

ORIGINAL

VOLUME III OF III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JASON MORRIS GOURDINE,

APPELLANT

APPELLATE CASE NO. 2016-000640

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT NO. 1 (DVD OF SECURITY FOOTAGE AT NOWHERE BAR);
STATE’S EXHIBIT NO. 28 (BLACK AND WHITE PHOTOGRAPH); COURT’S EXHIBIT
NO. 4 (COLOR PHOTOGRAPH)**

~~STATE'S EXHIBIT #27 (PHOTO)~~

Sentencing
Steven Dwayne Moses
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1 sure the Court will realize the importance of what I'm
2 getting ready to say to the Court.

3 Whether they are able to accept this or not at this
4 time, to the Bohannon family and to Mr. Bryant, I say to
5 you my heart does really go out to them, believe it or
6 not. I have a certain role as an advocate in this
7 courtroom to play. And I'm sure if I was your advocate,
8 you would want me to be as zealous as I was in this
9 trial. But my heart goes out to you, certainly, and I
10 hope that the rest of your lives is the best of your
11 lives after today.

12 Your Honor, in mitigation, I'm going to go through
13 some of the facts. And I understand that the jury has
14 spoken, so I'm not here to contest the jury's verdict at
15 this time. But I think, and I said this -- and I said
16 this -- and I actually said this to my client, who I
17 think subsequent to July 28, 2013, and I'm sure now, he
18 fully appreciates what I said to him is when you start a
19 fight, you never know how it's going to end. Never.
20 It's a thing you don't control. Unlike the UFC, it is
21 not a controlled environment. The parking lot at a bar
22 is not a controlled environment. There are no referees,
23 there is no bell or buzzer, there is nobody to step in,
24 there's no assurance that nobody has a gun. There is
25 none of that.

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Part of what I say about responsibilities, ego, alcohol, and the likewise, pertains to my client as well as to everyone else in this trial because I'm a member of this community and I would like to see this community be the best that it is. But when you combine those things, good things never happen.

Mr. Moses knows all of that and the reason he knows all of that, Your Honor, is because he went forty-one years without incurring any substantial offense against any person. Forty-one years.

He's forty-four years old. He is a graduate of Goose Creek High. He was born in Charleston County. Date of birth is , . He graduated from Goose Creek in 1998. Although he has not attended any college, he has gotten his license and he is a licensed barber.

He's divorced and he has two children. He has a twelve-year-old that's right here, goes to Westview Middle School in Goose Creek. He has a twenty-two-year-old daughter. So he has a twelve-year-old son in middle school, he has a twenty-two-year-old daughter who is a senior at South Carolina State University.

He lives in Goose Creek with his mother, who was here during trial and who left subsequent to the jury going in to deliberate. And I called her and I don't

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1 know if she's gotten the call or not. But he helps to
2 provide for his mother's household. And that is Barbara
3 Moses and she sat, in this entire trial, right by his
4 side and has been by his side during the time that he
5 hired me to represent him.

6 Along with his mother, he has two brothers in Goose
7 Creek who also live at that residence. His brother John
8 is fifty-years old, his brother Marion is twenty-four
9 years old, and they all are pretty much life-time
10 residents of Goose Creek, South Carolina.

11 When he's not cutting hair, he works as an air-
12 conditioning repair person. He is doing that and has
13 had, and still has, until today, which is going to come
14 to an end under most circumstances, several contracts
15 for air-conditioning work.

16 He has spent the last twenty years being a barber
17 and presently he was working out of a barber shop known
18 as Choices on Red Bank Road.

19 Once again, not to be arguing the case, because I
20 intend not to insult the jury's verdict, but I do want
21 to point out as mitigating circumstances: a lot of
22 alcohol was flowing that night, a lot of tempers were
23 flowing that night, not just by Mr. Moses but by all
24 parties involved. It is unfortunate as to what
25 happened. Mr. Moses did not have a weapon, did not

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1 actually threaten anyone or make an assault, but
2 unfortunately, at forty-one years old, he put himself in
3 a situation where now he's convicted of attempted murder
4 because of his behavior in a parking lot over the course
5 of we would say less than fifteen minutes of his life
6 from the time he walked in that bar until the time he
7 jumped into that Camry and drove off from that parking
8 lot.

