, a good son, a good friend to
10 people. Most importantly, Alex was kind, the kind of friend
11 everyone would want. He was always loyal and trying to be
12 helpful. He would be there for me for whatever I needed from
13 him.

14 (Portion inaudible) Alex will never meet and marry the
15 mother of my grandchildren. Alex was not only my friend but
16 he was my only child. (Portion inaudible)

17 At times I may have been too hard on him or expecting
18 way too much but (inaudible).

19 His thirst for knowledge really began when he was about
20 three, and he by the time he was twelve he could recite all
21 the proper names of about anything you could ask him about.
22 (inaudible) He really did love and enjoy learning and I was
23 so proud of him. I wish I had told him that if I never did.
24 He really loved school and he established himself as a leader
25 very early on. He did well in school. (Inaudible)

1 He began playing soccer when he was five and later on he
2 coached a soccer team with his dad. He was -- he really loved
3 soccer and especially loved it when he was with his dad.

4 I know he loved Charleston. He loved talking about it
5 with people and just loved it. (inaudible)

6 He loved the College of Charleston (inaudible).

7 (Transcription note: Witnesses speaking in behalf of
8 the victim were very emotional, making it extremely hard to
9 understand)

10 MS. EPPES: I would ask you to please stop anybody else
11 from suffering. I heard what all of these people said about
12 him but that is not the person I know. They talked about how
13 young he is and how many years he may have to be in prison,
14 but my son is gone forever.

15 SOLICITOR: Judge, this Defendant sat for hours telling
16 law enforcement about how he had gone to Beaufort the week
17 before or the Sunday before or Monday, but he was out with
18 his friends.

19 And I believe he thought he could get away with it. He
20 thought he could get away with it because he had done so well
21 living this double life.

22 It was interesting to meet with some of Alex's friends
23 and some of his buddies, and, you know, they seemed a lot like
24 Alex. There was indication from some of them that they were
25 covering for him that first night he didn't come home and he

1 maybe was out catting around or something like that, and they
2 said no, no, he wouldn't have done that. He loved Lauren
3 and that was not what he was about. He said he had found
4 the one.

5 He was just a prince of a guy, and J'Quan Scott -- I
6 do not know what his problem is but he's got one, and to
7 let him out of prison to continue with whatever is wrong
8 with him or to hurt somebody else is just not an option.

9 We were ready to go to trial, and he did not want a
10 trial, and we would ask for a life sentence because that's
11 what he deserves. That is exactly what he deserves.

12 Justice in this case would be for him to receive the
13 life sentence.

14 THE COURT: Mr. Brown.

15 MR. BROWN: Thank you, Your Honor. Briefly, . .

16 THE COURT: Mr. Brown, take all the time you need. If
17 there are any additional people who wish to address the
18 Court I will be happy to hear from them.

19 MR. BROWN: I don't believe there is anybody else that
20 we would present.

21 I would like to briefly respond to some of the facts
22 stated. There is no question that sometime in September
23 there was a change in the text messages, or some before
24 that, but there were no drug-dealing friends or anything
25 like that. There was a lot of discussion about the time

1 we're talking about, and I point that out because these are
2 dealing with lots of friends and now these drug-dealing
3 people.

4 The question was he was going to buy a truck as law
5 enforcement asked, and, in fact, they were very clear you're
6 not a drug dealer. It was about the truck.

7 They can't have it two ways where there was this one
8 friend who was a big drug dealer or a small drug dealer.
9 No question at all. That reference was very wrong.

10 We see some . .

11 THE COURT: Was there some indication of counterfeit
12 money used to buy the truck, is that correct?

13 MR. BROWN: The only reference to that is what was in
14 that pre-sentence report, Your Honor, that statement.
15 There has been no other reference to that.

16 THE COURT: Are you saying that was a statement given
17 to you?

18 MS. POLSON: Yes, Your Honor. That was the statement
19 given to me during the pre-sentence investigation with coun-
20 sel present.

21 MR. BROWN: We would . .

22 THE COURT: All right, thank you.

23 MR. BROWN: . . absolutely agree and there is no other
24 reference to that anywhere or in any of the text messages,
25 or anything in fact.

1 About six weeks before this incident there was a
2 friend that J'Quan was in discussion with who asked what
3 happened to your old car that he had got during high school,
4 and he said, why, do you want to buy it, and he says yes.
5 So they were talking about a car or activity about a car,
6 and that is one period of time when school had started back
7 and everybody else had gone to school.

