

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Thomas W. Cooper, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

NATHANIEL ANTRON HUNTER,

APPELLANT

APPELLATE CASE NO 2017-001125

RECORD ON APPEAL

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1 growling so loud I was afraid you weren't gonna be able to
2 hear my charge over it anyway.

3 So your lunches are there. You've been good about
4 waiting on us all week, so now we're gonna wait on you.
5 You're in charge of the timeframe. When you tell us you're
6 ready to go, we'll be ready. So you take whatever time you
7 need to to eat your lunches and then you let us know when
8 you're ready.

9 You have heard all of the evidence and testimony,
10 you've heard the final arguments, but you have not yet
11 heard the law, so you still may not discuss this case among
12 yourselves. Please remember that. This has probably been
13 -- there's one more time I'm gonna tell you to wait just a
14 few minutes to begin your deliberations, that will come
15 after my charge, but for right now please remember during
16 the lunch hour until I give the instruction to do so do not
17 begin to discuss this case among yourselves. Let us know
18 when you're ready to start and we'll be ready, okay? Thank
19 you.

20 (Whereupon, the jury retires to the jury room for a
21 lunch recess at 1:16 PM.)

22 **THE COURT:** All right, folks. We'll stand at ease
23 until the jury lets us know we're ready and if you-all can
24 kind of get this -- maybe turn that screen off, I won't
25 need it, and move the evidence around so it's not visible

1 to the jury during my instructions. Thank you.

2 (Whereupon, a luncheon recess was taken.)

3 **BAILIFF:** All rise. Court is now in session.

4 **THE COURT:** All right, folks. Are we ready for the
5 jury?

6 **MS. MAYES:** Yes, Your Honor.

7 **THE COURT:** Is the defense ready?

8 **MR. PHILLIPS:** Yes, sir.

9 **THE COURT:** All right. Bring us the jury, please.

10 (Whereupon, the jury returns to the courtroom at
11 2:00 PM.)

12 **THE COURT:** Good afternoon, ladies and gentlemen. I
13 hope that your lunch was enough to sustain you for the
14 balance of the day's work. It's the very least that the
15 County can do for your time that you've spent with us.
16 You're gonna be real glad that you got that free lunch when
17 you see how small the check is that you're gonna get for
18 your service this week. I'll tell you more about that
19 later.

20 Ladies and gentlemen, you-all have been very patient
21 and you've listened very attentively to the testimony in
22 this case and the arguments that have been made on behalf
23 of the State and the Defendant, and now it becomes my
24 responsibility under our Constitution to instruct you as
25 to what the law is in this case and it is your duty as

1 jurors to accept the law as I say it to you now and to
2 apply the law to the facts of the case which you determine
3 to exist. Because as jurors it is your exclusive duty to
4 decide all of the issues of fact in this case and for that
5 purpose you have to determine the effect, the value, the
6 weight and the truth of the evidence which you have heard
7 and seen.

8 Both the State and the Defendant have the right to
9 expect that you will conscientiously consider and evaluate
10 the evidence and that you will apply the law of the case
11 to that evidence to the end that both the State and the
12 Defendant will receive a fair and impartial trial at your
13 hands. When I use the word "Defendant" throughout this
14 charge, ladies and gentlemen, I'm referring to
15 Mr. Nathaniel Antron Hunter. Mr. Hunter, as you know,
16 has been indicted by the grand jury of Lexington County
17 and charged in one indictment with the attempted murder
18 of Larenda Simon in Lexington County on or about April
19 the 13th of 2014.

20 Another indictment accuses him here in Lexington
21 County, also at the same time, April the 13 of 2014,
22 knowingly and willfully entering the dwelling at [REDACTED]
23 [REDACTED], I believe it is, Apartment [REDACTED], where
24 Ms. Simon lived, without her consent, with the intent to
25 commit a crime there. While he was there, he was armed

1 with a weapon and he caused physical injury to persons who
2 are not involved and that he displayed a firearm, and that
3 he went there in the nighttime.

4 The next indictment accuses Mr. Hunter of criminal
5 sexual conduct with a minor in the third degree, also at
6 the same time and place, with willfully and lewdly
7 committing or attempting to commit a lewd and lascivious
8 act upon **Minor** , who was born on [REDACTED],
9 2007, in violation of the law.

10 And finally the last indictment accuses him of being
11 in possession of a firearm during the commission of a
12 violent crime on April the 13th.

13 I remind you, again, as I told you before this trial
14 began that the indictments that I just read to you are
15 neither evidence, nor or they proof of the charges that
16 they contain. They're simply the charging documents, the
17 legal documents, that tell us what this case is all
18 about. And as you know, to the charges contained in the
19 indictments Mr. Hunter has entered pleas of not guilty and
20 has requested a jury trial at your hands, which he has now
21 received. The plea of not guilty by a defendant places
22 the burden of proof on the State to prove by evidence the
23 guilt of the accused beyond a reasonable doubt before you,
24 as a jury, can convict him and find him guilty.

25 The Defendant, Mr. Hunter, is presumed in law to be

1 innocent of the charges contained in these indictments. It
2 is a cardinal and fundamental rule of our law of evidence
3 that a defendant regardless of the number of the charges,
4 the seriousness of the charges, the nature of the charges
5 against him, will always be presumed innocent of those
6 charges unless and until his guilt has been proven by
7 evidence that satisfies of you of that guilt beyond a
8 reasonable doubt. The presumption of innocence is not a
9 mere legal theory, it is not an empty legal phrase. The
10 presumption of innocence is a substantial right to which
11 every accused, including Mr. Hunter, is entitled to
12 receive.

13 Our Supreme Court has said that the presumption of
14 innocence is like a robe of righteousness which is placed
15 about the shoulders of a defendant and it remains with
16 him and it assigns to him that class known as the innocent
17 and that presumptive robe of righteousness continues to
18 exist about his shoulders unless and until you reach the
19 conclusion that it has been stripped from his person by
20 evidence that satisfies you of his guilt beyond a
21 reasonable doubt. The presumption of innocence accompanies
22 a defendant from the time of his arrest and his appearance
23 at this trial and continues to exist to his benefit even as
24 you go into the jury room to deliberate and reach a verdict
25 in this case. The presumption of innocence continues to

1 exist to the benefit of the defendant unless and until you
2 reach the conclusion that the State has proven his guilt
3 beyond a reasonable doubt.

4 So that then is the burden on the State to prove guilt
5 beyond a reasonable doubt. Some of you may have served as
6 jurors in other types of cases. You may have served as
7 jurors in civil cases and if you did the judge in that
8 case told you that it is only necessary that the party who
9 has the burden of proof present evidence that is more
10 convincing on that party's side than the evidence is on
11 the other side, but in criminal cases the Government --
12 the State's proof has to be more powerful than that. Here
13 it must be proof beyond a reasonable doubt.

14 So what do we mean by proof beyond a reasonable doubt?
15 Proof beyond a reasonable doubt is proof that leaves you
16 firmly convinced of the Defendant's guilt. There are very
17 few things in this world that you and I know with absolute
18 certainty and in criminal cases the law does not require
19 proof that overcomes every possible doubt and so, if based
20 upon your consideration of the evidence, you are firmly
21 convinced that the Defendant is guilty of the crime or
22 crimes charged, you must find him guilty. If, on the other
23 hand, you think there's a real possibility that he is not
24 guilty, you must give him the benefit of the doubt and find
25 him not guilty.

1 Now reasonable doubt might arise from evidence in the
2 case or it might arise from the lack of evidence in the
3 case, but you, ladies and gentlemen, have to decide whether
4 or not reasonable doubt exists as to the guilt of this
5 defendant. I tell you that he is entitled to every
6 reasonable doubt which arises in the case and so if on any
7 issue of fact which is necessary to a conviction and a
8 verdict of guilty you have a reasonable doubt as to how
9 that issue should be resolved, it is your duty to resolve
10 that reasonable doubt in favor of the Defendant.

11 The Defendant, ladies and gentlemen, is not required
12 to prove his innocence, but the State is required in law
13 to prove every essential element of the offense charged
14 against him by evidence that satisfies you of that guilt
15 beyond a reasonable doubt before you can convict him and
16 find him guilty. And in that regard, I instruct you now
17 and I emphasize to you that the fact that the Defendant
18 in this trial did not himself testify in his own behalf
19 is not a factor to be considered by you in any way in
20 your deliberation and in your consideration on the
21 question of his guilt or innocence. It must not be
22 considered by you in any manner whatsoever or militate
23 against him in any respect whatsoever because the
24 Defendant has a constitutional right to remain silent and
25 if he chooses to assert that constitutional right, that

1 fact cannot and must not be considered by you in your
2 deliberations. Under your oath then you are to reach no
3 inference, draw no conclusion whatsoever, from the fact
4 that this Defendant did not himself testify. That should
5 not even be discussed by you in the jury room because the
6 burden of proof, as I have told you, is upon the State.
7 It is not incumbent upon the Defendant to prove his
8 innocence. The burden of proof remains upon the State to
9 prove guilt beyond a reasonable doubt and the fact that
10 the Defendant did not testify is not a factor to be
11 considered by you in determining his guilt or his
12 innocence. And so if, upon the whole case, you have a
13 reasonable doubt as to the guilt or the innocence of the
14 Defendant, he is entitled to that reasonable doubt and
15 would be entitled to acquittal and a verdict of not guilty.
16 But, on the other hand, if upon the whole case, you find
17 that the State has proven by evidence that satisfies you as
18 a jury of the guilt of the Defendant beyond a reasonable
19 doubt, then in such circumstances it is equally your duty
20 to convict the Defendant and to find him guilty.

21 Now during the trial each of us, you and I, have our
22 separate and distinct duties to perform. As the trial
23 judge, I've got the responsibility to preside over the
24 trial of this case and I also have the duty to rule upon
25 or pass upon the admissibility of the evidence that has

1 been offered during the course of this trial and so you're
2 to consider only the competent evidence before you; that
3 is, only the testimony that has been presented from this
4 witness chair and the exhibits and the documents that you
5 see in front of you and that you will have with you in the
6 jury room.

7 I have the additional duty to charge you as to what
8 the applicable law is in the case and, of course, that's
9 what I'm doing right now. As the presiding judge, I am the
10 sole judge of the law in the case and it is your duty to
11 accept and apply the law as I state it to you and that will
12 be the correct law. If you have some preconceived idea
13 about what you think the law is or what you would like the
14 law to be and it does not agree with what I'm telling you
15 now the law actually is, you are obligated under your oath
16 to forget what you think about the law and what you would
17 like for it to be because under your oath you are sworn to
18 accept the law precisely as I now state it to you to be the
19 correct law.

