

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Robin B. Stilwell, Circuit Court Judge

RECEIVED
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S.C. SUPREME COURT

LAURI DANIELLE HOLLIS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-001561.

APPENDIX

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INV. STOKES - CROSS by MR. THOMPSON

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1 room; do you recall that?

2 A. Yes. I had a -- a video recording device.

3 Q. Okay. And then -- so she --

4 A. Or an audio recording device.

5 Q. So that would've been on Monday, right?

6 A. Yes.

7 Q. Okay. So Molly's account and Mr. Crain's account
8 led to the arrest of these four people that were charged? Is
9 that -- is that a fair, nutshell assumption?

10 A. Yes.

11 Q. All right. And, then...

12 (Brief Pause)

13 Q. Now Mr. Anderson was picked up on the 12th,
14 correct?

15 A. That's correct.

16 Q. And when -- and then he signs a consent to search
17 and his mother consents to search?

18 A. That's correct.

19 Q. On the 13th or was that the 12th?

20 A. The 12th.

21 Q. Okay. And ---

22 A. That's during his interview.

23 Q. Okay. And would it be a fair assumption to say,
24 once that gun was found, you basically shut this investigation
25 down?

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1 A. No, sir.

2 Q. Okay. Well we'll follow up, but, I mean, you sent
3 everything to SLED, right?

4 A. We sent the initial items that we could -- that we
5 could submit at one time to SLED.

6 Q. These -- these witnesses that you had; Mr. Crain,
7 Ms. Carroll, Ms. Ramirez and Ms. B. did you have any new
8 witnesses after finding that gun?

9 A. We didn't determine if there -- there were any --
10 any further witnesses past that.

11 Q. And you shut investigating down, right? You
12 basically shut it down then, right?

13 A. We don't -- we don't classify an investigation
14 closed until the end of the court proceedings.

15 Q. Okay.

16 (Brief Pause)

17 Q. And I think Mr. Cude or Mr. Gray -- Mr. Gray made
18 the issue about what -- what room he said he was in?

19 A. Yes. There was some discrepancy. Your client
20 indicated to me -- I'm sorry -- yeah, your client indicated to
21 me, when I -- while filling out the consent to search form,
22 that his room was the last room on the right.

23 And his mother showed the officers the last room
24 on the left and stated that was -- that was Charles' room.

25 Q. Did you search the last room on the right? Do you

INV. STOKES - CROSS by MR. THOMPSON

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1 recall if the last room on the right was searched?

2 A. I wasn't there. I was there interviewing Mr.
3 Anderson. Officers from the violent crime task force went to
4 that address.

5 Q. And was it determined to be the last room on the
6 right -- the right or left?

7 A. On the consent to search form?

8 Q. Uh-huh (affirmative).

9 A. Yes. During -- during the time I was filling this
10 out, Mr. Anderson requested to put on there which room it was.
11 And he told me it was the last room on the right. So I added
12 it to the -- to the consent to search form.

13 Q. The consent -- was he Mirandized at that time?

14 A. Yes, sir, he was.

15 Q. Is -- is that in the reporting?

16 A. Yes, sir, it is. Also initially he decided he
17 didn't want to sign it, and I actually -- and I actually took
18 the consent form back.

19 And, then, a few minutes later he asked for the
20 consent form back and signed it.

21 Q. You went into that yesterday I believe. You -- I
22 believe you went into that yesterday about the consent form,
23 did you not?

24 A. Just trying to clarify for you.

25 Q. Okay.

INV. STOKES - CROSS by MR. THOMPSON

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1 (Brief Pause)

2 Q. Now you indicated you don't send everything to
3 SLED. Is that a funding issue or ---

4 A. We send as much as we can. They will only test a
5 certain number of -- of items.

6 Q. Okay.

7 A. That's their procedure; it's not ours.

8 Q. Okay. So you can maybe prioritize a lot?

9 A. Unfortunately, you know, you're trying to do it
10 off-the-cuff, to try to determine what is the most important
11 item to be tested. Unfortunately, that's the box we get put
12 into that we have no control over.

13 Q. And was it your testimony you don't know if that
14 bottle and cup came from the scene?

15 A. No. The -- the cup, the Styrofoam cup? Is that
16 what you're asking, Mr. Thompson?

17 Q. Yes, Your Honor -- I mean yes, yes sir. Yes, sir.

18 A. Yeah, the Styrofoam cups were in close proximity
19 to the scene where Mr. Means was found. And -- and they were
20 photographed and recovered by Investigator Guthro as a normal
21 course of action.

22 (Brief Pause)

23 MR. THOMPSON: No further questions.

24 THE COURT: Mr. McCarty?

25 CROSS EXAMINATION by MR. MCCARTY:

11:55 A.M.

INV. STOKES - CROSS by MR. MCCARTY

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1 Q. Investigator Stokes, I -- I ask this question here
2 and I don't mean to be flippant by asking it, but you arrest
3 first and then investigate?

4 A. No, sir.

5 Q. Is how it typically works?

6 A. No, sir.

7 Q. Isn't that how you described the Feishunti Clark
8 or Little Man incident? That he was arrested on these charges
9 -- and I'm -- I'm suggesting what he was charged with, but I'm
10 assuming something similar at least to what Ms. Hollis and Mr.
11 Anderson were charged with; am I correct?

12 A. Typically we go from witnesses and that's how he
13 was developed as a witness -- from a witness' testimony.

14 Q. But, after he was arrested, you stated you
15 continued your investigation and cleared him; am I right?

16 A. Through statements of other people involved, yes.

17 Q. And those statements weren't taken before his
18 arrest?

19 A. (No Response)

20 Q. Those statements from these other people were not
21 taken before his arrest?

22 A. I'm talking specifically about statements from co-
23 defendants.

24 Q. Okay. Let me ask you this: You spoke with Ms.
25 Means, she was there on the scene, but she couldn't provide

INV. STOKES - CROSS by MR. MCCARTY

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1 any information as to what had occurred or was seen out there
2 according to what your report states; am I right?

3 A. She indicated to me that she was inside her
4 apartment.

5 Q. And -- and I believe that's what she testified to
6 hear yesterday or the day before. What about Mr. Kelly, did
7 you ever talk to him during the course of your investigation?

8 A. No, sir.

9 Q. All right. He never came forward to you with any
10 information regarding seeing Ms. Hollis wearing a chain that
11 may have belonged to the victim?

12 A. No, sir.

13 Q. Investigator Stokes, when you met with Molly
14 B. , how many times would you guess that you met with her in
15 interviews, either assisting or conducting?

16 A. I was present either at City Hall or at her house
17 on three (3) separate occasions. I didn't actually sit in on
18 every interview with her.

19 Q. Would you agree with me, though, that on those
20 three (3) occasions in which you met with her, her story
21 changed or altered with each telling?

22 A. The only one I would say changed was the initial
23 statement we took from her. And I think she was under the
24 influence of -

25 Q. Well I'm not asking you to speculate -

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INV. STOKES - CROSS by MR. MCCARTY

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1 A. Okay.

2 Q. --- of what you thought that was. But you would
3 say that it changed from the time you initially spoke with
4 her ---

5 A. Yes.

6 Q. --- and when you met with her again? Do you recar
7 -- do you recall meeting with her on the 11th at her home?

8 A. Yes, I do.

9 Q. Do you recall specifically inquiring of her what
10 color the shirt was that -- or what colored clothing Ms.
11 Hollis was wearing that night?

12 A. Not exactly.

13 Q. All right. You remember an audio recording that
14 interview though; do you not?

15 A. Yes, sir.

16 Q. And -- and that's a tape recorder you either had
17 laid out on the table or carried in your pocket; am I right?

18 A. Yes, sir.

19 Q. Do you recall asking her -- and it's around the
20 thirty-five (35) minute mark into this interview with her --
21 what Ms. Hollis was wearing? Do you recall whether or not
22 Molly said a dark-colored T-shirt, it may of been black or
23 some kind?

24 A. I'm -- I'm sure I asked her, but I don't recall
25 her answer.

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INV. STOKES - CROSS by MR. MCCARTY

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1 Q. You don't recall her replying black?

2 A. No, sir.

3 Q. You don't recall asking her whether or not it was
4 a purple shirt and her denying that it was and stating that it
5 was black or dark blue?

6 A. No, sir.

7 Q. Okay. But you're not denying that, that was a
8 recording of which you made of that interview; am I correct?

9 A. Yes, sir.

10 Q. And Investigator Stokes, once this purple shirt
11 came into the possession of the City Police Department, came
12 into your custody, it was submitted to SLED for analysis; am I
13 correct?

14 A. That's correct.

15 Q. Okay. And you later on -- and this is all after
16 Ms. Hollis has been arrested?

17 A. That's correct.

18 Q. You later on learned that trace evidence had
19 determined that somehow gunshot residue is on a portion of
20 this shirt some place; am I right?

21 A. That is correct.

22 Q. And your allegation, of course, is that this is
23 her shirt?

24 A. Based on testimony of her mother, yes.

25 Q. Okay. Of which you have no first-hand knowledge.

INV. STOKES - CROSS by MR. MCCARTY

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1 of; am I right?

2 A. No, sir.

3 Q. Okay. But, once you learned that an item has
4 potential evidentiary value, like something like gunshot
5 residue on it, and you stated you're allowed to resubmit an
6 item back down to SLED, why was this item not resubmitted to
7 SLED for further analysis?

8 A. It's just an oversight on our part.

9 Q. Okay. When Ms. Hollis -- and you stated she
10 turned herself in on the 11th; am I correct?

11 A. That's correct.

12 Q. So this happened on the 7th; the 8th, the 9th, the
13 10th, and Monday morning, the 11th, she turned herself in; am I
14 right?

15 A. That's correct.

16 Q. Freely and voluntarily? She wasn't brought in by
17 a black-and-white in handcuffs or anything like that; am I
18 correct?

19 A. That's correct.

20 Q. When -- when she did that -- and I'm assuming she
21 was arrested at that time on these charges?

22 A. That's correct.

23 Q. And, then, you began to continue -- like you say,
24 continue with your investigation and trying to determine
25 anything that may be developed from this.

INV. STOKES - REDIRECT by MR. GRAY

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1 But, once she was arrested, do you know from your
2 report anything that was received either from her, on her, or
3 in her property as it relates to this case, such as the gun,
4 gold jewelry, necklaces?

5 A. She didn't have anything.

6 Q. She had nothing related to this?

7 A. She didn't have any kind of jewelry on.

8 Q. Okay.

9 MR. MCCARTY: Your Honor, if I may have just one
10 brief moment, please.

11 THE COURT: Yes, sir.

12 (Off-the-Record Discussion)

13 MR. MCCARTY: Nothing further, Your Honor. Thank
14 you.

15 THE COURT: Mr. Gray, you may redirect.

16 MR. GRAY: Thank you.

17 REDIRECT EXAMINATION by MR. GRAY:

12:06 P.M.

18 Q. As you testified, this case wasn't shut down after
19 the arrests, was it?

20 A. No, sir. Like I said if we had had witnesses
21 starting at or the beginning of this trial, we would be re-
22 interviewing them now and trying to get them into this case.

23 Q. So as late as March or April of this year, you
24 were still submitting items to SLED?

25 A. That's correct.

INV. STOKES - REDIRECT by MR. GRAY

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1 Q. And the purple shirt, that is Ms. Hollis's shirt
2 as far as you know?

3 A. I'm sorry?

4 Q. The purple shirt ---

5 A. I didn't understand your question.

6 Q. --- that is Ms. Hollis a shirt?

7 A. That's my understanding.

8 Q. All right. You said you had talked to Molly B.
9 on at least three (3) occasions. What was her demeanor?

10 A. The night of -- the night of the shooting, she was
11 extremely upset and she was scared. And that's -- that's --
12 that's our experience, that people, when they're scared and
13 under a traumatic thing, they don't want to get involved.

14 You know, they don't want to be seen talking to
15 the police right -- right then and there. That's the whole
16 purpose for us giving out our business cards and sending out
17 the flyers. That way we can be contacted later and -- and
18 hopefully get some -- some information that's beneficial to us
19 during our investigation.

20 Q. Now you've heard defense counsel talk about Little
21 Man in this case. And Mr. Anderson also had a nickname too.
22 Don't tell me what it was, but he had a nickname also?

23 A. Everyone involved had nicknames.

24 Q. Right. And that's how you connected Mr. Anderson
25 is because of his nickname?

INV. STOKES - REDIRECT by MR. GRAY

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1 A. Yes, sir, that's correct.

2 Q. Okay. And as far as Ms. Hollis, during your
3 initial investigation, between that initial investigation and
4 the time she turned herself in, did she change her appearance
5 in any way?

6 A. She did.

7 Q. How so?

8 A. It's my understanding she -- she cut her --

9 MR. MCCARTY: Objection, Your Honor. He
10 speculating. He said, "it's my understanding."

11 THE COURT: Well, then, let's see if there's a
12 foundation for his understanding. I'll ask you to go
13 further in your foundation.

14 MR. GRAY: Yes, sir.

15 THE COURT: To that extent, I sustain the
16 objection.

17 MR. GRAY: Yes, sir.

18 Q. (By Mr. Gray) Did you interview witnesses that
19 knew the Defendant Ms. Hollis?

20 A. Yes, we did.

21 Q. You one of those was Ms. Molly B. ?

22 A. Yes.

23 Q. Did she describe the Defendant to you?

24 A. She did, including her hairstyle.

25 Q. Including her hairstyle, which was what?

INV. STOKES - RECROSS by MR. THOMPSON

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1 A. Dreadlocks.

2 Q. When you saw Ms. Hollis, on the day she turned
3 herself in, did she have the same hairstyle?

4 A. She did not. I also talked to her on...

5 (Brief pause while witness reviews document.)

6 A. She came up before her name was ever put into the
7 paper as a suspect. She came up and wanted to talk to
8 officers.

9 And Investigator Porter and I spoke to her on
10 April the 8th, 2011. She instructed -- or she instructed us
11 that she had heard her name in the newspaper that -- that she
12 was a suspect in this case and also word on the street and she
13 wanted to come up and talk to us.

14 Q. What was the change to her?

15 A. She had a close haircut with somewhat of a Mohawk,
16 but it was extremely -- it was real close on the sides and
17 slightly higher on the top, but it was in a Mohawk style.

18 MR. GRAY: Thank you, sir. No further questions.

19 THE COURT: Mr. Thompson, any other questions?

20 MR. THOMPSON: Briefly -- briefly, Your Honor.

21 THE COURT: Yes, sir.

22 RECROSS EXAMINATION by MR. THOMPSON:

12:07 P.M.

23 Q. You -- you indicated the Ms. Molly B. was
24 extremely upset the night of the shooting?

25 A. Yes.

INV. STOKES - RECROSS by MR. THOMPSON

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1 Q. Okay. And about how long after the shooting was
2 that?

3 A. We talked to her immediately upon arriving on the
4 scene she was taken to City Hall given a -- given a few
5 minutes to -- to sit down. And Investigator Porter I believe
6 took a statement from her as to what she was -- what she saw.
7 And I took a statement from -- from another witness.

8 Q. Okay. So, when did she do a photo lineup?

9 A. I'm not sure when she saw the first photo lineups.

10 Q. You weren't present for that?

11 A. No, sir.

12 Q. Okay.

13 A. I know she came back to City Hall with her mother
14 stating that she was scared the night it happened and she was
15 indicating she wanted to tell us what happened.

16 Q. Was that the same night or ---

17 A. No.

18 Q. --- the second?

19 (Brief pause while witness reviews document.)

20 A. She came on the 9th with her mother to City Hall.

21 Q. And then later on you went to her house -- her
22 home, right?

23 A. Yeah, to show her photo lineups.

24 Q. Oh, did -- did she do two photo lineups?

25 A. She -- I couldn't tell you exactly how many phone

INV. STOKES - RECROSS by MR. MCCARTY

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1 lineups she seen right off the top of my head.

2 Q. Okay. And you indicated your first knowledge of
3 any of these folks was based upon nicknames, right?

4 A. We were given nicknames initially for all the
5 suspects, that's correct.

6 Q. And I keep using Little Man, and I shouldn't do
7 that, but ---

8 MR. THOMPSON: Thank you. No further questions.

9 THE COURT: Yes, sir, Mr. McCarty, your -- your
10 witness.

11 RECROSS EXAMINATION by MR. MCCARTY: 12:08 P.M.

12 Q. Investigator Stokes, you keep talking about Molly
13 being scared the night of the shooting and -- and I think we
14 flushed out yesterday that she gave an interview with
15 Investigator Porter about an hour after this was initially
16 called out; an I right?

17 A. That's correct.

18 Q. And you've been in here from the very beginning,
19 right?

20 A. That's correct.

21 Q. And I think he's Lieutenant Foster now; am I
22 right?

23 A. Yeah.

24 Q. He came in and testified about being first on and
25 we watched the in-car video of this?

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1 A. That's correct.

2 Q. And it was his dash cam video that we watched.
3 They were off to the side, but out in front was that black
4 Mercedes SUV driven by Molly B. am I right?

5 A. That's correct.

6 Q. And Molly, you saw her testify here yesterday.
7 She's a white woman, a young girl?

8 A. That's correct.

9 Q. Did you see her, based upon your three (3)
10 interviews with her and your watching the video and watching
11 her testify, did you see her in that video yesterday?

12 A. Yes, I did.

13 Q. I saw her walking around; is that the same thing
14 you saw?

15 A. I saw her at the back of the SUV. It appeared
16 that she got something out of it and then -- then walked
17 outside of camera.

18 Q. Did she run?

19 A. No. But there were police officers on the scene.

20 Q. She was walking with another lady named Latrica
21 Martin?

22 A. Yes, sir.

23 Q. They were walking around, right?

24 A. Yes, and the police are on the scene.

25 Q. It's seen on the dash cam video, correct?

INV. STOKES - RECROSS by MR. MCCARTY

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1 A. Yes.

2 Q. All right. At this is just moments after the
3 shooting has occurred there at that point; am I right?

4 A. There are several officers on the scene.

5 Q. Well I mean at the time this camera recording was
6 made, this was just moments after the shooting had occurred,
7 not an hour later like when she gave her interview; am I
8 right?

9 A. I'm not sure of the exact time line on the -- on
10 the video. And she might have ---

11 Q. And I'm not trying to pin you down to minutes; I'm
12 just saying moments generally speaking?

13 A. When he first pulls in, I don't see her on the
14 video when I saw it yesterday.

15 Q. That you saw her come into camera range -- camera
16 view?

17 A. Yes, I did.

18 Q. And you could observe her demeanor there; could
19 you not?

20 A. I saw her walking from the back to the SUV and she
21 walked away.

22 Q. Walking?

23 MR. MCCARTY: Thank you.

24 MR. GRAY: Nothing further from the State, Your
25 Honor.

1 THE COURT: All right, sir, you may step down.
2 Thank you very much.

3 (Witness complied with the Court's request.)

4 THE COURT: All right. Ladies and gentlemen of the
5 jury, we're past noon, so I'm going to stop this point in
6 time for your lunch break.

7 I will give you the same instructions I've given you
8 every time you've left the courthouse; that is, not to
9 listen to, watch, or read media reports.

10 Don't attempt to gather information on your own.
11 Don't discuss the case with anyone. Don't allow anyone
12 to discuss the case with you.

13 Should anyone attempt to do so, please, report that
14 upon your return. I'm going to ask that you be back in
15 the jury room at 1:30. We should be in a position to
16 resume the trial at that time.

17 At this time the bailiffs will show you out. And I
18 hope you have a good lunch. Thank you very much.

19 (The jury exited the Courtroom at 12:10 P.M.)

20 (Off-the-Record Comments)

21 MR. GRAY: Excuse me, Your Honor.

22 THE COURT: Yes, Mr. Gray?

23 MR. GRAY: I wanted to let you know, the State
24 rests ---

25 THE COURT: Oh, okay.

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1 MR. GRAY: --- in their -- in their case in chief.

2 THE COURT: All right. Well, when we come back,
3 then, Mr. McCarty and Mr. Thompson, I will be inquiring
4 of your clients concerning their right to testify.

5 MR. MCCARTY: Yes, sir.

6 THE COURT: Is there any information that either of
7 you feel you need to have as you have the opportunity to
8 discuss that decision with your clients?

9 MR. MCCARTY: No, Your Honor.

10 MR. THOMPSON: No, Your Honor.

11 THE COURT: So, you've -- you've gathered the
12 information you need?

13 MR. MCCARTY: The only thing I might require her --
14 ask if the Court to consider, Your Honor -- and I know is
15 going to impose upon one of the deputies here -- but I
16 know that in the jail room there's only one interview
17 room; if we might be able to use the room out here on the
18 backside of your courtroom just so I could speak with her
19 regarding ---

20 THE COURT: I'll allow Ms. Hollis to go there.

21 MR. MCCARTY: Thank you.

22 THE COURT: That'll be fine. And then anything
23 else, Mr. Gray?

24 MR. GRAY: No, sir, Your Honor.

25 THE COURT: Okay. All right. We'll take those

MOTIONS & MATTERS

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1 matters up and any motions that the Defense may wish to
2 make when we return. Again, remain seated as Defendants
3 exit.

4 (Off-the-Record Comments)

5 THE COURT: We are in recess until 1:30. Thank you
6 very much.

7 (Whereupon, a lunch recess was taken from 12:15
8 p.m. until 1:32 p.m.)

MOTIONS AT END OF STATE'S CASE

10 (Off-The-Record Comments)

11 THE COURT: All right. Is the State ready to
12 proceed?

13 MR. GRAY: Yes, sir, Your Honor.

14 THE COURT: Is the Defense ready to proceed, Mr.
15 Thompson?

16 MR. THOMPSON: I am, Your Honor. I have one
17 witness en route. And I believe it's Officer Cheeks
18 and ---

19 THE COURT: Okay. Well we've got a few things we
20 need to take up before you offer evidence.

21 MR. THOMPSON: Okay. Yeah, but -- so I just wanted
22 to let the Court know I -- I -- I may have a delay on
23 another witnesses. But I hope everything will work out.

24 THE COURT: All right. Mr. McCarty, are you ready
25 to proceed?

MOTIONS & MATTERS

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1 MR. MCCARTY: Yes, sir, Your Honor.

2 THE COURT: All right. I indicated that. when we
3 came back, I would entertain any motions that the Defense
4 might wish to raise. Mr. Thompson, any motions from Mr.
5 Anderson's perspective?

6 MR. THOMPSON: Your Honor, only on the armed
7 robbery. I don't know that the State met their burden on
8 that. But, now, Mr. McCarty is going to argue the same
9 motion. And he's been doing a little better than me on
10 this oral arguments, so, I don't know -

11 THE COURT: All right. Well let's hear about that,
12 Mr. McCarty.

13 MR. MCCARTY: If it may please the Court, Your
14 Honor?

15 THE COURT: Yes, sir.

16 MR. MCCARTY: Again, on behalf of Ms. Hollis, and
17 from my understanding for Mr. Anderson too as well, we'd
18 ask that the Court grant a directed verdict motion in
19 favor of the Defendants for the lack of evidence the
20 State failed to put forth in its case in chief with
21 regard to the charge of armed robbery.

22 As the Court is aware, the armed robbery is the
23 taking and carrying away of another personal property
24 with the intent to deprive them while armed with a deadly
25 weapon.

MOTIONS & MATTERS

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1 In the case they presented was circumstantial at
2 best. There was no direct testimony identifying anybody
3 having seen either of these two individuals placing a gun
4 or doing anything like that with regard to the victim,
5 Mr. Means, in this situation.

6 In fact, the testimony, Mr. Crain couldn't identify
7 anything regarding the robbery. Ms. Carroll
8 unfortunately couldn't identify anybody in here.

9 The only testimony relating to what occurred around
10 this supposed robbery was that of Molly B. 's. And she
11 said she looked down at her GPS unit in her car, heard
12 the shot, and looked back up.

13 But she testified did not see anyone removing
14 anything from Mr. Means, taking or carrying away anything
15 or doing anything like that.

16 The evidence that the State's put forth is no
17 physical evidence to say this was recovered, it was the
18 victim's, and this is whose possession it was found in.

19 But rather it was the testimony of an individual who
20 saw Ms. Hollis supposedly at a party three (3) or four
21 (4) days later wearing what he identified as the victim's
22 jewelry.

23 And -- and I don't believe that, that is evidence
24 sufficient enough to go forward to the jury and support
25 the charge on the armed robbery.

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1 If the Court would like to entertain that first, I
2 would also, on Ms. Hollis's behalf, make a further motion
3 with regard to the murder charge under the State's theory
4 of the hand of one is the hand of all.

5 If you'd like to -- I don't know if you want me --
6 THE COURT: You can go ahead and argue that if
7 you'd like.

8 MR. MCCARTY: Thank you. Your Honor, with regard
9 to the hand of one is the hand of all, as the Court knows
10 on -- and I'm referencing the *Franklin* (phonetic) case
11 from 1989, a State Supreme Court case, but in that
12 they're talking about the prior knowledge of a crime.

13 Even if you know that it's going to be committed,
14 without more it's not sufficient to make a person guilty
15 of that crime.

16 "Mere knowledge that another person is going to
17 commit a crime, even if they are present when the crime
18 is committed, is not sufficient to convict them as a
19 principal.

20 "Guilt as a principal must be shown by actual,
21 constructive presence at a scene as a result of a prior
22 arrangement. Therefore, a finding of a prior
23 arrangement, plan, or common scheme, is necessary to find
24 guilt as a principal."

25 Your Honor, in this case -- and, again, I -- what I

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1 read there was a -- a request for charge that I had which
2 came out of the request for charge publication that they
3 submit throughout the bar and we're able to purchase.
4 And that's quoting the *Franklin* case from 1989.

5 But, in this situation here as well, Your Honor, I
6 don't know that the State again has put forth and met its
7 burden of proof as far as satisfying every element of the
8 crime to -- of murder under the accomplice liability
9 theory to show to submit it to the jury for
10 consideration, in that, they have established that
11 there's no prior arrangement;

12 That there is no theme or motive or anything like
13 that which places her there and even participated and
14 helped set it up or, by prior arrangement, be there.

15 The only testimony that Molly B. provided was
16 that apparently or supposedly Ms. Hollis said to her
17 something about they are going to get Mister -- or
18 they're going to get the victim something about a snitch,
19 to that effect.

20 That doesn't denote a prior arrangement as to her
21 reason for being there. It doesn't denote anything as
22 far as her being part of a scheme or a plan to execute
23 this.

24 And, therefore, I think the State has failed to meet
25 its burden of proof regarding the elements of this

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1 offense to charge her under accomplice liability as the
2 hand of one is the hand of all.

3 THE COURT: Anything further, Mr. Thompson?

4 MR. THOMPSON: Well, again, I think my client would
5 be included in that same motion as far as the no common
6 scheme nor plan and all that argument he went into.

7 I don't think the State has shown that -- that --
8 that the hand of one is the hand of all is applicable
9 here.

10 THE COURT: Mr. Gray, are you going to argue this?

11 MR. GRAY: Yes, sir. Your Honor, in this case, Ms.
12 Hollis initiated this action. There was a common scheme
13 or plan. It doesn't matter if it was one minute
14 beforehand or twenty-four (24) hours beforehand.

15 She talked to Ms. B. She said, "Yeah,"
16 basically, "...there he is, that snitch." She sets
17 things in motion. Mr. Anderson comes, two other men
18 come; they surround the victim in this case.

19 Mr. Anderson shoots him. She takes jewelry from
20 him. So brazen is that taking by force or violence, she
21 wears that jewelry to a party on a Sunday night, where
22 she's identified in court by someone -- one who saw her.

23 Armed robbery, taking by force or violence with a
24 deadly weapon, a pistol in this case, with the intent to
25 permanently deprive the owner of that property.

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1 What's more permanent than death in this situation,
2 Your Honor? She took it. She meant -- meant to keep it.

3 Lastly, Your Honor, the murder -- the murder
4 situation, Mr. Anderson was there. The victim was there
5 near his sister's house.

6 She knew -- excuse me, Ms. Hollis knew, saw him
7 walking, called out about a snitch, said it to Ms. B.
8 also. And that's when they surrounded this victim, Mr.
9 Means.

10 If she hadn't initiated this action, made any
11 statements whatsoever, Mr. Means may well still be alive.
12 But the Defendant Mr. Anderson, was put on alert. The
13 other two gentlemen came up and that's when they
14 engaged ---

15 THE COURT: Now the testimony I believe, Mr. Gray,
16 was that the statement that was made -- allegedly made by
17 Ms. Hollis was made to Ms. B.

18 I don't recall if there was anyone else present to
19 hear that comment. I didn't hear that from the
20 testimony. Did I miss something?

21 MR. GRAY: No, sir, no, sir. You didn't. But my
22 point is that she stated that, turned around, and in that
23 enclosed area, as you can see on the videotape as small
24 as it is, it took Mr. Anderson and the other two seconds
25 to come upon Mr. Means, along with Ms. Hollis, when she

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1 recognized him.

2 THE COURT: Well the case that Mr. McCarty is
3 referring to I believe -- I haven't read it in full, but
4 I've read some snippets during lunch, talks about the
5 fact that, if someone is present at the scene of a crime,
6 and even if they know a crime is about to be committed,
7 to get to the hand one/hand of all you've got to prove
8 some alert act done in the furtherance of the crime.

9 MR. GRAY: Yes, sir.

10 THE COURT: Is that the way you read the case, Mr.
11 McCarty?

12 MR. MCCARTY: Your Honor, that's the way I read the
13 case. The *Franklin* case, as I understand it, involved
14 the robbery of a -- I could be misquoting here, but I
15 believe it was a -- a motel or a hotel, something like
16 that.

17 And I could be wrong as to who was robbed, but it
18 involved that, yes, sir, Your Honor. And there were four
19 people actually charged in that case as well.

20 And as to whether not being there or knowing about
21 it was sufficient enough to establish either just mere
22 presence or knowledge, which as the Court knows, are two
23 principles of law which can be charged to the jury
24 anyway, mere presence and knowledge, where the facts
25 support that.

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1 And here there is at least the indication that she
2 was present, you know, at least for the Court to consider
3 whether or not to charge mere presence. But I'm not
4 going to argue that at this point.

5 But in this circumstance -- and again, I understand
6 Mr. Gray's and the State's theory of their case. Okay?

7 And that's why Ms. Hollis sits here. But my
8 argument to you is that I don't believe that they've met
9 the elements necessarily to establish accomplice
10 liability to, then, place her in the position of a
11 principal for the prosecution of this case.

12 And, even if she had knowledge she communicated to
13 that -- to Ms. B. according to Ms. B. 's testimony,
14 I don't mean to misquote him, but I don't believe Ms.
15 B. ever said that she announced it to any other
16 individual out there.

17 And I also don't believe that Ms. B. testified
18 that she saw her -- I guess -- I'm -- I'm not exactly
19 sure how it played out without checking my notes, but I
20 don't believe that Ms. B. testified to what she
21 actually -- or that she even saw anything rather once the
22 shot occurred, who was around, and where everyone went.

23 THE COURT: well, again, the -- the question I have
24 though -- I -- I think to -- to prove hand of one/hand of
25 all there has to be some showing of some act done in

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1 furtherance of the conspiracy.

