

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

QUASEAN DAVID MARSHALL,

APPELLANT

APPELLATE CASE NO 2017-000814

RECORD ON APPEAL

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SC Court of Appeals

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STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	
COUNTY OF GREENVILLE)	Case No(s) .: 2015GS2307283,
)	2015GS2307284
State of South Carolina,)	
)	
Plaintiff,)	
)	
-VS-)	TRANSCRIPT OF RECORD
)	
Quasean Marshall,)	
)	
Defendant.)	
)	

March 1, 2017
 Greenville, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

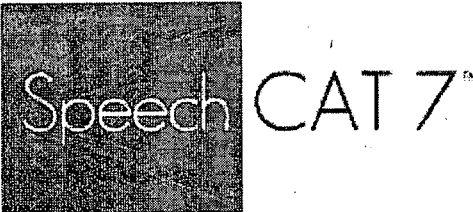
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EXHIBITS PAGE

NO. DESCRIPTION ID EV

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

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P R O C E E D I N G S

(Proceedings begin on the 1st day of March, 2017
at approximately 11:37 a.m.)

THE CLERK: Your Honor, this is 2015-GS-
23-7284, Quasean Marshall indicted for Burglary
First Degree, pleading to Burglary First
Degree, and it's a true bill. 2015-GS-23-7283
indicted for Murder, pleading to Manslaughter
Voluntary, and it's a true bill.

Raise your right hand.

(WHEREUPON, the defendant is first duly sworn.)

THE COURT: Mr. Marshall, you're here
today to plead to Voluntary Manslaughter, that
carries up to 30 years, that is classified as a
violent and most serious offense, and Burglary
First Degree that carries 15 years to life and
that is a violent and most serious offense. Is
that your understanding?

MR. MARSHALL: Yes, ma'am.

THE COURT: Have you discussed these
charges with your lawyer?

MR. MARSHALL: Yes, ma'am.

THE COURT: Are you happy with what your
lawyer's done for you?

MR. MARSHALL: Yes, ma'am.

1 **THE COURT:** Are you under the influence of
2 drugs or alcohol here today?

3 **MR. MARSHALL:** No, ma'am.

4 **THE COURT:** Has anybody forced you to
5 plead guilty?

6 **MR. MARSHALL:** No, ma'am.

7 **THE COURT:** Has anybody promised you
8 anything to get you to plead guilty?

9 **MR. MARSHALL:** No, ma'am.

10 **THE COURT:** When you plead guilty, you
11 give up certain constitutional rights. One is
12 your right to remain silent about these
13 charges. Do you know that?

14 **MR. MARSHALL:** Yes, ma'am.

15 **THE COURT:** You also give up your right to
16 a jury trial on these charges. At that trial,
17 your attorney can call witnesses for you,
18 cross-examine witnesses against you, and the
19 State would have to prove your guilt beyond a
20 reasonable doubt. But when you plead guilty,
21 you give up your right to a jury trial. Do you
22 know that?

23 **MR. MARSHALL:** Yes, ma'am.

24 **THE COURT:** How -- these sentencing sheets
25 say that you're 24 years old; is that right?

1 **MR. MARSHALL:** Yes, ma'am.

2 **THE COURT:** How far have you gone in
3 school?

4 **MR. MARSHALL:** I graduated when I went to
5 high school and I went to ITT Tech for a
6 semester.

7 **THE COURT:** Okay. All right. And what kind
8 of work have you done in your life?

9 **MR. MARSHALL:** Mostly jobs with fast food
10 restaurants, moving companies. Oh, I had the
11 most of jobs. I love to work.

12 **THE COURT:** Gotcha. Okay. And had you ever
13 been treated for any mental health disorder or
14 substance abuse problem?

15 **MR. MARSHALL:** Yes, ma'am.

16 **THE COURT:** Tell me about that.

17 **MR. MARSHALL:** I was...

18 **THE COURT:** Take your time.

19 **MR. MARSHALL:** I went to the Phoenix
20 Center. I had a bad alcohol problem, pain pill
21 problem, marijuana problem. But that was all
22 because of what had happened with this whole
23 situation. Before this whole situation
24 occurred, I went into a deep depression.

25 **THE COURT:** Okay. All right.

1 **MS. GORTON:** Judge, one of the things that
2 he doesn't know I'm going to bring up, because
3 I just learned from his mother -- just so that
4 you can address it at this level.

5 **THE COURT:** Sure.

6 **MS. GORTON:** -- is that when he was seven
7 years old, I believe, he had an aneurism and
8 had to have brain surgery, basically, to
9 address that. I have spent quite a bit of time
10 with him, even though I just inherited this
11 case a couple of months ago, and I have no
12 doubt he's competent. But in going through this
13 part of the plea colloquy, I wanted you to know
14 that about him.

15 **THE COURT:** I'm glad you did. I'm glad you
16 did.

17 Mr. Marshall, I mean, it sounds like you
18 graduated high school, you have done some
19 college and everything, but I need to make sure
20 you understand what's going on here today. Do
21 you feel clear-headed here today?

22 **MR. MARSHALL:** Yes, ma'am.

23 **THE COURT:** You understand what you're
24 doing?

25 **MR. MARSHALL:** Yes, ma'am.

1 **THE COURT:** This lady who is standing
2 beside you, you don't have to know what her
3 name is, but do you know what her job is?

4 **MR. MARSHALL:** Yes, ma'am.

5 **THE COURT:** What is that?

6 **MR. MARSHALL:** To help represent me in the
7 court of law, sir.

8 **THE COURT:** All right. Okay. And do you
9 know what my job is here today?

10 **MR. MARSHALL:** Yes, ma'am.

11 **THE COURT:** What is that?

12 **MR. MARSHALL:** To -- to -- to -- to give
13 me a plea and to -- to -- to hear the whole
14 story.

15 **THE COURT:** Okay. All right. Yeah. All
16 right. And you understand what you're here
17 today to do?

18 **MR. MARSHALL:** Yes, ma'am.

19 **THE COURT:** And what is that?

20 **MR. MARSHALL:** Plead guilty.

21 **THE COURT:** Okay. All right. I want you to
22 listen to the facts as stated by the Solicitor
23 in this case. I'm going to have some questions
24 for you right after that.

25 Yes, ma'am.

1 **MS. BENTLEY:** May it please the Court?

2 **THE COURT:** Yes.

3 **MS. BENTLEY:** On December 4th, 2014,
4 police were called to [REDACTED] within
5 Greenville County. Jaqua Young had come home
6 from work around 4 p.m. to find her boyfriend,
7 Michael Shiwdin, in bed with gunshot wounds to
8 this head. The blood on the scene was dry and
9 the deeper pools of blood showed signs of
10 separation. The situation indicated the
11 defendant had been dead for quite some time.

12 At autopsy, the coroner determined Mr.
13 Shiwdin had been shot three times in the head
14 and one time in the chest. He also had blunt
15 force trauma to the face, as if he had been
16 pistol whipped after he was shot. Spent shell
17 casing were located on the bed.