8 That is where there was some change, and I just wanted
9 to point that out, that J'Quan was not involved with drugs
10 or drug people. That was very wrong.

11 Certainly he hangs out with people of a poor socio-
12 economic class. That is what he grew up with and it's hard
13 to change that.

14 His mother worked multiple jobs to send him to a good
15 school. His sister actually attends medical school as well and
16 graduated from Clemson.

17 This is the same family that raised J'Quan, and she
18 said he had pulled the wool over their eyes during all of
19 that time. That was not what it was, and there's no way
20 they can say that.

21 There is no way to make this a rational act, Your
22 Honor, but, again, I ask that you take into consideration
23 what he did do as far as accepting responsibility. There
24 was never a phone call, hey, what do you want to see hap-
25 pen in this case.

1 The text messages that were delivered by us were de-
2 livered in the weeks before trial, if not two weeks before
3 trial.

4 As far as whether or not we were somehow or another
5 trying to game the system, we never asked for a bond hear-
6 ing before the plea, as they did.

7 It was clear what the Solicitor said --- and I would
8 have to ask for the actual transcript of the Solicitor's
9 statement -- saying that Mr. Williams was reliable which
10 is a rather awkward and backward to my client's benefit, to
11 say that, and to cut a deal with the CoDefendant, which
12 they did in some ways.

13 And we had no actual notice of the date of trial until
14 we got the actual trial notice, and she dealt entirely dif-
15 ferent with the CoDefendant. The charge comes from what
16 happened, and we know that, Your Honor, but we would ask
17 Your Honor to deter people from taking a chance where there
18 is not a benefit.

19 My client realized that he was guilty, and he accepted
20 that and pled.

21 It was not a conditional plea and there was no hesi-
22 tation at the time. You asked him if he was guilty and he
23 said that he was.

24 And I tell you that because when he pled he knew that
25 the case would turn to you to decide whether or not he was

1 making something out of what he could not change, and, Your
2 Honor, that is acceptance of responsibility. That's where
3 we are right now, in spite of the Solicitor's remarks be-
4 fore you.

5 What you rule, Your Honor, in a lot of ways will go
6 out into the community and people may say, hey, it's in your
7 benefit to plead guilty -- it is in your benefit to cooper-
8 ate with the law.

9 It is in your benefit to come and tell people what it
10 is you did, and that is a deterrent to people to keep them
11 from going to trial, and it is when they will consider some-
12 thing like the sentence.

13 You understand, Your Honor, that we ask that you con-
14 sider that he did take responsibility. I think the words
15 of the Solicitor and Mr. Williams' plea made a big differ-
16 ence and did not put people through the anguish of having
17 to go through a trial.

18 We ask that you encourage that type of judicial dispo-
19 sition by recognizing that it is acceptable.

20 Thank you.

21 THE COURT: Would you approach the bench for schedul-
22 ing, please?

23 (Conference at the bench between counsel and the Court
24 off the record)

25 (Whereupon, the Court took a brief recess, after

1 which the matter was continued.)

2 THE COURT: Just for the benefit of everybody who is
3 here in the Courtroom, Mr. Williams and the attorney repre-
4 senting Mr. Williams are here, as well as the CoDefendant,
5 Mr. Scott and his counsel, and I will do the sentencing at
6 this time.

7 Due to the large amount of people and the observations
8 from both sides, it is for the benefit of caution and to
9 make sure of everyone's safety being preserved that we are
10 here.

11 Is there anything further from anyone before I impose
12 sentence?

13 (No response)

14 Mr. Scott, is there anything that you wish to tell the
15 Court before I impose sentence?

16 DEFENDANT SCOTT: I just would . .

17 THE COURT: Mr. Scott, I apologize. I cannot hear
18 you, and it is vitally important that everything you say
19 is on the record. Can you repeat what you just stated?

20 DEFENDANT SCOTT: I'm sorry, Judge. I just want to say
21 to everyone that I apologize and to the Court. This is
22 your decision to make, and I would just ask for your mercy.

23 Thank you.

24 THE COURT: Anything further, Mr. Brown?

25 MR. BROWN: No, Your Honor.

1 THE COURT: I appreciate the information you have pre-
2 sented to the Court and the work you had done earlier in
3 the week, as well as the courtesy you have shown the Court.

4 Mr. Scott, one of the toughest things that I have to
5 do as a Judge is to impose sentence, and your attorney has
6 done an excellent job going through the sentences, the
7 philosophy behind sentencing, retribution and the protec-
8 tion of the public and all of those things.