2 MR. GRAY: Yes, sir, Your Honor. And, in this
3 case ---

4 THE COURT: And I'm asking you what that is.

5 MR. GRAY: When she was by the car with Ms. B.
6 she left there to help surround the victim in this case,
7 Mr. Stephen Means. That in and of itself is a
8 furtherance of that act.

9 Four -- four people surrounded him, restricting his
10 movements. At that point is where anything could have
11 happened.

12 And what happened was, Mr. Anderson fired a shot.
13 She robbed this gentleman of -- of his jewelry. And they
14 left the scene I guess in four different directions.

15 You heard the SLED expert testify that lead balls,
16 particles, four (4) to five (5) feet away from the
17 principal shooter; in this case, Mr. Anderson.

18 Her being there, her mere presence, would have been
19 at Ms. B. door or just talking to her about
20 whatever. She spoke to Ms. B. and she acted on it.

21 THE COURT: You're saying the fact that she may
22 have gone over and help surround this individual ---

23 MR. GRAY: Yes, sir.

24 THE COURT: --- or restrict his movements ---

25 MR. GRAY: Yes, sir.

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1 THE COURT: --- would constitute an overt act?

2 MR. GRAY: Yes, sir.

3 THE COURT: Mr. McCarty?

4 MR. MCCARTY: Your Honor, with regard to that,
5 again, I don't know that there is enough testimony to
6 establish that, that was a -- a proven element to the
7 Court.

8 THE COURT: Well, the question is not if there is
9 enough, the question is if there is any.

10 MR. MCCARTY: Well if there was any I guess. But
11 -- and to be honest I don't recall what that testimony is
12 that we're referring to there.

13 My -- my primary concern is that Ms. Hollis lived
14 there. Her presence there, she's a resident of Oakview
15 Apartments.

16 And one of the other witnesses for the State
17 testified that she knew she resided there, had seen her
18 there before and actually saw her outside when she
19 arrived home, which I believe according to the testimony
20 was around 4:30 that afternoon, approximately two (2)
21 hours before the shooting.

22 So -- and -- and she didn't at that time identify
23 that the victim was present there as well. So for Ms.
24 Hollis [sic] to say that she was there because of some
25 scheme or plan or design, I don't think that they've

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1 established that beyond the fact that she resided there;
2 that she had every right to be at Oakview where she was
3 living.

4 THE COURT: Well, and as to the armed robbery, I
5 think that there's -- there's case law in the State to
6 the effect that, if someone is in possession of recently
7 stolen goods, that, that's an evidentiary fact of
8 circumstantial evidence, that could be taken into
9 consideration.

10 And that it can be used as evidence that the goods
11 were, in fact, taken by that person. That's -- that's
12 for the jury to decide, what weight to give to that.

13 But there is sufficient evidence I think on the
14 question of the armed -- of the robbery.

15 My concern is any overt acts in connection with the
16 murder. And I'm going to get the court reporter to
17 review the evidence with me on that point. And then I'll
18 make a ruling once I've had a chance to take a look at
19 that.

20 We'll be in recess for a few minutes while she takes
21 care of that. I'm going to remain on the bench. If
22 anyone wishes to leave the courtroom, you can do so.

23 But, Mr. Ruth, if you'll see that the group on the
24 one side has the right to leave if they want to. The
25 rest can stay. And then do the same for the left side.

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1 we're in short recess.

2 (Off-the-Record Comments)

3 (whereupon, the requested testimony was listened to
4 by the Court in chambers.)

5 (Off-the-Record Comments)

6 THE COURT: I've had an opportunity to review the
7 testimony of Ms. B. And I find that the testimony is
8 sufficient to indicate that the Defendant, Ms. Hollis,
9 may have participated in an effort to restrict the
10 movements of the victim allegedly.

11 And there is efficient evidence or circumstantial
12 evidence to justify the case going to trial -- or going
13 to the jury both on the charge of murder and armed
14 robbery in both cases. Anything further?

15 MR. MCCARTY: Nothing, Your Honor.

16 THE COURT: At this time I'm going to inquire of
17 your clients concerning their right to -- to testify in
18 this case. I'd ask that the clerk, please, swear both
19 defendants. If you would, please stand and raise your
20 right hands.

21 (Whereupon,

22 CHARLES ANDERSON AND LAURI DANIELLE HOLLIS
23 first being duly sworn, testified as follows:)

24 THE COURT: Ms. Hollis, did you take the oath?

25 THE DEFENDANT: Yes, sir, I did.

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1 THE COURT: Okay. Thank you, ma'am. All right.

2 At this time I'm going to go over certain of your rights.
3 If you do not understand what I explain to you at this
4 time, I will give you an opportunity to ask questions
5 when I finish my explanation.

6 Mr. Anderson, do you understand what we're doing?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Ms. Hollis, do you understand what I'm
9 doing?

10 THE DEFENDANT: Yes, sir, I do.

11 THE COURT: All right. We've reached the stage of
12 the trial where you have the right to present your
13 defense. As part of your defense, you have the right to
14 testify in this case.

15 You also have the right to claim the protections
16 which are given to you under the Fifth Amendment of the
17 United States Constitution.

18 That amendment reads in part that, "No person shall
19 be compelled in any criminal case to be a witness against
20 himself."

21 Now what that means is, that while you have the
22 right to testify, you cannot be required to do so. No
23 one can make you testify in this case.

24 The right to remain silent is a personal right. And
25 no one can give up the right to remain silent except

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yourself.

Now, should you decide to testify, you will be subject to the same rules that govern the testimony of any other witnesses who will testify in this case. That means that you would be examined by your lawyers and you would be cross-examined by the other attorneys in this matter.

And I will tell you that, if you have on your record any convictions involving dishonesty or false statement or for crimes which are punishable by imprisonment for more than one year, and this Court makes a determination that the probative value of admitting this evidence on the question of credibility outweighs its prejudicial effect to you, the solicitor would be in that case able to introduce that record to attack your credibility.

Now I will tell you, if you decide to testify, the decision on your part must be made freely and voluntarily and intelligently by you, with knowledge of the protections given to you by the Fifth Amendment to the Consti -- Constitution and your -- the consequences of your decision to testify.

I will advise you that should you decide not to testify that I will charge the jury that they cannot give the fact that you did not testify in this case any consideration whatsoever in reaching a verdict in this

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1 matter.

2 In other words, I will charge them that, that
3 particular issue should not even be discussed by them in
4 their deliberations. The decision as to whether or not
5 to testify in a case is left entirely up to you.

6 You have the right to consult with your attorney,
7 family, friends, or anyone else you'd like to talk to,
8 but the ultimate decision as to whether or not to testify
9 is your decision and yours alone.

10 Mr. Anderson, do you understand what I've explained?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions about the
13 matters I've gone over with you?

14 THE DEFENDANT: No, sir.

15 THE COURT: Ms. Hollis, do you understand the
16 matters I've explained?

17 THE DEFENDANT: Yes, sir, I do.

18 THE COURT: Do you have any questions about the
19 matters that I have discussed with you at this time?

20 THE DEFENDANT: No, sir, I do not.

21 THE COURT: Now, Mr. Anderson, have you had
22 opportunity to discuss this decision with your lawyer or
23 anyone else that you wish to discuss that decision with?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Have you made a decision as to whether

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1 or not to testify in this case?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you intend to testify?

4 THE DEFENDANT: No, sir.

5 THE COURT: And, Ms. Hollis, have you had an
6 opportunity to fully discuss your decision with anyone
7 that you would like to discuss that decision with?

8 THE DEFENDANT: Yes, sir, I have.

9 THE COURT: And have you made a decision as to
10 whether or not you wish to testify in this case?

11 THE DEFENDANT: Yes, sir, I have.

12 THE COURT: Do you intend to testify?

13 THE DEFENDANT: No, sir, I do not.

14 THE COURT: Okay. Thank you very much. Any other
15 matters that -- that I need to go over at this point in
16 time from the State's perspective?

17 MR. GRAY: No, sir.

18 THE COURT: Mr. Thompson, from Mr. Anderson's
19 perspective?

20 MR. THOMPSON: I only need to check and see if
21 Officer Cheeks has made it. I don't -- but that --
22 that's the only thing I would require.

23 THE COURT: He's standing up in the back of the
24 courtroom I believe.

25 MR. THOMPSON: Okay. That's great. Thank you.

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1 THE COURT: All right. And anything further from
2 your perspective, Mr. McCarty?

3 MR. MCCARTY: No, Your Honor.

4 THE COURT: All right. Now I will remind witnesses
5 in the case that there is a sequestration order in this
6 case. Do you intend to call that officer first, Mr.
7 Thompson?

8 MR. THOMPSON: Yes, Your Honor.

9 THE COURT: Then he can stay in the courtroom.
10 Anyone else who intends to be a witness in this matter
11 for the Defense is required to leave the courtroom at
12 this time unless you are a member of the victim's family.

13 All right. Are we ready to proceed from the State's
14 perspective?

15 MR. GRAY: Yes, sir.

16 THE COURT: And, Mr. Thompson, are you ready to
17 proceed at this time?

18 MR. THOMPSON: Yes, Your Honor.

19 THE COURT: And Mr. McCarty?

20 MR. MCCARTY: Yes, sir.

21 THE COURT: All right. Let's bring the jury in.
22 (The jury is summoned at 2:05 p.m.)

23 THE COURT: And I will have you rest on the record.
24 They're not aware that you rested. And, then, we'll
25 proceed with the calling of the next witness.

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1 MR. GRAY: Yes, Your Honor.

2 (The jury entered the Courtroom at 2:05 p.m.)

3 THE COURT: All right. The record will reflect
4 that the jury has returned to the Courtroom. And, if any
5 juror was -- had any problem with following the
6 instructions that I give you when you leave the
7 courthouse, please stand.

8 (No Response)

9 THE COURT: It appears that all jurors have been
10 able to comply with my instructions. And, when we took
11 our earlier break, the State was in the process of
12 calling its witnesses.

13 And, at this time, the State may call its next
14 witness.

15 MR. GRAY: Your Honor, at this time the State
16 concludes its case in chief.

17 THE COURT: All right. Ladies and gentlemen, the
18 state has now rested. That completes the presentation of
19 evidence by the State.

20 At this point in time, the Defense has the right to
21 present any evidence that the Defense chooses to do. Mr.
22 Thompson, do you wish to call witnesses?

23 MR. THOMPSON: I do, Your Honor.

24 THE COURT: You may call your first witness.

25 MR. THOMPSON: At this time I would recall officer

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Cheeks with the Spartanburg City Police Department.

THE COURT: All right. Sir, if you'll come forward.

(The witness complied with the request.)

THE COURT: Officer Cheeks, I will remind you that you have been placed under oath in this trial already and that oath still applies to this testimony. Do you understand and agree?

THE WITNESS: Yes, sir.

THE COURT: Have a seat, please.

(The witness complied with the request.)

THE COURT: Mr. Thompson, your witness.

MR. THOMPSON: May it please the Court?

DIRECT EXAMINATION by MR. THOMPSON:

2:05 P.M.

Q. Officer Cheeks, I apologize for getting you back out here.

MR. THOMPSON: May I approach, Your Honor?

THE COURT: You may.

Q. Officer Cheeks, I want to ask you: Is that the report you filled out when you responded April 7th, 2011? And maybe just the first page is what I'm going to look at.

A. It appears to be, yes, sir.

Q. Okay. So -- and that's -- is that standard that you would do that, make a report for when you -- when you come upon a scene?

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1 A. Yes, sir.

2 Q. Okay. And that's just the -- that's the policy of
3 -- of the office, correct?

4 A. Yes, sir.

5 Q. Okay. Now can you read what you put in here? Is
6 this what you're -- I mean, that's basically you're typing
7 that up; is that right?

8 A. Yes, sir.

9 Q. Okay. Can you read to the jury what you put in
10 that report?

11 A. Just the part you highlighted or the entire --

12 Q. Yeah, just the whole thing.

13 A. Okay. "On April 7th, 2011, at 1835 hours, Officer
14 Cheeks was dispatched to Howard Street, which is Oakview
15 Apartments, in reference to a shooting.

16 "Upon my arrival at 1839 hours, I observed a black
17 male laying on the ground between Apartments and two oh --
18 being assisted by EMS.

19 "I then observed a black female crying and
20 screaming. I later established this to be -- established that
21 this was the victim's sister, Nicole Means.

22 "Ms. Means stated that a group of unknown black
23 males wearing white T-shirts and unknown other clothing had
24 chased her brother to the front of Apartments and at
25 Howard Street

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1 "When she leaned out of her apartment, she heard a
2 single gunshot and seen her brother lying on the ground. Ms.
3 Means stated she stood over her brother -- over her brother's
4 body and yelled for someone to call 911."

5 (Brief Pause)

6 A. "Ms. Means later stated that she had seen the same
7 group of black males in the area earlier today in a tan or
8 gold Ford. Ms. Means did not give a vehicle license plate nor
9 did she see the direction of travel for the vehicle.

10 "After speaking with people in the area, an
11 unknown black female approached me and stated that..." ---

12 Q. All right. Could -- can you stop there because
13 that's hearsay up -- up there. Ms. Means has testified, and
14 she indicated to you, when you first got there, that her
15 brother was chased by these young men in white shirts,
16 correct?

17 A. That was her initial story, yes.

18 Q. Okay. And, then, you arrived there I believe at
19 what time?

20 A. I believe it was -- I believe it was six -- 6:39.

21 Q. Six, thirty-nine (6:39)? And that was shortly
22 after the shooting, correct?

23 A. Yes, sir.

24 Q. Okay. And, then, there was a little confusion
25 hear that -- that she did say chased by these guys in white

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shirts, correct?

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A. Yes, sir. As far as I remember, yes, sir.

Q. Okay. And, then, further in your report you list several different people, and each of the -

THE COURT: I'm going to ask the attorneys to approach for just a minute.

(Whereupon, a bench conference was had with all attorneys present.)

THE COURT: You may proceed, Mr. Thompson.

Q. (By Mr. Thompson) This report, how -- how long did it take you to compile this -- this report? Is that done in that single -- that same day or do you -- is that over a period of time?

A. Yes, sir, it was -- I completed my portion of the report before I left the scene.

MR. THOMPSON: Okay. No further questions. Thank you.

THE COURT: Any questions in follow-up, Mr. McCarty?

MR. MCCARTY: Nothing, Your Honor.

THE COURT: Mr. Gray?

MR. GRAY: No questions, Your Honor.

THE COURT: All right, sir. You may step down.

(The witness complied with the request.)

THE COURT: Mr. Thompson, you may call you next

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1 witness.

2 MR. THOMPSON: Your Honor, I'd call Teresa Rice.

3 THE COURT: Is she outside?

4 MR. THOMPSON: She may be. She was -- I think she
5 left.

6 THE COURT: Would you step out, Mr. Ruth, and get
7 her.

8 THE BAILIFF: Yes, sir.

9 THE COURT: Thank you.

10 (Brief pause while witness is summoned.)

11 THE COURT: Ma'am, if you would come forward to my
12 left to be sworn.

13 (The witness complied with the Court's request.)

14 THE COURT: Right over here, ma'am. Right here
15 (indicating).

16 (Whereupon,

17 TERESA RICE

18 first being duly sworn, testified as follows:)

19 THE COURT: Once you've had a seat, ma'am, state
20 your name, please.

21 THE WITNESS: Teresa Ann Rice (phonetic).

22 THE COURT: Thank you. Mr. Thompson, your witness.

23 MR. THOMPSON: Thank you, Your Honor.

24 DIRECT EXAMINATION by MR. THOMPSON:

2:12 P.M.

25 Q. Ms. Rice, do you know Charles Anderson?

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1 A. Yes, sir.

2 Q. What's your relationship with Charles?

3 A. That's my nephew.

4 Q. So you've known him his -- his whole life?

5 A. Yes, sir.

6 Q. Okay. Is he your sister's child or ---

7 A. My sister's..

8 Q. Okay. Now do you recall Charles was arrested in
9 April of 2011?

10 A. Yes, sir.

11 Q. Okay. And do you ever visit Charles home?

12 A. I always come over there every -- about every day.

13 Q. Every day almost?

14 A. Uh-huh (affirmative).

15 Q. Okay. How -- how close do you live?

16 A. How close to I live? From Labada Street

17 (phonetic).

18 Q. Okay. Is it within walking distance or...?

19 A. No, riding distance.

20 Q. Okay. And, in -- in April of 2011, were you going
21 over there every day?

22 A. Yes, sir, almost every day.

23 Q. Okay. Do you know anybody else that's charged
24 with this same crime?

25 A. Quartez.

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1 Q. Quartez? What's his last name?

2 A. (No Response)

3 Q. Do you know his last name?

4 A. Lyles, I think Quartez Lyles.

5 Q. You think it's Lyles? Okay. When was last time
6 you remember seeing Quartez?

7 A. It was on a Saturday at -- at Dren's (phonetic)
8 house, at Charles' mother's house.

9 Q. Is that where Charles lived?

10 A. Yes, sir.

11 Q. And what -- what -- again, what Saturday?

12 A. What Saturday?

13 Q. Yes, ma'am, do you recall?

14 A. No, I can't recall. I know it was on Saturday
15 after all of this incident had happened.

16 Q. After the shooting?

17 A. The shooting had happened.

18 Q. But was it before -- before Charles got arrested
19 or after?

20 A. After.

21 Q. Okay. Was Charles home when Quartez came over?

22 A. Yes. He knocked at the door.

23 Q. Okay.

24 A. And I went back there and told Charles, "Come to
25 the door." So, when Charles came to the door, I said Charles,

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1 -- well, I didn't say Charles, I say, "Doo Doo now you know
2 what's going on in the street, the words on the street saying
3 you all did something."

4 He said, "I didn't did nothing." And I said,
5 "Okay. Now -- now you know ---"

6 Q. Okay.

7 A. -- what's going on."

8 Q. Okay. But, now, did you recognize Quartez? Had
9 you seen him before that day?

10 A. Well, I used to him all the time with Doo Doo.

11 Q. Okay. Okay. And what did Charles and Quartez do
12 once Charles came to the door?

13 A. They went straight back to the bedroom.

14 Q. To the back room?

15 A. On the left-hand side, Doo Doo's room.

16 Q. Okay. That's Charles' room?

17 A. Yes.

18 Q. Okay. And how long was Quartez there?

19 A. Oh, they were there for a pretty good while.

20 Q. Okay. And, then, did Charles and Quartez leave
21 together or ---

22 A. They left together.

23 Q. They did?

24 A. Uh-huh (affirmative).

25 Q. Okay. And you're pretty sure this was the

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1 Saturday after the shooting and -- but -- but before Charles
2 was arrested ---

3 A. Yes, sir.

4 Q. --- the following Tuesday or Wednesday?

5 A. Yes.

6 MR. THOMPSON: I have no further questions.

7 THE COURT: Mr. McCarty?

8 MR. MCCARTY: No questions for Ms. Rice.

9 THE COURT: Mr. Gray, you may cross examine.

10 MR. GRAY: Thank you.

11 CROSS EXAMINATION by MR. GRAY:

2:15 P.M.

12 Q. Ms. Rice, when was Doo Doo arrested?

13 A. I don't know what date he was arrested. He was
14 arrested on a Monday. This right here happened on the
15 weekend.

16 Q. What happened on the weekend?

17 A. When the -- when I talked to Doo Doo.

18 Q. Okay. So --

19 A. It was a Saturday or Sunday I was over there. And
20 he got arrested on a Monday, and I said, "I just talked to
21 that boy."

22 Q. Okay. What about Mr. Lyles, when was he -- when
23 was he arrested?

24 A. Quartez Lyles?

25 Q. Yes, ma'am.

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1 A. Oh, I don't know when he was arrested.

2 Q. Weren't he and Charles arrested -

3 A. They were not arrested together. They -- they
4 got ---

5 Q. They were not arrested together?

6 A. No. They got Doo Doo on a Monday. I don't know
7 when they got Quartez.

8 Q. Would it surprise you to -- to know they were
9 arrested the same day?

10 A. No, sir.

11 Q. They weren't?

12 A. No, sir.

13 Q. You're sure?

14 A. I -- I -- I don't know because they got Doo on a
15 Monday when Doo Doo went to see his probation. I talked to
16 Doo Doo and Quartez on a Saturday or Sunday.

17 MR. GRAY: Thank you, ma'am.

18 THE COURT: Anything further, Mr. Thompson?

19 MR. THOMPSON: No, Your Honor.

20 THE COURT: Mr. McCarty?

21 MR. MCCARTY: No, Your Honor.

22 THE COURT: You may step down, ma'am.

23 THE WITNESS: Thank you.

24 (The witness complied with the Court's request.)

25 THE COURT: Mr. Thompson, you may call you next

1 witness.

2 MR. THOMPSON: Your Honor, may we approach?

3 THE COURT: Certainly. Mr. Gray, Mr. Cude?

4 (Whereupon, a bench conference was had with all
5 attorneys present.)

6 (Mr. Thompson stepped out of the courtroom.)

7 THE COURT: Mr. Thompson, is the witness present?

8 MR. THOMPSON: No, she's not out there, Your Honor.

9 THE COURT: All right. Ladies and gentlemen,
10 there's a witness who is supposed to be here to testify
11 and has not arrived at this point in time.

12 So we're going to take a break and see if we can
13 locate that individual.

14 I'm going to ask the bailiffs to make you
15 comfortable. If you need something to drink or
16 something, let us know.

17 I don't know how long it's going to take us to
18 locate the witness. I hope it won't take too long, but
19 you never know about these things.

20 So I'm going to ask you to step back into the jury
21 room. As always, don't begin any discussions until I've
22 asked you to do so. Thank you very much.

23 (The jury exited the Courtroom at 2:18 p.m.)

24 THE COURT: All right. Court will be in recess.
25 If you would, advise me, Mr. Thompson, as to when that

1 individual might arrive. Thank you very much.

2 MR. THOMPSON: Will do, Your Honor.

3 (Whereupon, a recess was taken until 2:50 p.m.)

4 (Off-the-Record Comments)

5 THE COURT: Mr. Thompson, has Ms. Rodriguez
6 appeared?

7 MR. THOMPSON: Your Honor, she didn't show up.
8 I've got -- I'm going to call a very brief witness.

9 THE COURT: Okay.

10 MR. THOMPSON: And, if she hasn't shown up by that
11 time, I'll waive her from testifying.

12 THE COURT: All right. Okay. Let's bring the jury
13 in. Well, let's be sure. Is the State ready?

14 THE BAILIFF: We need the defendants.

15 THE COURT: Oh, we've got to get the Defendants in
16 here. I'm sorry.

17 MR. THOMPSON: And I apologize for --

18 THE COURT: I'm bad. My bad.

19 (Brief pause while the Defendants are brought into
20 the Courtroom.)

21 THE COURT: All right. Is the State ready?

22 MR. GRAY: Yes, Your Honor.

23 THE COURT: Is the Defense ready, Mr. Thompson?

24 MR. THOMPSON: Yes, Your Honor.

25 THE COURT: Mr. McCarty?

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1 MR. MCCARTY: Yes, Your Honor.

2 THE COURT: Bring the jury in.

3 (The jury was summoned.)

4 (The jury entered the Courtroom at 2:50 p.m.)

5 (Off-the-Record Comments)

6 THE COURT: The record will reflect that the jury
7 has returned to the courtroom. And at this time you may
8 call you next witness, Mr. Thompson.

9 MR. THOMPSON: May it please the Court, Your Honor?
10 I would call Mildred Loy.

11 THE COURT: Come forward, please ma'am, over here
12 to my left and be sworn.

13 (The witness complied with the Court request.)

14 MR. THOMPSON: Ms. Mallory. I'm sorry, Your Honor.
15 (Whereupon,

16 MILDRED MALLORY

17 first being duly sworn, testified as follows:)

18 THE COURT: Have a seat, please ma'am. And once
19 you're seated, state your name.

20 THE WITNESS: Mildred A. Mallory (phonetic).

21 THE COURT: Thank you. Mr. Thompson, your witness.

22 DIRECT EXAMINATION by MR. THOMPSON: 2:50 P.M.

23 Q. Ms. Mallory, what is your relationship to Charles
24 Anderson?

25 A. That's my son.

MS. MILDRED MALLORY - DIRECT by MR. THOMPSON

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1 Q. Okay. How old is Charles?

2 A. Nineteen (19).

3 Q. And how far did he go in school?

4 A. Ninth (9th).

5 Q. Okay. All right. At any time during Charles'
6 life, has he ever grown his hair out and worn dreadlocks?

7 A. No.

8 MR. THOMPSON: I have no further questions.

9 THE COURT: Do you wish to ask any questions, Mr.
10 McCarty?

11 MR. MCCARTY: No, Your Honor.

12 THE COURT: Mr. Gray?

13 MR. GRAY: No, sir, Your Honor.

14 THE COURT: All right, ma'am, you may step down.
15 Thank you very much.

16 (The witness complied with the request.)

17 THE COURT: Mr. Thompson, would you like to step
18 outside and check on that other witness?

19 MR. THOMPSON: I will, Your Honor. Thank you.

20 THE COURT: Thank you.

21 (Brief pause while Mr. Thompson stepped out of the
22 courtroom.)

23 THE COURT: Mr. Thompson, has the witness appeared?

24 MR. THOMPSON: She's not here, Your Honor. Mistr
25 -- I'll rest as to Mr. Anderson.

MOTIONS & MATTERS

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1 THE COURT: All right. This case -- that case has
2 been rested. Mr. McCarty, do you wish to call any
3 witnesses?

4 MR. MCCARTY: Your Honor, respectively, we would
5 rest Ms. Hollis's case.

6 THE COURT: All right. Does the State wish to call
7 any witnesses in reply?

8 MR. GRAY: No, sir, Your Honor.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, that completes the presentation of -- of evidence
11 in this matter.

12 At this time there are matters that I have to take
13 up with the attorneys before we proceed to the next stage
14 of the trial. It shouldn't take but just a few minutes.

15 I'll ask that you return to the jury room. And,
16 again, don't begin any discussions until I've asked you
17 to do so. Thank you very much.

18 (The jury exited at 2:54 p.m.)

19 THE COURT: All right. Anything from the State at
20 this time?

21 MR. GRAY: No, sir, Your Honor.

22 THE COURT: Anything from the Defense, Mr.
23 Thompson?

24 MR. THOMPSON: No, Your Honor.

25 THE COURT: Mr. McCarty?

CHARGE CONFERENCE

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1 MR. MCCARTY: Your Honor, just we would
2 respectfully request you to reconsider our motions we
3 made at the end of the State's case in chief at this
4 time.

5 THE COURT: All right. I -- I -- I have
6 reconsidered those and my rulings would be the same.
7 I'll allow the case to go to the jury. Specific requests
8 for charge from the State?

9 MR. GRAY: Hand of one/ hand of all, Your Honor.

10 THE COURT: All right. Any specific requests for
11 charge from the Defense, Mr. Thompson?

12 MR. THOMPSON: No, Your Honor.

13 THE COURT: Mr. McCarty?

14 MR. MCCARTY: I have some, Your Honor, and I was
15 looking them over because I didn't know how the case
16 would play out. I didn't bring a copy,

17 But it would fall under the hand of one/hand of all
18 as it related to the *Franklin* case which I was inquiring
19 of earlier.

20 THE COURT: Is that the one that requires an overt
21 act?

22 MR. MCCARTY: Prior knowledge of a crime not being
23 committed. I have it is number two (2) here. I'd be
24 happy to e-mail Abel and Chris and your law clerk.

25 THE COURT: Well, I'd be glad, if you would like to

CHARGE CONFERENCE

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1 -- why don't we take a short break. We'll go back to
2 chambers and I'll go over with you what I do intend to
3 charge.

4 MR. MCCARTY: Yes, sir.

5 THE COURT: And see if it's covered in that.

6 MR. MCCARTY: Thank you, Your Honor.

7 THE COURT: All right. We'll take a short recess.
8 I'll ask the attorneys to meet me in my chambers.

9 (Off-The-Record Comments)

10 (Whereupon, a recess was taken from 2:55 p.m. until
11 3:10 p.m.)

12 THE COURT: Thank you very much. You may be
13 seated. I'd ask the attorneys to approach briefly.

14 (Whereupon, a bench conference was had with all
15 attorneys present.)

16 THE COURT: All right. After a review of our
17 scheduling, I think were going to adjourn and start again
18 in the morning with closing and charging. Let's bring
19 the jury in, so, I can dismiss them for the evening.

20 (The jury was summoned and entered the courtroom at
21 3:12 p.m.)

22 THE COURT: The record will reflect the jury has
23 returned to the courtroom.

24 All right, ladies and gentlemen, I've gone over with
25 the attorneys our schedule for the remainder -- the

1 remainder of the trial.

2 If we tried to finish this afternoon, we would
3 probably be giving the case to you at five o'clock (5:00)
4 or after. And I really don't want to put you in that
5 position.

6 So, what were going to do is, I'm going to adjourn
7 as far as you're concerned for the rest of the day and
8 let you go. We will ask that you be back in the jury
9 room at nine o'clock (9:00) in the morning. We do plan
10 to start promptly at that time.

11 So please be on time and be ready to go at that
12 time. And at that time we will be hearing the closing
13 arguments from the attorneys, I'll charge you concerning
14 the law, and, then, the case will be turned over to you
15 for your deliberations.

16 One more time I'm going to give you the instructions
17 that I give you when you leave the courthouse. And,
18 again, that is not attempt to gather any information on
19 your own;

20 Don't watch, listen to, or read any media reports
21 about the case. Don't discuss the case with anyone. And
22 don't allow anyone to discuss the case with you.

23 And should someone try to contact you about your
24 service on this jury, please report that upon your return
25 and I'll take the appropriate action.

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1 So at nine o'clock (9:00) in the morning you can be
2 in the jury room, we'll try to get started as closely to
3 that time as possible.

4 I hope you all have a good evening and at this time
5 you're free to go. The bailiffs will check you out in
6 the jury room.

7 (The jury exited at 3:14 p.m.)

8 THE COURT: All right. Court will be adjourned
9 until nine o'clock (9:00). Everyone remained seated
10 while the Defendants exit the Courtroom.

11 (Off-the-Record Comments)

12 THE COURT: We're in recess until nine o'clock
13 (9:00). Thank you very much.

14 (Court adjourned at 3:18 p.m.)
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17
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21
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25

1
2 October 4, 2012

9:02 A.M.

3 (Off-the-Record Comments)

4 THE COURT: All right. Is the State ready to go
5 forward at this time?

6 MR. GRAY: Yes sir, Your Honor.

7 THE COURT: Mr. Thompson, for the Defense?

8 MR. THOMPSON: Yes, Your Honor.

9 THE COURT: Mr. McCarty?

10 MR. MCCARTY: We are, Your Honor.

11 THE COURT: All right. I'll believe we'll be
12 leading with you, Mr. Thompson; is that correct?

13 MR. THOMPSON: I believe so, Your Honor.

14 THE COURT: Okay. All right. Bring the jury in,
15 Mr. Ruth.

16 (The jury was summoned and entered the Courtroom at
17 9:02 a.m.)

18 THE COURT: Thank you, sir. All right. The record
19 will reflect that the jury has returned to the courtroom.
20 And I hope everyone had a good evening.

21 At this time I will, again, ask if there were any of
22 you that had any difficulty in complying with my
23 instructions while you were away from the courthouse,
24 please stand.

25 (No Response)

CLOSING ARGUMENT - MR. THOMPSON

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1 THE COURT: It appears that all have been able to
2 comply with the Court's instructions.