18 When police arrived, Ms. Young was crying
19 hysterically, and she and her son, who did not
20 live at the residence, immediately went to the
21 Law Enforcement Center to speak with police.
22 Police canvassed the area for quite some time
23 and found that a next door neighbor had video
24 surveillance that covered [REDACTED].
25 Watching the video, police saw Ms. Young left

1 the house at 6:30 a.m. and, at approximately
2 7:50 a.m., a light green Kia SUV with
3 distinguishable front-end damage pulled up to
4 the house. Police also learned through their
5 investigation that day that the victim, Mr.
6 Shiwadin, was on house arrest for the attempted
7 murder of his son, this defendant, Quasean
8 Marshall, that was stemming from the CDV that
9 occurred involving his estranged wife, Alitsiya
10 Marshall, six months earlier.

11 Police sought out his estranged wife and
12 Mr. Marshall for questioning. They were found
13 in a light green Kia SUV with front-end damage.
14 Police were able to establish that Alitsiya
15 Marshall was at work that day prior to 7:50
16 a.m. and that Quasean had a court appearance
17 for his own pending charges that he showed up
18 for a little after 8:30 a.m.

19 When police spoke to this defendant, he
20 denied having any ill will toward the victim
21 and denied going to his house that day. While
22 Marshall denied going to Shiwadin's house, video
23 surveillance picked up from various businesses
24 and his cell phone data were able to track him
25 from the point he dropped his mother off at

1 work in Cleveland Park to his stop at [REDACTED]
2 [REDACTED] before he is seen arriving at the
3 Greenville County Detention Center -- pardon me
4 -- Greenville County Courthouse.

5 Shortly after police spoke to this
6 defendant, he cut off his ankle monitor and had
7 to be located by the U.S. Marshals. That took
8 approximately two months. When he was arrested,
9 he was found to be in possession of a Taurus 9
10 millimeter. And ballistics reports found
11 conclusively that the shell casings on the
12 victim's bed were fired out of that gun.

13 Your Honor, as to the crime of Burglary
14 first degree, the State, at trial, would show
15 or assert that the victim was asleep in his bed
16 when he was shot and the defendant entered
17 without consent. He was found on his bed, under
18 a cover and in the clothes he wore the night
19 before. However, it is my understanding that
20 the defendant will assert he was let inside,
21 but entered the home under false pretenses,
22 armed with a deadly weapon and with the intent
23 to commit the homicide.

24 **THE COURT:** All right.

25 **MS. BENTLEY:** Your Honor, those are

1 essentially the facts that the State would
2 present at trial. Detective Garrison from the
3 Greenville Police Department is here. Mr.
4 Shiwidin's mother, Esther Johnson and her long-
5 time boyfriend, Mr. Herbert Grant, are here.
6 Mr. -- Ms. Johnson and Mr. Grant want to speak.
7 Detective Garrison can answer any questions and
8 might also want to be heard as to sentencing.
9 Mr. Marshall does have a prior record.

10 **THE COURT:** Will you tell me his prior
11 record?

12 **MS. BENTLEY:** It is a Robbery second
13 degree from New York and he does have a
14 juvenile Armed Robbery conviction.

15 **THE COURT:** All right. Thank you. I'll be
16 back with you in just one moment.

17 Mr. Marshall, you heard the facts as stated
18 by the Solicitor. How do you plead to the
19 charge of Burglary first degree and Voluntary
20 Manslaughter?

21 **MR. MARSHALL:** Guilty.

22 **THE COURT:** All right. I'll accept your
23 plea as being freely and voluntarily made with
24 the advice of extremely competent counsel with
25 whom you say you're well satisfied. The plea

1 has a substantial factual basis.

2 Yes, sir. Is there anything you'd like to
3 say?

4 **DETECTIVE GARRISON:** No, ma'am. I have
5 nothing further.

6 **THE COURT:** All right. Thank you.

7 **DETECTIVE GARRISON:** It was very well-
8 stated facts.

9 **THE COURT:** And I see that this plea is
10 without negotiation?

11 **MS. BENTLEY:** Yes, Your Honor. The State
12 is just asking for a sentence commensurate with
13 the brutality of the crime.

14 **THE COURT:** And -- and the charge has been
15 reduced from Murder, I do see.

16 **MS. BENTLEY:** Correct. With the
17 understanding that, you know, Burglary first
18 degree is still covers --

19 **THE COURT:** Absolutely.

20 **MS. BENTLEY:** -- a wide span.

21 **THE COURT:** Absolutely.

22 Yes, ma'am.

23 **MS. JOHNSON:** My name is Esther Johnson.
24 I am Michael Shiwidin's mother. I will never see
25 my son again. And when he killed my son, he

1 killed a part of my heart. Which I love
2 Quasean. He's my grandson. I never looked at
3 him no other way. I just want him to know that
4 there's a God and I pray everyday, but I will
5 never be able to talk to Michael again. At
6 least his mother get to talk to him and she can
7 hug him or whatever. I won't ever see mine
8 again. I want to let him know that he really
9 hurt me and he took a part from my heart. But I
10 pray every day, as well as I pray for myself
11 right now. I just want justice to be done.

12 **THE COURT:** Thank you so much for being
13 here, ma'am. I'm so sorry for your loss. I'm so
14 sorry.

15 **MS. BENTLEY:** And Your Honor, Ms. Johnson
16 and Mr. Grant traveled from New York State. Mr.
17 Shiwidin and I believe the Marshalls -- I
18 believe the whole family was from New York.

19 **THE COURT:** Okay. And sir, is there
20 anything you wanted to say?

21 **MR. GRANT:** Yes, ma'am. I would like to
22 say just like Michael fathered you, I fathered
23 Michael --

24 **THE COURT:** Hey. Hey. I'm sorry. Sir, I'm
25 sorry. You need to direct your comments to me.

1 Thank you.

2 **MR. GRANT:** Your Honor, just like Michael
3 fathered him, I fathered Michael all those
4 years from a small kid, five years old. He had
5 nothing but love for his mother and his kids.
6 To hear the anger that he could carry to
7 Michael's house, it's really unbelievable.

8 But I thank you, sir, too, for bringing him
9 to justice.

10 And Quasean, the whole family --

11 **THE COURT:** Sir, again, I need you --

12 **MR. GRANT:** Okay. I'm sorry.

13 **THE COURT:** No, that's fine. I just need
14 you to direct your comments to me. Because
15 sometimes, it can -- I know it's an emotional
16 day to begin with, but it can -- that can
17 heighten the emotions sometimes.

18 **MR. GRANT:** Your Honor, it's a feeling
19 that you have to be in it to where there's
20 nothing you really can --

21 **THE COURT:** Sir, I hate to ask you this,
22 but what is your name for the record?

23 **SPEAKER:** My name is Herbert Grant.

24 **THE COURT:** Thank you. Thank you so much.
25 All right. Anything else from the State?

1 **MS. BENTLEY:** Nothing else from the State
2 at this time, Your Honor.

3 **THE COURT:** All right. Yes, ma'am.

4 **MS. GORTON:** There's so much to say.

5 **THE COURT:** Okay.

6 **MS. GORTON:** I -- I know that you caught
7 that the deceased had shot Quasean. Quasean's
8 22. The only father he ever knew was Michael.
9 But the 20 years that Michael lived with him
10 and his mom were filled with domestic violence.
11 Michael was in and out of jail both here and
12 mostly in New York. It was the cycle that you
13 saw in Family Court. She repeatedly went back
14 to him. She, at one point, I think, in 2011,
15 finally got up the wherewithal to leave him in
16 New Year and move down here. But as soon as he
17 got out of jail, he followed her down here.

