

VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRICE ROOSEVELT. JAMES,

APPELLANT

APPELLATE CASE NO. 2014-002125

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 8 (PHOTOGRAPHIC LINE-UP);
STATE’S EXHIBIT NO. 12 (PHOTOGRAPHIC LINE-UP);
STATE’S EXHIBIT NO. 229 (PHOTOGRAPHIC LINE-UP)

1 **Ms. Pinnock:** Your Honor, I have no objection. Thank
2 you.

3 **The Court:** In without objection.

4 (State's Exhibit 37 was received in evidence.)

5 By Ms. Simpson:

6 Q. And these were just items that you collected based on
7 some of the descriptions?

8 A. Based on information we garnered throughout the
9 investigation, these items were of particular interest.

10 Q. Okay. And we see some markings on this hoodie. It
11 looks as though it may have been bleached or is this where it
12 was tested?

13 A. Whenever I took this, those marks were already on there.

14 Q. Okay. And then the next item?

15 A. Camouflage pants.

16 Q. All right. Thank you. And I also want to show you
17 what's been marked as State's Exhibit 223, and I believe this
18 was actually obtained prior to the 1st. Do you recognize
19 that?

20 A. This is going to be clothing that was taken from
21 Maurice, Jr.

22 Q. Okay.

23 A. At the time of the arrest.

24 Q. And the date of that was January 28th.

25 A. 28th.

1 Q. Correct? And a black jacket is also contained in that
2 item.

3 A. Right.

4 **Ms. Simpson:** Your Honor, at this time I would offer
5 State's 223 into evidence.

6 **Ms. Pinnock:** Without objection, Judge.

7 **The Court:** In without objection.

8 (State's Exhibit 223 was received in evidence.)

9 By Ms. Simpson:

10 Q. Then on the 1st, later that day, did you actually learn
11 about the location of another individual?

12 A. Yes. I was alerted that Deshawn McClary had been
13 located in Orangeburg County. State Law Enforcement Division
14 assisted in transporting him back to Richland County.

15 Q. And you all actually had the arrest warrants out for him
16 and he was in the system at that time.

17 A. That is correct.

18 Q. You were actively---

19 A. They were actively---

20 Q. ---looking for him.

21 A. Yes.

22 Q. Did you also participate in an additional search warrant
23 on the 7th of -- or February 7th of 2013 of Mr. Roberts'
24 home?

25 A. I did.

1 Q. And was that the extent of the active investigation in
2 this case?

3 A. Yes.

4 Q. However, you did during this investigation or in the
5 course of your investigation learn additional information
6 about cell phones?

7 A. Yes.

8 Q. What did you obtain with respect to that?

9 A. As far as the communication back and forth between the
10 co-defendants?

11 Q. Yes.

12 A. Yeah. That they -- that they had -- I don't quite
13 understand the question.

14 Q. Oh, I apologize. Did you actually get additional
15 information from phone records?

16 A. Yes, during the course of the investigation.

17 Q. Okay. And that was provided to you by which
18 investigator?

19 A. Captain McDonald.

20 Q. And the person -- one of the individuals that you've
21 identified as participating in the planning and armed robbery
22 and home invasion on the 25th, do you see him in the
23 courtroom today?

24 A. Yes.

25 Q. And what -- based on your investigation, who is that

1 individual?

2 A. Mr. Demetrice James.

3 Q. Can you point him out for the jury?

4 A. Sitting between his two counselors, blue shirt, black
5 tie.

6 Q. I'm going to show you one more item marked State's 199.
7 Do you recognize this?

8 A. I do.

9 Q. And does it fairly and accurately depict the location?

10 A. Yes.

11 **Ms. Simpson:** Your Honor, at this time I would offer
12 State's 199 into evidence.

13 **Ms. Pinnock:** Without objection.

14 **The Court:** In without objection.

15 (State's Exhibit 199 was received in evidence.)

16 **Ms. Simpson:** And permission for the witness just to
17 step down?

18 **The Court:** You can step down.

19 By Ms. Simpson:

20 Q. And if you'll stand on that side. I'm not very good
21 with maps, but can you point out the location -- the incident
22 location for the jury on here?

23 A. Yes. This is -- this is going to be
24 right here.

25 Q. So that's the home of the actual shooting?

1 A. Correct.

2 Q. And then where -- I guess what area was Demetrice James
3 located in?

4 A. This is River Drive here.

5 Q. Okay.

6 A. And I believe that, excuse me, that residence is going
7 to be somewhere over in this area.

8 Q. And the Marlboro Street location for Hammond Village?

9 A. This is Marlboro Street here.

10 Q. We're looking at a map, but are these fairly close in
11 proximity---

12 A. Yes.

13 Q. ---all these locations?

14 A. Yeah. I mean, all you have to do is to go to River
15 Drive and a couple of blocks you're there at the scene.

16 Q. Thank you. Thank you, Investigator Boland.

17 A. Uh-huh.

18 **Ms. Pinnock:** May it please the Court, Judge, very
19 briefly?

20 Cross-Examination

21 By Ms. Pinnock:

22 Q. Investigator, you said you talked to Cari Pearson on the
23 26th; right?

24 A. Yes.

25 Q. And you took a written statement from her, and then you

1 showed her some line-ups.

2 A. I know I took a statement. If you'll let me refresh
3 myself on my notes... I did a lot in this case.

4 Q. Were you present when she looked at the line-up?

5 A. I was -- yeah, I think I was present.

6 Q. And she wasn't trying to mislead you in any way as far
7 as you knew; right?

8 A. Yeah.

9 Q. She was trying to provide you information?

10 A. Right.

11 Q. As best she could?

12 A. Right.

13 Q. And she did make an identification, you testified, of
14 Linard Gaston.

15 A. Right.

16 Q. As somebody she thought could have been there?

17 A. Correct.

18 Q. And she was just trying to give you all the information
19 that she could.

20 A. Correct.

21 **Ms. Pinnock:** Beg the Court's indulgence. Nothing
22 further. Thank you.

23 **Ms. Simpson:** Just briefly.
24
25

Redirect Examination

By Ms. Simpson:

Q. Was it determined that Linard Gaston was not involved in this?

A. Mr. Gaston was not involved in this in any way.

Ms. Simpson: Thank you.

The Court: Recross?

Ms. Pinnock: No, Your Honor.

The Court: All right. You can step down and be excused. We appreciate your time. Thank you. Call your next witness.

Ms. Meghan Walker: Your Honor, at this time the State rests.

The Court: All right. Members of the jury panel, the State is telling us they have presented their evidence. Under certain circumstances, they would have perhaps a right to present other evidence, but you've heard their what we call case in chief. That is, you've heard their case against Mr. James.

At this time we have to take up some matters outside your presence, so I'm going to let you go to the jury room while we take up some legal matters.

(Whereupon, the jury was excused from open court at 2:11 p.m.)

The Court: Anything from the State at this point?

1 **Ms. Meghan Walker:** Nothing at this point, Your Honor.

2 **The Court:** Defense?

3 **Ms. Pinnock:** Yes, Your Honor. May it please the Court?
4 Your Honor, at this time we would renew all of our previous
5 motions and objections: Specifically, Your Honor, our motion
6 for a mistrial that we made this morning based on the fact
7 the jury was discussing the facts of the case, all the
8 testimony they have heard up to this point. Against Your
9 Honor's explicit order not to do that, they have -- they did
10 start deliberating, prior to being instructed to do so, in
11 the jury room.

12 Your Honor, I don't believe that -- I don't believe that
13 we should or could go any further based on what was happening
14 this morning or yesterday evening at the end -- at the end of
15 the -- at the end of the day when they started talking and
16 discussing things. I don't believe we can get a fair trial
17 at this point. I think the jury has violated the oath that
18 they took when you swore them in on Monday or Tuesday.

19 They started discussing testimony. They started
20 discussing the case before you instructed them on the law. I
21 don't think it's too far to assume that they have formed
22 opinions based on this. I understand we had a hearing this
23 morning where Your Honor did question them if they could be
24 fair and impartial, continuing through the case and hear all
25 the evidence.

1 However, based on the disregard of their previous order
2 not to do that, I don't think it can be entrusted to them to
3 follow any more of Your Honor's orders. They have shown us
4 very clearly that they are not going to follow instructions.

5 So I do think Mr. James is being denied a fair trial,
6 and his due process rights are being violated because he
7 cannot get a fair trial at this point. So, Your Honor, I
8 would renew our motion for a mistrial and all of our previous
9 motions and objections, and I guess I will go to the directed
10 verdict---

11 **The Court:** Take a breather.

12 **Ms. Pinnock:** Yes.

13 **The Court:** All those motions are denied, including the
14 mistrial. I stick by the ruling earlier. And as to any
15 other objections and any other rulings, I confirm them or
16 affirm them, whatever... I know in the public defender's
17 classes or whatever they teach you to renew all these
18 motions. I'm not sure that's necessary, but then again
19 you're supposed to renew them or lose them. But I really
20 don't know what I'm supposed to do when you raise them other
21 than say I stick with what I already said.

22 **Ms. Pinnock:** Yes, sir. We want to make sure that the,
23 depending on what happens, the record is as preserved as we
24 can possibly get it.

25 **The Court:** All right. Then you have another motion?

1 **Ms. Pinnock:** Yes, sir, Your Honor. At this time we
2 would move for a directed verdict on all charges. In viewing
3 all the evidence in the light most favorable to the State, I
4 don't at this point believe that it is raising past a mere
5 suspicion that Mr. James was involved with any planning or
6 executing of a burglary on January 25th of last year.

7 **The Court:** We did hear some testimony that he went into
8 a house uninvited. I mean, there's some testimony -- I'm not
9 saying I believe it or you believe it, but isn't there some
10 testimony from which the jury could conclude that he invaded
11 this house?

12 **Ms. Pinnock:** There is some testimony---

13 **The Court:** And became armed.

14 **Ms. Pinnock:** There is some testimony on the record,
15 Your Honor, but I don't think it would reach the level of the
16 substantial -- substantial circumstantial evidence.

17 **The Court:** Well, why is that -- why is that
18 circumstantial evidence? I mean, it's not circumstantial
19 evidence if I say I see you with a gun; that's direct
20 evidence.

21 **Ms. Pinnock:** Yes, Your Honor. And yet I guess my
22 directed verdict motion is based on: I don't think it raises
23 past a mere suspicion to reach a jury for deliberations. So
24 we would move for a directed verdict on all charges against
25 Mr. James.

1 **The Court:** Let me hear the State's position.

2 **Ms. Meghan Walker:** Your Honor, I think there is direct
3 evidence from several witnesses that this defendant was
4 engaged in and planning at Maurice Roberts', the
5 co-defendant's house, of a home invasion that was to take
6 place at the incident location. Your Honor, there are two
7 witnesses who provided direct testimony to that.

8 Furthermore, Your Honor, there are two witnesses who
9 provided direct testimony that this individual was, in fact,
10 the individual who came into their home uninvited, became
11 armed, and then shot one of them in the arm, Your Honor, and
12 that all this was done in an attempt to steal the studio
13 equipment from them and that not only was this individual
14 armed during the home invasion but that it was approximately
15 11:30 at night in January of 2013. It would have been done
16 during the hours of darkness.

17 Your Honor, in the light most favorable to the State,
18 the State believes that we've met our burden in burglary in
19 the first degree, attempted murder with the shooting that
20 happened to one of the brothers that was inside, the shooting
21 that happened to Joshua Williams while he was outside, the
22 attempted armed robbery and the attempt to go in and steal
23 things from the home as well as the murder of Brandon Jones,
24 Your Honor, and we'd ask that you send this case forward to a
25 jury.

1 **The Court:** All right. I deny the motion. I find that
2 there's ample direct evidence for the charges. I also find
3 there is substantial circumstantial evidence not to the point
4 raised by Ms. Pinnock, but we do have concepts in this case:
5 The hand of one/the hand of all, felony murder, and I believe
6 there's circumstantial evidence in which the jury could
7 conclude that one or both of those -- substantial
8 circumstantial evidence in which the jury could conclude that
9 one or both of those would apply. So I deny the motions for
10 a directed verdict on all grounds.

11 Examination by the Court of Mr. James (in camera)

12 Q. Now, Mr. James, can you hear me?

13 A. Yes, sir.

14 Q. All right. We've reached the point in the trial where
15 you have a right to present a defense, but you do not have to
16 present a defense, but you can call witnesses or you can
17 testify. If you present a defense, the -- if you don't
18 present a defense, the State would have the right to make the
19 last argument. If you do present a defense, then -- I'm
20 sorry; I'm getting it backwards.

21 If you don't present a defense, then you would have the
22 right - your attorney would - to make the final argument to
23 the jury, that is, to be the last attorneys arguing to the
24 jury as to what the verdict should be. If you present
25 evidence, then the State would not be able to -- if you

1 present evidence, the State would have the opportunity to go
2 last. Do you understand that?

3 A. Yes, sir.

4 **The Court:** Have y'all explained it -- counsel, have you
5 explained that to him?

6 **Ms. Anastasia Walker:** Yes, Your Honor.

7 **The Court:** And you have the right to call witnesses,
8 and if the witnesses testify, they will be examined, cross-
9 examined by the State. You have a right to remain silent or
10 to testify. If you testify, the State will have the right to
11 cross-examine you and ask you questions under oath. Does he
12 have any impeachment?

13 **Ms. Simpson:** No, Your Honor. He only has a juvenile.
14 By the Court:

15 Q. All right. The State can ask you questions about the
16 events and your testimony, and you would, of course, be under
17 oath and you would have to answer truthfully. If you
18 exercise your constitutional right to remain silent, I will
19 tell the jury that you've done that, that you have the right,
20 that you are presumed innocent - I'll tell the jury that more
21 than once - and that you do not need to prove your innocence
22 but the State must prove your guilt beyond a reasonable
23 doubt, tell them that the fact that you chose to remain
24 silent cannot be used against them -- cannot be used by them
25 against you in any way whatsoever nor could they even discuss

1 in the jury room the fact that you've exercised your right to
2 remain silent nor can they factor it into their own
3 consideration in determining what verdict to assess or to
4 render. Do you understand all that?

5 A. Yes, sir.

6 Q. Do you have any questions about any of it?

7 A. No, sir.

8 **The Court:** Counsel, have you explained all that to him?

9 **Ms. Anastasia Walker:** We have, Your Honor.

10 By the Court:

11 Q. All right. And do you intend to testify or exercise
12 your right to remain silent?

13 A. I intend to testify.

14 **The Court:** Okay. All right. We're going to take a
15 break in just a minute. We had the issue about another
16 witness?

17 **Ms. Anastasia Walker:** Yes, sir.

18 **The Court:** You can sit down. Let's go ahead and cover
19 that before we take our break, so... There's apparently a
20 notary public that's...

21 **Ms. Anastasia Walker:** Yes, Your Honor. When we were
22 cross-examining Mr. Duckett, there was a letter that we
23 attempted to impeach him with. He denied writing the letter.
24 He said, "That's not even how I sign my name."

25 So we made attempts to contact the notary that was on

1 the letter. We were able to contact her today. Basically
2 she obviously cannot testify to the contents of the letter to
3 the truth or anything of it, but she can testify that she
4 witnessed him sign it and that he is the one that signed it.
5 So she would be an impeachment witness, and we would ask to
6 be able to call her just solely for those purposes.

7 **The Court:** All right. The State's position?

8 **Ms. Meghan Walker:** Your Honor, the witness said that he
9 didn't write the contents of that letter. It is my
10 understanding, Your Honor, from speaking with someone in my
11 office who's made contact with this witness, including
12 stating her name -- but before I even go there with that
13 point, Your Honor, this witness was not provided on their
14 witness list, despite them having had this letter and despite
15 them knowing that she was the notary in this case. So we
16 would ask that she be excluded from testifying on that
17 ground.

18 Furthermore, Your Honor, she indicates that she does not
19 read the letters, that she doesn't under -- she doesn't know
20 the content. She just looks at an I.D. and then notarizes
21 the statement or notarizes the letter. So as to the contents
22 of the letter that -- she can't testify that that's actually
23 what she notarized. She can say she notarized a signature at
24 some point in time.

25 So, Your Honor, maybe there seems to be some confusion I

1 guess on my part as to what exactly she plans on testifying
2 to. So maybe if we could proffer her testimony?

3 **The Court:** Yeah. I think we're going to have to have a
4 proffer one way or the other, regardless of how I rule.

5 **Ms. Anastasia Walker:** Certainly, Your Honor. And as I
6 said before, we're not -- I don't believe Ms. Jarvis can
7 testify that she knows the contents of the letter or as to
8 the truth of the letter; that's not the issue. Mr. Duckett
9 said that he did not sign the letter and that's not how he
10 signs his name. So that -- she would be solely to impeach
11 that one fact and that she notarized this letter and
12 witnessed him sign it.

13 So the contents of the letter are not at issue. The --
14 she would solely be put up to impeach about that one fact
15 only.

16 **The Court:** Was it not the State's position that this is
17 a violation of Rule 5 of the Rules of Criminal Procedure?

18 **Ms. Meghan Walker:** Yes, Your Honor. We weren't
19 provided with a copy of this -- a copy of this letter. We
20 did file a reciprocal Rule 5 in this case, and I did I think
21 speak with Ms. Walker one day this week via telephone and
22 asked her if there was anything that they needed to turn over
23 to us, and she told me that there was not.

24 **The Court:** All right. That would fall under 5(b)(1).

25 **Ms. Anastasia Walker:** And, Your Honor, we're not

1 offering the letter for the truth of the matter asserted.
2 We're not offering the letter as evidence. We are only --
3 this is solely an impeachment issue. On Monday we had no
4 idea that Mr. Duckett was going to deny signing it. We
5 weren't going to use -- this wasn't an issue that we were
6 going to necessarily need.

7 This is solely an impeachment witness. So this doesn't
8 fall -- I would argue that it doesn't fall under Rule 5 as we
9 are not -- as this is only impeachment and it's not any
10 evidence as to our case in chief.

11 **The Court:** What do you have to say about that,
12 Solicitor? I don't see any exception for impeaching a -- in
13 the rule. You can point that to me if you would.
14 Information subject to disclosure. I don't think there's any
15 question but that the letter, regardless of whether you knew
16 or did not know -- it's kind of a domino effect in a way
17 because you did not produce the letter. Is that true?

18 **Ms. Anastasia Walker:** We did not produce the letter.
19 We have no intention of introducing it in our case in chief.

20 **The Court:** All right.

21 **Ms. Anastasia Walker:** And we still do not intend to
22 introduce the contents of the letter in our case in chief.

23 **The Court:** Let's -- let's hear her testimony and then
24 we'll take a break and I'll give you a chance to -- and we'll
25 take just a quick look. I don't know that there's an

1 impeachment exception to discovery, but we'll see what we can
2 find out.

3 **Ms. Meghan Walker:** Thank you, Your Honor.

4 **The Court:** All right. Call the witness.

5 **Ms. Pinnock:** Your Honor, I apologize. We were under
6 the impression that the State was going to be a little bit
7 longer finishing up their case. I asked Ms. Jarvis to be
8 here at 3, so she's not here yet.

9 **The Court:** Well, let's take a break, and if she's not
10 here when we come back, can you start with your -- your
11 client is going to testify. He can testify first.

12 **Ms. Anastasia Walker:** Certainly, Your Honor.

13 **The Court:** All right. Let's take about a 10-minute
14 real quick break, and if she's here, we'll go forward.
15 Otherwise, we'll let you go forward with the other witness.

16 **Ms. Pinnock:** Thank you, Your Honor.

17 **The Court:** And I know both sides have a thousand things
18 to do, but if you have any requests to charge, if you would
19 start getting -- shoving them on up to us, we would
20 appreciate it.

21 **Ms. Anastasia Walker:** Certainly, Your Honor.

22 (Whereupon, a short break was taken.)

23 **The Court:** State ready?

24 **Ms. Simpson:** The State's ready, Your Honor.

25 **The Court:** Defense ready?

1 **Ms. Pinnock:** Yes, Your Honor.

2 **The Court:** Bring in the jury.

3 **Ms. Pinnock:** Your Honor?

4 **The Court:** Whoa. Whoa. Stop.

5 **Ms. Pinnock:** Quick thing real quick; I'm sorry. Ms.
6 Jarvis has arrived. Do you want to start with her?

7 **The Court:** Yeah. Why don't we go ahead since she's
8 here?

9 **Ms. Pinnock:** And, secondly, Your Honor, Mr. James has
10 indicated he's going to testify. He is shackled. What we
11 would ask Your Honor to consider is---

12 **The Court:** Yeah, I don't think he -- I think we can
13 unshackle him while he takes the stand, yes. Maybe we can do
14 that while the jury is out. Why don't we go ahead and do
15 that?

16 **Ms. Pinnock:** Thank you, Your Honor.

17 **The Court:** While they're doing that, what's the
18 witness's name?

19 **Ms. Pinnock:** Ms. Jarvis.

20 **The Court:** Could she be coming up?

21 **Ms. Pinnock:** Yes, sir.

22 Vanessa Jarvis, after being duly sworn, testified
23 as follows in camera:

24 **The Clerk:** Please have a seat in the witness stand, and
25 state your full name for the record.

1 **The Witness:** Vanessa Jarvis.

2 **Ms. Pinnock:** May it please the Court?

3 Direct Examination

4 By Ms. Pinnock:

5 Q. Ms. Jarvis, where are you employed?

6 A. Alvin S. Glenn Detention Center.

7 Q. How long have you been working there?

8 A. Twenty-one years.

9 Q. Are you also a notary for the State of South Carolina?

10 A. Yes.

11 Q. And how do you become a notary?

12 A. I sign my signature at the courthouse and do all the
13 paperwork and I'm a notary.

14 Q. And do you get any, I guess, special items when you
15 become a notary?

16 A. Yes. You get a seal and a stamp.

17 Q. Okay. And what does it mean when you notarize a
18 document?

19 A. I basically notarize their signature, make sure that
20 person is signing their signature.

21 Q. So you check an I.D.?

22 A. Yes.

23 Q. You make sure that I.D. is matching the signature that's
24 going on the document?

25 A. Yes.

1 Q. And then after you verify that the person who is signing
2 is who they say they are, what do you do?

3 A. I notarize it.

4 Q. You put your signature on it?

5 A. Yes, ma'am.

6 Q. Do you put the date that you witnessed the signature?

7 A. The date.

8 Q. And when your commission as a notary expires is also on
9 there.

10 A. Yes.

11 Q. Your Honor... Do you see your signature on that
12 document?

13 A. Yes.

14 Q. And why is your signature contained on that document?

15 A. This detainee, I notarized the signature, his signature.
16 He came up to me and I asked to see his I.D. and verified who
17 he was, and he signed it and I notarized it.

18 Q. And the date that you notarized that?

19 A. 16th of October, 2013.

20 Q. And the detainee's signature that you verified?

21 A. His name?

22 Q. Yes.

23 A. Brandon Jones.

24 Q. No problem.

25 A. Duckett. Jwaun Duckett.

1 **Ms. Pinnock:** Thank you. That's all I would have, Your
2 Honor.

3 **The Court:** All right. State, cross?

4 **Ms. Meghan Walker:** Yes, Your Honor.

5 Cross-Examination

6 By Ms. Meghan Walker:

7 Q. When you're, I guess, notarizing these documents, do you
8 actually look at the content of the statement?

9 A. No, ma'am.

10 Q. So you're not sure if this is what was on there when you
11 notarized the signature.

12 A. Yes, ma'am. They have to write it out and everything
13 before I notarize it.

14 Q. So you witnessed this being written out.

15 A. No, not that that was written out, but it was on the
16 paper when I notarized it.

17 Q. So you read this, the paragraph part.

18 A. No.

19 Q. Okay. So something was on here and then it was
20 notarized.

21 A. Yes.

22 Q. Okay. I'm sorry. I'm not trying to be difficult. I'm
23 just trying to understand what happened because I---

24 A. Okay.

25 Q. This is the first I've heard of it.

1 A. Okay.

2 Q. And at that point in time -- is this the only -- is -- I
3 guess Jwaun Duckett is who you're saying presented himself to
4 you?

5 A. Yes.

6 Q. And was there -- is that the only person who has ever
7 talked to you about this letter?

8 A. No.

9 Q. Who else has talked to you about this letter?

10 A. Well, the detainee, when he was in the law library, he
11 asked me about did I remember doing it.

12 Q. Okay. There are multiple detainees. Which detainee are
13 you talking about?

14 A. Mr. Demetrice James.

15 Q. That guy?

16 A. Yes.

17 Q. Okay. So he talked to you about this letter as well.

18 A. Yes.

19 Q. But you didn't witness the actual letter being written.
20 You witnessed someone sign it.

21 A. Yes.

22 Q. And when were you first contacted about this case by
23 like a lawyer or an investigator or anybody like that?

24 A. Today.

25 Q. And where were you when you notarized this letter?

1 A. In the unit.

2 Q. In the cell, in the unit. Who was -- when you say you
3 were in the unit, can you just kind of tell me what you mean
4 by that?

5 A. I was in the dormitory.

6 Q. Okay.

7 A. In the dormitory where the detainee stays.

8 Q. Okay. And then you saw a different detainee in the law
9 library.

10 A. Yes, but that was probably about a month or so ago.

11 Q. Which dorm was that? When you said you were in the
12 unit, which unit was that? And if you don't remember, that's
13 fine, too.

14 A. Yeah, I don't, because that's been about a year ago.

15 **Ms. Meghan Walker:** Okay. Thank you, sir (sic). We
16 don't have any further questions at this time.

17 **The Court:** You can step down and have a seat out there.
18 We're going to talk about you for a few minutes. State, have
19 anything on this issue? Anything else?

20 **Ms. Meghan Walker:** Your Honor, we just -- this violates
21 Rule 5. We'd ask that this testimony be excluded. It's an
22 improper impeachment, Your Honor, I believe as well. So we
23 would ask Your Honor to exclude this testimony at this time.
24 When I'm looking at this, Your Honor, I don't know when the
25 defense got this letter, but I know that it was allegedly
 \

1 notarized on October 16th of 2013 which puts it at almost a
2 year ago that they've known about her or had possession of
3 this letter and have failed to turn it over. So we'd ask,
4 Your Honor, that this be excluded.

5 **The Court:** Anything else from the defense?

6 **Ms. Pinnock:** Yes, Your Honor. As far as the Rule 5
7 violation, Rule 5, part B., subsection (1)(a) addresses what
8 we are required to turn over when we are served with a
9 reciprocal Rule 5, and that is the only information that we
10 are planning on introducing into evidence during our case in
11 chief. It was said before that this was purely impeachment
12 evidence. It was provided to us by a potential defense
13 witness or prosecution witness when it was written. We're
14 under no obligation under the rules to turn that over because
15 we're not introducing it into evidence. It is purely for
16 impeachment. We never had any intention on marking the
17 letter---

18 **The Court:** I find there's no Rule 5 violation. The
19 next question is: How do you get it in? I mean, how is
20 it... It's impeaching. He said he didn't sign the letter.
21 You're not putting the letter in.

22 **Ms. Pinnock:** No, sir.

23 **The Court:** Because you can't put the letter in because
24 that would be a Rule 5 violation .

25 **Ms. Pinnock:** Yes, sir.

1 **The Court:** Well, maybe not because you weren't planning
2 to introduce it in your case in chief, but you're telling me
3 you're not going to put it in. So you've got somebody
4 testifying that he signed a letter that's not going into
5 evidence?

6 **Ms. Pinnock:** Yes, sir. And the issue with that is:
7 His testimony was that he didn't sign it. That's not my
8 signature; I didn't do that. For that small issue going
9 towards his credibility as a witness, the fact that the
10 letter was notarized by a notary for the state, I believe we
11 should be able to elicit testimony to impeach his credibility
12 as a witness.

13 **The Court:** Well, maybe I'm being a little technical and
14 I'll ask you to address this and also the State, but at that
15 time - and certainly not casting any kind of aspersions on
16 defense counsel because I know they wouldn't do this - but
17 what's in the record that identifies that document as being
18 the document he was shown? It wasn't put in as a Court's
19 exhibit or a defense exhibit for I.D. So what's -- how is
20 that testimony tied to that document other than---

21 **Ms. Pinnock:** Well---

22 **The Court:** ---other than that you say it's the same
23 one? And you're an officer of the court and I believe you,
24 but what's in the record to support that the letter she's
25 addressing is the letter you showed Mr. Duckett?

1 **Ms. Pinnock:** I believe Ms. Walker asked him if he
2 recognized the letter, if he recognized his signature, and
3 then I believe she asked him if -- I believe there was some
4 conversation or some question about, you know, this notarized
5 letter with your signature on it.

6 **The Court:** Well, it's not in evidence.

7 **Ms. Pinnock:** Yes, sir, and we -- we're not going to
8 introduce it into evidence but purely for impeachment
9 purposes.

10 **Ms. Meghan Walker:** But I guess is the question, Your
11 Honor: How do we know that this letter is the same letter
12 that he was shown and denied? Right?

13 **The Court:** That's right and I'm not saying -- I know as
14 an officer of the court you would never present anything that
15 wasn't the exact same letter, but I've got to look at the
16 record, and in the record there's nothing in Mr. Duckett's
17 testimony that identifies that letter that you're handing
18 this witness as the letter that was handed to Mr. Duckett and
19 he denied signing. So you've made a proffer, but I'm going
20 to deny the witness's testimony.

21 **Ms. Meghan Walker:** Thank you, Your Honor.

22 **The Court:** All right. Thank you. You may leave. All
23 right. Are you ready for the jury?

24 **Ms. Simpson:** The State's ready.

25 **The Court:** All right. Bring in the jury.

1 (Whereupon, the jury was brought into open court at
2 2:52 p.m.)

3 **The Court:** All right. Defense, call your first
4 witness, please.

5 **Ms. Anastasia Walker:** Thank you, Your Honor. The
6 defense would call Demetrice James.

7 Demetrice James, after being duly sworn, testified
8 as follows:

9 **The Clerk:** Please have a seat in the witness stand, and
10 state your full name for the record.

11 **The Witness:** Demetrice James.

12 Direct Examination

13 By Ms. Anastasia Walker:

14 Q. Demetrice? Demetrice, where are you from?

15 A. Columbia, South Carolina.

16 Q. And who do you live with?

17 A. My dad and my little sister.

18 Q. And what about your mom?

19 A. She got killed when I was younger.

20 Q. Now, let's go back to January 25th, 2013, what we've
21 been talking about.

22 A. Yes, ma'am.

23 Q. Do you remember that day?

24 A. Yes, ma'am.

25 Q. And how did your day start?

1 A. Actually, at the time I was going to Benedict College.
2 It was Friday, and on Fridays we get out at 12:00. So I went
3 to school. I caught the bus home at 12:00, and I kind of
4 just was kind of like chilling around the house, you know. I
5 went to Hammond Village Apartments because I got kind of
6 bored, and I just came back home and kind of chilled out.

7 Q. What did you do at Hammond Village?

8 A. Kind of just chilled with some friends a little bit, you
9 know, kind of mingled around and came back home.

10 Q. So you know some people around Hammond Village.

11 A. Yes, ma'am.

12 Q. And then you said after you left there you went back
13 home?

14 A. Yes, ma'am.

15 Q. And then what did you do after you got back home?

16 A. I just kind of chilled around a little bit more, kind of
17 watched T.V., that sort of thing, until about like 9:00.

18 Q. And then what happened?

19 A. My ex-girlfriend, Carmisha Likens (phonetic), came to
20 pick me up, went to her house on Broad River Road, Pine
21 Valley, for a little bit and then she -- she brought me home
22 and she dropped me back off at the house.

23 Q. So she brought you all the way back home.

24 A. Yes, ma'am.

25 Q. And then when she brought you back home, what did you

1 decide to do?

2 A. Again, I stayed home for maybe 10 or 15 minutes, and I
3 decided to go buy some marijuana.

4 Q. You decided to go buy some marijuana.

5 A. Yes, ma'am.

6 Q. And how did you decide to go about that?

7 A. I walked to Hammond Village Apartments to purchase some
8 marijuana.

9 Q. And who were you going to do that through?

10 A. Maurice.

11 Q. All right. And Maurice who?

12 A. Roberts.

13 Q. Who we've been talking about.

14 A. Yes, ma'am.

15 Q. Okay. And so what did you do when you got over to
16 Hammond Village?

17 A. Well, I walked to Maurice's house. I knocked on the
18 door. No one came to the door, so I kind of walked around
19 the neighborhood a little bit, and I used someone's cell
20 phone. At the time mine's was broke, so I contacted him and
21 we talked about where to meet him at to buy the marijuana.

22 Q. Okay. And about how long had you known Maurice at this
23 point?

24 A. Maybe like two years.

25 Q. Okay. And so you decided to meet Maurice somewhere.

1 A. Yes, ma'am.

2 Q. And where was that?

3 A. Over by E.E. Taylor Elementary School.

4 Q. And so what did you do next?

5 A. Well, from that point I walked over there. As I was

6 walking, I saw Maurice in front of the school, and so I met

7 him over there.

8 Q. Was Maurice with anybody?

9 A. Yes, ma'am.

10 Q. Who was that?

11 A. Deshawn.

12 Q. And what's Deshawn's last name?

13 A. McClary.

14 Q. Okay. And so what did you do when you walked up on

15 Maurice and Deshawn?

16 A. I kind of greeted -- kind of greeted them. I bought the

17 marijuana from them. That's about it.

18 Q. You don't remember what you were wearing that night?

19 A. No, ma'am, I can't remember.

20 Q. All right. So after you bought the marijuana, what were

21 you going to do?

22 A. I was going to go back home back to my dad's house

23 actually.

24 Q. Okay. But -- and without saying what was said, you had

25 a conversation with Maurice and Deshawn; right?