3 When we broke yesterday afternoon, the evidence in
4 this case had been presented to you. And at this time
5 the attorneys will be allowed to make their closing
6 arguments are statements to you.

7 And at this time, Mr. Thompson for Mr. Anderson,
8 will be going first. You may proceed, Mr. Thompson.

9 MR. THOMPSON: Thank you, Your Honor. May it
10 please the Court?

11 THE COURT: Yes, sir.

12 (Mr. Thompson's closing argument began at 9:03
13 a.m.)

14 MR. THOMPSON: Ladies and gentlemen, it has been a
15 long week and I know you guys have missed your jobs and
16 are also missing time with your family. I appreciate
17 your service this week.

18 It's incredibly serious stuff. My client is charged
19 with the most serious crime you can be charged with, and
20 that's murder and armed robbery.

21 In my opinion, when they found that gun, Officer
22 Stokes just shut everything down. He stopped
23 investigating. I'm asking you to pick it up here today.

24 Weigh this evidence. Consider that testimony right
25 there on the stand and pick this -- pick this

CLOSING ARGUMENT - MR. THOMPSON**Page 169**

1 investigation up in that jury room. That's what I'm
2 asking you to do.

3 Let's go back over everything that went on this
4 week. First I want to talk about the witnesses in this
5 case.

6 Perry Crain, the older gentleman, sat here
7 (indicating). I stood here (indicating). He said, "I'm
8 ten (10) feet away, I see the shooter, the guy had
9 dreads."

10 Alice Carroll, she was very nervous, but she said
11 the shooter had dreads as well. Okay? That doesn't
12 match my -- my client's description at all.

13 I'll tell you little bit about Ms Crain -- Mr. Crain
14 and Ms. Carroll. They're not tied to anybody in this
15 case.

16 They're bystanders. They're there and this takes
17 place in front of them. They don't have a dog in the
18 fight is what I like to say.

19 They're neutral. All they did was get up here and
20 they're going to tell the truth. And that's what they
21 did. They saw a guy with dreads shoot Stephen Means. It
22 happened right in front of them.

23 The other witness, Miss -- Nicole, Stephen Means'
24 sister, verified through Officer Cheeks that she told him
25 some guys in white T-shirts chased her brother right

CLOSING ARGUMENT - MR. THOMPSON

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1 before she shut -- the door didn't even close and she
2 heard the shot. She tried to -- you know, she -- her
3 memory is probably bad over nineteen (19) months ago.

4 But the day of it, she told this officer they chased
5 my brother, those guys in white T-shirts.

6 The State's alleging this is what my client had on
7 (picks up black overalls), okay? They took it into
8 evidence because it matched the description of what he
9 had on that day.

10 It's not a white T-shirt. It's not even close.
11 That's his haircut right there (indicating). That's the
12 way he always wears his hair; not even close to dreads.
13 I'm asking you to take that into account right here.

14 We'll move on through the other things. Molly B.
15 sat up here. She told you she had two times -- my client
16 was produced in photo lineups. Neither time did she pick
17 him out. In fact, one time she picked another guy; can't
18 identify my client.

19 She's on the driver's side. There's another person
20 on the passenger side. Supposedly, my client is over
21 here (indicating) with a gun in his hand. She says she
22 -- she recognizes him now. Of course she does.

23 She picks him out in the courtroom because no one
24 else is sitting over there other than Ms. Hollis. And
25 she knows Ms. Hollis.

CLOSING ARGUMENT - MR. THOMPSON

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1 Ms. B. has no credibility. officer Stokes told
2 you she came in three different times. This is her
3 fourth time. Is she telling the truth finally? I doubt
4 it. Because why? Because she's tied to somebody else
5 who's charged in this, Latrica Martin.

6 She goes to Latrica's house every day. She visits
7 with Latrica's child. She makes her own sandwiches at
8 Latreica's house.

9 I don't know what her motivation is, who she's
10 protecting, what she's doing; she's not credible. She's
11 supposedly so upset she can't remember.

12 State's Exhibit 5, that horrible scene where we see
13 Mr. Means' body taken to the ambulance, watch State's
14 Exhibit 5.

15 You'll see Ms. B. And you'll see Latrica
16 Martin. They're walking around casually. They're not
17 bothered all. There's no trauma in those folks.

18 Look at that (indicating). Now that's them, isn't
19 it? That looks like a normal day. They're walking
20 around the car.

21 There's no fear in their eyes. They're not crying.
22 Is just not true; they're not traumatized.

23 I'm asking you to judge her credibility and -- and
24 determine her motive and what she's -- what she's
25 connected to and who she's connected to and compare that

CLOSING ARGUMENT - MR. THOMPSON

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1 to the other witnesses in this case.

2 Weigh those and I'll think you'll see the neutral
3 witnesses. Mr. Crain and Ms. Carroll, and Ms. Means all
4 have a better recall of what happened and they're more
5 credible, especially Ms. Carroll and Mr. Crain. They
6 don't have a dog in the fight like I said.

7 Who's not here today? Who was not here all week?
8 For one, nobody come through this door or sat on that
9 stand that could identify my client.

10 Nobody picked him out. There's two other people
11 charged, Charles Jackson. He's gone for two weeks on the
12 run I think Mr. Stokes said.

13 Quartez Lyles, he's not here. You need to ask
14 yourself why are those folks not here?

15 The main thing you need to ask yourself is why is
16 Latrica Martin not here? Why is the person that was
17 supposedly sitting on the passenger seat with my client
18 right outside the window, why is she not here?

19 Why would she not sit UP there and say "Yeah, he was
20 standing right outside the door there"? Probably because
21 she couldn't.

22 And think about Ms. B. testimony too. I said,
23 "Ms. B. were you -- you said you were looking down at
24 your phone," and she corrected me, "It was GPS."

25 "Well, if you're looking at that and you said you

CLOSING ARGUMENT - MR. THOMPSON

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1 saw my client, well how long was it from the time you saw
2 him and the gunshot?" "I don't know." "Was it ten (10)
3 seconds, was it five (5) minutes?" "I don't know, I
4 can't remember." Was it an hour?

5 Again, she's not credible. My client arrested here
6 in Spartanburg where he's supposed to be. He's not on
7 the run. He's not altering his appearance, okay?

8 How -- how did they get my client? Officer Stokes
9 said they went off a nickname. That's how they
10 originally got started with everybody.

11 And I think he even threw Little Man around. How
12 many Little Mans did they have? I don't know, but
13 nicknames is what got us started on this thing.

14 Let's talk about the evidence now, the gun. I told
15 you at the beginning I got to get you past the gun.

16 No doubt the gun is in my client's home. It's found
17 there. My client's aunt testified Quartez Lyles came
18 over. Quartez Lyles probably had that gun with him.

19 My client's mom told you he's got a eighth-grade
20 education. He's easy pickings for Quartez Lyles.

21 Quartez has got to get rid of that weapon. Charles
22 Jackson has run off to Gaffney or North Carolina
23 somewhere. He can't get Charles involved.

24 Charles Anderson is easy pickings. And that's what
25 he does.

CLOSING ARGUMENT - MR. THOMPSON

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1 Think about the DNA, okay? Officer Guthro, a 20-
2 year veteran, the SLED expert, both told you this DNA is
3 transferable. It's under my guy's mattress. It's got to
4 have his DNA on it. His mattress has got dead cells all
5 in it.

6 So it stands to reason there would be D -- DNA from
7 my client on that gun because it's in his bed.

8 But about the main thing Sergeant -- or Officer
9 Guthro said, the best evidence, even better than DNA is
10 what? It's fingerprints. No fingerprint from my client
11 on that gun.

12 I think one of the State's attorneys tried to say,
13 "Well, wouldn't that DNA get on there by him touching
14 that trigger? Well, a finger print would or a palm
15 print. Nothing, no prints.

16 Go back to your eyewitnesses again. Mr. Crain, no
17 dog in the fight. I stood here beside Ms. Faucette and
18 he said, "That's how close I was." "That's how close I
19 was and the guy had dreadlocks." or "The shooter had
20 dreadlocks." Ms. Carroll reinforced what Mr. Crain said.

21 Think about the DNA evidence on the bottle and the
22 cups. And my client wasn't tied to the scene there. The
23 only thing tying my guy to the scene is Molly B. ,
24 whose credibility is minimal at best.

25 She got up here and we know it was at least the

CLOSING ARGUMENT - MR. THOMPSON

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1 fourth story she told. Officer Stokes brings her in
2 three (3) different times. Officer Stokes told you, he
3 -- he agreed with me that he was informed Mr. Crain was
4 the best witness. I think he is.

5 I think Mr. Crain saw everything. "That boy got
6 shot." He said he saw the guy get shot. And the guy
7 with dreadlocks shot him.

8 But also think about Molly B. She said Little
9 Man; Little Man is one of them.

10 Officer Stokes dropped the charges on Little Man.
11 Molly's credibility with Little Man not good, but it is
12 with my client? I don't think so.

13 Like I say, he found that gun and he shut this
14 investigation down. I'm asking you guys to pick it up.
15 Look at everything, guys. Look at this (indicating).

16 The shooter is in white -- I mean, "People in white
17 T-shirts chased my brother down."

18 This is not a white shirt. The shooter had dreads.
19 He don't have dreads.

20 My client is charged with murder and robbery. He's
21 not charged with having a firearm in his possession or a
22 firearm in his home. If he were, it would be a much
23 stronger case.

24 The gun's at his house. There's no denying that.
25 The gun has got the DNA on it. We're not denying that.

CLOSING ARGUMENT - MR. THOMPSON

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1 But DNA is transferable. Quartez Lyles came over.

2 Like I say guys, Ms. B. Latrica's friend, said
3 she visits every day, visits with her child, okay? well,
4 like I say, I don't know what her motivation is or who
5 she's protecting. I don't know, okay?

6 I know that her credibility is very minimal. And I
7 know Perry Crain's and I know Alice Carroll's credibility
8 is very strong. They were right there; eyewitnesses.

9 And I leave you with the fact that Latrica Martin is
10 not here. B. -- Ms. B. told you, she was in the
11 passenger side.

12 Supposedly my client would have been right there
13 beside her. That would have been a great witness for the
14 State to call unless she didn't say the same thing Molly
15 said.

16 Too many unanswered questions. And Judge couch is
17 going to charge you on beyond a reasonable doubt. And
18 this case is chock-full of reasonable doubt.

19 When you go in there and ask yourself these
20 questions, and weigh this evidence, you'll come back with
21 a not guilty verdict. You've got too many unanswered
22 questions.

23 He'll tell you that -- what reasonable doubt is. I
24 won't go into it. He'll do a much better job of
25 explaining it than I can. But guys there too many

CLOSING ARGUMENT - MR. THOMPSON

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unanswered questions.

The State's got that gun, that's their foundation. But then they start piling up box on top of box and eventually that case crumbles.

They -- they got the gun. I've got -- we've got eyewitnesses that say the shooter had dreadlocks. We've got eyewitnesses that say guys in white T-shirts chased the victim down.

That's the crime scene. That's -- that's just minutes after it happened, shortly thereafter. That's when people's memories are best, not nineteen (19) months later, not two (2) weeks later. Right when something happens, that's -- that's when you remember.

When you leave here today, you'll remember what color suit I had on. Two weeks from now, you probably won't remember.

Think about that. Think about Ms. Martin -- I mean Ms. Means. She saw people in white T-shirts chase her brother. Officer Cheeks reinforced that.

And consider those other eyewitnesses, put them here (indicating); put Ms. B. here (indicating). And you'll see that their credibility far outweighs her credibility.

And also they have no connection to the case other than Ms. Means and her -- her brother is the victim.

CLOSING ARGUMENT - MR. MCCARTY

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1 Consider all of this, guys. Consider my client's
2 attire that day supposedly. Consider those eyewitnesses
3 and I think you'll get past the gun.

4 You'll realize that, that's the only thing that got
5 my client in this thing. And the only reason he's here
6 is that Sergeant Stokes or Officer Stokes found that gun
7 and he shut this thing down.

8 Mr. McCarty had a great question yesterday: Did he
9 arrest first and then investigate later? I believe
10 that's what's happened here.

11 I'm asking you guys to pick up this investigation
12 and come back with a not guilty verdict. Thank you.

13 THE COURT: Mr. McCarty?

14 MR. MCCARTY: May it please the court?

15 THE COURT: Yes, sir.

16 (Mr. McCarty's closing began at 9:17 a.m.)

17 MR. MCCARTY: The hand of one is not always the
18 hand of all. And Lauri Hollis had no hand in this case.

19 The State is proceeding on the prosecution of her,
20 charging her with crimes of murder and armed robbery,
21 under the theory that the hand of one is the hand of all.

22 Now in order to proceed under that theory of
23 prosecution -- the judge will tell you about this in his
24 charge -- but the State is going to have to show to you
25 that Lauri Hollis was at the scene of this crime by some

CLOSING ARGUMENT - MR. MCCARTY

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1 prior arrangement;

2 That she was acting in concert with at least one or
3 more persons, that they had devised some type of scheme
4 or plan or devised whatever it may be, and that they had
5 the intent to act on those when this occurred.

6 It is the State's job to bring forth witnesses, to
7 provide evidence which supports their theory of the case.
8 And the State has not met that burden to prove that case
9 against Lauri Hollis.

10 The State has brought forth, as Mr. Thompson has
11 told you, five (5) people who are what we call lay
12 witnesses as attorneys.

13 Those are all -- those are people who come off the
14 street, who don't have the technical experience like law
15 enforcement or the folks from SLED or Dr. Wren, who's a
16 pathologist. They're just everyday folk who happened to
17 be at, near, or around, who can tell you what they saw.

18 well, what did they see? Four of the five (5)
19 people couldn't tell you really anything that occurred.
20 Mr. Thompson just explained to you what Mr. Crain said
21 and what Ms. Carroll said, but you saw Ms. Carroll.

22 when asked to say who was here, boy, she craned all
23 the way around this courtroom, looked all out through
24 that gallery looking for everybody she could see. In
25 fact, she said to the solicitor, "who should I pick?"

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1 So what did she provide about this crime? She
2 certainly didn't pick out Ms. Hollis. And Mr. Crain said
3 it was a guy; again, not Ms. Hollis.

4 Ms. Means was inside at the time when this occurred.
5 So there's no testimony that anybody saw Ms. Hollis
6 participate in the shooting.

7 There's no evidence or testimony that anyone saw Ms.
8 Hollis participate in the robbery of the victim in this
9 case except one person, and that was Molly B. . And
10 the State is putting all of its eggs into that one
11 basket.

12 Their theory of hand of one is the hand of all rests
13 solely on whether you believe Molly B. .

14 Molly B. came in here and you saw her sit here.
15 You saw how she responded to not only my questions, Mr.
16 Thompson's questions, but to the State's own questions as
17 they were her witness -- or she was their witness. I'm
18 sorry.

19 How did she respond? She couldn't remember quite a
20 bit. "I don't recall." "I don't remember." Do you
21 believe her?

22 And certainly testimony from the officers led you -
23 led you to hear that they had concerns about whether they
24 believed her. Three (3) separate times they went and
25 spoke with her.

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1 Now they wanted to shore that up and say, "well, it
2 was because she was scared." "She was worried." "She
3 was fearful."

4 well, an hour after the shooting she's telling
5 Russell Porter she was inside the house. She didn't see
6 anything. Doesn't know anything about it.

7 But we see in the moments after the shooting that
8 she's outside walking around with whom Investigator
9 Stokes identified as Latrica Martin from his
10 investigation of this case.

11 But Molly does tell you that right before this
12 happened that she pulls in, Latrica Martin is in the
13 passenger seat of that black Mercedes SUV that she's got.

14 And allegedly Ms. Hollis comes over to her driver-
15 side window, leans in, and tells her they're about to get
16 somebody, something is about to go down; whatever it was
17 that she said.

18 And that's what the State is hanging their hat on
19 here. They want you to believe that, that is the plan.
20 That is the scheme. And that is the reason she's there.

21 Except there's another little problem with that.
22 If you'll recall from Ms. Means' own testimony, when she
23 got home that day prior to the shooting, earlier in the
24 day, she saw Ms. Hollis outside.

25 She confirmed Ms. Hollis lives in Oakview

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1 Apartments, is a resident there. It's a place where
2 people hang out outside.

3 So was Ms Hollis there because of some prior
4 arrangement or was she there because she lived there?
5 This scheme or this plan, this intent, that she's talking
6 to with Molly B. , this is the point where you get to
7 apply probably the most -- or the best tool in this case,
8 and that's common sense.

9 Here's a common sense question for you: Does it
10 make sense, if you're involved in a case or if you're
11 involved in a plan or a scheme, or whatever it may be, to
12 potentially rob, possibly shoot and even kill someone and
13 you're acting with other people in part of this, why do
14 you go over and lean in the window and tell somebody,
15 "Hey, it's about to go down"?

16 And, if you do, do that, why does the person who
17 just got told that not a little more heightened, a little
18 more aware, a little bit more concerned about it?

19 "Geesh, I just got told something bad is about to
20 happen, better look around and sees what's happening out
21 here."

22 Because Molly B. told you she did not do that.
23 In fact, she did say, "Well, in the moments before,
24 during, and right after, I was looking down at the GPS
25 unit in my car; don't know what happened. Looked up and

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everybody's running away."

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1
2
3 She didn't testify she saw a robbery. She didn't
4 testify she even saw the shooting. Do you believe Molly
5 B. ?

6 I want talk a little bit about the armed robbery
7 because that's another charge that Ms. Hollis sits here
8 accused of. And, again, under this whole theory that the
9 hand of one is the hand of all, that she acted in concert
10 with these people;

11 There was a prior arranged plan for which she was
12 there to help and intended to execute and commit this
13 crime.

14 The only testimony about the armed robbery is this,
15 and it comes from a person who waited five hundred and
16 forty-four (544) days to come in and tell anybody about
17 it.

18 That she was allegedly at a party three (3) nights
19 after the shooting. She had on jewelry that apparently
20 had belonged to the victim.

21 Well, what about that party? There were thirty (30)
22 to forty (40) other people that were there. Who else did
23 the State bring forward to collaborate that testimony, to
24 say, "Yes, I was also at that party." "Yes, I also saw
25 her." "I have no connection to this"?

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1 They didn't provide that testimony. They didn't
2 provide that evidence.

3 But Mr. Gray's going to come up here and he's going
4 to tell you -- and I believe the judge will probably tell
5 you too in his argument -- that any evidence that someone
6 is in possession of property from someone who's recently
7 been robbed, is circumstantial evidence to at least infer
8 that you might be able to consider whether or not they
9 committed that robbery.

10 And that's it in a nutshell. The judge, he's going
11 to charge that and tell you a little bit more about it.

12 But I will tell you is the testimony that you have
13 here -- or the question I'll ask is: Is the testimony
14 that you have here enough to convict her of armed robbery
15 based upon that?

16 Because there is no eyewitness testimony that it
17 occurred. The only testimony concerns what occurred three
18 (3) days later.

19 The State forth brought -- brought forth a lot of
20 other witnesses, and they were the chain witnesses. And
21 boy, I'm telling you, that's excruciating.

22 It's boring; it is. And, if you've done enough
23 trials as I have, the solicitors have, and Mr. Thompson
24 has, everybody in here except you folks have gone through
25 that.

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1 But it's a necessary part because it tells you how
2 did the State maintain, how did they control, what did
3 they do with a piece of evidence that they collected.
4 And ultimately, how it got down to SLED, who performed
5 their tests on it. But it's necessary to show you that.

6 And what did SLED come up here and testify to? SLED
7 came up here and told you number one, anything relating
8 to that gun there's nothing that forensically links her
9 to this crime.

10 Her DNA is not present on it. Her fingerprints are
11 not present on it. In fact, any of the evidence
12 collected from or around the crime scene has nothing to
13 do with Lauri Hollis.

14 She was excluded, excluded, and excluded on any of
15 those DNA samples.

16 Now I will admit that Ms. Simmons came here. She
17 talked to you about finding that gunshot residue on a
18 purple shirt. And I'm sure the State is going to make a
19 lot of hay about this purple shirt (indicating).

20 What did she tell you about the gunshot residue?
21 Yes, it was there. Was she able to tell you how it got
22 there? When it got there? Under what conditions it came
23 to arrive there?

24 She couldn't tell you any of that. All she could
25 testify to is that that shirt had the presence of gunshot

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1 residue.

2 And what do we know about that shirt? It didn't
3 come into police custody until five (5) days later. It
4 came out of a vehicle belonging to someone else; not Ms.
5 Hollis's vehicle, at a location not even Ms. Hollis's
6 home or apartment, but someplace else.

7 There's been no account for how that shirt was
8 maintained, how it was handled, what it was exposed to.
9 We don't know any of that.

10 All we know is that, when it got to SLED and she did
11 her tests, yes, it had something on it. And the State is
12 going to say there's the linchpin; that links her to
13 this.

14 But, you know, even after the State had that purple
15 shirt in their possession, and they found out that it had
16 gunshot residue on it, they didn't even bother to send it
17 back down to SLED to confirm whether or not it belonged
18 or even had been worn by Lauri Hollis.

19 We talked a lot about that; touch DNA, the skin
20 cells which get on clothing. That was always the
21 example; clothing.

22 There's clothing. Why didn't they do anything with
23 it?

24 Another interesting thing is this: Throughout this
25 entire case there's not been one mention that Lauri

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1 Hollis was wearing a purple shirt on the day of this
2 incident. No one; Molly B. , the investigators, none
3 of the four (4) or five (5) other witnesses they brought
4 up here, said anyone was wearing a purple shirt.

5 The police were not looking for a purple shirt. In
6 fact, Investigator Stokes didn't tell you anything at all
7 about having ever seeing her in a purple shirt.

8 She came to the police station on the 8th. You heard
9 that. He didn't tell you she was wearing a purple shirt
10 then.

11 When she turned herself in, after learning from the
12 news that she was a suspect, he didn't tell you that she
13 was wearing a purple shirt then.

14 But yet five (5) days after the shooting, they want
15 you to believe that "Ha ha, we found her shirt. That's
16 hers. It links her to this unequivocally without doubt."

17 Well that's your question: Is there doubt
18 concerning that shirt, its ownership, how that gunshot
19 residue got there, how the shirt was maintained?

20 Is there doubt in your mind about the sufficiency
21 and the weight of that evidence as it relates to being
22 able to convict her of either of these crimes, but
23 especially under the theory that she acted in concert
24 with other people, through some plan or scheme, to do
25 this?

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1 I too am not going to talk to you too much about the
2 probable -- or proof beyond a reasonable doubt because
3 the judge has that in his jury charge. But I will tell
4 you that proof beyond a reasonable doubt is simply this:

5 When you're deliberating and you're thinking about
6 an issue, and you're going over testimony and a fact, if
7 there's a point in that deliberation in your mind where
8 it causes you to pause, to think about it, to guess,
9 that's reasonable doubt.

10 And the judge will tell you the law in this state
11 and the United States requires that, if that reasonable
12 doubt exists in your mind, you must return a verdict of
13 not guilty to the defendant, for Lauri Hollis. And you
14 must return the verdict of not guilty.

15 And I think that, after you carefully deliberate
16 this, you recall and weigh Molly B. 's testimony, you
17 look at everything else that does not link her to this
18 crime, that you will find the State failed to meet its
19 burden of proof and that Lauri Hollis is innocent of
20 these charges.

21 And respectfully, upon behalf of Ms. Hollis, we
22 request that you return a verdict of not guilty. Thank
23 you.

24 THE COURT: Mr. Gray, for the State?

25 MR. GRAY: Thank you, Your Honor.

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(Mr. Gray's closing began at 9:29 a.m.)

MR. GRAY: Good morning, ladies and gentlemen. I appreciate your attention throughout this long trial.

Mr. Thompson, Mr. McCarty are excellent attorneys. They give you speeches about common sense, but in this case, everything doesn't make sense. Everything doesn't make sense.

There's a different set of rules. Like one rule, "snitches get stitches." "Snitches get stitches." And that's sad because like Mr. McCarty said, in this state, and in this country, that's a prevalent theme unfortunately.

If they had in their minds that Mr. Means was a snitch, and their goal was to get him, that's the common scheme or plan. It doesn't mean it was four (4) months ago or two (2) days before, it was to get Mr. Means.

She, Miss -- Ms. Hollis, is not only guilty of this, this whole situation, she started it. You -- you heard about the three (3) gentlemen in the car waiting, waiting.

There's the starter pistol right there (indicating). She told Ms. B. "There is that snitch." "Something is about to go down." "We're going to get him."

I'm paraphrasing, but if I'm wrong, listen to it again. She starts towards Mr. Means. Three others come

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1 up, including Mr. Anderson.

2 They circle around Mr. Means, cut off any lanes of
3 escape. Mr. Means gets shot.

4 You heard from Dr. Wren how he was shot; once with
5 three injuries; back here (indicating) and it comes out
6 of his left chest and winds up in his arms.

7 What was Mr. Means trying to do? He was trying to
8 run and get away. But he couldn't because they're
9 surrounding him.

10 The armed robbery portion is not common sense. It
11 doesn't make sense. Dr. Wren told you he had maybe ten
12 (10) minutes of life.

13 They took the time to get trophies. A grille, who
14 takes a grille? For that matter, who takes just the top
15 part of the grille out of someone's mouth during a
16 robbery?

17 They took his phone and they took his necklace. And
18 that necklace is what Mr. Kelly saw a couple of days
19 later at a party. Trophies.

20 The judge is going to tell you what armed robbery
21 is, by force or by violence while armed with a deadly
22 weapon, a gun that Mr. Anderson had. What's more violent
23 than a gunshot?

24 They took his necklace. They took his phone. They
25 didn't take his money. They took his grille, half of his

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1 grille. They took these things as trophies because
2 snitches get stitches.

3 That's what they thought. That's what Ms. B.
4 thought. She sat up here and told you, "I was scared."
5 "I was scared what happened to him was going to happen to
6 me."

7 But she got up on the stand and told you, "I saw
8 that man face first for the first time today. That's the
9 shooter." That's the starter pistol (indicating), the --
10 the beginning of this entire act. She saw an opportunity
11 and she took it.

12 The other three (3) were there. They saw her move
13 and they moved. That common scheme or plan through
14 actions or deeds.

15 Ms. Carroll, God bless her, she couldn't see
16 anything and couldn't remember allegedly. Mr. Crain got
17 up here and before I could finish questioning him, he was
18 so scared, "Can I go?"

19 No, they don't have a dog in this fight, but they
20 were scared clearly of this situation. But the neutral
21 witnesses in this case that they alluded to, SLED.

22 SLED, they truly have no dog in this fight. They
23 don't know what happened. They analyze the evidence, the
24 evidence that Detective Stokes kept gathering, kept
25 sending down to SLED.

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1 They found the gun that belongs to the Defendant.

2 Could've, should've, would've, no; science tells you that
3 gun belonged to Mr. Anderson.

4 The bullet that came out of the body of Stephen
5 Means and the spent shell casing came from that 9
6 millimeter Ruger that was found between the mattresses.

7 Not on top of the mattresses, not somewhere else,
8 between the mattresses.

9 That's his room. He could put the gun anywhere he
10 wanted to, but he put it between the mattresses. So,
11 when he signed this consent form, I know what he was
12 thinking. And you do too: " Hillandale Road,
13 Spartanburg, SC, the room of Charles Anderson, Jr., the
14 last room on the right."

15 Even this consent to search shows the deception.
16 His aunt got on the stand and said, "Doo Doo's room is
17 the last on the left."

18 Had an officer, who had been sequestered who said,
19 "His -- his was the last room on the left." "How do you
20 know?" "That's where Mr. Anderson's mother took us."

21 She had no idea he was trying to mis -- mislead the
22 police even then with a simple consent to search. "My
23 room is the last room on the right." No, it's on the
24 left.

25 And, when they went in there, they found the gun

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1 between the mattresses. He could have put that gun
2 anywhere, but he tried. But the officers did their job
3 and they found that gun.

4 They send it to SLED, along with the ballistics,
5 along with the touch DNA. That's his gun. That's the
6 gun that killed Mr. Means. And that's the man who fired
7 the shot (indicating) from the neutral witnesses in this
8 case.

9 Now they talk about Ms. Hollis and the purple shirt.
10 No, nobody described her in a purple shirt. Ms. B.
11 who knew Ms. Hollis, described that she saw Mr. Stephen
12 Means and that Ms. B. -- excuse me, Ms. Hollis said,
13 "There's the snitch. Let's go get him." And everything
14 went into motion.

15 They went to her mother's house trying to do a
16 search, continuing the investigation. When they got
17 there, nothing was in the house. The mother pulled up
18 and told the officers, "No, here's Lauri's clothes."

19 They didn't search the vehicle. They didn't go
20 through it saying, "We want this, we want that." The
21 mother volunteered, "These are Lauri's clothes."

22 And lo and behold, what's on Lauri's clothes?
23 Gunshot residue. When a gun is fired, like Mr. McCarty
24 said -- said on his cross examination, there's a cloud.
25 The expert sat -- sat here and told you four (4) to five

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1 (5) feet away.

2 They surrounded Mr. Means. She was no more than
3 four (4) to five (5) feet away unless she's -- she's a
4 welder. And there's been no discussion of that, that
5 she's a welder.

6 Either she's the unluckiest person in the world and
7 has been running around for five (5) days with GSR on her
8 shirt from a magic cloud of whatever or she was there
9 that day when Mr. Means was shot.

10 Not only was she there, she started it. Walked up
11 to him, helped surround him. When he got shot, GSR got
12 on her and she took a trophy, the Stewie necklace.

13 Not just any necklace, the Stewie necklace. Armed
14 robbery, common scheme or plan, the hand of one is the
15 hand of all.

16 Now we're going to talk about Ms. Latrica Martin.
17 That's a "look over here not over there" type of
18 situation.

19 Myself, Mr. Cude, Mr. Thompson, Mr. McCarty, we all
20 have the same ability to subpoena anybody we want for
21 this case. Why is Latrica Martin not here? I don't
22 know. They could have subpoenaed her.

23 MR. MCCARTY: Your Honor, if I may object at that
24 point.

25 THE COURT: Ladies and gentlemen of the jury, at

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1 this point in time, I'll ask you to step back to the jury
2 room. Don't begin any discussions until such time as
3 I've advised you to do so. We'll take a short break. Go
4 back to the jury room.

5 (The jury exited the courtroom at 9:43 a.m.)

6 THE COURT: Thank you, Mr. Ruth. Mr. McCarty?

7 MR. MCCARTY: Thank you, Your Honor. I apologize
8 for interrupting during closing, but I think what he was
9 arguing there by saying the Defense had the ability to
10 subpoena any witness is almost akin to burden shifting;
11 saying that we had the ability to put up a defense when
12 it's the State's burden to put forth the case against
13 anybody charged.

14 THE COURT: Mr. Gray?

15 MR. GRAY: No, sir, Your Honor. I didn't comment
16 on burden shifting or putting up a defense. My -- I'm
17 rebutting Mr. Thompson saying, "why is she not here?"

18 I'm merely - in a reasonable doubt situation, all
19 I'm trying to say is that why is Ms. Latrica Martin not
20 here? I don't know why she's not here.

21 I'm not burden shifting to them to say they had a
22 duty to bring her here. They have a duty to put on a
23 defense, anything of that nature. But Mr. Thompson did
24 say, "why is she not here?"