9 I say that to say, Your Honor, that fifteen minutes
10 of a forty-four-year-old man's life should not result in
11 thirty years.

12 THE COURT: He's actually facing -- if I run it
13 consecutive, he's facing sixty-five.

14 MR. KEARSE: I understand that, Your Honor.

15 Having said it shouldn't result in thirty years,
16 I'm sure the Court knows that I would submit it should
17 not result in a sixty-five year sentence against this
18 man.

19 Poor judgment, ego, alcohol, anger, all those
20 things I talked about in closing, aren't things he has
21 demonstrated the first forty-one years of his life, the
22 past three years of his life while on bond, with the
23 exception of what happened on July 28th, 2013, at 1:57
24 to 2:10 a.m., and I think that should be taken by this
25 Court in mitigation when sentencing this gentleman.

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1 Again, Your Honor, with him having that record,
2 I would ask that the Court run any sentence against
3 Mr. Moses concurrent.

4 I would also commend Ms. Bohannan for what she has
5 said to him in terms of forgiveness, and I would hope
6 that my client really appreciates that kind of statement
7 that she said at the end of this trial. And it seems
8 like she has really grown to appreciate what happened
9 out there. And that's a big thing for her to do, and I
10 certainly tip my hat to her for that and appreciate her
11 for that, and ask this Court to appreciate the statement
12 that she made, because she was shot, her husband was
13 shot and if she is willing to allow a forgiving heart
14 and a charitable heart for Mr. Moses, certainly I think
15 the rest of us should take that into consideration and
16 follow her lead.

17 And having said that, Your Honor, I would ask that
18 this Court, in view of Mr. Moses and what he contributed
19 on that night, would grant him a sentence no more than
20 ten years of his life for a forty-four-year-old man.
21 And that is a long time. People don't understand that,
22 some people, just how long a day in SCDC is. But that
23 is a long time for someone to spend in SCDC, especially
24 since, what, at eighty-five percent of any time he's
25 going to serve.

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1 And, certainly, not just because that is a lesson
2 -- because I'm sure he has learned his lesson every day
3 since this thing has happened -- but that that is
4 appropriate, under the circumstances, not to mitigate
5 the fact that these people got shot in that parking lot.
6 But, again, I think in view of everything that took
7 place -- because the whole -- there was a whole bunch of
8 wrong from the time they started arguing about why he
9 didn't get served to the time he jumped in that car, on
10 a lot of people's behalf. And I think that goes, too,
11 along with his lack of a record mitigation, and the fact
12 that this young lady actually stood up and by the grace
13 of God said she forgives him.

14 Thank you, Your Honor.

15 THE COURT: Thank you.

16 Does any family member wish to address the Court?
17 Anyone else?

18 MR. KEARSE: I see his mother here. I don't know
19 if she wants to come down.

20 THE COURT: Happy to hear from one family member,
21 Mr. Kearse.

22 MR. KEARSE: Yes, ma'am. This is his mother. If I
23 can get her to walk to wherever the Court deems it
24 appropriate, I would ask --

25 THE COURT: Would you like to address the Court,

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ma'am? Please come forward.

She can stand next to you, Mr. Kearse.

Ma'am, if you will please come forward and stand next to Mr. Kearse.

If you could please state your full name for the record and spell your last name.

MS. MOSES: My name is -- my name is Barbara Moses, M-O-S-E-S.

THE COURT: Yes, Ms. Moses.

MS. MOSES: As for Steven, he just got caught up, like he said, with the alcohol and the drugs. He never bother anybody. He's a good person. I was a single parent and I raised him. He did know right from wrong. And I raised four boys, and it was not easy. And he has a son he's got to raise. He has his daughter. She's an A student at SU -- USC in Columbia. She graduate in May, and she'll be going to her internship.

I ask the Court to please have mercy on him.

THE COURT: Thank you, Ms. Moses.

MR. KEARSE: I'm sorry. I mispoke, Your Honor. I said South Carolina State. It is University of South Carolina where she goes to school.

THE COURT: Anything further on behalf of your client, Mr. Kearse?

MR. KEARSE: Again, Your Honor, I would just ask

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1 that the Court consider the length of time and the lack
2 of record of Mr. Moses.