18 She had another child by Michael, that is
19 Quasean's younger brother, Javon, who has
20 autism. He's four years younger than Quasean,
21 and Quasean is very protective of Javon. Javon
22 was actually interviewed by my investigator
23 Karen Garren, and he just kept saying that
24 Michael was mean, that his dad was mean. He
25 said his dad never threatened him, but he was

1 always fighting with his mom and brother.

2 Michael -- a good thing you can say about
3 Michael is he was a man of his word. One of the
4 times that -- one of the last times that
5 Michael and Quasean's mother fought, Quasean
6 intervened. As he got older and as he got
7 bigger, he started intervening more and Michael
8 told him, you touch me again, I'll shoot you.
9 And he did.

10 Not too long after that, he came
11 downstairs. He started arguing with Ms.
12 Marshall. He pulled out a gun that he wasn't
13 supposed to have. He pulled out a gun and he
14 fired it. Quasean wrestled with him. There were
15 six shots. He tried to tell his family they
16 were warning shots and it was all a
17 misunderstanding. Six shots. He wrestled with
18 him and he got shot. I know this is unusual and
19 I know that it may not even be appropriate, but
20 I'd like to show you the love that Michael
21 showed Quasean. May I?

22 (Demonstrating.)

23 He had to be cut from here to here in the
24 surgery. He was in the hospital for two weeks.
25 And that's what it took. It took Michael

1 shooting her boy for her to leave him. She did
2 everything she was supposed to. She got a
3 restraining order. She pressed charges, but
4 that was a problem. No question Michael was on
5 HIP. The prosecutor has received the records.
6 Even though he was on HIP and only supposed to
7 be going to work, no question in the
8 investigation that instead of going to work, he
9 was driving around town with, not the
10 girlfriend he was living with, but yet another
11 girlfriend, and visiting the woman he was
12 living with, her son's house, with that woman.

13 In the meantime, he continued contacting
14 her, terrorizing her, pressuring Quasean to get
15 her to drop the charges like she always had in
16 the past. Quasean tried. Again, there's no
17 question that Quasean and Michael made up.
18 Now, his mom didn't know that, but they had
19 made up. There's no question in the reports
20 that they had. In fact, the weekend before was
21 Thanksgiving and he had brought over a plate of
22 food for Michael and his live-in girlfriend
23 accepted it, said he's in bed, I'll give it to
24 him.

25 There's no question that after Michael shot

1 Quasean, he then gave him his gun. But Michael
2 had a problem because she wouldn't drop the
3 charges and Quasean wasn't getting anywhere
4 with getting her to drop charges. Everything
5 Michael had tried to get Quasean to get her to
6 drop charges wasn't working.

7 And again, there's no dispute the night
8 before Michael died, he made a phone call both
9 to Javon's phone and to Quasean's phone. And
10 what Quasean would tell you happened and what
11 I've proffered to the State that happened was
12 Michael said to him -- at the time Quasean was
13 shot, he had a girlfriend there and she had a
14 one-year old child. She was one of the
15 witnesses to this other shooting where Quasean
16 was shot that Michael was on HIP for, that he
17 was supposed to be controlled by the system,
18 but he wasn't. He said to Quasean, I see your
19 girlfriend's living at such and such address --
20 they were ex by then -- but I see your
21 girlfriend lived at -- is living at such and
22 such address. It would be terrible if something
23 happened to her and her kid.

24 Quasean didn't know what else to do. And so
25 the next morning, he was invited over. He was

1 let in, but he had the gun on him and he knew
2 exactly what he was going to do. He felt, at
3 that time, that he had no other choice because
4 the man makes good on his promises and he felt
5 that these two innocent people were in danger.
6 He knew his mom was not going to drop charges.
7 He didn't feel like he could help her. Why she
8 needed to drop charges?

9 Now, the State told you about a couple of
10 prior offenses, the New York -- and I'm not
11 discounting it -- but the New York robbery was
12 a BB gun. The local robbery, when he was a
13 juvenile, he was very young. His mother didn't
14 even remember that. Quasean did. He told me
15 about it. He's not a man who has discounted --
16 in my experience with him, he has not
17 discounted any of his acts.

18 In fact, you know, he's expressed a lot of
19 anguish over this. A lot for his brother. He
20 killed his brother's father. He felt like for
21 the first time Michael was being a dad to his
22 brother. Michael had started giving his brother
23 \$20 a week, and he had never done anything like
24 that before. But again, Michael was trying to
25 get her to drop charges, trying to win her

1 back. He has a lot of anguish of what Jaqua
2 went through when she walked in and saw that.

3 I'm sure you caught that Michael was pistol
4 whipped after he was shot. This was personal.
5 It was personal for a reason. They had just
6 been hanging out, doing fine. So what changed?
7 What changed was Michael made another promise.

8 I think Quasean wants to talk.

9 **THE COURT:** Okay. Yes, sir.

10 **MR. MARSHALL:** First off, Mr. Garrison,
11 Detective Garrison, I'd like to apologize to
12 you for wasting your time, the whole homicide
13 unit and, basically, this case, wasting your
14 time. I don't know if you remember or not, but
15 when we went up there, I asked you to use the
16 restroom. And in the restroom, in my head, I'm
17 like I'm going to tell you, I'm going to tell
18 you, I'm going to tell you. When we got into
19 the interrogation room -- we got in the
20 interrogation room and I started thinking about
21 my family, who I'm going to lose, who's going
22 to pick sides, who going to leave, so the truth
23 wouldn't come out. I was wasting your time.

24 I want to thank you too for not giving up
25 on this case. You actually -- you actually

1 saved my life too, you know, I was suicidal at
2 the moment. Excuse me. It's crazy, but I was
3 suicidal at the moment and thank you for saving
4 my life.

5 I'd also like to apologize -- I wish Ms.
6 Jaqua Young was here, but she's not. You know,
7 I apologize. I really am sorry that she had to
8 walk in and see that. That was not my
9 intention. I'm sorry for all the pain, all the
10 stress I caused her and her family. That's not
11 what I wanted to do.

12 And then, Michael raised me for 20 years.
13 That's my father too, now.

14 **THE COURT:** Sir, if you --

15 **MR. MARSHALL:** Speak to you?

16 **THE COURT:** If you'll, speak to me.

17 **MR. MARSHALL:** Yes, ma'am. He raised me 20
18 years, so that's my father. Like, he not no
19 stepfather. That's my father. I already know
20 how he is. So when he tell me that just to beat
21 his case, he's going to harm two innocent -- my
22 ex-girlfriend, her baby, and my mother and my
23 mother boyfriend?

24 He wanted to do that because my mother
25 happy. She done moved on. He kept telling me if

1 I can't have her, nobody can have her. That's
2 my wife forever. So he had meant his word. He
3 loved me for 20 years and raised me. So if he
4 shoot me, what you think he going to do to
5 those four people? Them innocent people. I feel
6 like if I ain't react how I reacted, Detective
7 Garrison and the whole homicide unit, they
8 would have been trying to solve a quadruple
9 homicide case. You know, this whole situation
10 messed up.