25 And I'm saying, "I don't know. They could have

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1 subpoenaed her to be here if they wanted her to be here."

2 MR. MCCARTY: Your Honor, if I may on that, it's -
3 - an argument. We're commenting on the State's
4 presentation in the case as to what was not here that
5 the jury can consider as far as testing the credibility
6 of other witnesses, which is to comment on the evidence
7 that they have put forward.

8 By just indicating to the jury that Mr. Thompson and
9 I, as attorneys, have the same ability to subpoena
10 something is at least in my objection akin to shifting
11 the burden to us to bringing Ms. Martin in. It was
12 incumbent upon us to do that.

13 THE COURT: Mr. Thompson?

14 MR. THOMPSON: I'll agree. I believe -- you know,
15 I think when he made the comment about the ability to
16 subpoena on that, that basically shifted the burden.

17 It's almost like we have the burden of proof of not
18 guilty by that statement as opposed to the burden is on
19 the State to prove guilt.

20 THE COURT: Well, I didn't -- I didn't hear him go
21 so far as that you had some obligation to bring that
22 person forward. I did hear him say that the -- that all
23 attorneys have the ability to subpoena witnesses.

24 I am going to sustain the objection. I'm not going
25 to allow you to go further into that argument.

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1 MR. GRAY: Yes, sir.

2 THE COURT: I will strike that -- that argument
3 from the record and will instruct the jury that they
4 should disregard that in full.

5 MR. MCCARTY: That's all I would request, Your
6 Honor.

7 THE COURT: All right.

8 MR. GRAY: Yes, sir, Your Honor.

9 MR. THOMPSON: Thank you, Your Honor.

10 THE COURT: Bring the jury back.

11 (The jury is summoned and entered the Courtroom at
12 9:47 a.m.)

13 THE COURT: Thank you. The record will reflect the
14 jury has returned to the courtroom.

15 Ladies and gentlemen, a little later on, when I
16 charge you concerning the law, part of that charge will
17 indicate that the State has the burden of proof in this
18 case. And the only burden of proof in this case. And
19 I'll go over that with you in more detail when I charge
20 you concerning the law.

21 I have sustained an objection by the Defense to the
22 -- to the State's closing argument to the extent that
23 there can be no argument shifting the burden of proof
24 from the State in this matter.

25 So I'm going to strike the argument that the State

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1 made concerning subpoenaing witnesses. I will instruct
2 you to disregard that argument in its entirety during
3 your deliberations.

4 And I'll talk to you in more detail about that later
5 on. But I have sustained the objection. I have stricken
6 that argument and given instructions to the State's
7 attorney concerning his further argument. You may
8 proceed, Mr. Gray.

9 MR. GRAY: Thank you, Your Honor. Just briefly,
10 ladies and gentlemen. I want to talk about the elements.

11 Once again, armed robbery; a violence, items taken
12 away from a victim for the permanent usage or denial of
13 that property.

14 That's -- that's what happened, ladies and
15 gentlemen.

16 Ms. Hollis went so far as to change her appearance.
17 She had dreads. When Mr. Kelly saw her, she had shaved
18 her head, but she still had on that trophy.

19 Mr. Anderson, he shot and killed Mr. Stephen Means
20 because they thought he was a snitch. That's pretty
21 simple, ladies and gentlemen.

22 Look at the neutral witnesses, the science, the SLED
23 evidence, and you'll see there was a common scheme or
24 plan.

25 It's -- it's not like some movie where every detail

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1 was written out. "There's a snitch, we're going to get
2 him." They saw an opportunity and they did.

3
4 Common sense, I don't know. But I know common sense
5 beyond a reasonable doubt, especially in this situation.
6 I don't have to prove my case -- we don't have to prove
7 our case beyond any doubt; beyond a reasonable doubt.

8 This is a closed courtroom. If somebody walks in
9 that door dripping wet with an umbrella shaking it out,
10 and you've heard a lot of sounds outside, common sense
11 says it's raining outside.

12 Could it be a movie crew out there simulating rain?
13 It could. But beyond a reasonable doubt you know, from
14 the circumstances from what you see there, it's raining
15 outside. Not probably, it is.

16 In this situation the bullet, the gun, the DNA, the
17 trophy taken from Mr. Means, you add them up. Armed
18 robbery, murder; common scheme or plan.

19 The hand of one hand is the hand of all in this
20 case. They're both guilty of murder. They're both
21 guilty of armed robbery. Thank you.

JURY CHARGE

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JURY CHARGE

9:51 A.M.

THE COURT: Ladies and gentlemen, that completes the closing arguments made by the attorneys. And I told you that, when we reached this stage of the proceedings, it would be my responsibility to charge you concerning the law to be applied in this case.

When we began this case earlier in the week, I went over with you the indictments in this case. I'm going to go over with you again these indictments.

Those are the documents that bring the case before the Court. It informs this Court of the charges that are to be tried in this trial. It informs the Defendant of the charges that have been lodged against the Defendants in this case.

The first indictments that I will go over with you are those involving Mr. Anderson. The indictment numbers are 11-GS-42-5097 and 5098. 5097 is for the offense of armed robbery.

That indictment states that, "Charles L Anderson did, in Spartanburg County on or about April 7, 2011, commit a robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon

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1 or while alleging, either by action or words that he was
2 armed while using a representation of a deadly weapon or
3 any object which a person present during the commission
4 of the robbery reasonably believed to be a deadly weapon;

5 "And did feloniously take from the person or
6 presence of Stephen Means by force, violence, and/or
7 intimidation, goods or monies of Stephen Means, to wit:
8 jewelry, cell phone, and dental gold, all with the intent
9 to deprive the owner permanently of such property in
10 violation of code section 16-11-330(a) of the Code of
11 Laws of South Carolina, 1976 as amended, against the
12 peace and dignity of the State and contrary to the
13 statute in such case made and provided."

14 That's the first indictment. The second indictment
15 -- and this case number 5098 -- is for the offense of
16 murder.

17 That indictment states that, "Charles L Anderson,
18 Jr., did in Spartanburg County, on or about April 7,
19 2011, feloniously, willfully, and with malice
20 aforethought caused the death of Stephen Means by
21 shooting the victim with a handgun.

22 "And that the victim died as an proximate result
23 thereof, all in violation of section 16-3-310 and 20 of
24 the Code of Laws of South Carolina, 1976 as amended,
25 against the peace and dignity of the State and contrary

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1 to the statute in such case made and provided."

2 Those are the two indictments that are before the
3 Court as it relates to Mr. Anderson. The two indictments
4 that relate to Ms. Hollis are for the same two offenses.

5 They are indictments number 11-GS-42-5110 and 5111.
6 5110 is for the offense of armed robbery.

7 It alleges that she did, "...in Spartanburg County,
8 on or about April 7, commit a armed robbery while armed
9 with a deadly weapon."

10 I'm not going to read it to you in particular. It
11 reads exactly in the particulars as did Mr. Anderson's.

12 The other indictment is for the offense of murder.
13 It's case number 2011-GS-5111. And, again, it alleges
14 that, "Lauri Danielle Hollis did in Spartanburg County,
15 on or about April 7, 2011, willfully, feloniously and
16 with malice aforethought, caused the death of Stephen
17 Means by shooting the victim with a hand gun."

18 Now those indictments will be given to you. And you
19 will have them back in the jury room during your
20 deliberations. You'll have the right to study them at
21 that point in time and go over them in the particulars.

22 Now I'm going to remind you the fact that a
23 defendant has been arrested, has been charged, and even
24 indicted in this case, those facts don't constitute
25 evidence in this case and cannot be considered by you as

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1 evidence of guilt in this matter.

2 Nor does the fact that an indictment has been issued
3 create any presumption or inference of guilt.

4 These are simply the documents that bring the case
5 before the Court. Again, it informs us of the charges to
6 be tried. It informs the Defendant of the charges that
7 have been lodged against the Defendants in this case.

8 Now in a case where you have multiple charges, more
9 than one indictment charging a particular defendant with
10 more than one crime, each indictment constitutes a
11 separate and distinct offense.

12 That means you, the jury, must decide each
13 indictment separately on the evidence and the law that
14 applies to that particular indictment.

15 A defendant can be convicted or acquitted on any or
16 all of the offenses that have been charged. And you'll
17 be asked to write a separate verdict of either guilty or
18 not guilty as to each of the indictments and as to each
19 defendant in the case.

20 And I'm going to instruct you that, when you reach a
21 verdict in this case, your verdict must be based upon the
22 law and the evidence presented during the trial.

23 It cannot be based on any passion, vindictiveness,
24 sympathy, or other emotion.

25 Now I'm going to charge you that where two defendants

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1 have been charged with the commission of crimes, the case
2 of each defendant and the evidence and the law concerning
3 that defendant should be considered by you separately and
4 individually.

5 Your verdict does not have to be the same for both
6 defendants. In fact, you may find one defendant guilty
7 or not guilty and whether or not you do that, it should
8 not control your verdict as to the other defendant or the
9 other charges against that defendant.

10 If the evidence warrants it, you may convict one and
11 acquit the other, or you may convict both or you may
12 acquit both.

13 Again, you must consider each defendant and each
14 charge separately on the evidence and the law that
15 applies to that particular charge and to that particular
16 defendant. And, again, you'll write a separate verdict
17 of guilty or not guilty as to each defendant on each
18 charge.

19 Now I told you, at the beginning of the trial, the
20 Defendants have pled not guilty to the indictments that
21 are before the Court.

22 That plea, under the law and the Constitution of
23 this State and of the United States, places the burden of
24 proof upon the State in this matter.

25 A person charged with the commission of a criminal

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1 offense in South Carolina is never required to prove
2 himself or herself innocent of that charge.

3 I charge you it's an important rule of law that a
4 defendant in a criminal case, no matter what the
5 seriousness of the crime might be, will always be
6 presumed to be innocent of the crime for which an
7 indictment has been issued unless and until guilt has
8 been proven to you, the jury, by evidence that satisfies
9 you of that guilt beyond a reasonable doubt.

10 The presumption of innocence doesn't end when you
11 began your deliberations. It accompanies the defendant
12 throughout the trial and into your deliberations until
13 such time as you reach a verdict based upon the law and
14 the evidence in this case and you find that the defendant
15 is guilty of the crime beyond a reasonable doubt.

16 Now the presumption of innocence has been described
17 sometimes like the robe that I wear into the courtroom.
18 It remains about the defendant's shoulder as the trial
19 begins. And it accompanies the defendant throughout the
20 trial.

21 It remains about the defendant's shoulders into your
22 deliberations. It stays about the defendant's shoulders
23 until such time as it has been stripped from him by
24 evidence that satisfies you of the defendant's guilt
25 beyond a reasonable doubt.

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1 Now the presumption of innocence is not just a legal
2 theory. I hope you realize that; it's not just a legal
3 phrase. It's a substantial right that every defendant is
4 entitled to until you, the jury, are satisfied of the
5 defendant's guilt beyond a reasonable doubt.

6 Now you've heard me already talk about proof beyond
7 a reasonable doubt about three (3) times, maybe four (4)
8 times in what I've told you thus far. You might be asking
9 yourself, "Well just what -- what is meant or what is the
10 meaning of a reasonable doubt?

11 What -- what is a reasonable doubt? The law has
12 defined a reasonable doubt as that kind of doubt which
13 would cause a reasonable person to hesitate to act.

14 And the State has the burden of proving the
15 defendant's guilt of the charges or the indictments
16 before the Court beyond a reasonable doubt.

17 Now I'm going to caution you, and I don't want you
18 to be confused by this. There are two types of cases
19 generally that are tried in the courts of this country.

20 There are cases criminal in nature where someone is
21 charged with the commission of a crime.

22 And then there are cases civil in nature. That's
23 where someone is seeking monetary damages. And that can
24 be for a -- a breach of a contract or failure to pay a
25 debt or someone injured someone by their actions and have

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1 to pay for the damages they caused. That is what is
2 meant by a civil case.

3 And there's two different standards of proof
4 depending on the type of case that is before the Court.
5 In a civil case, the standard of proof is by the greater
6 weight or the preponderance of the evidence.

7 what that means is, you've all seen the scales of
8 justice, it means those scales tilting ever so slightly
9 in favor of a plaintiff or the person complaining or ever
10 so slightly in favor of the defendant.

11 And, when they tilt ever so slightly one way or the
12 other in a civil case, that side is entitled to a
13 verdict.

14 Criminal cases are different. The standard of proof
15 in this case is by the -- beyond a reasonable doubt.
16 It's a more powerful standard of proof than that in a
17 civil case.

18 Proof beyond a reasonable doubt is that kind of
19 proof that would leave you firmly convinced of the
20 defendant's guilt.

21 And I'm going to tell you there's few things that go
22 on in people's lives that can be proven beyond any doubt
23 whatsoever. And that's not the standard of proof that
24 the State is -- is held to in this case. They do not
25 have to offer proof that overcomes every possible doubt.

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1 I will tell you that, if after your consideration of
2 the evidence, if you are firmly convinced of the
3 defendant's guilt beyond a reasonable doubt, you must
4 find the defendant guilty.

5 However, on the other hand, if you think there's a
6 real possibility that the defendant is not guilty, you
7 must give the defendant the benefit of that doubt and
8 find the defendant not guilty.

9 Now, at the beginning of the trial, I tried to point
10 out to you that you and I have certain duties to perform
11 in the trial. And they are separate and distinct from
12 each other.

13 As the trial judge, it's been my responsibility to
14 preside over the trial of this case. I've had the duty
15 of ruling on certain questions concerning the
16 admissibility of evidence or the appropriateness of
17 questions that have been asked or -- or things that might
18 have been said.

19 And I will tell you that you can only consider the
20 competent evidence and information allowed into the
21 record before you.

22 And, if there was any matter that I ordered stricken
23 from the record in this case, you must disregard that
24 matter in its entirety.

25 Those matters that I ordered to be stricken from the

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1 record of this case should not even be discussed by you
2 in reaching a verdict in this case.

3 You are to decide the case based upon the evidence
4 that's been admitted into the record, including the sworn
5 testimony and whatever evidence came into the record
6 that's been admitted into that record through that
7 testimony.

8 Now I have the additional duty now of charging you
9 concerning the law in this case. And I told you, at the
10 beginning of the trial, you're the sole judges of the
11 facts; I'm the sole judge of the law in this case.

12 It's your responsibility, under the oath that you've
13 taken as jurors, to take the law as I give it to you and
14 accept it. And, then, apply it to the facts as you find
15 them to be during your deliberations.

16 And, again, if you came into the courtroom with any
17 idea or notion as to what the law is or somehow what the
18 law ought to be, you should leave those notions outside
19 of the jury room because it's your responsibility to take
20 the law as it is and as I give it to you and apply it to
21 the facts as you find them to be in this case.

22 Now I told you also that, in every case tried before
23 this Court in which a jury is participating, the jury is
24 the sole and exclusive judge of the facts in this case.

25 As a trial judge, I can't indicate or state or comment or

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1 make any statement that -- concerning the facts in this
2 case.

3 And I will tell you, you should not take from
4 anything that I say or do during -- in the execution of
5 my duties in this case, to somehow indicate to you that I
6 have a preference one way or the other as to how you
7 determine the facts in this case.

8 The law doesn't allow me an opinion concerning the
9 facts. And I can assure you I have no opinion as to how
10 you determine the facts in this case. You are the sole
11 judges of the facts in this matter.

12 So, if there's anything that I say or do even during
13 my -- my charge concerning the law, that you somehow
14 think indicates a preference on my part, disregard that
15 notion in its entirety.

16 Because it's your duty as jurors to determine the
17 effect, the value, the weight, and the truth of the
18 evidence that's been presented to you during this trial.

19 Now in doing that I'm going to tell you that you
20 have the right to consider two types of evidence.

21 And you may ask yourself, "Well, what do you mean by
22 types of evidence?" And let me see if I can explain it
23 to you.

24 The law classifies evidence into two types of
25 evidence. One is referred to as direct evidence. The

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1 other type of evidence is what is referred to as
2 circumstantial evidence.

3 Now direct evidence is testimony of a person who
4 claims to have actual knowledge of a fact, such as
5 someone who claims to have been an eyewitness or actually
6 experienced or heard or saw or smelled or somehow
7 directly experienced the facts about which they are
8 testifying.

9 And that's what we mean by direct evidence, someone
10 directly -- testifying directly on the fact that's sought
11 to be proven.

12 The other type of evidence that a jury has the right
13 to consider is what we refer to as circumstantial
14 evidence.

15 Now circumstantial evidence has been described as
16 proof of a -- of a chain of facts or circumstances that
17 indicate the existence of another fact.

18 It's been described as proof of collateral facts
19 from which a main fact could be reasonably inferred.

20 Now that's a lot of fancy language. And I'm going
21 to see if I can't make it a little more commonsensical.

22 I use a very simple example. Let's say last night,
23 when you decided to go to bed, you looked outside your
24 bedroom window and the stars were shining and it was a
25 beautiful night. And you went to bed and slept well all

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1 night.

2 And got up the next morning and walked over to that
3 same window and looked out and, while the sun might have
4 been shining when you looked outside, there was water
5 dripping from all the trees. The driveway or the road in
6 front of your house was wet or had puddles in it.
7 There's water on the grass.

8 Now during the night you were asleep so you didn't
9 hear it rain. You didn't see it rain, but from the facts
10 that you know to be true, collateral facts, you can
11 reasonably infer that at sometime that main fact, that it
12 rained during the night, is true.

13 So that's what we mean of proof of collateral facts
14 from which you could reasonably infer the existence of
15 some other fact.

16 Circumstantial evidence therefore is based on
17 inference. It's not based on personal knowledge or
18 observation.

19 The law makes absolutely no distinction between the
20 weight or the value that you, the jury, can give to
21 either direct or circumstantial evidence.

22 You're the sole judges of the facts and you're the
23 sole judges of the weight you choose to give to the facts
24 as you find them to be, that includes both direct and
25 circumstantial evidence.

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1 Nor is there a greater degree of certainty required
2 of circumstantial evidence than that of direct evidence.
3 I'm going to tell you as jurors you should weigh all of
4 the evidence in the case, both direct and circumstantial.

5 And I'll tell you if, after weighing all of the
6 evidence in the case, if you're not convinced of the
7 defendants guilt beyond a reasonable doubt, you must find
8 the defendant not guilty.

9 On the other hand, if -- if you're firmly convinced
10 of the defendant's guilt beyond a reasonable doubt, you
11 must find the defendants guilty.

12 Now, in doing your job as jurors, I told you, at
13 beginning of the trial, and I want to reemphasize that
14 it's your duty and responsibility to determine the
15 credibility or the believability of the testimony that
16 you've heard during this case.

17 It's your duty as jurors to analyze and evaluate the
18 evidence, determine which evidence convinces you of its
19 truth.

20 In determining the believability of witnesses who
21 testified in this case, as the sole judges of the facts,
22 you can believe one witness against all the others that
23 testified. You can believe all the others against one.

24 You have the right to believe all, part of, or none
25 of what a witness has told you.

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1 In determining believability or credibility, I'll
2 tell you again to use your own good common sense in doing
3 so.

4 You have the right to consider factors as to whether
5 or not you believe that the witness exhibited to you
6 some type of interest or bias or prejudice or other
7 motive in the case.

8 You can consider the appearance, the manner of a
9 witness while on the witness stand. Again, use your own
10 good common sense and make a determination of what
11 evidence has convinced you of its believability.

12 So make a determination as to the credibility or the
13 believability of the testimony you've heard in this case.

14 Now there has been some evidence presented that
15 witnesses -- some of the witnesses may have made prior
16 statements which are not consistent with their testimony
17 given during the trial.

18 You may use this evidence to decide whether or not
19 to believe the witness. You may also use that evidence
20 of early -- earlier contradictory statements to determine
21 the truth of those statements or the Statements made in
22 court.

23 It's up to you as jurors to decide whether to
24 believe the earlier statements or the testimony given at
25 the time of the trial.

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1 If a witness is shown to have knowingly testified
2 untruthfully concerning any material matter, you have the
3 right to consider this in determining whether to trust
4 the defendant's [sic] testimony as to other matters.

5 You have the right, as I've told you, to believe all
6 of, part of, or none of what a witness has told you.

7 You can reject all of the testimony of that witness
8 or give all or part of the testimony the weight that you
9 think it deserves. Again, you're the sole judges of the
10 facts and the credibility of the testimony that you've
11 heard.

12 Also during this trial there was a wit -- a person's
13 past criminal record has been brought up concerning their
14 testimony.

15 A past criminal record does not affect the ability
16 of a person to testify during the trial. The past
17 record, if any, can only be considered by you, if at all,
18 in determining credibility or believability. Another
19 factor that you have the right to consider, if you choose
20 to do that.

21 Now one of the theories in this case has been
22 described. It's commonly referred to as the hand of one
23 being the hand of all.

24 And if a crime is committed by two -- by more -- two
25 or more people, who are acting together in committing a

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1 crime, the act of one becomes or is the act of all.

2 A person who joins with another to commit an
3 unlawful act is criminally responsible -- responsible for
4 everything done by the other person which happens as a
5 probable or natural consequence of the act in carrying out
6 the common plan and/or purpose.

7 For example, I will tell you two people can be found
8 guilty of killing another person when only one of the two
9 had a gun. And when there was only one bullet and only
10 one of the two fired the shot that caused the death if
11 two or more people are together, acting together,
12 assisting each other in the commission of the offense.

13 Then the act of one is the act of all or as
14 sometimes has been said, the hand of one is the hand of
15 all.

16 Now prior knowledge that a crime is going to
17 committed -- be committed without more is not sufficient
18 to make a person guilty of the crime.

19 Mere knowledge that another person is going to
20 commit a crime, even if the defendant is present when the
21 crime is committed, is not sufficient to convict the
22 defendant as a principal.

23 Guilt as a principal, that means someone who is
24 actually acting in the case, is shown by actual or
25 constructive presence at the scene as a result of a prior

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1 arrangement.

2 Therefore, a finding of a prior arrangement, plan,
3 or common scheme is necessary for a finding of guilt as a
4 principal. The State must prove, beyond a reasonable
5 doubt by competent evidence, the theory of the hand of
6 one is the hand of all.

7 Now a principal in a crime is one who actually
8 commits the crime or who is present, aiding, abetting, or
9 assisting in the commission of the crime.

10 When a person does an act in the presence of, and
11 with the assistance of another, the act is done by both.

12 Where two or more are acting with a common plan or
13 intent are present at -- at the commission of a crime, it
14 does not matter who actually commits the crime; all are
15 guilty. The hand of one then becomes the hand of all.

16 Presence -- presence at the commission of a crime
17 needs to be sufficiently near it as to aid, abet, and
18 assist in the commission of the crime.

19 However, mere presence at the scene of the crime is
20 not sufficient to convict one as a principal of the
21 theory of aiding and abetting.

22 Intent is also a necessary element or there must
23 have been a common design or intent to commit the crime.

24 The crime must have been committed pursuant thereto
25 with the person aiding and abetting by some overt act.

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1 Intent means intending the result which actually occurs,
2 not by accident or involuntarily.

3 Intent may be shown by acts and conduct of the
4 defendant and other circumstances from which you may
5 naturally and reasonably infer intent.

6 The State must prove the elements of the hand of one
7 is the hand of all beyond a reasonable doubt. And,
8 again, I've told you that mere presence at the scene of a
9 crime is not sufficient to prove someone guilty of a
10 crime.

11 A defendant's presence at a crime where a crime is
12 being committed or mere association with a person who
13 commits a crime does not make the defendant an accomplice
14 or an aider or an abetter of the person committing the
15 crime.

16 Now, as we go through this, I'm just -- I'm going to
17 go over some things that I want to be sure you -- they
18 have been defined to you, as -- as best I can define them
19 before I talk about the specific charges in this case;

20 Because when I talk about the specific charges,
21 you'll hear these phrases used. And they may be actually
22 elements or -- or things that have to be proven before
23 the crime can be shown.

24 One of the things I want to be sure you understand
25 is what is meant under the law by a deadly weapon because

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1 both of these offenses, for both defendants, involve an
2 allegation that they used a deadly weapon in the
3 commission of a crime.

4 For the charges of murder and armed robbery, it's
5 important that you understand the legal meaning of the
6 phrase, "deadly weapon." A deadly weapon is an article
7 or instrument or substance which is likely to cause death
8 or great bodily harm.

9 Whether an instrument has been used in a particular
10 event as a deadly weapon depends on how you determine the
11 facts and circumstances of the case.

12 The following are examples of instruments which have
13 been found in other cases to be a deadly weapon depending
14 on the circumstances as you determine them in each case.

15 Such things as a pistol, a shotgun, a rifle, a dirk,
16 a dagger, a knife, a slingshot, metal knuckles, a razor,
17 gasoline, fire bombs, even lighter fluid have been
18 determined in cases to constitute deadly weapons.

19 Again, it depends on how the item is used and the
20 facts and circumstances of the case as you determine
21 those facts and circumstances to be.

22 Now I want to go over with you the charge of armed
23 robbery. Both defendants, each defendant, is charged
24 with armed robbery.

25 And, in order to prove this offense, the State must

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1 first prove, beyond a reasonable doubt, that the
2 defendant took personal property from the presence or
3 person of another person.

4 Property in the presence of a person is within that
5 person's reach or observation or control so that the
6 person could, if not overcome by violence or prevented by
7 fear -- or fear, keep possession of their property.

8 The State must also prove, beyond a reasonable
9 doubt, that a defendant charged with this crime carried
10 the property away intending to permanently deprive the
11 owner of the property and to keep the property for the
12 defendant's own use.

13 The slightest removal of property or the complete
14 possession of the property, if even for an instant by a
15 defendant, is sufficient to show a taking and carrying
16 away.

17 Taking and caring away of property must have been
18 done with violence or by putting the owner in fear of
19 violence.

20 Finally the State must prove, beyond a reasonable
21 doubt, that the defendant was armed with a deadly weapon
22 during the robbery.

23 And I've already defined to you what is meant by a
24 deadly weapon. It depends upon the facts and
25 circumstances of each case as I stated to you earlier.

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1 I will charge you that a defendant, if a defendant
2 is found in possession of recently stolen goods, that
3 fact can be used as evidence that the defendant stole the
4 goods.

5 This would simply be an evidentiary fact. It should
6 be taken into consideration by you and considered along
7 with all the other evidence in the case.

8 You give it the weight you think it should have and
9 decide, as I've charged you, in weighing any evidence in
10 the case.

11 The next charge I want to talk to you about is
12 murder. The State must prove, beyond a reasonable doubt,
13 that the defendants killed another person with malice
14 aforethought.

15 Now "malice aforethought" is a legal phrase again.
16 And I'm going to try to define that so you'll
17 understand what is meant by malice aforethought.

18 Malice is hatred or ill will or hostility toward
19 another person. It's the intentional doing of a wrongful
20 act without just cause or excuse, with an intent to
21 inflict an injury, or under circumstances where the law
22 might infer an evil intent.

23 Malice aforethought does not require that this
24 malice exist for any particular length of time before the
25 act is committed.

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1 But malice must exist in the mind of the defendant
2 just before and at the time the act was committed.
3 Therefore, there must be a combination of the previous
4 evil intent and the act.

5 Malice aforethought can either be expressed or
6 inferred; in other words, proved by circumstantial
7 evidence.

8 These terms "expressed" and "inferred" malice do not
9 mean different kinds of malice. It, however, refers to
10 -- to the manner in which malice might be shown to have
11 existed.

12 That is either by direct evidence or by inference
13 from the facts and circumstances which have been proven.

14 Express malice is shown when a person speaks words
15 which express hatred or ill will for another person. Or
16 when the person prepares beforehand to do the act which
17 was later accomplished.

18 For example, lying in wait for a person or any other
19 act done in preparation to show that the deed was within
20 the defendant's mind, would be an expression of expressed
21 malice.

22 Malice can be inferred from conduct showing a total
23 disregard for human life. Inferred malice may also arise
24 when a deed was done with a deadly weapon. And I've
25 defined to you what is meant by a -- a deadly weapon

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1 under the law.

2 Now, ladies and gentlemen, in this case your
3 verdicts must be unanimous. That means each and every
4 one of you must agree upon the verdict in the case as to
5 each indictment and as to each defendant unanimously.

6 And the verdict does not -- you have not reached a
7 verdict until such time as you been able to reach
8 unanimity as to each indictment in the case.

9 Ms. McCurry, if you would, raise your hand, please?

10 (The juror raised her hand.)

11 THE COURT: You're going to be the foreperson of
12 the jury. That means that you will be the person who is
13 responsible to preside over the deliberations of the jury
14 as they go forward.

15 You'll conduct the discussions. Now, if during the
16 discussions, the jury as a question concerning any matter
17 in the case, I'm going to ask you to write the question
18 down, knock on the door, submit it to the bailiff.

19 The bailiff will bring the question to me. And I'll
20 determine the appropriate answer.

21 I'm going to tell you now that I can't answer each
22 and every question you may have during your
23 deliberations.

24 I've already told you, I can't become involved in
25 your decisions concerning the facts in this case. Those

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1 are your decisions and yours alone.

2 I can answer questions concerning my charge on the
3 law, the procedure that we followed, certain questions
4 about the evidence that had been -- that has been put
5 into the case.

6 However, Ms. McCurry, I'm not going to ask you to
7 edit any question the jury may have. What I would ask
8 you to do is get the jury to agree on the question itself
9 so that you submit either one or several questions, but
10 they agree on the form of the question.

11 Submit it to me and I'll determine the appropriate
12 answer that I should give -- should be giving to that
13 particular question.

14 Also, ma'am, it will be your responsibility to
15 record the verdicts once the verdicts have been reached.
16 And I'm going to give you a form in just a few minutes
17 and go over the form with you so that -- and that's as to
18 each defendant -- and go over the form so I'm sure that
19 you understand it.

20 You should only record the verdict once an unanimous
21 verdict has been reached on the questions presented to
22 you.

23 Now once you've completed your work and all verdicts
24 have been reached, you would knock on the door and inform
25 the bailiff that the verdicts have been reached. And the

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1 jury would be then returned to the courtroom to receive
2 the verdicts.

3 Now, as I've told you, your verdict must be
4 unanimous. That means each and every one of you has an
5 equal say in the outcome of the case. And, again, a
6 verdict cannot be reached until unanimity has been
7 reached.

8 Now, I've gone over a lot of things with you. I
9 want to be sure I haven't misspoken during my charge
10 concerning the law.

11 Also there's a great deal of evidence in the case
12 and that evidence will be allowed to go back into the
13 jury room with you. So I want to be sure only the
14 evidence that went into the record goes back there and
15 not anything else.

16 So we've got some housekeeping matters that I have
17 to do with the attorneys before I ask you to begin your
18 discussions.

19 So, Madam Forelady, I'm going to ask you to take the
20 jury back to the jury room. Don't begin any discussions
21 about this case at this time.

22 I'll bring you back into the courtroom shortly and
23 give you your final instructions. And at that time the
24 case will be turned over to you for deliberations.

25 So if you'll retire to the jury room. Thank you

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1 very much.

2 (The jury exited the Courtroom at 10:25 a.m.)