9 I have listened to you plead guilty. I certainly
10 did not understand what had happened then, and I under-
11 stand less after hearing from your pastor, your friends,
12 plus your family members and their support.

13 Mr. Brown can probably tell you that I sentence peo-
14 ple every day and rarely do I have people that have grad-
15 uated high school and have had the support that you have
16 had throughout high school, the athletic abilities that
17 you have and the ability to go to college that you had.

18 Looking back, people have said very kind things and
19 supportive things about you, but I cannot get over the
20 facts of what you did.

21 I do not understand what you did. It makes absolutely
22 no sense to me, what you did. You had more than one oppor-
23 tunity to stop what you did.

24 You planned it based upon your text messages and the
25 information you gave to police officers as well as in the

1 pre-sentence investigation.

2 Based upon everything that has been presented, it is
3 the Order of this Court on Indictment 2013 GS 10 7418 that
4 you be committed to the State Department of Corrections
5 for a term of thirty years. I will give you credit for
6 the time you have served.

7 It is the Order of the Court that on 2013 GS 10 7421
8 that you be committed to the State Department of Correc-
9 tions for a term of five years. I will give you credit
10 for the time you have served.

11 It is the Order of the Court that on 2013 GS 10 7419
12 that you be committed to the State Department of Correc-
13 tions for a term of thirty years. I have noted that this
14 is not a sexual offense.

15 It is the Order of the Court that on 2013 GS 10 7416
16 that you be committed to the State Department of Correc-
17 tions for a term of life.

18 Good luck to you, sir.

19 We'll take a small break before we continue.

20 SOLICITOR: What about Mr. Brown's . .

21 THE COURT: We will take up the matters Mr. Brown is
22 wishing to put on the record after the break.

23 (Whereupon, the Court took a brief recess, after which
24 the matter was resumed) (Plea of CoDefendant Williams entered)

25 THE COURT: Out of courtesy to you, I know there were

1 some things that have transpired and so I wanted to allow
2 you to express those outside of the presence of your client
3 and everyone else and place those on the record.

4 MR. BROWN: Yes, maam. Thank you, and may it please
5 the Court?

6 Primarily, I guess, the issues are that today twice
7 in Chambers and before sentencing there was chastisement
8 of me by Your Honor, and it put me in an awkward situa-
9 tion, because if I come in and say that I ask you to re-
10 cuse yourself because I may have done something to anger
11 you -- and again I'm not implying that it was Your Honor
12 that did anything.

13 But it would put me in an awkward situation because
14 if you denied recusal then that would just add insult to
15 injury, and, on the other hand, if I don't do it and I'm
16 looking in the rear view mirror by saying . .

17 THE COURT: Mr. Brown, after spending eleven hours
18 or six hours on some issues, you never once let me know
19 you were even thinking about asking me to recuse myself.

20 MR. BROWN: That's because I didn't think that it was
21 in my interest or in my client's interest.

22 We had folks who had taken two days off and traveled
23 from out of State to come here. Quite frankly, I didn't
24 think it would happen, and I thought if I made the motion
25 it would just add insult to injury.

1 We have assembled today the equipment and the folks who
2 have traveled and took days off to come here. I didn't
3 think it would happen, and I have never seen a recusal be
4 granted in nineteen years personally, although I've heard of it.

5 THE COURT: Just so the record is abundantly clear and
6 you haven't asked, but would you state for the record why
7 you would want me to recuse myself?

8 MR. BROWN: Your Honor, I have used the word chastised
9 and you may not agree with that characterization, but I did
10 not know the video was not available but I did take offense
11 to that.

12 I don't disagree with the Court because I know what we
13 did during the last two and a half days.

14 On top of the embarrassment of standing in the Court-
15 room, then I get insulted because even though there had
16 been a non-stop effort in this case since Sunday on my part
17 in preparation that didn't work because I guess for some
18 reason there wasn't a TV in the Courtroom that worked or
19 we didn't have a table.

20 I was told to bring a table and bring my TV out of the
21 wall, and then I was told there was no place to put it in
22 that Courtroom or we didn't have a table unless we found a
23 video table.

24 So I was told all of that . . .

25 THE COURT: That was the Courtroom I was told to . .

1 preside in this week, and out of courtesy to you the Clerk's
2 staff then made arrangements to move the entire Courtroom,
3 including my staff, my Court Reporter, . .