3 You know we see a lot. You know we see a lot in
4 these courtrooms and we know that from both sides of
5 every case the devastation in every court, there are
6 very few winners that walk out of these courtrooms, and
7 that whatever happens today is going to detrimentally
8 and substantially impact the Moses family.

9 And, again, and I know this has already
10 detrimentally impacted the Bohannans and Mr. Bryant and
11 the people who were in the bar at that time.

12 So I just ask that you consider all those things,
13 Your Honor.

14 THE COURT: Thank you, Mr. Kearse.

15 Mr. Alfaro, I'm going to sentence -- I want to hear
16 about Mr. Gourdine and then I'm going to issue my
17 sentence as to both defendants at the same time. So let
18 me hear from Mr. Gourdine, if there's anything
19 additional.

20 MR. ALFARO: Your Honor, Mr. Gourdine was properly
21 served with life without parole notice.

22 THE COURT: Is that correct, Mr. Davis?

23 MR. DAVIS: That's correct, Your Honor.

24 MR. ALFARO: Based upon that and the conviction in
25 this case, he is eligible for and should be sentenced to

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1 life without parole.

2 THE COURT: And what were his previous convictions?

3 MR. ALFARO: His convictions, he has from 1992
4 three counts of breaking and entering a motor vehicle,
5 three counts of grand larceny. And the charge that
6 makes him eligible for life without parole is accessory
7 before the fact of armed robbery in 1994.

8 THE COURT: Any additional? Anything additional
9 from the State?

10 MR. ALFARO: No, Your Honor.

11 I forgot to mention during the presentation before,
12 although Mr. Bryant and Mr. Bohannon did not wish to
13 address the Court regarding the sentencing of either
14 defendant, Mr. Bryant and I did discuss that the thirty-
15 year sentence, the State is requesting a thirty-year max
16 on the attempted murders was -- we were both in
17 agreement with that and that's what the recommendation
18 would be. I just wanted to clarify that on Mr. Moses'
19 sentencing.

20 THE COURT: Thank you.

21 MR. DAVIS: May it please the Court, Your Honor?

22 THE COURT: Yes, Mr. Davis. Happy to hear from you
23 on Mr. Gourdine.

24 My first question to you: did you explain to your
25 client that these three attempted murders are violent

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1 and most-serious offenses?

2 MR. DAVIS: We were put on notice from that some
3 time ago by the solicitor in this matter, Your Honor.

4 THE COURT: And you agree that you were properly
5 served with, and your client was properly served with, a
6 notice of life without the possibility of parole?

7 MR. DAVIS: We appeared in this court in front of a
8 circuit court judge and was advised of that, Your Honor.

9 THE COURT: Mr. Davis, you have advised your client
10 of his right to appeal and that he must do so within ten
11 days of today's date?

12 MR. DAVIS: I have, Your Honor.

13 THE COURT: I am happy to hear from you, your
14 client, and anyone else regarding sentencing.

15 MR. DAVIS: Judge, as you are fully aware, I was a
16 prosecutor in this court for ten years and I really take
17 serious this thing we call justice. Being a prosecutor
18 for ten years, I was involved with many very serious
19 cases -- but only one case in reference to a person
20 receiving the death penalty -- but this is the first
21 case I've ever been involved with where an individual
22 has been sentenced to life without parole for an
23 incident when he was about twenty-two years of age.

24 I have a same relationship to -- your first case is
25 primarily sometimes the most important case. And in

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1 hindsight now, when he was twenty-two years of age, some
2 lawyer allowed him to plead to time served to accessory
3 before the fact of armed robbery. Little did he know at
4 that particular time that the consequences that would
5 throw from that would put us where we are today some
6 twenty years later. I would say that's a far cry from a
7 twenty-two years old.

8 Jason is not that same kid. He has been an
9 electrical -- electrician twenty years and worked the
10 same job with a company called MCD where he's the
11 supervisor. He is the father of a three-year-old
12 daughter by the name of R. . He's the father of two
13 fine boys, sixteen and fifteen, D'Angelo and Jason, Jr.
14 And he's a son, a brother, nephew, uncle, and friend.