3 THE COURT: Any objection to the charge from the
4 State?

5 MR. GRAY: None, Your Honor.

6 THE COURT: Any Mr. Thompson for Mr. Anderson?

7 MR. THOMPSON: None, Your Honor.

8 THE COURT: Any Mr. McCarty?

9 MR. MCCARTY: No, Your Honor. Thank you.

10 THE COURT: All right. I'm going to ask that the
11 attorneys come forward and segregate if you would, move
12 over to one side, the evidence so that we're sure what's
13 going back to the jury, please.

14 MR. GRAY: Yes, sir.

15 THE COURT: And reach an agreement as to what is
16 going back, please.

17 (Pause while the attorneys checked the exhibits.)

18 (Off-the-Record Comments)

19 THE COURT: If you'll step up, gentlemen, and take
20 a look at the verdict form. I've put them on the bench
21 here.

22 (Brief pause while the attorneys check the verdict
23 forms.)

24 THE COURT: All right. On the record, Mr. Gray, do
25 we have an agreement as to the exhibits that are going

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back?

MR. GRAY: Yes, sir, Your Honor.

THE COURT: Mr. Thompson?

MR. THOMPSON: Yes, Your Honor.

THE COURT: And Mr. McCarty?

MR. MCCARTY: We are, Your Honor.

THE COURT: Any objection to the verdict form, Mr. Gray?

MR. GRAY: No, sir.

THE COURT: Mr. Thompson?

MR. THOMPSON: No, Your Honor.

THE COURT: Mr. McCarty?

MR. MCCARTY: No, Your Honor.

THE COURT: All right. Bring the jury in.

(The jury was summoned and entered the Courtroom at 10:32 a.m.)

THE COURT: Ladies and gentlemen, and Madam Forelady, the first thing I'm going to do is I'm going to hand them to you, if you will take care of that for me, Mr. Ruth.

BAILIFF: Yes, sir.

THE COURT: Those are the indictments in this case. And I told you those would be submitted back to you for your consideration. And, Mr. Ruth, if you'll hand these documents to Ms. McCurry.

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1 (Bailiff complied with the Court's request.)

2 THE COURT: These are the verdict forms. And let's
3 just go over them briefly so you'll understand. I think
4 they are fairly self-explanatory, but let's be sure.

5 At the top it will have the state and county that
6 we're in, the court that we're in, and also indicate the
7 State against either Mr. Anderson or Ms. Hollis.

8 As to each Defendant it identifies the indictment
9 numbers against them. There are two charges against each
10 Defendant, one for armed robbery and one for murder.

11 So there's two different questions on the verdict
12 form. And -- and it'll identify the charge, the
13 indictment number, and, then, it'll have a choice of
14 either not guilty or guilty.

15 I would ask that you either put an "X" or a check in
16 the blank line adjacent to the appropriate verdict once
17 the verdict has been reached.

18 And, ladies and gentlemen, let me caution you: The
19 order in which I have put those choices on that form,
20 don't think that somehow indicates a preference on my
21 part.

22 I want to be sure that you understand that I've been
23 doing this for several years and every verdict form I've
24 ever done the choices are the same on each one.

25 So there's no preference. It's just the way I do

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1 it. And so don't think that I'm trying to indicate
2 somehow a preference as to the verdict by the way I have
3 prepared the forms. The forms are prepared the same in
4 every case.

5 So, if you would, check the appropriate verdict once
6 a verdict as been reached on the charges. Once the form
7 has been completed, I'd ask that sign it.

8 And that's when you would knock on the door, inform
9 the bailiff that the verdict has been reached. Then
10 we'll ask you to come back once all verdicts have been
11 reached.

12 Now the evidence in this case has -- has been
13 placed. There's -- that big box was used for a piece of
14 evidence, and we put all the evidence in that box. It's
15 in evidence as well, the box.

16 There is a computer that's going to be given to you.
17 It is a clean computer. It has nothing on it other than
18 the ability to play the DVD that's in there that was
19 shown at the beginning of the trial.

20 If you feel the need to see that, you should be able
21 to operate it. If you have any difficulty, again, knock
22 on the door, let the bailiff know, and we'll give you
23 some technical help to -- to play it.

24 It's -- it's fairly self explanatory. I'm sure
25 somebody on the -- on the jury will able to get that

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1 played for you on that computer. It's -- it's a fairly
2 simple way to do that.

3 So, that's available. You can watch it if you need
4 to do it. That computer is there for that purpose.

5 All right. At this point in time, I'm going to ask
6 that the two alternates to remain seated. I'm going to
7 ask that the jury itself retire to the jury room to begin
8 deliberations.

9 Let me caution you about just a couple of things
10 that can happen during deliberations.

11 I -- I can and will allow smokers to leave the room
12 while you are deliberating, but while they're gone, Madam
13 Forelady, deliberations must cease. Don't discuss the
14 case at all until they have returned.

15 In other words, all jurors must be present for any
16 deliberations that go on, on any subject in the case.

17 So, if that were to happen -- we won't let those
18 breaks happen very often, but we will allow that to
19 occur.

20 When we get to noon or a little after, if you are
21 still in deliberation, then, we'll inquire of the
22 foreperson as to whether or not you feel that lunch
23 should be ordered.

24 I will tell you it takes about an hour to an hour
25 and 15 minutes to order it, pick it up, and bring it back

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1 to the courthouse.

2 So be aware of that. And, at any time you feel you
3 need that, let us know. But, when the person from the
4 clerk's office comes in to take a -- a meal order, again,
5 don't do any deliberating or discussion of the case while
6 that person is present.

7 Place your order, get that business finished, let
8 them leave, and then resume your deliberations. In other
9 words, discussions about the jury are among the jury;
10 other people may not be present while that's occurring.
11 So don't allow that to happen when we're were doing that.

12 Later on, if we get -- and I don't know that we'll
13 go that far -- but if we were to get to around 5:00 to
14 5:30, we'll have some discussions with you as to how you
15 wish to proceed at that point in time. So we'll talk
16 about that later if it comes up.

17 So, at this point in time, I'm going to ask the two
18 alternates to remain seated. I'm going to ask the jury
19 to retire and begin your deliberations in the case.
20 Thank you very much.

21 (The jury exited and began their deliberations at
22 10:35 a.m.)

23 (Off-The-Record Comments)

24 (Whereupon, the two alternates were excused.)

25 THE COURT: Any objection to my final instructions

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1 from the State?

2 MR. GRAY: No, sir, Your Honor.

3 THE COURT: Any from the Defense, Mr. Thompson?

4 MR. THOMPSON: No, Your Honor.

5 THE COURT: Mr. McCarty?

6 MR. MCCARTY: No, sir.

7 THE COURT: All right. We will be in recess until
8 such time as a verdict is reached in this matter.

9 (Off-The-Record Comments)

10 THE COURT: All right. At this point in time, the
11 Court is in recess until such time as a verdict might be
12 reached. Thank you very much.

13 MR. GRAY: Thank you, Your Honor.

14 (Recess in the case began at 10:40 p.m.)

15 (Off-The-Record Comments)

16 (Another trial was begun while the jury was
17 deliberating.)

18 (The jury had a question at 11:36 a.m.)

19 THE COURT: I'll ask the attorneys to approach
20 briefly.

21 (Whereupon, a bench conference was had with all
22 attorneys present.)

23 (Off-the-Record Comments)

24 (Brief pause while the Defendants were brought back
25 into the Courtroom.)

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1 THE COURT: All right. I have received an inquiry
2 from the jury. And at this time I'm going to ask the
3 bailiff to return the jury to the Courtroom.

4 (The jury was summoned and returned to the
5 courtroom at 11:42)

6 THE COURT: All right. Madam Forelady, I have
7 received an inquiry from you and it says, "Can we get a
8 copy of the testimonies of," and it names Molly B.
9 Mr. Means' cousin, the -- the detectives that found the
10 shirt of Ms. Hollis, Mr. Crain, and Mr. Means' sister.

11 Let me explain to you how court reporting is done.
12 We keep -- the -- the court reporters take down an audio
13 recording. And she also repeats everything that's said
14 on an audio recording.

15 But there are no printed transcripts at this point
16 in time. That would be done after the trial has been
17 completed at a later date. So there is no written form
18 for that -- that testimony that we can provide to you.

19 We can play the recordings, however, if we replay
20 all of these, this is a good bit of the trial. And I'm
21 not sure -- and I don't want to know what you're looking
22 for in particular from that testimony.

23 If there are particular things that you'd like to
24 hear from the testimony, we can make arrangements to get
25 that ready, but that would take some time as well.

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1 So I'm not discouraging you from making the request,
2 I am encouraging you, if at all possible, to narrow the
3 request because otherwise we'll start playing the entire
4 transcript over again it looks like, or pretty much all
5 of it.

6 And I don't know if that's what you need or not. So
7 I'm going to ask you to go back and discuss it with your
8 fellow jurors.

9 Of course, you have -- if you can use your
10 recollection and come to a consensus, that would help as
11 well. But, if you feel that you need to listen to either
12 all of the testimony or portions of the testimony, let us
13 know and we'll need to try to make arrangements to play
14 it.

15 But the recordings that are made are not made as --
16 as audio recordings to be played back. They're made to
17 be played for her to type from. So sometimes it's
18 difficult to get it where it will broadcast so everybody
19 can hear it. But we'll see what we can do about that.

20 So I'm going to ask you to step back, see if you can
21 narrow the request.

22 Also was there a request concerning lunch?

23 MADAM FORELADY: I think we're probably going to
24 need lunch.

25 THE COURT: Okay. So what I'm going to do is I'll

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1 send the clerk in shortly to take a lunch order.

2 MADAM FORELADY: Thank you.

3 THE COURT: Okay? You may return to your
4 deliberations.

5 (The jury exited the courtroom at 11:44 a.m.)

6 THE COURT: Any objection to my response from the
7 State?

8 MR. GRAY: No, sir, Your Honor.

9 THE COURT: Any from the Defense, Mr. Thompson?

10 MR. THOMPSON: None, Your Honor.

11 THE COURT: Mr. McCarty?

12 MR. MCCARTY: No, Your Honor.

13 THE COURT: All right. The request will be made an
14 exhibit, a Court's Exhibit. And we will remain in recess
15 until such time as we either get a new inquiry or receive
16 a verdict. Thank you very much.

17 (Whereupon, Court's Exhibit Number 1 was marked for
18 identification.)

19 (The jury requested testimony to be played back.)

20 THE COURT: Thank you very much. You can be
21 seated.

22 All right. I've received a request from the jury.
23 It says they would like to hear Molly B. , the
24 prosecutor's questioning, Mr. Crain's testimony, and Mr.
25 Kelly's testimony. And they say, "This is as much as we

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1 could agree to narrow our list."

2 So I'm going to bring the jury in and we'll go over
3 -- play the requested testimony. Yes, sir?

4 MR. MCCARTY: Your Honor, just briefly. I know the
5 request of the jury is that they only play just the
6 prosecution's questioning, but in fairness, and to place
7 the whole testimony in context, if we consider playing
8 the entire testimony.

9 It was not very lengthy. She definitely was not on
10 the stand a long period of time.

11 THE COURT: Mr. Cude, any objection?

12 MR. CUDE: No objection, Your Honor.

13 THE COURT: And, in the interest of completeness, I
14 will direct that we play all of Ms. B. testimony.

15 MR. MCCARTY: Thank you, Your Honor.

16 THE COURT: All right. Bring the jury in.

17 (Off-the-Record Comments)

18 (The jury entered the courtroom at 12:25 p.m.)

19 THE COURT: All right. Madam Forelady, we have
20 gotten your request and we've made arrangements to play
21 the testimony that you requested.

22 We're going to do in alphabetical order of these
23 people because that's how it comes up on the computer.
24 So we're going to do it in that fashion.

25 Also, you requested from Molly B. the

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1 prosecutor's questioning. When we play a witness's
2 testimony, generally we replay all of it.

3 MADAM FORELADY: Okay.

4 THE COURT: And so, if you would like to hear Ms.
5 B. we will play the whole thing.

6 MADAM FORELADY: Okay. Thank you.

7 THE COURT: All right. I'll ask the Court reporter
8 to proceed with playing the tape of the testimony of Mr.
9 Crain, Mr. Kelly, and Ms. B.

10 COURT REPORTER: Ms. B. will be first.

11 THE COURT: Mr. Crain will be first?

12 COURT REPORTER: B.

13 THE COURT: B. will be first? Okay.

14 (Whereupon, the testimony of Ms. Molly B. was
15 played in its entirety for the jury.)

16 THE COURT: Ladies and gentlemen, I'm -- I'm told
17 that your lunch has arrived, so, we'll take a break right
18 now, for about thirty (30) minutes to give you a chance
19 to have your lunch. Then we'll come back and play the
20 other testimony that you requested.

21 You may retire to the jury room.

22 (Off-the-Record Comments)

23 THE COURT: Okay. So everything should be in order
24 for you in the jury room for you to have your lunch. And
25 in about thirty (30) minutes we'll be calling you back to

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1 hear the other testimony. Thank you very much.

2 (The jury exited the Courtroom at 1:06 p.m.)

3 THE COURT: All right. Everyone remained seated
4 while the Defendants leave the Courtroom.

5 (Brief Pause)

6 THE COURT: All right. Court is in recess for
7 about thirty (30) minutes. Thank you very much.

8 (Whereupon, a lunch recess was taken from 1:06 p.m.
9 until 1:33 p.m.)

10 THE COURT: Is the State ready to proceed?

11 MR. GRAY: Yes, sir, Your Honor.

12 THE COURT: The Defense, Mr. Thompson?

13 MR. THOMPSON: Yes, Your Honor.

14 THE COURT: And Mr. McCarty?

15 MR. MCCARTY: Yes, sir, Your Honor.

16 THE COURT: All right. Bring the jury in.

17 (Off-the-Record Comments)

18 THE COURT: Okay. Bring the jury in.

19 (The jury entered the courtroom at 1:46 p.m.)

20 THE COURT: All right. The record will reflect
21 the jury has returned to the Courtroom. I hope everyone
22 had a good lunch.

23 At this time we're going to go over the testimony
24 that you requested of Mr. Crain. You may proceed.

25 COURT REPORTER: Thank you.

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1 (The testimony of Mr. Perry Crain was played in its
2 entirety for the jury.)

3 THE COURT: The next testimony will be Mr. Kelly's?

4 COURT REPORTER: Yes, sir.

5 THE COURT: All right.

6 (The testimony of Mr. Anthony Kelly was played in
7 its entirety for the jury.)

8 THE COURT: All right. Ladies and gentlemen of the
9 jury, that completes the playing of the testimony that
10 you had requested.

11 At this time, I do want to go back and emphasize
12 just a couple of things for you. I asked you to -- to
13 reduce the list that you had.

14 Of course, if during your deliberations, you feel
15 that you need to hear additional testimony, let us know,
16 and we'll make arrangements to -- to make that available
17 to you.

18 I'm not trying to limit your access to it, but I did
19 want to make you aware of the difficulty it is in doing
20 that and the time that it may take.

21 Also I'd like to -- to go back and talk to you just
22 briefly. During my instructions to you on the law, I had
23 gone over the burden of proof in this case and explained
24 to you that the only burden of proof in this case is upon
25 the State.

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1 And that is to prove the allegations beyond a
2 reasonable doubt. And, in that regard, I also want to be
3 sure that -- that I've instructed to you and emphasized
4 to you the fact that the defendants did not testify in a
5 case is not a factor to be considered by you in any way
6 in your deliberations and in your consideration of the
7 question of the guilt or innocence of a defendant.

8 That fact should not be considered by you in any
9 manner whatsoever. A defendant has a Constitutional
10 Right to remain silent. And the assertion of the right
11 must not be considered by you in -- in your
12 deliberations.

13 And, under your oath as jurors, as I've told you,
14 the burden of proof is solely upon the State. The
15 defendant is never required to prove himself or herself
16 innocent in a case.

17 So you're to draw no conclusion whatsoever from the
18 fact that the Defendants did not testify in this case.
19 Those factors should not even be discussed by you in your
20 deliberations as to whether or not they testified.

21 As I've said, the burden of proof is upon the State.
22 A defendant is not required to prove himself or herself
23 innocent. And the burden of proof remains upon the State
24 to prove guilt, again, beyond a reasonable doubt. So I
25 want to make sure that's clear.

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1 I touched on it during the arguments of counsel.

2 And I think I covered it in my charge, but I wanted to be
3 sure that I emphasized that to you again. Those factors
4 should not be considered by you at all in reaching a
5 verdict in this matter.

6 All right, Madam Forelady, I'm going to ask you to
7 return to your deliberations. And, if you have any other
8 questions, please submit those when they come -- become
9 necessary. Thank you, Ma'am.

10 (The jury exited the courtroom at 2:06 p.m.)

11 THE COURT: Any objections to the response to the
12 question or my charge?

13 MR. GRAY: No, sir, Your Honor.

14 THE COURT: Any objection, Mr. Thompson?

15 MR. THOMPSON: None, Your Honor.

16 THE COURT: Any, Mr. McCarty?

17 MR. MCCARTY: No, Your Honor.

18 THE COURT: All right. We'll remain in recess in
19 this case then until a verdict is reached. Thank you
20 very much.

21 (Off-the-Record Comments)

22 (The jury had another question at 4:08 p.m.)

23 THE COURT: Thank you very much. You may be
24 seated. I'd ask the attorneys to approach briefly.

25 (Whereupon, a bench conference was had with all

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1 attorneys present.)

2 THE COURT: All right. Bring the jury in, please.

3 (The jury was summoned and entered the courtroom
4 at 4:12 p.m.)

5 THE COURT: All right. The record will reflect
6 that the jury has returned to the courtroom. And you
7 asked, Madam Forelady, to -- for me to please explain
8 again the hand of one is the hand of all.

9 I explained to you earlier during the charge that
10 South Carolina does subscribe to that legal theory or
11 uses that legal theory; that is, that the hand of one is
12 that hand of all.

13 And, if a crime is committed by two more people who
14 were acting together in committing the crime, the act of
15 one is the act of all.

16 A person who joins with another to commit an
17 unlawful act is criminally responsible for everything
18 done by the other person which happens as a probable or
19 natural consequence of the acts done in carrying out the
20 common plan, scheme, or purpose.

21 In other words, two people can be guilty of a crime
22 when only one of them had the means for carrying it out
23 when they both acted together in carrying out the
24 particular crime.

25 So, if two or more people are acting together and

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1 assisting each other in the commission of an offense, the
2 act done by one is the act of all, or it's sometimes
3 said, the hand of one is the hand of all.

4 Prior knowledge that a crime is going to be
5 committed without more is not sufficient to make someone
6 guilty of that crime.

7 Mere knowledge that another person is going to
8 commit a crime, even if the defendant is present when the
9 crime is committed, is not sufficient to convict the
10 defendant as a principal.

11 Guilt as a principal in a crime is shown by actual
12 or constructive presence at the scene of a crime as a
13 result of a prior arrangement.

14 Therefore, a finding of a prior arrangement or plan
15 or a common scheme, is necessary to find someone guilty
16 as a principal.

17 The State must prove, beyond a reasonable doubt, by
18 competent evidence, the theory of the hand of one is the
19 hand of all.

20 Now, a principal in a crime is one who either
21 actually commits the crime or is present aiding,
22 abetting, or assisting in the commission of the crime.

23 When a person does an act, in the presence of and
24 with the assistance of another, the act is done by both.

25 Where two or more, acting with a common plan or

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1 intent are present at the commission of a crime, it does
2 not matter who actually commits the crime; all are
3 guilty. The hand of one is the hand of all.

4 To be present at -- at the commission of a crime
5 means to be sufficiently near so as to aid, abet, and
6 assist in the commission of the crime.

7 However, the mere presence at the scene of a crime
8 is not sufficient to convict one as a principal on the
9 theories of aiding and abetting.

10 Intent is also a necessary element for there must
11 have been a common design or intent to commit a crime.
12 And a crime must have been committed pursuant thereto
13 with the person aiding and abetting by some overt act.

14 Now intent means intending the result which actually
15 occurs. In other words, not accidentally or involuntary.

16 Intent may be shown by acts and conduct of the
17 defendant and other circumstances from which you might
18 naturally or reasonably infer intent. And the State must
19 prove these elements that I've gone over with you beyond
20 a reasonable doubt.

21 Again, the mere presence at the scene of a crime is
22 not sufficient to prove one guilty of a crime. A
23 defendant's presence where a crime is being committed, or
24 mere association with a person who does commit a crime,
25 does not make the defendant an accomplice or an aider or

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1 an abetter of the person committing the crime.

2 The burden on the State is to prove every element of
3 the crime charged in this case.

4 Now that's the charge that I gave you concerning the
5 hand of one is the hand of all. Does that respond to the
6 question, Madam Forelady?

7 MADAM FORELADY: Yes, sir.

8 THE COURT: All right. Then I'll ask you to return
9 to the jury room to continue your deliberations. Thank
10 you very much.

11 (The jury exited the courtroom at 4:16 p.m.)

12 THE COURT: Any objections to my response from the
13 State?

14 MR. GRAY: No, sir.

15 THE COURT: Any from the Defense, Mr. Thompson?

16 MR. THOMPSON: No, sir.

17 THE COURT: Mr. McCarty?

18 MR. MCCARTY: No, Your Honor.

19 THE COURT: All right. The question will be made
20 an exhibit with the Court. I'd ask everyone to remain
21 seated while the Defendants leave the Courtroom.

22 (Whereupon, Court's Exhibit Numbers 3 & 4 were
23 marked for identification.)

24 (Off-the-Record Comments)

25 THE COURT: The Court is in recess until a verdict

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1 is reached or additional questions are asked. Thank you.

2 (The verdict was reached at 4:55 p.m.)

3 THE COURT: Thank you very much. You can be
4 seated.

5 All right. I've been informed by the bailiff that a
6 verdict has been reached in the case. Is the State ready
7 to receive the verdict?

8 MR. GRAY: Yes, sir, Your Honor.

9 THE COURT: Is the Defense ready?

10 MR. THOMPSON: Yes, Your Honor.

11 THE COURT: Mr. McCarty?

12 MR. MCCARTY: Yes, Your Honor.

13 THE COURT: All right. Before the jury comes in, I
14 would like to caution those in the gallery. I know this
15 is been a rather lengthy and emotional trial.

16 We've had some difficulty with people expressing
17 emotions in the Courtroom. I can appreciate that this
18 has been a stressful situation for you.

19 However, I want to caution you: Any type of
20 demonstration, shouting out, any type of noise making by
21 someone in the gallery will be treated by this Court as
22 contempt of court.

23 If you have a difficulty in controlling your
24 emotions in a situation like this, I would urge you to
25 leave the courtroom at this time.

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1 Otherwise, you'll be expected to sit quietly as
2 court proceeds with the reading of the verdict and with
3 whatever business we have to cover after that time.

4 So, if anyone has any difficulty in controlling your
5 emotions in a situation such as this, I would urge you to
6 now leave the courtroom.

7 (Spectators leave the courtroom.)

8 THE COURT: Bring the jury in.

9 (The jury entered the Courtroom at 5:02 p.m.)

10 THE COURT: Madam Forelady, I have been informed by
11 the bailiffs that a verdict has been reached. Is that
12 true?

13 MADAM FORELADY: Yes, sir.

14 THE COURT: Pass the forms to the bailiff, please.

15 (Forelady complied with the Court's request.)

16 THE COURT: Thank you.

17 (Documents handed up.)

18 THE COURT: Madam Clerk, you may publish the
19 verdict, please.

20 MADAM CLERK: Yes, sir. "The State of South
21 Carolina versus Charles L. Anderson, Jr., we, the jury,
22 unanimously find the Defendant, Charles L. Anderson, Jr.,
23 concerning the offense of armed robbery, indictment
24 number 2011-GS-42-5097, guilty.

25 "We, the jury, unanimously find the Defendant,

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1 Charles L Anderson, Jr., concerning the offense of
2 murder, indictment number 2011-GS-42-5098, guilty."
3 Signed by the foreperson and dated October the 4th, 2011.

4 "We, the jury, unanimously find the Defendant, Lauri
5 Danielle Hollis, concerning the the offense of armed
6 robbery, indictment number 2011-GS-42-5110, guilty."

7 "We, the jury, unanimously find the Defendant, Lauri
8 Danielle Hollis, concerning the offense of murder,
9 indictment number 2011-GS-42-5111, guilty." Signed by
10 the foreperson and dated October the 4th of 2012.

11 Ladies and gentlemen of the jury, is this your
12 verdict and still your verdict? If so, please, raise
13 your right hand.

14 (All jurors raised their right hand.)

15 MADAM CLERK: So say you all.

16 THE COURT: Thank you, Madam Clerk.

17 MADAM CLERK: Yes, sir.

18 THE COURT: Anything further from the State before
19 I release the jury?

20 MR. GRAY: No, sir, Your Honor.

21 THE COURT: Mr. Thompson, anything from the
22 Defense?

23 MR. THOMPSON: None, Your Honor.

24 THE COURT: Mister ---

25 MR. ANDERSON: Excuse me. This is fucking

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1 bullshit, nigger.

2 MR. THOMPSON: Shhhh...

3 MR. ANDERSON: Man, fuck that shit, man. I didn't
4 did do fucking murder. I didn't fuck that nigger there.
5 Fuck this shit.

6 THE COURT: Remove him from courtroom. Remove him
7 from the Courtroom.

8 THE DEFENDANT: I ain't no fucking murderer, man.
9 Man, fuck that shit, you and pussy-ass Abel Grabel
10 (phonetic). Fuck-ass nigger. You'll see me when I
11 (inaudible) get me out, nigger.

12 (Mr. Anderson was taken out of the courtroom, but
13 could still be heard making inaudible comments in the
14 hallway.)

15 MR. THOMPSON: I apologize, Your Honor.

16 THE COURT: That's quite all right. Mr. McCarty,
17 anything further from the Defendant, Ms. Hollis?

18 MR. MCCARTY: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, first of all, I want to thank you very much for
21 your service in connection with this case.

22 It's been a long case. And I appreciate your
23 attention to the details that have gone on.

24 I will tell you at this time this ends your service
25 for this week and the bailiffs will be checking you out.

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1 I will tell you that, up until this time, I've
2 instructed you not to discuss the case with anyone. And
3 at this time you have the right to do so. You also have
4 the right not to do so.

5 If anyone should in any way harass you or bother you
6 concerning your service on this jury panel, please report
7 that immediately. We'll take the appropriate action to
8 see that, that ceases.

9 At this time, Madam Forelady, you need to see the
10 clerk before you leave. We've got some paperwork you to
11 sign with her before you leave the courtroom --
12 courthouse.

13 You'll receive a voucher for your services. That
14 will come in about a week.

15 Again, thank you very much for your attention to
16 your duties. You're free to go at this time. If you'll
17 step down and see the clerk.

18 (The forelady complied with the Court's request.)

19 (The jury was excused and exited the Courtroom at
20 5:10 p.m.)

21 (Brief Pause)

22 (Off-The-Record Comments)

23 THE COURT: Have the sentencing sheets been
24 prepared?

25 MR. GRAY: Yes, Your Honor.

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1 THE COURT: All right. Mr. Thompson, I believe
2 you're going to need to meet with your client in the jail
3 room concerning the sentencing sheets.

4 If you have difficulty in that regard, please report
5 back to the Court and let me know.

6 MR. THOMPSON: Will do, Your Honor.

7 THE COURT: I'll give you a chance to go speak with
8 him at this time.

9 MR. THOMPSON: Thank you, Your Honor.

10 (Brief Pause)

11 THE COURT: And, Mr. Thompson, at this point in
12 time, the Court is of the opinion that he will not be
13 present for sentencing unless you advise the Court that
14 he can control himself in the courtroom.

15 MR. THOMPSON: I'll -- I'll fill you in when I
16 return, Your Honor.

17 THE COURT: Thank you. He's forfeited that right
18 at this point in time unless he changes his attitude.

19 DEPUTY: They had to take him on to the jail, Your
20 Honor.

21 THE COURT: Well, we need him to sign the
22 sentencing sheets. Is he down at the jail here?

23 DEPUTY: Yes, sir.

24 THE COURT: Well, let's go meet with him at the
25 jail.

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1 (Off-The-Record Comments)

2 (Brief pause while paperwork is filled out.)

3 (Mr. McCarty and Ms. Hollis step forward for
4 sentencing.)

5 THE COURT: All right. We'll go ahead and handle
6 the sentencing on Ms. Hollis at this point in time, Ms.
7 Lauri Danielle Hollis ---

8 MR. MCCARTY: Your Honor, if -- if I may?

9 THE COURT: Yes, sir?

10 MR. MCCARTY: Based on the outburst we had there a
11 second ago, but I failed to make a motion at the end of
12 it before the jury was excused.

13 But on behalf of Ms. Hollis, respectfully we would
14 request the Court consider granting a motion for a new
15 trial on this matter based upon the lack of evidence and
16 the verdict of the jury.

17 THE COURT: All right. The motion has been
18 considered by the -- by the Court and the motion is
19 denied.

20 MR. MCCARTY: Thank you, Your Honor.

21 THE COURT: All right. Ms. Holl -- Ms. Hollis, you
22 have been found guilty by a jury of your peers. And, at
23 this point in time, I am considering sentencing in your
24 case.

25 I'll allow your attorney to speak on your behalf.

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1 You, then, will be given an opportunity to speak to the
2 Court. And, then, I'll hear from the State and/or
3 victims if they choose to speak.

4 At this time, I'll hear from you, Mr. McCarty.

5 MR. MCCARTY: Your Honor, if it may please the
6 Court? As the Court is aware, I don't need to rehash the
7 facts in the case. You've heard them over the last
8 several days as related to the testimony about Ms.
9 Hollis's involvement in this.

10 The only thing I might offer is I'd ask the Court to
11 consider what her level of involvement was as it relates
12 to what the forensic evidence in this case presented with
13 regard to what was on the gun.

14 Ms. Hollis is twenty-seven (27) years old. She's an
15 eleventh grade in education. I think you'll find, when
16 Mr. Gray recites her criminal record, it is very little
17 and the charge in which is -- is on it is a very small
18 charge.

19 She has lived a good life free from crime prior to
20 this incident here for which the jury found her guilty.
21 She certainly is emotional at this stage.

22 And we would ask for as much mercy as the Court
23 would be willing to grant her, given the severity of this
24 offenses based upon the facts that the Court was aware of
25 throughout the trial.

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1 THE COURT: All right. Ms. Hollis, this is your
2 opportunity to speak to me concerning this matter. I'll
3 be happy to hear from you concerning it.

4 MS. HOLLIS: I'd just like to say that I do -- I
5 know my innocence and I'm not guilty, but I understand
6 their loss and what they're going through because it's
7 been eighteen (18) months of my life that I dealt with
8 myself.

9 And I would like to say that I'm sorry, but I had no
10 involvement in it. But I can only settle for what's --
11 what's given to me now and I'm willing to accept whatever
12 it handed to me.

13 But I am not -- I'm not guilty. And I'll just --
14 I'm not asking for their sympathy, but for their apathy.
15 And I'm just -- I mean, I'm -- I'm very sorry for their
16 loss.

17 But at the time, I just ask for mercy. That's all.

18 THE COURT: Thank you, ma'am.

19 MS. HOLLIS: You're welcome, sir.

20 THE COURT: Mr. Gray, I'll hear from the State.

21 MR. GRAY: Yes, sir, Your Honor. Speaking on
22 behalf of the family, we've talked about this and
23 acknowledged them from the beginning of this case.