4 MR. BROWN: Yes, maam.

5 THE COURT: . . to accommodate you.

6 MR. BROWN: Yes, maam.

7 THE COURT: My comment to you where your client had
8 pled in May . .

9 MR. BROWN: Yes, maam.

10 THE COURT: I ordered a pre-trial investigation, and
11 we had set the plea -- I do not have the dates in front of
12 me but I believe it was fairly accurate, and we are now six
13 weeks from that.

14 I didn't get the information until about nine thirty
15 or ten o'clock last evening that there was any issue with
16 technology.

17 I received your pre-trial brief given to my Clerk on
18 Monday, and out in that very hallway from that Courtroom it
19 would have behooved you to just simply say I don't have the
20 technology.

21 And so my staff, which is very hard-working, and I
22 have never seen them not accommodate anyone which should be
23 evidenced by the fact that we moved the entire Courtroom and
24 all of the people involved . .

25 MR. BROWN: Yes, maam.

1 THE COURT: We moved from the Courtroom where we had
2 planned to take the plea. Out of courtesy to you, the
3 Clerk of Court's staff made arrangements to move the en-
4 tire Courtroom to accommodate you.

5 MR. BROWN: Yes, ma'am, and . . .

6 THE COURT: My comment to you was that -- when your
7 client had pled -- is that I ordered a pre-trial investiga-
8 tion.

9 MR. BROWN: Yes, ma'am.

10 THE COURT: We had met the day I believe when a Co-
11 Defendant had pled -- I can't be specific but I think that
12 is fairly accurate -- and that we would meet six weeks
13 from that, and I didn't get the information until about
14 nine thirty or ten o'clock on that evening that there was
15 a need for technology.

16 I received your pre-trial brief that got to my Clerk
17 on Monday.

18 MR. BROWN: Yes, ma'am.

19 THE COURT: In that very hallway or in that Courtroom.
20 It would have behooved you to just simply say I need the
21 technology. And so I think my staff did very well. I
22 have never seen them not accommodate anyone.

23 But the entire Courtroom was moved with all that it
24 involved just to accommodate you, and I have heard or it
25 got back to me that you -- I don't know if it was from you,

1 but there were comments made that it was the Judge's fault
2 or the Clerk of Court's fault or that we were not accommo-
3 dating.

4 So I clearly in chambers -- in a conference in cham-
5 bers and in the hallway said that it was noone's fault,
6 and it had nothing to do with you. I have had solicitors
7 and attorneys who were not prepared, but I made a comment
8 to you that I have made every effort to be accommodating
9 and especially to you because you have worked hard to get
10 the case prepared for sentencing and for trial, and to
11 hear that anyone on my staff or the Clerk's staff did not
12 accommodate you is not acceptable.

13 MR. BROWN: And I would say that there was a discus-
14 sion between the tables and the Solicitor or the Deputy
15 Solicitor and myself very casually about the number of
16 people out there, and I think the concern was like wow or
17 something -- or something like that.

18 But by someone in the hall saying that -- that would
19 mean there was a discussion about whether or not somebody
20 else had said something, and I can tell the Court that it
21 wasn't me.

22 THE COURT: But here's the thing . .

23 MR. BROWN: That doesn't mean . .

24 THE COURT: We don't need to discuss this issue any
25 further. My comment was simply that from what I had been

1 told and from what I know in my interactions with getting
2 the case back for sentencing my people -- the first I heard
3 this morning that you needed technology was . .

4 MR. BROWN: I had told the Solicitor and Assistant Soli-
5 citor.

6 THE COURT: I did not receive that so I do not know.

7 MR. BROWN: It was for the power point presentation.

8 THE COURT: Okay. My comment to you and to every-
9 one was that we need to make sure you have the equipment
10 available in whatever Courtroom.

11 MR. BROWN: Yes, maam.

12 THE COURT: In this Courtroom, in Berkeley, in Beau-
13 fort -- whatever. This is not a practice test.

14 MR. BROWN: I'm not suggesting that it is anyone's
15 fault about the breakdown. I will suggest this, that we
16 did send an Email out and that we had ten witnesses in or
17 whatever it said.

18 THE COURT: Let me say that an Email would not affect
19 the Courtroom location. Unless you get a response back
20 from a person who says, yes, Mr. Brown, we have got your
21 Email, you have no way of knowing whether that Email was
22 received.

23 This is an important case, as all of my cases are, and
24 we had cleared the time to have everybody come in the Court-
25 room.