15 With this coming Palm Sunday coming Sunday, it's
16 going to be very difficult. I shared with you earlier
17 that I am associated in my church somewhat as a lay-
18 speaker and the pastor has given me -- asked me to
19 provide the message on Sunday. And I've known about
20 this for some period of time.

21 I'm not no preacher, even though the victims want
22 to suggest that. I'm not no preacher at all, Ms.
23 Bohannan. I live by the rule of basically what my --
24 try to be right and wrong. I try not to make
25 distinction in reference to color or ethnicity in

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1 reference to the truth and what's right or wrong.

2 Definitely what transpired on that day just -- it's
3 just horrific in reference to the events that unfold.
4 But, you know, I think if everybody would have to go
5 back and do something different, not -- you know, I kept
6 asking that question, would they do something different.
7 I don't -- I hope so. I know my people would.

8 And he could not apologize because of all the
9 aspects of the constraints for the judicial system put
10 in place.

11 But I had already somewhat decided what I wanted to
12 speak about Sunday, but I think you have given me what I
13 want to speak about. But it's sad in a sense, because
14 it involves a process of mercy. And I think it's very,
15 very sad that we have a system in place where someone
16 who engages in something when he's twenty-two years of
17 age, comes in front of a judge, that's you, to impose
18 sentence and you are straight-jacketed in reference to
19 what you can decide. You cannot even, in my estimation,
20 grant any mercy to this young man -- that's sad --
21 irregardless of what the particular facts may be.

22 And I understand -- I don't know the issue with the
23 solicitor. I think the solicitor's position in
24 reference to the notice for LWOP was an attempt to try
25 to force, coerce, a different result in reference to my

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1 client pleading guilty to some different offenses. But
2 even that carry a sentence of over seventy-five years,
3 you know. So in reality, it was a rock in a difficult
4 place because the consequences of life without parole
5 when you're forty-two years of age. And twenty-five or
6 thirty years really is much more in the same
7 equivalence, to be honest with you.

8 I have great faith in this system. Sometimes I
9 question this system in reference to whether we have the
10 same value of individuals. I call it a value gap. When
11 is the system caught up that everybody have the same
12 value in relationship to how decisions are rendered? I
13 say that because I've been on both sides, as a
14 prosecutor and now as defense. But I still think, at
15 the end of the day, the ultimate goal in all of these
16 instances is to see where justice can be defined.

17 I believe this jury easily could have, if they
18 wanted to, determine that the injuries were such that it
19 was assault and battery of a high and aggravated nature,
20 separate and apart from any attempt to kill anyone.

21 We have opened a depiction of the facts in
22 relationship to what we know now are common-day
23 endeavors about how these things happen, that when folks
24 are bent, enraged, they have no concern. They're
25 indiscriminate in how they inflict melee.

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1 My theme throughout the case really was, in
2 complete sincerity, where I said that I believe cooler
3 heads should have prevailed but that there was also
4 reference to alcohol, drugs, or egos. And that suggests
5 that everybody shared some responsibility for what
6 happened out there. Everybody.

7 But I do not agree that my clients had any intent
8 to kill anyone that night, especially the Bohannans and
9 Mr. Bryant. I really don't believe they did. Now, you
10 may say, Mr. Davis, you're quibbling with the jury.
11 Well, we're all human. And there are a lot of twelve
12 jurors that have made mistakes in my lifetime.

13 There's not much more to add, Your Honor.

14 THE COURT: All right. Anyone else?

15 MR. DAVIS: You can inquire of the family if anyone
16 wants to.

17 THE COURT: If you'll just inquire. I'll hear from
18 one family member, Mr. Davis.

19 MR. DAVIS: Anybody want --

20 THE COURT: Ma'am, please come forward to the
21 podium.

22 MR. DAVIS: Give your name, now.

23 THE COURT: I need you to state your full name for
24 the record, and please spell your last name.

25 MS. GOURDINE: My name is Georgia Ann [phonetic]

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1 Gourdine. G-O-U-R-D-I-N-E.

2 He's a wonderful, loving son. He's got three
3 wonderful kids. Somehow, someday, if you would have a
4 little mercy for him. I don't feel he should have to
5 spend the rest of his life in prison. He's such a
6 wonderful person. Please have some mercy on him.