24 They don't want anything harsh. We talked about the
25 death penalty and things like that.

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1 They lost a son, a brother, an uncle. They have
2 expressed to me they had wanted a life for a life pretty
3 much, Your Honor, in this situation.

4 I understand she is less culpable than Mr. Anderson,
5 but I also understand if -- if she had not did what she
6 did, Mr. Means may still be here today.

7 Her record is a mis ---

8 MR. MCCARTY: Misdemeanor?

9 MR. GRAY: A misdemeanor. I think giving false
10 information. And that's it.

11 THE COURT: Would you agree with that?

12 MR. MCCARTY: I will. It is a false information
13 charge, a misdemeanor level offense.

14 THE COURT: All right. Do any of the family, the
15 victim's family, wish to be heard at this time?

16 MR. GRAY: No, sir, Your Honor.

17 THE COURT: All right then.

18 (Brief Pause)

19 THE COURT: I assume she has been serving time for
20 a period.

21 MR. MCCARTY: She has, Your Honor. I believe it's
22 five hundred and forty-three (543) days.

23 THE COURT: Five hundred and forty-three (543)
24 days? Thank you.

25 (Brief Pause)

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1 THE COURT: Ms. Hollis, I am very familiar with the
2 facts that have been alleged and the verdict of the jury
3 in this matter. It is my sentence in both cases, and the
4 sentences have been run concurrently, that you be
5 confined to the State Department of Corrections for a
6 period of thirty (30) years.

7 I've given you credit for five hundred and forty-
8 three (543) days. Good luck to you, ma'am.

9 MS. HOLLIS: Thank you, sir.

10 (Off-The-Record Comments)

11 MR. MCCARTY: Thank you, Your Honor.

12 THE COURT: Yes, sir. Mr. Thompson?

13 MR. THOMPSON: Your Honor, I've -- I've talked to
14 Officer Zane (phonetic). He informed me they've already
15 transported my client when I got down there.

16 THE COURT: All right. So -

17 MR. THOMPSON: I'd just ask the Court what I need
18 to do next?

19 THE COURT: Well, I want to go ahead and pass
20 sentence at this point in time. I'll ---

21 MR. MCCARTY: Your Honor, may Mr. and Mrs. Moore
22 leave?

23 THE COURT: Yes, they may. They're free to go.
24 Thank you.

25 (Ms. Hollis's family exits the courtroom.)

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1 (Off-The-Record Comments)

2 (Brief Pause)

3 THE COURT: Pass the sentencing sheets to me.

4 (Documents handed up to the Court.)

5 THE COURT: All right. It's -- it's my finding
6 that the Defendant's actions, at the close of the trial,
7 forfeited his right to be present at this point in time
8 because he pose a danger to the Court and those that are
9 here.

10 I'm going to put his signature down as a refusal to
11 sign.

12 (Brief Pause)

13 THE COURT: All right. Mr. Anderson was found
14 guilty by a jury of his peers of the offense of murder
15 and armed robbery. At this time, Mr. Thompson, I'll
16 allow you to speak on his behalf.

17 ATTY 3: May it please the Court, Your Honor. I'd
18 just like the Court to consider his young age, not -- not
19 the best background. I -- I think his mom testified he
20 went through the eighth (8th) grade.

21 THE COURT: Uh-huh (affirmative).

22 MR. THOMPSON: She's -- didn't go very far in
23 school. In fact, the times I spoke with him, he -- he
24 was in an alternative school at an early age. And I
25 think he stayed there for -- until he was allowed to -

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1 -- at the age -- at the age to quit or old enough to quit
2 or quit attending.

3 I'd just like you to consider those things in
4 passing sentence. I know his behavior here today was not
5 appropriate, but at the same time, it was -- you know, it
6 was somewhat hard to take for him.

7 And I'd just ask that you show some leniency and
8 maybe give him a chance at -- at some point; maybe not
9 max him out and -- and maybe he can get out and
10 contribute to society sometime in the -- in the future.

11 THE COURT: Mr. Gray?

12 MR. GRAY: Two thousand, ten (2010), there were
13 four convictions for strong armed robbery from this
14 young man. And there are some DJJ stuff I'm not going to
15 bring out -- up.

16 When he became an adult, obviously, it escalated.
17 He had to be arrested at -- at Probation and Parole
18 because he was on probation for these four charges.

19 Your Honor, as I said before with Ms. Hollis, these
20 people don't want any harm to come to this young man.
21 But they would like a life for a life.

22 And I'll let them speak at this time.

23 (Off-The-Record Comments)

24 THE COURT: Sir, your name is?

25 MR. BENNETT: My name is Paul Junior Bennett

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1 (phonetic).

2 THE COURT: Yes, sir, I'll be happy to hear from
3 you. And your relationship...?

4 MR. BENNETT: Father ---

5 THE COURT: Thank you.

6 MR. BENNETT: --- of Stephen Means.

7 THE COURT: Yes, sir?

8 MR. BENNETT: I'll be sixty (60) years old this
9 Christmas on my birthday. Me and wife, since my son got
10 killed, we ain't got a good night's sleep, man. And it
11 hurt, bad.

12 He's talking about that guy had a young life. My
13 son was young. He had a life ahead of him and a two-year
14 baby, man. Go ahead.

15 THE COURT: Ma'am, your name is?

16 MS. BENNETT: My name is Elaine Bennett. I'm
17 Stephen Means' mother.

18 THE COURT: Yes, ma'am.

19 MS. BENNETT: And all I have to say is, I'm not mad
20 at them. I'm not -- I'm not -- I'm not angry at them.
21 And I don't hate them.

22 But if they only knew what they've done to me. I
23 mean, it's -- I mean, they ruined my life. They took a
24 piece of my heart away from me.

25 And he said this young man is nineteen (19); come

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1 Saturday, my son would have been twenty-five (25) years
2 old. He left a one-year old son behind who will never
3 know his father. He will never know.

4 He left an uncle. He's a uncle. He's a brother. I
5 have three other kids. And my grandson will never know
6 who his father is. And he also was a young man.

7 He was only twenty-two (22) at the time. And they
8 took it upon themselves to take my son's life. And
9 that's all I have to say.

10 Like I say, I'm not mad at them. And I don't hate
11 them. But I just hate what they've done to me and my
12 family. Thank you very much.

13 THE COURT: Thank you, ma'am. Anything further
14 from the State?

15 MR. GRAY: No, sir, Your Honor.

16 (Brief Pause)

17 MR. THOMPSON: For the record, Your Honor ----

18 THE COURT: Yes, sir?

19 MR. THOMPSON: --- Mr. Anderson was -- has been
20 incarcerated since April 12th of 2011, Your Honor. I
21 don't -- I don't believe I brought that up.

22 THE COURT: All right. Thank you.

23 (Brief Pause)

24 THE COURT: All right. Based on the factors that
25 have been enumerated in the court today, for the armed

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1 robbery the sentence of Mr. Anderson is that he be
2 confined to the State Department of Corrections for the
3 period of thirty (30) years.

4 I've run that concurrent with the sentence for
5 murder. And the sentence for murder is life. Give him
6 credit for any time he may have served. Thank you very
7 much.

8 Court is adjourned until tomorrow morning.

9 (Whereupon, the proceeding concluded at 5:30 p.m.)

10 END OF VOLUME II
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CERTIFICATION

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REPORTER'S CERTIFICATE

I, the undersigned PAMELA FAUCETTE, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the Court reporter at the foregoing proceeding; that the foregoing pages, numbered 1 through 261, were transcribed by me and represent a complete and accurate transcription of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

December 27, 2012



Pamela S. Faucette
Official Court Reporter
Seventh Judicial Circuit

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAURI DANIELLE HOLLIS,

APPELLANT

APPELLATE CASE NO. 2012-213139

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred by refusing to direct a verdict of acquittal where the state's best evidence was that appellant remarked to someone in the common grounds of the apartment complex that the decedent was a "snitch," since this statement, even if heard and acted on, did not make appellant an aider and abettor and therefore responsible for the decedent's death where another man shot the decedent?

STATEMENT OF THE CASE

Appellant was indicted by the Spartanburg County Grand Jury for the offenses of murder and armed robbery. Her case came on for trial on October 1, 2012 before the Honorable Roger L. Couch, and a jury. Appellant Hollis was tried together with Charles L. Anderson, Jr., who faced the same charges in the decedent's death. Ryan McCarty represented appellant. Christopher Thompson represented co-defendant Anderson. R. 1.

At the conclusion of the trial on October 4, 2012, the jury found co-defendant Anderson and appellant guilty of murder and armed robbery. R. 427, l. 20 – 428, l. 10. Judge Couch sentenced appellant to thirty years imprisonment concurrent for both murder and armed robbery. R. 430, ll. 1-6. Judge Couch sentenced co-defendant Anderson to life imprisonment for murder and thirty years imprisonment for armed robbery. Supp. R. 3, ll. 1-24 ; R. 431, ll.1-7.

This appeal follows.

ARGUMENT

The court erred by refusing to direct a verdict of acquittal where the state's best evidence was that appellant remarked to someone in the common grounds of the apartment complex that the decedent was a "snitch," since this statement, even if heard and acted on, did not make appellant an aider and abettor and therefore responsible for the decedent's death or his robbery where another man shot the decedent.

Relevant Facts

In his opening statement, Defense Counsel McCarty addressed Assistant Solicitor Gray's opening remarks urging Appellant Lauri Hollis was guilty under "the hand of one is the hand of all." R. 15, ll.10-13. Counsel McCarty said: "Now, when Mr. Gray was up here, he referred to 'they,' [and] 'somebody.' It's more than that. It's more than just a carte blanche statement of the hand of one is the hand of all." McCarty told the jurors at "none of the evidence" would prove Appellant Hollis participated in the murder and robbery of the decedent. R. 18, l. 5 – 19, l. 20.

Spartanburg police officer William Foster responded to a "shots fired" dispatch on April 7, 2011 at the Oakview Apartments in Spartanburg. Foster testified that there was "a lot of people floating around," but maintained the police got better control as "we got more officers on the scene." R. 21, ll. 5-9; R. 28, ll. 23..

Officer Shane Morrow also responded to Oakview Apartment shooting. He remembered: "A large group of people standing around, milling around the area. I backed up everybody. I had to tell them a couple of times 'this is a crime scene. You need to back away,' as we were rendering aid to the individual." Morrow said he had to tell the crowd of people "to back up a couple of times." The decedent, Means, was shot in the area near

Apartment and was laying face down. R. 39, ll. 18-21. No suspects were developed at the time. R. 40, ll. 7-11. Morrow said people were just “saying they didn’t see anything.” R. 40, ll. 8-11.

The state’s evidence in their attempt to convict Appellant Hollis of being responsible for the decedent’s death was the often contradictory testimony of seventeen-year- old Molly B. Molly B. originally told the police that: “I went into the apartment. I did not see anyone standing in front of her apartment or see anyone arguing. I was on the downstairs couch holding a baby. Latrica [her friend] was upstairs and I think the other girl named Tara and Tiera was in the kitchen. I heard something that sounded like a gunshot. I did not think that it was a gun. I went to the door and opened it to look outside. That is when I saw the guy on the grass bent over.” R. 93, ll. 2-13.

When defense counsel later moved for a directed verdict, he reminded the judge of the evidence that appellant was a resident of Oakview Apartments, and of testimony appellant was seen outside the apartment complex, her home, that day two hours before the shooting. R. 331, l. 13 – 332, l. 3.

Molly B. drove a black Mercedes SUV. She went over to the Oakview Apartments because her friend Latrica Martin lived there. Molly B. acknowledged she did not “live anywhere near Oakview Apartments.” R. 66, l. 23 – 68, l. 5.

On the day the decedent was shot, Molly B. was at the apartment complex. She remembered that she took Latrica to the Little Cricket store down the road “and some guy needed a ride, Mr. Gaze, who wanted to get dropped off. And we took him.” R. 68, l. 3 – 69, l. 21.

Molly B. testified that there were about four people standing near her car when they returned to the apartment complex. She named three of them as being "Dee, Danielle [Appellant Hollis], and J. P." R. 70, ll. 1-10. In contrast to what she had told the police Molly B. testified at trial:

She [Appellant Hollis] had asked why I didn't get her anything to eat because we had a McDonald's bag. And then she started talking about some dude and was talking about how -- I **didn't really catch on to it**; she was just like something about they were about to get somebody because somebody **had snitched** on somebody.

And I was like, "What are you talking about?" And, then, like she just walked away from the car.

R. 70, ll. 16-23.

Molly B continued:

I saw a guy walking from another apartment down towards the fence. And like she was smacking at her face. And, then, the guys over here were kind of -- they were ganging up in front of my car. They were coming together with her.

And she was acting like a bug was flying around or something. I'm not sure. Then, I looked down at -- because I had a touchscreen navigation system and I looked down at it.

And, then, I looked back up and saw those guys. They were getting closer together. And I didn't really know what was going on.

I look back down at my radio. And, then, I heard a gunshot. And I looked up and he was falling to the ground and everybody was just kind of moving, like running away.

R. 71, l. 14 – 72, l. 2.

When asked how close appellant was to the man who got shot, Molly B. did not give a specific answer. She said there were at least four people around the decedent as he fell to

the ground. "They were just all like in a circle. And then they scattered, like a circle around him." R. 72, ll. 3-15. Upon questioning by the solicitor the following occurred:

Q. And do you recall what she said before this gentleman was shot?

A. She was talking about getting somebody, said that they been looking for somebody because he snitched and -- on somebody. I'm not really sure.

Q. Was she talking or was she yelling?

A. **No, she was just telling me and Latrica.**

Q. All right. Did she say anything that this gentleman might be the snitch or whatever?

A. No. I mean, but I guess that's who she was talking about obviously.

R. 72, l. 16 – 73, l. 1. (emphasis added)

Molly B. said appellant did not have a gun but she pointed to Charles Anderson in the courtroom, whom she did not know, as a man she saw with a gun in his hand. Molly B. said no one else out there that day had a gun other than Anderson. R. 73, l. 10 – 74, l. 16. Molly B. said people ran after the shooting but she could not say they all ran in the same direction. R. 74, l. 20 – 75, l. 3.

The solicitor also questioned Molly B. about appellant's hairstyle and Molly B. answered appellant had "dreads I think - - yeah, they were dreads." R. 75, ll. 17-19. The import of this was that appellant's change of her hairstyle at some time after the shooting was evidence of guilty knowledge. However, as will be seen infra, appellant voluntarily went to the police station to talk with the police when she found out the police considered her a possible suspect in this case. R. 285, ll. 12-20; R. 303, l. 17 – 304, l. 2; R. 313, l. 9 – 314, l. 7.

As to her trial version of what she witnessed, Molly B. admitted she was looking down at the time of the shooting and that when she looked back up “everybody was scattering away.” Molly B. acknowledged she did not witness the shooting. R. 95, l. 19 – 96, l. 15.

Investigator Brian Stokes admitted that Molly B.’s statements “changed from the time you initially spoke with her.” R. 311, ll. 2-5. In response to one question on cross-examination Stokes said he thought Molly B may have been “under the influence” when she first talked to the police. However, Stokes was cut off for speculating before he could continue trying to explain her inconsistencies. R. 310, ll. 19-24.

Anthony Kelly was the decedent’s cousin. R. 111, ll. 22-25. Kelly said the decedent wore a gold necklace “that he had bought specially made for him. It was Stewie from the The Family Guy TV show. And it had different colored rubies in it . . .” Kelly said the decedent wore this necklace every day. R. 113, ll. 16-24.

Kelly said he knew Appellant Hollis and saw her on a regular basis. “And she used to play with my cousins and my little boy. And, you know, played basketball for a while or whatever. She seemed like she was a decent person.” R. 114, ll. 11-18.

Kelly claimed he saw appellant at a large party the next weekend. He maintained she was wearing the “Stewie” necklace. R. 117, l. 25 – 119, l. 3.

On cross-examination Kelly was asked: “Why did you wait 544 days to come in here and tell what you just told here regarding Ms. Hollis?” Kelly said: “I wasn’t around when it actually happened. So the police, I guess why they didn’t get in contact with me or whatever.” R. 119, ll. 19-24. Kelly then claimed he had talked to the solicitor and said: “I’ve been coming up ever since this started.” R. 120, ll. 6-7.

Investigator Brian Stokes acknowledged that appellant “came and turned herself in once . . . the information was put out to the news media who we were seeking for the - - for the crime. And Ms. Hollis was the first to turn herself in.” Conversely “Mr. Anderson was arrested and brought to City Hall.” R. 285, ll. 12-20; R. 303, l. 17 – 304, l. 2; R. 313, l. 9 – 314, l. 7.

Officer Christopher Layton testified that appellant’s mother gave him a shirt when he executed a search warrant of her house. The shirt was taken from a Ford Expedition outside of the house, and he “assumed” she got the shirt from appellant. Layton also said he took “a pair of Khaki shorts and a belt.” R. 192, l. 13 – 194, l. 21.

SLED analyst Ila Simmons testified that gunshot residue was found on the shirt. Simmons admitted that gunshot residue could be found on clothing from being near the “cloud of smoke” when a gun was fired. Simmons stated that she could not tell how long the residue had been on the shirt, or from what gun, or whether from the crime scene in this case, and she acknowledged such residue would remain on the shirt until it was washed. R. 223, 10 – 226, l. 17.

Defense counsel moved for a directed verdict of acquittal on murder and armed robbery counts. Defense Counsel McCarty argued: “The only testimony relating to what occurred around this supposed robbery was that of Molly [B.]’s. And she said she looked down at her GPS unit in her car, heard the shot, and looked back up.” McCarty also noted the testimony of the witness that appellant was supposedly wearing the decedent’s necklace three or four days later. The evidence was circumstantial since there was no direct evidence linking appellant to the shooting. R. 324, l. 13 – 326, l. 9.

McCarty further attacked the state's theory on the "hand of one is the hand of all." McCarty argued that Molly B. had said something to them about the victim being a snitch, but even that did not denote the prior agreement or her being part of a common scheme or plan to rob or kill the decedent. McCarty said even if a person had prior knowledge that someone else may commit a crime and they are present at the time a crime is committed that that was not sufficient to convict them as a principal. R. 323, l. 1 – 325, l. 23. McCarty argued the state's alleged theory that this was a "hand of one hand of all" case was hopelessly faulty. R. 324, l. 13 – 326, l. 9.

The solicitor said the common scheme or plan "intention" could have been formed one minute beforehand or twenty four hours beforehand. The solicitor argued that appellant talked to Molly B. and said the decedent was a snitch. He claimed: "She sets things in motion," and he argued Anderson shot the decedent and appellant took the jewelry from the decedent. R. 326, l. 11 – 327, l. 14.

The judge said his recollection was the statement about a snitch was made to Molly B. He said he did not recall anyone else hearing that comment. The solicitor confirmed that the judge was correct. The judge also observed that even if a person knew a crime was about to be committed they had to do some overt act in furtherance of the crime. The solicitor again agreed. R. 327, l. 15 – 328, l. 9.

McCarty repeated that "mere presence" at the crime scene and even knowledge that a crime might occur were both insufficient basis on which to convict Appellant Hollis in the murder and armed robbery. R. 328, l. 12 – 329, l. 22. As stated above, defense counsel noted that appellant was as resident of Oakview Apartments. Defense counsel said that to argue her presence there proved some scheme "to get" the decedent was incorrect.

Appellant. R. 331, l. 10 – 332, l. 3. The judge stated the fact that there was testimony appellant was in possession of recently stolen good was enough to take the armed robbery charge to the jury. The judge said he was very concerned about the murder charge and he took it under advisement. R. 332, ll. 4-19.

When court resumed the judge said he had reviewed the testimony of Molly B. and found it sufficient to get beyond a directed verdict motion on whether Appellant Hollis may have participated in limiting “the movements of the victim allegedly. And there is sufficient evidence or circumstantial evidence to justify the case going to trial - - or going to the jury both on the charge of murder and armed robbery in both cases.” R. 333, ll. 6-15.

After appellant was convicted the solicitor again focused on appellant allegedly calling the decedent a “snitch,” stating: “I understand she is less culpable than Mr. Anderson, but I also understand if - - if she had not did what she did, **Mr. Means may still be here today.**” Supp. R. 2, ll. 4-6. (emphasis added)

Discussion

The judge erred by refusing to direct a verdict since there was no direct evidence or substantial circumstantial evidence appellant aided and abetted in the murder and robbery of the decedent. Molly B’s trial testimony was that she was outside and appellant approached her and her friend and asked her why she did not get appellant a hamburger from McDonald’s. Molly B. allegedly heard appellant, apparently when seeing the decedent outside, state that the decedent was a snitch. After that Molly B. stated appellant walked away and “like she was smacking at her face . . . she was acting like a bug flying around or something. I’m not sure.” After these vague statements Molly B. stated she was looking down at her phone when she heard a gunshot.” R. 70, l. 11 – 72, l. 20. She did not

remember how much time passed between appellant “swatting her hand” and hearing a gunshot. R. 85, ll. 16-23.

This is the evidence in the light most favorable to the state. It did not provide the direct or substantial circumstantial evidence required to overcome a motion for a directed verdict.

The state’s case was that because appellant stated to Molly B. that the decedent was a snitch, and walked away “smacking at her face” that this was substantial circumstantial evidence appellant was aiding and abetting in the armed robbery and murder of the decedent. It was not. State v. Lollis, 343 S.C. 580, 541 S.E.2d 254 (2001) The state’s case on the robbery was that because appellant allegedly was wearing the decedent’s stolen necklace three or four days later that was substantial circumstantial evidence she was guilty of armed robbery. It was not. State v. Rothschild, 351 S.C. 238, 569 S.E.2d 346 (2002); State v. Walker, 349 S.C. 49, 562 S.E.2d 313 (2002). “Mere suspicion” of guilt is insufficient to take the case to the jury, and beyond a directed verdict motion. State v. Lollis, 343 S.C. 580, 541 S.E.2d 254 (2001).

In State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), the Supreme Court held the state failed to produce substantial circumstantial evidence Bostick killed his neighbor, Ms. Polite, and set her house on fire. The state’s case was that Ms. Polite worked at her church and always brought the collection proceeds home on Sunday afternoon. The state presented evidence that investigators found personal items, burned by an accelerant, including a watch and two sets of car keys belonging to Ms. Polite in a burn pile on Bostick’s next door property. Bostick’s mother testified she never used accelerants in the burn pile.

The Supreme Court noted that the evidence above as well as the fact Bostick had a pattern of gasoline on his shoes and gasoline was the accelerant used to start the fire at the Polite home. The Court held this evidence raised a suspicion that Bostick may have been guilty but it was not sufficient for the case to have gone to the jury.

Earlier, and similarly, in State v. Martin, 340 S.C. 597, 533 S.E.2d 572 (2000) the Supreme Court held that the state's circumstantial evidence against Martin was insufficient to take the case to the jury. In Martin the defendant borrowed his girlfriend's car which was later placed near the scene of the murder.

On the morning after the murder the manager of a restaurant found several bags of garbage near the bar where defendant Martin and co-defendant Wilson picked up Martin's girlfriend late the prior night. Inside the trash were items belonging to the victim. Also found were inside were latex gloves similar to those Martin's girlfriend used to clean her dogs.

When Martin girlfriend's asked him why he and co-defendant Wilson were so late in picking her up from the bar, defendant Martin replied "some shit happened" and co-defendant Wilson added "someone may have died tonight."

The Supreme Court held that this circumstantial evidence was not substantial circumstantial evidence, and it was insufficient to take the case to the jury. The Court in Martin cited State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984) which was a case which provided a strong suspicion of the defendant's guilt.

In State v. Schrock, Schrock admitted to the police that he smoked Marlboro brand cigarettes – the same brand as the cigarette butts found at the murder scene. However, a saliva test could not match a cigarette butt to the defendant. A similar footprint to Schrock's

was found at the scene and nearby the scene. Schrock apparently later disposed of the clothes and shoes he had been wearing and he did not present an alibi. This Court held this evidence only raised a suspicion of Schrock's guilt and that he was entitled to a directed verdict.

In State v. Arnold, 361 S.C. 386, 605 S.E.2d 529 (2004), the Supreme Court affirmed the holding of the Court of Appeals that a directed verdict should have been issued. The victim, Cox, was shot, and his body found off of a road in Colleton County. On the last day Cox was seen alive he borrowed a friend's BMW Z3 to go to the dentist's office. The car was found in a parking lot in Johnson City, Tennessee and there was evidence the defendant telephoned a friend from 10 miles away from the car. The defendant's fingerprints were found inside the car. This Court reasoned the state only proved that the defendant was in the BMW on the last day that Cox was seen alive, and that was insufficient evidence to make this a jury question.

In State v. Lane, Op. No. 5175, Shearouse's Adv. Sh. #43, at 17-22 (filed October 9, 2013), this Court held a directed verdict of acquittal should have been issued in a burglary case. This Court found the evidence against Lane was: (1) a burgundy/red "Mitsubishi Gallant-type car" was in the victim's driveway the day of the theft; (2) At times Lane drove a red/burgundy Mitsubishi Gallant belonging to his girlfriend; (3) Lane drove the Gallant the day of the theft; (4) a folded piece of paper belonging to Lane was found in the victim's driveway that was not found by the police search, but was found later; (5) Lane did not want to talk to the police on the day after the theft; and, (6) Lane asked his girlfriend's mother to lie to the police about his whereabouts.

Again, the Court held a directed verdict should have been issued based on this evidence. State v. Lane, Op. No. 5175, Shearouse's Adv. Sh. #43, at 17-22 (filed October 9, 2013). Here, evidence that appellant said to Molly B. that the decedent was a snitch, and walked away making a "strange" gesture before someone (Anderson) shot the decedent was not substantial evidence of her guilt. Neither was it substantial circumstantial evidence when coupled with evidence appellant allegedly was in possession of the decedent's stolen necklace at a party three or four days later, and the fact she had gunshot residue on her shirt.

Appellant was undoubtedly at the crime scene in the apartment complex where the decedent was shot. The state's theory of the case was not that appellant shot the decedent so gunshot residue, even if it is assumed it came from this shooting, proved next to nothing since being near the "cloud of smoke" of the gunshot explained the gunshot residue.

Further, the judge erred by ruling that this evidence appellant was in possession of stolen goods was sufficient to take the case beyond the directed verdict stage on the charge of **armed robbery**, and to the jury. While an inference that appellant was in possession of stolen goods might create an inference she knowingly was in possession of stolen goods that same should not be applicable to **armed robbery** or burglary.

Appellant respectfully submits that although he and trial counsel cannot cite to a specific case that pre-Sandstrom¹ cases such as State v. Washington, 220 S.C. 442, 68 S.E.2d 400 (1951) that hold that the fact a defendant was in possession of "recently" stolen goods "**can be used as evidence that the defendant stole the goods,**" should no longer pass the test of time. It is essentially a presumption that the defendant stole the goods because she was in possession of them. To stretch that it can be essentially "presumed"

¹ Sandstrom v. Montana, 442 U.S. 510 (1979)

appellant participated in an armed robbery because she allegedly came to possess a necklace is anathema to our post-Sandstrom jurisprudence, and it was fundamentally unfair to this appellant. See State v. Legette, 282 S.C. 11, 316 S.E.2d 411 (1984) (jury instruction is impermissible where it can be interpreted by the jury as requiring the defendant to explain possession of recently stolen goods).

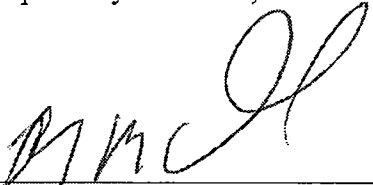
The state did not present substantial circumstantial evidence or probative direct evidence appellant aided and abetted the commission of this murder and armed robbery. Even if appellant knew “they” -- meaning others -- were going to harm the decedent because he was a snitch, this apartment complex was her home, she had a right to be there, and “mere knowledge” that a crime was going to be committed did not make her a principal in the murder as defense counsel argued. See State v. Mattison, 388 S.C. 469, 478, 697 S.E.2d 578, 583 (2010).

The solicitor stated that the decedent might still be alive if appellant had not said he was a snitch. Even if that is accepted as being true, that is not the legal standard for aiding and abetting to be guilty under the legal doctrine of the “hand of one is the hand of all,” and the trial judge therefore erred by refusing to direct a verdict of acquittal on both the murder and armed robbery charges.

CONCLUSION

By the reason of the foregoing argument appellant is entitled to a verdict of acquittal on the charges of murder and armed robbery.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 12th day of March, 2014.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

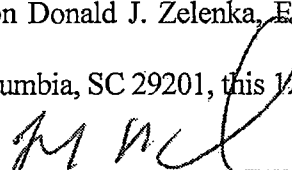
LAURI DANIELLE HOLLIS,

APPELLANT

APPELLATE CASE NO. 2012-213139

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 12th day of March, 2014.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 12th day of March, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 21, 2024.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAURI DANIELLE HOLLIS,

APPELLANT,

Appellate Case No. 2012-213139.

FINAL BRIEF OF RESPONDENT

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APPELLANT'S STATEMENT OF ISSUE ON APPEAL

Whether the court erred by refusing to direct a verdict of acquittal where the state's best evidence was that appellant remarked to someone in the common grounds of the apartment complex that the decedent was a "snitch," since this statement, even if heard and acted on, did not make appellant an aider and abettor and therefore responsible for the decedent's death where another man shot the decedent?

RESPONDENT'S COUNTER STATEMENT OF ISSUE ON APPEAL

Whether the trial court, viewing the facts and all reasonable inferences in the light most favorable to the State, properly denied Appellant's motion for directed verdict where substantial evidence, including eyewitness testimony that Appellant and others surrounded Victim immediately before he was shot, existed tending to prove the guilt of Appellant as to both murder and armed robbery.

RESPONDENT'S STATEMENT OF THE CASE

A Spartanburg County Grand Jury indicted Appellant, Lauri Danielle Hollis, in August 2011 for the murder of Steven Means (Victim) and for armed robbery. (R. p. 434). On October 1, 2012, Appellant's case was called to trial before the Honorable Roger L. Couch. (R. p. 1). Appellant was represented by Ryan McCarty during the three-day trial. (R. pp. 1-3). Appellant's co-defendant, Charles L. Anderson, Jr., was represented by Christopher Thompson. (R. pp. 1-2). Assistant Solicitors Abel Gray and Daniel Cude represented the State. (R. p. 1). On October 4, 2012, the jury returned a verdict of guilty on both counts against Appellant. (R. p. 428, lines 4-10). Judge Couch sentenced Appellant to be confined to the State Department of Corrections for a period of thirty (30) years for both convictions, with the sentences to run concurrently. (R. p. 430, lines 1-6). Thereafter, on October 8, 2012, Appellant filed a timely Notice of Appeal. (R. p. 433).