20 In every case tried in this court before a jury,
21 ladies and gentlemen, you, as the jury, then become the
22 sole and exclusive judge of the facts of the case. You're
23 the judge of the facts and I'm the law of the law. Our
24 Constitution has said that as a trial judge I can't comment
25 to you upon the facts of this case, I can't make any

1 statement to you about the facts of the case, and since
2 you're the sole judge of the facts you're not to gather
3 from anything that I have said during this trial or
4 anything that I say to you now that I have an opinion about
5 the facts of the case. The law doesn't allow me to have an
6 opinion about the facts of the case. That is solely
7 matters for you to determine. And so, as jurors, then it
8 is your duty, as I have told you, to determine the effect
9 and the value and the weight and the force of the evidence
10 presented during the course of this trial.

11 Necessarily then, you have to pass upon the
12 credibility of the witnesses who have testified in this
13 case. Credibility is just a legal term that we use to
14 mean believability. It is your duty then to analyze and
15 evaluate the evidence and to determine the evidence that
16 convinces you that it is factual and accurate. I tell you
17 that in determining the question of the credibility or the
18 believability of the witnesses, you can believe a small
19 part of the testimony of a single witness and reject a
20 larger part of the same witness or the other way around.
21 You can believe everything that a witness tells you or none
22 of what a witness tells you. You may consider whether any
23 evidence -- whether any witness, I'm sorry, has exhibited
24 any interest or any bias or any prejudice in the case. You
25 can consider the demeanor of the witness or the appearance

1 of the witness from the witness stand, in other words, and
2 you can consider the opportunity for knowledge concerning
3 those things about which the witness testified.

4 Now normally, ladies and gentlemen, the rules of
5 evidence don't permit witnesses to testify about opinions
6 or conclusions. However, when expert witnesses are called;
7 that is, witnesses who because of their education and
8 their experience and their knowledge have become expert in
9 some field, those experts may state their opinions as to
10 relevant and material matter in which they claim to be an
11 expert and can also state the reasons for their opinions.
12 You should consider any expert opinion testimony received
13 in evidence in this case like any other evidence; that is,
14 you give it the weight you think it deserves. If you
15 decide that the opinion of an expert witness is not based
16 on sufficient education and experience or you conclude that
17 the reasons given in support of the opinion are not sound
18 or that the opinion is outweighed by other evidence, you
19 can disregard it entirely. An expert witness's testimony
20 is to be given no greater weight than that of other
21 witnesses simply because a witness is an expert. And,
22 furthermore, you're not required to accept an expert's
23 opinion even though it might not be contradicted. But
24 you don't exercise these considerations arbitrarily,
25 ladies and gentlemen, because you have to use your sound

1 judgment, your reason, your logic, your experiences in
2 life, and that's what we ask you to do. To exercise your
3 mental processes in determining the evidence that you
4 consider to be true, the law simply requires that you use
5 your good common sense, your sound judgment and your logic
6 and reason and those experiences in life that we just
7 talked about. You apply those abilities that each of you
8 has and that each of you has brought into this trial and
9 bring them to bear on the evidence that you have heard and
10 then you determine what you consider to be believable as
11 you determine them to be and you take and apply the law as
12 I now state it to you to those believable facts that you
13 find believable and arrive at a verdict which will speak
14 the truth of this particular case.

15 Ladies and gentlemen, the Defendant in this particular
16 case is charged with attempted murder. Let me tell you
17 that an attempt is an effort to accomplish a crime which
18 it does not succeed. It's an attempt which includes a
19 specific intent to do a particular criminal act along with
20 an act falling short of the act intended. The State has to
21 show that there's been more than mere preparation and more
22 than mere intent because preparation and intent is not
23 punishable in and of itself. There has to be some overt
24 act committed in the effort to commit the crime itself.
25 Intent in this regard means intending the result which

1 naturally occurs or actually occurs. In other words, it
2 is not accidentally or involuntarily done. Intent can be
3 shown by acts and conduct of the Defendant and other
4 circumstances from which you may naturally and reasonably
5 infer intent.

6 And so the Defendant is charged with attempted murder.
7 Our law says that a person who with the intent to kill
8 attempts to kill another person with malice aforethought,
9 either express or implied has committed the offense of
10 attempted murder. So in order to prove this crime, the
11 State has to prove beyond a reasonable doubt that the
12 Defendant attempted to kill the victim with malice
13 aforethought, either express or implied.

14 Now malice is a hatred, an ill will or hostility
15 toward another person. It is the intentional doing of a
16 wrongful act without just cause or excuse and with an
17 intent to inflict an injury or under circumstances that
18 the law will infer an evil intent. Malice aforethought
19 does not require that malice exist for any particular time
20 before the act is committed, but malice must exist in the
21 mind of the Defendant just before and at the time the act
22 is committed and, therefore, there has to be a combination
23 of the previous evil intent and the act itself.

24 Malice aforethought can either be expressed or
25 inferred. Now that doesn't mean that there's two types of

1 malice. That just means that malice can be expressed in
2 more than one -- or shown in more than one way; that is,
3 either by direct evidence or by inference from the facts
4 and circumstances which are proven. Express malice is
5 shown when a person speaks words which express hatred or
6 ill will for another or when the person prepared beforehand
7 to do the act which was later accomplished or preparing --
8 preparation going to show that the deed was within the
9 Defendant's mind. That would be evidence of express
10 malice. Malice can be inferred from conduct showing a
11 total disregard for human life. Inferred malice may also
12 arise when the deed is done with a deadly weapon. A
13 handgun or pistol in our law is a deadly weapon; that is,
14 an instrument that could be used to cause death or great
15 bodily harm.

16 If facts are proven beyond a reasonable doubt
17 sufficient to raise an inference of malice to your
18 satisfaction, this inference would simply be an evidentiary
19 fact to be considered by you as a jury along with all of
20 the other in the case which bears on the matter of malice
21 and you can give it the weight you think it should receive.

22 A specific intent to kill is an element of attempted
23 murder. Once again, intent means intending the result
24 which actually occurs, not accidentally or involuntarily.
25 Intent can be shown by acts and conduct of the Defendant

1 and other circumstances from which you can naturally and
2 reasonably infer intent. Evidence of the character of the
3 act, the character of the instrument used, the manner in
4 which it was used, the purpose to be accomplished, the
5 resulting wounds or injuries may all be considered in
6 determining the intent with which the act was committed.
7 Intent may also be inferred when it is shown that the
8 Defendant voluntarily and willfully commits an act, the
9 natural tendency of which is to destroy another life.

10 So, ladies and gentlemen, in order for the State to
11 meet its burden of proof as to the charge of attempted
12 murder, the State has to prove, as I have told you, that
13 the Defendant in this case attempted to kill the victim
14 in this case and that attempt to kill the victim was
15 accomplished and accompanied by malice aforethought,
16 either express or implied.

17 The Defendant is also charged with burglary in the
18 first degree. Our statute says that a guilt -- a person
19 is guilty of burglary in the first degree if certain
20 elements of that statute are met, and here are the
21 elements of the offense of burglary in the first degree,
22 all of which have to be proven by beyond a reasonable
23 doubt. There are three foundation elements which the
24 State has to prove before it gets to even ask you to
25 consider burglary in the first degree. The State has to,

1 first of all, prove to you that the Defendant entered a
2 dwelling without consent and with the intent to commit
3 a crime. So three elements have to be proven as a
4 foundation for burglary in and of itself; that the
5 Defendant entered a dwelling, an apartment building, an
6 apartment, a residence, a place where a person sleeps is
7 a dwelling in the law; that the Defendant entered the
8 dwelling and, secondly, that the entering was without
9 consent of the person who occupied the dwelling and,
10 thirdly, that he entered with the intent to commit a
11 crime.

12 Now if the State has met its burden of proving those
13 three elements, that a burglary did exist, then you must
14 next consider additional elements which they have to prove
15 or an additional element which they have to prove, in order
16 to establish burglary in the first degree. Now it is not
17 essential, it is not required, that they prove all of these
18 additional elements that I'm going to explain to you now,
19 but they do have to, in fact, prove at least one of them
20 beyond a reasonable doubt or else the State will not have
21 met its burden of proof as to first degree burglary.

22 So the State has to show you that when the Defendant
23 in going into the dwelling or while he was there or on the
24 way out that he was armed with a deadly weapon, or, when
25 he was going into the dwelling or while he was there or

1 while he was leaving he caused physical injury to a person
2 not a participant in the crime, or, when effecting entry
3 or going into it or while he was there or while he was
4 leaving he used or threatened the use of a dangerous
5 instrument, or, while in effecting entry, that is while
6 going in or while he was there or while he was leaving, he
7 displayed what appeared to be a firearm, or, that he
8 entered or remained in the nighttime. As I've said, the
9 State does not have to prove that he was armed with a
10 deadly weapon and that he caused physical injury and that
11 he used or threatened the use of a dangerous instrument
12 and that he displayed a firearm and that he went in the
13 nighttime. If the State proves any of those elements in
14 addition to the three foundation elements that I explained
15 to you earlier, the State will have met its burden of proof
16 as to burglary in the first degree beyond a reasonable
17 doubt. If the State fails in proving at least one of those
18 additional elements, in addition to the three foundation
19 elements, the State has failed to meet its burden of proof.

20 The Defendant is next charged with criminal sexual
21 conduct with a minor in the third degree. Our law says
22 that a person is guilty of criminal sexual conduct with a
23 minor in the third degree if the State is able to establish
24 the following elements, each of them, beyond a reasonable
25 doubt. First of all, that the Defendant, the actor, is

1 over fourteen years of age and that the actor or the
2 Defendant willfully and lewdly committed or attempted to
3 commit a lewd or lascivious act upon or with the body or
4 the parts of the body of a child under the age of sixteen
5 with the intent of arousing or appealing to or gratifying
6 the lust, the passions or the sexual desires of the actor
7 him or herself or the child. So, once again, the State has
8 to prove that the Defendant is more than fourteen years of
9 age, that the child is under sixteen years of age and the
10 Defendant willfully and lewdly committed or attempted to
11 commit a lewd or lascivious act upon or with the body of
12 the child with the intent of arousing or appealing to or
13 gratifying the lust, the passions and the sexual desires of
14 the Defendant himself or of the child. The State has to
15 meet its burden as to each of those elements, once again,
16 beyond a reasonable doubt before it has met its burden of
17 proof and is entitled to a conviction on that particular
18 charge.