11 I'd like to apologize to my whole family
12 because it split the whole family up, like
13 Romeo and Juliet, right. People picking sides.
14 Like, that's not what I wanted. That's not my
15 intentions. Like, everybody think this personal
16 and I did it because of revenge cause he shot
17 me. No. I let that go. It's the whole thing, he
18 kept threatening my family, my loved ones.

19 It's only one reason -- one way that he
20 know what my mother boyfriend drive. My mother
21 boyfriend spending the night. How do he know my
22 girlfriend stay in such and such neighborhood?
23 He doing his homework. He on house arrest. The
24 State ain't doing nothing cause he still
25 pulling up to the house. It's crazy.

1 **MS. GORTON:** He was coming to the house to
2 give the \$20 to Javon when he was supposed to
3 be restrained on house arrest and not coming to
4 the address at all. Nothing was happening.

5 **MR. MARSHALL:** It's like, when I was out
6 there, I was doing good. So this -- it wasn't
7 my plan. My plan was to just go back to school,
8 but this just happened and emotions -- I
9 couldn't control my emotions and it just
10 happened. You know, and I feel like if it
11 didn't happen, I would have lost everybody.

12 I just want you to understand, like, that
13 I'm not one of them gentlemen that go to
14 parties every week and in the clubs and
15 terrorizing the city. That's not me. I'm a
16 family man. I like to work. I like school. I'm
17 saying -- all due respect though when I say
18 this, like, there's no punishment you can give
19 me that's worse than the punishment me and my
20 family already gone through. I got blood on my
21 hands. I can't wash that. I never thought about
22 killing nobody. Blood on my hands. They
23 stained. That's -- I look in the mirror and
24 realize what I did to my father.

25 When I get sentenced and go down the road,

1 I don't know how my little brother going to
2 feel. But my little brother, he has some
3 issues. When he find out the truth, he might
4 hate me the rest of his life. He might hate me
5 the rest of his life. But it's going to be so
6 hard to build a relationship with him. It's
7 going to be so hard to build a relationship
8 with my nana and the rest of the family because
9 everybody -- they just going off opinions. They
10 don't know the truth. Everybody just think it's
11 revenge and it's not.

12 **THE COURT:** Thank you, sir.

13 **MS. BENTLEY:** Briefly, in response, Your
14 Honor.

15 **THE COURT:** Sure.

16 **MS. BENTLEY:** Ms. Gorton did provide me
17 with the HIP records for Mr. Shiwdin. I did not
18 see any indication that he was -- there were a
19 few inconsistencies around the date of and
20 before. He was also in the hospital. The week
21 of Thanksgiving, he had an injury and required
22 emergency surgery.

23 But no -- nothing about violating the
24 restraining orders or violating the HIP was
25 ever reported to the State to do anything about

1 that. And I do think that that's important that
2 nobody reported that he was violating or
3 threatening them in any way. I know Detective
4 Garrison also has a few words.

5 **THE COURT:** Yes, sir.

6 **DETECTIVE GARRISON:** Your Honor, thank
7 you. I want to speak as a representative of the
8 Greenville Police Department and say that the
9 story that we've heard today, this is the first
10 I'm hearing of it. The victim in this case was
11 charged with shooting him. This is where that
12 story should have come out, not today, because
13 Mr. Shiwdin is not here to give his side of the
14 story. Only Quasean is here to give his side of
15 the story. The proper response in handling this
16 situation that we've heard about today is in
17 here and not breaking into someone's house and
18 shooting them four times, three times in the
19 head. That would be our response from the
20 Greenville Police Department.

21 **THE COURT:** Yes, sir. And clearly, that's
22 the -- that's -- and clearly, Mr. Marshall,
23 certainly, that's where all of this changed,
24 was the decision not to call the police about
25 these threats immediately and do -- for

1 whatever reasons and do something about it that
2 way. But I will say this, if -- if this is --
3 whatever the explanation be, whether it be
4 threats that he was making or a life of living
5 with a man who was violent and you finally just
6 got to a breaking point about it or whatever it
7 may be, the whole situation is a tragedy. There
8 is no doubt -- I mean, there's no dispute --
9 nobody's disputing the fact that the man shot
10 you. For whatever reasons, the man shot you, I
11 don't know.

12 How long has he been in jail so far?

13 **MS. BENTLEY:** 740 days, Your Honor.

14 **THE COURT:** But the detective is exactly
15 right, the remedy for that is in here and
16 should have been in here and it should have
17 been with calling the police and reporting
18 these threats that had been going on. It should
19 not have been breaking into someone's home and
20 shooting them in the head. I mean, I don't have
21 to -- I don't have to probably say that. That's
22 so evident.

23 But I take into a fact -- into account a
24 couple of things. I take into account the
25 mitigating factors your attorney has very

1 eloquently spoken about. I take into account --
2 I take into account the seriousness of what
3 you've done and the reduction in charge that
4 you've already had the benefit of. I take into
5 account that you're young and that your record,
6 while it does have a few things on it, might
7 not be as serious as many that we see. I take
8 into account that the U.S. Marshals had to go
9 and find you for two months. I take into
10 account all of those things.

11 But I also take into account that I
12 believe, not to speak ill of the deceased in
13 any way, but I do believe that this was as a
14 result of a long-standing and tumultuous
15 situation. But as you said, we'll never know
16 the full extent of it because the victim's not
17 here to give his side of it.

18 All that taken into consideration, the
19 sentence of the Court is 24 years on each
20 charge, credit for 740 days. Good luck to you.

21 Good luck to you all. Thank you for being
22 here.

23
24 **(WHEREUPON,** the proceedings conclude at
25 approximately 11:34 a.m.)

IN THE THIRTEENTH JUDICIAL CIRCUIT OF SOUTH CAROLINA
COUNTY OF GREENVILLE, GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
Plaintiff,)

)CASE No. 2015 A 23 206 00206 & 00207

vs.)

) WARRANT NO.

QUASEAN MARSHALL)
Defendant.)

FILED-CLERK OF COURT
PAUL B. WICKENS/MEYER
GREENVILLE CO. SC

2017 MAR -3 AM 11:20

MOTION TO RECONSIDER SENTENCE

COMES NOW, the Defendant Quasean Marshall, through Undersigned Court Appointed Counsel, and hereby moves this Honorable Court to Reconsider the sentence imposed on March 1, 2017. The specific grounds for this Motion goes to the following issue that was raised at sentencing: **Whether there was documentation that the deceased was in fact violating his Home Incarceration and leaving his home for purposes other than work (namely, to stalk and intimidate the Defendant and his family).**

This is a relevant and material issue, as the following facts were not contested:

1. The deceased was the Defendant's step father, being married to the Defendant's Mother for twenty years, since the Defendant was two;
2. There was on-going domestic violence between the deceased and the Defendant's mother;
3. The family had previously lived in New York;
4. During one of several incarcerations of the deceased for guns, drugs and/or other acts of violence, the Defendant's Mother moved the family to South Carolina in an effort to leave the deceased;
5. The deceased also moved to South Carolina upon his release in New York, and the Defendant's mother thereafter reconciled with the deceased;
6. As the Defendant grew older, he began to intervene in the physical altercations between his Mother and the deceased;
7. During one such occasion, the deceased warned the Defendant that if he intervened again, the deceased would shoot him;
8. Shortly thereafter, there was an physical altercation between the Defendant's mother and the deceased, wherein the deceased, a convicted felon, pulled out a gun, threatened the Defendant's mother, and began firing;
9. The defendant grabbed the deceased, and the deceased shot him, as he had previously promised to do;
10. The defendant was seriously wounded and the deceased was eventually located, arrested and charged;

11. After this incident, the Defendant's mother stayed steadfast in her determination to stay separated from the deceased, she obtained a restraining order and pressed criminal charges;
12. Astonishingly, despite the level of violence and his criminal history, the deceased was able to secure release from jail on HIP.