RESPONDENT'S STATEMENT OF FACTS

The Shooting

On April 7, 2011, Nicole Means, Victim's sister, came home after work to her apartment in the Oakview Apartments. (R. p. 49, line 6–p. 50, line 3; R. p. 62, lines 23–25). It was about 6:20 in the evening. (R. p. 49, lines. 22–25). As she arrived home, Means spotted her brother across the street, and she called out to him. (R. p. 49, line 23–p.50, line 8). He came over, and the two stood in the walkway outside her apartment talking. (R. p. 50, lines 5–15). At the time, Victim was wearing a striped shirt, khaki shorts, black tennis shoes, gold teeth, and a red hat. (R. p. 51, lines 2–15). Victim was also wearing a necklace with a cartoon character on it—the character was baby Stewie from the television show Family Guy. (R. p. 51, lines 11–15). The two parted, and Means went inside her apartment, but before the screen door closed behind her, she heard a noise like a firecracker. (R. p. 51, lines 16–23). She went back outside to see what was going on. (R. p. 51, line 25–p. 52, line 6). When she looked up the street, she saw her brother lying face down on the ground. (R. p. 52, lines 5–14). Means immediately ran to Victim, and when she got there, she saw that his hat, jewelry, and the top part of his gold teeth were gone. (R. p. 52, line 15–p. 53, line 9). The bottom part of his gold teeth was hanging out of his mouth. (R. p. 52, line 22–p. 53, line 3).

Police were first on the scene, and one of the officers, Lieutenant W.M. Foster began administering CPR to the Victim when he arrived. (R. p. 20, line 4–p. 22, line 17). Foster saw what appeared to be a bullet wound on the left side of Victim's chest where his heart would be. (R. p. 22, lines 4–10). Paramedics then arrived and took over rendering aid to Victim. (R. p. 43, line 12–p. 46, line 4). Though Victim did not have a pulse and was not breathing, the paramedics put him in their ambulance and continued rendering aid on the way to the hospital.

(R. p. 44, line 20–p. 45, line 20). After Victim died,¹ Officer Jennifer Watson with the Spartanburg Public Safety Department collected Victim’s belongings from the hospital. (R. p. 126, line 11–p. 127, line 25). The items Watson recovered did not include a necklace or a large charm. (R. p. 127, lines 21–25).

The Investigation

Investigator Brian Stokes, who became the lead investigator in Victim’s murder, responded to the scene of the shooting at 7:02 pm on April 7, 2011. (R. p. 279, line 18–p. 280, line 23). That night, he and other police officers canvassed the area and went door-to-door trying to find witnesses to the shooting. (R. p. 281, line 20–p. 282, line 14). They spoke with Means, some people who were in a car when the shooting occurred, Molly B. (a minor), and her friend, Latrica. (R. p. 282, lines 8–25). Using statements from those witnesses and other tips, investigators developed a list of potential suspects. (R. p. 283, lines 1–23). Investigators only had nicknames from the tips, but they were able to identify the real names of the potential suspects. (R. p. 283, line 21–p. 284, line 25). Appellant was one of the potential suspects. (R. p. 284, lines 21–25):

Police obtained warrants for the suspects on Sunday, April 10, 2011. (R. p. 303, lines 1–23). On Monday, April 11, 2011, they released the names of the suspects to the media. (R. p. 303, line 17–p. 304, line 2). Later that day, Appellant turned herself in and met with investigators. (R. p. 285, lines 7–16).

¹ Dr. David Wren, who performed Victim’s autopsy, testified that Victim died of an “internal hemorrhage, secondary to a gunshot wound to the back.” (R. p. 169, lines 15–22). Dr. Wren additionally testified that Victim sustained three gunshot wounds. (R. p. 169, line 24–p. 172, line 24).

Also on April 11, 2011, police went to Appellant's mother's residence to execute a search warrant. (R. p. 185, lines 11–20; R. p. 205, line 20–p. 207, line 3). Though they did not recover any items from the residence, officers obtained a purple shirt, a pair of khaki shorts, and a multi-colored belt from a vehicle that belonged to Appellant's mother. (R. p. 185, line 21–p. 186, line 16). According to the testimony of Sergeant Mark Hillers, Appellant's mother advised him that the clothing belonged to Appellant. (R. p. 186, lines 17–24).

The purple shirt and khaki shorts were transferred to the South Carolina Law Enforcement Division (SLED) where lab technician Ila Simmons tested the shirt for gunshot residue. (R. p. 215, line 12–p. 219, line 13). She found round lead particles on the shirt, indicating the presence of gunshot residue. (R. p. 219, line 8–p. 221, line 6). On cross-examination, Simmons testified that, in general, gunshot residue from a handgun would not travel farther than about four or five feet, but Simmons admitted that environmental factors could affect that. (R. p. 223, line 10–p. 225, line 11).

On April 12, 2011, Police recovered the gun used to shoot Victim² from Appellant's co-defendant's room at his mother's house. (R. p. 196, line 2–p. 203, line 25).

Testimony from Witnesses to the Shooting

At Appellant's trial, the State presented a number of witnesses who witnessed Victim's shooting.

Alice Carroll testified that she was sitting in a car in front of her apartment when she witnessed the following:

² Ira Parnell, a forensic examiner with SLED, opined that a bullet recovered from Victim's body was shot by the gun recovered from Anderson's mother's home. (R. p. 229, line 3–p. 237, line 6).

A. I seen the—the guy who—who got killed. I seen him come out of—out of his sister's apartment and ask somebody for a light or something.

And the next thing I know, it sounded like a firecracker pop. And he tried to walk away from them and the next thing I know he was over on the—on the other side dead.

Q. You saw him fall to the ground?

A. Yes, yes, sir.

(R. p. 100, lines 16–23). Carroll further testified that she saw two people walk up to Victim—one was heavysset with dreadlocks, but she could not tell if it was a man or a woman. (R. p. 101, line 14–p. 102, line 14). Carroll also testified:

They—they came walking down the sidewalk when he was coming up the sidewalk. And I don't know if they had a gun or not. I don't know.

But it sounded just like a firecracker. And when—when—when nobody—when they started walking up to him—when they walked up to him they popped—they popped him.

(R. p. 101, lines 18–23). Carroll could not identify anyone who she saw the day of the shooting in the courtroom during her testimony. (R. p. 102, line 3–p. 103, line 22). Carroll acknowledged that she wore glasses and was wearing them on the day of the shooting but that she did not bring them to court. (R. p. 103, line 23–p. 104, line 1).

Another witness, Perry Crain, testified that he saw “a man, he pulled—he shot a man and turned around and walked up the street and turned back to the left and went down the road.” (R. p. 106, lines 2–4). Crain testified that he could not remember the face of the shooter. (R. p. 106, lines 5–17). However, he remembered giving a statement to police where he stated that the shooter had dreadlocks and was a black man wearing a black pullover shirt. (R. p. 107, line 16–p. 109, line 3).

On the day of Victim's shooting Molly B. was at the Oakview Apartments visiting her friend Latrica. (R. p. 67, line 14–p. 75, line 24). Molly B. testified that she and Latrica were sitting in her car when Appellant came over to talk to them. (R. p. 70, lines 11–14). Molly B. described the conversation she had with Appellant and Appellant's actions before and after Victim was shot:

Q. She was talking to you about what?

A. She had asked why I didn't get her anything but [sic] eat because we had a McDonald's bag. And then she started talking about some dude and was talking about how—I didn't really catch on to it; she was just like something about they were about to get somebody because somebody had snitched on somebody.

And I was like, "What are you talking about?" And, then, like she just walked away from the car.

...

Q. After she walked away from you, did you hear anything or see anything?

A. I saw a guy walking from another apartment down towards the fence. And like she was smacking at her face. And, then, the guys over here were kind of—they were ganging up in front of my car. They were coming together with her.

And she was acting like a bug was flying around or something. I'm not sure. Then, I looked down at—because I had a touchscreen navigation system and I looked down at it.

And, then, I looked back up and saw those guys. They were getting closer together. And I didn't really know what was going on.

I look back down at my radio. And, then, I heard a gunshot. And I looked up and he was falling to the ground and everybody was just kind of moving, like running away.

Q. Was Ms. Hollis anywhere near the—the gentleman that was shot?

A. Yes, sir.

Q. How close to him was she?

A. Well, when I looked up, they were just all like in a circle. And then they just scattered, like a circle around him.

I—I didn't see him until they moved. And he was falling to the ground.

Q. At least four (4) people?

A. Yes, sir.

Q. And one of them was Ms. Hollis?

A. Yes, sir.

Q. And do you recall what she said before this gentleman was shot?

A. She was talking about getting somebody, said that they been looking for somebody because he snitched and—on somebody. I'm not really sure.

(R. p. 70, line 15–p. 72, line 20). Molly B. testified that she did not see Appellant with a gun at the time of the shooting, but she identified Appellant's co-defendant, Anderson, as the man she saw with a gun that day. (R. p. 73, line 10–p. 74, line 19).

Testimony Regarding Appellant's Appearance Before and After the Shooting

At trial multiple witnesses testified that Appellant had dreadlocks before and on the day Victim was shot. (R. p. 64, line 21–p. 65, line 6; R. p. 75, lines 17–24; R. p. 114, lines 19–23; p. 162, line 18–p. 163, line 7). However, Victim's cousin, Anthony Kelly, saw Appellant at a party the weekend after the shooting and noticed that she had shaved her dreads off. (R. p. 116, line 10–p. 117, line 24). Kelly also noticed that Appellant was wearing "the same necklace that [his] cousin had on his neck." (R. p. 117, line 25–p. 118, line 7). Kelly noted that the necklace was very recognizable—"[i]t was Stewie from The Family Guy TV show. And it had different colored rubies in it. . . ." (R. p. 113, lines 16–22; R. p. 118, lines 4–11). Kelly also testified that

he had seen Victim wearing the necklace earlier in the day on the day he was shot. (R. p. 122, lines 11–21).

ARGUMENT

The trial court, viewing the facts and all reasonable inferences in the light most favorable to the State, did not err in denying Appellant's motion for directed verdict where substantial circumstantial evidence existed tending to prove the guilt of Appellant as to both murder and armed robbery.

Introduction

Respondent submits that the following evidence, which was presented to the jury, constitutes substantial circumstantial evidence that Appellant is guilty of aiding or abetting in Victim's murder and of armed robbery:

- Molly B.'s testimony that prior to Victim being shot Appellant told Molly B. that "they were about to get somebody because somebody had snitched on somebody[;]"
- Molly B.'s testimony that, as Victim was coming from another apartment, a group of guys, who Appellant had been talking to earlier, came together with Appellant in front of Molly B.'s car;
- Molly B.'s testimony that the group surrounded Victim and then a gunshot went off and the group scattered;
- other eyewitness testimony that a heavysset person with dreadlocks was involved in the shooting;
- evidence that Appellant had dreadlocks at the time of the shooting but shaved her head soon after;
- evidence that a shirt belonging to Appellant and retrieved by police just days after the shooting had round, lead particles on it, consistent with gunshot residue;

- evidence that Victim was wearing a recognizable necklace with a Stewie charm on it immediately prior to the shooting but that the necklace was gone immediately after he was shot and that Appellant was seen wearing the same Stewie charm two days later.

Viewing the facts and all reasonable inferences in the light most favorable to the State, the State has done more than “raise[] a suspicion that the accused is guilty.” *State v. Odems*, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011).

Standard of Review

In reviewing a motion for a directed verdict, the trial judge is concerned with the existence of evidence, not with its weight. *State v. Curtis*, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004) (citing *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). In an appeal from the denial of a directed verdict motion, the appellate court must view the evidence in the light most favorable to the State. *Id.* (citing *State v. Burdette*, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999)). “If there is any direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the Court must find the case was properly submitted to the jury.” *Id.* (citing *State v. Pinckney*, 339 S.C. 346, 349, 529 S.E.2d 526, 527 (2000)). “Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error.” *State v. Arnold*, 361 S.C. 386, 389, 605 S.E.2d 529, 531 (2004).

How the Issue Was Raised at Trial

At the close of the State’s case, Appellant’s counsel moved for a directed verdict on the armed robbery charge and asserted that the State had not met its burden because it had not presented any witness who saw anyone removing anything from Victim or taking and carrying

away anything from Victim. (R. p. 322, line 16–p. 323, line 25). Additionally, counsel pointed out that the State had not introduced any physical evidence, such as the necklace, that belonged to Victim but was not recovered from Appellant or anyone else. (R. p. 323, lines 16–22). Thus, counsel argued that there was insufficient evidence to go forward on the charge of armed robbery. (R. p. 323, lines 23–25).

Additionally, Appellant's counsel moved for a directed verdict on the murder charge. Counsel made the following arguments before the trial court:

Your Honor, with regard to the hand of one is the hand of all, as the Court knows on—and I'm referencing the *Franklin* (phonetic) case from 1989, a State Supreme Court case, but in that they're talking about the prior knowledge of a crime.

Even if you know that it's going to be committed, without more it's not sufficient to make a person guilty of that crime.

"Mere knowledge that another person is going to commit a crime, even if they are present when the crime is committed, is not sufficient to convict them as a principal.

"Guilt as a principal must be shown by actual, constructive presence at a scene as a result of a prior arrangement. Therefore, a finding of a prior arrangement, plan, or common scheme, is necessary to find guilt as a principal."

Your Honor, in this case—and, again, I—what I read there was a—a request for charge that I had which came out of the request for charge publication that they submit throughout the bar and we're able to purchase. And that's quoting the *Franklin* case from 1989.

But, in this situation here as well, Your Honor, I don't know that the State again has put forth and met its burden of proof as far as satisfying every element of the crime to—of murder under the accomplice liability theory to show to submit it to the jury for consideration, in that, they have established that there's no prior arrangement;

That there is no theme or motive or anything like that which places her there and even participated and helped set it up or, by prior arrangement, be there.

The only testimony that Molly [B.] provided was that apparently or supposedly Ms. Hollis said to her something about they are going to get Mister—or they're going to get the victim something about a snitch, to that effect.

That doesn't denote a prior arrangement as to her reason for being there. It doesn't denote anything as far as her being part of a scheme or a plan to execute this.

And, therefore, I think the State has failed to meet its burden of proof regarding the elements of this offense to charge her under accomplice liability as the hand of one is the hand of all.

(R. p.324, line 8–p. 326, line 2).

In response, the State asserted that it had presented enough evidence from which the jury could convict Appellant of both the armed robbery and of the murder, and the State asked the court to deny the motion. (R. p. 326, line 11–p. 328, line 1). Counsel for the State mentioned Molly B.'s testimony that Appellant and a group of guys came up to Victim and surrounded him, restricting his movements, before he was shot. (R. p. 327, line 21–p. 331, line 2). Appellant's counsel again argued that the State had not presented sufficient evidence to meet the elements of the crime and further pointed out that Appellant's presence at the crime scene could be explained as she was a resident of the Oakview Apartments. (R. p. 328, line 12–p. 332, line 3).

The court found that the State had presented sufficient evidence on the armed robbery charge. (R. p. 332, lines 4–14). Then the court took a short recess to review Molly B.'s testimony before ultimately finding "that the testimony [was] sufficient to indicate that the Defendant, Ms. Hollis, may have participated in an effort to restrict the movements of the victim allegedly." (R. p. 332, line 15–p. 333, line 10). Thus, the court found that there was sufficient evidence to go to the jury on both the murder and armed robbery charges. (R. p. 333, lines 11–14).

After Appellant's co-defendant presented his case, Appellant's counsel asked the court to reconsider his earlier motions. (R. p. 344, line 24–p. 346, line 4). The court stated that it reconsidered the motions and that its rulings would be the same. (R. p. 346, lines 5–7).

Analysis

In her brief, Appellant cites a number of South Carolina Supreme Court cases where the court found directed verdicts warranted based on the evidence that had been presented by the State. See *State v. Bostick*, 392 S.C. 134, 708 S.E.2d 774 (2011); *State v. Arnold*, 361 S.C. 386, 605 S.E.2d 529 (2004); *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (1984). Respondent respectfully asserts that the evidence presented by the State in Appellant's case far exceeds that presented in the cases cited by Appellant.

In *State v. Bostick*, the victim was found bludgeoned in her house, which had been set ablaze. 392 S.C. at 136, 708 S.E.2d at 775. The court recited the following evidence that had been presented against Bostick:

(1) [victim's] car keys, calculator, and other items from her home were found in the Bostick family's burn pile; (2) the fire in the burn pile was accelerated with either kerosene or diesel fuel, and Bostick's mother did not use those accelerants when she burned things in the pile; (3) Bostick had a pattern that matched gasoline on his shoes and gasoline was the accelerant use for the house fire; and (4) while the DNA from the blood on Bostick's jeans excluded about ninety-nine percent of the population, the blood could not be matched to [victim's] DNA.

Id. at 142, 708 S.E.2d 774, 778. In finding that a directed verdict was appropriate, the court noted there was no evidence linking Bostick to the crime scene or to the items found in the burn pile, nor was the weapon used to beat the victim ever introduced. *Id.* at 141, 708 S.E.2d at 778. Finally, though the State had theorized that the victim, who was treasurer for her church, was killed for the money she had at her home, the court pointed out that "no evidence was introduced concerning Bostick's knowledge that [the victim] may have had money in the briefcase or if indeed any money was in the briefcase on that particular Sunday." *Id.* at 142, 708 S.E.2d at 778.

In *Arnold* the victim was shot and his body was found off a dirt road in Colleton County. 361 S.C. at 388, 605 S.E.2d at 530. The car that the victim had been driving the last day he was seen alive was recovered in Johnson City, Tennessee, and a witness testified that Arnold called him the day after the victim was shot from Arnold's father's home ten miles from where the car was found. *Id.* at 389, 605 S.E.2d at 530. Arnold's fingerprint was found on a coffee cup lid in the center console. *Id.*, 605 S.E.2d at 530. The South Carolina Supreme Court found that such evidence "raise[d] a suspicion of guilt, but [was] not evidence that the respondent killed [the victim]." *Id.* at 390, 605 S.E.2d at 531.

Appellant also cited this Court's recent decision in *State v. Lane*, 406 S.C. 118, 749 S.E.2d 165 (2013) where the Court found that a trial court erred in granting a directed verdict in a first-degree burglary case where the State presented the following evidence:

(1) the testimony of [victim's] neighbor that a burgundy/red "Mitsubishi Gallant-type car" with a paper tag and primer painted panel was in [victim's] driveway the day of the theft; (2) testimony that at times Lane drove a red/burgundy Mitsubishi Gallant belonging to his girlfriend that matched the description given by [victim's] neighbor; (3) testimony that a folded piece of paper belonging to Lane was found in [victim's] driveway that was not originally found by the police but found later outside; and (5) testimony that Lane did not want to talk to police officers the day after the theft and asked his girlfriend's mother to lie to officers concerning his whereabouts.

406 S.C. at 122, 749 S.E.2d at 168.

Appellant argues that

evidence that appellant said to Molly B. that the decedent was a snitch, and walked away making a "strange" gesture before someone (Anderson) shot the decedent was not substantial evidence of her guilt. Neither was it substantial circumstantial evidence when coupled with evidence appellant allegedly was in possession of the decedent's stolen necklace at a party three or four days later, and the fact that she had gunshot residue on her shirt.

Final Br. of Appellant at 16. However, Appellant's synopsis of the facts omits some of the most incriminating facts against her. For example, in addition to testifying that Appellant made a

strange gesture before Victim was shot, Molly B. also testified that when she pulled up in her car, Appellant was talking with a group of guys, (R. p. 94, lines 11–13). According to Molly B.’s testimony, Appellant then told Molly B. about “get[ting] somebody because somebody had snitched on somebody.”³ (R. p. 70, lines 20–21). After Molly B. spoke with Appellant, she saw Victim walking from another apartment. She then witnessed the group of guys “gang[] up” in front of her car and “com[e] together” with Appellant. (R. p. 71, lines 14–18). Molly B. looked down, heard a gunshot, and then when she looked back up, she saw a circle of four people, including Appellant, around Victim. (R. p. 71, line 25–p. 72, line 15). Molly B. saw Victim falling to the ground and everyone else running away.

Respondent submits that the State presented sufficient evidence that Appellant aided and abetted in the commission of murder and armed robbery.

Under the “hand of one is the hand of all” theory of accomplice liability, one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design or purpose. A defendant may be convicted on a theory of accomplice liability pursuant to an indictment charging him only with the principal offense. [However, mere presence and prior knowledge that a crime was going to be committed, without more, is insufficient to constitute guilt. [Rather,] presence at the scene of a crime by pre-arrangement to aid, encourage, or abet in the perpetration of the crime constitutes guilt as a principal.

State v. Gibson, 390 S.C. 347, 354, 701 S.E.2d 766, 769–70 (Ct. App. 2010) (quoting *State v. Thompson*, 374 S.C. 257, 261–62, 647 S.E.2d 702, 704–05 (Ct. App. 2007) (internal quotations

³ Molly B. testified, “she was just like something about they were about to get somebody because somebody had snitched on somebody.” (R. p. 70, lines 19–20). According to Appellant, “they” means others, Initial Br. of Appellant at 17, but Respondent would point out that based on Molly B.’s testimony it is unclear whether Molly B. was including Appellant in the “they” or not. It could be that Appellant said “we are about to get the snitch” or “they are about to get the snitch” based on Molly B.’s use of “they,” but the record does not reflect the exact words that Appellant used. It is, of course, possible that Appellant included herself in the group of people who she said were going to “get” Victim because he had snitched, but, at the very least, it is clear that Appellant was aware that the group of guys was going to “get” Victim.

and citations omitted)). Through Molly B.'s testimony, the State established both Appellant's presence at the scene and her prior knowledge of the plan to get Victim. However, Molly B.'s testimony also established Appellant's overt act toward the commission of the murder—in particular, she helped surround Victim before he was shot. As Judge Couch found, “the testimony [was] sufficient to indicate that [Appellant] may have participated in an effort to restrict the movements of the victim allegedly.” (R. p. 333, lines 7–10). Eyewitness testimony of Appellant's actions in furtherance of the murder is substantial evidence tending to prove Appellant's guilt. Thus, the trial court did not err in denying the motion for a directed verdict on the murder charge.

Respondent would further note that other evidence presented by the State corroborated Molly B.'s testimony that Appellant assisted in Victim's murder—for instance, other eyewitnesses identified a heavyset person⁴ with dreads as involved in the shooting, and there was gunshot residue found on one of Appellant's shirts. Also, other testimony established that Appellant had dreadlocks at the time of the shooting but that she shaved her head soon after the shooting. *See People v. Torres*, 179 A.D.2d 696, 696–97 (N.Y. App. Div. 1992) (“[Evidence of defendant's appearance at time of arrest] tended to show that the defendant was attempting to change his appearance in order to avoid apprehension which is relevant on the material issue of the defendant's consciousness of guilt.”).

Respondent submits that this case differs greatly from the cases cited by Appellant where the Supreme Court found that directed verdicts were warranted. In contrast to this case where eyewitness testimony established Appellant's knowledge of and involvement in Victim's murder, many of the cases cited by Appellant lacked evidence linking the defendant to the scene

⁴ One witness told police that it was a man with dreads who was involved in the shooting. Another witness was not sure if it was a man or a woman.

of the crime, *see State v. Bostick*, 392 S.C. 134, 141, 708 S.E.2d 774, 778 (2011) (“No direct evidence linked Bostick to the crime scene or the items found in the burn pile.”); *State v. Arnold*, 361 S.C. 386, 390, 605 S.E.2d 529, 531 (2004) (“[T]here is no evidence respondent was at the scene of the crime”); *State v. Martin*, 340 S.C. 597, 602, 533 S.E.2d 572, 574 (2000) (“Most significantly, the State’s evidence failed to place either defendant inside the apartment.”); *State v. Schrock*, 283 S.C. 129, 132, 322 S.E.2d 450, 452 (1984) (“Nothing in evidence places Schrock at the scene of the crime.”). Though the Supreme Court of South Carolina has explicitly rejected “the proposition that the trial court must grant a directed verdict if the State fails to present evidence placing the defendant at the scene of the crime[.]” *State v. Frazier*, 386 S.C. 526, 532, 689 S.E.2d 610, 613 (2010), Respondent merely points out this difference to highlight the disparity between the evidence presented in the cases cited by Appellant and the evidence presented at Appellant’s trial.

As to the armed robbery charge, Respondent respectfully asserts that the State presented sufficient evidence to survive Appellant’s motion for directed verdict. Through the testimony of Victim’s sister, the State established that Victim was wearing his Stewie necklace immediately before being shot, but he was not wearing it when his sister found him on the ground. (R. p. 51, line 3–p. 52, line 21). The State also presented evidence that Appellant was seen wearing the necklace at a party the Saturday after Victim was killed. (R. p. 117, line 25–p. 119, line 5; R. p. 120, line 23–p. 121, line 4). The State did not present eyewitness testimony of anyone who saw Appellant take Victim’s necklace. Even so, Respondent submits that the evidence presented at Appellant’s trial exceeds that presented in *State v. Lane*, 406 S.C. 118, 749 S.E.2d 165 (Ct. App. 2013), because the State established Appellant’s presence at the time Victim’s necklace was taken (which presumably took place in conjunction with Victim’s murder) and that Appellant

possessed the necklace two days later. Indeed, the evidence does more than “raise[] a suspicion that the accused is guilty.” *State v. Odems*, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011).

In light of *Sandstrom v. Montana*, 442 U.S. 510 (1979), Appellant urges the court “that the fact a defendant was in possession of ‘recently’ stolen goods ‘can be used as evidence that the defendant stole the goods,’ should no longer pass the test of time. It is essentially a presumption that the defendant stole the goods because she was in possession of them.”⁵ Final Br. of Appellant at 16 (citing *State v. Washington*, 220 S.C. 442, 68 S.E.2d 400 (1951)). However, Respondent disagrees that any presumption is created by charging the jury (as Judge Couch did) the following:

[I]f a defendant is found in possession of recently stolen goods, that fact can be used as evidence that the defendant stole the goods.

This would simply be an evidentiary fact. It should be taken into consideration by you and considered along with all the other evidence in the case.

You give it the weight you think it should have and decide, as I’ve charged you, in weighing any evidence in the case.

(R. p. 401, lines 1–10). Neither the burden of production nor the burden of persuasion was shifted to Appellant by the jury charge regarding Appellant’s possession of the stolen property—it was simply another evidentiary fact for the jury to consider in determining whether Appellant was guilty of armed robbery. *See Shell v. Lewis*, No. C 11-2515 JSW, 2012 WL 3235798 at *10 (N.D. Ca. 2012) (citing *Sandstrom*, 442 U.S. at 523–24) (“If a jury instruction lightens the prosecution’s burden of proof to something less than beyond a reasonable doubt by shifting the

⁵ Respondent notes that the only issue pending in this appeal is the issue of directed verdict. Appellant has not challenged the jury charge regarding Appellant’s possession of recently stolen goods. Nor was any such objection raised to or ruled upon by the trial court. Nevertheless, Respondent addresses this assertion as it does tangentially relate to Appellant’s directed verdict issue.

burden of proof to the defendant, then that instruction violates the Due Process Clause of the Fourteenth Amendment).

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the judgment, conviction, and sentence of the trial court should be affirmed.

Respectfully submitted,

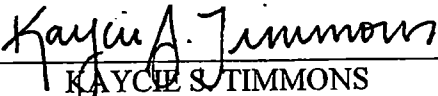
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ATTORNEY(S) FOR RESPONDENT

March 12, 2014
Columbia, South Carolina

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

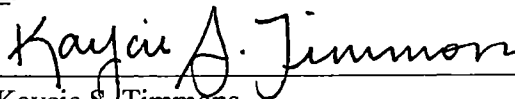
LAURI DANIELLE HOLLIS,

APPELLANT,

Appellate Case No. 2012-213139.

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the August 13, 2007 Order of the South Carolina Supreme Court, "Re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."



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March 12, 2014
Columbia, South Carolina

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge

THE STATE,

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V.

LAURI DANIELLE HOLLIS,

APPELLANT,

Appellate Case No. 2012-213139.

PROOF OF SERVICE

I, Kaycie S. Timmons, counsel for the Respondent, certify that I have served the within Final Brief of Respondent and Certificate of Compliance on Appellant by depositing two (2) copies of the same in the United States mail, first class, postage prepaid, addressed to his attorney of record Robert M. Dudek at:

SCCID/Division of Appellate Defense
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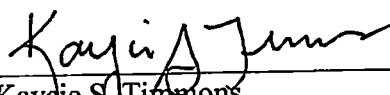
I further certify that all parties required by Rule to be served have been served.

This twelfth day of March, 2014.

RECEIVED

MAR 12 2014

SC Court of Appeals



Kaycie S. Timmons
Assistant Attorney General
SC Bar No. 100237

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

State of South Carolina, Respondent,

v.

Lauri Danielle Hollis, Appellant.

Appellate Case No. 2012-213139

Appeal From Spartanburg County
Roger L. Couch, Circuit Court Judge

Unpublished Opinion No. 2014-UP-319
Submitted July 1, 2014 – Filed August 6, 2014

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Donald J. Zelenka, and
Assistant Attorney General Kaycie Smith Timmons, all
of Columbia; and Solicitor Barry Joe Barnette, of
Spartanburg, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Weston*, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006) ("When reviewing a denial of a directed verdict, this [c]ourt views the evidence and all reasonable inferences in the light most favorable to the [S]tate."); *id.* at 292-93, 625 S.E.2d at 648 ("If there is . . . substantial circumstantial evidence reasonably tending to prove the guilt of the accused, [this c]ourt must find the case was properly submitted to the jury."); *State v. Moore*, 374 S.C. 468, 476, 649 S.E.2d 84, 88 (Ct. App. 2007) ("Robbery is defined as the felonious or unlawful taking of . . . personal property of any value from the person of another . . . by violence" (internal quotation marks omitted)); *State v. Muldrow*, 348 S.C. 264, 267, 559 S.E.2d 847, 849 (2002) (defining armed robbery as the commission of robbery plus the additional element "that the robber was armed with a deadly weapon"); *State v. Thompson*, 374 S.C. 257, 261-62, 647 S.E.2d 702, 704-05 (Ct. App. 2007) (stating that "under the hand of one is the hand of all theory [of accomplice liability], "presence at the scene of a crime by pre-arrangement to aid, encourage, or abet in the perpetration of the crime constitutes guilt as a [principal]" (alterations by court) (internal quotation marks omitted)).

AFFIRMED.¹

WILLIAMS, KONDUROS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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August 22, 2014

The Honorable M. Hope Blackley
PO Box 3483
Spartanburg SC 29304-3483

REMITTITUR

Re: The State v. Lauri D. Hollis
Lower Court Case No. 2011GS4205110, 2011GS4205111
Appellate Case No. 2012-213139

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "V. Claire Allen".

DEPUTY CLERK

Enclosure

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire
Kaycie Smith Timmons, Esquire
John W. McIntosh, Esquire
Barry Joe Barnette, Esquire

FORM 5

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 LAURIE D. HOLLIS #352710)
 Full name and prison number (if any) of Applicant.)