19 Now, ladies and gentlemen, in order to establish
20 criminal liability in these cases, criminal intent is
21 required. I've already told you in a shorthand version of
22 what criminal intent is. I'll now expand on that somewhat.
23 For example, the mental state required to be proven by the
24 State for a particular crime might be its purpose, its
25 intent, knowledge, recklessness or criminal negligence and

1 so forth. Criminal intent must be proven by the State
2 beyond a reasonable doubt. Criminal intent is always a
3 matter that has to be determined by the jury from the
4 circumstances surrounding the situation. In other words,
5 there's no way that science can prove intent to a
6 mathematical certainty. You can't take apart a person's
7 brain and look down in there and decide what he had in
8 mind at a particular time and so the law says that
9 criminal intent has to be inferred by the circumstances
10 which were shown to have existed and that's how you make
11 the determination as to whether or not the element
12 requiring intent was present. It's not necessary to
13 establish intent by direct and positive evidence, but
14 intent can be established by inference in the same way as
15 any other evidence by taking into consideration the acts
16 of the party and all of the facts and circumstances
17 surrounding the situation. Criminal intent, in other
18 words, is a mental state. It is a conscious wrongdoing.
19 It's up to you to decide what the Defendant intended to do
20 based on the circumstances shown to have existed.

21 Now, ladies and gentlemen, the Defendant finally is
22 charged with possession of a weapon during the commission
23 of or the attempt to commit a violent crime. I tell you
24 that murder and burglary in the first degree are both
25 violent crimes under the law and the Defendant is charged

1 with possession of a weapon during the commission of one
2 of those or the attempt to commit one of those violent
3 crimes. In order to meet its burden of proof as to this
4 charge, the State has to prove beyond a reasonable doubt
5 that the Defendant was in possession of a -- in this
6 particular case a firearm or displayed what appeared to
7 be a firearm and that he has also been convicted of one of
8 the crimes of violence that I just described to you. In
9 other words, the State has to prove the possession of the
10 weapon and it has to prove the possession of the weapon
11 during the commission of a crime of violence; that is, in
12 this case during the crime of attempted murder or burglary
13 in the first degree.

14 Now the State attempts to meet its burden of proof as
15 to these charges by two types of evidence, direct evidence
16 and circumstantial evidence. Direct evidence directly
17 proves the existence of a fact, it doesn't require any
18 deduction. Direct evidence for the most part is like
19 eyewitness testimony. Circumstantial evidence is proof of
20 a chain of facts which leads to a conclusion indicating the
21 existence of another fact.

22 Now crimes can be proven by direct or circumstantial
23 evidence. The law doesn't make any distinction between the
24 weight or the value that you will give either to direct or
25 circumstantial evidence; however, to the extent the State

1 relies on circumstantial evidence all of the circumstances
2 must be consistent with each other and when taken together
3 they must point conclusively to the guilt of the accused
4 beyond a reasonable doubt. If the circumstances merely
5 portray the Defendant's behavior is suspicious, then the
6 proof has failed and so the State has the burden of
7 proving the Defendant guilty beyond a reasonable doubt and
8 the burden rests with the State regardless of whether it
9 relies on direct evidence or circumstantial evidence or
10 some combination of the two.

11 Now one of the issues in this case is the
12 identification of the Defendant as the person who committed
13 the crime charged and the State has the burden of proving
14 identity beyond a reasonable doubt just as it has the
15 burden of proving these other elements beyond a reasonable
16 doubt and you have to be satisfied beyond a reasonable
17 doubt as to the accuracy of the identification of the
18 Defendant before you can convict the Defendant.

19 Identification testimony may be an expression or
20 belief or an impression by a witness and in that case you
21 have to determine the accuracy of the identification of
22 the Defendant. You must consider the believability of the
23 identification witness in the same manner as you do any
24 other witness. You can consider whether the witness had
25 an adequate opportunity to observe the offender at the

1 time of the offense. You can consider how long or how
2 short the time was available, how far or close the witness
3 was, the lighting conditions, whether the witness had the
4 chance to see or know the person in the past. Once again,
5 I tell you that the burden of proof on the State extends
6 to every element of the crime charged, specifically the
7 burden of proving beyond a reasonable doubt the identity
8 of the Defendant as the person who committed the crime.
9 If after listening to the evidence and testimony you have a
10 reasonable doubt as to the accuracy of the identification,
11 then you must find the Defendant not guilty.

12 Now, ladies and gentlemen, finally -- that's a word
13 you've been hanging onto for a while here, finally --
14 finally, let me tell you that you're not partisans or
15 advocates for either the State of South Carolina or of
16 this Defendant. You don't serve as jurors to reward your
17 friends or punish your enemies. Obviously that would not
18 be a system of justice at all. You've been selected by
19 both the State and this Defendant to be fair and impartial
20 jurors. It is your duty then by your joint deliberations
21 to determine the facts of this case giving to this
22 Defendant the benefit of every reasonable doubt on each and
23 every issue and then to the facts which you determine to
24 exist you take and apply the law which I've just given you
25 and, thus, arrive at a verdict which reveals the true facts

1 in this particular case and once you've accomplished those
2 things, you will have satisfied the oath that you took and
3 you will have discharged your responsibility to the Court.

4 I'm now gonna go over the forms of the verdict with
5 you. Mr. Mills, if you'll give this verdict form, please,
6 to the foreman. I have written the forms on this verdict
7 form. The order in which I have written the possible
8 verdict form down there does not mean anything in the
9 world. You're not to reach any conclusions or draw any
10 inferences in any way whatsoever from the order in which
11 I I've written them. I simply write them in the order
12 that I find easiest to explain.

13 There are four charges. You will write four verdicts.
14 Your verdict on one charge does not necessarily determine
15 your verdict on another charge. The Defendant can be a
16 convicted or acquitted on any or all of these charges
17 depending upon your view of the evidence with one
18 exception. He cannot be convicted of possession of a
19 weapon unless he's also been convicted of the commission
20 of a violent crime.

21 The verdict form reads: We, the jury, by unanimous
22 consent find the Defendant, Nathaniel Antron Hunter, as to
23 charge of attempted murder, the possible verdict forms are
24 two; guilty is the verdict form that you will use if that
25 is what you arrive at after your discussions and after

1 you've decided to your satisfaction that the State has met
2 its burden of proof as to that charge beyond a reasonable
3 doubt and if that's a verdict form you arrive at,
4 Mr. Foreman, you'll indicate that by putting an X or a
5 checkmark in the space you see that's provided there. The
6 other possible verdict form as to that charge is: We, the
7 jury, by unanimous consent find the Defendant, Nathaniel
8 Antron Hunter, as to the charge of attempted murder, not
9 guilty. That's a verdict form that you will arrive at if
10 you find that the State has failed to meet its burden of
11 proof as to all of the elements of that offense and if
12 that's the verdict that you arrive at, Mr. Foreman,
13 likewise you will indicate that by putting an X or a
14 checkmark in the space provided.

15 As to the charge of burglary in the first degree, the
16 possible verdict forms are the same; guilty if the State
17 meets its burden of proof, not guilty if it fails to meet
18 its burden of proof.

19 And as to charge of criminal sexual conduct, guilty if
20 State meets its burden, not guilty if it fails to meet its
21 burden.

22 And as to the charge of possession of a weapon during
23 the commission of a violent crime, guilty if the State
24 has proven, as I've told you, that the Defendant was in
25 possession of a weapon during the commission of a violent

1 crime; that would either be attempted murder or burglary
2 in the first degree. And, likewise, you will indicate
3 your verdicts, whatever they are, by putting an X or a
4 checkmark in the space provided.

5 Now as the verdict form suggests, and that I tell you
6 now, the verdicts have to be unanimous. All twelve of
7 your number have to agree as to what the verdicts will be
8 in this particular case and, Mr. Foreman, you're not
9 authorized to fill out the form nor to sign it until all
10 twelve of your number have agreed as to what the verdict
11 shall be.

12 I'm gonna send you to your jury room now. One last
13 time I ask that you wait just one moment before you start
14 discussing this case among yourselves. I've got to talk
15 with the lawyers to see if I've left anything out, if I've
16 misstated anything. If I have, I'll have to bring you
17 back out to correct that, but if I do not have to bring
18 you back, we will send in the items of evidence and once
19 all of those items of evidence are brought into the jury
20 room, that will be your signal to begin your deliberations.
21 Not until then, please. Once those items of evidence have
22 been brought in, you will begin your deliberations. You
23 will deliberate until you have reached the verdicts in each
24 case at which time, Mr. Foreman, you will fill out the
25 verdict form and sign it, knock on the door and let the

1 bailiff know and we'll bring you out to receive your
2 verdict, okay?

3 If you will retire to your jury room and wait just a
4 moment until the verdicts -- I mean, until the evidence is
5 sent in before you begin your deliberations.

6 Ms. Johnson and Mr. Kinder, if you-all will stay right
7 where you are, please.

8 (Whereupon, the jury retires to the jury room at
9 2:34 PM.)

10 **THE COURT:** Any exceptions or requests for additional
11 charge, Ms. Mayes, from the State?

12 **MS. MAYES:** Your Honor, as to the identity charge,
13 the instruction by the Court was that if they cannot -- if
14 they did not find the identity -- I believe the word was
15 "credible" that they must find him not guilty.

16 **THE COURT:** As to the identification witness, that's
17 right, yes. I tried to limit it to that. As a matter of
18 fact, the identification charge, of course, refers to a
19 single identification witness. In this particular case,
20 I tried to include in the fact that -- that the -- and let
21 me see where it came.

22 **MS. MAYES:** And that's our concern, is that they could
23 still discredit any identity and still find him guilty
24 based on the evidence.

25 **THE COURT:** Of course they could. And that was the

1 -- I think I said to the -- somewhere I said in the
2 preference, and my recollection is, to the extent -- I
3 can't recall the exact question, Ms. Mayes, but what I
4 tried to do in the case was to make sure that they knew
5 that what -- the identification testimony that I was
6 referring to is the expression -- and here's where I put
7 it. Identification testimony is an expression or belief
8 or an impression by a witness and -- and you have to
9 determine the accuracy of the identification of the
10 Defendant insofar as that was concerned and the
11 believability of the identification witness itself. The
12 point was obviously that before they believe the
13 identification witness, the State had to be satisfied
14 that the identification was accurate.

15 I'll -- I will be glad to clear that up because that
16 is obviously important and to explain to them that -- that
17 the identification testimony that I was referring to in
18 that regard was limited to the testimony of the -- of the
19 identification by the witness, in this case the victim
20 herself. I don't know any way to deal with that frankly.
21 It's an accurate statement of the law. I realize that I
22 can't get too far away from it, of course, without being
23 a charge on the facts of the case, but --

24 **MS. MAYES:** Your Honor, if the charge would -- would
25 stay the same, that if the -- if the identity was not --

1 is not believed to be accurate, then they must find him not
2 guilty, then we wouldn't want any clarification. I think
3 that just would confuse the issue more. I guess our
4 position is that they could completely discount altogether
5 the testimony of the identity witness and still find him
6 guilty based on the circumstantial evidence of the DNA at
7 the scene.

8 **THE COURT:** They have. And -- and elsewhere in the
9 charge I mentioned after considering all of the evidence
10 and testimony, of course, you find him guilty -- you have
11 to find him guilty -- I mean, if you think he's guilty,
12 you have to find that he's guilty or words to that effect.
13 I tried to embody into that the fact that they had to take
14 into account all of the -- all of the testimony.