1 MR. BROWN: Absolutely, and I . . .

2 THE COURT: You could have avoided all of this.

3 MR. BROWN: I'm just saying that, assuming it was my
4 fault that this is the way it transpired, then we have --
5 I never said -- we were not dealing with jurors so it was
6 not like there was some type of concern between the Bench
7 and defense counsel -- not a concern that was germane to
8 the decision to be made by finders of the facts, but a de-
9 cision, so to speak, as a matter of law or a ruling on the
10 law, so to speak.

11 So I would say that that is why it is a little dif-
12 ficult -- more difficult than being chastised about a trial
13 type of thing in Chambers outside of the presence of the
14 jury because in this case they were the same comments made
15 by the very person that I am seeking to speak to as an equal
16 and I say that assuming we are not typical.

17 We came in, and I spoke to this gentlemen here to my
18 right -- whose name I think is Sam -- I'm not sure -- and
19 I asked him where to unload the TV, and he responded that
20 wouldn't work because there wasn't a table on which to set
21 it up.

22 I actually called Ms. Wilson on my cell phone at the
23 time and about the power point -- that that was what we
24 were going to try to do and that wouldn't work because the
25 Court had not asked for it, or I think what we were told

1 was that maybe the actual device would not work on the sys-
2 because it was so old. I could certainly understand that.

3 All I'm saying was that I needed to put some things
4 on the record because otherwise something may later come
5 up. So I asked Your Honor if I could do that because of
6 that concern.

7 I did not choose to make the motion, and I have ex-
8 plained the dilemma of making my motion before, Judge; and
9 that, if denied, and it is before the same Judge I'm be-
10 fore -- I have concerns about whether she can be fair; that
11 if I make the motion before her and it is denied that then
12 I still would have to appear before her.

13 So that is the kind of dilemma -- that is the dilemma
14 that I . . .

15 THE COURT: You chose not to make the motion?

16 MR. BROWN: I chose not to.

17 THE COURT: Thank you.

18 SOLICITOR: If I could say something for the record as
19 well. I think we need to have a contemporaneous record.

20 You know, I know everybody was stressed and everybody
21 is trying to get a lot done, and we certainly appreciate
22 the accommodation of everyone, but my concern is, and what
23 I think Mr. Brown is getting at is or what he is trying to
24 lay out here, is that because you may have been agitated,
25 irritated, angry, whatever, about how things were going,

1 and because you felt that you somehow got something added
2 to the sentence, and I just think that is juvenile and re-
3 diculous to think that any Judge would do that and certainly
4 not Your Honor.

5 I would note that the Court chastised me in Chambers
6 as well and that I got the look which I received. That has
7 never affected your ability to be fair and impartial and
8 to make rulings on the things you were supposed to make
9 rulings on.

10 I think you made it very clear that life was still on
11 the table, as I did, and I think when we spoke to him about
12 a plea that he was very concerned that because, you know,
13 life was a very real possibility.

14 So while we are here and while it's still fresh, I
15 think it is important to note that you have ample basis
16 for your sentence.

17 I have known you professionally for many years and I

18 . .

19 THE COURT: I hope you are not thinking that your
20 client received life because you did not bring the proper
21 equipment.

22 MR. BROWN: What is clear to me is that I did not
23 make the motion. If I had thought it would be successful
24 I would have, Your Honor.

25 THE COURT: You're thinking about PCR.

1 MR. BROWN: That is exactly why . .

2 THE COURT: That is why we're here? More than
3 anything else?

4 MR. BROWN: That is why I'm on the record now, abso-
5 lutely.

6 THE COURT: I would say that I have allowed you more
7 than I typically allow in a presentation, not that I chas-
8 tised you or that you did not have the power point ready
9 to go at the time, but because I feel like that is what
10 you wanted to do.

11 You had prepared the case, and I think the record is
12 abundantly clear that even if I were, as was said, annoyed
13 or irritated with you which I was not -- the record was
14 clear that you were allowed ample opportunity to present
15 whatever you wanted to in behalf of your client.

16 Do you agree?

17 MR. BROWN: Absolutely, Your Honor. I did not ask Your
18 Honor to recuse herself. I chose not to but I wanted to
19 put on the record that that was a concern that I had.

20 SOLICITOR: I understand your concern but Your Honor
21 is a professional.

22 MR. BROWN: I just wanted to put that on the record,
23 that I chose not to in my client's behalf.

24 That's why I'm here.

25 (Mr. Brown and The Court speaking at the same time)

1 THE COURT: Anything you would like to add?

2 MR. BROWN: No, thank you.

3 SOLICITOR: Nothing further.

4 THE COURT: This was a very difficult case, and I un-
5 derstand why you were advocating strongly for your client.
6 I have never seen that many people say such complimentary
7 things about others.