Therein lies the issue presented here. At the sentencing hearing, the Defendant explained that the deceased continued to violate the terms of the HIP program, and was freely leaving his home without restriction, and was intimidating his family. The defendant chose to reconcile with the deceased, but when the Defendant was unable to persuade his Mother to drop the criminal charges, the deceased issued a threat to the defendant's former girlfriend, her young child, as well as the Defendant's mother and her new boyfriend. The defendant explained that because he believed the deceased would carry out his threats, as he had in the past, and because the deceased was still able to move freely although he was supposed to be under legal restriction not to do so, that the defendant felt his only option was to kill the deceased.

At the hearing, Undersigned argued that it was "undisputed" that the deceased was violating HIP." The Solicitor objected to this statement, agreeing that HIP records had been obtained, but that those showed the deceased had been in the hospital. Detective Garrison followed up with argument that the Defendant should have simply called to report the activity. And while it is certainly not refuted now, in the calm reflection of hindsight and in the safety of a secured courtroom, proof that the deceased was in fact in violation of his HIP restrictions is relevant and material to the Defendant's state of mind, and therefore is relevant and material to sentencing.

Attached are the following documents, previously exchanged in discovery, which prove the deceased was routinely in violation of his Home Incarceration restrictions, falsifying his work schedule to leave his home for unauthorized purposes:

1. Email from the employer of the deceased, stating that the work schedule was as follows: Saturday and Sunday from 1:30 to 10:00 p.m. and Tuesday through Friday 4:00 to 9:30 p.m. The employer further noted this was the "full" schedule, and that the deceased sometimes worked less;
2. Sentinel activity report from 12/3/14 showing that on the day before he died, the deceased left his home at 13:45 "for work and back home". December 3 was a Wednesday, and the deceased was not scheduled to work until 4:30;
3. Excerpts of interview of Marquis and Jouca Young stating that the deceased had come to Marquis Young's home in Cherrydale with another woman on a social visit on December 3, 2014 (not at work as stated) (3 pages)
4. Sentinel Schedule sheet dated 11/21/14 wherein the deceased claimed to have been at work starting at
 - a. 1:30 on Friday, November 14, 2014
 - b. 12:30 – 9:15 on Monday November 17, 2014 (his day off)
 - c. 12:30 on Tuesday November 18, 2014
 - d. 12:35 on Wednesday November 19, 2014;

- e. 1:30 on Thursday November 20, 2014
- 5. Sentinel schedule sheet dated 11/14/14 wherein the deceased claimed to have been working starting at:
 - a. 1:30 on Friday November 7, 2014;
 - b. 12:15 -9:40 on Monday November 10, 2014 (his off day)
 - c. 12:20 on Tuesday November 11, 2014
 - d. 12:30 on Wednesday, November 12, 2014
 - e. 12:30 on Thursday November 13, 2016
- 6. Sentinel schedule sheet dated 1/7/14 wherein the deceased claimed to be at work starting at
 - a. 12:00 Friday October 24, 2014
 - b. 11:30 – 10:00 p.m. on Monday October 27, 2014 (his day off)
 - c. 12:30 Tuesday October 28, 2014;
 - d. 12:30 Wednesday October 29, 2014
 - e. 1:00 Thursday October 30, 2014

Virtually every schedule sheet submitted by the deceased is similar in nature. It is noted that the deceased was residing on Keith Drive, between Laurens Rd and Pleasantburg and was working at the Sunco on the corner of Pleasantburg and East North. Even if he walked, even at a slow pace, 3-4 hours was not needed prior to his shift. Of the hundreds of pages of documents received pursuant to a subpoena for the entire HIP file of the deceased, not one indicated any communication or effort to communicate with the deceased's employer or otherwise verify the work schedule claimed.

To be clear, Undersigned does not allege or suggest in any manner that the Solicitor deliberately misrepresented the content of these records. Indeed, the Solicitor made an extraordinary effort to be transparent, and an exceptional amount of time was spent discussing points of fact which could be stipulated, and point of fact wherein there would be contention. However, this case was very complex, with a number of issues and sub-issues, and there was a genuine misunderstanding as to this particular point of fact.

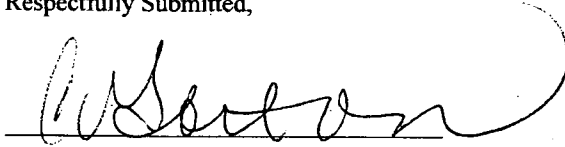
Nonetheless, given the nature of the State's rebuttal as to this point at hearing, as well as argument offered by Detective Garrison, Undersigned does believe the documents attached constitute legal and equitable grounds for this Court to reconsider the sentence imposed.

The Solicitor did reduce the charge from Murder to Voluntary Manslaughter. That being said, she declined to dismiss the charge of Burglary 1st to account for the fact that the deceased was shot in his own home, while in bed. By keeping that charge in place, she guaranteed a sentence of no less than 15 years.

Undersigned would respectfully suggest that in light of the proven failure of HIP to restrain or monitor the activities of the deceased, without so much as verification with the employer of the work schedule alleged by the deceased, that the Defendant had a misguided but genuine belief that the judicial system was unable to offer the necessary

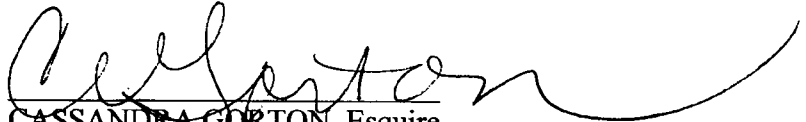
protection for his family. Undersigned would respectfully ask this Honorable Court to reconsider a sentence of 15 years.

Respectfully Submitted,



CERTIFICATE OF SERVICE

I HEREBY certify that a true copy of the foregoing has been furnished by hand or by U.S. mail to Lisa Bentley, Esq. at the Office of the Solicitor for the 13th Judicial Circuit, , 305 East North Street, Suite 325 Greenville SC 29601 on this 3rd day of March, 2017.



CASSANDRA GORTON, Esquire
South Carolina Bar Number 100096
109 Laurens Rd Building 4 Suite D
Greenville SC 29607
(864) 201-1604
Email: [REDACTED]

FILED-CLERK OF COURT
PAUL B. MCKENSI-MER
GREENVILLE CO. SC
2017 MAR -3 AM 11:21

Subject: Requested Documents Pertaining to Michael Shiwdin

From: [REDACTED]

To: [REDACTED]

Date: Sunday, January 8, 2017 10:16 PM

To Cassandra Gordon Esq.:

I have attached Michael Shiwdin's payroll stubs, payroll sheets, W2, and work excuse. The paystubs were only electronic for his last few weeks. Some of these documents are password protected. I will send the passwords in a separate email.