15 My tendency is to leave that alone unless the jury has
16 a question about it. The jury -- this is an intelligent
17 jury. They've heard -- if they get hung up back there on
18 this issue, I'll be glad to clarify that. Frankly, without
19 them asking I'm afraid it will create more questions than
20 it will -- than it will resolve. I note your exception
21 in that regard, but I'm not going to -- I'm not gonna
22 recharge.

23 As a matter of fact, there's nothing in that charge,
24 quite frankly, that would keep them from thinking that the
25 -- if the DNA -- if they're convinced that the DNA is that

1 of the Defendant, I don't think there's anything in that
2 charge that is going to keep from finding him guilty on the
3 basis of that. In other words, they could -- they could
4 certainly convict him on the basis of the DNA without --
5 without, I guess, accepting the -- the identification
6 testimony itself.

7 So I really don't know how to undo that given the
8 nature of the identification charge itself and the facts
9 of this particular case. I will -- I will wait to hear if
10 the jury has a concern about that and I'll address it if
11 they do. Thank you.

12 Mr. Phillips, any exceptions or requests for
13 additional charges from the defense except the fact that
14 I used truth once or twice?

15 **MR. PHILLIPS:** Just to preserve the record regarding
16 State versus Beatty, Your Honor. Thank you.

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

18 All right. You-all can assemble the evidence, get it
19 together and take it in and tell them they can start.

20 Ms. Johnson and Mr. Kinder, lady and gentleman,
21 you-all were selected as alternate jurors. You know what
22 your role by now would be. If any of those twelve original
23 jurors would not have been able to survive this case or if
24 they had gotten sick or had an emergency that would keep
25 them from showing up today and if you'd not been there,

1 we'd have had to start this case all over again because we
2 have to have twelve people in that juror room to start the
3 deliberations. Thankfully you were here and you've been
4 here throughout and you knew we were gonna have enough
5 jurors to complete the trial of this case. I'm gonna let
6 you go now. You don't have to -- you don't have to stay
7 any longer unless if you hang around and want to find out
8 what's gonna happen. You've had your lunch as I understand
9 it and so you will get a check in the mail sometime in the
10 next couple of weeks. It's not gonna begin to pay for you
11 for the time that you've invested with us and so add our
12 thanks to that small check and I hope you will be
13 compensated in a small way for that. Moreover, I hope
14 you've gained some satisfaction out of your service this
15 week and I hope you have gained a better appreciation of
16 how important folks like you are to what we do. You-all
17 are free to go. You can step right through there. And if
18 you need a work slip from anybody, they can instruct you.

19 **THE CLERK:** Mr. Dan has them.

20 **THE COURT:** Okay. Mr. Mills has them. He can give
21 you the forms if you want one.

22 (Whereupon, the alternate jurors were dismissed.)

23 **THE COURT:** All right.

24 **MR. PHILLIPS:** Your Honor, do you have any issue with
25 a member of our team making sure -- telling them that she's

1 with us and they don't have to speak to her, but if they
2 wish they would love to hear thoughts about the case? With
3 the alternates.

4 **THE COURT:** I don't have any problem with that really.
5 I normally reserve that to talk to the -- these folks who
6 make the decision because most of the time the question is
7 about how the decision was arrived at. I didn't think to
8 share that with them, but certainly I don't mind. You can
9 tell them the judge says I can talk with you if you want to
10 talk with me.

11 **MR. PHILLIPS:** It's up to them, but I wanted to ask
12 you.

13 **THE COURT:** That's right. Yes, sir. I don't mind
14 that.

15 **MR. PHILLIPS:** And the only other matter is does Your
16 Honor send the jury instructions back to the jury room?

17 **THE COURT:** Goodness, no. I've got this thing on
18 notebook paper, chewing gum wrappers, and everything else.
19 It wouldn't make any sense in the world for them to -- I
20 wish I could. I wish I could run some of it off, but I
21 don't -- I don't do that and, frankly, I'm not sure that I
22 would do it if I could.

23 Here's the indictments. I'm giving these back.

24 **THE CLERK:** Yes, sir.

25 (Whereupon, the evidence was sent back to the jury at

1 2:43 PM.)

2 (Recess taken.)

3 **BAILIFF:** All rise. Court's now in session.

4 **THE COURT:** All right. If you-all will assemble the
5 lawyers. I've got a question from the jury to deal with.

6 (Court's Exhibit Number 13 was marked for
7 identification.)

8 **BAILIFF:** Remain seated. Court's now in session.

9 **THE COURT:** Thank you, folks. You-all can be seated.
10 Folks, we have a question from the jury. The jury requests
11 a copy of the statute for attempted murder or reading in
12 court.

13 I will read the charge here in front of me. I can't
14 send it in for several reasons. First of all, it's got an
15 error of law in it that I've had to correct from the
16 standard website, so I'll just read it to them. Is that
17 okay?

18 **MS. MAYES:** Yes, sir, Your Honor. No objection.

19 **THE COURT:** All right.

20 **MR. PHILLIPS:** No objection, Your Honor.

21 **THE COURT:** Thank you. Bring us the jury.

22 (Whereupon, the jury returns to the courtroom at

23 4:10 PM.)

24 **THE COURT:** Ladies and gentlemen, I have your
25 question. The jury requests a copy of the statute for

1 attempted murder or reading in court. I'm prepared to
2 read the charge -- or to recharge you on attempted murder
3 or I will simply read you the statute.

4 Can you -- Mr. Foreman, can you tell me which or both
5 the jury prefers?

6 **FOREPERSON:** The statute would be adequate. Yes, sir.

7 **THE COURT:** All right. It's on the way now. I
8 brought my charge in, but the statute is coming right in
9 the door as I speak to you, okay?

10 **THE CLERK:** (Handing.)

11 **THE COURT:** Thank you. The statute is 16-3-29. You
12 don't need to remember that. Attempted murder. It says
13 a person who, with the intent to kill, attempts to kill
14 another person with malice aforethought, either expressed
15 or implied, commits the offense of attempted murder.
16 That's a person who, with the intent to kill, attempts to
17 kill another person with malice aforethought, either
18 expressed or implied, commits the offense of attempted
19 murder.

20 I am prepared to do whatever you-all need. If that's
21 sufficient, I won't give you any more than you asked for.

22 **FOREPERSON:** That's adequate. Yes, sir.

23 **THE COURT:** All right, sir. Thank you. If you-all
24 will return to your jury room and continue deliberations.
25 Let us know if you need anything further.

1 (Whereupon, the jury retires to the jury room at
2 4:12 PM.)

3 **THE COURT:** They apparently did not want to be
4 confused by the charge on the law and I was delighted to
5 limit it to whatever they asked.

6 Any exceptions to that from the State, Ms. Mayes?

7 **MS. MAYES:** None from the State, Your Honor.

8 **THE COURT:** Mr. Phillips?

9 **MR. PHILLIPS:** None, Your Honor.

10 **THE COURT:** Okay. Folks, we'll stand by until we hear
11 further.

12 (Recess taken.)

13 **BAILIFF:** All rise. Court is now in session.

14 **THE COURT:** Thank you. Thank you, folks. Y'all can
15 be seated.

16 Ladies and gentlemen, we're advised that the jury has
17 reached a verdict. Are both the State and the defense
18 ready to receive the verdict?

19 **MS. MAYES:** The State is ready, Your Honor.

20 **MR. PHILLIPS:** Yes, Your Honor.

21 **THE COURT:** All right. Ladies and gentlemen, those
22 of you who are interested spectators, let me admonish you,
23 please. When the verdict is announced -- and we don't
24 know what the verdict is at this point in time. I imagine
25 there will be different emotions on either side of the

1 aisle depending upon what the verdict is. It is important
2 that you continue to maintain the same dignity and decorum
3 that you have throughout this trial and avoid any outward
4 display of emotion when the jury's verdict is reached --
5 or is announced, I should say. And if you've got some
6 question in your mind as to whether you might be able to
7 control your emotions when the verdict is announced in
8 regards of what it is, then I would suggest that you leave
9 the courtroom at this time; otherwise, of course, I'll
10 expect you to abide by my instructions. Thank you.

11 Bring us the jury, please.

12 (Whereupon, the jury returns to the courtroom at
13 5:03 PM.)

14 **THE COURT:** Madam Clerk.

15 **THE CLERK:** Mr. Foreman, have you reached your
16 verdicts?

17 **FOREPERSON:** Yes, ma'am.

18 **THE CLERK:** Please pass it to the bailiff.

19 **BAILIFF:** (Handing.)

20 **THE COURT:** You may publish the verdict.

21 **THE CLERK:** Indictment 2014-GS-32-3687, 3688, 3689 and
22 3892, the matter of the State versus Nathaniel A. Hunter.
23 We, the jury, by unanimous consent find the Defendant,
24 Nathaniel Antron Hunter, as to the charge of attempted
25 murder on Indictment 2014-GS-32-3689, guilty. As to

1 the charge of burglary first degree, Indictment
2 2014-GS-32-3687, guilty. As to the charge of criminal
3 sexual conduct with a minor, third degree, Indictment
4 2014-GS-32-3688, guilty. As to the charge of possession
5 of a firearm during the commission of a violent crime,
6 Indictment 2014-GS-32-3692, guilty. And it's so-signed by
7 the foreperson April 28, 2017.

8 Mr. Foreman, ladies and gentlemen of the jury, if
9 these are your verdicts, please indicate each of you by
10 raising your right hand.

11 All hands raised, Your Honor.

12 **THE COURT:** Thank you. The record should reflect all
13 hands were raised.

14 Does the Defendant wish polling of the jury?

15 **MR. PHILLIPS:** We do, Your Honor. And we would ask
16 one specific question to be answered. There was a picture
17 of the Defendant that was found inadmissible of him holding
18 a gun that was listed over there during one of my
19 cross-examinations that possibly was in view of the jury
20 and we'd like that to be added when polling the jury.

21 **THE COURT:** You want to ask if a picture of the
22 Defendant holding a gun was in the jury room? Is that
23 what you're asking?

24 **MR. PHILLIPS:** No, no, no. I'm sorry, Your Honor.
25 Whether it was in view of the jury when it was over by the

1 clerk. Not -- I'm not trying to in any way imply that
2 anybody put it there for an intentional purpose, but
3 whether any of the jurors saw this inadmissible piece of
4 evidence.

5 **THE COURT:** I'll ask that right now.

6 Ladies and gentlemen of the jury, you've heard the
7 question that's been raised. It refers to a picture of
8 the Defendant holding a gun. That picture was not in
9 evidence. Did any of you on the jury see that picture
10 during the course of -- if any of you saw that, would
11 you, please, raise your right hand?