8 I understand, Mr. Brown, and I understand that tem-
9 pers or things may have been perceived as to what you were
10 accomplishing, but I do believe from what I saw and heard
11 that your client got more than generous representation on
12 behalf of you and the individuals who were here.

13 Thank you, again.

14 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

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1 CERTIFICATE

2 I, HARRIET P. BENNETT, Court Reporter for South
3 Carolina Court Administration, hereby certify that the
4 foregoing Transcript was prepared from the records of Susan
5 Mia Perron to the best of my ability, having been heard
6 in the Court of General Sessions for Charleston County on
7 August 26, 2015.

8 The letter of request was for a plea entered in the
9 case by the Defendant, but the record only contains the
10 mitigation presented as well as the sentencing.

11 It was noted during the record that the plea was
12 taken some months earlier, prior to the pre-sentence in-
13 vestigation, and as well that it was taken by speaker
14 phone.

15 Further, I would certify that I am neither of kin
16 nor counsel to any party to this action, nor do I have any
17 interest in the same.

18



19 October 4, 2016

20

21

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23

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25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	Indictment Nos: 2013GS1007416, 418, 419, & 421
	)	

STATE OF SOUTH CAROLINA	)	
	)	
	)	
VS.	)	MOTION TO
	)	RECONSIDER SENTENCES
JQUAN MARQUEL SCOTT	)	
	)	
	)	

THE DEFENDANT BRINGS BEFORE THIS COURT this Motion seeking reconsideration of the sentences imposed in the above-referenced matter.

As a matter of context, the Defendant was sentenced on August 26, 2015. The Court imposed a sentence of life on the charge of Murder, 30 years for the charge of Armed Robbery, 30 years for the charge of kidnaping, and 5 years for the charge of Possession of a Weapon during the Commission of a Violent Crime. These sentences were ordered to run concurrently.

However, reconsideration is appropriate given the Court's misapprehension of facts related to the sentencing presentation made by undersigned counsel. For purposes of sentencing, undersigned counsel prepared a sentencing memorandum and a power point type presentation highlighting aspects of the sentencing memorandum. This presentation included several photos and video clips.

Unfortunately, the original courtroom to which this sentencing was assigned, 3E, was not equipped for any type presentation. Undersigned counsel endeavored to facilitate the presentation by contacting the clerk of court. Undersigned counsel offered to bring his own office television to use as a monitor for the presentation.

The clerk's office informed counsel that there was no table to position the TV. The

clerk's office also informed counsel that no other courtrooms with monitors were available. In contrast, the Solicitor graciously offered counsel use of her office's projector.

On the day of sentencing, undersigned counsel could not get his presentation to work using the solicitor's projector. It was suggested by an IT tech employed with the Solicitor's office that the projector was not current enough to operate in conjunction with undersigned counsel's computer. Undersigned counsel endeavored for more than an hour to reach a solution while the attendees and witnesses for the sentencing as well as the Court patiently waited.

At some point, counsel was directed to go to a different courtroom, 4B, with sufficient technological ability to allow for a presentation. This courtroom was dark and locked when counsel arrived. Within seconds of connecting to the monitor in that courtroom, the Defendant's presentation worked without problems.

The Court then moved the sentencing from courtroom 3E to 4B. The Court met with counsel in the hallway behind the courtroom, outside the presence of the Defendant, before the sentencing. During this off the record meeting, the Court chastised counsel for the Defendant, telling him that it was "all [his] fault" for the sentencing problems and that this could have been avoided if counsel would have let her office know about the presentation.

The Court then brought the mother of the deceased into the hallway. The Court apologized to her for what she was going through. This apology was not on the record and was outside the presence of the Defendant.

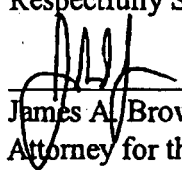
Apparently unknown to the Court at this time was the fact that undersigned counsel had previously informed the Judge, through email to her Law Clerk and the Solicitor, that a presentation was being offered and that a sentencing memorandum had been served. The Solicitor responded to this email that she had received her copy of the memorandum. The

Court's copy had been delivered to the law clerk just minutes before the email. See attached email dated August 24, 2015.