Michael was employed from March 11, 2014 until December 4, 2014. He worked Tuesday through Friday from 4:00 pm to 9:30 pm. He worked Saturday and Sunday from 1:30 pm to 10:00 pm. He worked less hours at one point during his employment when another employee was hired.

Michael's job performance was good, and there were no complaints from customers. Michael was hospitalized and did not work from November 27, 2014 to December 2, 2014. Michael's work excuse stated he would return to work after recovery on December 17, but Michael came back to work early on December 3, 2014.

Please let me know if you have any additional questions.

Regards,

Atu Karamchandani
Manson, LLC
DBA Sunoco Convenience
2350 E North St.
Greenville, SC 29607
(864) 232-8750

*Dec 3, 2014
Wednesday
4pm - 9:30 pm*

Attachments

- 2014 Pay Sheets.pdf (322.80KB)
- Payroll summary .xls (23.00KB)
- Paystub__from_MANSON_LLC -nov 2014_2.pdf (70.05KB)
- Paystub__from_MANSON_LLC -Nov 2014.pdf (70.15KB)
- Paystub__from_MANSON_LLC -oct 2014.pdf (70.06KB)
- W-2.pdf (987.34KB)
- Work excuse .pdf (404.82KB)

Original Report Status Change Additional Victims Additional Stolen Property Incident Type S417 - Death Investigation

Supplemental Report Other Report Additional Defendants Additional Recovered Property Patrol District ADAM Page 11 of 12 Pages

I. D. OVERFLOW

Complainant Victim

Subject's Name (Last, first, middle) _____ Victim Relationship To Subject _____ Ethnicity _____ Resident _____ Race _____ Sex _____ Age _____ Date of Birth _____

Address _____ City _____ State _____ Zip Code _____ Patrol District _____ Day Phone _____ Evening Phone _____

Height _____ Weight _____ Hair _____ Eyes _____ Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc. _____

Victim No. _____ Visible Injury Yes No Complaint of any Non-Visible Injuries Yes No Victim Using Alcohol Yes No Unk Two-Man Veh One Man Veh ALONE Explain: _____ Drugs No Yes Type: _____ Detective Other ASSISTED

Subject No. _____ Using Alcohol No Yes Unk Arrested on Current Offense

Using Drugs No Yes Type: _____ Unk Cleared By Arrest on Prior Offense

Arrestee Armed Yes No Weapon Type _____ On View Arrest Summoned Custody

Juvenile Disposition Handled Released Referred To Other Authority

Arrest Location _____ Gang Affiliation: NG - Not Gang Related

NARRATIVE

Flavell: I need you to look at the phone because that is important.
Young: It was yesterday. I got a missed call from him yesterday.

Flavell: You know it was yesterday?
Young: It was yesterday.

Flavell: And you never called him back?
Young: I didn't call him back. I had just seen him. He dropped me off at work. It was him and his cousin. Her name starts with an "A" whoever the lady was in the car. He introduced us and she took me to work.

Flavell: This was yesterday?
Young: Yesterday. I didn't even know he was coming. He just walked in the house.

Flavell: Your mom said he called her yesterday and said "don't worry about coming home early, I'm over at your sons house."
Young: Yes that was yesterday but his cousin took me to work.

Flavell: what kind of car were they in yesterday. It was a Subaru like a little jeep, (suv) type, like a car/truck. It was greenish or Dark Blue.
Young: I knew I talked to him yesterday.

Flavell: You talked to him?
Young: Yes I talked to him face to face. He called me after they dropped me off at work. I had a missed call but I didn't pay it any attention.

Flavell: Look at your phone and give me the date and time that he called.
Young: yes Sir.

Flavell: Left room 5:55:55

Flavell: Marquis was it a white girl he was with yesterday or a black girl?
Young: She was black. He said it was his cousin or his Aunt.

Flavell: Your mom doesn't know anything about it.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified Yes No Subject Located Yes No Active Admin Closed Arrested Under 18 Ex-Cleared Under 18

Unfounded Arrested 18 and Over Ex-Cleared 18 and Over

Reason For Exceptional Clearance Offender Death No Prosecution Victim Declines Cooperation Extradition Denied Juvenile No Arrest

Reporting Officer(s)	Date	Unit#Star#	Approving Officer	Date	Unit#Star#
FLAVELL, C.H.	12/28/2015	51 / 00087			

Follow Up Investigation Yes No

AFFIDAVIT OF RECORDS CUSTODIAN CERTIFYING RECORDS

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Jinny Moran, Captain, having first been duly sworn according to law, makes
Name of Records Custodian

oath upon his or her personal knowledge as follows:

1. I, Captain Jinny Moran, am the duly authorized custodian of the records for the County of Greenville, Greenville County Department of Public Safety – Records Division and the Greenville County Detention Center, and Medical Services and in such capacity; I have authority to certify the attached records.
2. The Records Division manages law enforcement reports and local criminal history records generated by the Greenville County Sheriff's Office and Greenville Police Department.
3. The Records Division oversees the management and release of Detention Records and Medical Record documents.
4. The attached records are true copies of all original records maintained by the County of Greenville regarding Detention HIP Records, to include Sentinel on Michael Shiwdin, DOB: [REDACTED], for time period 03/04/2014 to 12/09/2014 that were requested by Lisa Bentley, Assistant Solicitor, of the 13th Circuit Solicitor's Office for the purpose of Discovery. (306 pages)
5. The attached records are kept in the normal course of business of the County of Greenville and were prepared as a regular practice and custom. (REF Booking File: Shiwdin, Michael ID # 201280)

AND FURTHER AFFIANT SAITH NOT.

Jinny Moran, Capt
AFFIANT

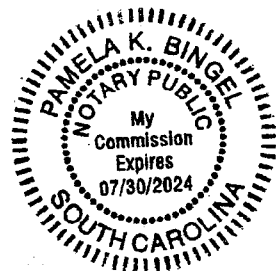
Sworn and subscribed to before me:

This 6th day of January, 2017.

Pamela K Bingel

Notary Public of South Carolina

My commission expires: 07-30-2024



Client Information

MICHAEL SHIWDIN	E35H		
ADDR:	[REDACTED]	X-MTR #:	DT041537
ADDR:	GREENVILLE SC 29607	HMU #:	017818
IMEI #:	-	TRAKMATE #:	-
PHONE:	8644989851		
OFFICER:	OFFICER HOLLISTER		

Permanent Schedule

Day	-Leave-	-Return-	-Leave-	-Return-	-Leave-	-Return-	Wrap
SUN	09:00	23:59	Church and work				
MON	07:30	23:59					
TUE	12:00	23:59	occasionally opened the store early and wks schedule				
WED	12:00	23:59					
THU	09:00	23:59					
FRI	07:30	22:30	Sas Appt; open store - wks schedule				
SAT	08:30	23:59					