12 Thank you. All right. The record will reflect that
13 the question was answered in the negative to the Court.

14 Now, Madam Clerk, if you will poll the jury, please,
15 using numbers.

16 **THE CLERK:** As I call your number, if you'll hold
17 your hand where I can recognize you. I will ask you as to
18 the verdicts, were these your verdicts and are they still
19 your verdicts. At that time give me your response.

20 Number 211, as to the verdicts, were these your
21 verdicts and are they still your verdicts?

22 **JUROR:** Yes, ma'am.

23 **THE CLERK:** 212, as to the verdicts, were these your
24 verdicts and are they still your verdicts?

25 **JUROR:** Yes, ma'am.

1 **THE CLERK:** 134, as to the verdicts, were these your
2 verdicts and are they still your verdicts?

3 **JUROR:** Yes, ma'am.

4 **THE CLERK:** 121, as to the verdicts, were these your
5 verdicts and are they still your verdicts?

6 **JUROR:** Yes, ma'am.

7 **THE CLERK:** 116, as to the verdicts, were these your
8 verdicts and are they still your verdicts?

9 **JUROR:** Yes.

10 **THE CLERK:** 136, as to the verdicts, were these your
11 verdicts and are they still your verdicts?

12 **JUROR:** Yes, ma'am.

13 **THE CLERK:** 135, as to the verdicts, were these your
14 verdicts and are they still your verdicts?

15 **JUROR:** Yes, ma'am.

16 **THE CLERK:** 120, as to the verdicts, were these your
17 verdicts and are they still your verdicts?

18 **JUROR:** Yes, ma'am.

19 **THE CLERK:** 111, as to the verdicts, were these your
20 verdicts and are they still your verdicts?

21 **JUROR:** Yes, ma'am.

22 **THE CLERK:** 193, as to the verdicts, were these your
23 verdicts and are they still your verdicts?

24 **JUROR:** Yes, ma'am.

25 **THE CLERK:** 189, as to the verdicts, were these your

1 verdicts and are they still your verdicts?

2 **JUROR:** Yes, ma'am.

3 **THE CLERK:** Number 90, as to the verdicts, were these
4 your verdicts and are they still your verdicts?

5 **JUROR:** Yes, ma'am.

6 **THE CLERK:** All jurors polled, Your Honor.

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

8 Is there anything further before the jury is
9 dismissed, Mr. Phillips?

10 **MR. PHILLIPS:** Nothing further, Your Honor.

11 **THE COURT:** Thank you.

12 Ladies and gentlemen of the jury, I want to thank you
13 for your service throughout the trial of this case, for
14 the time that you spent with us, for your punctuality and
15 for the attention that you gave the case and for your
16 thoughtfulness in your deliberations. I never comment
17 upon the verdicts that you-all reach. I'm delighted that
18 the difficult questions of this Court have to answered by
19 folks like you and not by me. I neither condemn nor do I
20 commend juries for the verdicts that they reach. I commend
21 you for the quality of your service, for the attention that
22 you gave and for the other matters which I just discussed,
23 your thoughtfulness and your punctuality. I can tell you,
24 ladies and gentlemen, that you only have to answer to your
25 own conscience for the verdicts that you have reached in

1 this case. I've heard what you have heard and I can tell
2 you that you have no need to fear your conscience for the
3 decisions that you've made in this particular case.

4 You're gonna be free to go now and you are now free
5 to discuss this case with anybody that you want to. The
6 restrictions that I have given you earlier no longer apply
7 and so if somebody should ask you about this case and if
8 you care to discuss it with them, you have every right to
9 do that. On the other hand, if someone asks you about this
10 case and you do not care to discuss it, you do not have to.
11 I'm sure that that will end the discussion right then, but
12 if it does not, if somebody persists in trying to talk with
13 you about this case after you've made it plain to them that
14 you don't want to discuss it, please out find who they
15 are, report it to the clerk, the clerk will report it to me
16 and we'll take care of that matter for you. I doubt that
17 there will be anything like that and I don't want to cause
18 you any apprehension or any concern or heartburn about
19 that. It's highly unlikely that anything like that will
20 happen. You might be contacted about the case. If you
21 want to talk about it, that's fine. It's fair game. You
22 can do that.

23 Folks, we have had to expose you this week to a side
24 of life that I hope that most of you have not ever seen
25 before and been exposed to on your own. I trust that's the

1 case. And I trust that you will never have to be exposed
2 to anything like this again. I appreciate the fact that
3 you were willing to be exposed to a side of life that we
4 have to deal with in this courtroom on a day to day basis;
5 otherwise, we would not be able to address these sorts of
6 things in an orderly fashion and so you have done that and
7 you have served a valuable service in that regard and we
8 are all grateful for that. You have gained an exemption
9 that will not require you to serve as a circuit court judge
10 {sic} for the next three years. You should not even get
11 called, but if you do get called and you want to serve, you
12 can, but you don't have to. You'll get a check in the mail
13 sometimes in the next couple of weeks. I'm not sure. It's
14 not gonna begin to pay you for the time that you've spent
15 and for your emotional investment in this particular case,
16 but please add our gratitude to that check and I hope
17 you'll be compensated in some small way for what you've
18 done.

19 Let me tell you that -- that I hope you never get
20 caught up in this on a personal basis. I hope you never
21 find yourself seated on this side of the aisle where the
22 victims sit or on the other side of the aisle where those
23 charged with crimes sit. I hope you nor your family
24 members ever find yourself in this courtroom or anyone
25 like it under the circumstances that these folks appear

1 today, the victims and the defendant and their families.
2 And while I hope that that never does happen to you, if it
3 ever does, if it ever does, if you find yourselves on a
4 Monday morning where these folks found themselves on Monday
5 morning this week and when you see the jury filing into the
6 courtroom like you filed through the door on Monday morning
7 of this week, when you turn around in your seats and look
8 into the faces of the jurors that have been summoned into
9 this courtroom to deal with the case that you have a deep
10 abiding personal interest in, you're gonna hope that you're
11 looking into the faces of people just like you, people who
12 have better things to do, who have things that they would
13 rather be doing than what they have been asked to do by
14 people like you who are willing to put aside those things
15 that you had to do and come into this courtroom and help us
16 do the things that we have to do. You have given us that
17 quality of jury and I appreciate that very much and we all
18 do.

19 You're free to go now. We have things to deal with
20 here. There's the matter of sentencing and things of that
21 nature. You don't have to sit where you are. If you're
22 interested, you can come back in the back of the courtroom
23 and sit, but I imagine you probably want to get out of
24 here, and that's fine if you do. And if you do, I'll thank
25 you again.

1 If any of you have any questions, I told you during
2 this trial that if you want to know anything about what I
3 was doing when you were not in this courtroom, I'll be
4 glad to tell you, but I would imagine you want to get out
5 of here as quickly as you. I'll be around some.

6 **BAILIFF:** Some of them have expressed interest in
7 doing that, Your Honor --

8 **THE COURT:** Well, certainly they're free to do that.

9 **BAILIFF:** -- after the sentencing.

10 **THE COURT:** Surely, yes. That's right. That's right.

11 (Whereupon, the jury was dismissed at 5:12 PM.)

12 **THE COURT:** All right. Mr. Phillips, I'll be glad
13 now to hear any additional motions. Or, excuse me, is it
14 Mr. Chehoski? I'm sorry.

15 **MR. CHEHOSKI:** Thank you, Your Honor.

16 At this time the Defense moves for a new trial. We
17 are renewing all prior motions and objections,
18 specifically, all motions for mistrial that occurred
19 during the course of the trial.

20 Additionally, we are moving for a new trial based on
21 the cumulative nature of our objections and motions for
22 mistrial and the cumulative nature of those objections and
23 the subject matter of them has resulted in -- has resulted
24 in error in this trial that has deprived Mr. Hunter of a
25 fair trial pursuant to Article 5, 6 and 14 of the United

1 States Constitution -- I mean, Amendment 5, 6 and 14 and
2 Articles 1, 3 and 14 of the South Carolina Constitution.

3 **THE COURT:** All right.

4 **MR. PHILLIPS:** I'm sorry, Your Honor. The only thing
5 I'd like to add is during the closing arguments we did
6 have the objection that nothing was put on the record for.
7 Later -- you said you would certainly hear from us
8 later that the State is not on trial. There was a
9 contemporaneous objection that was lodged. The defense's
10 argument would be that was improper burden-shifting in
11 violation of his right to a fair trial, as well as there
12 was highlighted during the closing argument the extraction
13 report, the phone calls. The extraction report was two
14 demonstrative exhibits which enhanced the prejudice to the
15 jury based on our prior objections. The reference to calls
16 with probation and our arguments that that information
17 would have been privileged under the statute and
18 highlighted -- highlighted were the terms "forensic
19 interview", which was also part of our prior motions.

20 **THE COURT:** I think we've addressed -- as I recall
21 it, we've addressed all of those matters, of course,
22 during the trial itself. I need not readdress them at
23 this juncture. I think you all have -- the record is
24 well-preserved on all of those issues. I simply renew my
25 earlier rulings except for the matter during opening or

1 during the arguments that the State is not on trial here.
2 That was a proper area of argument. The defense had said
3 at some point in time, either -- perhaps in opening, I
4 think that's when it occurred, that the State was really
5 on trial, that the Defendant was not on trial. As a matter
6 of argument, that's within the realm of argument. I find
7 nothing burden-shifting about that, but I note your
8 objection. I think that's the only one I have not
9 previously ruled on. As I said, you-all have certainly
10 preserved this record for appellate review as well as
11 anybody. This record could not be any better preserved if
12 it were pickled in brine and so the record is there for
13 appellate review should that be necessary.

14 All right. Is the State ready to proceed to
15 sentencing?

16 **MS. MAYES:** Yes, sir, Your Honor.

17 **THE COURT:** All right.

18 **MS. MAYES:** Your Honor, I will begin with the prior
19 record of Nathaniel Hunter.

20 **THE COURT:** Yes, ma'am.

21 **MS. MAYES:** In 2003, we have the conviction for
22 possession of implements to be used in crime, also known
23 as burglary tools. Your Honor, we have provided to the
24 defense a certified copy of that indictment and sentencing
25 sheet. At that time that was a Richland County conviction.

1 He was found to have been in possession of screwdrivers,
2 pliers, wrench. He was found in a car dressed all in black
3 at night in a neighborhood that they did not belong, while
4 the co-defendant could not give a clear and consistent
5 explanation for being in, and also possessed three masks,
6 an automatic rifle, a pistol, and co-defendant admitted
7 they planned to use the tools to make entry into the
8 dwelling to commit robbery therein. So, Your Honor,
9 that's eleven years before this and from what we can
10 determine it seems to be a continual pattern of criminal
11 conduct thereafter.