- 1 A. Yes, ma'am.
- 2 Q. Okay. And you ended up doing something else.
- 3 A. Yes, ma'am.
- 4 Q. Pardon me. And what did you decide to do instead?
- 5 A. Head to the -- to the studio.
- 6 Q. And what were you going to do there?
- 7 A. Meet Junior at the studio.
- 8 Q. And Junior -- who is Junior?
- 9 A. Vincent Nelson.
- 10 Q. Okay. But you call him Junior?
- 11 A. Yes, ma'am.
- 12 Q. Did you know anything about the studio?
- 13 A. Just that perhaps they recorded music there.
- 14 Q. That's about it?
- 15 A. Yes, ma'am.
- 16 Q. Just because you know what a studio is?
- 17 A. Yes, ma'am.
- 18 Q. And did you know where it was?
- 19 A. No, ma'am.
- 20 Q. Had you ever been there?
- 21 A. Never.
- 22 Q. Had you ever heard anything about it before?
- 23 A. No, ma'am.
- 24 Q. And do you know -- so you started walking towards the
- 25 studio?

- 1 A. Yes, ma'am.
- 2 Q. Following Maurice?
- 3 A. Yes, ma'am.
- 4 Q. And how far was it from where you were at?
- 5 A. Maybe two or three houses down the street.
- 6 Q. Okay. So when you got to the studio, what did you see?
- 7 A. Like a house. It was a residence.
- 8 Q. It was a residence?
- 9 A. Yes, ma'am.
- 10 Q. Okay. And so you got to this residence. And is this at
- 11 nightttime?
- 12 A. Yes, ma'am.
- 13 Q. So it's dark.
- 14 A. Yes, ma'am.
- 15 Q. What were you able to see when you got to the residence?
- 16 A. When I got to the residence, I saw Junior outside with
- 17 two other guys. They were both like smoking, that type of
- 18 thing, kind of talking.
- 19 Q. Okay. And where were they?
- 20 A. In a parking lot or like the driveway area of the house.
- 21 Q. Can you tell me a little bit about this driveway?
- 22 A. It's -- there was like a, I think, a Jeep or something
- 23 like that in the driveway. It's kind of steep. It's like it
- 24 goes downhill.
- 25 Q. Okay. So what do you decide to do when you see -- when

1 you see Junior?

2 A. The first thing I was going to do was actually greet him
3 and introduce myself to the other guys.

4 Q. Did you know those other guys?

5 A. No, ma'am.

6 Q. So you weren't familiar with them.

7 A. No, ma'am.

8 Q. And so what do you do?

9 A. I walk down the driveway to pretty much introduce
10 myself, and at this point I'm just walking down the driveway
11 and...

12 Q. And then what happens?

13 A. Maurice pulls behind me at this point. He -- he like
14 took off in a sprint towards one of the other guys who were
15 in the driveway.

16 Q. Did you know what Maurice was doing?

17 A. No, ma'am.

18 Q. And what did Maurice do when he was taking off in a
19 sprint? Where does he go?

20 A. He goes to one of the other individuals standing there
21 at the side of the driveway and like he get into this fight,
22 like this scuffle-type thing with one of the guys in the
23 driveway.

24 Q. He's fighting him?

25 A. Yes, ma'am.

1 Q. Okay. So what do you do?

2 A. Well, me, I really didn't know what was going on, so
3 I -- I ran down the driveway to pretty much see what was
4 taking place at this point, and that's what I was really
5 doing.

6 Q. Okay. So when you got up to the fight, what happened?

7 A. By the time I made it to Maurice or where he was at, he
8 had taken off and he was more or less by the door by the time
9 I got to where he was with the first guy.

10 Q. And what are you talking about, a door?

11 A. There's like a door at the bottom of the driveway. It's
12 kind of at the bottom -- the right of the driveway, the
13 bottom right.

14 Q. Okay. So you get down to where he's fighting this guy
15 and you go and Mark, pardon me, and Maurice goes towards the
16 door.

17 A. Yes, ma'am.

18 Q. Okay. And so what do you do next?

19 A. Next, after I see him, you know, take off and he get by
20 the people by the driveway, he's fighting again. At this
21 point it kind of look like he's getting beat up from what I
22 could see, so I ran in that direction to, you know, try to
23 help.

24 Q. You ran towards the door.

25 A. Yes, ma'am.

1 Q. Okay. Are you paying attention to Junior or Deshawn at
2 this point?

3 A. No, ma'am.

4 Q. And are you paying attention to the other guys outside
5 at this point?

6 A. No, ma'am.

7 Q. Okay. And then so why do you think -- why do you think
8 Maurice is getting beat up?

9 A. At this point I really don't know. All I know is just,
10 you know, he's fighting some individuals by the door and
11 stuff. So that's really all -- I, you know, saw them
12 fighting and I really didn't know why but...

13 Q. When you say fighting, is he kicking? What's he doing?

14 A. Actually at the time it seemed to me that he was -- he
15 was like getting pulled in and out of the house. I saw him
16 kind of, you know -- he was swinging and they were swinging.
17 It was, you know, just kind of like a fight.

18 Q. Okay. And you said "they." Did you see more than one
19 person?

20 A. Yes, ma'am. It was him and two other guys.

21 Q. And they're kind of at the door.

22 A. Yes, ma'am.

23 Q. You can see into the door.

24 A. Yes, ma'am.

25 Q. Okay. So what do you do?

1 A. At this point I'm just thinking, you know -- well, who I
2 thought to be my friend at the time, I thought he was in
3 trouble and I saw him getting beat up, so I just, you know,
4 just really went over there to help kind of...

5 Q. Do you have any idea what's going on?

6 A. No, ma'am.

7 Q. Okay. And so when you -- are you able to get in the
8 house?

9 A. Yes, ma'am.

10 Q. Okay. And when you get in the house, what do you see?

11 A. When I get in the house, it's -- again, you know,
12 there's a lot of commotion going on. So I just really see a
13 lot of people fighting, and that was pretty much the extent
14 of it. It was just like everybody was kind of fighting.

15 Q. When you say everybody, what do you -- how many people?
16 Tell me a little bit. Describe that a little---

17 A. There was two guys in there and Maurice, and when I came
18 in, you know, they started fighting me, and so it was really
19 just a big scuffle between all of us.

20 Q. And did you know these people?

21 A. No, ma'am.

22 Q. So you didn't know the people that -- these other people
23 that Maurice is fighting either.

24 A. No, ma'am.

25 Q. Okay. And so what's going through your mind at this

1 point?

2 A. At this point it's really like, you know, I don't know
3 what's going on, but it seemed to me that Maurice was getting
4 beat up. So I'm thinking, you know, pretty much try to get
5 him out of the house, you know, and at the same time I had to
6 fend off the blows where I would -- because I was getting
7 hit, too. So, you know, that was kind of it.

8 Q. Okay. So you jumped in the fight.

9 A. Yes, ma'am.

10 Q. And during this fight do you see Maurice do anything?

11 A. At first I didn't, you know, other than him fighting.
12 And then in the middle of us fighting, a gunshot went off,
13 and I saw him like drop the gun out of his hand. So that's
14 what I saw him do.

15 Q. So what did you do?

16 A. When he dropped the gun, I kind of, you know, stopped to
17 make sure I wasn't shot or anything, and I think I remember
18 the other guys doing the same thing, stopping to make sure
19 they were shot (verbatim). When the gun hit the ground, I
20 made an attempt to get the gun because I really didn't want
21 this gun to get into the wrong hands and, you know, the wrong
22 thing... So that's -- I grabbed the gun and I tried to make
23 an escape out the door.

24 Q. So when you say you tried to make an escape out the
25 door, what door are you talking about?

1 A. The door that I had came in that's at the bottom right
2 side of the driveway.

3 Q. Okay. So the same door you had come in.

4 A. Yes, ma'am.

5 Q. So when you were trying -- when you were trying to run
6 out, what happens?

7 A. When I'm trying to run out of the door, some type of way
8 the door, it kind of -- it closed and my arm was stuck inside
9 of the door. So at this point I'm really trying to get my
10 arm outside of the door, and what ended up happening was like
11 the gun was snatched out of my hand and I heard another
12 gunshot while my -- when I'm trying to get my hand out of the
13 door. Then my arm just fell out.

14 Q. All right. And hold on. So when you say that -- that
15 your arm was caught in the door, you're running out of the
16 door; right?

17 A. Yes, ma'am.

18 Q. Okay. And you're talking about your right hand? Is
19 that correct?

20 A. It was my left hand.

21 Q. It was your left hand---

22 A. Yes, ma'am.

23 Q. ---that was caught in the door.

24 A. Yes, ma'am.

25 Q. And your body is on the outside of the door?

1 A. Yes, ma'am.

2 Q. Is that right? And this arm is caught in the door.

3 A. Yes, ma'am.

4 Q. And you're trying to get out.

5 A. Yes, ma'am.

6 Q. You're trying to get out of the house.

7 A. Yes, ma'am.

8 Q. And so what happens when you get -- are you able to get
9 your arm out?

10 A. Eventually.

11 Q. Okay. And you said that -- so when your arm is stuck in
12 the door, the gun is inside the house.

13 A. Yes, ma'am.

14 Q. Okay. But the rest of your body is outside.

15 A. Yes, ma'am.

16 Q. Okay. And what happens while your arm is stuck in the
17 -- the arm with the gun.

18 A. Someone snatched the gun out of my hand, and then the
19 gun went off.

20 Q. You heard it go off again.

21 A. Yes, ma'am.

22 Q. Okay. Were you able to get your arm out of the door?

23 A. Yes, ma'am.

24 Q. And then what happened?

25 A. At this point I'm just thinking, you know, I got -- I

1 got to get away. You know, I don't know what's going on, but
2 I really need to go, so I -- I just really ran. I was
3 telling Vincent and Deshawn to come on while I was running.

4 Q. Okay. You told them, "Let's go."

5 A. Yes, ma'am.

6 Q. All right. So where did you run?

7 A. Back to my dad's house.

8 Q. Now, while you're running, did you ever look back?

9 A. Yes, ma'am.

10 Q. What did you see?

11 A. When I got to the top of the driveway, I looked back and
12 I saw Maurice. Maurice was standing over this guy in the
13 driveway with like the gun out like aimed at him in the
14 driveway.

15 Q. And did you see him do anything after that?

16 A. I saw him -- I saw him shoot the guy in the driveway.

17 Q. And then what did you do?

18 A. I just ran to my dad's house.

19 Q. And then while you were running, did you hear anything
20 else?

21 A. When I got up the street, I heard a couple more shots.

22 Q. And what did you do?

23 A. I ran to my dad's house.

24 Q. You just kept running.

25 A. Yes, ma'am.

1 Q. Do you know how many shots you heard?

2 A. I really can't give like an exact number, but I know it
3 was like four or more.

4 Q. Okay. And you said you went back to your dad's house?

5 A. Yes, ma'am.

6 Q. That's where you live; right?

7 A. Yes, ma'am.

8 Q. And what did you do?

9 A. I laid on the couch. I was kind of like trying to get
10 my thoughts together a little bit, and I drifted off to
11 sleep.

12 Q. And what's going through your mind?

13 A. I was really scared kind of, nervous and scared at the
14 same time. I really didn't understand the situation. So I
15 just kind of wanted, you know, like to sleep it off and kind
16 of forget about it.

17 Q. Did you see Maurice after that?

18 A. Yes, ma'am.

19 Q. And when was that?

20 A. The next day it was at a party in Hammond Village.

21 Q. Whose party was that?

22 A. Jwaun.

23 Q. And did something happen at that party?

24 A. Yes, ma'am.

25 Q. What happened at the party?

- 1 A. I was threatened.
- 2 Q. Did that -- did that concern you?
- 3 A. Yes, ma'am.
- 4 Q. How do you know Maurice?
- 5 A. Just kind of hanging around Hammond Village and some
- 6 other thing.
- 7 Q. Does he know your family at all?
- 8 A. Yes, ma'am.
- 9 Q. How does he know your family?
- 10 A. Well, actually his dad used to work on my dad's truck at
- 11 the time. It was a Pathfinder. He used to work on the
- 12 truck, so that's kind of how he knew...
- 13 Q. Okay. And you were eventually arrested in this case;
- 14 right?
- 15 A. Yes, ma'am.
- 16 Q. And your dad actually called the police; right?
- 17 A. Yes, ma'am.
- 18 Q. And they came to your house and arrested you?
- 19 A. Yes, ma'am.
- 20 Q. And did you speak with the police?
- 21 A. Yes, ma'am.
- 22 Q. And you gave -- and did you give them a statement?
- 23 A. Yes, ma'am.
- 24 Q. And was your first statement exactly what happened?
- 25 A. No, ma'am.

1 Q. It wasn't.

2 A. No, ma'am.

3 Q. It wasn't the truth.

4 A. No, ma'am.

5 Q. Why didn't you tell them the truth?

6 A. Honestly, I just was scared. You know, I just saw
7 somebody get shot and I just was kind of scared, so I really
8 didn't want to... That sort of thing.

9 Q. And did you talk to the police again after that?

10 A. Yes, ma'am.

11 Q. You did. And when you talked to the police that time,
12 did you tell them what happened?

13 A. Yes, ma'am.

14 Q. Did you tell them everything you could remember?

15 A. Yes, ma'am.

16 Q. Did you tell them the truth?

17 A. Yes, ma'am.

18 Q. And do you remember in February of this year that you
19 testified in a trial?

20 A. Yes, ma'am.

21 Q. You testified in the trial of Maurice Roberts? Is that
22 right?

23 A. Yes, ma'am.

24 Q. And, Demetrice, did you ever plan a burglary---

25 A. No, ma'am.

- 1 Q. ---with Maurice Roberts?
- 2 A. Never.
- 3 Q. Did you plan a burglary with Deshawn McClary?
- 4 A. Never.
- 5 Q. What about Vincent Nelson?
- 6 A. No, ma'am.
- 7 Q. Did you ever talk to Jwaun Duckett about planning a
- 8 burglary?
- 9 A. No, ma'am.
- 10 Q. Did you ever overhear them planning a burglary?
- 11 A. No, ma'am.
- 12 Q. Did you plan with your friends to rob anybody?
- 13 A. No, ma'am.
- 14 Q. Did you have any intention of robbing a studio---
- 15 A. No, ma'am.
- 16 Q. ---on January 25th, 2013?
- 17 A. No, ma'am.
- 18 Q. Did you have any intention of robbing anybody on
- 19 that night?
- 20 A. No, ma'am.
- 21 Q. Did you even know who lived there?
- 22 A. No, ma'am.
- 23 Q. Had you ever been there before?
- 24 A. No, ma'am.
- 25 Q. Why did you go in the house that night?

1 A. To help Maurice. It looked like he was getting beat up,
2 so I just really wanted to help.

3 Q. Beg the Court's indulgence. Demetrice, you said earlier
4 that you testified in Maurice Roberts' trial.

5 A. Yes, ma'am.

6 Q. And prior to testifying in that trial, did you speak
7 with somebody in the solicitor's office?

8 A. Yes, ma'am.

9 Q. You did? And who called you to the stand to testify?

10 A. I think the solicitor, I think.

11 Q. The solicitor's office called you to testify in their
12 behalf?

13 A. Yes, ma'am.

14 Q. Okay. Please answer any questions that the State has
15 for you; okay?

16 A. Okay.

17 **Ms. Simpson:** Thank you. May it please the Court?

18 Cross-Examination

19 By Ms. Simpson:

20 Q. Mr. James, I want to talk to you a little bit about who
21 you know---

22 A. Yes, ma'am.

23 Q. ---involved in this case. You know Vincent Nelson;
24 right?

25 A. Yes, ma'am.

1 Q. How do you know him?

2 A. Hammond Village.

3 Q. Hammond Village? And you actually call him Junior;
4 correct?

5 A. Yes, ma'am.

6 Q. And you'd known him for about several years prior to
7 this incident.

8 A. Probably. I really can't remember. Maybe like a year
9 or something.

10 Q. A year?

11 A. Yeah.

12 Q. More than a few months or a few days?

13 A. Yes, ma'am.

14 Q. And you also know Deshawn McClary.

15 A. Yes, ma'am.

16 Q. Right? Y'all are pretty good friends; right?

17 A. I just know him.

18 Q. You just know him?

19 A. Yes, ma'am.

20 Q. You actually knew him from back in 2006, '07?

21 A. I just saw him before at the time but...

22 Q. You just saw him before. So y'all never really hung out
23 together.

24 A. I just know him through other people at Hammond Village.

25 Q. Other people. Would some of those other people be

1 Maurice Roberts?

2 A. Yes, ma'am.

3 Q. And Maurice Roberts is actually really good friends with
4 both Vincent Nelson and Deshawn McClary, too; right?

5 A. Yes, ma'am.

6 Q. And you're friends with Maurice Roberts; right?

7 A. At the time.

8 Q. At the time? As a matter of fact, you said he was one
9 of your closest friends?

10 A. No, we were just friends.

11 Q. Just friends. He was one of your dearest friends?

12 A. I mean, at the time I kind of thought that.

13 Q. Kind of thought that. How often would y'all hang out?

14 A. Maybe a couple of times every week.

15 Q. A couple of times every week?

16 A. Yes, ma'am.

17 Q. And where would y'all hang out? Y'all hung out at his
18 house primarily; right?

19 A. Sometimes. Sometimes just around the neighborhood.

20 Q. And where is his house located?

21 A. At Hammond Village.

22 Q. Hammond Village. And you know other people in Hammond
23 Village, too.

24 A. Yes, ma'am.

25 Q. And Hammond Village is really close to River Drive.

- 1 A. Yes, ma'am.
- 2 Q. Where you live.
- 3 A. Yes, ma'am.
- 4 Q. And you said you were from Columbia and you grew up
- 5 here.
- 6 A. Yes, ma'am.
- 7 Q. So just so we're clear, you and Maurice are friends.
- 8 A. Were friends at the time.
- 9 Q. Were. And then Vincent Nelson, friends.
- 10 A. At the time, yes, ma'am.
- 11 Q. At the time. And Deshawn McClary.
- 12 A. At the time, yes, ma'am.
- 13 Q. And you've known them for awhile.
- 14 A. A year, two maybe.
- 15 Q. All of them only a year or two?
- 16 A. Yes, ma'am, around that.
- 17 Q. So these people that you knew only about a year, did you
- 18 actually hang out with all of them and do music together,
- 19 record music?
- 20 A. I have never done music with any of them. I really just
- 21 did my music by myself kind of.
- 22 Q. What kind of music do you do?
- 23 A. Hip-hop, rapping, lots of times R&B.
- 24 Q. But hanging out with them as much as you did, they did
- 25 music.

1 A. Not that I'm aware of.

2 Q. So you're not aware of any rap group called 600.

3 A. No, ma'am.

4 Q. And you're not aware of them being involved in any type
5 of recording or thing of -- things of that nature.

6 A. No, ma'am.

7 Q. So they would have no interest in studio equipment;
8 right?

9 A. No, ma'am.

10 Q. But you were involved in music.

11 A. Yes, ma'am.

12 Q. And you had studio equipment; right?

13 A. Yes, ma'am.

14 Q. But they didn't have any.

15 A. No, ma'am.

16 Q. Now, with respect to the victims in this case, Brandon
17 Jones, you didn't know him, did you?

18 A. No, ma'am.

19 Q. And you didn't know Trenton Scott.

20 A. No, ma'am.

21 Q. And you didn't know Troy Scott.

22 A. No, ma'am.

23 Q. You didn't know Cari Pearson.

24 A. No, ma'am.

25 Q. And you didn't know Chandler Davis.

- 1 A. No, ma'am.
- 2 Q. And you didn't know Mrs. Davis.
- 3 A. No, ma'am.
- 4 Q. Had you ever heard of them before?
- 5 A. No, ma'am.
- 6 Q. And you'd never been to their house before.
- 7 A. No, ma'am.
- 8 Q. And on this night though you went there; right?
- 9 A. Yes, ma'am.
- 10 Q. And it was really close to your house, too.
- 11 A. Yes, ma'am.
- 12 Q. I want to talk about what you said happened just to make
- 13 sure I've got this version of the events correct, based on
- 14 the testimony I've just heard. You were chilling pretty much
- 15 during the day.
- 16 A. Yes, ma'am.
- 17 Q. After you'd got out of school.
- 18 A. Yes, ma'am.
- 19 Q. And just chilling by yourself.
- 20 A. Yes, ma'am.
- 21 Q. And at some point your ex-girlfriend comes over.
- 22 A. Later on that night yes, ma'am.
- 23 Q. About what time was that?
- 24 A. Maybe 9, 9-ish.
- 25 Q. 9-ish? And then y'all went to Broad River where she

1 lives and y'all are chilling.

2 A. Yes, ma'am.

3 Q. And then when you -- at some point she decides to bring
4 you home?

5 A. Yes, ma'am.

6 Q. What time is that?

7 A. I really can't give a time. I can't really give a time.

8 Q. You can't give a time?

9 A. Huh-uh.

10 Q. How long do you think you were there chilling with her?

11 A. Maybe an hour and a half. Two hours maybe.

12 Q. Okay. So 10:30, 11-ish she brings you back home.

13 A. Yes, ma'am.

14 Q. And you're at home for awhile, chilling at your dad's
15 house?

16 A. Just for a little.

17 Q. For a little bit? At some point you decide you want
18 some marijuana.

19 A. Yes, ma'am.

20 Q. And why do you call Maurice?

21 A. Because he sells weed. That's where I usually get it.

22 Q. Okay. So he's just your drug dealer or he's your good
23 friend?

24 A. He's just a friend.

25 Q. He's just a friend. So you call him up because your

1 phone was broken.

2 A. I actually went to his house.

3 Q. Well, you went to his house because your phone was
4 broken. That's what you just testified to; right?

5 A. Yes, ma'am.

6 Q. Okay. So your phone was broken, so you went to his
7 house.

8 A. Yes, ma'am.

9 Q. How did you break your phone?

10 A. It just broke. I used to -- I was with a temp service
11 for the City of Columbia and I broke it at work.

12 Q. Okay. So you broke it at work? And how long had you
13 been without a phone?

14 A. Maybe probably like a week, I think.

15 Q. Okay. So you went over to his house to buy some weed.

16 A. Yes, ma'am.

17 Q. You knocked on the door.

18 A. Yes, ma'am.

19 Q. Did his dad come to the door---

20 A. No, ma'am.

21 Q. Because it's 5:30 or 11:30 at night?

22 A. No one came to the door.

23 Q. No one came?

24 A. No, ma'am.

25 Q. And do you know what time of night this was?

1 A. Not really. I just know it was nighttime.

2 Q. Nighttime. But it's after 10:30, close to 11, around
3 that time frame.

4 A. Around that time.

5 Q. So you go there, and then tell us exactly where you went
6 next.

7 A. I just walked around the neighborhood to find someone's
8 phone that I could use to call.

9 Q. And when you say the neighborhood, what area are you
10 referring to?

11 A. Hammond Village.

12 Q. So you just walked around.

13 A. Yes, ma'am.

14 Q. Do you know how long you were walking?

15 A. Not really. A couple of minutes maybe.

16 Q. A couple of minutes? And then you found somebody.

17 A. Yes, ma'am.

18 Q. Who did you find?

19 A. Just a guy in the neighborhood. I can't really recall
20 any names.

21 Q. You can't recall any names?

22 A. No, ma'am.

23 Q. Did he have his phone out? Like why did you go up to
24 him?

25 A. He had a phone, and I knew who he was. I just knew him

1 by face. I didn't know like a name or anything, so I used
2 his phone.

3 Q. Okay. So he had a phone, and you knew who he was. You
4 just happened to run into him. Were there other people out
5 that night?

6 A. Yes, ma'am.

7 Q. And this is January 25th of 2013. It's pretty cold;
8 right?

9 A. Yes, ma'am.

10 Q. And people are just hanging outside?

11 A. Yeah. Yes, ma'am.

12 Q. And you're walking around looking for a phone.

13 A. Yes, ma'am.

14 Q. And when you get that phone, who did you call?

15 A. Maurice.

16 Q. And did Maurice answer?

17 A. Yes, ma'am.

18 Q. And, again, this is after 11, around that time frame,
19 close to midnight? Closer...

20 A. Somewhere---

21 Q. It's dark.

22 A. Yes, ma'am.

23 Q. Especially dark since it's January and it's cold.

24 A. Yes, ma'am.

25 Q. And what did Maurice say to you on the phone?

1 A. He just told me pretty much to meet him on the road that
2 Willis lives at, over there by E.E. Taylor.

3 Q. So he told you to meet him on the road where Willis
4 lives at.

5 A. Yes, ma'am.

6 Q. Who is Willis?

7 A. A guy who we went to school with.

8 Q. Do you know a last name?

9 A. No, ma'am.

10 Q. What road did Willis live there?

11 A. I just know it's by E.E. Taylor.

12 Q. So how did you know how to get there?

13 A. Because I know where Willis lives at and...

14 Q. So you know where Willis lives; it's by E.E. Taylor.

15 A. Yes, ma'am.

16 Q. But you don't remember the road or anything like that.

17 A. I don't know the name of the road or anything.

18 Q. And how often did you go to Willis's house?

19 A. Probably like once a month, twice month, something like
20 that.

21 Q. Twice a month? And would you meet Maurice there?

22 A. No, ma'am.

23 Q. Okay. So this was the first time you actually met him
24 at Willis's house.

25 A. I didn't meet him at Willis's house.

1 Q. Well, you were going to. He told you to meet him there.

2 A. On the road that Willis lives on, he'll be right there.

3 Q. So the road that he lives on.

4 A. Yes, ma'am.

5 Q. Which is by E.E. Taylor.

6 A. Yes, ma'am.

7 Q. So you walk. How long does it take you?

8 A. A couple of minutes.

9 Q. A couple of minutes? So you're walking, and before you
10 get to Willis's house on the road, who do you encounter?

11 A. Maurice and Deshawn. I see them once I get by E.E.
12 Taylor.

13 Q. Okay. You see them by E.E. Taylor.

14 A. Yes, ma'am.

15 Q. Like standing by the school, in the schoolyard---

16 A. Like standing---

17 Q. ---basketball courts, what?

18 A. Like standing in front of the school by the sign.

19 Q. By the sign.

20 A. Yes, ma'am.

21 Q. So you walk up to them, and you were merely going to buy
22 weed.

23 A. Yes, ma'am.

24 Q. And your attention was to what? Buy a blunt?

25 A. Yeah.

1 Q. And you were just going to take it back with you.

2 A. Yes, ma'am.

3 Q. You had no intentions of hanging out with your friends.

4 A. No, ma'am.

5 Q. Even though you'd been bored all day just chilling.

6 A. Yes, ma'am.

7 Q. And so you get the blunt from Maurice.

8 A. Yes, ma'am.

9 Q. Tell me what happened. I notice you mentioned that -
10 let me make sure - that you had a conversation with Deshawn
11 and Maurice; right?

12 A. With Maurice.

13 Q. With Maurice? What was that conversation? What did
14 y'all talk about?

15 A. Pretty much he was like he was going to go to the studio
16 to meet Junior; would I like to come?

17 Q. So your drug dealer, not very close friend, asked you:
18 Do you want to go to the studio and hang out?

19 A. He was my friend and, yeah, he just asked me would I
20 want to go with him and meet Junior at the studio.

21 Q. So the studio -- they were interested in music.

22 A. I know we were supposed to meet Junior at the studio. I
23 didn't know, you know, other than that we was going to meet
24 him at the studio.

25 Q. So just meet at the studio. And, like you said, y'all

1 had never recorded together.

2 A. No, ma'am. I mean, they've like been around me doing
3 music, but we -- as far as us doing music together, no.

4 Q. And they don't rap?

5 A. Not that I'm aware of, no, ma'am.

6 Q. Okay. So the person who would be interested in going to
7 the studio the most would be you; right?

8 A. Yes, ma'am.

9 Q. So he asked: Do you want to come to the studio?

10 A. To meet Junior, yes, ma'am.

11 Q. To meet Junior. And he didn't tell you where you were
12 going.

13 A. No, ma'am.

14 Q. And you didn't know who all was going to be there.

15 A. No, ma'am.

16 Q. And you knew Vincent Nelson didn't live at a home with a
17 studio; right?

18 A. Yes, ma'am.

19 Q. He was actually living somewhere else.

20 A. I really didn't know where he lived at.

21 Q. He actually stayed with Maurice for awhile; right?

22 A. I didn't know. I know he used to be over there a lot
23 though.

24 Q. Over at Maurice's?

25 A. Yes, ma'am.

1 Q. And so y'all go over to the studio. And Deshawn, how
2 well do you know him?

3 A. He's just a friend, you know. I know him through
4 Hammond Village.

5 Q. Okay. So you walk over there. How long does it take
6 y'all to get from E.E. Taylor to Hammond Village?

7 A. To Hammond Village?

8 Q. Or, excuse me, to where y'all went, the studio.

9 A. Maybe two or three houses down, so it was really like a
10 minute or two.

11 Q. A minute or two?

12 A. Yes, ma'am.

13 Q. And during that time, tell me a little bit about the
14 walk. You've got a blunt; right?

15 A. Yes, ma'am.

16 Q. And your intention was initially to smoke some weed.

17 A. Yes, ma'am, and go home.

18 Q. Okay. So what are y'all doing during this walk? Are
19 y'all talking?

20 A. Not really. We were just walking.

21 Q. So you were just walking.

22 A. Yes, ma'am.

23 Q. You're not talking about what you're going to do.

24 A. No, ma'am. We was just going to meet Junior at the
25 studio.

1 Q. Okay. And you didn't really know why you were going
2 over there.

3 A. Just to meet Junior.

4 Q. Okay. So y'all were walking in silence.

5 A. Not really in silence but we -- there's nothing that I
6 can recall that we talked about, nothing that's significant
7 or anything.

8 Q. Okay. And do you remember what Maurice and Deshawn were
9 doing during that walk?

10 A. Kind of talking, you know, and Deshawn was on his phone.
11 I really can't remember.

12 Q. You can't really remember. You think he might have been
13 on the phone, but you don't know.

14 A. I really don't know.

15 Q. So you're just walking, kind of clueless.

16 A. Yes, ma'am.

17 Q. And then when you get there -- and you said earlier that
18 Maurice was in front leading the way?

19 A. Yes, ma'am.

20 Q. And at some point you walk up and you see -- who do you
21 see?

22 A. Junior and two other guys.

23 Q. And two other guys. And they were all standing
24 together.

25 A. Not necessarily together but they were all in the

1 parking lot.

2 Q. They were all in the parking lot?

3 A. Yes, ma'am.

4 Q. The driveway area?

5 A. Yes, ma'am.

6 Q. And they're all doing what? Smoking?

7 A. I saw Junior smoking and maybe one of the other guys.

8 Q. Okay. So you see them and you're thinking: I'm about
9 to go have a good time.

10 A. I just was really introducing myself to them, you know.

11 Q. So you were going -- and you actually walk at this point
12 in front of Maurice.

13 A. Yes, ma'am.

14 Q. And all of a sudden he just sprints off.

15 A. Yes, ma'am.

16 Q. And according to your testimony today, he engages in an
17 altercation.

18 A. Yes, ma'am.

19 Q. So he goes up to the guy and just hits him.

20 A. Yeah, something like that. There's, you know, just a
21 lot of commotion just like a fight.

22 Q. A lot of commotion. And now there's no warning.

23 Maurice isn't telling you who you're going to see; right?

24 A. Just meeting Junior.

25 Q. Meet -- meeting Junior.

1 A. Yes, ma'am.

2 Q. He doesn't tell you about anybody else.

3 A. No, ma'am.

4 Q. He doesn't mention that he's having problems with

5 anybody.

6 A. No, ma'am.

7 Q. He doesn't mention Brandon Jones.

8 A. No, ma'am.

9 Q. He doesn't mention Trey Scott.

10 A. No, ma'am.

11 Q. He doesn't mention Troy Scott.

12 A. No, ma'am.

13 Q. And you don't ever see him on his phone.

14 A. Maurice?

15 Q. Yes.

16 A. No, ma'am.

17 Q. So you didn't see him on his phone at all. And he

18 sprints past you and immediately engages in this altercation.

19 Which one of the guys did he engage in the altercation with?

20 A. I don't really know names. I think---

21 Q. What did he look like? Just give me a general

22 description.

23 A. It was at nighttime. I think he -- he was like kind of

24 a heavy-set guy kind of, and that's all I really remember. I

25 don't -- I know it was just like a fight. .

1 Q. Just like a fight.

2 A. Yes, ma'am.

3 Q. Were both people in this fight actually fighting or just
4 Maurice?

5 A. Well, I mean, at first it seemed both of them was
6 fighting, and the other dude kind of like stumbled to the
7 ground kind of.

8 Q. Kind of? Kind of stumbled. Were any words exchanged
9 that you can remember?

10 A. No, ma'am.

11 Q. So nothing is said. He goes up and just -- they start
12 fighting. And Junior is there.

13 A. Yes, ma'am.

14 Q. What's Junior doing?

15 A. I don't know. He was more like towards the door area.
16 This was kind of like at the top of the driveway.

17 Q. So at the top of the driveway he's engaged in a fight
18 with one person.

19 A. Yes, ma'am.

20 Q. Even though you said they were all together at the
21 bottom of the driveway.

22 A. I just---

23 Q. I'm just trying to get this straight in my head.

24 A. I just said they were all in the parking lot together.

25 Q. In the parking lot together.

- 1 A. Yes, ma'am.
- 2 Q. And then he goes up and does what?
- 3 A. They just fight.
- 4 Q. They fight, but after they're fighting, the guy stumbles
5 to the ground. What happens next?
- 6 A. It's -- like there was a whole bunch of going -- whole
7 bunch of stuff going on, so I just made it there really to
8 kind of see what was going on like...
- 9 Q. Let me -- let me stop you. So a whole bunch of stuff is
10 going on.
- 11 A. Yes, ma'am.
- 12 Q. And by a whole bunch of stuff, are people yelling?
13 They're not yelling, are they?
- 14 A. Not really.
- 15 Q. There's no screaming.
- 16 A. No, ma'am.
- 17 Q. There's no kind of: Hey, I'm about to fight. None of
18 that.
- 19 A. No, ma'am.
- 20 Q. So your friend slash drug dealer, Maurice Roberts, just
21 brings you to this place; right?
- 22 A. Yes, ma'am.
- 23 Q. And then sprints off and starts fighting.
- 24 A. Yes, ma'am.
- 25 Q. Without any warning.