POSTED	EVENTTIME	EVENT	COMMENTS
12/03/2014 00:00:38	12/03/2014 00:00:38	LATE TO ENTER	
12/03/2014 00:26:33	12/03/2014 00:20:41	AC Power Disconnect	
12/03/2014 00:26:33	12/03/2014 00:21:33	AC Restore	
12/03/2014 00:26:34	12/03/2014 00:24:50	Monitor Check In	
12/03/2014 05:16:51	12/03/2014 05:15:40	Monitor Check In	
12/03/2014 10:08:29	12/03/2014 10:06:27	Monitor Check In	
12/03/2014 14:36:09	12/03/2014 13:45:24	Leave	work and back home
12/03/2014 14:44:24	12/03/2014 13:57:14	Monitor Check In	
12/03/2014 20:46:25	12/03/2014 20:46:25	HMU LTT	
12/03/2014 21:06:16	12/03/2014 18:48:03	Monitor Check In	
12/03/2014 23:11:54	12/03/2014 21:36:36	Enter	
12/03/2014 23:13:18	12/03/2014 21:38:34	AC Power Disconnect	
12/03/2014 23:13:57	12/03/2014 21:39:05	AC Restore	
12/03/2014 23:16:03	12/03/2014 21:42:11	Monitor Check In	
12/04/2014 05:16:04	12/04/2014 05:16:04	HMU LTT	
12/04/2014 07:10:29	12/04/2014 06:09:13	AC Power Disconnect	
12/04/2014 07:10:29	12/04/2014 06:09:28	AC Restore	
12/04/2014 07:10:30	12/04/2014 06:11:54	Monitor Check In	
12/04/2014 11:03:02	12/04/2014 06:10:32	XCVR No Motion	
12/04/2014 11:03:02	12/04/2014 07:29:11	XCVR Clear No Motion	
12/04/2014 11:03:02	12/04/2014 07:59:10	XCVR No Motion	
12/04/2014 11:03:02	12/04/2014 11:02:43	Monitor Check In	
12/04/2014 17:03:58	12/04/2014 17:03:58	HMU LTT	
12/04/2014 23:03:42	12/04/2014 23:03:42	HMU LTT	
12/05/2014 00:07:49	12/04/2014 15:53:33	Monitor Check In	
12/05/2014 00:42:35	12/04/2014 20:44:21	Monitor Check In	
12/05/2014 00:55:07	12/04/2014 22:25:18	XCVR Clear No Motion	
12/05/2014 00:56:28	12/04/2014 22:31:44	Leave	
12/05/2014 00:56:34	12/04/2014 22:38:31	Monitor Check In	

SENTINEL

600 East Washington Street
 Greenville, SC 29601
 864-233-5111 Phone
 864-233-5222 Fax
 MEDICAL EMERGENCY # 1800-551-4911

Next Appt.: Date/Fecha 11-21-14
 Proxima Cita: Time/Hora 10:00
 HOURS: Monday-Friday: 8:30-5:00
 Payment/Pago \$250

*My signature below confirms that the above named person was at the location stated during the time period noted. I understand that by signing this form, I may be contacted by Sentinel Monitoring to verify my signature and the person's arrival and departure.

NAME: Shawn

CASE MANAGER: SHAWN

Location/Activity	Date	Time Arrived	Time Left	Signature	Phone
Sentinel	11-14-14	9:30	9:50	<i>SA</i>	
Get check	11-14-14	10:30	11:00 AM		
Go to pawnshop	11-14-14	11:30	11:45 AM		
work	11-14-14	1:30	10:05 PM		
work	11-15	1:00	10:15 PM		
work	11-16	12:00	10:00 PM		
work	11-17	12:30	9:15 PM		
work	11-18	12:30	2:45 PM		
Solicitor office	11-18 11-18	3:15	3:17	<i>SA</i>	4678647
work	11-18	3:20	9:30		
work	11-19	12:35	9:20		
work	11-20	1:30	9:35		
Get car	11-21				

Note: This sheet is to be completed whenever you leave your home. It will serve as verification for court/Sheriff's Dept. permitted activities ALONG with additional forms of proof (I.E. paycheck stubs, receipts, timecards, employment letter). Your whereabouts must be documented. Make sure all activities have been approved by your case manager. Failure to inform your case manager of changes in your schedule will result in a violation. SCHEDULE CHANGES BETWEEN 8:30-4:00, 24HRS IN ADVANCE. In the event of a MEDICAL EMERGENCY ONLY CALL 1800-551-4911.



600 East Washington Street
Greenville, SC 29601

864-233-5111 Phone
864-233-5222 Fax

MEDICAL EMERGENCY # 1800-551-4911

Next Appt.:
Proxima Cita:

HOURS:

Monday-Friday: 8:30-5:00

Date/Fecha 11-14-14

Time/Hora 12:00

Payment/Pago \$52.50

*My signature below confirms that the above named person was at the location stated during the time period noted. I understand that by signing this form, I may be contacted by Sentinel Monitoring to verify my signature and the person's arrival and departure.

NAME: Shiwa

CASE MANAGER: SHAWN

Location/Activity	Date	Time Arrived	Time Left	Signature	Phone
Sentinel	11-7-14	9:29	9:40	SH	
Phone Billiard	11-7-14	10:15	10:25		
Pet check	11-7-14	11:00	11:15		
Rent	11-7-14	12:00	12:40		
work	11-7-14	1:30	10:00		
Work	11-8-14	12:00	10:00		
Work	11-9	11:30	9:05		
Work	11-10	12:15	9:40		
Work	11-11	12:20	9:30		
Work	11-12	12:30	9:30		
Work	11-13	12:30	9:45		
Get car	11-14	6:30	6:55		

Note: This sheet is to be completed whenever you leave your home. It will serve as verification for court/Sheriff's Dept. permitted activities ALONG with additional forms of proof (I.E. paycheck stubs, receipts, timecards, employment letter). Your whereabouts must be documented. Make sure all activities have been approved by your case manager. Failure to inform your case manager of changes in your schedule will result in a violation. SCHEDULE CHANGES BETWEEN 8:30-4:00, 24HRS IN ADVANCE. In the event of a MEDICAL EMERGENCY ONLY CALL 1800-551-4911.

SENTINEL

600 East Washington Street
 Greenville, SC 29601
 864-233-5111 Phone
 864-233-5222 Fax
 MEDICAL EMERGENCY # 1800-551-4911

Next Appt.:
 Proxima Cita:
 HOURS:
 Monday-Friday: 8:30-5:00

Date/Fecha 11-7-14
 Time/Hora 10:00
 Payment/Pago \$ 52.50

*My signature below confirms that the above named person was at the location stated during the time period noted. I understand that by signing this form, I may be contacted by Sentinel Monitoring to verify my signature and the person's arrival and departure.

NAME: Shiwem

CASE MANAGER: SHAWN

Location/Activity	Date	Time Arrived	Time Left	Signature	Phone
Sentinel	10-24-14	9:45	10:30	<u>SA</u>	
Work	10-24-14	12:00	9:30	SA	
Work	10-25-14	9:00	10:00		
Work	10-26-14	1:00	10:00		
Work	10-27-14	11:30	10:00		
Work	10-28-14	12:30	9:45		
Work	10-29-14	1:00	9:40		
Work	10-30-14	1:00	9:40		
Get the Car	10-31-14	6:30	7:00		
Sentinel	10-31-14	10:30	10:30		

Note: This sheet is to be completed whenever you leave your home. It will serve as verification for court/Sheriff's Dept. permitted activities ALONG with additional forms of proof (I.E. paycheck stubs, receipts, timecards, employment letter). Your whereabouts must be documented. Make sure all activities have been approved by your case manager. Failure to inform your case manager of changes in your schedule will result in a violation. SCHEDULE CHANGES BETWEEN 8:30-4:00, 24HRS IN ADVANCE. In the event of a MEDICAL EMERGENCY ONLY CALL 1800-551-4911.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 State of South Carolina,)
)
 vs.)
)
 Quasean Marshall,)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 THIRTEENTH JUDICIAL CIRCUIT

**ORDER DENYING
 DEFENDANT'S MOTION TO
 RECONSIDER SENTENCE**

2015 A 23 206 00206 & 00207

FILED-CLERK OF COURT
 JUDICIAL CIRCUIT
 GREENVILLE, SC
 2017 MAR 28 PM 1:38
 MT

This matter came before the Court on March 1, 2017, for a guilty plea by the Defendant to Voluntary Manslaughter. Thereafter, defense counsel timely filed a Motion to Reconsider Sentence. After careful consideration of the Motion to Reconsider, the Court hereby respectfully denies the same.