12 Your Honor, there was mention in this trial of the
13 River Bend Apartments. It was at the River Bend Apartments
14 in 2010 that he was arrested for attempting or committing
15 a lewd act upon a child, an indecent exposure and assault
16 and battery. And ultimately, Your Honor, in that case he
17 plead guilty to the indecent exposure. He was sentenced to
18 three years suspended to one year probation. Following
19 that incident, they left the River Bend Apartments, which
20 is just maybe a couple of football fields away from the
21 [REDACTED] Apartments. He had, as I believe there's been
22 some discussion about and I realize the Court can't take
23 this into consideration in terms of sentencing, but he
24 was out on bond for murder, burglary first degree and
25 possession of weapon during a violent crime out of

1 Fairfield County, and I think it's safe to say that a
2 condition of that bond would have prohibited any type of
3 criminal activity such as this and there's no doubt he was
4 in possession of a weapon at the time this crime was
5 committed in violation of that bond. He also had a pending
6 indecent exposure for which he was out on bond from
7 Richland County at the time this crime was committed.

8 Your Honor, when he was identified as the perpetrator
9 of this crime and arrested, we immediately moved to revoke
10 his bond out of Fairfield County and he has been in jail
11 since that time due to that bond revocation. To that
12 extent, I'll also add, Your Honor, I do want to make sure
13 the record is protected about the length of time that it
14 took for this case to come to trial.

15 After the sudden and unexpected death of Sergeant
16 Bramlett, we had to completely redo the original Schmerber
17 collection. Sergeant Bramlett had done that first and
18 original Schmerber collection after our hearing on this
19 where DNA had been done and we were looking at potentially
20 setting a trial date and so we had a new Schmerber hearing
21 and we collected completely new samples and redid the DNA
22 all over. So that, of course, amounted to some period of
23 time.

24 He also had a change in attorneys in that Mr. Phillips
25 left the public defender's office and then Mr. Chehoski

1 came onboard. At that point in time, Mr. Chehoski and I
2 had another murder case that we were working on and it was
3 just a situation where we knew that he would not be able to
4 handle all of these cases at one time suddenly, so it was
5 over the course of time that this trial date was selected
6 and here we are.

7 Your Honor, I know that Ms. Simon wishes to address
8 the Court. I also know that Detective -- or Investigator
9 Griffin wishes to make a statement to the Court on behalf
10 of the West Columbia Police Department, but Mr. McNair and
11 I want to go ahead and make the record clear that in terms
12 of plea negotiations we -- we were not able to work out a
13 plea in this case because we were potentially looking at
14 something in the range of thirty years and when we
15 calculated the time period involved and his age and the
16 credit for time served and the fact that he would be
17 eligible for patrol after 85 percent of that sentence, it
18 amounted to about twenty-two and a half years. And looking
19 at his history and the fact that this is the second case
20 that we know of that would have involved a child, we felt
21 that at age fifty-five getting out of prison he would
22 remain a threat to children. Your Honor, for that reason
23 we rejected any type of plea offer in that regard.
24 Burglary first degree carries life, Your Honor. The State
25 is seeking a life sentence.

1 **THE COURT:** All right. I'll be glad to hear from the
2 victim and the representatives of the officers.

3 Ms. Simon.

4 **MS. SIMON:** Good afternoon, Your Honor.

5 **THE COURT:** How are you?

6 **MS. SIMON:** My daughter considers this person -- she
7 don't know him by name. Every night she goes to sleep
8 she asks me is the bad man coming, is the monster coming.
9 Every night we sleep with all lights on; living room,
10 kitchen, hallway, TV's. Everything has to be on for her
11 to fall asleep. Prior to this, maybe a hallway light.
12 She never asked about a bad man coming into our house. We
13 never had this type of situation happen to us. He took
14 away my daughter's security at night to sleep in her bed so
15 she can wake up early in the morning to go to sleep to do
16 the same thing every other child gets to do. He took away
17 a lot of stuff from my child and that's all I care about.
18 He could have shot me a hundred times, but the point is he
19 took away from my child the innocence that she will never
20 get back. Your Honor, I don't want no more children going
21 through the things that she went through. I could care
22 less about me getting shot. I've got a cut from the top of
23 my stomach down to the bottom. I don't care about none of
24 that. He took away her innocence and he deserves to be in
25 jail for the rest of his life.

1 **THE COURT:** Thank you, Ms. Simon.

2 Yes, sir.

3 **MR. GRIFFIN:** Yes, sir, Your Honor. Thomas Griffin
4 from the West Columbia Police Department. In my time with
5 law enforcement, this is by far one of the most heinous
6 and evil acts I've seen. It's by far the most evil and
7 heinous act I've had to investigate as an investigator.
8 I'm dealing with the injuries of Ms. Simon at the hospital,
9 as well as what was attempted to be done to her daughter.
10 It's something that no one could ever imagine be done.
11 Based on that, Your Honor, we know that these victims are
12 scarred for life. They are scared for life.

13 Mr. Hunter, he appears to be in good shape, he appears
14 to be in good physical shape. He gets to live with that.
15 We have the victim who, like she said, is cut from the top
16 to the bottom of her stomach, Your Honor. We have a
17 daughter who cannot sleep at night. Just these acts were
18 so evil, Your Honor, we just ask, as the State, we would
19 ask that you sentence him to life.

20 **THE COURT:** Thank you.

21 **MS. MAYES:** That's all from the State, Your Honor.

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

23 All right. I'll be glad now to hear from the
24 Defendant or anyone on his behalf.

25 **MR. CHEHOSKI:** Thank you, Your Honor. Before we get

1 into mitigation, just a couple of issues that Ms. Mayes
2 brought up in her presentation.

3 **THE COURT:** Okay.

4 **MR. CHEHOSKI:** First, in regard to the Langford
5 decision, we still want to point out that this case was
6 originally set for a trial date earlier this month and was
7 unilaterally changed by the State without any -- any
8 hearing in front of a judge. Secondly, there was -- in
9 reference to any plea negotiation, there was never an
10 offer to even consider -- for Mr. Hunter ever to even
11 consider from the State to try to -- to avoid a trial
12 without the specter of a life sentence hanging over his
13 head.

14 Your Honor, as he stands before you right now,
15 Mr. Hunter is thirty-four years old. He's a high school
16 graduate of Eau Claire High School in Columbia. He is
17 single. He does have a twelve-year-old daughter. In the
18 courtroom that has been in the courtroom supporting him
19 all week is his mother, Ms. Pauline Jones; his father,
20 Nate Hunter; his sister, Alicia Williams Hunter; his
21 brother, Aaron Jones, and his uncle, Mr. Charles
22 Livingston. He's been in custody since his arrest on
23 April 17, 2014. That is 1,107 days, Your Honor. A little
24 more that three years. You did hear that he did take some
25 classes at Midlands Tech. He was also in the humanitarian

1 department in charge of recycling. That was his job while
2 there. He was also studying -- he was about six courses
3 away from his associate's degree in computer programming.

4 Personally, Your Honor, I've known -- I've gotten to
5 know Mr. Hunter since I came onboard in October of 2015.
6 Mr. Hunter has always been very soft-spoken, always very
7 polite, respectful and caring. He's -- I started and
8 first got to know him a month before my wedding and he
9 wished -- every time he would wish me well and wished me
10 happy anniversary when I saw him as our first anniversary
11 came forward. I've gotten to know his mother. I've met
12 his mother in the community. She actually lives about
13 three blocks from me. I met her this past February while
14 walking her dog and just crossed paths.

15 Your Honor, again, in speaking with them he does come
16 from a good family. He's got strong support. While he was
17 in custody, he did have -- he did come to faith and became
18 a Christian. His family has described him -- I believe
19 Mr. Charles Livingston would like to address the Court at
20 the appropriate time. They've, again, described him as
21 a caring person, which has been consistent with my
22 experience with him. He did enjoy working -- he did work
23 as a car mechanic working on older cars. Again, that is
24 corroborated by his ownership of 1967 Buick Skylark.

25 Your Honor, I also kind of want to address two things.

1 One, while Ms. Mayes did say that you can't -- you should
2 not consider it, she did go into quite lengths about the
3 pending charge up in Fairfield County. That is now about
4 ten years old and Fairfield County has not seen fit to
5 dispose of the charge through dismissal or call the case
6 to trial at this point. Though I am not at all familiar
7 with the details, those -- those dates are troubling and I
8 think that if the State were to have a case they probably
9 would have called it to trial by now.

10 Also I wanted to go into as you heard about the prior
11 conviction in 2003. You did not hear about the details of
12 that. It appears that he was a passenger in a car that --
13 where the tools were found. He was not -- not the driver,
14 not the owner of the tools, and there was no -- there was
15 not any suggestion that he was the mastermind behind the
16 plan or it may have just -- it could have been as simple
17 as a mere presence versus constructive possession argument.

18 Your Honor, we are asking for mercy in this case,
19 again, really just due to the fact that -- that we're --
20 you know, that's what our job is.

21 I want to let Mr. Livingston address the Court and
22 then I'll sum up.

23 **THE COURT:** All right. Mr. Livingston, if you'll come
24 forward, please. You can -- that's right.

25 Mr. Livingston.

1 **MR. LIVINGSTON:** Good afternoon. How are you doing.

2 **THE COURT:** I'm fine. How are you?

3 **MR. LIVINGSTON:** I'm fine. Judge Cooper, I would
4 like to thank the defense team for what they have done. I
5 thought they did a great job with what they had to work
6 with and I appreciate what they've done for my nephew.

7 And right now at this juncture of the trial, Your
8 Honor, we ask that your grace and your mercy be upon
9 Nathaniel Hunter. We're his family, we love him, we
10 support him. I realize that you've got a job to do. I
11 realize that the situation that had happened is -- was a
12 terrible situation. I can't pinpoint whether he did or
13 whether he didn't do it, but at this point I'm asking that
14 your mercy be upon him. We're gonna be with him, we're
15 gonna support him and we ask that you just allow us an
16 opportunity and not to give him so much time that it would
17 be unbearable for him and his family. And we appreciate
18 what you and the prosecutor team have asked for and we ask
19 that you be lenient on my nephew, Mr. Hunter. Thank you.

20 **THE COURT:** Thank you, Mr. Livingston.

21 **MR. CHEHOSKI:** Summing up, Your Honor. Again, the --
22 while the fact of the charge do speak for itself, all of
23 us on the defense team have sympathy for the victim. It's
24 a nightmare. No one wants to go through that. I know
25 Mr. Phillips, being the father of a child less than

1 one years old, Ms. Gilreath as a young woman in the
2 community, again, that comes with its own burdens and,
3 you know, we -- our hearts go out to the victims and we --
4 we ask for your mercy and we'd ask for a sentence of a
5 determinate term of years, Your Honor.

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

7 Mr. Hunter, do you want to add anything to what's been
8 said on your behalf?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** Okay. I'll be glad to hear from you.