It is urged that the sentencing of the Defendant was negatively affected by the problems with the presentation. It is clear from the comments made to counsel for the Defendant that the Court blamed the Defendant for these problems. In fact, the Court was obviously not aware of the email communication.

Therefore, because the Court overlooked or misapprehended the nature of undersigned counsel's efforts to effectively provide an effective sentencing presentation, the Defendant's sentences should be vacated and a proper sentencing proceeding conducted without negative attribution toward's Defendant or his counsel.

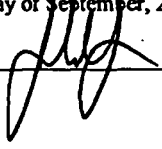
Respectfully Submitted,


James A. Brown, Jr.
Attorney for the Defendant

9/4, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all counsel of record in this proceeding this 4th day of September, 2015.



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)
v.)
JQUAN MARQUEL SCOTT,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2013-GS-10-7416
2013-GS-10-7418
2013-GS-10-7419
2013-GS-10-7421

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant Jquan Marquel Scott's Motion for Reconsideration of Sentences. The Defendant pled guilty to all charges on May 27, 2015. The Court ordered a Pre-Sentence Investigation and Report. On August 26, 2015, the Defendant was sentenced to the South Carolina Department of Corrections for life on the charge of Murder, 30 years for the charge of Armed Robbery, 30 years for the charge of Kidnapping, and 5 years for the charge of Possession of a Weapon During the Commission of a Violent Crime. Defendant filed the instant Motion for Reconsideration of Sentence on September 10, 2015. The State filed a Response on October 9, 2015.

After careful review of the record and materials submitted, Defendant's Motion to Reconsider Sentences is DENIED. The sentence imposed August 26, 2015, shall remain in place.

FILED
2015 OCT 19 AM 10:27
JULIE J. ARMSTRONG
CLERK OF COURT
BY *[Signature]*
IT IS SO ORDERED!

[Signature]
The Honorable Kristi Lee Harrington
Presiding Judge

October 19, 2015
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

The Honorable Kristi L. Harrington

Indictment Numbers: 2013GS1007416, 418, 419, & 421
Appellate Case Number: 2016-000559

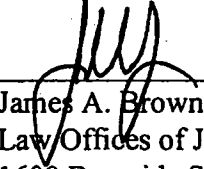
State of South Carolina.....Respondent.

v.

Jquan Marquel Scott,.....Appellant.

AMENDED NOTICE OF APPEAL

Jquan Marquel Scott appeals his convictions and sentences for the offenses of Murder, Armed Robbery, Kidnaping, and Possession of a Weapon during the Commission of a Violent Crime. Mr. Scott was convicted by plea on May 27, 2015, sentenced on August 26, 2015, and received notice of the denial of a timely filed, pursuant to Rule 29, Motion to Reconsider Sentences on March 4, 2016. The issue to be raised on appeal is the denial of this Motion to Reconsider Sentences. The factual basis for this issue is contained in the attached written Motion to Reconsider Sentences and involves statements made by the sentencing judge to undersigned counsel in the hallway of the judge's chambers in the presence of the solicitor, counsel for the co-defendant, and the mother of the deceased. The written denial of the reconsideration is included with this Notice.



James A. Brown, Jr.
Law Offices of Jim Brown, P.A.
1600 Burnside Street, Suite 100
P.O. Box 592
Beaufort, SC 29901-0592
(843) 470-0003

March 28, 2016

Other Counsel of Record:

Scarlett A. Wilson
Solicitor, 9th Judicial Circuit
101 Meeting Street, Suite 400
Charleston, SC 29401

THE STATE OF SOUTH CAROLINA
Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

The Honorable Kristi L. Harrington

Indictment Numbers: 2013GS1007416, 418, 419, & 421
Appellate Case Number: 2016-000559

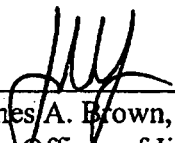
State of South Carolina,.....Respondent.

v.

Jquan Marquel Scott,.....Appellant.

PROOF OF SERVICE

I, James A. Brown, Jr., certify that I served a copy of the Amended Notice of Appeal with required attachments upon the Respondent by depositing a copy of this item in the United States Mail, postage prepaid, on March 28, 2016, addressed to its attorney of record, Scarlett A. Wilson, 101 Meeting Street, Suite 400, Charleston, SC 29401.