7 THE COURT: Thank you, Ms. Gourdine.

8 MS. GOURDINE: Yes. I appreciate everything.

9 THE COURT: Anything further, Mr. Davis?

10 MR. DAVIS: Nothing further, Your Honor.

11 But I do want to commend the Bohannans for having a
12 giving heart. I think everything starts at that
13 process. And I don't think this young man has any ill
14 will towards them at all.

15 Thank you.

16 THE COURT: Thank you. Anything further from the
17 State?

18 MR. ALFARO: No, Your Honor.

19 THE COURT: Anything further, Mr. Kearse?

20 MR. KEARSE: Nothing further, Your Honor.

21 THE COURT: Is it Gourdine?

22 MR. GOURDINE: Gourdine.

23 THE COURT: Mr. Gourdine, please stand.

24 [Whereupon, Mr. Gourdine complies]

25 THE COURT: Mr. Gourdine, you understand you have

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1 the right to appeal the sentence I'm about to impose?

2 MR. GOURDINE: Yes, Your Honor.

3 THE COURT: That you or your attorney must do so
4 within ten days of today's date. Do you understand
5 that?

6 MR. GOURDINE: Yes, Your Honor.

7 THE COURT: The jury has convicted you on three
8 counts of attempted murder, which are classified as
9 violent and most-serious offenses. Do you understand
10 what that means?

11 MR. GOURDINE: Yes, Your Honor.

12 THE COURT: You also have been properly served with
13 a life without parole notice. Do you understand?

14 MR. GOURDINE: Yes.

15 THE COURT: Anything you wish to tell me before I
16 impose sentence?

17 MR. GOURDINE: [Indicates negatively]

18 THE COURT: Mr. Moses, please stand.

19 [Whereupon, Mr. Moses complies]

20 THE COURT: You understand you have been convicted
21 by the jury of three counts of attempted murder?

22 MR. MOSES: Yes, ma'am.

23 THE COURT: I can sentence you up to thirty years
24 on each count.

25 MR. MOSES: Yes, ma'am.

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1 THE COURT: You also have been convicted of a
2 conspiracy. I can sentence you up to five years on that
3 charge. Do you understand?

4 MR. MOSES: Yes, ma'am.

5 THE COURT: Do you understand you have the right to
6 appeal this sentence I'm about to impose but you or your
7 attorney must do so within ten days? Do you understand?

8 MR. MOSES: Yes, ma'am.

9 THE COURT: And the attempted murder is a violent
10 and a most-serious offense. Do you understand what that
11 means for you in your future?

12 MR. MOSES: Yes, ma'am.

13 THE COURT: Anything you wish to tell the Court
14 before I impose sentence?

15 MR. MOSES: No, ma'am.

16 THE COURT: Mr. Bryant, Mr. and Ms. Bohannan, I
17 wish to commend you, as well, for your professionalism
18 and your respect to the system, to the solicitor's
19 office, to Mr. Davis, and to Mr. Kearse. You appeared
20 to understand that we all have roles to do. And I
21 appreciate your compassion and your very kind words here
22 today and throughout this trial. I wish you three the
23 best.

24 To the families of Mr. Moses and Mr. Gourdine, I
25 wish you also the best. I thank you for your courtesy

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1 and your professionalism and respect to the Court and to
2 the process. You all have been very respectful to my
3 staff, that I've observed throughout this process, and I
4 wish you only the best, as well.

5 There is no winner. And I'm about to impose
6 sentence on Mr. Moses and Mr. Gourdine. And I thank all
7 of you. Mr. Davis and Mr. Kearse have asked for mercy
8 and justice. What is justice to one and what is mercy
9 to another is going to depend on how you view, and what
10 side of the aisle you were on here today.

11 Mr. Moses and Mr. Gourdine, you have been
12 represented by two very zealous advocates who were
13 professional and competent in their representation of
14 you. They allowed you to be given the absolute best
15 defense, self-defense and defense of others. You were
16 given the opportunity to have several lesser included
17 offenses for which the jury to consider. And the jury
18 has spoken. They viewed the videotape, as did I. Based
19 upon my viewing of the videotape, which I can only
20 assume corresponds with the sentence -- or the verdict
21 of the jury, is that everyone in that bar was happy and
22 having a good time and did not have an evil heart. They
23 were a heart of peace, as Mr. Davis has been saying,
24 until the two of you showed up. And from that point on,
25 the next fifteen minutes were because of your actions.