1 A. No, ma'am.

2 Q. To you.

3 A. No, ma'am.

4 Q. And Deshawn, where is he?

5 A. I think he was like behind me at this point in time. I
6 think he was like...

7 Q. Behind you? So what happened next after the guy is on
8 the ground?

9 A. Him and Maurice is fighting. I make it to---

10 Q. They're actually fighting on the ground in the parking
11 lot?

12 A. Yes, ma'am.

13 Q. Okay. So they're fighting, and the other guy is
14 actually fighting back?

15 A. It seemed to me at first he was until he stumbled to the
16 ground.

17 Q. Oh, so they're standing up fighting. Then he falls to
18 the ground.

19 A. Yes, ma'am.

20 Q. Then where does Maurice go?

21 A. He goes to the door area.

22 Q. To the door area?

23 A. Yes, ma'am.

24 Q. And you have a clear view? Where are you?

25 A. Like I'm where the first altercation took place at

1 between him and the first guy.

2 Q. And that's in front of the truck or behind the truck?

3 A. I think it was like at the top of the truck or by the
4 door of the truck.

5 Q. By the door of the truck?

6 A. Yes, ma'am.

7 Q. Do you remember which way the truck was facing or just
8 that it was parked in the driveway?

9 A. I just know that it was parked in the driveway.

10 Q. Okay. And then Maurice goes towards the door.

11 A. Yes, ma'am.

12 Q. And what do you do? You said you walked down to see
13 what was going on; right?

14 A. I kind of run down actually.

15 Q. I think earlier you said you walked down. There was a
16 lot of commotion; I just wanted to see what they were getting
17 into, what was going on.

18 A. I ran down after I saw them fighting.

19 Q. You ran down.

20 A. Yes, ma'am.

21 Q. Even though Maurice had just sprinted past you and hit
22 this guy that you didn't know for no reason.

23 A. Yes, ma'am.

24 Q. And at this point Maurice is not in distress; right?

25 He's actually up and going towards the door.

1 A. Now he is; yes, ma'am.

2 Q. And you follow him.

3 A. Yes, ma'am.

4 Q. You follow him, and you see him automatically start
5 fighting two other dudes.

6 A. Yes, ma'am.

7 Q. And they're at the doorway?

8 A. Yes, ma'am.

9 Q. So does Maurice go into the door?

10 A. I just saw him fighting at the door kind of.

11 Q. Well, you're right behind him after he leaves this first
12 altercation, and then these two guys -- Maurice just busts in
13 through the door; right?

14 A. I wasn't right behind him. I made it to the alter --
15 well, where he was fighting the other guy at. By the time I
16 got there, he had ran and started fighting the guys by the
17 door.

18 Q. Okay. So he was fighting them by the door. Did they
19 open the door and say like, "Hey, Maurice, come in," or did
20 they know Maurice was out there? Was the door open? Closed?

21 A. I really can't remember. I just know that they were
22 fighting like by the door.

23 Q. Okay. And, again, you didn't hear them say, "Hey, come
24 in."

25 A. No, ma'am.

1 Q. And you didn't hear them say any kind of cursing or
2 engage Maurice in any way.

3 A. I just saw them fighting; that's it.

4 Q. At what point did you see the gun?

5 A. In the house.

6 Q. In the house.

7 A. Yes, ma'am.

8 Q. So they're fighting, and you go in the house.

9 A. Yes, ma'am.

10 Q. And are you -- where are you in relation to Maurice?

11 A. I would say we were kind of close, but you know it was
12 just a fight really, so I really couldn't give you -- but we
13 were kind of close though.

14 Q. Okay. Why did you tell your counsel why you went in
15 there? What was the reason?

16 A. I just thought he was getting beat up, so I, you know,
17 really was trying to get him out of the house, that type of
18 thing.

19 Q. Okay. So he's going to this place and he's getting beat
20 up from a fight that he started.

21 A. I didn't know if he started it or not, but I know it
22 looked like he was getting beat up.

23 Q. Okay. And then he went in; right?

24 A. Yes, ma'am.

25 Q. And at this point -- when you hear one shot; right?

1 A. Yes, ma'am.

2 Q. Everybody freezes.

3 A. Yes, ma'am.

4 Q. And you, being the good Samaritan that you are, didn't
5 want the wrong thing to happen and the gun to get in the
6 wrong hands, so you pick up the gun.

7 A. After it was dropped, yes, ma'am.

8 Q. After it was dropped. And whose hand did it drop from?
9 Maurice; right?

10 A. Yes, ma'am.

11 Q. And you pick it up and you try to run out the door, and
12 then, bam, another shot fires off.

13 A. Actually my arm was caught in the door.

14 Q. Did you pull the trigger?

15 A. All I know was the gun was snatched out of my hand, and
16 at this point I heard it go off.

17 Q. And how are you -- how did you grab the gun? How are
18 you holding it?

19 A. I don't know. I just really grabbed it. I can't really
20 remember how I grabbed it. I just picked it up off---

21 Q. You just grabbed it. Do you have an idea about how you
22 grabbed it?

23 A. No, ma'am, I just---

24 Q. Like this? Your hand is stuck in the door?

25 A. I just know that I picked the gun up and ran, and my arm

1 -- my left arm got caught in the door.

2 Q. All right. And at some point then you just flee; right?

3 A. Yes, ma'am.

4 Q. After this you get out, but before leaving you hear more
5 shots.

6 A. No, ma'am. My arm was caught in the door. The gun was
7 snatched out of my hand, and I heard one shot.

8 Q. So you heard two shots inside the house.

9 A. Yes, ma'am.

10 Q. Okay. Two shots go off inside the house, but you're
11 able to get your arm out and you start hauling---

12 A. Yes, ma'am.

13 Q. ---looking down the street or up the driveway.

14 A. Yes, ma'am.

15 Q. What happened next? You actually see Maurice come out
16 of the house?

17 A. I didn't see him come out.

18 Q. Okay. But the next time you saw him he was standing
19 over somebody?

20 A. Yes, ma'am.

21 Q. With a gun.

22 A. Yes, ma'am.

23 Q. And that guy was laying on the ground.

24 A. Yes, ma'am.

25 Q. On his back.

1 A. Yes, ma'am.

2 Q. The same guy you said he got into an altercation with
3 the first time around.

4 A. I don't know if it's the same guy. I know it was -- it
5 may have -- well, it had to be one of the guys outside, but I
6 don't know if it was the first guy or the guy down by the
7 door.

8 Q. But they looked pretty different because you had a
9 chance to like sit through this. You know the evidence in
10 your case; right? You know who the victims are; you've seen
11 them.

12 A. Yes, ma'am, I saw them.

13 Q. And Brandon Jones and Joshua Williams that you now know
14 their names - you didn't know them then - they look pretty
15 different.

16 A. I never -- I can't really remember Brandon. I never,
17 you know...

18 Q. You just remember the other guy?

19 A. I really don't remember none of them. I mean, this has
20 been like 20 something months -- like a long time ago. I
21 really can't remember faces and every detail of each person.

22 Q. Okay. Twenty something months ago. But this was a
23 terrifying moment in your life.

24 A. Yes, ma'am.

25 Q. Right? And you were scared.

1 A. Yes, ma'am.

2 Q. Nervous. Nothing like this had ever happened before.

3 A. No, ma'am.

4 Q. And you didn't know what was going on, and you turned
5 around and saw Maurice do what?

6 A. Shoot. Shoot one of the guys in the parking lot.

7 Q. Shoot one of the guys in the parking lot.

8 A. Yes, ma'am.

9 Q. And then you go home. You run home and drift off to
10 sleep.

11 A. At first I just kind of laid there kind of thinking,
12 trying to get my thoughts together.

13 Q. I want to talk about now some of the stuff we didn't
14 talk about earlier. You've given actually several statements
15 to police; correct?

16 A. Yes, ma'am.

17 Q. And in those statements you didn't touch on them much
18 during your direct, but you initially deny any type of
19 involvement.

20 A. Yes, ma'am.

21 Q. And then, going to your first statement -- and you
22 talked to police freely and voluntarily; right?

23 A. Yes, ma'am.

24 Q. You wanted them to know what happened, your version
25 about what happened.

1 A. I just was talking to them, trying to -- let them know
2 what they needed to know.

3 Q. Let them know what they needed to know. And -- but you
4 didn't let them know what they needed to know at first,
5 right, because you initially denied it?

6 A. Yes, ma'am.

7 Q. And then you also told them you'd been at your
8 girlfriend's house during the time of this incident.

9 A. No, ma'am. I told them that she picked me up earlier
10 that night and then that she dropped me back off.

11 Q. But you never told them a second version where you had
12 actually been at her house when this occurred. That's your
13 testimony now.

14 A. Yes, ma'am.

15 Q. And then you gave them a third version; right?

16 A. No, ma'am. I think it was an add-on to the second
17 statement.

18 Q. It was an add-on to the second which is your initial
19 denial -- or let's see. Let's go in order. Verbal
20 statement, you deny.

21 A. Yes, ma'am.

22 Q. And then we disagree on whether -- you're saying that
23 you didn't tell law enforcement that you were with your
24 girlfriend during this incident.

25 A. I just told them that she picked me up and dropped me

1 off.

2 Q. Okay. And then you give another statement; right?

3 A. Yes, ma'am.

4 Q. And in that statement you wanted to tell them what you
5 knew.

6 A. Yes, ma'am.

7 Q. Because you were scared; right?

8 A. Yes, ma'am.

9 Q. And you already knew that a guy had lost his life.

10 A. At this point I did.

11 Q. And at what point did you kind of put it in your head
12 that Maurice may have been involved?

13 A. I mean, I saw it like -- I had saw it, so...

14 Q. You saw it, so you knew right then he'd probably killed
15 somebody.

16 A. No, ma'am.

17 Q. Well, when you went to the party the next day for Jwaun
18 Duckett, you knew then; right?

19 A. No, ma'am.

20 Q. No idea that somebody had been shot or lost their life.

21 A. I saw Maurice shoot the guy. I just didn't know that he
22 had died.

23 Q. Okay. But you went to this party the next day after
24 sleeping and thinking about all that had happened.

25 A. Yes, ma'am.

1 Q. And this party is where you had just been with -- you
2 knew you'd see Maurice Roberts?

3 A. I didn't know I'd see him; no, ma'am.

4 Q. Okay. But y'all hung out together. He was -- he hung
5 out with Jwaun Duckett; right?

6 A. Sometimes.

7 Q. You knew Jwaun.

8 A. Yes, ma'am.

9 Q. And Vincent Nelson would be there.

10 A. I didn't know he would be there, but he was there.

11 Q. And so you're partying with them.

12 A. Kind of. And I---

13 Q. And y'all don't talk about what happened.

14 A. No, ma'am.

15 Q. You didn't want to know why he went sprinting past you,
16 why he got in this altercation for no reason?

17 A. Honestly, I didn't.

18 Q. You didn't want to know why.

19 A. No, ma'am.

20 Q. But at the same time you just said you were threatened
21 by him.

22 A. Yes, ma'am.

23 Q. And -- but you didn't want to know why. You didn't ask
24 questions. You didn't speak on it.

25 A. No, ma'am.

1 Q. And you didn't go to the police.

2 A. No, ma'am.

3 Q. You didn't tell your dad. You didn't tell anyone.

4 A. No, ma'am.

5 Q. You just went about your day.

6 A. Yes, ma'am.

7 Q. But in your second statement to police -- and let's make
8 sure I get the correct time frames because you -- your memory
9 would have been better back then; right?

10 A. Back then, yes, ma'am.

11 Q. So you told them in that statement that you were with
12 your girlfriend and she dropped you off about 11 p.m.?

13 A. I gave a time, if that's...

14 Q. May I approach? Do you recognize this?

15 A. Yes, ma'am.

16 Q. And it says that 11 p.m.

17 A. Yes, ma'am.

18 Q. And you just said you had hung around your house for
19 awhile, but this says you went to Hammond Village to get some
20 weed.

21 A. Yes, ma'am.

22 Q. And you knocked on the door.

23 A. On Maurice's door.

24 Q. On Maurice's door.

25 A. Yes, ma'am.

1 Q. And you didn't have a phone.

2 A. No, ma'am.

3 Q. Okay. So this whole process has taken you a little bit
4 of time.

5 A. A little bit, yes, ma'am.

6 Q. Okay. And you see a commotion.

7 A. At the incident location? Yes, ma'am.

8 Q. And it's in the middle of the driveway. You just see
9 the guy already laying on the ground. That's your second
10 statement.

11 A. No.

12 Q. Would it help if I showed you?

13 A. Yes, ma'am.

14 Q. Where you said, "I knew there had to be a fight because
15 there was a guy laying on the ground in the driveway. He was
16 holding his head like he got beat."

17 A. Yes, ma'am.

18 Q. All right. And in this statement you didn't actually
19 walk with Maurice and Deshawn to the studio; right?

20 A. Would that be the first one?

21 Q. Let's see. You have so many. Hold on.

22 **Ms. Anastasia Walker:** Your Honor, if I could. I
23 believe there's some confusion. When Ms. Simpson is
24 referring to the first statement, she refers to the verbal
25 statement, and my client, I believe, is misunderstanding

1 that. So if we could just clarify the statements when we're
2 talking about them---

3 **The Court:** Try to---

4 **Ms. Anastasia Walker:** ---I think they'd be on the same
5 page.

6 **Ms. Simpson:** I'll be happy to attempt to clarify as
7 best I can.

8 By Ms. Simpson:

9 Q. Okay. So your second statement, after the verbal, your
10 first written statement -- are we clear? And I'll show you.
11 January 30th at 10:16.

12 A. Yes, ma'am.

13 Q. Right? So you actually just walked by the street and
14 you use a crackhead's phone. That's what you told them;
15 right?

16 A. I think.

17 Q. You don't remember what you told them.

18 A. No, ma'am.

19 Q. Okay. "I found a crackhead and I used his phone to call
20 Maurice."

21 A. Yes, ma'am.

22 Q. "I asked him where he was, and I told him I needed to
23 buy some weed."

24 A. Yes, ma'am.

25 Q. Okay. And at this point y'all start walking; right?

1 A. Yes, ma'am.

2 Q. Or you start walking. And you didn't go to E.E. Taylor
3 in this statement. You didn't tell police that you met him
4 there.

5 A. I think I told them that I was going to meet him there.
6 That's where we were supposed to meet at, I think. I told
7 them that, but when I got there I just saw a scuffle. That's
8 what I told them in my first statement.

9 Q. So you actually walked and then just happened upon
10 Maurice, Deshawn, and Vincent scuffling.

11 A. That was the first statement.

12 Q. The first statement.

13 A. Yes, ma'am.

14 Q. And that wasn't accurate.

15 A. No, ma'am.

16 Q. And at that point you told them Junior was tussling?

17 A. Ma'am?

18 Q. You told them that Junior was tussling.

19 A. I think. I really can't remember. I haven't seen that
20 in a long time.

21 Q. And let me show you... You told them you were tussling;
22 right?

23 A. That Junior---

24 Q. Junior is fighting.

25 A. Yes, ma'am.

1 Q. Maurice is fighting towards the door.

2 A. Yes, ma'am.

3 Q. Was engaged toward the door. And it's like they were
4 fighting through the door and stuff.

5 A. Yes, ma'am.

6 Q. And you went in because you saw his eye was swollen, and
7 there were two or three guys on the inside of the house.

8 A. Yes, ma'am.

9 Q. And at that point you get in because you're going in to
10 help your friend because it looks like he's beat up---

11 A. Yes, ma'am.

12 Q. ---in this statement. Right?

13 A. Yes, ma'am.

14 Q. But that's not really accurate as to what happened.

15 A. You know, parts of the first statement were accurate.

16 Q. Parts of them were.

17 A. Yes, ma'am.

18 Q. But parts of them weren't.

19 A. Yes, ma'am.

20 Q. And in this statement you actually say that you heard a
21 gunshot go off in the house.

22 A. Yes, ma'am.

23 Q. And then you also say that when it went off, you checked
24 yourself to make sure you weren't shot.

25 A. Yes, ma'am.

1 Q. Because you were concerned. And then -- let me make
2 sure I got this right. At that point you're like, "Let's
3 go."

4 A. Yes, ma'am.

5 Q. And you tell -- who are you telling, "Let's go"?

6 A. Actually that statement is not all the way accurate, but
7 if I said that, it would have had to have gone towards
8 Maurice, Junior, Deshawn.

9 Q. Towards Maurice and Deshawn. Okay. And then you also
10 told them when you ran out, "Junior was actually still
11 fighting," in this second statement.

12 A. Yes, ma'am.

13 Q. So Junior is still fighting.

14 A. Yes, ma'am.

15 Q. But that's not what you saw, according to your testimony
16 today.

17 A. Well, we really didn't get into all of it.

18 Q. You really didn't get into everything that happened
19 today?

20 A. I was just, you know, answering pretty much what I
21 remembered. I was telling them what I remembered.

22 Q. What you remember.

23 A. Yes, ma'am.

24 Q. In this most terrifying moment in your life, you just
25 remember generally chilling, kind of sort of a few things

1 here and there.

2 A. I just remember what---

3 Q. Well, let's see -- because this wasn't accurate. Right?

4 A. Yes, ma'am.

5 Q. And after that you said, "Let's go," and then you ran
6 out of the house first.

7 A. Yes, ma'am.

8 Q. And did you hear -- there was no shot inside the house;
9 right?

10 A. Yes, ma'am.

11 Q. Not a second shot, according to this statement.

12 A. According to the first one, no, ma'am, I didn't see...

13 Q. And in this statement you never admit to ever picking up
14 that gun.

15 A. No, ma'am.

16 Q. You never admit to having that gun and shooting that
17 gun.

18 A. No, ma'am.

19 Q. But in another version of your statement, you tell
20 police about the gun, right, that you had it?

21 A. That after it was dropped, I picked it up and made an
22 attempt to get out of the house.

23 Q. But you never actually told police that part.

24 A. No, ma'am.

25 Q. Right? No. You only testified to that at Maurice's

1 trial.

2 A. Yes, ma'am.

3 Q. Right. And then here today.

4 A. Yes, ma'am.

5 Q. That the gun -- it accidentally dropped and you just
6 didn't want it to get in the wrong hands.

7 A. Yes, ma'am.

8 Q. But still it's your testimony that you didn't fire that
9 shot, like Trey -- or you didn't fire that shot.

10 A. All I said was I ran out of the house. My arm was
11 caught in the door, and the gun was snatched out of my hand
12 and it went off.

13 Q. It was snatched out of your hand.

14 A. Yes, ma'am.

15 Q. So the person that snatched it in the process or do you
16 think you pulled the trigger?

17 A. I really -- honestly, I couldn't tell you. I just know
18 that as the gun was being snatched out of my hand it went
19 off.

20 Q. Okay. Based on the second statement that you say is not
21 completely accurate, you actually see the police cars and the
22 trucks and all this as you're running home.

23 A. I think the first statement is the one that's not
24 accurate. The second statement is accurate.

25 Q. Well, let's talk about your second statement because

1 your second statement was given a couple of hours later, and
2 this is the one where you actually admit to police about
3 going to a studio.

4 A. Yes, ma'am.

5 Q. Right? And in this statement you say, "Me, him,"
6 referring to Maurice, "And a light-skinned dude." Right?

7 A. Yes, ma'am.

8 Q. Even though you knew the light-skinned guy's name.

9 A. Yes, ma'am.

10 Q. And -- but you never told police that that was Deshawn
11 McClary.

12 A. No, ma'am, I just said a light-skinned guy.

13 Q. You left that out of your statement.

14 A. Yes, ma'am.

15 Q. And you actually knew Deshawn for about six years prior
16 to this.

17 A. No, ma'am. I had seen him before that, and like I said,
18 we became friends through people at Hammond Village.

19 Q. You'd seen him -- so y'all were friends at the time this
20 happened.

21 A. We were and he was---

22 Q. And you did know his name.

23 A. I knew his nickname.

24 Q. And you didn't tell police.

25 A. I knew his nickname and, no, ma'am---

- 1 Q. What's his nickname?
- 2 A. A lot of people call him D.
- 3 Q. D.?
- 4 A. Yes, ma'am.
- 5 Q. And 600?
- 6 A. I never called him that or heard anyone call him.
- 7 Q. You never saw his tattoo with 600.
- 8 A. I've seen the tattoo; yes, ma'am.
- 9 Q. And it's 600.
- 10 A. Yes, ma'am.
- 11 Q. But you're not associated with 600 in any way.
- 12 A. No, ma'am.
- 13 Q. And 600, do you know it to be a rap group?
- 14 A. Not a rap group, no, ma'am.
- 15 Q. Is it a group of individuals who just kind of hang out
- 16 together?
- 17 A. You know, there's a lot of people who have that tattoo
- 18 and -- around Hammond Village, and so it's kind of like I
- 19 guess you would call it a group of individuals who know each
- 20 other.
- 21 Q. And Jwaun is part of 600; right?
- 22 A. I don't know.
- 23 Q. Maurice is actually a part of 600; correct?
- 24 A. I don't -- I don't know.
- 25 Q. And Vincent Nelson is part of 600.

1 A. Yes, ma'am.

2 Q. And you're associated with 600.

3 A. I wouldn't say that.

4 Q. Okay. So you're the only one that does music, and
5 you're not associated with 600. That's your testimony.

6 A. Yes, ma'am.

7 Q. And y'all were friends, but y'all aren't really great
8 friends.

9 A. We were just friends.

10 Q. Just friends?

11 **Ms. Anastasia Walker:** Your Honor, all this testimony
12 has been asked and answered.

13 **The Court:** It's cross-examination. I'll allow it.

14 **Ms. Anastasia Walker:** Thank you, Your Honor.

15 By Ms. Simpson:

16 Q. So going to your second statement, at this statement you
17 don't really admit that there are two guys out there because
18 you said this was probably the most accurate one; right? The
19 one you gave to police.

20 A. This is the add-on to the second statement.

21 Q. The add-on to the second statement.

22 A. Because it says, "Is there any information that you
23 recall that wasn't included earlier?" So this---

24 Q. Yeah, because your first statement is the one you made a
25 couple of hours earlier saying that you just happened upon

1 them fighting and then went down there to see what was going
2 on and help your dear friend.

3 A. Yes, ma'am.

4 Q. Okay. And this statement is the accurate one.

5 A. Yes, ma'am.

6 Q. Okay. And in this statement you don't mention Deshawn.

7 A. I called him the light-skinned guy.

8 Q. And you actually admit that only -- that you saw Maurice
9 hit one guy; there's one altercation outside.

10 A. I tell them about pretty much the whole story, but I
11 said that. That was -- I saw him fight the first guy, and
12 the dude kind of stumbled to the floor -- I mean to the
13 ground.

14 Q. To be specific, you actually said you were walking
15 because Maurice did sprint past you. Didn't say anything;
16 right?

17 A. No, ma'am.

18 Q. And you didn't know what he was running for.

19 A. No, ma'am.

20 Q. And he got into a tussle.

21 A. Yes, ma'am.

22 Q. You saw Maurice actually hit the guy with something this
23 time.

24 A. Yes, ma'am.

25 Q. So they're not really fighting back and forth. Maurice

1 just hits him.

2 A. They were fighting back and forth until the guy stumbled
3 to the ground.

4 Q. And then he had his arm over the -- over his head.

5 A. I really can't remember that.

6 Q. So he had his arm over his head, and then Maurice just
7 runs towards the door, according to this accurate statement.

8 A. Yes, ma'am, by the time I get to the first guy he was
9 fighting.

10 Q. And all you could see was him falling out of the door
11 trying to swing.

12 A. Yes, ma'am.

13 Q. But you actually saw him go inside the house.

14 A. More or less like kind of pulled inside of the house.

15 Q. Pulled inside the house. And you're scuffling; right?

16 A. Me?

17 Q. Yeah.

18 A. Actually, I'm running towards them down there and...

19 Q. You also testified at trial; right?

20 A. Yes, ma'am.

21 Q. And that testimony was a little bit different, too.
22 Right?

23 A. I don't think so; no, ma'am.

24 Q. You don't think so? Well, let's talk about that
25 altercation, because in that testimony that's the first time

1 we hear about you having the gun in your hand; right?

2 A. Yes, ma'am.

3 Q. And you admit to being friends in that testimony with
4 Deshawn, pretty good friends.

5 A. I just said we were friends.

6 Q. And you admit to being Maurice's -- he's one of your
7 dearest, closest friends.

8 A. Friends.

9 Q. You're just friends. Beg the Court's indulgence for
10 just a second. Well, let me back up for a little bit. Okay.
11 The studio -- you do mention the studio in your trial
12 testimony; right?

13 A. Yes, ma'am.

14 Q. And you're---

15 **Ms. Anastasia Walker:** Your Honor---

16 **Ms. Simpson:** ---the only one who does recording
17 testimony (verbatim).

18 **Ms. Anastasia Walker:** ---if I could, what page are you
19 on in the trial testimony?

20 **Ms. Simpson:** 488.

21 **Ms. Anastasia Walker:** Thank you.

22 **The Witness:** Ma'am?

23 By Ms. Simpson:

24 Q. You mention the studio in your trial testimony.

25 A. Yes, ma'am.

1 Q. And that you were going there.

2 A. To meet Junior.

3 Q. To meet Junior. But you didn't know who lived there.

4 A. No, ma'am.

5 Q. And how long did this whole entire episode kind of last,
6 from the time you go to knock on Maurice's door and the fight
7 happens and you see your Brandon Jones shot?

8 A. Again, I couldn't really give you an accurate time
9 estimate.

10 Q. Give me a general. Twenty minutes?

11 A. Like 45 minutes to an hour maybe.

12 Q. Forty-five minutes to an hour.

13 A. Yes, ma'am.

14 Q. From the time you get back at 11.

15 A. Yes, ma'am.

16 Q. And the calls are made and the shots are fired in the
17 studio. Would you be surprised to learn that the text
18 messages in this case -- right?

19 A. Yes, ma'am.

20 Q. The texts -- and did you ever see those texts?

21 A. I never saw the text messages; no, ma'am.

22 Q. Okay. So you didn't know that Junior, Deshawn, and
23 Maurice had actually planned a robbery.

24 A. No, ma'am, I knew nothing about that.

25 Q. And you weren't paying attention to the texts he was

.

1 receiving on the phone.

2 A. No, ma'am.

3 Q. And your close, dear friend just kind of set you up for
4 what?

5 A. I don't know. I just know we were supposed to meet. I
6 met him to buy weed, and we were supposed to meet Junior at
7 the studio.

8 Q. Okay. But you don't know anything about a robbery.

9 A. Nothing. No, ma'am.

10 Q. And nothing about these text messages---

11 A. No, ma'am.

12 Q. ---that were going on. The last one being at 11:12---

13 A. No, ma'am, I know nothing about that.

14 Q. ---p.m. saying, "Come on inside. I got them out."

15 A. Yeah, I didn't know about that.

16 Q. You didn't know about that.

17 A. No, ma'am.

18 Q. And then would it surprise you to learn that in a matter
19 of five minutes 9-1-1 had been called?

20 A. I didn't know.

21 Q. You didn't know.

22 A. No, ma'am.

23 Q. And you didn't know that they were actually going there
24 to rob.

25 A. No, ma'am.

1 Q. You were just going to smoke weed and have a good time.

2 A. No, ma'am. I was going to meet Junior at the studio
3 after I bought the weed from Maurice.

4 Q. What did you think you were going to do at the studio?

5 A. At this point I really didn't know. I just knew we was
6 going to meet Junior at the studio, maybe record music. You
7 know, I just knew we were going to meet Junior; that's all I
8 knew at the time.

9 Q. But they didn't really record music.

10 A. Not that I know of.

11 Q. And you never had that gun in your hand except for the
12 two seconds before it was snatched.

13 A. When I grabbed the gun off of the floor, that's the only
14 time I had it, when I was running out of the door.

15 Q. So you didn't actually fire the gun.

16 A. Again, with me running out of the door and my arm was
17 caught in the door and the gun was snatched out of my hand
18 and it went off.

19 Q. So it was snatched. Let me make sure because I'm a
20 little confused about something that you're saying. You
21 actually know -- beg the Court's indulgence. Going back to
22 the phone, Maurice -- you called him from another person's
23 phone; right?

24 A. Yes, ma'am.

25 Q. Because yours was broken.

1 A. Yes, ma'am.

2 Q. And you -- how did you know his number?

3 A. It's just something that I kind of knew.

4 Q. You just kind of knew it even though you only
5 occasionally called him?

6 A. I buy weed from him all the time -- well, bought weed
7 from him all the time actually.

8 Q. All the time?

9 A. Yeah. He's the only person I would buy weed from.

10 Q. And you only hung out with him occasionally.

11 A. Like I say, you know, maybe one or two times a week.

12 Q. Did you memorize the number?

13 A. Yes, ma'am.

14 Q. What was it?

15 A. I can't remember it now, but at the time I did know.

16 Q. Okay. So you don't know it anymore.

17 A. No, ma'am.

18 Q. And it's still your position that -- and like I said,
19 we've had several versions and it's been a little confusing,
20 but you didn't participate in the robbery.

21 A. No, ma'am.

22 Q. You weren't present with Jwaun Duckett, Maurice Roberts
23 - right - and Deshawn?

24 A. Present, um?

25 Q. When they were talking about it.

1 A. No, ma'am.

2 Q. And you weren't present when Kyree was there - Golman.

3 A. No, ma'am.

4 Q. But you know Kyree.

5 A. I know Kyree.

6 Q. And you know Jwaun.

7 A. Yes, ma'am.

8 Q. And they do hang out at Maurice's house.

9 A. They're there sometimes. They're cousins actually.

10 They -- they go there sometimes.

11 Q. While you're there.

12 A. Sometimes I may see them there.

13 Q. And you also, after this, went to sleep. The next day

14 you go to a birthday party, and you still haven't gone to the

15 police or told anybody about what happened.

16 A. No, ma'am.

17 Q. And you haven't talked to anybody to find out what

18 happened.

19 A. No, ma'am.

20 Q. And you don't know why your drug dealer, your friend,

21 people you hung out with, did this.

22 A. I don't know.

23 Q. Now, you said at one point you told police that you

24 called to turn yourself in.

25 A. Yes, ma'am.

1 Q. But you didn't actually call.

2 A. Actually I told my dad to call because he had all the
3 correct information to call the people. I didn't know who to
4 call, but my dad did, so he called for me.

5 Q. He called. And in one of the statements you gave or one
6 of the stories you told, you actually said you called the
7 night before, that Tuesday.

8 A. Yes, ma'am.

9 Q. Right?

10 A. My dad.

11 Q. You said you called, but they told you that you needed
12 to call back tomorrow because it was too late to call the
13 police.

14 A. Yes, ma'am. It's like a time thing.

15 Q. It was a time thing, so it was too late to call them.
16 So you decide to tell your dad to call them tomorrow.

17 A. No, ma'am. Actually, me and my dad -- well, my dad
18 called or whatever that night, and they were like, I guess
19 because of the time: Call back tomorrow.

20 Q. Call back tomorrow to turn yourself in for murder.
21 That's how the conversation went.

22 A. I don't know if it was -- my dad talked to the -- I
23 think it was the secretary. So my dad talked to the people
24 over the phone. Then we called back the next morning and
25 they came to the house.

1 Q. Actually the next day, I believe, you had a doctor's
2 appointment?

3 A. No, I had a doctor's appointment Monday.

4 Q. Monday. Who is your doctor?

5 A. I don't have a doctor. I just had an appointment.

6 Q. You had an appointment---

7 A. Yes, ma'am.

8 Q. ---with the doctor? You don't know who it was?

9 A. I don't know his name; no, ma'am.

10 Q. And what hospital did you go to?

11 A. I think it was Richland, if I'm not mistaken. I think

12 -- I think it was Richland Memorial.

13 Q. And so -- but you don't remember.

14 A. The doctor?

15 Q. Yeah. Or why you went.

16 A. I mean, I know why I went.

17 Q. Why did you go?

18 A. Something about epididymis, swollen epididymis,
19 something like that. I really can't pronounce the word, but
20 it's something like that.

21 Q. Swollen epididymis.

22 A. Yes, ma'am.

23 Q. And you went. You knew some guy had been shot.

24 A. That night, yes, ma'am, I knew.

25 Q. And that Monday when the police were looking for you and

1 you found out, you called, but it was too late.

2 A. No, ma'am. Actually that Monday I was at the house
3 after I got back from the doctor's appointment. My dad, he
4 left and he came back. I think he was gone to get his car
5 done by Maurice's dad or something. He came back. He was
6 like, "Did you know Maurice is -- right now he -- they locked
7 him up for murder?" or something like that? And I was like,
8 "No, sir."

9 And so what happened was Tuesday I went to Benedict to
10 school, came home and then my neighbor told me that I think
11 the police had came by the house and asked about me or asked
12 about me or whatever. So we called that night and -- well,
13 actually my dad called, and then we called back that
14 Wednesday morning and they came to the house.

15 Q. Okay. And your dad -- you just said he was going to fix
16 Maurice's dad's truck?

17 A. No. No, ma'am. Maurice's dad actually fixes his car,
18 and I'm not sure that's where he went, but I think that he
19 went to go get his truck fixed.