11 **THE DEFENDANT:** Yes, sir. I just ask that you be
12 lenient because -- I mean, I've been in jail three years
13 and if I really, really felt like I was guilty of this
14 crime, I would have been -- at least asked to negotiate
15 for a plea deal, but being that I know I didn't commit
16 this crime, I couldn't do that. I couldn't admit to
17 something I didn't do. I mean, it was a lot of
18 coincidences and lot of things that happened as far as
19 giving away my clothes and I can't help I was a major
20 contributor to that, but that was -- that was -- the cap
21 was something that I had before. If someone else had that
22 cap and I was the major contributor, then I can't -- I
23 can't do anything about that, but I just ask that you be
24 lenient on me and I thank you for your time and patience.
25 And I've never been in prison before. I know I might have

1 got in trouble before, but I'm really not a bad person.
2 I'm asking that you please be lenient.

3 **THE COURT:** Thank you, Mr. Hunter.

4 Mr. Chehoski, anything else?

5 **MR. CHEHOSKI:** Nothing further from the defense,
6 Your Honor.

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

8 I have taken into account those things that were said
9 both in aggravation and in mitigation. My sentence might
10 not reflect that I have, but I can tell you that I have.
11 The facts of this situation speak for themselves. I need
12 not add nothing to it.

13 Mr. Hunter, on the charge of possession of a weapon
14 during the commission of a violent crime, you are to be
15 committed to the Department of Corrections for five years.

16 On the charge of criminal sexual conduct with a minor
17 in the third degree, you are to be committed to the
18 Department of Corrections for a period of fifteen years.

19 On the charge of attempted murder, you are to be
20 committed to the Department of Corrections for a period of
21 thirty years.

22 On the charge of burglary in the first degree, you
23 are to be committed to the Department of Corrections for
24 forty-five years.

25 These sentences all run concurrent to each other with

1 credit for time served.

2 **MS. MAYES:** Thank you, Your Honor.

3 **THE COURT:** Thank you-all, folks.

4 **MR. PHILLIPS:** Thank you, Your Honor.

5 **THE COURT:** We stand adjourned.

6 **MS. MAYES:** Thank you, Your Honor.

7 (Whereupon, the proceedings were concluded at

8 5:36 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned case in Circuit Court on the 24th - 28th days of April, 2017.

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

September 15, 2017

ISI Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

Incoming

Outgoing

WEB

Text

TYPE	DIRECTION	TIME	PARTY	DISCRPTION
SMS	Incoming	4/12/2014 2:10:14 PM(UTC-4)	From: [REDACTED]-0828 Nish	Hey Wyd?
SMS	Outgoing	4/12/2014 2:11:58 PM(UTC-4)	To: [REDACTED]-0828 Nish	Watching TV relaxing right now until u get here
SMS	Incoming	4/12/2014 2:13:27 PM(UTC-4)	From: [REDACTED]-0828 Nish	U ate your chicken?
SMS	Outgoing	4/12/2014 2:14:15 PM(UTC-4)	To: [REDACTED]-0828 Nish	I been ate that bfo i left. Im good until later now
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SMS	Outgoing	4/14/2014 12:44:26 PM(UTC-4)	To: [REDACTED]-0828 Nish	I guess if i didn't care ill
SMS	Outgoing	4/14/2014 12:46:54 PM(UTC-4)	To: [REDACTED]-0828 Nish	Yes maam just disregard the last message sorry..
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Web History	Unknown	4/16/2014 12:52:40 PM(UTC-4)		DNA database brings speedy justice - AmericaNowNews.com
Web History	Unknown	4/16/2014 12:53:41 PM(UTC-4)		2007-2008 Bill 890 Text of Previous Version (Dec. 12, 2007) - South Carolina Legislature Online
Web History	Unknown	4/16/2014 1:33:27 PM(UTC-4)		Columbia Police Department: Warrant Division - Columbia Police Department
Call Log	Outgoing	4/16/2014 1:34:44 PM(UTC-4)	To: *67 (803) 545-3626 Columbia Police Department Warrant Division	00:00:32
Call Log	Outgoing	4/16/2014 1:38:11 PM(UTC-4)	To: *67 (803) 734-9041 Crystal Owens	00:00:13
Call Log	Outgoing	4/16/2014 2:02:28 PM(UTC-4)	To: +1 (803) 772-7903 Carolina Rental Car	00:02:16

Call Log	Outgoing	4/16/2014 2:19:57 PM(UTC-4)	To: *67 (803) 734-9041 Crystal Owens	00:00:09
Call Log	Outgoing	4/16/2014 2:23:12 PM(UTC-4)	To: *67 (803) 545-3626 Columbia Police Warrant Division	00:00:37
Web History	Unknown	4/16/2014 2:36:30 PM(UTC-4)		Rapid DNA testing technology to put a faster finger on crime
Web History	Unknown	4/16/2014 2:39:08 PM(UTC-4)		How Long Does Forensic DNA Testing Take - Ask.com
Web History	Unknown	4/16/2014 2:44:01 PM(UTC-4)		Columbia Police Department: All Police Divisions - Columbia Police Department
Call Log	Outgoing	4/16/2014 2:49:35 PM(UTC-4)	To: +1 (803) 772-7903 Carolina Rental Car	00:00:49
Call Log	Outgoing	4/16/2014 4:21:40 PM(UTC-4)	To: *67 (803) 734-9041 Crystal Owens	00:00:08
Call Log	Outgoing	4/16/2014 7:25:01 PM(UTC-4)	To: +1 (803) 772-7903 Carolina Rental Car	00:00:07
Web History	Unknown	4/16/2014 7:34:03 PM(UTC-4)		South Carolina Most Wanted Criminals and Fugitives
Web History	Unknown	4/16/2014 7:34:29 PM(UTC-4)		Town of Lexington
Web History	Unknown	4/16/2014 7:36:52 PM(UTC-4)		Crime Stoppers wltx.com Columbia, SC News, Weather, and Sports
Web History	Unknown	4/16/2014 7:38:43 PM(UTC-4)		Crimestoppers - wistv.com - Columbia, South Carolina
Web History	Unknown	4/16/2014 8:12:31 PM(UTC-4)		FBI: 166 profile errors found during audit of national DNA database - UPI.com
Web History	Unknown	4/16/2014 8:14:43 PM(UTC-4)		DNA Forensics: The latest national and international news about DNA databases and forensic science
Web History	Unknown	4/16/2014 8:18:30 PM(UTC-4)		South Carolina Statutes
Web History	Unknown	4/16/2014 8:19:21 PM(UTC-4)		South Carolina to collect DNA after every felony arrest Mobile Augusta
Web History	Unknown	4/16/2014 11:08:16 PM(UTC-4)		Don't delay: Delete your DNA today • The Register
Web History	Unknown	4/16/2014 11:09:32 PM(UTC-4)		How to delete your DNA profile • The Register
Web History	Unknown	4/16/2014 11:10:04 PM(UTC-4)		National DNA database - Wikipedia, the free encyclopedia
Web History	Unknown	4/17/2014 12:43:37 AM(UTC-4)		Arrest warrant issued for burglary suspect
Web History	Unknown	4/17/2014 12:44:52 AM(UTC-4)		Columbia Crime - Topix

Web History	Unknown	4/17/2014 1:39:44 AM(UTC-4)		DNA Evidence: Basics of Identifying, Gathering and Transporting National Institute of Justice
Web History	Unknown	4/17/2014 1:48:14 AM(UTC-4)		DNA Evidence Basics: Possible Results from Testing National Institute of Justice
Web History	Unknown	4/17/2014 1:54:22 AM(UTC-4)		DNA Evidence Basics: Types of Samples Suitable for DNA Testing National Institute of Justice
Web History	Unknown	4/17/2014 1:58:26 AM(UTC-4)		DNA Evidence Basics National Institute of Justice
Web History	Unknown	4/17/2014 1:58:41 AM(UTC-4)		DNA Evidence Basics: Possible Results from Testing National Institute of Justice
Web History	Unknown	4/17/2014 2:00:28 AM(UTC-4)		http://apmobile.worldnow.com/story/24684193/sled-crime-lab-backlog-affects-cases-families-statewide
Web History	Unknown	4/17/2014 2:04:21 AM(UTC-4)		SPECIAL REPORT: SLED crime lab backlog affects cases, families
Web History	Unknown	4/17/2014 7:40:54 AM(UTC-4)		News for Columbia : News : WACH.com
Web History	Unknown	4/17/2014 7:41:46 AM(UTC-4)		WACH.com - Latest local news, weather and high school sports from the Midlands
Call Log	Outgoing	4/17/2014 8:15:23 AM(UTC-4)	To: +1 (803) 772-7903 Carolina Rental Car	00:04:24
SMS	Outgoing	4/17/2014 9:31:30 AM(UTC-4)	To: [REDACTED]-0828 Nish	Didnt mean to text u.
SMS	Incoming	4/17/2014 9:32:57 AM(UTC-4)	From: [REDACTED]-0828 Nish	Oh. Okay...
Call Log	Outgoing	4/17/2014 10:54:59 AM(UTC-4)	To: +1 (803) 781-8900 The Carolina Trader	00:03:12
Call Log	Outgoing	4/17/2014 11:23:11 AM(UTC-4)	To: [REDACTED]-0828 Nish	00:00:30
Call Log	Incoming	4/17/2014 11:25:15 AM(UTC-4)	From: [REDACTED]-0828 Nish	00:03:59
Call Log	Incoming	4/17/2014 11:33:10 AM(UTC-4)	From: [REDACTED]-0828 Nish	00:04:41
Call Log	Outgoing	4/17/2014 11:38:12 AM(UTC-4)	To: +1 (803) 772-7903 Carolina Rent A Car	00:01:54
Web History	Unknown	4/17/2014 12:21:36 PM(UTC-4)		WLTX-TV
Web History	Unknown	4/17/2014 12:22:27 PM(UTC-4)		WLTX-TV
Call Log	Outgoing	4/17/2014 1:28:45 PM(UTC-4)	To: *67 (803) 734-9041 Crystal Owens	00:01:21
Web History	Unknown	4/17/2014 1:49:30 PM(UTC-4)		South Carolina Law Enforcement Division
Web History	Unknown	4/17/2014 1:50:02 PM(UTC-4)		U.S. Marshals Service, 15 Most Wanted, Index
Web History	Unknown	4/17/2014 1:51:34 PM(UTC-4)		News for Columbia : News : WACH.com
Web History	Unknown	4/17/2014 1:54:46 PM(UTC-4)		Crime Stoppers wltx.com Columbia, SC News, Weather, and Sports
Web History	Unknown	4/17/2014 1:56:14 PM(UTC-4)		WIS

Web History	Unknown	4/17/2014 2:04:13 PM(UTC-4)	South Carolina's news, weather and sports leader - wistv.com - Columbia, South Carolina
Web History	Unknown	4/17/2014 2:05:25 PM(UTC-4)	Slideshow Landing Page - wistv.com - Columbia, South Carolina
Web History	Unknown	4/17/2014 2:44:57 PM(UTC-4)	How to delete your DNA profile • The Register
Web History	Unknown	4/17/2014 4:29:56 PM(UTC-4)	COLUMBIA, SC: CPD searching for 'armed and dangerous' suspect Crime The State
Web History	Unknown	4/17/2014 4:40:56 PM(UTC-4)	Forget Fingerprints: Law Enforcement DNA Databases Poised To Expand — NOVA Next PBS
Web History	Unknown	4/17/2014 4:41:41 PM(UTC-4)	Deputies searching for man who robbed TB Bank - wistv.com - Columbia, South Carolina
Web History	Unknown	4/17/2014 4:44:00 PM(UTC-4)	South Carolina's news, weather and sports leader - wistv.com - Columbia, South Carolina

WITNESSES

West Columbia Police Department

S Neel

Law Enforcement Case #: 1407629

LSM

ARREST WARRANT NUMBER

2014A3221101287

ACTION OF GRAND JURY

TRUE BILL

Manton J. Bartlett
Foreperson of Grand Jury
Date: *Dec. 8, 2014*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS3203689

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2014

THE STATE
vs.