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March 17, 2016

SENTENCE OF MR. GOURDINE

I am taking into consideration -- Mr. Gourdine, I have absolutely no way to give you mercy. I have shown you all the courtesy that I can give you, as a judicial officer, and I have given you the benefit of every possible charge and ruling that I could under the law. But the law allows me no other sentence but to sentence you on indictment 2014-GS-08-1719, 1720, and 1721, to the Department of Corrections for a term of life without the possibility of parole.

It's the order of the Court on 2014-GS-08-1722 that you be committed to the State Department of Corrections for a term of five years. Give you credit for time you have served. Good luck to you, Mr. Gourdine.

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State vs. Moses and Gourdine
Sentence of Mr. Moses
March 17, 2016

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SENTENCE OF MR. MOSES

THE COURT: It's the order of the Court -- Mr. Moses, I am taking into account your prior record, the fact that you have been out on bond for three years.

Is that correct? He's been out significant --

MR. ALFARO: Yes, Your Honor.

THE COURT: And no instance?

MR. ALFARO: No, Your Honor.

THE COURT: I'm going to take that into consideration, Mr. Moses, but I cannot overlook the fact of the seriousness of the charge, what you did, and the actions on that evening.

It's the order of the Court on 2014-GS-08-1713, 1714 and 1715 that you be committed to the State Department of Corrections for a term of twenty years. It's the order of the Court on 2014-GS-08-1716 that you be committed to the State Department of Corrections for a term of five years. Those will run concurrent. Give you credit for time served. Good luck to you, sir.

MR. KEARSE: Your Honor, he's done -- I know you're giving him credit for any time he's done. I believe it's ninety days. I just want to put that in the record.

Is that correct?

MR. MOSES: [No response]

State vs. Moses and Gourdine
Sentence of Mr. Moses
March 17, 2016

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THE COURT: Good luck to you, sir.

MR. KEARSE: Thank you, Your Honor.

THE COURT: Again, Mr. Alfaro, Mr. McNeely, Mr.
Davis and Mr. Kearse, thank you.

MR. DAVIS: Thank you, Judge.

MR. KEARSE: Thank you.

[JURY TRIAL CONCLUDES AT 8:26 P.M.]

State vs. Moses and Gourdine

C E R T I F I C A T E

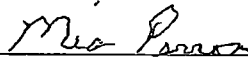
STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Thursday, March 17, 2016.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 18th day of June, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

-784-

1023 ALF2013-08-01996

WITNESSES

Berkeley County Sheriff's Office

[Signature]

AGENCY CASE NUMBER

201307034139

ARREST WARRANT NUMBER

2013A0810401130

DATE OF ARREST

July 31, 2013

ACTION OF GRAND JURY

True Bill

Thomas Markish

Foreperson of Grand Jury
Date: 11-4-14

VERDICT

Guilty

Leon S. Washington

Foreperson of Petit Jury

Date: 3/17/16

INDICT

DOCKET NO. 2014GS0801719

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

JASON MORRIS GOURDINE

DOB: [REDACTED]

B/M

Indictment for

Attempted Murder

§16-03-0029

CDR: 3410

CLERK OF COURT
BERKELEY COUNTY, S.C.

14 NOV -4 PM 1:07

FILED

Kwm

Kwm

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY
STATE VS.

JASON MORRIS GOURDINE

AKA: Jason Gourdine, Jason M. Gourdine
Race: Black/African American Sex: M
DOB: _____ SSN: _____
Address: _____
City, State, Zip: Goose Creek, SC 29445-7609
DL# _____ SID# SC00815488

INDICTMENT/CASE#: 2014GS0801719
A/W: 2013A0810401130
Date of Offense: 07/28/2013
S.C. Code §: 16-03-0029
CDR Code #: 3410

SENTENCE RECEIVED

MAR 25 2016

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or

PLEADS

TO: Attempted Murder

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

Mandatory GPS

§17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense,

Defendant Waives Presentment to Grand Jury, _____ (def's initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence,

Recommendation by the State.