20 Q. Okay.

21 A. And that's how he found out that Maurice was locked up
22 for murder.

23 Q. Okay. And you still hadn't really put two and two
24 together.

25 A. At this point it kind of came through my head.

1 Q. It kind of came through your head?

2 A. Yes, ma'am. I kind of connected the dots kind of.

3 Q. And when it came to your head -- and I want to talk
4 about the way you refer to the thing. Do you remember
5 telling the police about the fact that y'all didn't talk
6 about it after it happened?

7 A. Yes, ma'am.

8 Q. Do you remember you said, "We just didn't talk about
9 that junk no more"?

10 A. Yes, ma'am. I don't know if I said it like that, but I
11 remember telling them that we didn't talk about it...

12 Q. Where were you swollen?

13 A. Where was I swollen?

14 Q. You said you had epididymis or something. Where were
15 you swollen?

16 A. It's something I, you know, really don't want to go
17 into. It's like a medical problem.

18 Q. Medical problem?

19 A. Yes, ma'am.

20 Q. So you get treated frequently for that.

21 A. No, ma'am.

22 Q. It's a medical problem, but you went to a doctor that
23 you didn't know. You can't remember his name now.

24 A. No, ma'am. We just found this out. That Monday I found
25 out what was actually wrong. I had been going through it for

1 some time.

2 Q. So you'd been going through this for some time.

3 A. Yes, ma'am, actually still going through it now.

4 Q. Still going, but you're not really treated for it.

5 A. No, ma'am.

6 Q. You just happened to go to the doctor that day.

7 A. No, ma'am. I had went before then, but I had an
8 appointment Monday, that Monday.

9 Q. Okay. And this is the Monday after you'd been
10 threatened at a birthday party.

11 A. Yes, ma'am.

12 Q. And seen somebody shot.

13 A. Yes, ma'am.

14 Q. Seen somebody beaten.

15 A. Just a fight.

16 Q. And did you actually -- like I said, you talked to
17 police and gave them a total of three written statements.

18 A. I think it was two, and the other one was an add-on to
19 the second one.

20 Q. An add-on where you talk about Maurice seeing him
21 shot -- seeing him shoot Brandon Jones.

22 A. Yes, ma'am.

23 Q. And he actually -- you also hear somebody yell something
24 at that point. It's the only time you really hear any
25 yelling or screaming; right?

1 A. I really -- again, this happened, you know, almost two
2 years ago. I really can't recall everything.

3 Q. Beg the Court's indulgence. And defense counsel -- oh,
4 okay. I direct your attention to 492 of the transcript
5 because this whole time -- I mean Maurice -- you said he's
6 your drug dealer.

7 A. He's my friend, someone I bought weed from at the time.

8 Q. But you remember being questioned at trial.

9 A. Yes, ma'am.

10 Q. All right. And you said, "Well, when I saw them
11 fighting and, you know, I looked at him as a dear friend -- I
12 thought he was getting beat up, so my initial thoughts was I
13 was not going to go down there and let that happen."

14 A. Yes, ma'am.

15 Q. "So I went down there and I got involved in the
16 altercation myself."

17 A. Yes, ma'am.

18 Q. And in that trial you also said that Maurice went
19 towards the door. There was nobody outside the door inviting
20 him in, telling him to come in; right?

21 A. Right.

22 Q. And no one was really yelling; right?

23 A. No, ma'am.

24 Q. That wasn't it.

25 A. No, ma'am.

1 Q. And Maurice actually went towards the door into the
2 house; right?

3 A. Again, it wasn't like -- he didn't go directly into the
4 house. He was -- he was fighting outside of the house, and
5 he ended up getting pulled in from what I saw.

6 Q. Okay. So he didn't just -- so the two people were
7 fighting outside the house with him, and then he gets pulled
8 in.

9 A. Kind of like in the doorway.

10 Q. So they -- Maurice comes up, immediately altercation,
11 then jumps in, and two guys start fighting him and pull him
12 into their house; right? And you follow.

13 A. Again, they're like in the doorway, kind of fighting
14 like in the doorway slash outside. It's kind of like in and
15 out, and he ended up in the house.

16 Q. You weren't invited in.

17 A. No, ma'am.

18 Q. And Vincent, he was over there, but he wasn't in the
19 house; right?

20 A. Not that I could remember.

21 Q. He was either beating somebody up or wasn't beating
22 somebody up; right?

23 A. Yes, ma'am.

24 Q. Based on your versions. And Deshawn McClary, he was
25 either -- where was he?

1 A. I don't know. Somewhere like behind me. I didn't see
2 him.

3 Q. You didn't see the other guy either; right?

4 A. What other guy?

5 Q. You said there were two guys outside.

6 A. Yes, ma'am.

7 Q. You didn't really see him or Deshawn.

8 A. I mean, these guys ended up inside with Maurice.
9 Deshawn, I don't know where he was at.

10 Q. But two guys are on the outside and two guys are on the
11 inside.

12 A. Yes, ma'am.

13 Q. But you don't really see one of the guys except the one
14 who gets shot outside.

15 A. Yes, ma'am.

16 Q. And you don't really see any of what's going on.

17 A. Not really, no, ma'am.

18 **Ms. Simpson:** I don't have anything further for this
19 witness.

20 **The Court:** Redirect?

21 **Ms. Anastasia Walker:** Briefly, Your Honor. May it
22 please the Court, Your Honor?

23 Redirect Examination

24 By Ms. Anastasia Walker:

25 Q. When you were called to testify at Maurice Roberts'

1 trial, who questioned you?

2 A. Ms. Simpson.

3 **Ms. Anastasia Walker:** No further questions, Your Honor.

4 **The Court:** All right. Recross?

5 **Ms. Simpson:** No, Your Honor, no redirect -- or recross.

6 **The Court:** You can go back. Mr. James, you can go back
7 and have a seat at counsel table. Anything else on behalf of
8 the defense?

9 **Ms. Anastasia Walker:** No, Your Honor. At this point
10 the State -- or the defense rests.

11 **The Court:** All right.

12 **Ms. Anastasia Walker:** Pardon me.

13 **The Court:** Any reply?

14 **Ms. Simpson:** No reply, Your Honor.

15 **The Court:** All right. Members of the jury panel,
16 you've now received all of the evidence, and we're going to
17 stop for the day and we'll start back at 9:30 in the morning.
18 I'm going to meet with the lawyers earlier than that to cover
19 some last-minute things. We're going to work some this
20 evening to get prepared, but there are always things that pop
21 up in the morning. So be back at 9:30.

22 Now, keep in mind you're still not supposed to discuss
23 the case among yourselves. You're still not supposed to let
24 anyone discuss the case outside the courtroom with you.
25 You're still not supposed to let yourself be exposed to any

1 news coverage or go on any electronic device to learn
2 anything about anything to deal with this trial, the law, the
3 lawyers, the judge, the trial procedure. Anything like that,
4 that would be improper.

5 So have a pleasant evening, and we'll see you back at
6 9:30 in the morning.

7 (Whereupon, the jury was excused from open court for the
8 day at 4:09 p.m.)

9 **The Court:** I know I said I'll have you come back at 9,
10 but I think I'll probably let you go over it and look at the
11 charge tonight. We'll have our charge conference and then
12 finalize the charge. We'll get together at 9. Anything from
13 the State at this point?

14 **Ms. Simpson:** Nothing from the State.

15 **The Court:** Anything from the defense?

16 **Ms. Anastasia Walker:** Your Honor, now taking the
17 defense's case into consideration, I would renew all motions
18 and renew our D.V. motion, mistrial motion, and other
19 motions, objections, at this point in the trial.

20 **The Court:** All right. All prior motions are denied,
21 unless there's some that were granted, but I stand by all the
22 previous rulings including the denial of a directed verdict
23 at the end of the State's case, and I again deny the defense
24 motion for a directed verdict at this point. Yes, ma'am.

25 **Ms. Simpson:** Your Honor, may we approach?

1 (Whereupon, a bench conference was held.)

2 **The Court:** We'll see y'all at 9.

3 (Whereupon, the trial concluded for the day at 4:14 p.m.
4 and resumed the following day, October 3, 2014, as follows.)

5 **The Court:** Good morning. State ready?

6 **Ms. Simpson:** State's ready.

7 **The Court:** Defense ready?

8 **Ms. Anastasia Walker:** Yes, Your Honor.

9 **The Court:** For the record, we've had an in-chambers
10 conference regarding the charge. We're going to talk about
11 that later because the State tells me they've got one reply
12 witness. Before we bring the jury in, I understand that the
13 defense has some issue with that.

14 **Ms. Pinnock:** Yes, Your Honor. May it please the Court?
15 Your Honor, it was our understanding from yesterday that the
16 one witness the State intends to call today is Investigator
17 Boland to introduce statements taken by law enforcement by
18 Mr. James when he was arrested. The purpose of a reply
19 witness is to address new information that was brought up
20 during the defense case in chief.

21 Mr. James was cross-examined on the details of that
22 statement, on all of his statements that were given. The
23 State had an opportunity to introduce the statements in their
24 case in chief. They chose not to, which is how they decided
25 to try their case, but there -- our issue is there's no new

1 information being elicited that has not already been covered.

2 It's my memory of the cross that -- I mean, it was
3 pretty detailed going through each and every one of the
4 statements, so I don't think it's proper at this point to
5 call the investigator back up on the stand just to introduce
6 Mr. James' statement on the record.

7 **The Court:** Well, I'll be glad to hear from the defense,
8 but I do recall quite an extensive just dialogue with Mr.
9 James about the statements through cross. What's the State's
10 position?

11 **Ms. Simpson:** Our position is, Your Honor, and with
12 respect to the statements, I did cross him on portions. He
13 actually has multiple statements, and the purpose of a reply
14 is to address new testimony or new issues. We did not
15 introduce the statements or his statements in our case in
16 chief because we did deem them to be self-serving with
17 respect to his role and his involvement. So our position
18 there is that's why we did not introduce them in our case in
19 chief.

20 On cross-examination, Mr. James actually denied his
21 initial denials and specifically one where he told law
22 enforcement that he was actually at his girlfriend's during
23 the time this incident occurred. And I did not cross
24 extensively through each statement, as there were multiple
25 ones, to include the written statements, specifically the

1 third statement.

2 I think, based on his testimony now, we need the law
3 enforcement as a witness, and it is our burden of proof and
4 especially with the route that, you know -- we bear the
5 burden of proof in this case, and we deem this essential to
6 proving our case because what's been elicited, too, is that
7 he just was cooperative with law enforcement. He gave these
8 statements just essentially supplementing one another and
9 that's how it came about when, in fact, he only gave these
10 statements after being confronted with more information,
11 confronted with more information, and his versions change.
12 And we do want to introduce the actual physical statements
13 through Investigator Boland as well as the circumstances
14 surrounding those statements since Mr. James denied them.

15 **The Court:** All right. Briefly.

16 **Ms. Pinnoch:** Yes, Your Honor. I don't recall Mr. James
17 ever saying that he was not truthful with law enforcement.
18 This is not a -- if the purpose of the witness is to try to
19 impeach him, I think it's an improper impeachment because he
20 was confronted with the fact that he gave multiple
21 statements. He was asked about it on direct and cross, and
22 he acknowledged that, yes, he did that. So I'm not quite
23 sure if it's for impeachment purposes. I don't think it's
24 proper because he has not denied doing anything. He admitted
25 to all of it.

1 The information was elicited through both direct and
2 cross; it's not new information. And the statements have
3 not -- the State's position is that the statements were
4 self-serving during their case in chief. The statements are
5 still self-serving. His rendition of not being involved in
6 these events is constant throughout. So I'm not sure how the
7 statements now could change from self-serving to now we want
8 to introduce them for the State's case in chief when his
9 testimony was consistent with the statements he gave
10 originally which they elected not to introduce because they
11 claimed they were self-serving.

12 **The Court:** Help me with what was new.

13 **Ms. Simpson:** And essentially, too, with respect to the
14 characterization of Mr. Demetrice James' statements being
15 consistent with the statements that he gave law enforcement,
16 that is not the case. And as I said, the new information
17 here is really how the versions of the statements came about
18 because based on his testimony, he was just cooperating with
19 law enforcement and I just want to tell the truth or sort of
20 the truth or half the truth, and he did deny making certain
21 statements to law enforcement.

22 Investigator Boland can testify to this, and I believe,
23 as I said, as the State we bear the burden of proof. I
24 understand that reply is in Your Honor's discretion as to
25 whether to allow it.

1 **The Court:** And you just stated to me that he -- that
2 there were certain denials.

3 **Ms. Simpson:** Yes.

4 **The Court:** That may -- that, in fact, could be
5 controverted by this evidence?

6 **Ms. Simpson:** Yes.

7 **The Court:** I'll allow it in.

8 **Ms. Simpson:** Thank you, Your Honor.

9 **The Court:** All right. Bring in the jury.

10 **Ms. Pinnock:** Thank you, Your Honor.

11 (Whereupon, the jury was brought into open court at
12 10:03 a.m.)

13 **The Court:** Good morning. I told you yesterday when the
14 State rested that under certain circumstances they could call
15 -- they could present other evidence. Those circumstances
16 have evolved such that they have the right to call an
17 additional witness in what's -- legally called reply. That
18 is, after they presented their case, then -- trials are
19 structured sort of like a ball game. Somebody goes first.
20 Somebody goes second. And under some circumstances the
21 person who went first can go another time, and that's what
22 we've got here.

23 So I'm going to allow the State -- again, the State's
24 going to call a witness. This will be the last witness. We
25 will, after this witness, take a short break because we'll

1 have some legal matters, and after that we'll do arguments
2 and charge. Call your witness.

3 **Ms. Simpson:** Thank you, Your Honor. The State calls
4 Investigator Boland.

5 **Bailiff:** Do he have to be swear (verbatim) again?

6 **The Court:** You're still under oath for the purpose of
7 this trial.

8 James Boland, having been previously sworn and
9 remaining under oath, testified as follows:

10 Direct Examination

11 By Ms. Simpson:

12 Q. Investigator Boland, I want to turn your attention to
13 the date that Mr. James was arrested. Did you actually
14 transport him from the residence to headquarters?

15 A. I did.

16 Q. And when you arrived at headquarters, was he advised of
17 his rights?

18 A. He was.

19 Q. I'm going to show you what's already been marked for
20 I.D. as State's Exhibit 30 (sic). Do you recognize this?

21 A. Yes.

22 Q. And what is that document?

23 A. This is an interrogation advice of rights form that we
24 use when someone is in our custody when we wish to talk to
25 them about a crime that they're involved in. We give them

1 what's known as the Miranda rights. We tell them that --
2 would you like for me to read this?

3 **Ms. Simpson:** Well -- and, Your Honor, at this time I
4 would actually offer State's 230 into evidence.

5 **Ms. Pinnock:** No objection, Your Honor.

6 **The Court:** All right. In without objection.

7 **Ms. Simpson:** Okay.

8 **Court Reporter:** Is it 230 or 30?

9 **Ms. Simpson:** 230.

10 **The Witness:** 230.

11 (State's Exhibit 230 was received in evidence.)

12 By Ms. Simpson:

13 Q. Yes. And this is from your conversation with Mr. James;
14 correct?

15 A. Right.

16 Q. Tell the jury how you advised him or how that process
17 went about.

18 A. Essentially obviously we're interested in speaking with
19 him about something that he's involved in. So we then read
20 him his rights to let him know what his rights are. The form
21 includes Mr. James' name, the location where his rights were
22 read which is going to be the headquarters, 5623 Two Notch
23 Road. Myself, Investigator Boland and Tanner were present.
24 It has the date, January 30th, and the time of 9:32 a.m.

25 Q. Okay. And how do you go through -- do you read it and

1 then check off, initial? What process do you use or did you
2 use in this case?

3 A. I typically put the form in front of the subject. Okay?
4 And as I read the lines to them, I will check them off.

5 Q. And did Mr. James acknowledge these rights in some way?

6 A. Yes, he did by signing it.

7 Q. Okay. Go through those rights, if you would.

8 A. The first one: "Before we ask you any questions, you
9 must understand your rights. You have the right to remain
10 silent. Anything you say can be used against you in court.
11 You have the right to talk to a lawyer for advice before we
12 ask you any questions and to have a lawyer with you during
13 any questioning."

14 Q. And beneath that portion of the advisement, is there
15 also a waiver?

16 A. Yes.

17 Q. Can you read that for us as well? And what does it mean
18 when they waive their rights?

19 A. This is saying that they understand the rights that we
20 have just went through, and they are now acknowledging
21 they're willing to talk to me. The waiver of rights reads:
22 "I have read this statement of my rights and understand what
23 my rights are. I am willing to talk and answer questions. I
24 understand and know what I am doing. No promises have been
25 made to me and no pressure or coercion."

1 Typically I circle the word "coercion." I ask them do
2 they know what that means, and I'll interject the word
3 "force" so they understand what coercion is. So no pressure
4 or coercion or force of any kind has been used against me.
5 And then he -- he signs that as well.

6 Q. Okay. And when you read him his rights, you didn't
7 threaten or coerce him in any way.

8 A. No, I did not.

9 Q. Or pressure him to talk to you.

10 A. No.

11 Q. He talked to you all freely and voluntarily.

12 A. Yes.

13 Q. And you also noted that he wasn't under the influence of
14 any alcohol or drugs?

15 A. Yes. We ask them if they've had any alcohol or drugs in
16 the last 24 hours, indicated---

17 Q. And -- I apologize.

18 A. He indicated, no, he had not.

19 Q. And his education level as well.

20 A. Right, twelfth grade.

21 Q. So he appeared to be intelligent and understand---

22 A. Correct.

23 Q. ---his rights. After advising him, did you all I guess
24 advise him of the nature of what he was being arrested for
25 and what you wanted to talk about?

1 A. Yeah. Essentially we tell them why we're here -- why
2 we're there to talk to him, that his name had come up in the
3 incident, and see if he had any information regarding this.

4 Q. Okay. And what did he first tell you during those
5 verbal conversations?

6 A. Initially he acknowledged that he didn't have
7 anything -- no nothing -- no knowledge of it whatsoever.

8 Q. And then, after a period of time, did he make another
9 statement about his involvement, verbally?

10 A. Yes.

11 Q. Okay. And what was that? And you participated in this
12 interview with Investigator Tanner as well; correct?

13 A. Correct. He indicated that -- he initially denied it
14 and then he said that, well, I heard about it on the street
15 and then he indicated to us that, well, he had been with his
16 girlfriend that night, and then that's whenever he led into
17 trying to locate Maurice.

18 Q. Okay. And so he actually claims to have been at his
19 girlfriend's house when this incident occurred---

20 A. Correct.

21 Q. ---as well? At some point do you all begin confronting
22 him with the information you already have from the
23 investigation and other witnesses?

24 A. Yes. By the time we spoke with Mr. James, we'd already
25 talked with Mr. Nelson and Mr. Roberts to include visiting

1 Mr. Nelson and Mr. Roberts, and we confronted him with the
2 fact that they were implicating him in this as well.

3 Q. And did you also have the victim's testimony and photo
4 line-ups to assist you as well?

5 A. Yes.

6 Q. And as you confronted him with this information, did a
7 new statement evolve?

8 A. Yes.

9 Q. And was that statement actually reduced to written form?

10 A. It was.

11 Q. I want to show you what's been marked as State's 231.

12 Do you recognize this?

13 A. Yes.

14 Q. And what is that document?

15 A. This is the first statement that I reduced to writing of
16 Mr. James.

17 Q. And he agreed to put the statement in typed written
18 form---

19 A. Yes.

20 Q. ---for you all? Your Honor, at this time I would offer
21 State's 231 into evidence.

22 **Ms. Pinnock:** No objection, Your Honor.

23 **The Court:** In without objection.

24 (State's Exhibit 231 was received in evidence.)

25 By Ms. Simpson:

1 Q. Okay. And, again, if you could just publish this
2 statement to the jury in a question-and-answer format as to
3 what questions were asked and how Mr. James answered.

4 A. This is a statement that was taken January 30th, 2013,
5 at 5623 Two Notch Road at approximately 10:16 a.m. The first
6 question I asked was: "What can you tell me about what
7 happened on January 25th, 2013, on
8 Answer, his answer: "I woke up and went to school. I go to
9 Benedict College. I get out of school on Fridays at 12:00.
10 I caught the city bus back home. I took Bus 16 to Lil
11 Cricket, and I walked home. I watched some television. I
12 made some music. I went to Hammond Village around... I
13 walked through to see who was out. It kind of got boring, so
14 I went back to my house.

15 "I was chilling all day just watching T.V. My dad's
16 girl came over around 9 p.m., and my girl, Qymesha Watkins,
17 came to my house and picked me up. We went back to her house
18 off Broad River Road. We were there 'til about 11 p.m. She
19 would drop me off after 11 p.m. I went straight to Hammond
20 Village to get some weed. I knocked on Maurice's door, but
21 no one came to the door. I had to get in contact with him.

22 "I walked around and I found a crackhead, and I used his
23 phone to call Maurice. I asked him where he was at and that
24 I needed to buy some tree, meaning weed. He told me to come
25 over to the road that Willis lives on and I would see him.

1 "I walked down by the club Crush and then turned on the
2 road by E.E. Taylor. I got to there and then took a left on
3 the road in front of Taylor.

4 "I didn't have a phone to call Maurice, so I just kept
5 walking to Willis's house. I was walking and I got halfway
6 to the middle of the road -- in the middle of the road and I
7 saw a commotion with people fighting. I knew it had to be a
8 fight because there was a guy laying on the ground in a
9 driveway. He was holding his head like he had been beat. He
10 was holding his head on his arm like he had lost the fight.

11 "After that, I looked down the same driveway the guy was
12 laying in to see what was happening. I saw Junior in a
13 tussle. I had seen Maurice in a tussle, too. Junior was
14 more away from the door and he was fighting. I went down the
15 driveway when I saw Maurice was more towards the door.
16 Maurice was engaged with people in the house. It's like he
17 was halfway in the door and the other people, like they were
18 fighting through the door and stuff.

19 "While they were fighting, I see Maurice's eye that was
20 swollen up. It was two sizes bigger than it usually is. I
21 went inside to help Maurice fight the people inside. There
22 were two or three guys, and I definitely seen a girl. While
23 we were fighting, the girl was watching. She wasn't really
24 doing anything.

25 "So in the middle of us fighting, I heard a gunshot go

1 off in the house. When the gunshot went off, nobody dropped.
2 So I checked myself to see that I wasn't shot. After that
3 right there, I was like, "Let's go." I ran out of the house
4 first. Junior was still outside tussling with those dudes.
5 I was just trying to run away. I told them to, "Let's go."
6 I took off and I really didn't look behind me. I ran back to
7 where I came from.

8 I heard a couple more shots, but I kept on going. I
9 didn't stop. I ran back towards my house, and when I got
10 next to the church I seen all the police cars and fire truck
11 and I went back to my house."

12 Question: "Did you speak with Maurice later that
13 night?" Answer: "No. I saw him the next day at a party in
14 Hammond Village." Question: "Did you and Maurice talk about
15 what happened that night before?" Answer: "No." Question:
16 "Have you ever seen Maurice with a gun?" Answer: "I seen
17 him with one a long time before he went to D.J.J. He wasn't
18 even 17 yet." Question: "Did you see Maurice with a gun
19 Friday night during the fight?" Answer: "No." Question:
20 "Did you see anyone that night with a gun?" Answer: "Not
21 really. It was really a big commotion. I didn't really see
22 a gun. I just heard the gun go off, and I got out of there."

23 Question: "Do you recall what you were wearing that
24 night?" Answer: "I had on some jeans. I had their shoes,"
25 which is a typo. It should be "these shoes." "It was pretty

1 chilly out there, so I had on my black leather coat."

2 Question: "Do you recall what Maurice was wearing that

3 night?" Answer: "I think he had on an overall suit. It was

4 black overall, the kind that you have to step into. He had a

5 black skull cap on his head." Question: "Did you have a gun

6 that night?" "No, I don't own no gun."

7 Q. Okay. And after he gave you that statement, did you, in

8 fact, confront him with some more information about the

9 investigation that was inconsistent with what he'd said.

10 A. Yes. Having spoken with the co-defendants and the

11 witnesses, obviously we had garnered information. So I felt

12 that that statement right there was not accurate in telling

13 the truth.

14 Q. And---

15 **Ms. Pinnock:** Objection, Your Honor. May we approach?

16 (Whereupon, a bench conference was held.)

17 **The Court:** I'm going to ask you to disregard the last

18 question and answer, and the State will go forward with

19 another question.

20 By Ms. Simpson:

21 Q. Okay. After you confronted him with some additional

22 information, did he present you with another version about

23 what happened?

24 A. He did.

25 Q. I'm going to show you what's been marked as State's 232.

1 Do you recognize that?

2 A. Yes.

3 Q. And what is that document?

4 A. This is the second statement I took from Mr. James.

5 **Ms. Simpson:** Okay. And, Your Honor, at this time I
6 would offer State's 232 into evidence.

7 **Ms. Pinnock:** No objection, Your Honor.

8 **The Court:** In without objection.

9 (State's Exhibit 232 was received in evidence.)

10 By Ms. Simpson:

11 Q. And, again, he's still under that same advisement, and
12 are his rights actually indicated in a paragraph on each
13 statement?

14 A. Yes.

15 Q. But he spoke with you freely and voluntarily during this
16 time as well.

17 A. Yes.

18 Q. Okay. Can you publish this statement to the jury,
19 please?

20 A. This statement was taken January 30th, 2013,
21 approximately 12:02 p.m., still at headquarters on Two Notch
22 Road.

23 Q. Oh, you may have to sit up a little closer to the...

24 A. Question -- the first question was: "Regarding the
25 previous statement that you provided earlier, was that

1 information accurate?" He answered, "Yes." Question: "Was
2 there any information that you may recall at this time that
3 wasn't included earlier?" His answer: "I was going over to
4 meet Maurice to buy a blunt over by E.E. Taylor. When I saw
5 him over on a side street by Williamsburg, I paid him \$5 for
6 the blunt. That is when he said Junior was at -- down there
7 at the studio and asked me -- and asked if I wanted to come
8 and I said, 'Sure. Let's go.' Me, him, and a light-skinned
9 guy that he was with went down the street that was on the
10 side of It was really only about three
11 houses away.

12 "We walked down the driveway. That is when I seen
13 Junior right there on the side of the driveway smoking a
14 cigarette with another guy. From that point, Little Maurice
15 took off in a sprint. I was still walking, and I didn't know
16 what he was running for.

17 "When he got to the end of the driveway, him and a guy
18 that was by the truck down there got into a tussle. That is
19 when Maurice hit the dude with something. I didn't really
20 see what he had, but he had the motion like he was clutching
21 something when he hit the guy. The dude dropped to the
22 ground and stayed there with his arm over his head.

23 "Maurice went toward the door. By the time I got down
24 there, Maurice had gone inside. All I could see was him
25 falling out the door and him trying to swing. That is when I

1 saw the scuffle. I went down to the door and I started
2 trying to help Maurice. That is when I saw his eye was
3 swollen, so I tried to help him.

4 "While I was at the door, I was trying to punch the
5 dudes off Maurice, and they were trying to pull him in the
6 house and I was trying to pull him out the door by his coat
7 to get him out the house. After that, they actually pulled
8 him in the house. One of the guys acted like he was trying
9 to close the door, so I put my foot in the door so he
10 couldn't close it. After I did that, I pushed my way in the
11 house to get Maurice.

12 "They were jumping him, so I started fighting both of
13 the dudes. In the middle of that, I heard a gunshot, and
14 when I heard that, everybody kind of stopped and started
15 checking themselves to make sure they weren't shot. I was
16 like, 'Oh, snap. Let's go.'

17 "When I looked at Maurice, I saw him put a silver pistol
18 back in his overall jumpsuit. I'm not sure what color the
19 handle was, but I think it was black. After that, we got
20 outside the house. Everybody was kind of taking off at that
21 time. Little Maurice was kind of lagging behind. I saw him
22 standing over a dude that looked like the same guy he had hit
23 earlier that was in the driveway. The guy still had his arm
24 over his head.

25 "I was kind of taking off saying, 'Let's go. Let's go.'

1 I heard the gunshots and saw the flash from the gun. The
2 flash came from Maurice's gun where he was still standing
3 over the guy in the driveway."

4 Question: "Was the guy in the driveway when Maurice
5 shot him?" Answer: "The guy was in the driveway with his
6 arm over his head lying on his back when Maurice shot the
7 guy. I don't know who said it, Maurice or the guy, but I
8 heard someone say, 'Pussy nigger.'"

9 Question: "Did they say that after the shots?" Answer:
10 "Yeah, I heard it after a couple of shots. I heard it loud
11 down the street. It was said angry like." "What happened
12 after that" - question. Answer: "After that, I ran and
13 didn't look back, but I guess everyone went their separate
14 ways because I didn't see anyone after that."

15 Question: Who was -- who was the light-skinned guy you
16 say was with Maurice?" "See, I don't even know who that guy
17 is," was his answer. Question: "Did you see -- did you ever
18 see the guy before?" Answer: "I had seen his face before
19 from Club Fusions from like '06 or '07. I don't even know
20 him like that. I gave him dap (phonetic), but I didn't talk
21 to him."

22 Question: "Is there anything else you wish to tell me
23 regarding this incident?" Answer: "I can tell you that we
24 didn't even discuss that junk after that. I did see them at
25 a party the next day. That is the last time I saw any of

1 them." Question: "Is there anything else you wish to tell
2 me?" Answer: "No."

3 Q. And subsequent to taking that statement, did you
4 actually follow up with him again and he provided another
5 statement to you?

6 A. Yes.

7 Q. And this one was, in fact, supplementary. I'm going to
8 show you what's been marked as State's 233.

9 A. Yes.

10 Q. Do you recognize that document?

11 A. I do.

12 Q. What is it?

13 A. It's an additional statement I took from Mr. James.

14 **Ms. Simpson:** Your Honor, at this time I would offer
15 State's 233 into evidence.

16 **Ms. Pinnock:** No objection to the statement.

17 **The Court:** Admitted without objection.

18 (State's Exhibit 233 was received in evidence.)

19 By Ms. Simpson:

20 Q. Can you please publish this statement as well---

21 A. This statement---

22 Q. ---the date and time, too? All these are happening on
23 the same date; correct?

24 A. Right. This statement was taken January 30th. The time
25 is 15:25 which will be 3:25 p.m. The first question I asked

1 Mr. James: "Regarding the previous statement, when you were
2 running from the house, did you see Maurice standing over a
3 male in the driveway?" His answer: "Yeah."

4 Question: "Did you hear any more shots after that?"

5 Answer: "Yeah, it was the one. Then there was multiple
6 shots, about four or five seconds." Question: "Did you hear
7 anything after multiple shots?" Answer: "I heard, 'Pussy
8 nigger.'"

9 Question: "When you saw Maurice standing over the guy
10 in the driveway, where were you at?" Answer: "I was
11 probably standing by the car that was parked up on the
12 street." Question: "While you were up on the street near
13 the parked car, did you see Maurice move from the guy in the
14 driveway?" Answer: "No, because I didn't look back; I was
15 just running."

16 Question: "About where you -- when you heard someone
17 heard someone say, 'Pussy nigger?'" Answer: "I was like two
18 or three houses down the street, almost to the stop sign."

19 Question: "Did you recognize the voice that said, 'Pussy
20 nigger?'" Answer: "No."

21 Q. Okay. And in that statement you were actually following
22 up with respect to Maurice's actions; correct?

23 A. Correct.

24 Q. And it's not uncommon for you to encounter people who---

25 **Ms. Pinnock:** Objection, Your Honor. May we approach?

1 **Ms. Simpson:** I'll rephrase.

2 **The Court:** I sustain the objection.

3 **Ms. Simpson:** I'll rephrase. Some mention has been made
4 regarding Maurice Roberts in this case. With respect to the
5 information that Demetrice James gave you as to Maurice
6 Roberts' role---

7 **Ms. Pinnock:** Objection, Your Honor.

8 **The Court:** That's leading. I sustain the objection.

9 **Ms. Simpson:** Your Honor, with respect to -- may we
10 approach? The leading.

11 (Whereupon, a bench conference was held.)

12 By Ms. Simpson:

13 Q. Okay. Maurice Roberts was arrested on what charges?

14 A. Murder.

15 Q. As well as?

16 A. Attempted robbery, attempted murder, attempted murder,
17 burglary.

18 Q. And you all did identify him as the actual shooter of
19 Brandon Jones; correct?

20 A. Yes.

21 Q. And with respect to Vincent Nelson, what charges---

22 A. Murder---

23 Q. ---did he receive?

24 A. ---attempted murder, attempted murder, burglary, and
25 attempted armed robbery.

1 Q. And he was not identified as the shooter.

2 A. Correct.

3 Q. And with respect to Deshawn McClary, what charges did he
4 receive?

5 A. Murder, burglary first, attempted murder, attempted
6 murder, attempted armed robbery.

7 Q. And with respect to Demetrice James, what charges did he
8 receive?

9 A. Murder, attempted murder, attempted murder, attempted
10 armed robbery, and burglary.

11 Q. And this -- these charges were based on your
12 investigation as to their participation and planning of these
13 events---

14 A. Yeah.

15 Q. ---of an armed robbery; correct?

16 A. Yes.

17 Q. And with respect to Mr. James' statements, he never told
18 you or admitted at any point to you that he had a gun or was
19 ever in possession of the pistol that night.

20 A. Any time I spoke to him on January 30th, he never
21 mentioned taking possession of a gun.

22 Q. And he also -- did he ever admit or confirm the identity
23 of Deshawn McClary?

24 A. No, he did not.

25 Q. He actually distanced himself and didn't know who it

1 was.

2 A. Correct.

3 **Ms. Simpson:** Thank you, Investigator Boland.

4 **The Court:** Cross?

5 **Ms. Pinnock:** May it please the Court, Your Honor?