IN THE COURT OF COMMON PLEAS

2015-CP-42-433

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Graham Correctional Institution, 4450 Broad River Road, Columbia, SC 29210
2. Name and location of Court which imposed sentence Spartanburg County Court of General Sessions, 180 Magnolia St., Spartanburg, SC 29306
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 11-GS-42-5111 - Murder
 - (b) 11-GS-42-5110 - Armed Robbery
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence: _____

SCANNED
[Handwritten signature]

Revised 3/2003

- (a) October 4, 2012 - 30 years
 - (b) October 4, 2012 - 30 years, concurrent
 - (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty
 - (b) after a plea of not guilty x
 - (c) after a plea of nolo contendere
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
 - i. South Carolina Court of Appeals
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. denied
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. _____
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. _____
 - ii. _____
 - iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
 - (b) _____
 - (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of counsel
 - (b) _____
 - (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
 - (b) _____
 - (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief?
 - (c) any petition in the United States Supreme Court for certiorari other than petitions. if any, already specified in (8)? _____
 - (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
 - (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
 - (c) the disposition thereof:
 - i. _____

- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) _____
- (b) _____

- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea?
 - (b) your trial, if any? x
 - (c) your sentencing? X
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? x
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 - i. Ryan F. McCarty, 260 North Church Street, Spartanburg, SC 29304
 - ii. Appellate Defense, P.O. Box 11598, Columbia, SC 29211
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. Trial, Sentencing
 - ii. Direct Appeal
 - iii. _____
19. State clearly the relief you seek in filing this application:
- New Trial
20. Are you now under sentence from any other court that you have not challenged?
- No

STATE OF SOUTH CAROLINA

)

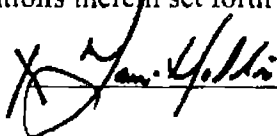
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County of Richland

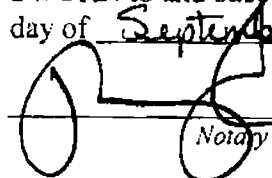
)

VERIFICATION

I, Laurie D. Hollis, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 29th
day of September, 2016.



Notary Public (L.S.)

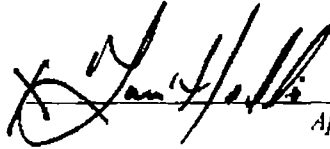
My Commission Expires: 3/17/24

11-01-17 11:03:11

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Laurie D. Hollis, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

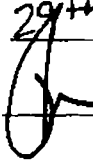
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant

SWORN or affirmed to and subscribed before me this

29th day of September, 2015.



Notary Public

My Commission Expires: 3/17/24

2015 SEP 29 11:10 AM

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
Laurie D. Hollis,	)	Case No.: 2015-CP-42-4133
S.C.D.C. No. 352710,	)	
	)	
Applicant,	)	
	)	RETURN AND MOTION TO DISMISS
v.	)	
	)	
State of South Carolina	)	
	)	
Respondent.	)	
	)	
	)	

Respondent, in making its Return to the application for post-conviction relief ("PCR") filed by Laurie D. Hollis ("Applicant") on October 6, 2015 ("the Application"), would respectfully show this Court:

I.

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the August 2011 term of the Spartanburg County Grand Jury for armed robbery (2011-GS-42-05110) and murder (2011-GS-42-05111). Ryan Frederick McCarty, Esquire, represented Applicant. Applicant proceeded to trial before the Honorable Roger L. Couch and a jury. The jury found Applicant guilty as indicted on October 4, 2012. Judge Couch sentenced Applicant to imprisonment for concurrent terms of 30 years for each indictment.

Applicant filed a timely notice of appeal and a direct appeal was perfected by Robert M. Dudek, Esquire. By Opinion filed August 6, 2014, the South Carolina Court of Appeals affirmed Applicant's convictions. State v. Hollis, Op. No. 2014-UP-319 (S.C. Ct. App. filed Aug. 6, 2014). The Remittitur was issued on August 22, 2014.

Current PCR Application

In her PCR application, Applicant alleges she is being held unlawfully for the following reasons:

1. "Ineffective assistance of counsel"

Attached to and incorporated herein are the Spartanburg County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, and the records of this current PCR action. Respondent reserves the right to amend this Return upon receipt of relevant information.

II.

The application should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160.

Section §17-27-45(A) provides:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was convicted of the offense she challenges in this application on October 4, 2012. The Remittitur was returned August 22, 2014. Therefore, Applicant was required to file this PCR application no later than August 22, 2015. This application was filed on October 5, 2015, which was well beyond the expiration of the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consol. Sch. Dist. of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In

addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the application should be summarily dismissed for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

III.

Respondent denies each allegation not expressly admitted, qualified, or explained.

IV.

WHEREFORE, Respondent moves to summarily dismiss the application as untimely.

Respectfully submitted,

ALAN WILSON
Attorney General

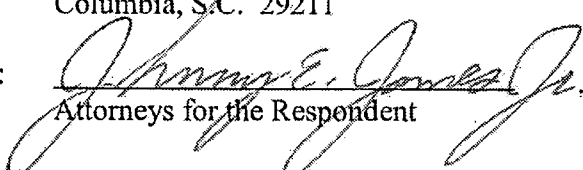
ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

JOHNNY E. JAMES JR.
Staff Attorney

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for the Respondent

Columbia, South Carolina

23 Feb., 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
	)	2015-CP-42-4133
LAURIE D. HOLLIS, #352710,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion to Dismiss** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Ms. Susannah C. Ross, Esquire
Ross & Enderlin, PA
330 East Coffee St.
Greenville, SC 29601

DATED this 23rd day of February, 2017.


 Ashley Haworth, Paralegal
 For Respondent

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL CIRCUIT
Laurie D. Hollis,	)	
S.C.D.C. No. 352710,	)	Case No.: 2015-CP-42-4133
Applicant,	)	
v.	)	CONDITIONAL ORDER OF DISMISSAL
State of South Carolina	)	
Respondent.	)	

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Laurie D. Hollis ("Applicant") on October 6, 2015 ("the Application"). Respondent made its Return, requesting the Application be summarily dismissed.

PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the August 2011 term of the Spartanburg County Grand Jury for armed robbery (2011-GS-42-05110) and murder (2011-GS-42-05111). Ryan Frederick McCarty, Esquire, represented Applicant. Applicant proceeded to trial before the Honorable Roger L. Couch and a jury. The jury found Applicant guilty as indicted on October 4, 2012. Judge Couch sentenced Applicant to imprisonment for concurrent terms of 30 years for each indictment.

Applicant filed a timely notice of appeal and a direct appeal was perfected by Robert M. Dudek, Esquire. By opinion filed August 6, 2014, the South Carolina Court of Appeals affirmed Applicant's convictions. State v. Hollis, Op. No. 2014-UP-319 (S.C. Ct. App. filed Aug. 6, 2014). The Remittitur was issued on August 22, 2014.

Current PCR Application

In her PCR application, Applicant alleges she is being held unlawfully for the following reasons:

1. "Ineffective assistance of counsel"

Also before this Court are the Spartanburg County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, and the records of this current PCR action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

The Court finds the application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Section §17-27-45(A) provides:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was convicted of the offense she challenges in this application on October 4, 2012. The Remittitur was returned August 22, 2014. Therefore, Applicant was required to file this PCR application no later than August 22, 2015. This application was filed on October 5, 2015, which was well beyond the expiration of the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consol. Sch. Dist. of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party

for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Court shall summarily dismiss the application for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

CONCLUSION

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons she may have with the Spartanburg County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Johnny E. James, Jr., Esquire
Post-Conviction Relief Division
P.O. Box 11549
Columbia, SC 29211

Applicant is cautioned that her response to this order must be actually received by the Spartanburg County Clerk of Court and opposing counsel within twenty (20) days, and that the Court will not consider any issues raised in her response if not so timely filed and served.

AND IT IS SO ORDERED this 22nd day of March, 2017.


J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit

_____, South Carolina

2017 MAR 22 FILED
CLERK OF COURT
SPARTANBURG, SC

Xerox D95 Copier-Printer
Banner Sheet

ahaworth

Date & Time : 02/22/2017 1:29 PM

User Name :

ahaworth

Job Name : Microsoft Word - Hollis Laurie D. - COD (01134921xD2C78).DOCX

Start Page



ALAN WILSON
ATTORNEY GENERAL

February 23, 2017

The Honorable J. Derham Cole
Chief Administrative Judge-CP, 7th Circuit
Post Office Box 1744
Spartanburg SC 29306

2017 MAR 22 PM 12:26
H. JEFF BLANCHET

Re: Laurie D. Hollis v. State of South Carolina
2015-CP-42-4133

Dear Judge Cole:

Enclosed please find the original proposed **Conditional Order of Dismissal** in the above-captioned case. If this Order meets your approval, please sign and forward to the Clerk's office and have her serve the order on all parties. If you have any questions, please feel free to contact me.

Sincerely,

Johnny E. James, Jr.
Johnny E. James, Jr.
Staff Attorney

JEJ/ah
Enclosure(s)

cc: Susannah C. Ross, Esquire

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

March 27, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

Laerie D. Helleis
#252710
Applicant

7TH JUDICIAL CIRCUIT

CASE # 2015CP42-4133

CERTIFICATE OF SERVICE

VS
Steele
Respondent

I certify that, on this date, I served a copy of the
in this action dated 3-22 2017 on 3-27-17

Additional Cert. of Dismissal

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Ashley Hawthorth
Alicia Oliver
Suzanne Ross

2017 MAR 27 PM 1:46
M. HOPE BLACKLEY

3-27-17
(Date)

Laerie Steele
(Signature)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	IN THE SEVENTH CIRCUIT
	)	
LAURIE D. HOLLIS	)	
APPLICANT,	)	
	)	REPLY TO CONDITIONAL
VS.	)	ORDER OF DISMISSAL
	)	
THE STATE OF SOUTH CAROLINA	)	
	)	CASE NO: 2015-CP-42-4133
RESPONDENT.	)	

Petitioner was convicted on October 4, 2012 of murder and armed robbery and sentenced to thirty years imprisonment. This matter comes before the Court by way of application of post conviction relief filed October 5, 2015, alleging ineffective assistance of trial counsel. The Court filed a Conditional Order of Dismissal on March 22, 2017. In response to that order Applicant would show that genuine issues of material facts exist as to whether her claim is untimely and that pursuant to § 17-27-45(C) there is evidence of material facts that were not known by the Applicant until within a year of her filing.

Defendant was represented by Appellate Defense on her appeal. The appeal was decided on August 6, 2014. Appellate Defense did not file for post-conviction relief on her behalf. Instead Defendant's mother retained Irmo attorney Tommy Thomas, to represent Defendant on PCR. Thomas filled out her Application for PCR, met with her at the prison to sign it, and filed it. Attorney Thomas's assistant stated that he did not include a notice of representation because Thomas had not been paid in full for representing Defendant at the hearing. The Application was filed on October 6, 2015 and undersigned PCR counsel was appointed October 19, 2015.

2017 APR 18 AM 9:47
CLERK OF COURT

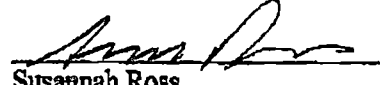
A Return and Motion to Dismiss pursuant to § 17-27-45(A) was made on February 23, 2017, without a transcript of the proceedings. While Ms. Hollis' pro se Application was filed approximately one year and forty-five days after the remittitur the State's Return was made nearly a year and a half after the PCR Application though § 17-27-70(A) requires a response within thirty days of the docketing of the application accompanied by a record of the proceeding challenged therein. Equity would demand that Ms. Hollis not be held accountable to statutes of limitation to a greater degree than the State. Furthermore, given Ms. Hollis' lack of knowledge of the law and understanding that a lawyer had been retained to represent her in the PCR matter demands equitable tolling to avoid unfairness.

In addition, this case is similar to *Robertson v. State*, Opinion No. 27691, December 14, 2016. The applicant was told by her mother that she had retained an attorney to file a post conviction relief action. Applicant was not aware an attorney had not been hired to file the PCR until after the deadline. Applicant should also be allowed to investigate whether appellate counsel notified applicant that she had a right to file a PCR but that it must be done within a year. Without having qualified counsel representing applicant at PCR, a critical stage in the proceedings, applicant could not have made an informed decision about whether to file for PCR or have known the deadlines applicable to her case.

The undersigned does not have discovery or the transcript of the case to assist in determination material evidence. However, the Applicant states that evidence material to her guilt or innocence regarding a shirt said to belong to her which had gunshot residue on it and the search warrant in her case was not known to her until well after the appeal.

of the case. Given the serious nature of the charges, the undersigned on behalf of the Applicant requests that her PCR action proceed to a full hearing.

Respectfully submitted,



Susannah Ross
Attorney for the Applicant
330 E. Coffee St,
Greenville, SC 29601
(864) 242-0029

Greenville, South Carolina
This 4 day of April, 2017

2017 APR 11 AM 8:47
NOTED & ACKLEY

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

LAURIE D. HOLLIS,
APPELLANT,

VS.

THE STATE OF SOUTH CAROLINA,
RESPONDANT.

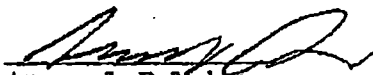
IN THE COURT OF COMMON PLEAS

CASE NUMBER 2015-CP-42-4133

AFFIDAVIT OF SERVICE
BY MAIL

1. I am the attorney for the Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the Reply to Conditional Order of Dismissal in the above-captioned matter on the following person by depositing the same in the United States mail with proper postage affixed thereto:

Office of Attorney General Alan Wilson
Johnny E. James, Esq., PCR Div.
P.O. Box 11549
Columbia, SC 29211


Attorney for Defendant

Greenville, South Carolina
This 4 day of April, 2017.

2017 APR 11 AM 8:47
H. H. MACKEY

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	2015-CP-42-4133
	)	
	)	
LAURIE D. HOLLIS	)	
	)	APPLICANT)
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA	)	
	)	RESPONDENT)

June 30, 2017
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, Judge.

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

SUSANNAH ROSS, ESQ.
Attorney for the Applicant

VALERIE G. GIOVANOLI, ESQ.
Attorney for the Respondent

APRIL HERRON
Official Court Reporter

1 There were no witnesses.

2 There were no exhibits.

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5 Certificate of Reporter 10

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1 MS. GIOVANOLI: We're on the record with Laurie
2 D. Hollis vs. the State of South Carolina. Case
3 number 2015-CP-42-4133. We're before The Court for
4 an application of Post-Conviction Relief filed on
5 October 6th, 2014. The Applicant is presently
6 incarcerated. She was indicted in August of 2011 for
7 armed robbery and murder. Ryan Frederick McCarty
8 represented The Applicant. Applicant proceeded to
9 trial in front of the Honorable Roger L. Couch and a
10 jury. The jury found The Applicant guilty as indicted
11 on October 4th, 2012. Judge Couch sentenced
12 applicant to imprisonment for concurrent terms for 30
13 years for each indictment.

14 Applicant filed a timely notice of appeal. And
15 that appeal was perfected by Mr. Robert Dudeuk by
16 opinion on August 6th, 2014 the South Carolina Court
17 of Appeals confirmed The Applicant conviction.
18 Applicant filed this Post-Conviction Relief
19 Application on October 6th, 2015. And Respondent
20 replied with a returning motion to dismiss on
21 February 23rd, 2017, requesting that the application
22 be summarily dismissed as untimely. Your Honorable
23 J. Derham Cole issued a Conditional Order of
24 Dismissal, to which Applicant responded on April 4th,
25 2017.

1 In that response, it is before Your Honor in the
2 Judge's packet, but I will briefly summarize. The
3 Applicant was under the impression that her mother
4 had hired an attorney to file a Post-Conviction
5 Relief Application. That was Mr. Tommy Thomas.
6 Mr. Thomas filed the application on October 6th,
7 2015. He did not enter a notice of representation
8 because he was not actually retained. And then we
9 made our motion to dismiss February 23rd, 2017.
10 Which was well after the rule requiring us to respond
11 within 90 days.

12 Applicant's contention is that she shouldn't be
13 held to a high standard -- she shouldn't be held to a
14 higher standard than The State. She should be
15 allowed to file her application 45 days past the one
16 year. And it's not fair to allow her not to file
17 that outside of one year. Unfortunately, the statute
18 is pretty straightforward, it's a hard deadline. It
19 is there. It allows the petitioner to file the
20 application one year from the date of the remittitur.
21 The State does not have a statute of limitations. We
22 have a rule that governs the time in which we can
23 respond -- we are supposed to respond.

24 That's Rule 12(a), South Carolina Rules of Civil
25 Procedure. Which actually states that if it arises

1 out of a trial, we have 90 days to respond. The
2 state could concede that we did not respond within
3 that 90 days. Unfortunately, because of the sheer
4 volume of applications that we receive, we often
5 cannot meet that deadline.

6 The recourse for a applicant in a situation
7 where we do not respond in time, is a motion for
8 default judgment. And then I refer you to Rule 55(e)
9 of the South Carolina Rules of Civil Procedure, which
10 states, No judgment by default shall be entered
11 against the State of South Carolina unless the
12 claimant establishes his claim to relief by evidence
13 satisfactorily to the court. Applicant must also
14 prove prejudice. Therefore, we would request that
15 this application be dismissed as untimely.

16 THE COURT: Okay, Ms. Ross.

17 MS. ROSS: Judge, I did file the reply to the
18 Conditional Order of Dismissal. And that really
19 states my arguments. Because of the Conditional
20 Order of Dismissal, I was not provided a package with
21 the transcript and everything to review.

22 THE COURT: Yes, ma'am.

23 MS. ROSS: Ms. Hollis does tell me that there
24 was material evidence that she can present at this
25 time that was not presented at trial in the form of

1 witness, Latricia Martin, who was not presented. I
2 don't know if she was available or not at the time of
3 trial or not because I haven't received the package
4 with the transcript and looked into that. I would
5 argue that she should be given an opportunity to do
6 that.

7 Especially in her situation. My understanding
8 of what I'm hearing about this case, a large group of
9 people, someone was killed and she was there. I
10 think this is a hand of one, hand of all situation.
11 Where other co-defendants were given very, very
12 lenient sentences. And she -- because she went to
13 trial, she got a very harsh sentence.

14 THE COURT: Right.

15 MS. ROSS: Of 30 years. Her mother, I did speak
16 to her mother, she did say that she had retained Tom
17 Thompson -- Tom Thomas, excuse me, out of Irmo. She
18 said -- the mother said that she paid him \$2,000.
19 But he said that he filed the application when he got
20 the first payment of \$500. And sadly, that was not
21 timely in her case. I think he probably didn't
22 realize the necessity of the timing when his
23 conversations, his initial conversations with
24 Ms. Hollis' mother. But that certainly has had a
25 harsh effect on her.

1 So, I really made most of the legal arguments in
2 the reply. But I would just ask that just to support
3 fundamental fairness and ensure that her
4 representation was effected, I would ask to be
5 allowed to proceed with the PCR.

6 THE COURT: Okay. All right. When was the
7 remittitur handed down?

8 MS. GIOVANOLI: That was August 22, 2014. So,
9 this application was filed approximately one year and
10 45 days. I mean, one year and 45 days after the
11 remittitur.

12 THE COURT: Okay. All right. Now, I understand
13 that the case law that you recited, Ms. Ross
14 suggested that there were some error. That she hired
15 an attorney and the attorney had -- there was a lack
16 of communication which caused the delay. Is there
17 any lack of communication that caused a delay that
18 was not her fault in this instance?

19 MS. ROSS: Well, I think she had been in
20 communication with her mother who made her believe
21 that Mr. Thomas had been retained. When, in fact, he
22 hadn't at that point. Because she was trying to come
23 up with the money. In talking to Mr. Thomas'
24 paralegal, she had said that she was first -- they
25 were first paid -- or showed payment in the file on

1 September 28th. Then they filed it September 29th,
2 2015.

3 THE COURT: Okay. Well, you know, it's a
4 strictly construed standard on a statutory remedy.
5 So, I can't go outside of it without evidence which
6 suggests to me that I can. Now, the question of
7 after discovered evidence is a different -- is a
8 different matter. And I think that would proceed
9 under a different mechanism. Maybe a PCR but it
10 maybe considered a successive PCR under the
11 applicable case law, Robertson, of course. And I
12 think you can do that. And whether it will be
13 successful or not, I don't know. You would have to
14 demonstrate that that person wasn't available at the
15 time.

16 But I've read the application. The only
17 allegation in the application is ineffective
18 assistance of counsel. And in as much as that is the
19 only allegation in the application. And in as much
20 as it is a statutory remedy wherein the timeline's
21 strictly construed, I don't believe that this court
22 has subject matter jurisdiction to entertain the
23 Post-Conviction Relief Application at this point.
24 And I'll respectfully grant the motion to dismiss.

25 Now, as I said, if it's after discovered

1 evidence, then I think pursuant to Robertson, you can
2 file a successive PCR. And I don't make any rulings
3 or offer any opinions regarding the appropriateness
4 of that, okay. Thank you very much.

5 (WHEREUPON, the proceedings were concluded.)
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1 CERTIFICATE OF REPORTER

2

3

4 STATE OF SOUTH CAROLINA)

5 COUNTY OF GREENVILLE)

6

7

8 I, APRIL P. HERRON, Official Court Reporter for

9 the Thirteenth Judicial Circuit of the State of South

10 Carolina, do hereby certify that the foregoing is a true,

11 accurate and complete Transcript of Record of the

12 proceedings had and evidence introduced in the trial of

13 the captioned case, relative to appeal, in the Court of

14 Common Pleas for Spartanburg County, South Carolina, on

15 the 30th day of June, 2017.

16 I do further certify that I am neither of kin,

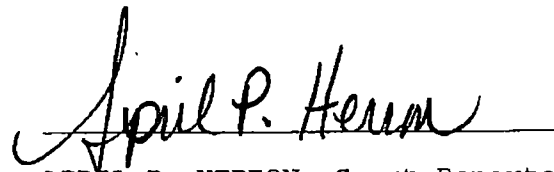
17 counsel nor interest to any party hereto.

18

19 December 12, 2017

20

21

22 

23 APRIL P. HERRON, Court Reporter

24

25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL CIRCUIT
Laurie D. Hollis,	)	
S.C.D.C. No. 352710,	)	Case No.: 2015-CP-42-4133
Applicant,	)	
v.	)	FINAL ORDER OF DISMISSAL
State of South Carolina	)	
Respondent.	)	

2017 JUL 13 PM 1:42
 SPARTANBURG COUNTY
 CLERK OF COURT
 HOPE BLACKLEY

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Laurie D. Hollis ("Applicant") on October 6, 2015 ("the Application"). Respondent made its Return and motion to dismiss, requesting the Application be summarily dismissed as untimely. After reviewing the pleadings in this matter and all of the records attached thereto, a Conditional Order of Dismissal was signed by the Honorable J. Derham Cole and filed March 22, 2017, provisionally denying and dismissing this action, while giving Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final. On or about April 4, 2017, Applicant filed a "Reply to Conditional Order of Dismissal." On June 30, 2017, a hearing was convened at the Spartanburg County Courthouse on Respondent's motion to dismiss. Applicant was present and represented by Susannah Ross, Esquire. Valerie Garcia Giovanoli of the Office of the Attorney General represented Respondent.

PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the August 2011 term of the Spartanburg County Grand Jury for armed robbery (2011-GS-42-05110) and

AS

murder (2011-GS-42-05111). Ryan Frederick McCarty, Esquire, represented Applicant. Applicant proceeded to trial before the Honorable Roger L. Couch and a jury. The jury found Applicant guilty as indicted on October 4, 2012. Judge Couch sentenced Applicant to imprisonment for concurrent terms of 30 years for each indictment.

Applicant filed a timely notice of appeal, and a direct appeal was perfected by Robert M. Dudek, Esquire. By opinion filed August 6, 2014, the South Carolina Court of Appeals affirmed Applicant's convictions. State v. Hollis, Op. No. 2014-UP-319 (S.C. Ct. App. filed Aug. 6, 2014). The Remittitur was issued on August 22, 2014.

Current PCR Application

In her PCR application, Applicant alleges she is being held unlawfully for the following reasons:

1. "Ineffective assistance of counsel"

Also before this Court are the Spartanburg County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records, and the records of this current PCR action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

The Court finds the application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Section §17-27-45(A) provides:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

Ag 9

2017 JUL 13 PM 1:42
 M. HOPE BLACKLEY
 CLERK OF COURT
 SPARTANBURG COUNTY

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was convicted of the offense she challenges in this application on October 4, 2012. The Remittitur was returned August 22, 2014. Therefore, Applicant was required to file this PCR application no later than August 22, 2015. This application was filed on October 5, 2015, which was beyond the expiration of the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consol. Sch. Dist. of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Court shall summarily dismiss the application for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

Applicant argues that because Respondent made its return nearly a year and a half later than required by § 17-27-70(A), Applicant should not be held to a stricter statute of limitations than the state. Applicant contends equitable tolling of the statute of limitations is required to avoid unfairness. This Court disagrees. The statute of limitations allows Applicant one full year in which to file a post-conviction relief application. This is fair. Failure on the part of Respondent to timely file a Return has no bearing on Applicant’s obligation to meet the PCR filing deadline.

Applicant contends that she was under the mistaken belief that her mother had retained an attorney to file her PCR application for her. This Court declines to equitably toll the one year statute of limitations for this reason. Because post-conviction relief is a legal claim, the statute of limitations must be strictly construed. Principles of equity are not applicable in a legal action with

a strict statutory filing requirement. Therefore, no equitable extension of time for filing is permissible, and the application must be dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-45(a).

Applicant also argues there is newly discovered evidence that warrants the late filing of this PCR application. This Court will note that Applicant failed to allege newly discovered evidence in her application. In her reply to the COD, Applicant alleges two items that are newly discovered: a shirt said to belong to Applicant which had gunshot residue on it and a search warrant. The record shows that the shirt was admitted during trial as State's exhibit 7 and the search warrant was executed prior to Applicant's arrest and was mentioned at Applicant's trial. Therefore, the record contradicts Applicant's assertion that these items are newly discovered evidence as envisioned in Hayden v. State, 278 S.C. 610, 299 S.E.2d 854 (1983). These items were not only discoverable prior to trial, but were in fact discovered prior to trial.

At the hearing, Applicant also asserted that a potential witness is newly discovered evidence. However, Applicant's assertion of an alleged witness fails to allege facts sufficient to make a *prima facie* showing she is entitled to relief. Welch v. MacDougall, 246 S.C. 251, 143 S.E.2d 455 (1965). Applicant has failed to demonstrate if this alleged witness was discovered prior to the trial, could not have been discovered by the exercise of due diligence prior to trial, would probably change the result if a new trial was held, is material to the issue of guilt or innocence, and would not be merely cumulative or impeaching. Hayden at 611-12. Once again, this Court notes that the alleged witness was not mentioned neither in her PCR application, nor in Applicant's response to the COD.

CONCLUSION

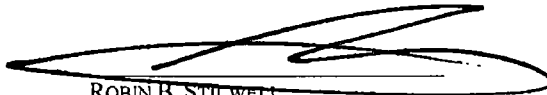
AB 5

2017 JUL 13 PM 1:42
M. HOPKINS
CLERK
SOUTH CAROLINA
COURT

IT IS THEREFORE ORDERED that for the reasons set forth herein and in the Court's Conditional Order of Dismissal, the application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal *within* 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 9 day of JULY, 2017.



ROBIN B. STILWELL
Presiding Judge
Seventh Judicial Circuit

Greenville, South Carolina

CLERK OF COURT
JOHN D. BURGESS
2017 JUL 13 PM 1:42
M. HOPE BLACKLEY

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2239



M. Hope Blackley
Clerk of Court

July 13, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

Laurie D. Hollis

Applicant

VS
Stee
Respondent

7TH JUDICIAL CIRCUIT

CASE #

CERTIFICATE OF SERVICE

2017 JUL 13 PM 1:52
CLERK OF COURT
SPARTANBURG COUNTY
M. HOPE BLACKLEY

I certify that, on this date, I served a copy of the
In this action dated 7-9-2017 on 7-13-17

Trial Order Dismissal

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Breanne Bernone
Devin Oliver
Susanah Ross

7-13-17

(Date)

Corrie Suf
(Signature)

WITNESSES

D.B. Stokes

Spartanburg Public Safety Dept.

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ARREST WARRANT NUMBER

7. ASSESSMENT

FINE CARD MADE

8. TRAFFIC VIOLATION COPY

M753352

ACTION OF GRAND JURY

VERDICT

Guilty

Foreperson of Petit Jury

Date:

740 10/4/12

DOCKET NO.

11-GS-42-5110

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2011

TERM

**THE STATE
vs.**

Lauri Danielle Hollis

Indictment for

ARMED ROBBERY

SC Code: 16-11-330 (A)

CDR Code: 139

Class FEL/A

2011 AUG 24 PM 1:37

TRAVIS L. BARNLEY

 **SCANNED**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

AUG 18 2011

At a Court of General Sessions, convened on _____, the Grand
 Jurors of Spartanburg County present upon their oath:

ARMED ROBBERY

That Lauri Danielle Hollis did in Spartanburg County on or about, April 7, 2011, commit a robbery while armed with a pistol, dirk, slingshot, metal knuckies, razor, or other deadly weapon, or while alleging, either by action or words, she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, and did feloniously take from the person or presence of Steven Means by means of force, violence, and/or intimidation, goods or monies of Steven Means to wit: jewelry, cell phone and dental gold, with the intent to deprive the owner permanently of such property in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

742

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Lauri Danielle Hollis

AKA:

Race: BLACK Sex: F Age: 27

DOB: SS#:

Address:

City, State, Zip: Spartanburg, SC 29301

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: GRAY, ABEL SC Bar# 2164 Defendant Dan R. Holt Attorney for Defendant 74198 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 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 Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/4/12
☒ 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. 543 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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: \$
Payment Terms: ☐ Set by SCDPPPS

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/ca \$
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

Court Reporter: P. Fancette

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS4205110

A/W#: M753352

Date of Offense: 4/7/2011

S.C. Code § 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code: 2135

Sentence Date: 10/4/12

743

WITNESSES

Spartanburg City Police Department

[Signature]

1. SENTENCE MADE ☒

2. REPORT ENDED ☒

3. CARD PULLED ☒

4. INDEXED ☒

5. CHECKED WARRANTS ☒

ARREST WARRANT NUMBER

6. CHECKED SIGNATURE ☒

M753355

7. ASSESSMENT
FINE CARD MADE

Computer

8. TRAFFIC VIOLATION COPY ☒

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury

Date:

AUG 18 2011

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

Date:

10/4/12

DOCKET NO.

11-GS-42-5111

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2011

TERM

THE STATE

v

Lauri Danielle Hollis

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

2011 AUG 24 PM 1:38

R. DOTE BLANCHLEY

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

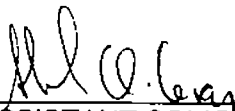
AUG 18 2011

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

MURDER

That Lauri Danielle Hollis, did in Spartanburg County on or about April 7, 2011, feloniously, willfully, and with malice aforethought, cause the death of Steven Means by shooting the victim with a handgun, and that the victim died as a proximate result thereof, all in violation of §16-3-0010, 0020, *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.



ASSISTANT SOLICITOR

COUNTY OF SPARTANBURG
STATE VS.

Lauri Danielle Hollis

AKA:

Race: BLACK Sex: F Age: 27

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Spartanburg, SC 29301

DI #: [REDACTED] SID#: [REDACTED]

*CDI. Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

INDICTMENT/CASE#: 2011GS4205111

A/W#: M753355

Date of Offense: 4/7/2011

S.C. Code § : 16-03-0010,

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010, of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Phil Gray 1164 Lauri D Hollis [Signature] 74198
GRAY, ABEL SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 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 Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 543 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____

☐ Set by SCDPPPS _____

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 \$ _____

§ 56-21-114 (BUI Breath Test Fee) \$50 \$ _____

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

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

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

TOTAL \$133.90

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge [Signature]

Judge Code: 2135

Sentence Date: 10/4/12

Clerk of Court/ Deputy Clerk A. SealeyCourt Reporter: P. Faucette

SCCA/217 (03/2011)