ATTEST:

Bryan A. Alfaro 70502
Bryan A. Alfaro, Deputy Solicitor SC Bar # _____

Defendant Attorney for Defendant 1587 SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of WOP days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on 2014-GS-08-1720, 1721, 1722

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing

Ordered PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

MAR 17 2016

FILED
CABE NO
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \$ 3.90

TOTAL \$ 133.90

Clerk of Court/Deputy Clerk: K. Mills

Court Reporter: Mia Peccen

Appointed PD or appointed other counsel.

§47-12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: [Signature]

Judge Code: 2137

Sentence Date: 3-17-16

KWJ

ALF2013-08-01996

WITNESSES

Berkeley County Sheriff's Office

[Signature]

AGENCY CASE NUMBER

201307034139

ARREST WARRANT NUMBER

2013A0810401131

DATE OF ARREST

July 31, 2013

ACTION OF GRAND JURY

True Bill

Thomas Martin
Foreperson of Grand Jury

Date: *12-31-14*

VERDICT

[Signature]

Dyan S. Washington
Foreperson of Petit Jury
Date: *3/17/16*

DOCKET NO. 2014GS0801720

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

JASON MORRIS GOURDINE

DOB: *[Redacted]*

B/M

Indictment for

Attempted Murder

§16-03-0029

CDR: 3410

CLERK OF COURT
BERKELEY COUNTY, S.C.

14 NOV -4 PM 1:07

Kwm
FILED

1026 INDICT

Kwm

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)

INDICTMENT

At a Court of General Sessions, convened on November 4, 2014 the Grand Jurors of Berkeley County present upon their oath:

Attempted Murder

That in Berkeley County, South Carolina, on or about July 28, 2013, the Defendant, JASON MORRIS GOURDINE, while at the Nowhere Bar & Grill located at 7128 Henry E. Brown Boulevard, Goose Creek, South Carolina, willfully, knowingly, unlawfully, feloniously and with malice aforethought, while acting in concert with a co-defendant, discharge a firearm at the victim, Stacy Bohanan, with the intent to kill said Stacy Bohanan. This action is in violation of Section 16-03-0029, 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.



 BRYAN A. ALFARO
 DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
STATE VS.

JASON MORRIS GOURDINE

AKA: Jason Gourdine, Jason M Gourdine

Race: Black/African American

Sex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: Goose Creek, SC 29445-7609

DL#: _____

SID# SC00815488

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or

PLEADS

TO: Attempted Murder

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

Mandatory GPS

§17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense.

Defendant Waives Presentment to Grand Jury.

____ (def.'s initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence,

Recommendation by the State.

ATTEST:

Bryan A. Alfano 70502
Bryan A. Alfano, Deputy Solicitor SC Bar # _____

Defendant

Attorney for Defendant

1587
SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of LWOP days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2014-05-08-1721, 1722, 1719

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing

Ordered PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

_____ pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender

§56-1-286 (DUI Breath Test) \$25 \$ _____

FILED

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

Other: _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

MAR 17 2016

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Appointed PD or appointed other counsel,

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

§47.12 requires \$500 be paid to Clerk

3% to County (if paid in installments) \$ \$ 3.90

during probation.

TOTAL \$ 133.90

Presiding Judge: _____

Judge Code: _____

Sentence Date: 3-17-16

Clerk of Court/Deputy Clerk: K. Mills

Court Reporter: Mia Perren

KWM

1029

ALF2013-08-01996

WITNESSES

Berkeley County Sheriff's Office

B. Ford

AGENCY CASE NUMBER

201307034139

ARREST WARRANT NUMBER

2013A0810401132

DATE OF ARREST

July 31, 2013

ACTION OF GRAND JURY

True Bill

Thomas Martin
Foreperson of Grand Jury

Date: *11-4-14*

VERDICT

Guilty

Lynn Washington
Foreperson of Petit Jury Date: *3/10/16*

INDICT

DOCKET NO. 2014GS0801721

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

JASON MORRIS GOURDINE

DOB: [REDACTED]

B/M

Indictment for

Attempted Murder

§16-03-0029

CDR: 3410

FILED
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Kwm
CLERK OF COURT
BERKELEY COUNTY, S.C.