6 Cross-Examination

7 By Ms. Pinnock:

8 Q. Investigator Boland, can you look at Page 2 of the first
9 statement that you took from Demetrice on the 30th?

10 A. Okay.

11 Q. And about halfway down the first paragraph, the sentence
12 actually starts with, "And." Do you see that? "And I
13 started?"

14 A. Why don't you show me what you have there?

15 Q. Yeah.

16 A. Is it the second statement or the first?

17 Q. The second.

18 A. The second statement.

19 Q. Yes. Right here. You just read a statement to the jury
20 and his statement says, "I went to the door and I started
21 trying to help Maurice." Right?

22 A. Correct.

23 Q. It says that he saw his eye swollen?

24 A. Correct.

25 Q. It said it looked to him like he was trying -- they were

1 trying to pull him? After that, they actually pulled him
2 into the house?

3 A. That's what it says.

4 Q. "After I did that, I pushed my way into the house to get
5 Maurice?"

6 A. Yes.

7 Q. "They were jumping him, so I started fighting both
8 dudes."

9 A. Yes.

10 Q. That's what he told you January 30th?

11 A. Yes.

12 Q. At 12:02 p.m.

13 A. Yes.

14 Q. Okay. The follow-up statement you took from him, you're
15 just following up with more information about what he saw
16 Maurice do; right?

17 A. Correct.

18 Q. There is no question in anybody's mind that Maurice
19 Roberts stopped and killed Brandon Jones; right?

20 A. Correct.

21 Q. At no time did Demetrice tell you that he planned a
22 burglary?

23 A. No, he didn't. No.

24 Q. At no time did he tell you he planned to go in there and
25 rob anybody?

1 A. No.

2 Q. Were you present in the courtroom in February when
3 Maurice Roberts was on trial?

4 A. Yes.

5 Q. You saw Demetrice get on the stand?

6 A. Yes.

7 Q. You heard him testify?

8 A. Yes.

9 Q. You saw Ms. Simpson ask him questions?

10 A. Yes.

11 Q. And you heard his testimony yesterday; right?

12 A. Yes.

13 Q. And at no point did he ever say he was involved with the
14 burglary?

15 A. Correct.

16 Q. At no point did he say he was involved with an attempted
17 murder?

18 A. Correct.

19 Q. At no point did he ever say he was involved with the
20 murder.

21 A. Correct.

22 **Ms. Pinnock:** Beg the Court's indulgence. Thank you,
23 Your Honor. I have nothing else.

24 **Ms. Simpson:** Brief redirect.

25

Redirect Examination

By Ms. Simpson:

Q. One question: Did you, in fact, have evidence to the contrary regarding his participation in the planning of an armed robbery?

A. Yes.

Q. And burglary and home invasion?

A. Yes.

Ms. Simpson: Thank you.

Recross Examination

By Ms. Pinnock:

Q. And that came from Mr. Nelson?

A. That came from---

Ms. Simpson: Objection.

The Witness: That came from the other three co-defendants.

By Ms. Pinnock:

Q. Okay. Thank you.

A. And the witnesses.

Ms. Pinnock: All right. Thank you.

The Court: You can step down. Anything further?

Ms. Simpson: No. Nothing further, Your Honor.

The Court: You can step down and be excused. We appreciate your time.

Members of the jury panel, you now have received all the

1 evidence. You would think that we would have gotten
2 everything done while y'all were out, and we have been
3 working since 8:00 this morning to get everything in order
4 for the arguments and charge.

5 I used the analogy of a ball game earlier. There are
6 certain things that can't be taken up until a certain point
7 in the trial. So we've reached the point in the trial where
8 we have some matters that we have to take up procedurally at
9 this point, so I'm going to let you go back out.

10 When you come back in -- get refreshed because when you
11 come back in, you'll hear their opening -- the closing
12 arguments and statements of the attorneys. I told you
13 earlier when they made the opening statements they were
14 giving you blueprints of the trial. At this point they will
15 actually be taking the evidence and the law - and that's what
16 we've been working on this morning is what law I'm going to
17 charge you is - and tell you why, based on the facts,
18 applying the law as I charge it, your verdict should be a
19 certain verdict.

20 So I'm going to let you go to the jury room. When you
21 come back, we'll have the statements.

22 (Whereupon, the jury was excused from open court at
23 10:33 a.m.)

24 **The Court:** Motions?

25 **Ms. Anastasia Walker:** Thank you, Your Honor. May it

1 please the Court? Your Honor, after receiving new evidence,
2 we would again renew our motions up until this point,
3 including directed verdict. Your Honor, at this point I
4 would also renew our objection to the rebuttal witness. I
5 believe this witness did not testify to anything new that was
6 not already provided through our case in chief. I don't
7 think that anything new came up.

8 Our client was on the stand. He testified to his
9 statements and what he was honest about and what he was not
10 honest about. All that came out, and Ms. Simpson had a
11 meaningful opportunity to cross him about those things. She
12 impeached him, using the actual statements, and had that
13 opportunity. So I would renew my objection to their rebuttal
14 witness.

15 Your Honor, I would also renew my objection, and at this
16 time I would renew my objection for a mistrial specifically.
17 As I understand, between argument and charge you won't send
18 the jury out. I certainly have concerns about this jury's
19 ability to follow instructions. I certainly understand
20 there's a difference between can't and won't, but they've
21 obviously shown a blatant disregard for following Your
22 Honor's instructions to not deliberate.

23 So we do have serious concerns that they will follow the
24 instructions regarding Your Honor's directions on the law.
25 So we would renew our motion for a mistrial at this point as

1 well, and I believe that's all.

2 **The Court:** Motion for a directed verdict is denied.
3 Motion for mistrial is denied. Again, I do not see any
4 manifest necessity to dismiss it -- to grant a mistrial. We
5 have had trial -- I mean a charge conference. Let's go ahead
6 and take care of that. Anything that the State wants to put
7 on the record regarding my -- what I intend to charge?

8 **Ms. Simpson:** No, Your Honor.

9 **The Court:** All right. The defense?

10 **Ms. Pinnock:** Yes, Your Honor. I provided a copy to
11 Your Honor of my requested jury charges, and I'll just make
12 them part of the court's record.

13 **The Court:** All right.

14 **Ms. Pinnock:** We would request that you do include the
15 charge of defense of others. I believe that there is
16 evidence on the record that would support that, based on
17 information, mainly Mr. James' testimony and the statements
18 that have now been introduced by the State. So I would make
19 a special request for that, and I understand Your Honor's
20 already informed us as to what you are charging, but I would
21 just ask you to include our request number three.

22 **The Court:** Okay. What did you say about number three?

23 **Ms. Pinnock:** I believe that's the defense-of-others
24 charge.

25 **The Court:** That I'm not going to charge.

1 **Ms. Pinnock:** Yes, sir.

2 **The Court:** Okay. Yes. The Long case -- State versus
3 Long -- and I don't have the cite. I'll ask that that be put
4 on the record at a later time. Convinced me that the one to
5 whom aid is being supposedly rendered must have been in a
6 position where they themselves could defend themselves and
7 that's -- the evidence in this case does not reflect that the
8 individual being assaulted was a dear friend allegedly or
9 arguably, as testified to, of Mr. James, had it been a
10 situation where he was not at fault in bringing about the
11 encounter.

12 So I find that Mr. Roberts did not have -- that -- I
13 keep getting the names confused. Mr. Roberts did not have
14 the right to defend himself and, therefore, Mr. James did not
15 have the right to enter in on his behalf and defend Mr.
16 Roberts. Yes, ma'am.

17 **Ms. Pinnock:** If I could, just some case law for record
18 purposes, Your Honor. The State provided State v. Cook.
19 It's 78 South Carolina 253; it's a 1906 case. The majority
20 does also go along with what Your Honor just cited, the Long
21 case, that Mr. Roberts did not have the right to defend
22 himself. So unfortunately that means Mr. James could not
23 defend him.

24 The dissent in that case actually agrees that that is
25 not a fair position for Mr. James to be put into, and because

1 of the dissent and what that -- what that judge was saying, I
2 would also put on the record State v. Jackson. That is 227
3 South Carolina 271. And State v. Stearns, it is 340 South
4 Carolina 312. Both address the issue of the defendant in
5 that case acting on his impressions.

6 I do think it is not a fair position for Mr. James to be
7 in based on Long and Cook, that his impressions of what's
8 going on do not account for what his actions were. So I
9 would just put that on the record. Again, it goes along with
10 our request to charge on defense of others based on Jackson
11 and Stearns.

12 **The Court:** Okay. All right. And a couple of other
13 things. Since we did have the reply, I didn't know what it
14 was going to be on. We did not discuss in chambers my charge
15 on the voluntariness of a statement. I'm going to add that.
16 Of course, the jury -- while I'll allow it based on the
17 preponderance of the evidence, the jury must analyze whether
18 or not Mr. James actually gave the statement and, if he did,
19 was it freely and voluntarily, knowingly and intelligently
20 made? So I'm going to add that charge. We have not gone
21 over that.

22 This may sound superfluous, but for future reference I
23 want the record to reflect that I did as to the murder of --
24 I don't know why names are escaping me this morning.

25 **Ms. Simpson:** As to the attempted murder charge?

1 **The Court:** No, the murder. The murder.

2 **Ms. Simpson:** The murder. Oh, the murder of Brandon
3 Jones?

4 **The Court:** Yeah. No. Yeah, Brandon Jones. As to his
5 murder, I did consider whether or not there was any charge of
6 voluntary manslaughter applied -- to be applied, and I found
7 that there was nothing to -- relative to that -- based on the
8 facts, nothing relative to the evidence that would warrant
9 including a lesser included. Also, I took into consideration
10 the fact that Mr. James' charges are based on the hand of one
11 and the hand of others, not the particular -- not direct
12 participation in the murder. So I did consider voluntary
13 manslaughter as a lesser included of murder and determined
14 that it was not appropriate. I just want the record to
15 reflect that.

16 The only other unique thing that's relative to the
17 charge is -- and I -- of course, I'll charge it -- is that
18 this has a little wrinkle in that it is my feeling and I will
19 charge that the jury can infer malice from the use of a
20 deadly weapon as to the murder of Mr. James (verbatim) but
21 cannot use malice -- the inference of the use of a deadly
22 weapon in regard to the shooting of -- the shooting of Mr.
23 Scott and firing the weapon as it relates to both Mr. Scotts.

24 That -- it sounds -- it's a little wrinkle, as I said,
25 but the reason I'm not charging or I'm differentiating the

1 two is that as I read the current Section 16-3-600, I believe
2 it is, armed -- assault and battery of a high and aggravated
3 nature is, in fact, a -- is by statute a lesser included
4 offense of assault -- of attempted murder. And so there --
5 by virtue of that statute, that's interplay. Factually I'm
6 not sure it gives rise to the right to have such a charge,
7 but factually based on -- based on the statute -- as I read
8 the statute, since I'm charging a reduced charge as to
9 attempted murder, then the inference of malice based on the
10 use of a deadly weapon would not apply. So I just want the
11 record to reflect how I arrived at that right thereon. All
12 right. Let's take---

13 **Ms. Pinnock:** And for the record, we would just object
14 to that part of the charge on the inference as a whole
15 pursuant to Belcher and my understanding in our reading of
16 Belcher.

17 **The Court:** Okay.

18 **Ms. Pinnock:** Thank you.

19 **Ms. Simpson:** Nothing from the State, Your Honor.

20 **The Court:** All right. We'll take a real quick
21 refresher break. And how long do you think the State will
22 need to argue, Ms. Walker?

23 **Ms. Meghan Walker:** Your Honor, I think I can get it
24 done in 45 minutes to an hour.

25 **The Court:** Okay.

1 **Ms. Meghan Walker:** I know we'll argue last. So if she
2 says some things I'm not expecting during her argument that I
3 have to reply to, then I may just be a few minutes longer.

4 **The Court:** All right. And the State does waive
5 opening.

6 **Ms. Meghan Walker:** Yes, Your Honor.

7 **The Court:** And the defense will take?

8 **Ms. Anastasia Walker:** I estimate about 30 minutes, Your
9 Honor.

10 **The Court:** Thirty?

11 **Ms. Anastasia Walker:** I believe so.

12 **The Court:** Okay. All right. We'll probably take a
13 break between arguments and charge just simply because we've
14 got the time to do it. So let's take about a 10-minute
15 break, and then we'll get into arguments.

16 (Whereupon, a short break was taken.)

17 **The Court:** Keep your seats. All electronic devices
18 off. The State ready?

19 **Ms. Meghan Walker:** Yes, Your Honor.

20 **The Court:** Defense ready?

21 **Ms. Anastasia Walker:** Yes, Your Honor.

22 **The Court:** Bring in the jury.

23 (Whereupon, the jury was brought into open court at
24 10:56 a.m.)

25 **Ms. Anastasia Walker:** May it please the Court, Your

1 Honor?

2 **The Court:** Yes, ma'am.

3 **Ms. Anastasia Walker:** Good morning, ladies and
4 gentlemen. Brandon Jones should be here with us today.
5 There is absolutely no reason in the world that he should
6 have been murdered in cold blood, and I will not tell you for
7 one second that January 25th, 2013, was not terrifying and
8 horrifying and scarring for the Davises, the Scotts, Mr.
9 Williams, Ms. Pearson, and the family of Brandon Jones.

10 But what we do know is who the trigger-happy person is
11 responsible for murdering Brandon Jones, and that person is
12 Maurice Roberts. He stood over a young man who had his
13 entire life ahead of him and took his life without a second
14 thought.

15 Now, ladies and gentlemen, that being said, the person
16 that didn't kill Brandon Jones and the person that isn't
17 responsible for the murder of Brandon Jones and the person
18 that's not guilty for taking the life of Brandon Jones is
19 Demetrice James.

20 Now, we've heard a lot of testimony from a lot of people
21 that were there that night. We heard from Troy Scott,
22 Trenton Scott who they call Trenton or they call Trent or
23 Trey. We heard from Josh Williams, Cari Pearson, and
24 Chandler Davis, their stepfather, and they all got on the
25 stand and very emotionally told you what they saw and what

1 happened to them that night. And I wouldn't disagree with
2 them for a second, and we don't disagree with what happened
3 to them. It's going to follow them for the rest of their
4 lives.

5 But, ladies and gentlemen, this is where the State is
6 eliciting emotion and trying to divert your attention from
7 reason. Each and every one of you walked in here with the
8 tools to evaluate this case. Each and every one of you is a
9 reasonable person, and you have the tools to evaluate this
10 case: Common sense and personal experience.

11 You have your chance to develop your own thoughts about
12 this case, and we all agree, everybody in this courtroom
13 agrees, that this case is overwhelmingly and unbelievably sad
14 and should never have happened. But we all have to take a
15 step back and look at the facts.

16 All the eyewitnesses that took the stand that night all
17 agree that their adrenaline were pumping. These events took
18 place quickly. All of a sudden there were people in the
19 house. They had to react. I believe it was Trenton -- he
20 said, "There wasn't time to ask questions; we just had to go.
21 I think somebody said it was go time."

22 There's a gun involved. Their thought is there's a gun,
23 and we've got to keep it from going off. We've got to get
24 these people out of our house. And if you listened to their
25 testimony, you heard tiny differences and that's not to say

1 that any of these differences were intentional. People see
2 different things. Events are stressful. The events happened
3 quickly, and people perceive things differently. People can
4 misperceive things.

5 And that's not to say in any fashion or form that any of
6 this is intentional, that anybody is trying to be dishonest,
7 that anybody is trying to be misleading, but that is what
8 happens. That is just human nature when things are
9 stressful, when things happen quickly, when you're terrified,
10 and when you're reacting quickly.

11 Memories change over time. Stories change over time.
12 The human memory fills in gaps. When a stressful event
13 happens, you deal with it and you ask questions later. Troy
14 and Trent were thinking: Get these people out of my house.
15 I don't know these people. Out. And they even told you: My
16 parents are upstairs. My girlfriend is in the bedroom. I
17 have friends outside. We've got to get these people out.
18 They don't know what's going on.

19 Troy even later ended up telling the police that Linard
20 Gaston was a guy that was a shooter in the house, and that
21 wasn't him being dishonest and that wasn't him trying to tell
22 a lie and that wasn't him trying to get Linard in trouble.
23 He had a friend who honestly thought that this guy, Linard
24 Gaston, was involved. So he told Troy; it was information
25 that was suggested to him. So Troy, in trying to be helpful,

1 told the police that information, that that's what he
2 honestly believed. And Cari Pearson even picked Linard
3 Gaston out of a line-up as somebody that she thought was
4 there that night, and this isn't any attempt to mislead or be
5 dishonest. This is just the human nature of memories under
6 stress of quick events. Events can be misperceived, a lot
7 like Demetrice misperceived what was going on with his
8 friend.

9 He went to hang out with his friends at a studio or at
10 least people he thought were his friends. And then he gets
11 to the studio, sees his friend Junior who is there with
12 Maurice, Deshawn. All of a sudden, bam, pure chaos,
13 fighting. What do you do? You react. And what he does is
14 he thinks: My friend is getting beat up; I've got to help
15 him.

16 He doesn't know these people. He's never been to the
17 house. He doesn't know what's going on. He doesn't know why
18 Maurice is fighting or who is fighting or why. He just knows
19 at this point "I've got to react," and his reaction is: A
20 friend's in a fight; I've got to help. He doesn't know these
21 people, if they have any ulterior motives, anything like
22 that.

23 He tells you that while they're at the door that it
24 looks like Maurice is getting pulled in, and so he's trying
25 to pull him out and he's not sure what's happening and

1 Maurice gets pulled in. So the only reason he goes in the
2 house is because Maurice gets pulled in and he's trying to
3 get Maurice back out.

4 He tells you in the commotion that he sees a gun and it
5 gets dropped, and he doesn't want it to get in the wrong
6 hands. He doesn't know who the wrong people are or the right
7 people are in this situation. He just knows there's a fight.
8 He knows: I've got to get the gun; I've got to get out of
9 here.

10 So we heard testimony that Demetrice gets the gun, goes
11 out the door, and his arm gets caught in the door, and you
12 heard that from Trent, Troy, Vincent, and Demetrice. You
13 heard it from all four of them, and you even heard from Troy
14 that that's when Trent got shot, that he got shot at that
15 door that's leading to the outside. And Demetrice told you
16 before he could get his arm out, the gun is snatched from his
17 hand. And how do we know that the gun is snatched from his
18 hand? Because it ends up in Maurice's hand when Maurice
19 fires five shots into Brandon Jones, ending his life.

20 Now, ladies and gentlemen, I know we've spent together
21 an entire week at this point and, you know what we've
22 basically heard? We've heard the State versus Maurice
23 Roberts. What about the State versus Maurice -- I mean
24 Demetrice James? I'm going to venture to guess that the name
25 that we've heard least in this courtroom is Demetrice James.

1 On February 26th, 2014, Assistant Solicitor Nicole
2 Simpson called Demetrice James to this witness stand to
3 testify in the trial of Maurice Roberts. They called him as
4 a witness on the State's behalf to assist in the conviction
5 of Maurice Roberts, and he testified and he testified to a
6 jury much like he did to you all yesterday, and he told them
7 what he told you all yesterday. And you saw the same exact
8 solicitor get up here yesterday and attempt to discredit him.

9 And then we heard about a plan, a plan about a studio.
10 What plan? Well, we don't have really a lot of information
11 about that. Basically we have the word "plan." We know that
12 it involved studio equipment, but you heard from Demetrice on
13 cross when Nicole Simpson asked him: "I have studio
14 equipment; I record music at my house." He doesn't need
15 studio equipment.

16 Vincent Nelson, Maurice Roberts, and Deshawn McClary
17 committed a half-cocked burglary. They took a gun to a
18 fistfight and they got beat up. They lost, and they're
19 trying to take down everyone they can with them.

20 Demetrice thought these guys were his friends. You
21 noticed his hesitation to answer those questions about them
22 being his friends. They were his friends. Imagine how he
23 feels now about them. With friends like those, who needs
24 enemies?

25 Now, the State brought you two people to attempt to show

1 you that Demetrice was involved in this plan of sorts, and
2 first we had Jwaun Duckett. He was the first inmate that was
3 brought in, currently doing time for purse snatching, the
4 same Jwaun Duckett who doesn't do licks but apparently purse
5 snatching seems to be okay. This is also the same Jwaun
6 Duckett who was hiding in the closet with incriminating
7 evidence of Maurice's, a cell phone, because, quote, who
8 doesn't hide from the police?

9 This is also the guy that just started talking to police
10 because, one, he didn't want to get in trouble for drugs and,
11 two, he felt intimidated by the police. Those are the exact
12 words that he told you. And let's not forget that he is the
13 same guy that ever so politely asked me to hurry up with my
14 questions so he could hurry back to prison and get done with
15 his bid. Let's get on board with Jwaun Duckett.

16 And then we have Vincent Nelson who got a deal for
17 testifying against his friend, Maurice Roberts. These great
18 friends. And surely he isn't hoping for any sort of benefit
19 for testifying this week. It doesn't matter to him.

20 And then he told you about this rap group, 600, but he
21 told you he doesn't record songs with Demetrice. So it's a
22 rap group, but they don't record songs.

23 He is the ultimate in betrayal. He set up a burglary of
24 a family that took him in as their own for what I would call
25 simple electronics. They clothed him, fed him, took him to

1 church, gave him spending money. I would venture to guess
2 that that family would have given him those electronics had
3 he asked. But, no. But we should believe Vincent, too.
4 Those are the two witnesses that we have that you should
5 believe that Demetrice was involved in some sort of plan.

6 Ladies and gentlemen, we had a bunch of other witnesses.
7 We had D.N.A. come up here. Mr. Barron told you that Vincent
8 Nelson had some latex gloves at some time. We had ballistics
9 come tell you that all shots were fired from one gun. We had
10 latent prints come tell you that Brandon left a print on a
11 beer can. We had a forensic examiner come and tell you that
12 Brandon tragically died from gunshot wounds. We had EMS
13 come. They told you that they tried to save Brandon's life
14 and that they treated wounds.

15 None of that's in dispute. We know all that happened.
16 That's exactly why we had no questions for any of those
17 witnesses. None of that proves that Demetrice James had
18 anything to do with this.

19 That, ladies and gentlemen, is where we're on the same
20 page with the State, but here's where we differ. Demetrice
21 James took the stand for you all yesterday. He told you he
22 spoke with the police. He admitted to you all that he wanted
23 to purchase marijuana and that he frequently purchases
24 marijuana.

25 He even admitted to you all that he wasn't honest with

1 police more than once. He was honest with you all about
2 that, and he told you why. He told you he was scared and he
3 told you that he had been threatened. He witnessed his
4 friend murder another human being.

5 Demetrice got up here and told you exactly what happened
6 that night, and he didn't have to. The State: They have the
7 burden of proof. They're the ones that have to prove their
8 case beyond a reasonable doubt, and that's a high burden. I
9 know they welcome it, but make no mistake: It's a high
10 burden.

11 We as the defense, we have no burden. We don't have to
12 prove anything. Demetrice James sits before you an innocent
13 man until proven guilty, proven guilty beyond a reasonable
14 doubt. And I'm -- I'm not going to talk to you too much
15 about the law. That's the judge's job, so I'll only touch on
16 it just a little bit.

17 But this case is resting on this theory of hand of
18 one/hand of all. It was touched on a little bit in opening,
19 and I'm sure Ms. Walker will go into it further in her
20 closing, but this is my last opportunity to speak with you
21 all. This is the defense's last opportunity to speak with
22 you all.

23 The State has to prove each and every element of their
24 case to you beyond a reasonable doubt. Not just a probably.
25 Not just a, "yeah, I think so," but beyond a reasonable

1 doubt, a doubt that would cause a reasonable person - that's
2 each and every one of you - to hesitate to act. If you
3 hesitate for one moment when you choose to vote guilty or not
4 guilty, that's a hesitation to act. They have to prove that
5 he knew what was going to go down at that house on

6 that night and they have to prove that he
7 actively participated in assisting in order for him to be
8 guilty of the actions of Maurice Roberts or Vincent Nelson or
9 Deshawn McClary.

10 Very simply, Demetrice James went over there to hang out
11 with his friends, his friends, and maybe record a song.
12 Instead, he ended up trying to help a friend and got
13 implicated in a murder. The only reason he entered that
14 house that night was to try to help Maurice, Maurice with the
15 swollen eye, Maurice that looked like he was getting pulled
16 into the house.

17 Demetrice James told you out of his own mouth that he
18 never had any intention to rob anybody or harm anybody or
19 commit any crimes that night. He just wanted to hang out
20 with people that he thought were his friends.

21 Demetrice James is not guilty of attempted murder, and
22 Demetrice James is not guilty of attempted armed robbery, and
23 Demetrice James is not guilty of burglary in the first
24 degree, and Demetrice James is certainly not guilty of the
25 murder of Brandon Jones.

1 Thank you so much for your attentiveness, ladies and
2 gentlemen. Your Honor, may we approach?

3 **The Court:** Yes, ma'am.

4 (Whereupon, a bench conference was held.)

5 **The Court:** Thank you. You may---

6 **Ms. Meghan Walker:** May it please the Court, Your Honor?

7 **The Court:** Yes, ma'am.

8 **Ms. Meghan Walker:** Good morning. Before I start to
9 talk to y'all about this case, I want to thank you for your
10 time, for your attention, for your attentiveness, and for the
11 patience that you've shown here this week. I know we've
12 shuffled you in and out. We've kept you in the jury room
13 waiting for extended periods of time, and for those things I
14 want to apologize. I will take responsibility for those
15 things. They are not to be put on the Scott brothers, on
16 Cari Pearson, on Joshua Williams or on Brandon Jones'
17 parents.

18 I know that when you were driving to the courthouse on
19 Monday morning you were probably anticipating what type of
20 trial you would be sitting on, perhaps a wreck or some
21 shoplifting. On Monday morning there was no way for any of
22 you to know that you would sit for a week and listen to a
23 story about how young men are in their home hanging out with
24 their friends when intruders came in, when one of them was
25 shot, and when on the way out someone stood over their friend

1 as he begged for his life saying, "Please don't shoot me.
2 Please don't shoot me. Please don't shoot me," and then
3 shoots him five times. There was no way for you to
4 understand what you were walking into.

5 Ms. Walker, the other Ms. Walker, and I both agree that
6 this was a tragedy, that people should not be subjected to
7 it, but you've done your duty as -- duties as jurors and
8 listened, and for that I want to thank you. As you guys were
9 trying to figure out what type of trial you may with on, Ms.
10 Simpson and I were preparing this case and preparing the
11 evidence that we were going to put forward. And in doing so,
12 we were trying to anticipate the type of defense that could
13 be used.

14 How do you defend your actions in this case? How do you
15 defend going into someone's home to take something that
16 doesn't belong to you? How do you defend telling the people
17 in the home, "I'm about to shoot," and then shooting one of
18 them in the arm? How do you defend in getting together with
19 your friends to do this and one of them is standing over an
20 unarmed child begging for his life - I'm sorry - a young man
21 begging for his life and shooting him five times? How do you
22 defend something that is so utterly indefensible? Especially
23 in this case; right? Because there's so much evidence
24 pointing towards that defendant's guilt.

25 Don't let Ms. Walker confuse you. This is not the State

1 versus Maurice Roberts; that's been done. He's in prison.
2 People are protected from him. This is the State versus his
3 buddy, his friend, the man he trusted to go into the house
4 with him that night. This is the State versus Demetrice
5 James.

6 And in this case people came in and said: He was with
7 us when we planned it; I heard them planning it. How do you
8 defend against that? When you leave surviving witnesses who
9 you've shot and fought and they can come in and get on the
10 witness stand and point and say what he had on? The one in
11 the blue shirt, he's the one that did it? He's the one who
12 shot me. He's the one who shot my little brother. How do
13 you defend against that? When your co-defendant comes in and
14 testifies, how do you defend against that?

15 And I was at a loss, quite honestly, until he took the
16 stand yesterday and we heard yet another version of events
17 from Mr. James because, remember, the first version: Wasn't
18 there, don't know anything about it, you got the wrong guy.
19 He's confronted with the fact that that simply can't be the
20 case because there are people putting you in the house,
21 people who have picked you out of photo line-ups.

22 Okay. Well, let's make the story evolve a little bit.
23 I was there. I saw something going down when I was walking
24 down the street, and I just happened upon my close friend who
25 was getting in a fight and so I went to help. That story is

1 problematic because there are co-defendants who were saying
2 he was planning this with us.

3 Evolve the story again. I saw them right beforehand
4 because I called Maurice, and keep that in mind. Remember he
5 called Maurice so Maurice could figure out where to meet him;
6 right? Because he was going to buy some weed. I think he
7 refers to it as trees. Remember that. He called Maurice.
8 He can't remember his cell phone number. He knew it then; he
9 doesn't know it now. Borrowed it from a crackhead. Borrowed
10 a cell phone from I guess the Hammond Village crackhead and
11 he used that phone to call Maurice. That is key to his
12 defense at this point because he wasn't at Maurice's house
13 planning this. He happened upon Maurice at Willis's house or
14 Willis's street, something along that. You've got to keep in
15 mind that this story is evolving, but he definitely wasn't
16 there for the planning.

17 And then they go to perform music, to record music, but
18 they're not a music group but maybe they are a music group,
19 and some of them perform and some of them don't. Can't
20 really nail him down on that. And that's when this home
21 invasion breaks out, and no one is more surprised than
22 Demetrice James who sees his friend getting kidnapped, I
23 guess at that point, because he's getting pulled into a house
24 and he has to go save him. That's the story that we were
25 left with in his last written statement and then again an

1 additional story that you heard yesterday. Keep evolving the
2 story to fit your needs so that you can quite literally get
3 away with murder.

4 The defense in this case is the Demetrice Roosevelt
5 James' theory of evolution: Keep evolving the story until it
6 fits your needs and can't hold you accountable for what you
7 actually did that night. But, ladies and gentlemen, in this
8 case with these facts and the laws of South Carolina, that
9 defense isn't going to work because, number one, what he said
10 he did is impossible to have done and, number two, because of
11 the laws of this state -- and those are what I want to talk
12 to you about just briefly.

13 In order to prove our case, we've brought forth
14 evidence: The witness testimony and the physical exhibits
15 that you will have back there with you. There are two types
16 of evidence which are generally presented during a trial:
17 Direct evidence and circumstantial evidence. Direct evidence
18 directly proves the existence of a fact and does not require
19 deduction. Direct evidence: I saw him shoot my little
20 brother. That's direct evidence.

21 Circumstantial evidence is proof of a chain of facts and
22 circumstances indicating the existence of a fact. Crimes may
23 be proven by circumstantial evidence. The law makes no
24 distinction between the weight or value to be given to either
25 direct or circumstantial evidence. However, to the extent

1 the State relies on circumstantial evidence, all the
2 circumstances must be consistent with each other and, when
3 taken together, point conclusively to the guilt of the
4 accused beyond a reasonable doubt.

5 If these circumstances merely portray the defendant's
6 behavior as suspicious, the proof has failed. The State has
7 the burden of proving the defendant guilty beyond a
8 reasonable doubt. This burden rests with the State
9 regardless of whether the State relies on direct evidence,
10 circumstantial evidence, or some combination of the two.

11 The majority of the evidence in this case is direct
12 evidence: People who saw and heard the things that Demetrice
13 Roosevelt James did that night, people who were with him in
14 the planning of it, the people who were in the home when he
15 came in behind Maurice Roberts, people who saw him take the
16 gun from Maurice or get it off of the floor and shoot Trent
17 Scott.

18 There are several charges that this defendant has been
19 charged with. The defendant has been charged with attempted
20 murder. In order prove this crime, the State must prove the
21 defendant attempted to kill another person with malice
22 aforethought, either express or implied. You heard that
23 there were two individuals that were shot during this home
24 invasion. Joshua Williams, he actually showed you the scar.
25 You heard from the EMS worker who treated him. And then

1 Trent Scott who was shot as well and you heard from the EMS
2 worker who treated him as well.

3 With attempted murder, the State is not required to
4 prove that the person need actually have almost loss his
5 life. It's the intent. It's the shooting of an individual.
6 It's actually honestly the shooting at an individual. A
7 person can be shot at and be the victim of an attempted
8 murder. So they can most definitely be the victim of an
9 attempted murder when they are actually shot and struck.
10 What other purpose did he have for shooting people that
11 night? Three people were shot and two survived.

12 The judge is going to charge you on the lesser included
13 offense for those two attempted murders. It's called assault
14 and battery of a high and aggravated nature. If you don't
15 think that he was attempting to kill with malice aforethought
16 -- although I think that malice in this case is everywhere.
17 As Ms. Simpson told you in her opening, this case reeks of
18 malice. They got together, armed themselves, put on gloves
19 and invaded someone's home. Acts do not become anymore
20 malicious than that.

21 If you don't think that malice can be implied from the
22 home invasion or from the gun going off and them shooting at
23 people that night, the judge will charge you on assault and
24 battery of a high and aggravated nature. A person commits
25 the offense of assault and battery of a high and aggravated

1 nature if the person unlawfully injures another person and
2 the act is accomplished by means likely to produce death or
3 great bodily injury. It takes the malice out of it, and I'm
4 going to get to what malice actually means in a little bit.
5 But it's: You've done something to someone and whatever
6 you've done to them can cause great bodily injury, not that
7 it did but that it had the potential to, like shooting
8 someone. The attempted murder and assault and battery of a
9 high and aggravated nature charges go towards Joshua Williams
10 and Trenton Scott who were shot that night by this defendant
11 and his friends but managed to survive and come in here and
12 tell the story to y'all.