James A. Brown, Jr.
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Beaufort, SC 29901-0592
(843) 470-0003

March 28, 2016

Other Counsel of Record:

Scarlett A. Wilson
Solicitor, 9th Judicial Circuit
101 Meeting Street, Suite 400
Charleston, SC 29401

116

SAW20131007665

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2013014940B

ARREST WARRANT NUMBER

2013A1010205478

DATE OF ARREST

October 8, 2013

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

DEC - 9 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1007416

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December 2013 Term

THE STATE

vs.

JQUAN MARQUEL SCOTT

DOB: 1993-12-08

B/M

Indictment for

MURDER

FILED

12/12/2013 11:38:27 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

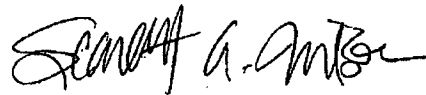
INDICTMENT

At a Court of General Sessions, convened on December 9, 2013, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County on or about October 3, 2013, with malice aforethought and while acting in concert with another, **JQUAN MARQUEL SCOTT** did kill and murder William Alexander Apps by means of shooting him, and that William Alexander Apps did die in Charleston County as a proximate result thereof on October 3, 2013; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



SCARLETT A. WILSON
SOLICITOR

118

SAW20131007665

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2013014940B

ARREST WARRANT NUMBER

2013A1010205479

DATE OF ARREST

October 8, 2013

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

DEC - 9 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1007418

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December 2013 Term

THE STATE

vs.

JUAN MARQUEL SCOTT

DOB: 1993-12-08

B/M

Indictment for

ARMED ROBBERY

FILED

12/12/2013 11:38:27 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

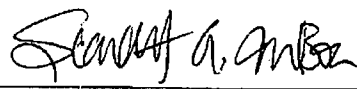
INDICTMENT

At a Court of General Sessions, convened on December 9, 2013, the Grand Jurors of Charleston County present upon their oath:

ARMED ROBBERY

That on or about October 3, 2013, in Charleston County, South Carolina, the Defendant, **JQUAN MARQUEL SCOTT**, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of William Alexander Apps with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



SCARLETT A. WILSON
SOLICITOR

120

SAW20131007665

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2013014940B

ARREST WARRANT NUMBER

2013A1010205480

DATE OF ARREST

October 8, 2013

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 11-9-2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1007419

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December 2013 Term

THE STATE

vs.

JQUAN MARQUEL SCOTT

DOB: 1993-12-08

B/M

Indictment for

KIDNAPPING

FILED

12/12/2013 11:38:27 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on December 9, 2013, the Grand Jurors of Charleston County present upon their oath:

KIDNAPPING

That in Charleston County, South Carolina, on or about October 3, 2013, the Defendant, **JQUAN MARQUEL SCOTT**, while acting in concert with another, did unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, William Alexander Apps, without authority of law; all in violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

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



SCARLETT A. WILSON
SOLICITOR

122

SAW20131007665

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2013014940B

ARREST WARRANT NUMBER

2013A1010205481

DATE OF ARREST

October 8, 2013

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

DEC - 9 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1007421

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December 2013 Term

THE STATE

vs.

JUAN MARQUEL SCOTT

DOB: 1993-12-08

B/M

Indictment for

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A
VIOLENT CRIME

FILED

12/13/2013 8:57:45 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on December 9, 2013, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A FIREARM DURING THE
COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about October 3, 2013, the Defendant, **JQUAN MARQUEL SCOTT**, did possess a handgun or visibly display what appeared to be a handgun during the commission, or attempted commission, of murder, a violent crime. This is in violation of Section 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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

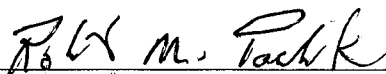


SCARLETT A. WILSON
SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 16th day of February, 2017.

RECEIVED

FEB 16 2017

SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Kristi Lea Harrington, Circuit Court Judge

RECEIVED

FEB 16 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

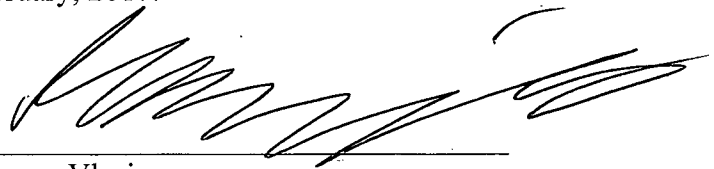
V.

J'QUAN SCOTT,

APPELLANT

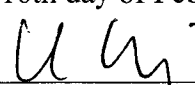
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of February, 2017.



George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 16th day of February, 2017.



(L.S.)
Notary Public for South Carolina

My Commission Expires 5/12/2025.