Nathaniel Antron Hunter

CDR #: 3410

Indictment for

Attempted murder

§ 16-03-0029

DONALD V. MYERS, SOLICITOR

A TRUE COPY

John James
Lex. Co. C.C.C.P., G.S. § 15-10.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

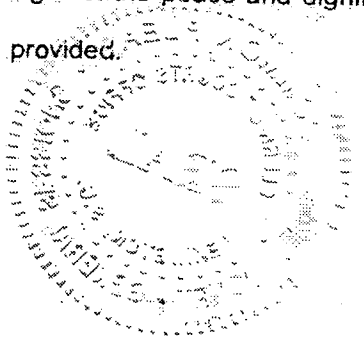
INDICTMENT FOR
Attempted murder

§ 16-03-0029

At a Court of General Sessions, convened on DECEMBER 2014, the Grand Jurors of Lexington County present upon their oath:

That Nathaniel Antron Hunter did in Lexington County, South Carolina, on or about April 13, 2014, willfully and unlawfully commit the offense of attempted murder, being a person who, with intent to kill, did attempt to kill another person with malice aforethought, either express or implied, to wit: while armed with a deadly weapon did shoot and injure one Lerenda Simon, in violation of §16-03-0029 of the South Carolina Code of Laws of 1976, as amended.

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



Suzanne Mayo
ASSISTANT SOLICITOR

WITNESSES

West Columbia Police Department

S Neel

Law Enforcement Case #: 1407629

LSM

ARREST WARRANT NUMBER

2014A3221101288

ACTION OF GRAND JURY

TRUE BILL

Mark D. Bassett
Foreperson of Grand Jury
Date: *Dec 8, 2014*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS3203690

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2014

THE STATE

vs.

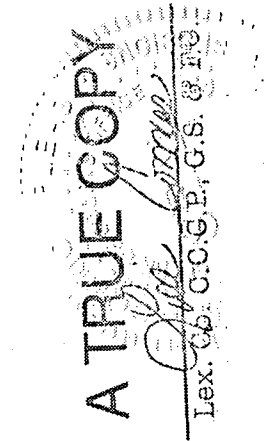
Nathaniel Antron Hunter

CDR #: 0139

Indictment for

Armed Robbery
§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR



STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

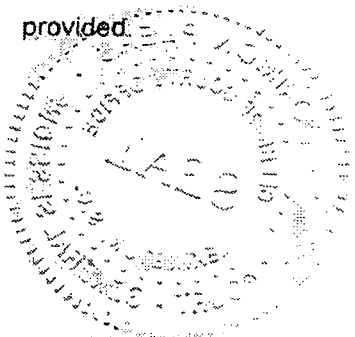
INDICTMENT FOR Armed Robbery

§ 16-11-0330(A)

At a Court of General Sessions, convened on DECEMBER 2014, the Grand Jurors of Lexington County present upon their oath:

That Nathaniel Antron Hunter did in Lexington County, South Carolina on or about April 13, 2014, knowingly and willfully commit a robbery while armed with a deadly weapon or while alleging, either by action or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: while armed with a firearm and having displayed or used such firearm, did feloniously take from the person or presence of Lerenda Simon a T-Mobile cell phone, with the intent to deprive the owner of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended

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



Suzanne Mays
ASSISTANT SOLICITOR

WITNESSES

West Columbia Police Department

S Neel

Law Enforcement Case #: 1407629

LSM

ARREST WARRANT NUMBER

2014A3221101290

ACTION OF GRAND JURY

TRUE BILL

Walter S. Bartlett
Foreperson of Grand Jury

Date: *Dec-8, 2014*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS3203691

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2014

THE STATE
vs.

Nathaniel Antron Hunter

CDR #: 0095

Indictment for

Kidnapping

§ 16-03-0910

DONALD V. MYERS, SOLICITOR

A TRUE COPY

[Signature]
Lex. Co. C.C.O.P., G.S. & T.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Kidnapping

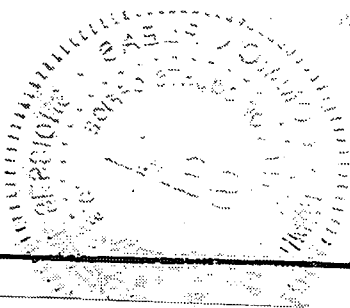
§ 16-03-0910

At a Court of General Sessions, convened on DECEMBER 2014, the Grand Jurors of Lexington County present upon their oath:

That Nathaniel Antron Hunter did in Lexington County, South Carolina on or about April 13, 2014, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away another person, by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, to wit: did seize, confine, or inveigle Lerenda Simon and/or Minor , without consent, in violation of § 16-3-910 of 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.

Suzanne Mayes
ASSISTANT SOLICITOR



WITNESSES

West Columbia Police Department

S Neel

Law Enforcement Case #: 1407629

LSM

ARREST WARRANT NUMBER

2014A3221101291

ACTION OF GRAND JURY

TRUE BILL

Martha A. Bassett
Foreperson of Grand Jury

Date: *Dec 8, 2014*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS3203692

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2014

THE STATE

vs.

Nathaniel Antron Hunter

CDR #: 0549

Indictment for

Possession of a weapon during a
violent crime

§ 16-23-0490

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Clara Anne
Lex. Co. C.C.O.P., G.S. § 17-11

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Possession of a weapon during a violent crime
(firearm or knife)

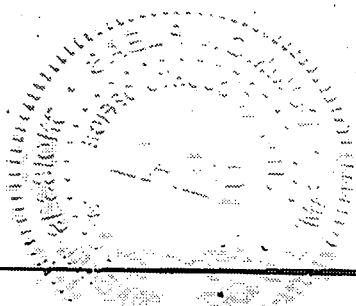
§ 16-23-0490

At a Court of General Sessions, convened on DECEMBER 2014, the Grand Jurors of Lexington County present upon their oath:

That **Nathaniel Antron Hunter** did in Lexington County, South Carolina on or about April 13, 2014 knowingly and willfully, possess a firearm and/or did visibly display what appeared to be a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit: did possess and/or visibly display a firearm during the commission of the crime of burglary in the first degree (such being a residence entered during the nighttime without consent); and/or during the commission of the crime of attempted murder of Lerenda Simon; and/or during the commission of any other violent crime which occurred on this date at [REDACTED], in violation of § 16-23-490 of 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.

Suzanne Mayo
ASSISTANT SOLICITOR



STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Nathaniel Antron Hunter

AKA:

Race: Black Sex: M Age: 34

DOB: -1983 SS#: [REDACTED]

Address: Belle Claire Drive

City, State, Zip: Columbia, SC 29203

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3203687

A/W#: 2014A3221101285

Date of Offense: 4/13/2014

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor 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 45 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: 4/28/17
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL \$125

Clerk of Court/ Deputy Clerk Lisa Conner

Court Reporter: [Signature]

SCCA/217 (07/2016)

_____ 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: A TRUE COPY

[Signature]
Lex. Co. C.C.C.P., G.S. & P.C.

Appointed PD or appointed other counsel,
§Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge [Signature]

Judge Code: 054

Sentence Date: 4/28/17

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.
Nathaniel Antron Hunter

AKA:
Race: Black Sex: M Age: 34
DOB: -1983 SS#
Address: Belle Claire Drive
City, State, Zip: Columbia, SC 29203
DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

Solicitor 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 15 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.

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

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

SPECIAL CONDITIONS:
RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:

Set by SCDPPS
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: A TRUE COPY
Lex. Co. C.C.O.P., G.S. & H.O.

*Fine:
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$100-
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$25-
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$
TOTAL \$125-

Clerk of Court/ Deputy Clerk Lisa Comer
Court Reporter: S. Johnson
SCCA/217 (07/2016)
Appointed PD or appointed other counsel, §Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge: [Signature]
Judge Code: 054
Sentence Date: 4/28/17

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3203688
A/W#: 2014A3221101286
Date of Offense: 4/13/2014
S.C. Code § : 16-03-0655(C)
CDR Code #: 3661

SENTENCE SHEET

CONVICTED OF or PLEADS

STATE OF SOUTH CAROLINA

1074
COUNTY OF Lexington
STATE VS.

Nathaniel Antron Hunter

AKA:

Race: Black Sex: M Age: 34

DOB: 1983 SS#: [REDACTED]

Address: Belle Claire Drive

City, State, Zip: Columbia, SC 29203

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3203689

A/W#: 2014A3221101287

Date of Offense: 4/13/2014

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

CONVICTED OF or PLEADS

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

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

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

Solicitor 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: 4/28/17

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

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL \$125

Clerk of Court/ Deputy Clerk Lisa Patel

Court Reporter: A Johnson

SCCA/217 (07/2016)

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: A TRUE COPY

Lex. Co. C.C.P., G.S. & P.S.

Appointed PD or appointed other counsel,
§Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge Nathaniel Hunter

Judge Code: _____

Sentence Date: 4/28/17

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Nathaniel Antron Hunter

AKA:

Race: Black Sex: M Age: 34

DOB: -1983

Address: Belle Claire Drive

City, State, Zip: Columbia, SC 29203

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Solicitor 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 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 4/28/17
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments).

TOTAL \$125

Clerk of Court/ Deputy Clerk S. Johnson
Court Reporter:
SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS 1075

INDICTMENT/CASE#: 2014GS3203692
A/W#: 2014A3221101291
Date of Offense: 4/13/2014
S.C. Code § : 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

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

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

Attorney for Defendant

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

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TOTAL \$125

Appointed PD or appointed other counsel, §Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge: [Signature]
Judge Code:
Sentence Date: 4/28/17

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,


Kathrine H. Hudgins
Appellate Defender

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


ATTORNEY FOR APPELLANT

This 14th day of June, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 14th day of June, 2018.

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JUN 14 2018
SC Court of Appeals