13 Attempted armed robbery. You heard testimony from
14 Vincent Nelson, Jr., that they were going in to get studio
15 equipment. Jwaun Duckett told you that they were going in to
16 get studio equipment. They got in there. They didn't have
17 all of the information, and I agree with Ms. Walker on
18 another point. This plan was terrible. This was the worst
19 plan that they could have ever come up with. They walked to
20 commit an armed robbery, planning to get studio equipment out
21 of a house and then walk back.

22 This was not the plan of a group of rocket scientists,
23 but this was the plan that they came up with. The fact that
24 they did not actually achieve their goal, the fact that they
25 didn't have all of the information -- because what Vincent

1 Nelson, Jr., when he was telling them about the studio
2 equipment failed to tell them was that the people who lived
3 in the home were ninjas. They were black belts. So when you
4 go in the home -- they didn't realize that they were going to
5 get their behinds kicked. And so that stopped them from
6 being able to accomplish their goal which is why they are
7 charged with attempted armed robbery as opposed to armed
8 robbery.

9 A person who commits attempted robbery while armed with
10 a pistol - which is what we had in this case - dirk,
11 slingshot, metal knuckles, razor or other deadly weapon or
12 while alleging either by actions or words he is armed while
13 using a representation of a deadly weapon or any object which
14 a person present during the commission of the robbery
15 reasonably believed to be a deadly weapon is guilty of
16 attempted armed robbery. They had the gun. They were
17 pointing the gun around. The gun was passed back and forth
18 between Maurice Roberts and Demetrice James. They were just
19 unsuccessful in their goal. This is why this is an attempted
20 armed robbery as opposed to an armed robbery, had they
21 actually accomplished their goal and taken the studio
22 equipment away from the home that night.

23 All these defendants have been charged with burglary in
24 the first degree, as you've heard. Maurice Roberts has been
25 convicted of this. Vincent Nelson, Jr., pled guilty to it.

1 It's his turn this week. A person is guilty of burglary in
2 the first degree if the person enters a dwelling without
3 consent and with the intent to commit a crime in the
4 dwelling.

5 They discussed with their client on direct examination
6 yesterday that he did not have permission to go in that home.
7 Trenton and Troy Scott told you that he did not have
8 permission to go in that home. Without consent and with the
9 intent to commit a crime therein. The crime that they were
10 attempting to commit inside of the home was the attempted arm
11 -- was the armed robbery.

12 When in effecting entry or while in the dwelling or in
13 immediate flight he or an accomplice in the crime is armed
14 with a deadly weapon. He tells you: I got the gun. I was
15 heading out of the house with the gun because he didn't want
16 the gun to get into the wrong hands. That's almost
17 laughable; right? The home intruder did not want the gun to
18 get into the wrong hands. He -- he has the wrong hands.

19 Or when in effecting entry while in the dwelling or the
20 immediate flight, he or an accomplice of the crime causes
21 physical injury to a person who is not a participant in the
22 crime. You'll notice that there are "or's" here as opposed
23 to "ands," which only one of these must be present for it to
24 be a burglary in the first degree. We have two so far.
25 Trenton Scott was shot during this burglary.

1 When in effecting entry or while in the dwelling or in
2 immediate flight, he or an accomplice in the crime uses or
3 threatens to use a dangerous instrument. "I'm about to
4 shoot. I'm about to shoot." That's when he threatened to
5 use the dangerous instrument.

6 Or when in effecting entry or while in the dwelling or
7 in immediate flight, he or an accomplice is entering or
8 remaining occurs in the nighttime. Here the evidence is that
9 it was after 11:00 when this was done in January, so those
10 would be hours of darkness. It would be nighttime.

11 Lastly, they've been charged with murder. Vincent
12 Nelson, Jr., pled guilty to voluntary manslaughter. Maurice
13 Roberts was convicted of murder. Murder is the killing of
14 any person with malice aforethought, express or implied. And
15 when it says express or -- I'm sorry. Express or inferred.
16 When it says that here, that doesn't mean there are two
17 different types of malice. It's just the way in which malice
18 presents itself.

19 Malice is hatred, ill will or hostility towards another
20 person. It is the intentional doing of a wrongful act
21 without just cause or excuse and with an intent to inflict or
22 injure -- with an intent to inflict an injury or under
23 circumstances that the law will infer an evil intent.

24 Malice may be inferred from conduct showing a total
25 disregard for human life, and malice applies to both that

1 attempted murder and the murder. A total disregard for human
2 life. Going into someone's home and shooting them, shooting
3 their friend as he lays in the driveway and begs for his
4 life, that's malice.

5 Malice aforethought does not require that malice exist
6 for any particular time and before the act is committed. It
7 doesn't mean that they had to say when they were on the way
8 to the house: "We are going over there to commit the robbery
9 and to kill someone."

10 Malice aforethought does not require that malice exist
11 for any particular time before the act is committed, but
12 malice must exist in the mind of the defendant just before
13 and at the time the act is committed. Therefore, there must
14 be a combination of the previous evil intent and the act.
15 When he's standing over him and shooting, that evil intent,
16 the intent to go in and to commit a crime and then shoot
17 someone in the process of committing that crime...

18 The judge will also charge you on felony murder. If one
19 intentionally kills another during the commission of a
20 felony, like a burglary in the first degree, an attempted
21 armed robbery, the inference of malice may arise. If facts
22 are proven beyond a reasonable doubt sufficient to raise an
23 inference of malice to your satisfaction, this inference
24 would be simply an evidentiary fact to be taken into
25 consideration by you, along with all of the other evidence in

1 this case. Under South Carolina state laws, burglary and
2 attempted robbery are felonies. So you can infer malice from
3 the fact that they were going over there to commit felonies
4 and in doing so killed someone in the process of committing
5 those felonies.

6 You've heard a lot about the hand of one being the hand
7 of all. Here is the legal explanation for that. If two or
8 more combine together to commit an unlawful act such as a
9 robbery and in the execution of that criminal act a homicide
10 is committed by one of the actors as a probable or a natural
11 consequence of the acts done - once you go into someone's
12 house with a gun to take things - the probable or natural
13 consequence of that act done in pursuance of the common
14 design, all present participating in the unlawful
15 undertakings are as guilty as the one who committed the fatal
16 act. Once you invade someone's home and their safety and
17 their security and then kill them... Why else go in with a
18 gun?

19 The common purpose may not have been to kill or murder,
20 but if it was unlawful as, for instance, to break in and
21 steal and in the execution of this common purpose a homicide
22 is committed by one as a probable or natural consequence of
23 the acts done in pursuance of the common design, then all
24 present participating in the unlawful common design are as
25 guilty as the slayer. Once you get together with a group of

1 people and decide that you're going to go kick in someone's
2 door, force your way in, pistol-whip people outside -- all to
3 steal radio equipment? People getting injured, people
4 getting killed, that gun being used as it was meant to be, is
5 a probable or natural consequence of that act.

6 You've heard some testimony from the defendant about
7 that phone call he made to Maurice, adamant about that phone
8 call he made to Maurice, because it was to buy some weed. If
9 he smoked it before going down there and that clouded his
10 judgment, that does not matter because voluntary intoxication
11 is never an excuse or a defense to a crime.

12 A person who voluntarily renders himself intoxicated is
13 no less responsible for his acts while in such condition. If
14 a person voluntarily drinks intoxicating liquors and becomes
15 intoxicated and if, while in that condition, commits an act
16 which would be a crime if it had been committed by a sober
17 person, the fact of drunkenness, or in this case of his being
18 high from marijuana, would not relieve the intoxicated person
19 from responsibility. Voluntary intoxication is not an excuse
20 for or a defense to a crime. This rule also extends to the
21 voluntary ingestion of drugs.

22 Those are the charges that he's been faced with -- that
23 he's been charged with and how they all come together when
24 four people are charged with a crime. And just as was the
25 case with Maurice Roberts, the burden in this case is proof

1 beyond a reasonable doubt. Proof beyond a reasonable doubt
2 is proof that leaves you firmly convinced of the defendant's
3 guilt. There are very few things in this world that we know
4 with absolute certainty, and in criminal cases the law does
5 not require proof that overcomes every possible doubt. If,
6 based on your consideration of the evidence, you are firmly
7 convinced that the defendant is guilty of the crime charged,
8 you must find him guilty. If, on the other hand, you think
9 there's a real possibility that he is not guilty, you must
10 give him the benefit of the doubt and find him not guilty.

11 And in order to do this, in order to prove this
12 defendant's guilt beyond a reasonable doubt, in order to
13 leave each and every single one of you firmly convinced of
14 this defendant's guilt, we brought forth witness testimony.
15 We brought forth physical evidence in order to explain to you
16 what happened that night.

17 You heard from Vincent Nelson, Jr. I think Ms. Walker
18 said he got a deal. Vincent Nelson, Jr., is very serving
19 30 years in prison. That's the deal she referred to. He
20 didn't pull the trigger. No one has ever alleged that he
21 pulled the trigger, and despite what he said, no one has ever
22 alleged that he was in a tussle with anyone that night, but
23 he was the guinea pig. That's what he told you.

24 He told you that he was sent into the house, that he had
25 Maurice's cell phone, this cell phone right here, that he was

1 sent into the house, that Chandler Davis let him in, that it
2 was around 11:00, that he went downstairs to see the rest of
3 the boys to see what was going on and that he sent text
4 messages.

5 Text messages came in at 10:58:51. And excuse my
6 language. These are what the text messages said. These are
7 not words that I want to use with y'all. It's, "Fo nigga in
8 here and dey dad." 11:08. Vincent Nelson has that cell
9 phone. He's sending text messages to Deshawn Steven's
10 telephone. "Come on. I got two outside." You'll have these
11 text message records with you right here. You'll have the
12 date and the time with military hours right here.

13 They get a call back. "On da way." It's at 11:11:59.
14 So we know that from 10:58 to well after that Vincent Nelson
15 is in the house, being the guinea pig, being a trojan horse,
16 the ultimate betrayer, with Maurice's cell phone.

17 Demetrice James testified yesterday and he made a fatal
18 mistake. That's what I want to get to in a moment. I don't
19 even think he realizes he's made a mistake yet.

20 You heard from Jwaun Duckett, that he was at Maurice's
21 house. He saw and heard the plan. He said Demetrice was
22 there. Vincent was there. Deshawn was there, and Maurice
23 was there. He was the first person that actually talks to
24 police and laid out all of these people.

25 He got no deal for that. He told them what happened.

1 He told police officers what he knew. He said that they were
2 going to go get some studio equipment, that he didn't go,
3 that he knew Beezy (phonetic) - Brandon Jones. They went to
4 high school together, that he didn't go.

5 And Ms. Walker made a big deal in her closing argument
6 about the fact that these people are -- they're in jail.
7 He's a purse snatcher. This one got a deal. You can't trust
8 any of them. They're in jail. They're bad guys.

9 They're not my friends. I didn't choose the witnesses
10 in this case. Had I chosen the witnesses in the case, I
11 would have gotten a bunch of nuns and priests together to
12 bring them in here and testify about what happened. He chose
13 the witnesses in this case. He chose who he was hanging out
14 with. These are his friends that are the murderers and the
15 purse snatchers that he hangs out with, that he commits
16 crimes with.

17 But judge -- judge their credibility on this. What do
18 they have to gain? They're already in prison. They're not
19 avoiding going to prison with their testimony. They're there
20 for decades.

21 He said that Maurice gave him the cell phone because
22 there was incriminating information on it when the police
23 came to the house to pick him up, the text messages that
24 Vincent Nelson had been sending that night. He told him to
25 flush it, but he didn't flush it. The police recovered that

1 cell phone, got the text messages that you'll have right
2 there. The cell phone is so important.

3 You heard from Cinnamon Wright who treated Brandon
4 Jones. By the time she got to him, he could only give her
5 his name. He had multiple gunshot wounds. He was in the
6 driveway laying in a puddle of his own blood, that she
7 transported him from the house to the hospital.

8 Trenton Scott and Joshua Williams, you heard from the
9 EMS worker who transported that -- them. Her name is Mary
10 Ellen Swain. Trent was shot in the arm; Josh was shot in the
11 side.

12 And then you heard through -- from a number of people
13 who went to the crime scene, a number of investigators who
14 went to the crime scene, to collect evidence that could be
15 used in determining what actually happened that night. You
16 heard from Stan Richards. You heard from Kristen Polis. You
17 heard from Michael Beeler. You heard from Yvonne Woods -
18 that they went to the house that night and that the things --
19 and that's -- and that's what's key in this case:
20 Corroborated evidence versus uncorroborated evidence.

21 The things that the defendant testified to, some of them
22 are corroborated; most of them are not. It was corroborated
23 that Maurice shot somebody that night. Trenton and Troy
24 Scotts' testimony, Joshua Williams' testimony is corroborated
25 through and through: Brandon went. He got an Icehouse. He

1 was standing outside drinking it when all this started. You
2 can see where the EMS workers had taken off their gloves, the
3 bandages, his shoes.

4 Corroborated evidence. For the first time yesterday we
5 heard of two gunshots that went off in the house; right? Up
6 until -- everyone else that testified, testified that there
7 was one shot that went off in the house. Demetrice James
8 testified that there was two. There was one. He checked
9 himself to see if he'd been hit; he hadn't been hit. So then
10 he's running out the door, and then his arm gets caught in
11 the door which is kind of weird and it doesn't make any sense
12 - I'll get to that in a little bit - and then a second
13 gunshot goes off in the house.

14 The testimony was that there was one projectile found in
15 the house. Do you remember Terry Gleason's testimony, that
16 you're going to have the shell casing and the projectile that
17 come out of the gun when it's fired? There was one,
18 corroborating Troy and Trent Scotts' testimony, and
19 completely contradicting the testimony of the defendant in
20 this case that there were two gunshots.

21 There was one projectile found in that house because
22 only one gunshot went off in that house, and here is the
23 projectile. It's marker R. You've got a far-away picture of
24 it and a picture up close.

25 Trenton Scott said at that point in time he realized

1 he'd been shot. He was trying to get away. He was trying to
2 get help. He does what a lot of people go do when they are
3 in distress. He went to go find his mom and dad. The
4 intruders had been put out of the house at that point in
5 time, and you can see this kid's blood tracked throughout the
6 house. Corroborated testimony. You see the blood start
7 downstairs, go all the way through until he gets upstairs and
8 is going towards his mom and dad's bedroom. Corroborated
9 testimony.

10 Brandon Jones was left outside after Maurice Roberts
11 stood over him and shot him. On this dark, cold January
12 night in this driveway -- remember Chandler Davis? He says
13 he comes around the house and he finds him here and that the
14 only thing he could say was, "Help me," that he tried to get
15 him help and he got him an ambulance.

16 More evidence that corroborates what Troy and Trent
17 Scott say happened and completely contradicts what this
18 defendant says happened. Remember he says he's -- depending
19 upon which version you listened to, either he wasn't there or
20 he's walking down the driveway and he sees Troy and Trent
21 Scott and he can't see who is on the other side, but somebody
22 is pulling Maurice into the house.

23 Remember when he testified though? The young man said
24 he was coming down the stairs with hangers and that once he
25 saw the hangers, he dropped them because someone was charging

1 him? The hangers are dropped right here. Maurice Roberts is
2 inside of the house. They're fighting on this coffee table
3 that glass shatters on. You can see the coffee table in this
4 picture right here. That's how far inside of the house they
5 were.

6 He didn't see anybody pulling Maurice into the house
7 because it didn't happen. Who pulls the intruder into the
8 house when they were first coming in? But he can't be part
9 of it. He can't know what was happening because then even he
10 understands that he's guilty under a hand of one/hand of all
11 theory, so he has to distance himself from it.

12 I didn't know what was happening; I was confused. They
13 were beating my close, dear friend, depending upon when he
14 testifies, because they're either really dear friends or he's
15 his dope man and he sells him weed every now and then. But
16 either way, what he said is contradicted by the pictures that
17 I have in my hand. Those are State's Exhibits Number 142 and
18 144. The front door is here. This is where the hangers
19 were. This is where the glass breaks.

20 Now, you see the blood that's dropping -- that's
21 dripping this way; right? In one version of the story he's
22 walking down the street, so he's on this way, but he can see
23 everything that's happening over here that's blocked by the
24 rest of the house? That's one version of the story.

25 One version is he's coming down here, and then Maurice

1 runs past him and starts pistol-whipping people, and so then
2 he decides to join in the fight. Sometimes when you keep
3 changing your story to try to get out of trouble, you put
4 yourself in a worse position than you were in the first place
5 because this story makes less sense than it did when he
6 started about him saying he wasn't there. He should have
7 stuck to that. Those are the pieces of evidence that Kristen
8 Polis, Michael Beeler, Yvonne Woods, and Stan Richards
9 brought to you.

10 In addition to that though, Ms. Polis took some pictures
11 of the defendant because they had a description of him from
12 the people inside the home: Short, darker complexion with
13 little twisties in his hair. That's what they said. Now, he
14 doesn't look like that now. It's inconvenient to come to
15 court looking the same way you did when you committed the
16 home invasion. Here's how he looked then though. Here are
17 the twisties that were in his hair.

18 He can change his appearance all he wants, but he cannot
19 change what he did that night. Those are pieces of evidence
20 that the crime scene investigators brought to you.

21 You heard from a series of expert witnesses, and the
22 judge will give you a charge on expert witnesses. They are
23 people who can give their opinions based upon their studies,
24 based upon their training. I can't come in here and give you
25 my opinion on what happened or on what a piece of evidence

1 suggests, but John Barron can. He's the D.N.A. expert. He
2 talked about finding Brandon's D.N.A. at the crime scene. He
3 talked about finding D.N.A. on other pieces of evidence.

4 Trisha Odom talked about the fingerprints on the beer
5 can. Terry Gleason said that all the shots that were fired
6 were fired from one gun that night and it was a .45. And
7 then Dr. Durso came in and she told you about the injuries
8 that were sustained to the victim in this case, Brandon
9 Jones, that caused his death. He died because of five
10 gunshot wounds.

11 You heard from the people who were actually at the house
12 that night. You heard from Cari Pearson. She was dating one
13 of the Scott brothers; she was in the bedroom. They heard a
14 crash. They heard them going through that table, and they
15 ran outside to see what was happening. That she panicked.
16 She stayed behind her boyfriend and that she couldn't really
17 tell what was going on. And she told you on the stand that
18 she couldn't really identify anybody because she was so
19 scared, that she heard that Linard was involved and that she
20 told people that she heard that but that she could not
21 identify Linard as one of the people in the house because he
22 wasn't.

23 You heard from Chandler Davis. He let Vincent Nelson
24 in. He sent him downstairs. He knew him as Jay-School. He
25 sent him downstairs to hang out like he had done many other

1 times, that his stepson comes knocking on his door, that he's
2 panicked and he's bleeding, and then at that point he's
3 wondering where his other two boys are. Where are Brandon --
4 where's Josh? Where are Brandon and Josh? And then he sees
5 Josh and he's asking, "Where is Brandon? Where is Brandon?"
6 And Josh can only tell him he doesn't know. And he goes
7 around the house and he finds the boy laying on the floor,
8 bleeding and asking for help. He said it was around 11:00
9 when Vincent Nelson, Jr., got there. We know it was a little
10 bit before then because at 10:58 that's when he starts
11 sending those text messages from Maurice Roberts' cell phone.

12 You heard from Troy and Trent Scott. They told you
13 about being downstairs, hanging out with their friends, that
14 the door rushes in. He drops his hanger. He tells you he
15 drops his hangers, that they start fighting, that they're
16 pushing. They're trying to get them out. His mother, his
17 brother's girlfriend, and his stepfather are upstairs.
18 They're trying to get them out of the house. They don't know
19 these two people. They don't know why they're there. And
20 that as they're fighting and getting them out of the house --
21 they successfully get them out of the house but not before
22 the shot goes off and his little brother is shot in the arm.

23 Troy's little brother is shot in the arm, and they both
24 came in here and they both independently were able to
25 identify the man who shot him. Lo and behold, it's Demetrice

1 James because this is the State versus Demetrice James; make
2 no mistake about it.

3 You heard from Joshua Williams. He is an emotional
4 young man. He said Brandon was like his brother, that people
5 were walking past the house, walking back and forth. No one
6 walked by, turned around, said hello to them and then other
7 people ran past him. They didn't happen. People were
8 walking back and forth, and then he got hit in the head.
9 That he went down and that all he could do at that point in
10 time was play dead, that his vision was a little blurry but
11 that he could hear what was going on. And he heard a
12 gunshot, that his best friend whom he considered to be a
13 brother was begging for his life and that then he heard five
14 more shots rang out.

15 You heard from the investigators in this case, Kevin
16 Isenhoward who was present -- Sergeant Kevin Isenhoward who
17 were present when this defendant was arrested. Scott
18 McDonald who was also present when this defendant was
19 arrested and he's the one who went over the phone records
20 because he -- the phone records from Maurice Roberts' cell
21 phone that Vincent Nelson, Jr., had inside the house that
22 night where he's sending text messages out to Deshawn
23 McClary's phone telling them what to do.

24 You heard from Steven Faust. You heard from
25 Investigator Faust. Investigator Faust talked about some of

1 the items of clothing that were found. There was a
2 camouflage jacket similar to the one described as having been
3 worn by one of the defendants in this case, that he was
4 notified of that piece of evidence. It was behind a
5 dumpster. Someone was trying to get rid of it, and he
6 collected it.

7 And then you heard from Flynn Tanner and Hal Boland,
8 these two investigators. Judge their credibility. They told
9 you about how this investigation proceeded, that they
10 understood from the witnesses in this case that Vincent
11 Nelson, Jr., walked in the house with a cell phone and that
12 was odd to them because he never had a cell phone. Vincent
13 Nelson, Jr., corroborated that. "I didn't have a cell phone;
14 it was Maurice's cell phone. He was letting me borrow it. I
15 had Maurice's cell phone in the house that night, sending
16 text messages out so I could tell them what to do."

17 That they go and they make contact with Vincent Nelson,
18 Jr., and Jwaun Duckett. They both start implicating this
19 defendant and the other defendants in this plot to go into
20 this house and steal studio equipment, that they then make
21 contact with other defendants, and the very last thing that
22 Investigator Boland said when he was on the stand was that
23 Demetrice James was arrested because of what all of the
24 co-defendants and the victims in this case said about his
25 involvement in the planning and execution of this plot. I'm

1 almost done. And that that's why he was arrested.

2 And then you heard about a series of statements that
3 this defendant gave. They can call them continuations. They
4 can call them add-ons. They can call them whatever they
5 like. What they are is wholly inconsistent with one another.

6 You'll have back there with you the advice of rights.
7 Demetrice James -- the officers that are questioning him are
8 Investigator Boland and Tanner. They read him his rights
9 here. They tell him he has the right to remain silent, that
10 anything he says can be used against him in court, that he
11 has a right to talk to a lawyer for advice before we ask you
12 any questions and that you have a lawyer during and
13 throughout any questioning.

14 If you cannot afford a lawyer, one will be appointed to
15 you before any questioning, that he says that you can answer
16 questions now without a lawyer present, but you still have
17 the right to stop answering. He signs that he understands
18 that. He waives his rights. He explains what coercion means
19 to him.

20 Demetrice James says: I want to talk to you. No
21 alcohol, no drugs, twelfth grade. Remember, he's a student
22 at Benedict College. He understood his rights and he waived
23 them.

24 The first thing he says before it's reduced to
25 writing -- and he acknowledged saying on the stand: I wasn't

1 there; I don't know what you're talking about. Then he's
2 questioned. He says he woke up and went to school. He goes
3 to Benedict College, that he gets out on Fridays at 12:00.
4 He caught the city bus back home, went to a Lil Cricket. He
5 went to the Hammond Village to walk around. "I walked
6 through to see who was out. It kind of got boring, so I went
7 back to my house. I was chilling all day, just watching T.V.
8 My dad's girl came over around 9:00 p.m. My girl, Qymesha
9 Watkins..." There's a lot of talk about Qymesha because
10 Qymesha is kind of an alibi in this; right? Because he was
11 with her when all the plotting would have been going on.
12 Where is Qymesha? He says he was with her. Where is she
13 now?

14 They called witnesses to the stand. Uncorroborated
15 testimony. Qymesha Watkins came to my house and she picked
16 me up. We went back to her house off Broad River Road. We
17 were there 'til about 11. That time is important because he
18 says himself that he is at the house, that he is with
19 Qymesha---

20 **The Court:** We need to take a break. We'll take a break
21 at this time. We'll take a break. Jury, we'll go to the
22 jury panel (verbatim). We were going to have to take a break
23 in the intermediary anyway. We'll go ahead and take a break.

24 (Whereupon, the jury was excused from open court at
25 12:09 p.m.)

1 **The Court:** One of the jurors had gotten up and was
2 basically asking the bailiff to let her exit. I didn't see
3 her or I would have gone ahead and called for a break. We'll
4 take a break.

5 **Ms. Meghan Walker:** I'm be wrapping it up now, Judge.

6 **The Court:** Okay. We'll take about a 10-minute
7 refresher break.

8 **Ms. Meghan Walker:** Thank you.

9 (Whereupon, a short break was taken.)

10 **The Court:** State ready?

11 **Ms. Meghan Walker:** Yes, Your Honor.

12 **The Court:** Defense ready?

13 **Ms. Pinnock:** Yes, Your Honor.

14 **The Court:** All right. I have told the bailiffs to
15 bring the jury when they are ready. If they're not ready, it
16 might be a couple of minutes, but when they're ready, we're
17 ready. Bring in the jury. Because I don't want to...

18 (Whereupon, the jury returned to open court at 12:22
19 p.m.)

20 **The Court:** You may proceed.

21 **Ms. Meghan Walker:** Thank you, Your Honor. You'll have
22 this back there with you. Off Broad River Road. She dropped
23 me off after 11 p.m. 11:00 p.m. is when he first makes his
24 way back.

25 "I went straight to Hammond Village to get some weed. I

1 knocked on Maurice's door, but no one came to the door. I
2 had to get in contact with him. I walked around and I found
3 a crackhead. I used his phone to call Maurice."

4 Remember, he knew Maurice's cell phone number then. On
5 the stand he can't really remember. Didn't really actually
6 try, just said, "I don't know right now." "He told me to
7 come over to the road that Willis lives on and I will see
8 him." Doesn't really know who Willis is, what Willis's last
9 name is or what the road is, but he knew what road Willis was
10 on and I would see him.

11 "I walked down by the club Crush and then turned on the
12 road by E.E. Taylor. I got there, took a left on the road by
13 Taylor. I didn't have a phone to call Maurice, so I just
14 kept walking to Willis's house. I walked there. I got
15 halfway in the middle of the road, and I saw a commotion with
16 people fighting. I knew it had to be a fight because there
17 was a guy laying on the ground in the driveway. He was
18 holding his head like he had -- like he had beat (verbatim).
19 He was holding his head on his arm like he had lost the
20 fight. After that, I looked down the same driveway and the
21 guy was laying and could see what was happening. I saw
22 Junior in a tussle." There's no testimony that Junior -
23 Vincent Nelson, Jr. - or Jay-School ever fought anybody.

24 "I had seen Maurice in a tussle, too. Junior was more
25 away from the door and he was fighting. I went down the

1 driveway when I saw Maurice was more towards the door," and
2 that door though is blocked by the rest of the house if
3 you're just coming down the street. You can't see the door
4 from the street.

5 "Maurice is engaged with people in the house. It was
6 like he was halfway in the door, and the other people, it
7 looked like they were fighting through the door and stuff.
8 While they were fighting, I seen Maurice's eye that was
9 swollen up." Maurice's eye got swollen pretty quickly,
10 according to his testimony; right? Because Maurice isn't
11 even in the house. His eye is already swollen.

12 "It was two sizes bigger than it usually is. It swoll
13 quickly and it swoll dramatically. There were two or three
14 guys, and I definitely seen a girl. While we were fighting,
15 the girl was watching. She wasn't really doing anything.

16 "So in the middle of us fighting I heard a gunshot go
17 off in that house. When the gunshot went off, nobody
18 dropped, so I checked myself to see if -- that I wasn't shot.
19 After that right there, I was like, 'Let's go.' I ran out of
20 the house first, and Junior was still outside tussling with
21 the dudes. I was just trying to run away."

22 Remember, the dudes that Vincent was supposed to be
23 tussling with at this time, according to all the testimony,
24 never got up off the ground once the first time they were
25 hit. So I don't know if there were just some more people

1 that he's adding to the story at this point or who exactly it
2 is that Vincent Nelson, Jr., is supposed to be tussling with.

3 "I told them, 'Let's go.' I took off and I really
4 didn't look behind me. I ran back to where I came from. I
5 heard a couple more shots, but I kept on going. I didn't
6 stop. I ran back towards my house when I got next to the
7 church. I seen all the police cars and fire trucks. I went
8 back to my house."

9 "Did you speak with Maurice later that night?" "No, I
10 saw him the next day at a party at Hammond Village." "Did
11 you and Maurice talk about what happened the night before?"
12 "No."

13 His friend has been attacked at this point, according to
14 what he says. They've gotten into a fight. A gun has gone
15 off. His friend's eye has been swollen. And they don't
16 discuss it? Does that ring true to you? Does that sound at
17 all credible?

18 "Have you ever seen Maurice with a gun?" "I seen him
19 with one a long time before he went to D.J.J. He wasn't even
20 17 yet." "Did you see Maurice with a gun Friday night during
21 the fight?" "No." "Did you see anyone with a gun?" "Not
22 really. It was a really big commotion. I didn't really see
23 a gun. I just heard the gun go off when I got there." No
24 mention that he actually had the gun in this story.

25 "Do you recall what you were wearing that night?" "I

1 had on some jeans. I had shoes. It was pretty chilly out
2 there, so I had on my black leather coat." "Do you recall
3 what Maurice was wearing that night?" "He had on an overall
4 suit, black, the kind that you step into, black skull cap."
5 "Did you have a gun that night?" "No. I don't own no gun."
6 Wholly different than what he testified to yesterday.

7 He's confronted with the fact that the witnesses have
8 him with a gun that night and have it -- having it discharge.
9 11:00 he goes over to get weed. Maurice isn't there, so he
10 calls his dear friend on the cell phone that he has
11 memorized. Here is the problem with that story, and I think
12 just about everybody in the courtroom except for maybe
13 Demetrice has figured it out.

14 He talked to Maurice on his cell phone? Maurice didn't
15 even have this cell phone at that point because at 10:58
16 Vincent Nelson, Jr., is sending text messages from inside the
17 home. There was no conversation with Maurice Roberts that
18 night on this cell phone or any other cell phone, because
19 this is the only one Maurice Roberts had, about meeting him
20 by Willis's house, about buying weed, because it is purely
21 and simply impossible for that to have happened, according to
22 the witnesses inside, according to Vincent Nelson, Jr., and
23 according to these text messages themselves.

24 Maurice Roberts did not have the cell phone Demetrice
25 James claims that he called him on. When he was evolving his

1 story, he should have evolved it to having called someone
2 else's story (verbatim), but he was adamant about that
3 yesterday. I called Maurice on his cell phone. I don't
4 remember the number, but I called Maurice on his cell phone
5 because I needed to get weed that night. Talked to Maurice
6 on his cell phone that Maurice didn't even have.

7 The whole crux of his defense is that he didn't know,
8 that he happened upon them because of this cell phone
9 conversation, and it's purely impossible that it happened
10 that way. It's not a mistake. He just didn't think this
11 whole thing through when he was making up a story.

12 He talked to him. "When I saw him over on the side
13 street by Williamsburg" -- because at this point he didn't
14 just see them at the house. He sees them on a side street by
15 Williamsburg. "I paid him \$5 for the blunt. That is when he
16 said Junior was down there at the studio and asked me if I
17 wanted to come, and I said, 'Sure. Let's go.' Me, him, and
18 a light-skinned guy that he was with," because at that point
19 he's still distancing himself, so he's not admitting to
20 having known Deshawn Stevens - I'm sorry - Deshawn McClary
21 like he did yesterday. He's just a light-skinned dude at
22 that point.

23 "Went down the street that was on the side of

24 It was really only about three houses
25 away. We walked down the driveway. That's when I seen

1 Junior right there on the side of the sidewalk smoking a
2 cigarette with another guy. From that point, Little Maurice
3 took off in a sprint. I was still walking, and I didn't know
4 what he was running for.

5 "When he got to the end of the driveway, him and a guy
6 that was by the truck down there got into a tussle. That is
7 when Maurice hit the dude with something. I didn't really
8 see what he had, but he had a motion like he was clutching
9 something when he hit the guy. The dude dropped to the
10 ground and stayed there with his arm over his head. Maurice
11 went towards the door." In this story also there's no
12 mention of Vincent Nelson, Jr., being in with a tussle with
13 anybody outside at that point.

14 "By the time I got down there, Maurice had gone inside."
15 He wasn't being pulled inside like he mentioned the first
16 time, but Maurice had actually just gone inside. "All I
17 could see was him falling out of the door and him trying to
18 swing. That is when I saw the scuffle. I went down to the
19 door and I started to try to help Maurice. That is when I
20 saw his eye was swollen, so I tried to help him.

21 "While I was at the door, I was trying to punch the
22 dudes off of Maurice. When they were trying to pull him in
23 the house, I was trying to pull him out the door by his coat
24 to get him out of the house. After that, they actually
25 pulled him in the house. One of the guys acted like he was

1 trying to close the door, so I put my foot in the door so he
2 couldn't close it."

3 And that is part of the story; right? And it's a little
4 bit out of sequence, but that part of the story is
5 corroborated by Troy and Trent, that once they get them out
6 of the house, right, that somebody's foot comes in the door.
7 This defendant's foot comes in the door and he's pushing in
8 and he has the gun inside the door and he's waving it, right,
9 because if you're pushing your way inside a door, that's how
10 your arm gets caught in a door. Your arm doesn't get caught
11 if you're actually exiting the door because your arms are in
12 front of you. They're not behind you waving a gun around
13 like that. That doesn't happen. That doesn't make any
14 sense. It's not credible.