Kwm

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

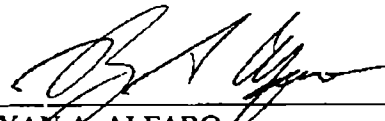
INDICTMENT

At a Court of General Sessions, convened on November 4, 2014 the Grand Jurors of Berkeley County present upon their oath:

Attempted Murder

That in Berkeley County, South Carolina, on or about July 28, 2013, the Defendant, JASON MORRIS GOURDINE, while at the Nowhere Bar & Grill located at 7128 Henry E. Brown Boulevard, Goose Creek, South Carolina, willfully, knowingly, unlawfully, feloniously and with malice aforethought, while acting in concert with a co-defendant, discharge a firearm at the victim, David Bohanan, with the intent to kill said David Bohanan. This action is in violation of Section 16-03-0029, 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.



BRYAN A. ALFARO
DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY
STATE VS.

INDICTMENT/CASE#: 2014GS0801721
A/W: 2013A0810401132
Date of Offense: 07/28/2013
S.C. Code §: 16-03-0029
CDR Code #: 3410

JASON MORRIS GOURDINE

AKA: Jason Gourdine, Jason M Gourdine
Race: Black/African American Sex: M
DOB: SS#: Address:
City, State, Zip: Goose Creek, SC 29445-7609
DI.#: SID# SC00815488

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Attempted Murder

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST

Bryan A. Alford, Deputy Solicitor 70502 SC Bar # Defendant Attorney for Defendant 1587 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of LWOP days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on 2014-GS-08-1722, 1719, 1720
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPIS _____

Recipient: _____

*Fine:		\$	
§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	5.00
3% to County (if paid in installments)	\$	\$	3.90
TOTAL		\$	133.90

Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund
Other: _____ MAR 17 2016

FILED
MAR 17 2016
CASE NO. [initials]
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Clerk of Court/Deputy Clerk: K. Mills
Court Reporter: Mia Perron

Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.
Presiding Judge: [Signature]
Judge Code: 2157
Sentence Date: 3-17-16

KJM

ALF2013-08-01996

WITNESSES

Berkeley County Sheriff's Office

[Signature]

AGENCY CASE NUMBER

201307034139

ARREST WARRANT NUMBER

2013A0810401136

DATE OF ARREST

July 31, 2013

ACTION OF GRAND JURY

True Bill

Thomas Martin R.

Foreperson of Grand Jury
Date: 11-07-14

VERDICT

Guilty

Lynn S. Warten
Foreperson of Petit Jury
Date: 3/17/16

INDICT

DOCKET NO. 2014GS0801722

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

November Term 2014

THE STATE

vs.

JASON MORRIS GOURDINE

DOB: [REDACTED]

B/M

Indictment for

Criminal Conspiracy

§16-17-0410

CDR: 0049

CLERK OF COURT
BERKELEY COUNTY, S.C.

14 NOV -4 PM 1:07

FILED

Kwm

1032

Kwm

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
STATE VS.

JASON MORRIS GOURDINE

AKA: Jason Gourdine, Jason M Gourdine

Race: Black/African American

Sex: M

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Goose Creek, SC 29445-7609

DL# _____ SID# SC00815488

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Criminal Conspiracy

In violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As indicted, Lesser Included Offense.

Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence, Recommendation by the State.

ATTEST:

Bryan A. Alfaro 70502
Deputy Solicitor SC Bar # _____

Defendant _____ Attorney for Defendant 1587
SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and or payment
of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2014-G-S-08-1719, 1720, 1721

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing
Total: \$ _____ plus 20% fee: _____ \$ _____

Ordered PTUP _____
days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

FILED
MAR 17 2016
GABE NO
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Recipient: _____

*Fine _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§56-1-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90 5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \$ 3.90

TOTAL \$ 133.90

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

Clerk of Court/Deputy Clerk: H. Mills

Presiding Judge: _____

Court Reporter: Mia Perron

Judge Code: 2151

Sentence Date: 3-17-16

Kwm

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 27th day of January, 2017.

RECEIVED

JAN 27 2017

SC Court of Appeals