AND IT IS SO ORDERED.



 LETITIA H. VERDIN

March 28, 2017
 Greenville, South Carolina

THE STATE OF SOUTH CAROLINA

In the Appellate Court

APPEAL FROM GREENVILLE COUNTY

Court of General Sessions

Letitia Verdin, Circuit Court Judge

App No. 2017-000814

Warrant No(s): 2015 A 23 206 00206 & 00207

Indictment No: 2015 GS 23 07283 & 07284

The State, Respondent.

v.

Quasean Marshall, Appellant.

2017 APR 17 AM 9:34
CLERK OF COURT
PAUL B. WOODRUM
GREENVILLE CO. SC

AMENDED

NOTICE OF APPEAL

Quasean Marshall appeals his sentence in this case. The guilty plea was entered on March 1, 2017 and sentence was imposed by the Honorable Letitia Verdin on that same day. Defendant filed a timely Motion to Reconsider Sentence, which was denied on March 28, 2017.

The basis for the Appeal is as follows:

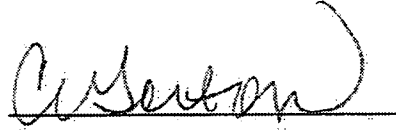
- 1) The denial of the Motion to Reconsider, and/or failure to grant a hearing as to same, as to whether, contrary to the State's argument at sentencing, there was clear and convincing evidence that the alleged victim was violating his house arrest, which had been imposed upon him for shooting the Defendant six month prior, (Note: the Motion to Reconsider as well as relevant attachments of supporting documents was filed with the court below) and
- 2) Proportionality of the sentence, in that the same Court imposed the same sentence (24 years) for another murder sentenced the same day, wherein that murder involved the shooting of a bouncer trying to evict the Defendant, without cause of justification, and without unlawful provocation by the victim, which suggests that the court did not consider the mitigating circumstances in the above cause, including the fact the victim (the Defendant's step father) had shot the Defendant (age 19 years) six months prior, and failed to consider evidence that was offered in the Motion to Reconsider that the victim was in violation of his house arrest conditions and causing the Defendant to be fearful.

RECEIVED

APR 19 2017

APPELLATE DEFENSE

Date: April 14, 2017

A handwritten signature in black ink, appearing to read "C. Gorton", written over a horizontal line.

Cassandra Gorton, Esq. #100096

109 Laurens Rd Building 4 Suite D

Greenville, SC 29607

SCCID Attorney for Appellant

Other Counsel of Record:

Lisa Parrish, Esq. Attorney for Respondent

THE STATE OF SOUTH CAROLINA

In the Appellate Court

APPEAL FROM GREENVILLE COUNTY

Court of General Sessions

Letitia Verdin, Circuit Court Judge

App No - 2017- 000814
Warrant No(s): 2015 A 23 206 00206 & 00207

Indictment Numbers 2015 GS 23 07283 & 07284

The State, Respondent.

v.

Quasean Marshall, Appellant.

FILED IN THE COURT
PAUL B. WICKSONER
GREENVILLE, CO. SC
2017 APR 17 AM 9:34

PROOF OF SERVICE

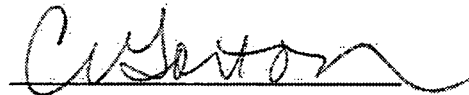
I hereby certify that I have served the Notice of Appeal on the below listed respondents by Hand delivery or by depositing a copy of it in the United States Mail, postage prepaid, on April 14, 2017, addressed to:

Lisa Parrish, Esq. Office of the Solicitor, 305 E. North Street Greenville, SC 29601

Alan Wilson, Esq. Office of the Attorney General P.O. Box 11549 Columbia, SC 29211

SC Office of Appellate Defense P.O. Box 11433 Columbia, SC 29211

Date: 4-14-17



Cassandra Gorton, Esq.

109 Laurens Road Building 4, Suite D

Greenville, SC 29607

SCCID Attorney for Appellant

WITNESSES

D P Garrison

D.P. Garrison

Greenville Police Department

2/20/2015

ARREST WARRANT NUMBER
2015A2320600206

ACTION OF GRAND JURY
TRUE BILL

Thomas J. Proctor

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-23-007283

LAB

The State of South Carolina

County of Greenville

Jed

COURT OF GENERAL SESSIONS

February

TERM 2015

2016

THE STATE

vs.

QUASEAN DAVID MARSHALL

Indictment for

0116

MURDER

VIOLATION § 16-03-0010

FILED

SEP 24 2015

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on
County present upon their oath:

FEB 16 2016

the Grand Jurors of Greenville

That QUASEAN DAVID MARSHALL did in Greenville County, on or about the 4th day of December, 2014, unlawfully and with malice aforethought kill MICHAEL SHIWDIN by means of shooting him and that MICHAEL SHIWDIN died as a proximate result thereof. This is in violation of §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.

Lisa Bentley
SOLICITOR BAR # 77787

WITNESSES

D P Garrison *D.P. Garrison*

Greenville Police Department

2/20/2015

ARREST WARRANT NUMBER
2015A2320600207

**ACTION OF GRAND JURY
TRUE BILL**

Thomas J. Pate
FOREPERSON GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-23-07284
LAB

The State of South Carolina

Jew
County of Greenville

COURT OF GENERAL SESSIONS

February TERM 2015 *2015*

THE STATE

vs.

QUASEAN DAVID MARSHALL

✓
Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

FILED

SEP 24 2015

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on **FEB 16 2016** the Grand Jurors of Greenville County present upon their oath:

That QUASEAN DAVID MARSHALL did in Greenville County, on or about the 4th day of December 2014, willfully and unlawfully enter the dwelling of MICHAEL SHIWDIN located at [REDACTED], without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: armed with a deadly weapon. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

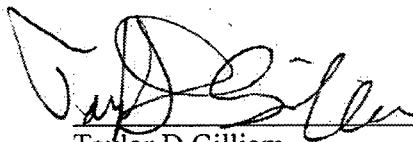
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Lisa Bentley
SOLICITOR BAR # 77787

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,



Taylor D Gilliam
Appellate Defender

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

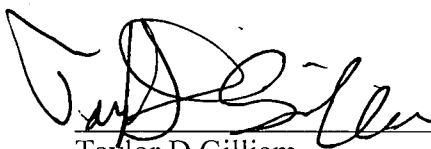
ATTORNEY FOR APPELLANT

This 1st day of February, 2018.

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,



Taylor D Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 1st day of February, 2018.

RECEIVED
FEB 01 2018
SC Court of Appeals