15 "I started fighting both of the dudes. In the middle of
16 that, I heard a gunshot, and when I heard that, everybody
17 kind of stopped and they started checking themselves to make
18 sure they weren't shot. I was like, 'Oh, snap. Let's go.'
19 When I looked at Maurice, I saw him put a silver pistol back
20 in his overall jumpsuit."

21 The first time -- this is when he starts acknowledging
22 having seen a gun that night. "I'm not sure what color the
23 handle was, but I think it was black. After that, we got
24 outside the house. Everybody was kind of taking off at that
25 time. Little Maurice was kind of lagging behind. I saw him

1 standing over a dude that looked like the same guy he had hit
2 earlier that was in the driveway. The guy still had his arm
3 over his head. I was kind of taking off saying, 'Let's go.
4 Let's go.' I heard the gunshots and saw the flash from the
5 gun." The first time he's mentioned this. "The flash came
6 from Maurice's gun where he was still standing over the guy."
7 "Was the guy in the driveway when Maurice shot him?" "The
8 guy was in the driveway with his arm over his head laying on
9 his back when Maurice shot the guy. I don't know who said
10 it, but I heard" -- and it has this language here.

11 "Do they say that after the shots?" "Yeah, I heard it
12 after a couple of shots. I heard it loud down the street.
13 It was angry like." And you have the rest of his statement.
14 I'm not going to go over that with you. You'll have it back
15 there. That's his evolving story which is totally different
16 from the story that he told here yesterday and which is
17 completely refuted by the cell phone records and this cell
18 phone that Vincent Nelson, Jr., had.

19 This case, ladies and gentlemen, like any other case
20 that is tried in this courthouse, including the State versus
21 Maurice Roberts, comes down to credibility. Who do you
22 believe? You either believe one of this defendant's five or
23 six versions of the facts, whichever one he chooses to put
24 forth, all of which is contradicted by the evidence in this
25 case, or you believe the corroborated, credible testimony of

1 the witnesses in this case. And if you believe the
2 defendant's version of events, it is your duty to let him go,
3 to find him not guilty of all of those crimes. Give him his
4 jacket back. Send him and his camo on its way. Walk him out
5 of this courthouse.

6 If, on the other hand, you believe the corroborated,
7 credible evidence, the eyewitness testimony, the cell phone
8 records, hold him accountable for what he and his co-
9 defendants chose to do that night. Find him guilty of two
10 counts of attempted murder, one count of attempted armed
11 robbery, one count of burglary in the first degree, and one
12 count of murder in the killing of Brandon Jones. Thank you
13 very much. I appreciate your attention.

14 **The Court:** Ms. Walker, remove this stand.

15 **Ms. Meghan Walker:** Yes, Your Honor.

16 **The Court:** Members of the jury, I appreciate the
17 attention you've given to everybody: The witnesses, the
18 attorneys, and myself and the court staff during this trial.
19 It's now my duty to charge you on the law that you are to
20 apply to the charges and to the facts in this case.

21 As you've heard, Mr. James is charged with attempted
22 armed robbery, burglary, two counts of attempted murder, and
23 a charge of murder. The attempted murder victims are
24 Scott -- Trenton Scott and Joshua Williams. The alleged
25 murder victim is Brandon Jones. And the burglary and the

1 attempted armed robbery is alleged to have occurred at the
2 address on here in Richland County.

3 These indictments, which you will have in the jury room
4 with you, are not evidence. They simply contain the charges
5 against Mr. James. The way our system works is if someone is
6 charged -- or thought to have committed an offense, they are
7 arrested, charged. Their case is processed, they are
8 indicted, and they go to trial. The indictment contains the
9 charges which is not evidence, and it also will be ultimately
10 where the jury's verdict, unanimous verdict, will be enrolled
11 and kept as a record.

12 The fact that there are more than one charge, the fact
13 that there are five charges, is of no moment. That is,
14 you're not to weigh this case based on the number of charges,
15 but you are to examine each charge on its own. That is, the
16 State has a duty, as I will go over momentarily, to prove a
17 charge beyond a reasonable doubt, and that goes as to each
18 charge. You may convict Mr. James on one or more of the
19 charges or you may acquit him on one or more of the charges.

20 Mr. James, like anyone charged with any offense in our
21 legal system, is presumed innocent of the charge against him.
22 This presumption of innocence attached to Mr. James at the
23 time of his arrest, has remained with him as this case has
24 processed through our court system, and at this moment
25 remains with him.

1 The presumption of innocence in Mr. James' favor is
2 removed if and when and only if and when you determine that
3 the State has proven his guilt beyond a reasonable doubt.
4 That is, the presumption of innocence remains with him as you
5 deliberate, and only if you determine unanimously that he is
6 guilty of one or more of the offenses will that presumption
7 of innocence be removed.

8 Now, the presumption of innocence is a substantial
9 right. It's not just a legal theory or a legal phrase. It
10 is a substantial right that, as I said, inures to anyone
11 charged with any offense and in this case a charge -- it
12 inures to the benefit of Mr. James. That presumption of
13 innocence is removed only if the State proves as to a charge
14 his guilt beyond a reasonable doubt.

15 Our courts have described a reasonable doubt as the kind
16 of doubt that would cause a reasonable person to hesitate to
17 act. Proof beyond a reasonable doubt is proof that leaves
18 you firmly convinced of someone's guilt. There are, of
19 course, very few things in our world that we can know with
20 absolute certainty, and our law does not require that in
21 cases such as this.

22 If, based on your consideration of the evidence, you're
23 firmly convinced that Mr. James is guilty of one or more of
24 the charges, you would find him guilty. On the other hand,
25 if you think there's a real possibility that he is not guilty

1 as to one or more of the charges, you would give him the
2 benefit of that doubt and find him not guilty. He is
3 entitled to any reasonable doubt you have as to any issue in
4 this case.

5 I remind you that I'm the sole judge of the law in this
6 case, and you must take, accept, and apply the law as I
7 charge it. This is true even if you think I charged the law
8 in error or even if you think the law should be different.
9 Your oath requires you to take, accept, and apply the law as
10 I charge it.

11 You're not to infer from anything I have said or done at
12 any time during this trial or anything I now say or do as
13 indicating an opinion of mine on the facts. Our law does not
14 allow a trial judge to formulate or express to a jury any
15 opinion on the facts. It is solely your duty to examine the
16 evidence and give to the evidence the effect, the value, the
17 weight, and the truth you believe it should have. In doing
18 this, you may believe one witness as opposed to several or
19 several witnesses as opposed to one. You may believe all,
20 part, or none of a witness's testimony. In analyzing the
21 evidence, use your common sense, your sense of logic, your
22 sense of reason, and use your experiences in life.

23 As judges of the facts, you necessarily must use the --
24 must view and determine the believability and the credibility
25 of the witnesses who have testified. In assessing

1 credibility, use the things I have just talked to you about.
2 Use the things that you find in your day-to-day life as
3 indicating truthfulness in individuals, and you can use
4 certain evaluators: Whether a witness is hesitant or
5 straightforward. Look at consistencies or consistencies
6 (verbatim) in a witness's testimony when compared with
7 earlier statements or within the testimony given here at
8 trial. You can look at any bias or prejudice a witness may
9 have, that is, whether a witness would wish to help or hurt
10 one side or the other. You may look at and consider the
11 opportunity the witness had to actually know those things
12 about which they testified. And you may consider in the
13 matter of credibility whether an individual has any criminal
14 record.

15 In this case we've had some individuals who were
16 qualified to testify as experts. I told you then and remind
17 you that generally individuals can only testify as to
18 something they've observed with one of their five senses.
19 However, where an individual has certain training,
20 experience, education, that person can take facts and from
21 those facts render an opinion. These opinions of experts are
22 allowed into evidence to assist you. They're not binding on
23 you. You can accept them or you can reject them, in whole or
24 in part.

25 Now, you look at these experts who have testified sort

1 of through the same lens as you look at any witness. You
2 judge their credibility. You use the same factors that I've
3 talked about. In addition as to an expert, even though I
4 qualified them as an expert, you determine whether you think
5 they had the expertise to render the opinion they reached,
6 and you may also consider whether or not or you may look at
7 the reasons they gave for reaching the opinion they reached.
8 Again, their testimony is allowed into evidence to assist you
9 and is not binding on you.

10 An issue in this case is the identification of Mr. James
11 as the person who committed these offenses. The State has
12 the burden of proving the identity of an individual charged
13 beyond a reasonable doubt. You must be satisfied beyond a
14 reasonable doubt of the accuracy of the identification of the
15 defendant, Mr. James, before you may convict him.

16 Identification testimony is an expression of a belief or
17 impression by a witness. You must determine the accuracy of
18 the identification of the defendant. You must consider the
19 believability of each identification witness in the same way
20 you look at all other witnesses, as I have already talked
21 about.

22 You may consider whether the witness had an adequate
23 opportunity to observe the offender at the time of the
24 offense. This will be affected by things like how long or
25 short a time was involved during the incident, how far or

1 close the witness was to the alleged offender at the time of
2 the incident, the lighting conditions there. And I instruct
3 you that the burden of proof extends to the State as to every
4 element, as I have told you earlier, including and
5 specifically including the burden of proving beyond a
6 reasonable doubt the identity of Mr. James as the person who
7 committed these alleged offenses. If, after examining the
8 testimony, you have a reasonable doubt as to the accuracy of
9 the identification, you would give that benefit of the doubt
10 to Mr. James and find him not guilty.

11 There are two types of evidence that are generally
12 presented in trials such as this: Direct and circumstantial.
13 Direct evidence is evidence which directly proves the
14 existence of a fact and does not require deduction.
15 Circumstantial evidence is proof of a chain of facts and
16 circumstances which indicate the existence of a fact. Crimes
17 may be proven by circumstantial evidence. Our law makes no
18 distinction between the weight or value to be given either
19 direct or circumstantial evidence. However, to the extent
20 the State relies on circumstantial evidence, all of the
21 circumstances must be consistent with each other and, when
22 taken together, point conclusively to the guilt of the
23 accused beyond a reasonable doubt.

24 If these circumstances merely portray the defendant's
25 behavior as suspicious, that proof has failed. The State has

1 the burden of proving a defendant's guilt beyond a reasonable
2 doubt, and this burden rests with the State, whether it
3 relies on direct, circumstantial -- direct evidence,
4 circumstantial evidence, or a combination of the two.

5 In this case there have been statements discussed and
6 introduced made allegedly by Mr. James. I earlier admitted
7 these. They are now -- even though I have admitted them into
8 evidence, I instruct you that the ultimate decision of
9 whether or not he made -- whether or not Mr. James, in fact,
10 made those statements and whether he made them freely and
11 voluntarily is up to you to determine beyond a reasonable
12 doubt.

13 You must determine that he made the statements and that
14 they were made voluntarily and of his own free will. This
15 means that any statement given was not caused by pressure,
16 force, fear, threats, coercion or intimidation or by hope or
17 promise of leniency or a reward of any kind.

18 In determining whether a statement was voluntary, you
19 may consider the characteristics of the defendant and the
20 details of the questioning. Some of the things and factors
21 you may consider are the defendant's age -- and sometimes I
22 say Mr. James and sometimes I use the word defendant, but, of
23 course, Mr. James is the defendant. The age of the
24 defendant, the education level or lack of education of a
25 defendant, the defendant's mental ability or capacity, his

1 I.Q. or intelligence, his background and environment.

2 You may also consider the place and length of the
3 detention, the nature of the question, and you may consider
4 the advice or lack thereof to him of his constitutional
5 rights including, but not limited to, the right to remain
6 silent, the right or the acknowledgment by the State that any
7 statement he made could be used against him in a court of
8 law, the right to have an attorney present and that if he
9 could not afford one that the State would appoint an attorney
10 to represent him without cost to him and that he could stop
11 making a statement at any time.

12 You must consider all of the surrounding circumstances
13 before you can give any weight at all to an alleged
14 statement. The State has the burden of proving beyond a
15 reasonable doubt that the alleged statement was given by Mr.
16 James and was given voluntarily.

17 If you determine it was, you may give a statement such
18 further consideration as you deem proper and appropriate.
19 You, as the trial jury in this case, must decide what weight,
20 if any, should be given to an alleged statement. If you
21 determine the alleged statement was not the free and
22 voluntary statement of Mr. James, you would not consider the
23 statement at all.

24 You've heard the attorneys mention the legal theory of
25 the hand of one is the hand of all. It is a viable, legal

1 principle in our law. If a crime is committed by two or more
2 people who are acting together in committing a crime, the act
3 of one is the act of all. A person who joins with another to
4 commit an unlawful act is criminally responsible for
5 everything done by the other person which happens as a
6 probable or natural consequence of the acts done in carrying
7 out the common plan or purpose. If two or more people are
8 acting together, assisting each other in committing an
9 offense, the act of one is the act of all or, as I've said
10 and it's been referred to, the hand of one is the hand of
11 all.

12 Prior knowledge that a crime is going to be committed
13 without more is not sufficient to make a person guilty of
14 that crime. Mere knowledge that another person is going to
15 commit a crime, even if the defendant is present when the
16 crime is committed, is not sufficient to convict one as a
17 principal.

18 Guilt as a principal, that is, under the-hand-of-one-is-
19 the-hand-of-all concept, is shown by actual or constructive
20 presence at the scene where the incident occurred as a result
21 of prior arrangement. Therefore, a finding of a prior
22 arranged plan or a common scheme is necessary for a finding
23 of guilt as a principal. The State must prove beyond a
24 reasonable doubt by competent evidence the theory of the hand
25 of one is the hand of all.

1 A principal in a crime is one who either actually
2 commits the crime or who is present aiding, abetting, or
3 assisting in committing the crime. When a person does an act
4 in the presence of and with the assistance of another, the
5 act is done by both. Where two or more acting with a common
6 plan or intent are present at the commission of a crime, it
7 does not matter who actually commits the crime. All are
8 guilty. The hand of one is the hand of all.

9 Present at the commission of a crime means to be
10 sufficiently near to aid and abet and assist in the
11 commission of the crime. However, mere presence by one at
12 the scene of a crime is not alone sufficient to convict one
13 as a principal on this theory of aiding and abetting.

14 Intent is also a necessary element, for there must have
15 been a common decision or intent to commit the crime and the
16 crime must have been committed pursuant thereto with the
17 person aiding and abetting by some overt act. Intent means
18 intending the results which actually occurred. Intention --
19 intent means something that is not accidental or
20 involuntarily. Intent may be shown by acts or other
21 circumstances or the conduct of the defendant from which you
22 may naturally and reasonably infer intent, and the State must
23 prove these elements beyond a reasonable doubt.

24 As I said, a person at the scene of the crime who was
25 present and intentionally or through a common plan aided,

1 abetted or assisted in the commission of that crime through
2 some overt act is guilty as an accomplice. To be liable as
3 an accomplice, one must have knowledge of the principal's
4 criminal conduct. Again, mere presence at the scene where a
5 crime is alleged to have occurred is not sufficient to
6 establish guilt as an accomplice.

7 The defendant is charged with murder. As to this
8 charge, the State must prove beyond a reasonable doubt that
9 the defendant killed another person with malice aforethought.
10 Malice is hatred, ill will or hostility towards another
11 person. Malice is the intentional doing of a wrongful act
12 without just cause or excuse and with an intent to inflict an
13 injury or under circumstances from which the law would infer
14 an evil intent.

15 Malice aforethought does not require that malice exist
16 for any particular time before an act is committed, but
17 malice must exist in the mind of the defendant just before
18 and at the time the act is committed. Therefore, there must
19 be a combination of a previous evil intent and the act.

20 Malice aforethought may be express or inferred. These
21 terms "express" and "inferred" do not mean different kinds of
22 malice but merely the manner in which malice may be shown to
23 exist, that is, either by direct evidence or by inference
24 from the facts and circumstances which are proven.

25 Express malice is shown when a person speaks words which

1 express hatred or ill will for another or when the person
2 prepared beforehand to do the act which was later
3 accomplished. Malice may be inferred from conduct showing a
4 total disregard for human life, and as to the charge of
5 murder, inferred malice may also arise when the deed is done
6 with a deadly weapon.

7 This inference of malice which arises from a deadly
8 weapon applies only to murder, not to any of the other
9 charges. A deadly weapon is an article, instrument or
10 substance which is likely to cause death or great bodily
11 harm. Whether something has been used as a deadly weapon
12 depends on the facts of the case, and the inference that
13 arises from the showing of a total disregard for human life
14 or from the use of a deadly weapon are just that: They are
15 inferences to be taken into consideration by you along with
16 the other evidence in the case.

17 If one intentionally kills another during the commission
18 of a felony, that falls under what is called the Felony
19 Murder Doctrine. Where one kills another during the
20 commission of a felony, the inference of malice may arise.
21 If facts are proven beyond a reasonable doubt sufficient to
22 raise an inference of malice to your satisfaction, this
23 inference would be simply an evidentiary fact to be taken
24 into consideration by you, along with other evidence in this
25 case, and you may give it the weight that you -- that you

1 decide it should receive.

2 As I said, this is called the felony murder inference,
3 and it arises from the commission of a felony and burglary
4 first, armed robbery -- burglary first and attempted armed
5 robbery and attempted murder are felonies. This inference of
6 malice that arises from the use of a deadly weapon, as I just
7 mentioned, applies only to the charge of murder. It does not
8 apply, as I said, to the other four charges. And I remind
9 you that you may accept or reject the inference.

10 The second charge I'm going over is first degree
11 burglary. Mr. James is charged with first degree burglary.
12 Here the State must prove beyond a reasonable doubt that he
13 entered a dwelling without consent. A dwelling is described
14 by our law for the purposes of burglary as any building or a
15 portion of a building in which a person ordinarily sleeps.

16 In order to prove that the defendant entered the
17 dwelling, the State does not have to show that his entire
18 body actually entered the dwelling. The smallest entry is
19 sufficient. It may be any part of a body such as a hand or a
20 foot. In addition, the State does not have to prove that
21 force was used to gain entry.

22 Next, the State must prove beyond a reasonable doubt
23 that the defendant intended to commit a crime, either a
24 felony or a misdemeanor, at the time of the entry into the
25 dwelling. The mere entry into a dwelling without consent

1 alone is not burglary. If the intent to commit a crime was
2 formed after the entry, it is not a burglary.

3 On the other hand, if the defendant intended to commit a
4 crime at the time of the entry, it is a burglary even if the
5 intent was abandoned after the entry. It does not matter
6 that the intended crime was not completed. Intent may be
7 shown by acts and conduct of a defendant and other
8 circumstances from which you may naturally and reasonably
9 infer intent.

10 Next, the State must prove -- and finally the State must
11 prove beyond a reasonable doubt at least one of the following
12 circumstances: The State does not have to prove all but only
13 one of these circumstances. One, that while entering or
14 while in the dwelling or when fleeing the dwelling, the
15 defendant or an accomplice was armed with a deadly weapon.
16 As I told you, a deadly weapon is any article or instrument
17 which is likely to cause death or great bodily harm. Whether
18 an instrument was used as a deadly weapon depends on the
19 facts and circumstances of each case.

20 Second, when entering, while in the dwelling or when
21 fleeing, the defendant or an accomplice caused physical
22 injury to anyone not participating in the crime. Third, when
23 entering, while in the dwelling or when fleeing, the
24 defendant or an accomplice displayed what appeared to be a
25 knife or a firearm. Or, finally, the defendant entered or

1 remained in the dwelling in the nighttime. Nighttime is the
2 period between sunset and sunrise during which there's not
3 enough daylight to recognize a person's face except by
4 artificial light or moonlight. The State, of course, must
5 prove burglary beyond a reasonable doubt.

6 The next charges as to attempted armed robbery and
7 attempted murder are, of course, attempts. An attempt is an
8 effort to accomplish a crime which does not succeed. An
9 attempt includes a specific intent to do a particular
10 criminal act along with an act falling short of the intended
11 act.

12 The State must show more than mere preparation and
13 intent. There must be some overt act committed in an effort
14 to commit the crime. Intent again means something that is
15 not accidental or involuntarily. It is something that
16 actually occurs. Intent may be shown by acts and conducts of
17 a defendant and from other circumstances from which you may
18 naturally and reasonably infer intent.

19 As to the charge of armed robbery, in order to prove
20 this offense, the State must first prove beyond a reasonable
21 doubt that the defendant attempted to take personal property
22 from the person or residence of another person. Property is
23 in the presence of a person when it is within that person's
24 reach, inspection, observation or control so that the person
25 could, if not overcome by violence or prevented by fear, keep

1 possession of that property.

2 The State must prove beyond a reasonable doubt that Mr.
3 James attempted to carry the property away, intending to
4 permanently deprive the owner of the property and to keep the
5 property from -- for his own use. The attempt to take and
6 carry away property must have been done with violence in --
7 with violence, I'm sorry, or by putting the owner of the
8 property in fear of violence. Finally, the State must prove
9 beyond a reasonable doubt that the defendant was armed with a
10 deadly weapon during the robbery.

11 I define a deadly article -- deadly weapon for you as
12 any article or substance likely to cause great death or
13 bodily harm. The State must prove the elements of armed
14 robbery beyond a reasonable doubt.

15 Now, there are two charges of attempted murder, one for
16 Mr. Scott and one for Mr. James -- Joshua Williams. Trenton
17 Scott and, yeah, Joshua Williams. Here the State must prove
18 that Mr. James attempted to kill another person with malice
19 aforethought, either express or implied, and I have already
20 defined for you malice.

21 I tell you at this time that as to malice in this
22 regard, there is no -- you're not allowed to draw any
23 inference from the use of a deadly weapon. That applies
24 again -- I know I'm repeating it. That inference can only be
25 applied, if you determine to apply it at all, as to the

1 charge of murder.

2 As to an attempt to commit murder, a specific intent to
3 kill is not an element of attempted murder, but there must be
4 a general intent to commit serious bodily injury. Intent
5 means intending the results. As I have said, something that
6 is not accidental or involuntary.

7 Intent may be shown by acts and conducts of the
8 defendant and from other circumstances from which you may
9 naturally and reasonably infer intent. Evidence of the
10 character of the act, the character of the instrument used in
11 the act, the manner in which it was used, the purpose to be
12 accomplished and any resulting wounds or injuries may be
13 considered in determining the intent with which an act was
14 committed. Intent may also be inferred when it is
15 demonstrated that the defendant voluntarily and willfully
16 committed an act, the natural tendency of which is to destroy
17 another person's life. Now, of course, the State has to
18 prove that beyond a reasonable doubt, the elements of
19 armed -- of attempted murder.

20 Now, as to attempted murder, there are -- there is what
21 is known as a lesser included offense. That is, he is
22 charged with attempted murder. By our law, there is a second
23 lower level offense. I look at it like stairs. The top step
24 would be that with which he is charged: Attempted murder.
25 You step down one step lower or to a less serious charge.

1 That would be for your consideration, as I'll charge it to
2 you in just a moment, whether or not the State has failed to
3 prove Mr. James guilty of attempted murder but has proven him
4 guilty of assault and battery of a high and aggravated
5 nature.

6 A person commits the offense of assault and battery of a
7 high and aggravated nature if that person unlawfully injures
8 another person and the act is accomplished by means likely to
9 produce death or great bodily injury. Great bodily injury
10 means bodily injury which causes a substantial risk of death
11 or which causes serious permanent disfigurement or a
12 protracted loss or impairment of the function of a bodily
13 member or organ.

14 An assault is an unlawful attempt or offer to commit a
15 violent injury to another person, and it is committed when a
16 person has the ability to follow through on the attempt. An
17 assault is the intentional creation of a reasonable fear of
18 immediate bodily harm in another. It is not necessary that
19 the attempted injury or harm actually take place.

20 My best example of an assault is: If I'm struck --
21 close enough to strike you and I rare back my fist in an
22 angry manner and I'm close enough to put you in fear of being
23 hit, I have assaulted you. A battery is the unlawful
24 touching of another person by a person who has committed the
25 assault. An unlawful touching can be caused by a part of the

1 accused's body or any object the accused puts in motion. A
2 battery is the completion of the assault by using or applying
3 force to another person, however slight, in a rude, angry or
4 resentful manner without legal justification for doing so.

5 Using my earlier example, if I rare back and I'm close
6 enough and I've assaulted you and followed through and
7 actually made contact with you, I have assaulted you and I
8 have committed a battery by touching you. The State must
9 prove assault and battery as to this lesser charge and that
10 it was accomplished by means likely to produce death or great
11 bodily injury before you could convict Mr. James of those
12 lesser -- that lesser included offense.

13 Your verdict must be unanimous. All 12 jurors must
14 agree. Mr. Foreman, you will preside over the jury's
15 deliberation and ultimately sign on behalf of the jury a
16 unanimous verdict. Your verdict cannot be based on sympathy,
17 passion, public opinion or matters outside the record.

18 While you're deliberating, if you have questions, write
19 them down and send them out by the bailiff. I will go over
20 any message I receive from you with the attorneys. I will
21 reply -- it may be that I can write an answer on the note.
22 If that is the case, I'll send it back in and, Mr. Foreman,
23 if you'll turn any notes that you get back from me in with
24 the evidence, because they have to be part of the record. It
25 may be that I'll have to bring you back out here into open

1 court and answer a question, if you have any.

2 We do not have a written charge to send in to you, but
3 if you wish me to go over any part or all of my charge on the
4 law, let me know and I will bring you back out here in open
5 court and recharge whatever part of the law you wish me to.
6 We also can have testimony read back or replayed if you wish.
7 Just let us know. If you do that, please let us know with as
8 much particularity as you can as to what you want to hear
9 because there's an awful lot to go through to isolate it, but
10 we can do it.

11 When you have reached your verdict, knock on the door
12 and tell the bailiff. The bailiff will come and get us, and
13 as soon as we're available - and we're not starting anything
14 else on Friday afternoon - so I'll be able to send for you
15 promptly once you've reached a verdict.

16 Lunch should be here in just a few minutes. You can
17 work during lunch or you can take a break during lunch.
18 However, since your verdict must be unanimous, all 12 of you
19 are working or all 12 of you are on break. So that's --
20 that's -- that's up to you at this time.

21 Now, when you first go out, everybody but Mr. Harmon --
22 who will remain with us as the alternate; I'll be with you
23 more in just a moment. Do not yet start deliberating. I
24 have to go over my charge with the attorneys. If I have made
25 an error, left anything out or misstated something, I'll have

1 to bring you back in and correct it here in open court. So
2 don't start deliberating until the bailiff tells you.

3 The key to your starting deliberation will be when the
4 bailiff arrives and tells you to start deliberating and turns
5 over to you the exhibits in this case, but don't start
6 deliberating until we reach that point. And don't -- when
7 you go in this time, don't get too comfortable or don't start
8 eating lunch because if I have to send for you, it will be
9 pretty promptly. So follow the bailiffs out at this time.

10 Oh, whoa, whoa, whoa. I'm getting ahead of myself. I
11 apologize. Let me do this.

12 Mr. Foreman, you will enroll the jury's verdict. On the
13 burglary indictment, the attempted armed robbery and the
14 murder, you'll simply use the indictments. On the bottom
15 part of the indictment on the back left at the bottom, you
16 will see the word "verdict" and there are four lines below
17 it. The bottom line is for your signature, and you will sign
18 that and date it. And on one of the other lines above your
19 name as to these three indictments, you will write the jury's
20 unanimous verdict. If that is that you find unanimously the
21 State has failed to prove Mr. James' guilt as to an offense,
22 you would write the two words "not guilty." If, on the other
23 hand, the jury unanimously determines that the State has
24 proven Mr. James guilty of an offense, you would write the
25 one word "guilty."

1 As to the attempted murder charge, as I told you, there
2 were lesser includeds, so I have verdict forms. They have
3 three options on them, and the order the options are in is of
4 no importance. I always put them in this order.

5 If the State has proven Mr. James guilty of
6 attempted armed - I'm sorry - attempted murder, attempted
7 murder, you would use the first line on that verdict form and
8 just put a check or an X. If the State has failed to prove
9 attempted murder beyond a reasonable doubt but has to the
10 unanimous satisfaction of the jury proven the defendant
11 guilty of assault and battery of a high and aggravated
12 nature, you would put an X. or a check in the second line
13 which simply says that. If you find the State has failed to
14 prove his guilt as to either of those offenses, you would put
15 an X. or a check on the final line that says, "We find the
16 defendant not guilty," and, again, that has to do with the
17 two attempted murder charges, and there is a place for you to
18 sign and date on that. Now I'll let you go in, but don't
19 start deliberating.

20 (Whereupon, the jury was excused from open court at
21 1:08 p.m.)

22 **The Court:** You can just have a seat. I'll be with you
23 in just a minute. Anything from the State regarding the
24 charge?

25 **Ms. Simpson:** No, Your Honor.

1 **The Court:** Anything from the defense?

2 **Ms. Pinnock:** Your Honor, just renewing our previous
3 objections that we discussed before you gave the charge.

4 **The Court:** Okay. So you're just renewing the
5 exceptions---

6 **Ms. Pinnock:** Yes, sir.

7 **The Court:** ---that you made prior to the charge.

8 **Ms. Pinnock:** Yes, sir.

9 **The Court:** Okay. Well, check the verdict forms and the
10 indictments and the exhibits, and we'll send them in and
11 allow them to start deliberating. We'll check things first.

12 (The alternate is excused from the trial.)

13 **Ms. Anastasia Walker:** Your Honor, we did have one issue
14 with multiple exhibits going back to the jury. Regarding the
15 line-up -- I'll wait until the door is closed.

16 **The Court:** Okay. All right. Yes, ma'am.

17 **Ms. Anastasia Walker:** Just regarding the line-ups,
18 we've made such painstaking efforts to keep the jury from
19 knowing that Mr. James is in jail regarding shackling and
20 dressing him for trial. Regarding the line-ups, they all
21 have the jail website that's indicated at the bottom of them,
22 and as I argued before, they are obviously mugshots. That
23 would be my only concern about pieces of evidence going back
24 to the jury.

25 **The Court:** Well, they're in evidence, so they go back.

1 And I don't think, even if they wanted to, that I could allow
2 the State to alter any evidence by whiting out what's on
3 there. So I rule that they're in, either right or wrong. So
4 they do go back.

5 **Ms. Anastasia Walker:** Certainly, Your Honor.

6 **The Court:** All right. Be at ease. Just make sure we
7 know -- my clerk knows how to get in touch with you.

8 (Whereupon, the jury began deliberating at 1:28 p.m.)

9 **The Court:** Take your seats. We need to get Mr. James
10 in, so we'll need a minute.

11 (Pause in proceedings.)

12 **The Court:** We have a note from the jury that they want
13 me to recharge the hand of one is the hand of all. So we'll
14 bring in the jury and do that.

15 (Whereupon, the jury was brought into open court at
16 3:03 p.m.)

17 **The Court:** Members of the jury panel, I received your
18 note and I appreciate it. I'm going to recharge you what I
19 told you about this legal theory, legal principle. More than
20 a theory, it's a principle: The hand of one is the hand of
21 all. And that's just sort of a catchy name that's been given
22 to it. It's sometimes referred to as accomplice liability.

23 Where a crime is committed by two or more people who are
24 acting together in committing the crime, the act of one is
25 the act of all. A person who joins with another to commit an

1 unlawful act is criminally responsible for everything done by
2 the other person which happens as a probable or natural
3 consequence of the acts done in carrying out the common plan
4 or purpose.

5 If two or more people are acting together -- the two or
6 more people are together, acting together, assisting each
7 other in committing an offense, the act of one is the act of
8 all. Again, as I said, we call that principle the hand of
9 one is the hand of all.

10 Prior knowledge that a crime is going to be committed
11 without more is not sufficient to make a person guilty of the
12 crime under that principle. Mere knowledge that another
13 person is going to commit a crime, even if the defendant is
14 present when the crime is committed, is not sufficient to
15 convict the defendant as a principal. Guilt as a principal
16 is shown by actual or constructive presence at the scene as a
17 result of a prior arrangement. Therefore, a finding of a
18 prior arrangement of a common scheme is necessary for a
19 finding of one guilty as a principal under this principle.

20 The State must prove beyond a reasonable doubt by
21 competent evidence the theory of the hand of one is the hand
22 of all. A principal in a crime is one who either actually
23 commits the crime or who is present aiding, abetting or
24 assisting in committing the crime. When a person does an act
25 in the presence of and with the assistance of another, the

1 act is done by both.

2 Where two or more acting with a common plan or intent
3 are present at the commission of a crime, it does not matter
4 who actually commits the crime. All are guilty. The hand of
5 one is considered the hand of all. Present at the commission
6 of a crime means to be sufficiently near to aid, abet, and
7 assist in the commission of the crime. However, one's mere
8 presence at the scene of a crime is not sufficient to convict
9 one as a principal under the theory of aiding, abetting, and
10 assisting.

11 Intent is a necessary element also. There must have
12 been a common design or intent to commit a crime, and the
13 crime must have been committed pursuant thereto with the
14 person aiding and abetting by some overt act, that is, the
15 person who is thought to be held under this principle.
16 Intent meaning intending the result which actually occurs.
17 Something intentional is something that's not accidental or
18 involuntary. Intent may be shown by acts and conducts --
19 acts and conduct of the defendant and other circumstances in
20 which you may naturally and reasonably infer intent. The
21 State must prove these elements beyond a reasonable doubt.

22 A person who is present at the scene of a crime and
23 intentionally or through a common plan aided, abetted, or
24 assisted in the commission of that crime through some overt
25 act is guilty as an accomplice. To be liable as an

1 accomplice, the defendant must have knowledge of the
2 principal's criminal conduct. Mere presence, as I've said,
3 at the scene of a crime is not sufficient to establish guilt
4 as an accomplice.

5 Again, I told you what the term intent means. That is,
6 something that's not accidental but is something that's
7 willful. So I'm going to let you go back and continue to
8 deliberate.

9 (Whereupon, the jury was excused from open court to
10 resume deliberations at 3:09 p.m.)

11 **The Court:** All right. Anything from the State?

12 **Ms. Meghan Walker:** Nothing from the State, Your Honor.

13 **The Court:** Anything from the defense?

14 **Ms. Anastasia Walker:** Nothing from the defense, Your
15 Honor.

16 **The Court:** Thank you. We'll be back at ease, and I'm
17 going to make the note a Court's Exhibit.

18 (Pause in proceedings while the jury continues to
19 deliberate. Court's Exhibit 2 was marked for identification
20 only.)

21 **The Court:** Counsel and Mr. James are present. We
22 received a note from the jury that indicates that they have
23 reached unanimous verdicts on all but one of the charges and
24 are deadlocked on that one. I'm going to bring them in and
25 give them an Allen charge regarding the request basically

1 that they try to resolve the last one. Any comments before
2 the jury comes in? From the State?

3 **Ms. Meghan Walker:** None from the State, Your Honor.

4 **The Court:** Any from the defense?

5 **Ms. Anastasia Walker:** Beg the Court's indulgence.
6 Nothing from the defense, Your Honor.

7 **The Court:** Okay. All right. Bring in the jury.

8 (Whereupon, the jury was brought into open court at
9 5:09 p.m.)

10 **The Court:** Members of the jury panel, I've got your
11 note and I appreciate you sending it out. You've worked
12 awful hard for a good period of time. Keeping in mind, of
13 course, that we do -- your verdict must be unanimous, which
14 you've indicated you have reached some unanimous verdicts.

15 I'm going to, in just a minute, ask you to continue to
16 try to resolve the remaining matter. When matters are in
17 dispute, it's hard for two people to agree, let alone 12. In
18 most cases, absolute certainty cannot be required. However,
19 jurors have a duty to make every reasonable effort to reach a
20 unanimous verdict.

21 In considering what verdict to reach, you should consult
22 with each other, express your own views, and listen to the
23 opinions of your fellow jurors. Tell each other how you feel
24 and why you feel the way you feel and discuss your
25 differences with open minds. Although the verdict must be

1 unanimous, every one of you has a right to your own opinion.
2 The verdict you agree on must be, in addition to a unanimous
3 verdict, must be your own verdict, the result of your own
4 conviction, and you should not give up any firmly-held belief
5 merely to be in agreement with your fellow jurors.

6 The majority should consider the minority's opinion, and
7 the minority should consider the majority's position. You
8 should carefully consider and respect the opinions of each
9 other and reevaluate your positions for reasonableness,
10 correctness, and impartiality. You must lay aside all
11 outside matters and reexamine the questions before you based
12 on the law and the evidence in the case.

13 If you do not or are unable to agree on a verdict in
14 this case, I -- as to that charge, there would be a mistrial
15 and that means that someone in the future, another jury
16 panel, would sit where you are, hear probably the same
17 witnesses - it would probably be a different judge - and the
18 same lawyers would basically ask the same questions, make the
19 same arguments, and send a different jury to the -- to the
20 jury room to deliberate. We are not asking that the jury
21 return a verdict for the sake of convenience, but I am asking
22 that you continue to deliberate based on what I have been
23 talking to you about at this point.

24 Again, any future jury will be selected just as you, and
25 there's no reason to believe that any wiser, more competent,

1 more conscientious jurors would not be seated than what we
2 already have here. So I'm going to ask that you continue to
3 deliberate at this time, and let me know how you progress.
4 Thank you.

5 (Whereupon, the jury was excused from open court to
6 resume deliberations at 5:15 p.m. Court's Exhibit 3 was
7 marked for identification only.)

8 **The Court:** Anything from the State?

9 **Ms. Meghan Walker:** Nothing from the State, Your Honor.

10 **The Court:** Defense?

11 **Ms. Anastasia Walker:** Nothing from the defense, Your
12 Honor.

13 **The Court:** All right. We'll be at ease again.

14 (Pause in proceedings while the jury continues to
15 deliberate. Court's Exhibit 4 was marked for identification
16 only.)

17 **The Court:** Let's come to order. We've gotten a note
18 from the jury. They want to know whether the hand of all
19 applies to murder and also they want a copy of the one
20 hand -- the hand of one is the hand of all. And so I'm going
21 to bring them in and I'm going to recharge them on the --
22 what we -- what you do with multiple charges, and I'm going
23 to recharge them on hand of one/hand of all.

24 The State has asked - and I'll let them put on the
25 record - that I recharge, since they mentioned murder in the

1 note, that I recharge the entire charge on murder, but I
2 don't believe -- I know I'm not going to do that, but do you
3 want to say anything about that?

4 **Ms. Meghan Walker:** Yes, Your Honor. Just the note that
5 the jury sent out in its entirety specifically talks about
6 how this charge is tied specifically to the murder charge.
7 So I think if you just charge them simply on a portion of the
8 charge as opposed to actually applying the charge -- applying
9 hand of one/hand of all to the question that they asked -- to
10 the charge that they asked about, I think it kind of dissects
11 the question a little bit and allows -- and can be confusing
12 and misleading to the jury.

13 So in order to kind of put that question, Your Honor, or
14 the answer to that question, rather, in proper context, I
15 think it would be important to frame that so that you are
16 answering that hand of one/hand of all question as it applies
17 to the charge that they asked about. And that's what we
18 request of Your Honor, and we understand your ruling.

19 **The Court:** All right. Anything from the defense?

20 **Ms. Anastasia Walker:** No, Your Honor. We would just
21 obviously disagree.

22 **The Court:** Yeah. I don't think it's necessary and
23 that's -- I'll go ahead and put on the record: I usually --
24 when I get jurors' questions, unless it's absolutely
25 necessary, I try to answer it directly. If I branch off, I

1 may cause more confusion, plus they're the ones deliberating.
2 They are the ones who know what they want addressed, and they
3 ask me and I address what they ask. So, anyway, I'm not
4 going to go over the charge of murder. Bring in the jury.

5 (Whereupon, the jury was brought into open court at
6 6:01 p.m.)

7 **The Court:** Members of the jury panel, I received your
8 note, and I'm going to answer it the best I can. I'm not
9 going to send a copy of my charge in. I've been doing this a
10 long time and my charges get all marked up and I just --
11 they're kind of a mess, and only I can understand them.

12 But, first, as to the fact that there are five charges,
13 the indictments are, as I told you earlier, simply the
14 paperwork by way of which this case is processed through our
15 court system, contain the charge and the allegations that the
16 State alleges to be a crime against Mr. James. The fact that
17 there are several indictments has no weight. That is, you're
18 not to give weight to the fact that there are five charges as
19 opposed to one or two.

20 Each charge must stand or rise on its own. Each
21 indictment charges a separate and distinct offense. You must
22 decide each indictment separately on the evidence and the law
23 applicable to that indictment, uninfluenced by your decision
24 as to any other indictment. The defendant may be convicted
25 or acquitted on any or all of the offenses charged.

1 You have been -- and I'm going to ask you again for you
2 to write separate verdicts of guilt or not guilty on each
3 indictment. So the bottom line is you examine and apply the
4 law to the facts as to each indictment as you determine
5 unanimously is correct.

6 As to the hand of one being the hand of all, I'm going
7 to go through it again. I'll go through it slow. I've
8 charged you and will remind you that the hand of one is a
9 principle or a theory of law that states and applies in South
10 Carolina: If a crime is committed by two or more people who
11 are acting together in committing a crime, the act of one is
12 the act of all. A person who joins with another to commit an
13 unlawful act is criminally responsible for everything done by
14 the other person which happens as a probable or natural
15 consequence of the acts done in carrying out the common plan
16 and purpose. If two or more people are together, acting
17 together, assisting each other in committing an offense, the
18 act of one is the act of all or, as I've referred to it, the
19 hand of one is the hand of all.

20 Prior knowledge that a crime is going to be committed
21 without more is not sufficient to make a person guilty of
22 that crime. Mere knowledge that another person is going to
23 commit a crime, even if the defendant is present when the
24 crime is committed, is not sufficient to convict the
25 defendant as a principal.

1 Guilt as a principal is shown by actual or constructive
2 presence at the scene as a result of prior arrangement.

3 Therefore, a finding of a prior arranged plan or common
4 scheme is necessary for a finding of guilt as a principal.
5 The State must prove beyond a reasonable doubt by competent
6 evidence the theory of the hand of one is the hand of all.

7 A principal in a crime is one who either actually
8 commits the crime or who is present aiding, abetting, or
9 assisting in committing the crime. When a person does an act
10 in the presence of and with the assistance of another, the
11 act is done by both. Where two or more acting with a common
12 plan or intent are present at the commission of a crime, it
13 does not matter who actually commits the crime. All are
14 guilty. The hand of one is the hand of all.

15 Present at the commission of a crime means to be
16 sufficiently near to aid and abet and assist in the
17 commission of the crime. However, mere presence at the scene
18 of a crime is not sufficient to convict one as a principal on
19 the theory of aiding, assisting, and abetting.

20 Intent is also a necessary element, for there must have
21 been a common design or intent to commit the crime and the
22 crime must have been committed pursuant thereto with the
23 person aiding and abetting by some overt act. I told you
24 intent means intending the results. That is, something
25 that's intentional is not something that is accidental or

1 involuntary. The State, of course, must prove the theory of
2 the hand of one being the hand of all beyond a reasonable
3 doubt just as it must prove every other element of every
4 offense in these five indictments.

5 A person who was present at the scene of a crime and
6 intentionally or through a common plan aided, abetted, or
7 assisted in the commission of that crime through some overt
8 act is guilty as an accomplice. To be liable as an
9 accomplice, the defendant must have knowledge of the
10 principal's criminal conduct. As I said, mere presence at
11 the scene of the crime is not sufficient to establish guilt
12 as an accomplice and, again, intention must -- means, as I
13 said, something that is not accidental or involun -- is not
14 accidental.

15 Now, I'm going to let you go back to continuing your
16 deliberation, and let me hear from you. Thank you.

17 (Whereupon, the jury was excused from open court to
18 resume deliberations at 6:08 p.m.)

19 **The Court:** Anything from the State?

20 **Ms. Meghan Walker:** Nothing, Your Honor.

21 **The Court:** Anything from the defense?

22 **Ms. Anastasia Walker:** Nothing from the defense, Your
23 Honor.

24 **The Court:** We'll be at ease.

25 (Pause in proceedings while the jury continues to

1 deliberate.)

2 **The Court:** All right. Thank you. Take your seats. We
3 need to get the defendant now.

4 (Pause in proceedings.)

5 **The Court:** All right. We're back in order in Mr.
6 James' case, the State versus Mr. James. We've received word
7 that the jury has received -- has reached verdicts on four of
8 the five charges and they're deadlocked on one which they say
9 with no expectation of reaching a unanimous verdict. I could
10 not give them an Allen charge if I wanted to. You can't give
11 it twice. So I'm going to bring them in, and we'll take the
12 four verdicts and grant a mistrial on whichever one that's
13 left.

14 I want -- there are quite a few people in here. I want
15 everybody to understand: I don't know what the verdicts are,
16 but whatever the verdicts are, if you don't think you can
17 control your emotions based on the verdict, then you'll have
18 to leave now because if there are any outbursts, one of these
19 ladies and gentlemen in blue I'll have to ask to escort you
20 to a holding cell because you'll be in contempt of Court and
21 I'll make you spend some time in jail. We can't tolerate any
22 outbursts.

23 So if you don't think you can tolerate whatever the
24 verdict may be, I suggest you vacate now rather than have a
25 less-than-comfortable weekend. All right. Let's bring in

1 the jury.

2 **Deputy:** Your Honor, can we have just a minute to
3 restrain the prisoner?

4 **The Court:** Yeah. Yeah. Okay. I understand.

5 **Ms. Anastasia Walker:** He has to be in chains for the
6 verdict?

7 **Deputy:** Yes.

8 **Ms. Anastasia Walker:** Okay.

9 (Whereupon, the defendant is shackled.)

10 **The Court:** All right. Bring in the jury.

11 **Bailiff:** May I approach, Your Honor?

12 (Whereupon, a bench conference was held between the
13 bailiff and the judge.)

14 **The Court:** While the jury is coming in - I won't have a
15 chance later - I want to thank the attorneys for the
16 courtesies they've shown me and thank all the staff for all
17 the kindness they've shown me this week. It's been a long
18 week and a hard trial for everybody. So I want to thank
19 everybody for the way they have---

20 **Ms. Meghan Walker:** Thank you, Judge.

21 **Ms. Simpson:** Thank you, Your Honor.

22 **Ms. Meghan Walker:** We -- we appreciate your patience.

23 **Ms. Anastasia Walker:** Certainly.

24 (Whereupon, the jury was brought into open court at
25 7:05 p.m. with their verdicts.)

1 **The Court:** Members of the jury panel, I got your note
2 that you've reached verdicts on four of the five and are
3 deadlocked on the fifth. I'm going to ask if you'll hand the
4 indictments up to me and the verdict forms at this time.

5 All right. I'm going to keep the one in which a verdict
6 has not been rendered and ask the clerk to publish the
7 verdicts. And, Mr. Foreman, before you leave, as to the two
8 that you used verdict forms, I'll get you to actually put
9 that information on the indictment itself before you leave.
10 The clerk will help you with that.

11 **Foreman:** Yes, sir.

12 **The Clerk:** Indictment number 2013-GS-40-1432, the State
13 of South Carolina versus Demetrice Roosevelt James: We find
14 the defendant guilty of attempted murder.

15 Indictment number 2013-GS-40-1433, the State of South
16 Carolina versus Demetrice Roosevelt James: We find the
17 defendant guilty of attempted murder.

18 Indictment number 2013-GS-40-1480: The State of South
19 Carolina versus Demetrice Roosevelt James, indictment for
20 attempted armed robbery: We, the jury, find the defendant
21 guilty.

22 Indictment number 2013-GS -40-1448, the State of South
23 Carolina versus Demetrice Roosevelt James, indictment for
24 burglary in the first degree: We, the jury, find the
25 defendant guilty, signed Number 58, Stephen Crowell,

1 foreperson, October 3rd, 2014. Mr. Foreman, was this your
2 verdict and the verdicts of the entire jury?

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

4 **The Clerk:** Thank you.

5 **The Court:** Members of the jury panel, if this is -- is
6 this your verdict? Please raise your right hand as to all.
7 All right. All 12 acknowledge that these verdicts are
8 theirs. You may take your hand down. Anything from the
9 State before the jury is dismissed?

10 **Ms. Meghan Walker:** Nothing from the State, Your Honor.
11 Thank you.

12 **The Court:** Anything from the defense before the jury is
13 dismissed?

14 **Ms. Anastasia Walker:** Nothing further, Your Honor.

15 **The Court:** All right. Members of the jury panel, with
16 the exception of the foreman who the clerk will help you get
17 -- show you where you need to sign, I want to thank you.
18 This was a hard case. While you were out, we had a lot of
19 tough legal issues to deal with. We've all worked real hard,
20 you especially. So I appreciate your kindness.

21 I'm not going to keep you and give you a speech because
22 I know it's Friday night and y'all are ready to go home, but
23 y'all have worked hard and I appreciate on behalf of Richland
24 County and the citizens of this state the work that you've
25 done. So you can be excused.

1 (Whereupon, the jury was excused from the trial at
2 7:11 p.m.)

3 **The Court:** All right. Anything -- the jury has been
4 dismissed. Anything from the State?

5 **Ms. Meghan Walker:** Nothing at this point, Your Honor.

6 **The Court:** Anything from the defense?

7 **Ms. Anastasia Walker:** Yes, Your Honor. May it please
8 the Court? Your Honor, at the close of the trial we would at
9 this time again renew all motions, all objections that were
10 previously denied by Your Honor, specifically the mistrial
11 motion.

12 I understand that the murder charge was ended in a
13 mistrial and ultimately ended in a mistrial. However, I
14 still would move for a mistrial in this case based on the
15 actions of the jury earlier in this case, their failure to
16 regard the instructions of the Court, and I believe that that
17 resulted in a failure of my client to get a fair trial and
18 the results of that failure of them able to -- was a
19 violation of his due process rights, Your Honor, and at this
20 time we'd move for a new trial based on all those reasons.

21 **The Court:** All those motions are denied, and I grant a
22 mistrial on the murder charge since this jury was unable to
23 reach a verdict. And to some degree, while it's kind of in
24 hindsight, the fact that they could not reach a verdict on
25 murder indicates that they were serious in their

1 deliberations and that they didn't reach some verdict during
2 the middle of the week. They went from 1:10 'til about 7:10.
3 So I thought the motions -- I mean, I stand by the rulings
4 that I've made in the trial up to this point, and all motions
5 by the defense are denied.

6 And now we bring -- we'll have sentencing. Does the
7 solicitor have the sentencing sheets?

8 **Ms. Meghan Walker:** Your Honor, the defense counsel and
9 the defendant are signing those now.

10 **The Court:** Okay.

11 (Pause in proceedings.)

12 **The Court:** All right. I'll hear from the solicitor
13 first. I now have the sentencing sheets, and I'll hear the
14 solicitors on sentencing. And I'll be glad to hear from any
15 of the victims' families that wish to speak.

16 **Ms. Meghan Walker:** Your Honor, before I start on the
17 sentencing, there were a series of charges that the State
18 tried to work out with a global resolution in this case with
19 the defendant. He still has pending in our office an armed
20 robbery, kidnapping, and criminal sexual conduct in the first
21 degree. We did offer 25 years for all of these charges
22 together. Your Honor, we think that the 25 years would be an
23 appropriate sentence for this -- for this case.

24 There was -- there was a home invasion, Your Honor, in
25 which multiple people were shot. He was found guilty for

1 those. And this was a -- this wasn't something that happened
2 spur of the moment. This wasn't, you know, a fight that
3 happened the way he alleged. This was him getting together
4 with his friends and planning to go invade someone's home,
5 and that is a very serious crime, Your Honor, for which he's
6 been found guilty.

7 The family, Your Honor -- multiple family members are
8 here. They're present in the courtroom. They were present
9 throughout the trial. They were present throughout the trial
10 of this defendant's co-defendant, Maurice Roberts, who did
11 receive a 45-year sentence. Of course, he was also, under
12 everyone's theory of the case, Your Honor, the triggerman in
13 this horrific crime. But we would, Your Honor, ask for
14 something -- offer something in that 25 to 30-year range,
15 Your Honor.

16 **The Court:** All right. So no one wants to speak on
17 behalf of the victims?

18 **Ms. Simpson:** Your Honor, I will -- I would like to
19 state Joshua Williams, one of the attempted or attempted
20 murder victims in this case, he was very emotional during the
21 first trial, as were the other victims, Trenton Scott and
22 Trey Scott, as well as his brother, Troy Scott, so much so
23 that they could not be present in the courtroom for part of
24 the trial.

25 During this trial, Mr. Williams has not been able to be

1 in the courtroom. He wanted us to indicate to Your Honor
2 that he is very -- while, you know, I guess glad or gracious
3 for the verdict as to his charge, nothing will change the
4 loss -- how the loss of his best friend has affected him,
5 especially in the tragic way that it happened. He is and has
6 been, I mean by our own personal knowledge -- had a lot of
7 difficulty dealing with the death of Brandon Jones.

8 As for Mr. Jones' parents, they actually have been
9 present throughout this matter and for certain reasons could
10 not be here at this time---

11 **The Court:** Well, they didn't -- that charge hasn't been
12 resolved.

13 **Ms. Simpson:** Oh. Thank you.

14 **Ms. Meghan Walker:** Yeah, the victims are present, Your
15 Honor, Mr. Jones' family members. That's why they're not
16 saying anything at this point.

17 **The Court:** Okay. All right. Ms. Walker, I'll be glad
18 to hear from you on behalf of your client. And also, if you
19 could, tell me if he's entitled to any time, and the reason I
20 ask if: Since there's quite a few charges, I don't know
21 whether he's been serving time on all of those or some of
22 those or... Anyway, do you have a figure that you contend is
23 the time that -- jail time he's already -- that he's entitled
24 to?

25 **Ms. Anastasia Walker:** Your Honor, he has been

1 incarcerated since he was arrested on this offense which I
2 believe was on January 30th, 2013, and he has been
3 consistently incarcerated and is entitled to that credit.

4 **Ms. Meghan Walker:** The State agrees with that, Your
5 Honor.

6 **The Court:** All right. Since what date?

7 **Ms. Anastasia Walker:** I believe it's January 30th, Your
8 Honor. If you'll give me two seconds, we can give you an
9 exact day count. January 30th. 611 days, Your Honor.

10 **The Court:** All right. Ms. Walker - this Ms. Walker -
11 or Ms. Pinnock, I'm sorry, either one of you.

12 **Ms. Anastasia Walker:** Thank you, Your Honor. May it
13 please the Court?

14 **The Court:** Yes, ma'am.

15 **Ms. Anastasia Walker:** I will tell Your Honor that it
16 has been a pleasure to represent Demetrice James throughout
17 this matter. He's a very intelligent young man. It's a
18 surprise that he's ended up in a situation like this.

19 He grew up in a single-parent home. As he said on the
20 stand, his mother was murdered when he was about five years
21 old. His father raised him as a single parent. His father
22 is a hard worker. And he has a 14-year-old sister that he's
23 been looking after as the older brother, them being raised by
24 their father, and he's been working out of the home most of
25 their life.

1 Your Honor, he has been making the most of his time
2 while he has been in jail. He did engage in a number of
3 programs while he's been there, and certainly I know it's
4 taught him a lesson while he's been there. It's not a place
5 that he ever wants to be or has ever wanted to be.

6 He told you he was at Benedict College before this
7 incident happened. He was in their G.E.D. program. Your
8 Honor, he was 17 years old when this happened. He's a very
9 young man. I would venture to say that he was in shock when
10 this happened.

11 I understand it's a very serious event. I understand
12 what the jury's verdict was. But you heard Mr. James'
13 testimony. You heard what Demetrice said, and that is what
14 Demetrice has always maintained.

15 I certainly believe that Demetrice really is a good
16 person. This has been a very difficult situation for him,
17 and I know that he certainly feels remorse for the family and
18 what they've had to go through.

19 Considering his age when this occurred, Your Honor,
20 considering the fact that he has no prior record other than a
21 juvenile record -- he does have some charges pending in the
22 solicitor's office. However, he's always maintained his
23 innocence regarding those charges as well and we've always
24 considered those charges as another trial, and that will be
25 another matter for another day in court.

1 But, Your Honor, considering those factors of Mr. James,
2 I would ask for the minimum of 15 years to be served
3 concurrent for a sentence for Mr. James, if Your Honor would
4 be so inclined to consider it. Ms. Pinnock?

5 **The Court:** Ms. Pinnock?

6 **Ms. Pinnock:** Nothing at this time.

7 **The Court:** Mr. James, anything you want to say before I
8 sentence you?

9 **Mr. James:** Yes, sir. Yes, sir. Well, growing up in a
10 single-parent home, you know, my mother got killed maybe back
11 in 2001/2002. With that being said, you know, I've been the
12 victim of a, you know, a shooting incident, too. Someone
13 shot and killed my mother when my sister was probably about
14 two years old. My daddy is 64 now. He's all I got left.

15 So I want to speak to the family of the victims. I
16 never really got a chance to speak to them, and I'm going to
17 let y'all know that I would never bring that type of harm to
18 someone or I would never want anyone else to go through what
19 I went through as far as, you know, bringing just any type of
20 death or any harm to anyone.

21 So now, you know, I still maintain my innocence. I'm
22 going to still stick to the story; I am innocent. Kind of
23 hanging with the wrong people.

24 As I said before, my daddy is 64. My sister is 14. You
25 know, someone killed my mother. I would never bring that

1 type of bodily harm or any type of harm to anyone. I want to
2 let the mother of Brandon Jones know that I'm very sorry that
3 she had to go through this situation. I've been through a
4 similar situation.

5 I want to let, you know, Trent and Troy Scott know that
6 again, man, you know, if I shot one of you fellows in the
7 arm, you know, I ain't tried to do that. You know, wrong
8 place at the wrong time and I was just -- thought I was
9 defending my friend. I'm sorry. But y'all just keep doing
10 y'all's music and keep y'all's head straight, bro, and don't
11 take life for granted, please, bro.

12 **Ms. Anastasia Walker:** Thank you, Your Honor.

13 **The Court:** All right. Well, this crime is about as
14 heinous as it gets. On the attempted murder, both those
15 charges and on the burglary, both sentences -- where did my
16 notes go? Excuse me one moment.

17 **Ms. Meghan Walker:** Yes, Your Honor.

18 **The Court:** On the attempted armed robbery, both, and on
19 the burglary first degree, those sentences - and all these
20 are to run concurrent - are 30 years. Give him credit for
21 611 days on each of those. On attempted armed robbery, the
22 sentence is 20 years. Again, that's to run concurrent with
23 the other charges. I'm giving you credit for 611 days.
24 Thank you.

25 **Ms. Anastasia Walker:** Thank you, Your Honor.

1 **Ms. Meghan Walker:** Thank you, Your Honor.

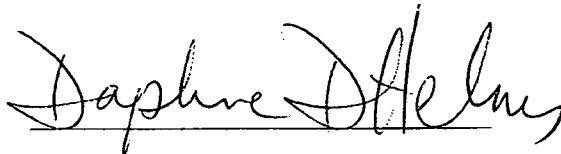
2 (Court's Exhibit 5 was marked for identification only.

3 Whereupon, the proceedings were concluded.)

I, the undersigned Daphne D. Helms, official court reporter for the Fifth 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 evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 29th of September through the 3rd of October, 2014.

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

February 27, 2015

A handwritten signature in cursive script, reading "Daphne D. Helms", written over a horizontal line.

Daphne D. Helms, court reporter

WITNESSES

(S) J H Boland – Richland County
Sheriff

ARREST WARRANT NUMBER

2013A4010500068

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

FEB 13 2013

VERDICT

GUILTY

Foreperson of Petit Jury
Date:

10-3-14

DOCKET NO. 2013GS4001433

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2013

42

THE STATE
vs.

Demetrice Roosevelt James

**Indictment for
ATTEMPTED MURDER**

SC Code: 16-03-0029
CDR Code: 3410

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

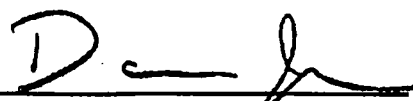
INDICTMENT

At a Court of General Sessions, convened on FEBRUARY 13, 2013, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That Demetrice Roosevelt James did in Richland County on or about January 25, 2013, did with the intent to kill, attempt to kill Joshua Williams with malice aforethought, either expressed or implied. All in violation of SC Code of Laws § 16-3-29 (1976, as amended).

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


DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichland

VS.

Demetrice Roosevelt James

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO:

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:

M. Walker

Solicitor

78494

SC Bar #

Demetrice James

Defendant

M. Walker

Attorney for Defendant

74925

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/3/14☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-03-0029 (Carrying a Dangerous Weapon or Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

OCT 08 2014

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐**SC Court of Appeals**☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

§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

\$

§47.12 (Public Def/Prob)

\$500

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$

§14-1-213 (Drug Court Surcharge)

\$100

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

§90.7 (SCCA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/Deputy Clerk

Court Reporter:

Jeanette B. McBridgeNelms

Presiding Judge

Judge Code:

Sentence Date

John Hayes201410/3/14

WITNESSES

(S) J H Boland - Richland County
Sheriff

ARREST WARRANT NUMBER

2013A4010500069

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date

FEB 13 2013

VERDICT

GUILTY

Foreperson of Petit Jury
Date

10-3-14

DOCKET NO. 2013GS4001432

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2013

42

**THE STATE
vs.**

Demetrice Roosevelt James

**Indictment for
ATTEMPTED MURDER**

SC Code 16-03-0029
CDR Code 3410

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on FEBRUARY 13, 2013,
the Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That Demetrice Roosevelt James did in Richland County on or about
January 25, 2013, did with the intent to kill, attempt to kill Trenton Scott
with malice aforethought, either expressed or implied. All in violation of SC
Code of Laws § 16-3-29 (1976, as amended).

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichland
VS.
Demitrice Roosevelt JamesAKA:
Race: Sex: M Age:
DOB: SS#: 2
Address:
City, State, Zip:
DL# SID#
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Attempted MurderIn violation of § 16-3-0029 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:
Wm. Waller 78494 SC Bar # Demetrick Dome Attorney for Defendant 74925 SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment
of \$; plus costs and assessments as applicable; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
of Corrections. Since 1/30/13 611 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (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 \$
\$14-1-211 (A)(2)(DUI Surcharge) \$100 \$
\$56-5-2995 (DUI Assessment) \$12 \$
\$56-1-286 (DUI Breath Test) \$25 \$
\$47-12 (Public Def/Prob) \$500 \$
\$14-1-212 (Law Enforce. Funding) \$25 \$
\$14-1-213 (Drug Court Surcharge) \$100 \$
\$50-21-114 (BUI Breath Test Fee) \$50 \$
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$
\$90.7(SCCJA Surcharge) \$5 \$
3% to County (if paid in installments) \$
TOTAL \$Clerk of Court/Deputy Clerk: Jeanette K. U. Bride
Court Reporter: Adams

SCCA/217 (11/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 13 -GS- 40 - 1432

A/W#: 2013A4010500069
Date of Offense: January 25, 2013
S.C. Code §: 16-3-0029
CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

RECEIVED

SC Court of Appeals

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning
Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge: John C. Hearn
Judge Code: 2049
Sentence Date: 10/3/14

WITNESSES

(S) - J.H. Boland - RCSD

ARREST WARRANT NUMBER

DP13041

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: FEB 13 2013

VERDICT

Guzly

Foreperson of Petit Jury

Date: 10-3-14

DOCKET NO. 2013GS4001480

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2013

42

**THE STATE
vs.**

Demetrice Roosevelt James

**Indictment for
ATTEMPTED ARMED ROBBERY**

**SC Code: 16-11-0330(B)
CDR Code: 0026**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on February 13, 2013,
the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Demetrice Roosevelt James did, along with co-defendants in Richland County on or about January 25, 2013, did attempt to take and carry away the personal property from or in the immediate presence of Trenton Scott with intent to deprive him of possession by use of force, threats, or intimidation, and while armed with a deadly weapon, and/or while alleging, either by action or words, that he was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon all in violation of 16-11-0330(B), S. C. 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATEVS. Demetrick Roosevelt James

AKA: _____

Race: B Sex: M Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Attempted Armed RobberyIn violation of 16-11-0330 (B) of the S.C. Code of Laws, bearing CDR Code # 0026☐ 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: M. Waller 73494 Demetrick James M. Waller 74925

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: 10/3/14☐ 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 Departmentof Corrections. 611 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal

Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____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: _____

Clerk of Court/Deputy Clerk: Jeanette M. McBricker
Court Reporter: Nelms

SCCA/217 (11/2009)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 13 -GS- 40 -1480AW#: DPI3041Date of Offense: January 25, 2013S.C. Code §: 16-11-0330 (B)CDR Code #: 0026

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

#4

WITNESSES

(S) J H Boland - Richland County
Sheriff

ARREST WARRANT NUMBER

2013A4010500067

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

FEB 13 2013

VERDICT

GUILTY

Foreperson of Petit Jury
Date:

10-3-14

DOCKET NO. 2013GS4001448

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2013

42

**THE STATE
vs.**

Demetrice Roosevelt James

**Indictment for
BURGLARY 1ST DEGREE**

**SC Code: 16-11-0311
CDR Code: 0079**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

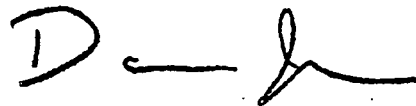
INDICTMENT

At a Court of General Sessions, convened on February 13, 2013, the
Grand Jurors of Richland County present upon their oath:

BURGLARY, 1ST DEGREE

That Demetrice Roosevelt James did in Richland County on or about January 25,
2013, enter the dwelling of Chandler Davis located at
without consent and with the intent to commit a crime therein and when, in
effecting entry or while in the dwelling or in immediate flight, the defendant while
armed with a deadly weapon, and/or displays what is or appears to be a knife or
firearm, and/or causes injury to a non-participant in the crime and/or the entering
or remaining occurred during the nighttime hours or hours of darkness all in
violation of Section 16-11-0311(A), 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichland

Demetria Roosevelt James

AKA: _____

Race: n Sex: M Age: _____DOB: 1 SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Burglary 1st DegreeIn 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:

M. Walker
Solicitor78494
SC Bar #Demetria James
DefendantDr. Riker
Attorney for Defendant74926
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 _____ yearsand/or to pay a fine of \$ 0; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/3/14☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 (Carrying a Dangerous Weapon or 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	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§47.12 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$100	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Clerk of Court/Deputy Clerk: Jeanette W. McBride
Court Reporter: Nelson

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 13 -GS- 40 - 1448A/W#: 2013A4010500067Date of Offense: JANUARY 25, 2013S.C. Code §: 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS(CSC w/minor 1st or Lewd Act)

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

Negotiated Sentence, Recommendation by the State.

Attorney for Defendant

SC Bar #

☐ County Detention Center,

under the Youthful Offender Act not to exceed _____ years

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.

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

PTUP

OCT 08 2014

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

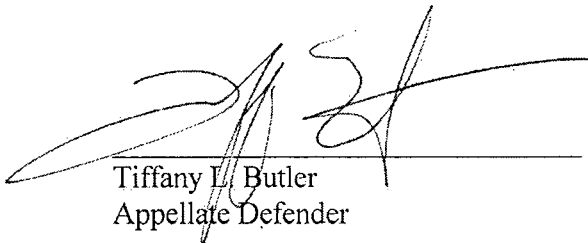
during probation.

Presiding Judge: John H. TurnerJudge Code: 2079Sentence Date: 10/3/14

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."

February 18th, 2016



Tiffany L. Butler
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT