Vol. II of II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
JAN 07 2019
SC Court of Appeals

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAROD TARRELL BOSTICK,

APPELLANT

APPELLATE CASE NO 2017-002319

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

Pages 501- 831

INDEX

INDEX i

PRE-TRIAL HEARING TRANSCRIPT DATED AUGUST 25, 2017 1

MOTION TO SEVER 13

PRE-TRIAL HEARING TRANSCRIPT DATED OCTOBER 17, 2017 19

TRIAL TRANSCRIPT DATED OCTOBER 23-27, 2017 46

MOTION TO SEQUESTER WITNESSES 55

TESTIMONY

KATIE MCCALLISTER 58

JEFF CROFT 88

JURY SELECTION 107

MOTION FOR JOINT DEFENSE AGREEMENT 164

DEFENSE MOTION 172

DEFENSE MOTION TO LIMIT SCOPE 174

DEFENSE MOTION TO EXCLUDE EVIDENCE AND IN ARGUMENT OF FLIGHT 186

DEFENSE 609 MOTION 190

OPENING STATEMENT BY THE STATE 201

OPENING STATEMENT BY MR. PLEXICO 207

OPENING STATEMENT BY MR. KOGER 213

OPENING STATEMENT BY MR, NEWMAN 216

TRIAL TESTIMONY

RUSTY WELLS 222

GARY SONS....225

ANDY WILLIAMS....238

TYREEK S....242

JAVONTE H....263

JASHAUN H....270

MOTION FOR TEMPORARY RESTRAINING ORDER....281

J'AMIAH W....286

DEFENSE MOTION TO EXCLUDE IDENTIFICATION....295

TRIAL TESTIMONY

J'AMIAH W. (CON'T)....298

STARR TROY....309

DAVID WILLIAMS....315

GELINDA HEYWARD....318

JAMIE JOHNSON....345

MICHAEL LYNCH....371

JEFF CROSBY....377

ANTHONY IMEL....382

KATIE MCCALLISTER....416

DEFENSE MOTION FOR MISTRIAL....462

COURT'S RULING....463

TRIAL TESTIMONY

CRAIG KING PROCTOR....465

STARSHEIKA SCOTT....483

JEFF CROFT 492

VOLUME II 501

TRIAL TESTIMONY

MARK COLLINS 501

DOMINIQUE COLEMAN 509

CATHERINE LEISY 522

CHAD SMITH 539

DR. ELLEN REIMER 546

STATE RESTS 560

DEFENSE MOTION FOR DIRECTED VERDICT 561

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANTS 565

DEFENSE RESTS 571

STATE RENEWS MOTIONS 582

DEFENSE RENEWS MOTIONS 584

COURT'S RULING 584

CLOSING ARGUMENT BY THE STATE 592

CLOSING ARGUMENT BY MR. PLEXICO 608

CLOSING ARGUMENT BY MR. KOGER 637

CLOSING ARGUMENT BY MR. NEWMAN 648

VERDICT 704

DEFENSE MOTION TO POLL JURY 706

DEFENSE MOTION FOR NEW TRIAL 721

COURT'S RULING 733

SENTENCING 760

STATE'S EXHIBITS NO. 2 - NO. 14 (PHOTOS) 763

STATE'S EXHIBITS NO. 36 - 68 (PHOTOS) 776

STATE'S EXHIBIT NO. 69 (STATEMENT BY CASEY K. JONES, JR.) 809

STATE'S EXHIBIT NO. 70 (MIRANDA) 810

STATE'S EXHIBIT NO. 71-73 (PHOTOS) 811

DEFENDANT'S EXHIBIT NO. 1 (MOTION TO SEVER) 814

STATE'S MEMORANDUM IN SUPPORT OF JOINDER 816

ORDER DENYING MOTION FOR SEVERANCE 820

INDICTMENTS AND SENTENCING SHEETS 822

CERTIFICATE OF COUNSEL 831

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 1 (CD OF 911 CALL)

STATE'S EXHIBIT NO. 15 (CD OF VIDEO)

STATE'S EXHIBIT NO. 98 (DVD OF VIDEO)

All right. Have a nice lunch, everybody. I will see you all at about 20 till. Okay?

MR. NEWMAN: Thank you, Your Honor.

THE COURT: Thank you.

(Lunch recess.)

THE COURT: All right. State ready?

MS. JONES: Yes, Your Honor.

THE COURT: Defense ready?

MR. PLEXICO: Yes, Your Honor.

THE COURT: Let's go. Let's bring the jury out.

(The Jury enters the courtroom at 2:10 p.m.)

THE COURT: Welcome back, ladies and gentlemen. Y'all ready to go?

(Jury indicates.)

MS. JONES: Thank you, Your Honor. State calls Chief Mark Collins.

Thereupon,

MARK COLLINS

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q Good afternoon, Chief Collins.

A Good afternoon.

Q Chief Collins, where do you work?

A I am the chief of police, Estill police department, Estill, South Carolina.

Q All right. And how long have you been the chief of police over there?

A I started there in 2013. They made me interim chief January 2016, and I was appointed chief April 2016.

Q All right. Do you remember speaking with this lady, Agent McCallister, July 2nd, 2015?

A I do.

Q Okay. And do you remember her showing you some video and some photographs?

A I do.

Q Okay. I'm going to show you a snippet of the video. She asked you to watch this to see if you knew anybody, correct?

A Yes.

(Video shown to witness.)

Q Okay. She asked you if you knew this individual?

A No.

Q You don't know this person?

A No, I do not.

Q Okay. And that -- that is the same person depicted in State's 36?

A Yes, ma'am.

Q Okay. And you don't know who that is?

A No, ma'am.
Q You didn't identify that person?
A No, ma'am.
Q All right. If we can go to the video.
A (Witness watches portion of video.)
Q Did you recognize this person?
A Yes, ma'am.
Q Okay. And I'm going to approach ---
MS. JONES: Permission to approach, Your Honor?
THE COURT: You may.
BY MS. JONES:
Q -- with State's Exhibit 32. Is that one of the photographs you were shown?
A Yes, ma'am.
Q And is that the same person in this video right here?
A Yes, ma'am.
Q And who is that person?
A Casey Jones, Junior.
Q And how long have you known -- do you know Casey Jones; Junior?
A I have seen him and had casual encounters with him during my duties of going throughout the town.
Q Okay. And how long have you known Casey Jones, Junior?

A Since coming into Estill in 2013.

Q Okay. And how quickly were you able to identify this person as Casey Jones, Junior?

A Less than a minute.

Q Okay. And how certain are you that this is Casey Jones, Junior?

A A hundred percent.

Q And do you see Casey Jones, Junior in the courtroom today?

A Yes, ma'am. He's right here, on my far left.

Q Okay.

MS. JONES: May the record reflect the witness did identify Casey Jones, Junior.

BY MS. JONES:

Q Okay. Fast forward.

Okay. And do you know this person?

A Yes, ma'am.

Q Okay. I'm going to show you State's 33, 34, and 35. Is that the same person depicted in the video?

A Yes, ma'am.

Q And do you know that person?

A Yes, ma'am. Jarrod Bostick.

Q I'm sorry?

A Jarrod Bostick.

Q That is Jarrod Bostick, is this man?

A Yes, ma'am.

Q Okay. And how long have you known Mr. Bostick?

A Since coming to Estill in 2013.

Q And how quickly were you able to identify this -- this person as Mr. Bostick?

A A minute, minute and a half.

Q Okay. And how certain are you that this is a video capture of Mr. Bostick?

A A hundred percent.

Q Okay. And do you see Mr. Bostick in the courtroom today?

A Yes, ma'am. Right here in the middle, ma'am, to my left.

MS. JONES: May the record reflect the witness identified Mr. Bostick. I can grab those photographs from you. Thank you.

THE WITNESS: Thank you.

MS. JONES: And I have no further questions for you at this time. Thank you.

THE WITNESS: Thank you.

MR. PLEXICO: May it please the Court?

THE COURT: Yes.

CROSS EXAMINATION

BY MR. PLEXICO:

Q Good afternoon, sir.

A Good afternoon.

Q Now, you testified on Monday, correct?

A Yes.

Q All right. And did you discuss your testimony -- let me put it this way: Have you been -- you have been with Officer Dominique Collins; is that correct?

A Coleman. I believe the last name is Coleman.

Q Coleman. I'm sorry. And on Tuesday and Wednesday?

A Repeat the question again?

Q At least this morning, and Tuesday and Wednesday, you have been sitting with her out there?

A Yes.

Q Okay. All right. Have y'all discussed any of the testimony that you have had?

A No.

Q All right. Agent McCallister came to see you that morning?

A I can't remember the time. I just know that she came.

Q To the office?

A To the office, Estill police department.

Q Okay. And talked with you. Now, she told you they were trying to identify someone they had stills for and the videos?

A She told me that a incident happened at Jasper County and they believe the individuals that were involved in that incident lived in our town, and wanted to know if we could identify them.

Q And did she name to the three defendants?

A No.

Q Prior to you looking at them?

A No.

Q You're positive that she did not?

A Positive.

Q Okay. And you did not -- you didn't discuss your testimony at all with Officer Coleman?

A No.

Q Okay.

MR. PLEXICO: I don't have anything further.

THE COURT: Mr. Koger.

CROSS EXAMINATION

BY MR. KOGER:

Q This is just your opinion of the photographs, correct?

A Excuse me?

Q This is just your opinion, your identification on the photographs, correct?

A What I know in my memory of who those individuals are, yes.

Q Okay. And in a -- well, are you trained in investigations, I would assume, correct?

A Yes.

Q Okay. And in an identification case, isn't a case is stronger if you have physical evidence?

A It is not any case.

Q Okay. Well, in your general training as an investigator, police officer, cases that you have investigated, isn't a case stronger if there is accompanying physical evidence?

A Depending on what the case is, yes.

Q Okay. Well, if it is a burglary case and items was touched inside of the place that was alleged to be burglarized, wouldn't it be a stronger case to get physical evidence like fingerprints?

MS. JONES: Your Honor, objection.

THE COURT: He can answer it.

THE WITNESS: Can you read that one more time?

BY MR. KOGER:

Q Yes. In a burglary case, isn't a case is stronger if physical evidence such as fingerprints or other DNA type evidence is found to confirm or disaffirm an identification?

A Very important, yes.

MR. KOGER: Thank you. No further questions.

MR. NEWMAN: I don't have any questions.

THE COURT: You don't have any questions?

MR. NEWMAN: No, ma'am.

THE COURT: All right. Anything further from the State?

MS. JONES: No, Your Honor.

THE COURT: You're excused, sir.

THE WITNESS: Thank you, ma'am.

MS. JONES: State calls Officer Dominique Coleman.

Thereupon,

DOMINIQUE COLEMAN

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q Officer Coleman, good afternoon.

A Good afternoon.

Q Where do you work?

A Rock Hill police department.

Q And prior to working in Rock Hill, where did you work?

A The Town of Estill police department.

Q Okay. And how long were you with Estill police department?

A Eighteen months.

Q And in what capacity did you work with the Estill

PD?

A Patrol officer.

Q Okay. For those 18 months?

A Yes, ma'am.

Q On July 2nd of 2015, were you still with Estill police department?

A Yes, ma'am.

Q And do you remember speaking with Agent McCallister that day?

A Yes, ma'am.

Q Okay. Did she ask you to watch some surveillance and look at some photographs?

A Yes, ma'am.

Q And why were you looking at these?

A A crime was committed in Jasper County and she wanted to identify the suspects.

Q Okay.

MS. JONES: Permission to approach, Your Honor?

THE COURT: You may.

BY MS. JONES:

Q Is this the video she asked you to review?

A Yes, ma'am.

Q This individual we see walking up the steps right now, this person, did you identify him?

A No, ma'am.

Q Okay. And I'm going to show you State's 33, 34, and 35. Is that the same man as in the video?

A Yes, ma'am.

Q You don't know that person?

A No, ma'am.

Q So you didn't identify that person?

A No, ma'am.

Q Okay. I can take those back from you.

Okay. I'm going to hand you what has been marked as State's Exhibit 32. Do you recognize that?

A Yes, ma'am.

Q Okay. And is that one of the photographs you were shown that day?

A Yes, ma'am.

Q All right. And is -- and is State's 32 the same man we see here?

A Yes, ma'am.

Q Okay. And do you know this person?

A Yes, ma'am.

Q And who is this person?

A Casey Jones, Junior.

Q All right. And how long have you known Casey Jones, Junior?

A I know him from my time in Estill as a police officer.

Q So 2013, I believe you the testified to?

A Fourteen.

Q Fourteen, my apologies. Okay. And how quickly were you able to identify this man as being Casey Jones, Junior?

A Fairly quickly.

Q And how certain are you that that is Casey Jones, Junior?

A Positive.

Q You are positive?

A Yes, ma'am.

Q All right. And do you see Casey Jones, Junior in the courtroom today?

A Yes, ma'am.

Q Can you please identify him for Court?

A Yes, ma'am. It is the gentleman in the yellow shirt.

Q Thank you.

MS. JONES: May the record reflect the witness did identify Mr. Casey Jones, Junior.

BY MS. JONES:

Q Okay. And I'm going to show you what has finally been marked as State's Exhibit 36. And can you identify that?

A Yes, ma'am.

Q All right. And what -- is that one of the photographs you were shown that day?

A Yes, ma'am.

Q Okay. And on the video -- is this -- does this video depict the same person in that State's exhibit?

A Yes, ma'am.

Q And do you know this person?

A Yes, ma'am.

Q And who is this person?

A Casey Jones, Senior.

Q All right. And how long have you known Casey Jones, Senior?

A Since 2014, tenure in Estill.

Q And how quickly were you able to identify this person as being Casey Jones, Senior?

A Fairly quickly.

Q And how positive and how certain are you that this is actually Casey Jones, Senior?

A I'm positive.

Q And do you see Casey Jones, Senior in the courtroom today?

A Yes, ma'am.

Q Can you please identify him?

A The red, white, and blue plaid shirt.

Q Thank you.

MS. JONES: May the record reflect the witness did identify Casey Jones, Senior. I can grab those photographs from you. Thank you, Officer Coleman.

THE WITNESS: Yes, ma'am.

MS. JONES: And I have no further questions for you.

THE COURT: Mr. Plexico.

MR. PLEXICO: May it please the Court.

CROSS-EXAMINATION

BY MR. PLEXICO:

Q You testified previously on Monday, correct?

A Yes, sir.

Q Okay. All right. Now, you said that you worked there for 18 months; is that correct?

A Yes.

Q All right. And during those 18 months, did you live in Estill?

A No.

Q Where did you live?

A Hampton.

Q Okay. Where did you live at first?

A Columbia, South Carolina.

Q Where are you from?

A I'm from Sumter, South Carolina.

Q And you had never been to Estill before?

A No, sir.

Q So you got a job, and when did that job start?

A In June of 2014.

Q In June of 2014. Now, you didn't live there in the first month, correct?

A No, sir.

Q All right. Now, you said that you seen the video, correct?

A Yes, sir.

Q You testified earlier that you could not identify the person in State's 36 from the video; is that correct?

A No, sir.

Q Okay. All right. Didn't you say that you identified them from the stills?

A I'm sorry. Repeat the question?

Q From the still photographs?

A The --

Q Item No. 36, you said you identified that person from the still photographs; is that true?

A I identified them from the video, and they were the subjects that were also pictured in the still photographs.

Q Okay. You testified you couldn't see the face on the video of the third person; isn't that true?

A Correct.

Q Okay. So at this point, when you are making an identity of an individual without seeing their face; is that correct?

A Correct.

Q All right. Now, you said you identified them by their -- by their walk; is that correct?

A Correct.

Q All right. Now, you also testified that you had seen him walk before, correct?

A Correct.

Q But you never testified that you ever seen him -- seen that person run before?

A Correct.

Q Okay. All right. And that person is not walking in that video, is he? This person, the last person to get out of the car is not walking in that video, correct?

A Correct.

Q So you're -- when you said that you were identifying him because you knew that person's walk, in fact, you don't have an opportunity on that video to see that person's walk; that's true, isn't it?

A Correct.

Q Okay. Then you said you identified him by the shoes; is that correct?

A Correct.

Q So this person is wearing a pair of white shoes.
A Correct.
Q What are there, 300 million people in America?
A (No response.)
Q Thereabouts? You wouldn't argue that, would you?
A No, sir.
Q So if everybody had a pair of shoes, that would be 300 million shoes.
A Correct.
Q If they all had four each, that would be 1.2 billion shoes.
A Correct.
Q Don't you imagine, out of a possible 1.2 billion shoes, that there are a lot of white shoes in America?
A Yes, sir.
Q Okay. So by identifying this person by their shoes, you don't think that's a credible identification yourself, do you?
A I do, based on my knowledge of the person.
Q Okay. But your identity is based on their gait, correct?
A Correct.
Q And the shoes, correct?
A Correct.
Q And nothing else. That's what you testified to

earlier, correct?

A Yes, sir.

Q All right. You also said you never had a conversation with either one of these people. That's what you testified to earlier; correct?

A I stated that I spoke to them on numerous occasions, but as far as an actual conversation, no.

Q You said you drove by and waved.

A Right. And when I see them in stores and things of that nature, I said that I acknowledged them.

Q Just like you do everybody else?

A Yes, sir.

Q Okay. So you -- all right. Now, so -- but you never had a conversation with them?

A Not that I can remember, no, sir.

Q Okay. All right. And you were only there for 18 months?

A Yes, sir.

Q You didn't live in the town, correct?

A No, sir.

Q You didn't grocery shop in the town?

A No, sir.

Q You didn't go to bars in the town?

A No, sir.

Q You didn't go to restaurants in the town except

maybe for lunch?

A Correct.

Q Okay. All right. So you didn't spend much time in the town?

A I spent a lot of time in the town.

Q You were driving around in your car?

A Not always driving around in my car, but when I was on duty I spent a lot of time in town.

Q Okay. All right. When you were at the station, you had to file reports every time you do something, correct?

A Most of the time, it if warrants a police report, correct.

Q Okay. All right. And you said you never had any police contact with my client, correct?

A Not myself, no, sir.

Q Okay. All right. And you also said you couldn't say a specific place that you had ever seen my client?

A Walking around town.

Q All right. But did you not testify that -- you said that you couldn't say, you couldn't remember a specific place and a specific time that you saw my client?

A Correct.

Q Okay.

MR. PLEXICO: I don't have anything further.

MR. KOGER: No questions of this witness.

THE COURT: Anything?

MR. NEWMAN: Yes, ma'am.

CROSS EXAMINATION

BY MR. NEWMAN:

Q Officer Coleman, just to follow-up a little bit. My eyes are bad; is that Rock Hill you work for?

A Correct.

Q If I got the testimony straight from this and another hearing we had, you are claiming that you've seen Mr. Casey Jones, Junior, quote, "seeing him around town."

A Correct.

Q Fair statement?

A Yes, sir.

Q And you don't have any -- you don't recall any specific places, times, dates, lengths of times, things like that?

A No, sir.

Q Okay. And you've never been to Mr. Jones' residence.

A Not to my knowledge, no, sir.

Q Okay. In fact, you don't even know where he lives, do you?

A Correct.

Q Okay. And you were called in to attempt an

identification. And if I got your testimony right, from the hearing that we had on Monday, you were specifically given the names, Casey Jones, Junior, Senior, and Jarrod Bostick by Agent McCallister.

A Correct.

Q Okay. So you were attuned into knowing who you were looking for?

A Correct.

Q Okay. And if I have your testimony correct, you have never seen Mr. Bostick; don't know him?

A No, sir.

Q Okay. Would that be fair to assume that any time, these times that you've seen Mr. Jones around town, you wouldn't have seen him with Mr. Bostick because you have never seen Mr. Bostick?

A Correct.

Q Thank you.

MS. JONES: Nothing further from the State.

THE COURT: You may step down. Thank you, Officer.

THE WITNESS: Yes, ma'am.

MS. JONES: State calls Cathy Leisy.

Thereupon,

CATHERINE LEISY

was called as a witness, having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q Good morning -- or good afternoon. My apologies.

A Good afternoon.

Q Where do you work?

A I work for the South Carolina Law Enforcement Division, more commonly referred to as SLED.

Q And in what capacity do you work for SLED?

A I am a forensic scientist assigned to the DNA case work unit.

Q Okay. And did you have to receive some sort of specialized training to do this position?

A Yes. I have a bachelor of science degree in genetic engineering from Cedar Crest College in Allentown, Pennsylvania. I had approximately four years of experience as a forensic scientist at a DNA testing facility known as Orchid Cellmark in Germantown, Maryland. And since I have been at SLED for about the past 11 years, I have received in-house training from other court qualified analysts in all the different types of testing analysis I'm required to perform.

Q Have you testified in court before?

A I have.

Q In general sessions court?

A Yes.

MS. JONES: Your Honor, at this time, the State moves Agent Leisy as an expert in DNA.

MR. PLEXICO: No objections at this time.

THE COURT: Any questions, Mr. Newman?

MR. NEWMAN: I do not, Your Honor. I believe she's qualified as a forensic DNA examiner.

THE COURT: All right. Ladies and gentlemen, in this case, Agent Leisy is being qualified in the area of DNA analysis.

Ladies and gentlemen, that allows her to give her opinion or reasons for her opinion, and that's for you to see as you need and use appropriate with other evidence in the case. But it, again, allows her to talk about her opinion.

MS. JONES: Thank you, Your Honor.

THE COURT: Thank you.

BY MS. JONES:

Q And were you asked to analyze some swabs of potential DNA for this case we're at today?

A Yes, I was.

MS. JONES: Permission to approach?

THE COURT: You may.

BY MS. JONES:

Q Well, before I get that far, can you tell me a

little bit about DNA and how it can be transferred.

A DNA stands for deoxyribonucleic acid. It is the genetic materials in all of our body cells with the exception of our red blood cells. And DNA is packaged into structures called chromosomes, which is in our genes. And genes are simply strands of DNA that confer physical characteristics, such as our height or our eye color.

Now, approximately 99.9 percent of an individual's DNA is identical to that of everyone else's, and it's that remaining -- variation in that remaining .1 percent that allows us to tell different people apart.

So with forensic DNA testing, typically what we are looking for is a bodily fluid, such as blood, saliva, or semen, and we also test for what is known as touch DNA. And that's DNA that's transferred to an [redacted] through physical contact with an individual, and their skin cells in DNA are then transferred to that item.

Q Okay. And you were asked to analyze a few different sets of swabs for this particular case?

A Correct.

Q And when you're analyzing different swabs of potential DNA, is it easy to have a known person to compare it to?

A It is. Essentially what we are trying to do is develop a DNA profile from an unidentified biological

material at a crime scene or on an item of evidence, compare that to the DNA profile of a known individual and try to determine if that individual is the contributor of that material.

Q Okay. And you had some known profiles in this case, correct?

A I did.

Q You actually have them and they actually have already been admitted. You had a known profile from the victim?

A I did.

Q And did you have one from Jarrod Bostick?

A Yes, ma'am.

Q And from Casey Jones, Senior?

A I had listed as Casey Kasan Jones.

Q Okay. And did you have another Casey Jones?

A Yes.

Q Okay. So two Casey Joneses and of Mr. Bostick?

A That's correct.

Q And the victim. Okay.

MS. JONES: And those are the swabs that have already been admitted, Your Honor. Thank you.

And permission to approach?

THE COURT: You may.

BY MS. JONES:

Q I am going to hand you what has been marked State's -- or what has already been admitted as State's 92, 93, 94, and 95. Can you identify those?

A These are four sets of sets of swabs that were submitted for testing in this case. I recognize both the SLED case number and item number as well as my initials on each envelope.

Q Okay. And State's Exhibit 96, what is that?

A These tubes actually contain the DNA that was extracted from each of the items that were tested. Once testing is completed, we dry the DNA down and return each tube along with each item of evidence that it corresponds to.

Q And those are the tubes of the dried down DNA for this case?

A That's correct.

THE COURT: Okay. And at this time, State moves State's 96 into evidence.

THE COURT: Any objection?

MR. PLEXICO: No.

THE COURT: It is in evidence without objection.

(Whereupon, State's Exhibit No(s). 96 marked for identification and received in evidence.)

BY MS. JONES:

Q Agent Leisy, if you could now tell the Court

regarding the swabs from the -- let's start with the doorknob, swabs from the doorknob. Were you able to detect Mr. Casey Jones, Senior -- Mr. Casey Jones's DNA?

A Well, the profile that was developed from the swabs from the doorknob is a mixture of at least three individuals, and Casey Jones was excluded as a possible contributor to this mixture.

Q And how about, Casey Kasan Jones?

A Was also excluded as a possible contributor.

Q And Mr. Bostick?

A Mr. Bostick also excluded as a possible contributor.

Q Okay. How about the Air Jordan shoebox?

A The DNA profiled developed from the shoebox is also a mixture of at least three individuals. Jeremiah Wilson cannot be excluded as a possible contributor to this mixture. Casey Kasan Jones, Jarrod Bostick, and Casey Jones are excluded as possible contributors to this mixture.

Q Okay. And the baby wipe container.

A The DNA profile developed from the baby wipe container is a mixture of at least two individuals. The DNA profile developed from the major contributor to this mixture matches the DNA profile of Jeremiah Wilson. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this mixture is

approximately one in 8.8 sextillion. And Casey Kasan Jones, Jarrod Bostick, and Casey Jones are excluded as possible minor contributors to this mixture.

Q Okay. And how about the -- you were also given the swabs of the cartridge cases, the head stamps of the cartridge cases?

A Correct. No DNA profile was developed from the head stamps from the cartridge cases.

Q Okay. Is it common to find the DNA profile on cartridge cases?

A It's really very rare for us to be able to develop a profile from this type of item. There's just not enough material present for us typically to develop a profile suitable for comparison.

Q Okay. So if I get this right, you were not able to detect DNA from any of the three Defendants?

A That's correct. They were excluded from all the profiles I have that are suitable for comparison.

Q But you tried?

A Yes, ma'am.

Q Thank you.

MS. JONES: I have no further questions for this witness.

THE COURT: All right. Mr. Plexico.

CROSS EXAMINATION

CROSS EXAMINATION OF C. LEISY BY PLEXICO

BY MR. PLEXICO:

Q Now, you had an opportunity to develop DNA on some of these items, correct?

A That's correct.

Q All right. So the ones that -- and you did your job, did your protocols, and you came back where you did find DNA, and there was absolutely no question in your mind, it is not Casey Jones, as you reported, right?

A It is my opinion based on the profiles developed that it is appropriate to exclude Mr. Jones as a possible contributor to those profiles, yes, sir.

Q Cannot be his DNA?

A Again, based on the profiles I developed, I believe he is excluded as a possible contributor.

Q It can't be his; yes or no?

A No, not based on the profile.

CROSS EXAMINATION

BY MR. KOGER:

Q In relation to my client, Mr. Jarrod Bostick, he is also excluded in the profiles, correct?

A That's correct, sir.

Q And it cannot be him?

A Again, he is excluded from that profile, that is correct.

MR. KOGER: Thank you.

THE COURT: Mr. Newman.

CROSS EXAMINATION

BY MR. NEWMAN:

Q From your report, ma'am -- I'm Jared Newman, by the way. I don't think we have met.

A We've spoke.

Q On your report -- do you date your reports?

A Yes, sir, we do.

Q Okay. And generally, let's see if we can get them in order. When -- what are the dates that you did work on this case, or submitted the report anyway?

A The original report was issued on August the 28th of 2015. I then issued a supplemental report on February the 1st of 2016. Another supplemental report on March the 15th of 2016. And then a final supplemental report on September the 20th of this year.

Q Okay. And that is, I'm presuming, that you would have first got in probably a DNA sample from the autopsy of the decedent, correct?

A That's correct.

Q And you would also receive, because they processed on scene very early, you would have received the touch or transfer DNA swabs, correct?

A That's correct. That first report included those touch samples as well as the profile from Mr. Wilson.

Q Correct. And you need the buccal swabs from the suspects to be able to match them up?

A That's correct.

Q Okay. And in getting a -- and I know you don't do it per se, but I'm assuming you are familiar with the procedure. Getting a buccal swab is a relatively simple procedure. It is basically two long Q tips that are put in a sealed -- the person wears gloves to make sure we don't get genetic material on the buccal swab. And you just basically rub inside the cheek and gum just for a couple seconds, put them in a container that is marked for chain of custody purposes, and that is it. That is how you can get a DNA sample, correct?

A That is correct. A very simple procedure.

Q Okay. It is non invasive, it is relatively easy to do.

A I would consider it non invasive, yes, sir.

Q Okay. If I had a Q tip, I could rub my cheeks and put it in a thing and you would be able to test it, correct?

A That's correct.

Q Okay. And I noticed that there are a number of forms that SLED uses for being able to submit items to the laboratory, correct?

A That's correct.

Q Okay.

MR. NEWMAN: And if I may approach the witness, I just want to see --

BY MR. NEWMAN:

Q Would this be an example of a laboratory submission form?

A It would. It includes information such as submitting agency, names of the individuals, items of evidence and so forth.

Q Okay. And that is so we can be very careful and track this down. And I notice it has an L number, L1507414.

A Correct. That would be the SLED laboratory number for this particular case.

Q And that's tracked, it has a bar code?

A Yes, sir.

Q Okay. And no question in your mind that all the appropriate protocols and procedures for chain of custody were performed in this case so that you could make a reliable report of your testimony?

A That's correct.

Q If there had been any problem with the chain of custody, or mislabeling, you would have to note that or maybe not even be able to test the materials; is that correct?

A Depending on the issue, it could prevent us from testing, but it would be documented.

Q Okay. But maybe a wrong name was on it?

A Correct.

Q Nothing like this happened in this case?

A Could you be more specific?

Q Okay. Let me put it this way: Are you confident, a hundred percent, in the report that you did that you had right samples that matched the bar codes that matched the chain of custody?

A I am confident in that, yes, sir.

Q Okay. And you are confident on your report that excludes Casey Jones, Casey Kasan Jones, and Jarrod Bostick?

A Yes, sir, I am.

Q Okay. Now, as to the touch or transfer DNA, those are from skin cells?

A Typically, unless we perform specific serological testing, meaning we are looking for a body fluid. When we are testing for touch, typically we are just looking for skin cells that have rubbed off the body and been transferred to an [redacted] or in contact.

Q Okay. And let me ask you if, within your knowledge, that this is correct or not correct, an average human sheds about 400,000 skin cells a day; is that correct?

A I can't gave you a specific number. I know some people shed much more readily than others, so some will leave more cells during contact than other individuals will.

But it is quite a large number.

Q Quite a large number.

A It can be, yes.

Q It makes a difference if people tend to touch their face a lot, or eyes, or pick at things like that.

A Absolutely.

Q Scratch their head, and scratch their beard?

A Yeah. How often they wash their hands. There are quite a few different things that can go into the transfer.

Q Just like dandruff, if I scratch my head now and got some on the -- those little flakes contain thousands and thousands and thousands of cells.

A They can, yes, sir.

Q Okay. So -- and I know you don't do crime scene, but in your work in the laboratory, the crime scene investigators typically, when they are wanting to do swabs, would have a practice or protocol of -- we think the suspects touched this item, and that they would want to swab this item for likely places where the suspect touched.

A As he said, I don't do crime scene, but typically that is what we are looking for. Any object or area where an individual may have come in physical contact is suitable for swabbing to test for possible DNA profile.

Q Okay. And in this case, it was from the doorknob and door area from the front of a residence.

A Correct. It was identified as exterior front doorknob and doorknob area.

Q Okay. And another set from an Air Jordan shoebox?

A Correct.

Q All right. And another set from some type of baby wipes. Baby wipe container in the bedroom.

A Correct.

Q Okay. And I understand that you said shell casings, typical are difficult to get DNA samples from because the item is very small.

A The item is small. We don't expect there to be a tremendous amount of contact with that item. And, you know, the combustion if the weapon is fired and we are testing after it's been fired, that can also degrade or break down the DNA, making it more difficult for us to develop a profile.

Q And once it's -- once you don't have enough, you will call it LCN low copy number, too low of a copy number that you can't do SRP repeats on.

A That's right. There is a minimum amount of DNA or cells that need to be present for us to be able to develop a profile that's strong enough for comparison.

Q And the profiles that you were able to develop from the doorknob and door frame area, from the Air Jordan shoebox, and the baby wipe container overturned in the

bedroom, you were able to get a sufficient amount of DNA to be able to do SRT testing on it and to get a reliable result?

A That's correct. We did perform STR testing and I was able to develop a profile suitable for comparison for each of those items.

Q Okay. And I know it makes it a little more difficult, but your lab is equipped to, and you are trained in being able to develop profiles from multiple contributors?

A That's correct. As I mentioned, these are mixtures. Meaning, there are multiple individuals' DNA present on these items.

Q Okay. Such as you, I, and the court reporter had handled this Bible, you might get not necessarily get -- you might get a mixture of three individuals.

A That would be possible, yes, sir.

Q And you are scientifically able to keep evolving that into separate DNA profiles?

A We can pull out what we call a major contributor. So if one individual were to contribute significantly more DNA than the others to a three-person mixture, say, we can essentially pull out their DNA profile and treat it as if it is single source. With a mixture that is a more even distribution of the individuals we can't necessarily

separate those profiles out.

So when we are making a comparison with a mixture like that, we are just checking to see if there is consistency between a known individual and the profile that is a mixture, to see if they could have been a possible contributor.

Q Okay. In this case, in the process, you were able to, without scientific question, from the baby wipe box, from the shoebox, and from the door frame, you were scientifically competently able to exclude the mixture as including Casey Jones, Junior, or Casey Kasan Jones.

A I do believe that Casey Kasan Jones is excluded from the profiles that I developed, yes, sir.

Q Okay. And the same with Mr. Bostick as to the three items, the door/doorknob area, the Air Jordan shoebox, and the baby wipe container.

A That's correct.

Q Okay. And if you are not able to do that, there is another term that y'all use, if you can't tell one way or the other, it would be inconclusive. I can't say it's him, and I can't rule him out, correct?

A We previously did sometimes generate results as inconclusive, basically meaning there is some consistency between a known individual's DNA profile and the evidence. Not enough that we are confident enough to say, yes, they

are included and do a statistic, but enough consistency we do not want to exclude that individual. So we would sometimes report things out as inconclusive. We basically just don't have enough information to competently make a conclusion.

Q And in this case, you were able to scientifically exclude Casey Kasan Jones, Jarrod Bostick, and Casey Jones, Senior.

A Correct. I did exclude those individuals from those three items.

Q Any question in your mind?

A No. I believe they are excluded from the profiles I was able to develop.

MR. NEWMAN: Thank you, ma'am.

THE WITNESS: Yes, sir.

MR. NEWMAN: No further questions, Your Honor.

THE COURT: Anything further from this witness?

MS. JONES: Not from the State, Your Honor.

THE COURT: You are excused, Agent.

THE WITNESS: Thank you, Your Honor.

THE COURT: Call your next witness.

MS. JONES: State calls Chad Smith.

THE COURT: All right. And as that witness is coming in, everyone stand up and take a stretch. Up. Up.

(Jury complies.)

Thereupon,

CHAD SMITH

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q Agent Smith, where do you work?

A I'm employed by the South Carolina Law Enforcement Division, which is also known as SLED. Specifically, I work in the firearms department at SLED's forensic services laboratory in Columbia.

Q How long have you worked there?

A It will be nine years in November.

Q And to work in the firearms department, you had to receive special training, education?

A Yes, ma'am. I received a bachelor's of science degree from Clemson University in biological sciences. And then when I started my training at SLED in the firearms department, I completed that training. It lasts between three to five years, it is supervised by the court qualified examiners of the firearms department. It involves extensive reading and studying. There's multiple examinations and tests given during this period.

Also had the opportunity to help other

examiners prepare their own casework. I attended various seminars and classes. And at the end of my training period, I received a comprehensive multi-part examination, which I successfully passed, and then I began to receive my own casework.

Q And have you testified in court before?

A Yes, ma'am.

Q In general sessions court?

A Yes, ma'am.

MS. JONES: And, Your Honor, at this time, the State moves Agent Chad Smith in as an expert in firearms.

THE COURT: Any voir dire?

MR. PLEXICO: No.

THE COURT: Without objection.

Ladies and gentlemen, in this case Agent Smith is being qualified as an expert in the area of firearms. Again, that allows him to give his opinion and the reasons for his opinion. And that's for you to use as you see appropriate in with other evidence in the case. All right?

MS. JONES: Thank you, Your Honor.

BY MS. JONES:

Q Agent Smith, were you asked to analyze some items in this case?

A Yes, ma'am.

Q And what were those?

A I received a semiautomatic pistol, a .40 Smith and Wesson caliber, which came with a magazine, and there was some unfired cartridges with that. And I also received seven fired .9 millimeter Luger caliber cartridge cases, as well as four fired bullets.

Q And just so I'm aware, tell me what exactly a cartridge case is.

A A cartridge case is the actual container of a cartridge. Some people get confused and call the whole thing a bullet. Well, a cartridge is actually a unit of ammunition. So it is made up of various parts. You've got the cartridge case, which is basically the container for all the other parts. And the other parts included the bullet, which is the projectile. The cartridge case holds the gunpowder as well, and then there's a primer at the bottom of the cartridge case, which is -- causes the ignition of the cartridge itself.

MS. JONES: Permission to approach the witness?

THE COURT: You may.

BY MS. JONES:

Q Agent Smith, I'm going to show you what has already been admitted as State's 85 to 91. Can you identify those?

A Yes, ma'am. These are the cartridge cases that I received for examination.

Q Okay. And I can take those back from you. Thank you.

I'm now going to show you State's 81 through 84. Can you identify those?

A Yes. These are the four fired bullets that I received for examination.

Q Okay. You can give those to me. Thank you.

And I'm now going to show you previously admitted State's 77. Can you tell the Court what this is?

A Ladies and gentlemen of the jury, this firearm has a cable lock going through the magazine well, and so it's safe to handle.

Yes, this is the firearm I received for examination.

Q Okay. And what type of firearm is that?

A It is a Glock brand, it is a model 22. It's a semiautomatic pistol, .40 Smith and Wesson caliber with a serial number of VVS891.

Q And that's the gun that you used to test against the shell casings as well as the bullets you received?

A Yes, ma'am. Actually the caliber, it was totally different from the submitted evidence.

Q Okay.

A So --
Q So did that gun fire any of the bullets?
A No, ma'am.
Q Did that gun produce any of these shell casings?
A No, ma'am.
Q Okay. I can take that from you.
With regard to the four bullets that you have -- that you analyzed, what were your findings with those?
A I was able to conclude that all four of those bullets, they were consistent with a .9 millimeter Luger caliber, and they were all fired by the same firearm.
Q Okay. With regard to the shell cases, what were your findings with those?
A I was able to determine that there were three different guns involved. Based on the markings created on the shell casings, I was able to determine that three different firearms fired those shell casings. Three different groups.
Q Okay. So the evidence that you had, you analyzed, showed that three guns were used?
A Yes, ma'am.
Q One of them not being this gun?
A Correct.
MS. JONES: Your Honor, that is all the questions

I have for this witness.

Thank you, Agent Smith.

THE COURT: Mr. Plexico?

MR. PLEXICO: I have no questions, Your Honor.

THE COURT: Mr. Koger?

CROSS EXAMINATION

BY MR. KOGER:

Q How many guns did you receive to test?

A Just one.

Q Just one.

A Yes, sir.

Q Okay. And that was not the gun that fired the cartridges and the casings that you tested, correct?

A Correct.

MR. KOGER: Thank you.

CROSS EXAMINATION

BY MR. NEWMAN:

Q I'm assuming the only -- is the gun in there?

MS. JONES: Yes, sir.

BY MR. NEWMAN:

Q I'm assuming the only gun we are going to have in evidence in this case for the jury is -- is this one, correct?

A Yes, sir.

Q And that is not the weapon used in the commission

of the crime, correct?

A Correct.

Q Okay. And this is under Federal law, what's known as a high capacity magazine; is it not?

A It is a high capacity magazine.

Q Okay. Mr. Wilson was a convicted felon. Would you know how he would be able to get ahold of a weapon with a high capacity magazine like this?

A No, sir.

Q Oh, and the actual bullet part, I understand you explained what a cartridge versus the projectile.

A Right.

Q The four projectiles that were found all were from the same weapon?

A Yes, sir. All fired by the same firearm.

MR. NEWMAN: Okay. Thank you.

THE COURT: Anything further?

MS. JONES: Not for this witness, Your Honor.

THE COURT: All right. Agent Smith, you may be excused, sir. Thank you.

THE WITNESS: Thank you.

MS. JONES: State calls Dr. Reimer.

Thereupon,

DR. ELLEN REIMER

was called as a witness, having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q Good afternoon, Dr. Reimer.

A Good afternoon.

Q Where do you work?

A I work at the Medical University of South Carolina as a forensic pathologist.

Q And what does that mean?

A A forensic pathologist is a medical doctor who sub-specializes in determining cause and manner of death by performing autopsies on deceased individuals.

Q And did you have to receive some specialized training and education to become a forensic pathologist?

A Yes. So I got a medical degree, so I got my M.D, and following receiving my Doctor of Medicine degree, I did a residency training in pathology, which is a field of medicine that specializes in diagnosis of disease, and by examination of tissues and fluids. And that is sort of your basic pathology training, and that was four years.

And following that, I did a subspecialty training fellowship year in forensic pathology at the office of the chief medical examiner of the state of Maryland, and that was one year. And I'm board certificate in pathology and forensic pathology.

Q Thank you. And have you testified in general sessions court before?

A On multiple occasions.

MS. JONES: Okay. Your Honor, at this time, the State moves Dr. Reimer in as an expert in forensic pathology.

THE COURT: Any voir dire?

MR. NEWMAN: No objection, no voir dire.

THE COURT: Ladies and gentlemen, in this case, Dr. Reimer is being qualified in the area of forensic pathology. Again, that allows her to give her opinion and the reasons for her opinions.

MS. JONES: Thank you, Your Honor.

BY MS. JONES:

Q Dr. Reimer, were you asked to perform an autopsy on Jeremiah Wilson?

A Yes.

Q And when was that?

A If it's okay, I'm going to refer back to my notes.

I performed the autopsy on June 4th, 2015.

MS. JONES: And, Your Honor, if I may ask this witness to step down.

THE COURT: Okay. Dr. Reimer, you are welcome to step down. If you want to take your notes, of course.

A (Witness complies.)

BY MS. JONES:

Q Would a visual aid you in describing each of Mr. Wilson's wounds?

A Yes.

MR. NEWMAN: Your Honor.

THE COURT: Yes, you are welcome to come over here, y'all.

MR. NEWMAN: Thank you.

BY MS. JONES:

Q Dr. Reimer, how many gunshot wounds did you discover?

A After I -- over the course of doing the autopsy, I discovered that the victim had six gunshot wounds total.

Q Okay. And if you could, one by one, if you could describe those. And I have some stickers that might help you with your visual depiction.

A Okay. That's fine. Okay. So what I'll do is, I will use blue to indicate an entrance wound and then red to indicate an exit wound. Okay.

Now, the six gunshot wounds, four of them went through and through. So there was no bullet recovered in the body. So four of them had exit wounds. And then two of them did not have an exit wound, but instead terminated in the body with a projectile recovered somewhere in the body. So I'll mention that.

So in no particular order, I will start with a first gunshot wound.

Q And you say that there's no order because you don't know the order that they came?

A That's correct. So I have to, you know, order them in my report. You know, give them letter A, B, C, D. But it's just so I can refer back to them. But if they are -- they are not -- I don't know what order they -- the victim sustained these gunshot wounds.

So the first one is on the left side of the head, and one of the gunshot wounds was to the left side of the head, and that went through the skull and the brain and then terminated. It actually didn't exit, so I'm just going to make a little tiny mark to -- but it was kind of in back of the right side of the head. So it didn't actually exit; there was a bullet in there. It's almost just a little piece to indicate that. Okay. So that was one of the gunshot wounds.

Q And what was the trajectory in that?

A The trajectory was from left to right, and so you can see every gunshot wound, you know, going through space or a body has a trajectory. And what we do is --

(Disruption in the courtroom.)

THE COURT: Okay. Ladies and gentlemen, we're just going to take a brief recess. Again, do not

discuss the case. It would not be appropriate to do so. You can go back to your jury room. Can we all please move over to let the jury come.

Take her out.

(The Jury exits the courtroom.)

THE COURT: Okay. We are going to take about a ten-minute break. You need to go back and talk to them. If they can't contain themselves, they are not coming back in this courtroom. We need to decide what we are going to do with the gentleman. I'm sorry, I forgot his name, and again I think everyone needs to stay out for right now. I just think it's a better idea. Okay? And I want him out of the courthouse, I don't want to hear anyone, and I want them gone.

MS. JONES: I'll ask them.

THE COURT: We will take ten minutes. Okay? Thank you.

And Honeycutt, you need to go. You go do whatever you need to do, Honeycutt.

OFFICER: It's okay, I can just stay here.

THE COURT: I have every confidence. Are you okay?

MR. NEWMAN: I want to keep this gentleman in the courtroom.

THE COURT: Okay. You all are fine, right? Okay.

Dr. Reimer, you are welcome to step down if you want. We are just going to take just a quick -- if you need any water or anything, just ask the bailiffs.

THE WITNESS: No problem.

THE COURT: You just can't talk about your testimony with anyone.

THE WITNESS: Yeah, no problem. I'm not talking.

THE COURT: I know that you are good. Okay.

THE WITNESS: No, I'm fine.

(Whereupon, the Court was in recess.)

THE COURT: Okay. Are we ready to go? Dr. Reimer, are you ready to go?

THE WITNESS: Yes.

THE COURT: Sort of like, yes, get me out of here. Okay. Let's bring the jury in.

(The Jury enters the courtroom.)

MS. JONES: Okay.

THE COURT: All right. Let's continue.

THE WITNESS: So just mentioning the trajectory through the body. So for every gunshot wound, I just --

MS. JONES: Please, if you could wait a second so that the Defendants can get over here.

MR. NEWMAN: Sorry. Thank you.

THE WITNESS: Okay. So for every gunshot wound, I

assign it an accurate direction, which corresponds to how it goes through the body. It doesn't describe how anybody is standing nearby or anything like that.

So if the entrance is on the left side of the head, and the bullet is recovered in the back of the head, so it's from front to back, and from left to right. And in this case, it was a little bit downward as well.

So that's -- and that bullet went through the brain.

BY MS. JONES:

Q Would that wound have been fatal?

A Yes.

Q Thank you.

A And now, I'm going to move on to another gunshot wound, which was on the right side of the back, about there. Okay. And that gunshot wound went through a couple of the ribs on the right side in the back, and then went through the right lung, and the ascending aorta, which is the major blood vessel as it leaves the heart, and so the blood gets pumped out of the heart into the aorta, so this went through the ascending aorta, and also the right atrium of the heart. So right chamber of the heart.

And then after coming through into the front, it actually exited the front of the chest just on the right

side. So here it is on the right side and exiting on the right side as well, but it still has a slightly right to left trajectory. And the injury trajectory is from back to front and upward.

Q And would this wound have been fatal?

A Yes, because it went through the heart. That is a non-survivable injury.

And then another gunshot wound went into the -- or entered, I should say, into the left side of the back, around there. Okay. And that wound, or that gunshot wound went through the back and then through the liver, and then the diaphragm, which is a muscle that is used for breathing. It separates like the lungs from the liver. Okay. And then as -- and so it went through the liver, the diaphragm, and then into the right lung, and exited on the right side of the chest. So that makes it a red one. Okay.

Okay. That was the -- so exit on the right side of the chest, so, yeah, that is somewhere here. And so that was the entrance, and the exit is over here. And so we have got, it is going from back to front, its main trajectory, and left to right and upward.

Q Okay. And would this one have been fatal?

A Well, you know, those are significant injuries. And they went through the diaphragm, which is going to interfere with breathing. The liver causes a lot of

bleeding into the abdomen and into the right lung. So, I mean, it could have been fatal, not as rapidly as the injury to the head.

Q Okay. Thank you.

A So, now, we are done with three. Okay. And then, another gunshot wound is on the left side of the back, kind of on the lower part down here. And that gunshot wound also exited the body. and after going into the left side of the lower back, it went through the left iliac artery, which is a major blood vessel that, like a branch of the abdominal aorta that feeds the left lower extremity. But it is in the kind of the pelvis kind of region, so it's, you know, this is all the pelvis region.

It went through the -- that bullet on the way through the body went through the left iliac artery, the L4 vertebra. Okay. So it went through the backbone. It did not actually go through the spinal cord, but it went through the backbone. And then it's kind of going across the body and went through the right kidney and some loops of the small bowel and intestines, and then also the liver.

The liver is pretty big in there, so -- and then it exited on the right side of the abdomen, which is a little bit lower than this one. So somewhere around there, so that one is also going from back to front and left to right and upward.

Q Thank you. And would this wound have been fatal?

A Well, it would have been fatal, but not as rapidly again, because there was so much bleeding associated with bullets that travel through, first of all, the more major blood vessel like the iliac. I mean, you know, if it was the only gunshot wound, you know, and it happened in the emergency room, I guess he may have had a chance. You know, I'd never say never. As I said, there was a lot of major damage that occurred from this gunshot wound.

Q Okay.

A So now we are done with four of them. And then we go to the fifth gunshot wound, which was on the left side of the lower back again. And this one is more like on the flank area. So that's like up in here. So kind of almost like the flank area, but it's also on the back. And that gunshot wound went through the -- some loops of small bowel and liver and did not exit the body. That one actually ended up in the anterior abdominal wall. And so it went through the liver, and then did not have enough energy to get all the way out. So we will just put this one here to indicate that it was recovered around there.

So you can see that the trajectory on this was from back to front, again, and in this case, from left to right. And there may not have been a significant upward or downward deviation. I will check my notes, my report.

Yes. This is a slight upward deviation from where it entered, and it was recovered, and this one was recovered right here. So that was that. Now, we are done with five gunshot wounds.

Q And that fifth gunshot wound, is that possibly survivable?

A Well, again, we have small bowel and liver. That didn't go through the iliac artery, so, you know, we are still going to end up with a lot of bleeding from it. But if it was like immediate medical attention, potentially he could have survived it if that was the only one. But, you know, the combination of all of these gunshot wounds caused a lot of internal injury that was really with vital organs.

Q Thank you.

A Now, the last gunshot wound, I'm describing it last, I don't actually know the order of these, again, was on the left hand. And there was an entrance and -- well, there was a through and through defect in the left hand. Okay. And it wasn't completely obvious, which was the entrance and which was the exit. But I think, okay, it could have been either one. But I think that the entrance was actually on the left palm. Okay. So, we will put the left palm over there, and that exit was the left side of the top of the hand. So pretty much just straight through and through.

It is one of those things that the autopsy, you know, I wasn't completely convinced which one was the entrance and the exit. Then when I went back to look at the pictures a few days ago, I think that the one on the palm is the entrance, but sometimes we cannot be 100 percent certain. So the other ones, I'm certain about where the entrance was, and this one, I'm a little bit not completely convinced which was which, but it was a through and through gunshot wound that definitely connected.

And then also, there was some injury to the left -- the tip of the left ring finger. Okay. Also from a gunshot wound. And that probably happened, while the bullet was traveling through the hand to, the hand may have been hit. So it was just a little tip of the finger. And this would not have been fatal.

The fractured bones of the hand were the worst case scenario. He could have lost his hand, worst case scenario, but it would not have been a fatal injury on its own.

Q Thank you, Dr. Reimer.

And these six wounds are the wounds that you detected during Jeremiah's autopsy?

A Yeah. Those are the complete wounds that were present on his -- at his autopsy.

Q Okay. And this is an accurate depiction that you

have made here in court today.

A Yes.

MS. JONES: Thank you. And, Your Honor, at this time, State moves State's 74 into evidence.

MR. NEWMAN: Without objection.

(Whereupon, State's Exhibit No(s). 74 marked for identification and received in evidence.)

BY MS. JONES:

Q And, Doctor, you can take your seat back at the witness stand.

A Thank you. (Witness complies.)

Q Dr. Reimer, what was Mr. Wilson's toxicology report?

A Okay. So as part of every autopsy, I draw blood from the deceased individual and send it to a toxicology lab. I don't perform the testing myself, but it's sent to a professional toxicology lab that tests for all sorts of drugs and alcohol. And the only thing he had in his blood was caffeine.

Q Dr. Reimer, what was Jeremiah Wilson's cause of death?

A So I determined the cause of death to be multiple gunshot wounds.

Q And, finally, Dr. Reimer, what was Jeremiah Wilson's manner of death?

A The manner of death is homicide.

MS. JONES: Thank you. I have no further questions.

MR. PLEXICO: No questions, Your Honor.

THE COURT: Anything Mr. Koger?

MR. KOGER: No questions, Your Honor.

THE COURT: Mr. Newman?

CROSS EXAMINATION

BY MR. NEWMAN:

Q Doctor, within your specialty in your training and science, everything you testified to does not connect any of these Defendants to the crime; would that be correct?

A That is correct.

MR. NEWMAN: Thank you.

THE COURT: Anything further?

MS. JONES: Nothing further.

THE COURT: Doctor, you are excused. Thank you.

THE WITNESS: Okay. Thank you.

MS. JONES: Your Honor, at this time, the State rests.

THE COURT: Ladies and gentlemen, at this time, the State is rested their case. There's a matter of law I need to take up with the attorneys.

I'm going to find out where we are going to go from here, ladies and gentlemen. I'm going to send you

back to the jury room. Do not discuss this case, it would not be appropriate to do so. We will be right with you. Okay? Thank you.

(The Jury exits the courtroom.)

THE COURT: All right. Any motions? Mr. Plexico?

MR. PLEXICO: Yes, Your Honor. I have a motion for a directed verdict on all counts. The State has failed to show -- have any proof of -- that my client participated in these crimes. The only testimony that the State has is that my client was identified, not by his face, not even by his gait, since his walk could not be seen. He was identified by the tennis shoes that he was wearing without anything unique about those tennis shoes. And I believe that any reasonable person looking at that video, which has been shown multiple times in court, you could not discern the third person who they allege to be my client on that video. You can't discern who that is at all. The video itself helps exonerate my client.

I don't believe that amounts to an iota of evidence against my client. And I move for a directed verdict on all three counts.

THE COURT: Ms. Jones.

MS. JONES: Thank you, Your Honor. I believe there is evidence in the record that does give the jury

the question about the fact Mr. Jones, Senior is the third individual. They have the video, they have the stills, and they have testimony of Dominique Coleman, who said that she identified him. She was a hundred percent positive, and she quickly identified him. I believe that that is now a question of fact for the jury to decide, with enough evidence that was presented today and yesterday to have the jury decide that.

THE COURT: All right. Thank you. I do think there is certainly direct evidence on the video as well as circumstantial evidence to determine that Mr. Jones, Senior did, in fact, commit these three crimes. And so I'm going to deny your motion.

As to Mr. Bostick.

MR. KOGER: Your Honor, may it please the Court. I'll make a motion for directed verdict in relation to Jarrod Bostick in this particular case. The evidence that has thus far came out placed by the State does not warrant submission of his particular case on all three charges going to the jury for consideration.

THE COURT: All right. Well, again, respectfully, you can go ahead and -- who specifically testified that it was Mr. Bostick in the video?

MS. JONES: We have Starsheika Scott, Craig Proctor, Chief Collins, Jeff Croft, and I believe

that's it.

THE COURT: Anything else you want to add to it?

MS. JONES: My argument was the same for all three Defendants, Your Honor. There's direct evidence and circumstantial evidence.

THE COURT: I would agree that certainly that there is ample evidence as to Mr. Bostick and that this case should be -- that there is adequate evidence from which this jury could determine.

But obviously, ID evidence, we have the video evidence, which is actual evidence, as well as circumstantial evidence, as to these three charges as to Mr. Bostick. So I'm going to deny the motion.

MR. NEWMAN: Yes, ma'am, Your Honor. Jones, Junior moves for a directed verdict on all three counts on the same grounds raised by Mr. Plexico and Mr. Koger.

Additionally, Your Honor, the testimony that the State has put out is in the form of a vague identification, opinion type evidence. We have actual contradictory scientific evidence that was deemed to have been reliable that actually excludes Mr. Jones, Junior from being at the scene of the crime. We move for a directed verdict on those grounds. The scientific evidence absolutely trumps the shaky ID

evidence.

MS. JONES: Respectfully, I disagree with Mr. Newman. I think that the identification evidence is completely separate from the scientific evidence or lack thereof in this case. And, again, I believe that it is enough to go to the jury.

Both on direct and circumstantial evidence based on the witness identification, which are multiple of those for Mr. Jones, Junior and the video and the stills.

THE COURT: Well, again, respectfully I do find there's adequate evidence, both direct and circumstantial to link Mr. Jones, Junior to these offenses, and I will deny the motion as well.

Let's talk about your client's constitutional rights. What I'm going to do, gentlemen, is go through your constitutional rights. I'm sure your attorneys have spoken with you about your rights.

Mr. Plexico, is now a good time to speak with your client?

And, gentlemen, I can actually explain it all to each of you together, but then I will question you separately afterwards as to whether or not you wish to testify.

Is that acceptable, Mr. Plexico?

MR. PLEXICO: Yes, Your Honor.

THE COURT: What about you, Mr. Koger?

MR. KOGER: Yes, Your Honor.

THE COURT: All right. Mr. Newman.

MR. NEWMAN: Yes, ma'am.

THE COURT: All right. Well, gentleman, I need you all to stand. And for the two Mr. Joneses and Mr. Bostick, if you will each raise your right hand.

Gentlemen I am going to ask you and give you -- swear you in, and then I'm going to ask Mr. Jones, Senior to say yes, and then Mr. Bostick, and then Mr. Jones, Junior. Okay?

So, gentlemen, do you swear or affirm the testimony you give will be the truth, so help you God, Mr. Jones, Senior?

DEFENDANT JONES, SENIOR: Yes.

THE COURT: Thank you, sir. Mr. Bostick?

DEFENDANT BOSTICK: Yes, ma'am.

THE COURT: And Mr. Jones, Junior?

DEFENDANT JONES, JUNIOR: Yes, ma'am.

THE COURT: All right. Gentlemen, put your hands down.

Now, we have come to that point in the trial where you are permitted to put on the defense of your case. As you all understand, the State has now rested. I

want to explain a few things to you to make sure you understand your constitutional rights, ladies and gentlemen.

You have the right -- sorry. Not ladies and gentlemen, just gentlemen.

You have the right to claim the protections that are given to you by the fifth amendment to the Constitution of the United States, which states in part that no person is compelled in any criminal case to be a witness against themselves. Gentlemen, what that means is you cannot be required to testify in this case.

If you choose not to testify in this case, I'm going to instruct the jury in my jury charge that the fact that you didn't take the stand cannot even be discussed back in the jury room. And the reason is because the State has the burden of proving your guilt beyond a reasonable doubt. You do not have any burden to prove yourself innocent. That burden is on the State to prove that you are guilty, each one of you, of these crimes beyond a reasonable doubt.

I do want you to know that you do have the opportunity, though, if you want to, to take the stand. But what you need to understand, gentlemen, is if you choose to take the stand, like any other witness in

this case, you will be subject to cross-examination by the State. And basically they can ask you anything that I deem relevant to this case, which means they can ask you questions certainly about anything having to do with this case.

So, again, we talked about this before. Do we need to go through any of their rap sheets? I know we discussed it with Mr. Jones, Senior. Is that correct?

MS. JONES: Yes, Your Honor, and I'm getting that right now. Thank you.

MR. PLEXICO: Your ruling was that the only case that -- the only prior thing that he had was --

THE COURT: I understand that. I want to make sure there wasn't anything other than that.

MS. JONES: Not for Mr. Senior.

THE COURT: Not for Mr. Senior. So in your case, Mr. Jones, Senior, if you take the stand, I am not going to allow the State to use your prior conviction for a burglary to cross-examine you for the simple fact that it's too close to what this case, in fact, is.

The State needs to prove that you are guilty of this charge because of the facts and evidence presented in this case, not because they think you have done it in the past. Okay? So I just want to make sure you understand that while they are not going to be

permitted to use that, Mr. Jones, Senior, I am going to let them ask you any question they want to that I think is relevant to this case. And you will be subject to cross-examination. I want to make sure you understand that.

You also, if you choose to take the stand, you need to answer the questions. If you choose to talk, then you do need to answer the questions that are posed to you. All right?

I want to make sure you understand, Mr. Jones, Senior that, again, you are never required to testify, but you can choose to testify if you want.

Have you had an opportunity to speak with your lawyer about whether or not you want to testify?

DEFENDANT JONES, SENIOR: No, ma'am. Not today.

THE COURT: You haven't today. All right. Well, sir, we are at that point in your trial where you have to decide whether or not you want to testify. Because this is your opportunity to put up your case, if you want to testify. And we will take a short break after this, and I'm going to come back and ask you whether or not you want to testify. Now is the time. You have been sitting here for the last three days watching the evidence that's been placed in front of the State. So you need to decide whether or not you wish to testify.

Do you understand that?

DEFENDANT JONES, SENIOR: Yes.

THE COURT: All right. Mr. Bostick, you have heard exactly what I have explained to everyone. You have the right to testify or not testify. Do you wish to testify in this case?

DEFENDANT BOSTICK: No, ma'am.

THE COURT: And, sir, you have to speak up.

DEFENDANT BOSTICK: No, ma'am.

THE COURT: All right. And, sir, I understand that you have spoken, I'm sure, with Mr. Koger as to whether or not you wish to testify, but you need to understand that this is your choice, and it's a choice only you can make. Do you understand that?

DEFENDANT BOSTICK: Yes, ma'am.

THE COURT: And are you confident and you are sure that you do not want to testify?

DEFENDANT BOSTICK: Yes, ma'am.

THE COURT: All right, sir. Thank you.

Lastly, Mr. Jones, Junior, have you spoken with Mr. Newman about whether or not you wish to testify?

DEFENDANT JONES, JUNIOR: Yes, ma'am. I'm not testifying.

THE COURT: You do not wish to testify; is that correct?

DEFENDANT JONES, JUNIOR: Yes, ma'am.

THE COURT: And that is your decision; is that correct, sir?

DEFENDANT JONES, JUNIOR: Yes, ma'am.

THE COURT: All right, sir. Thank you.

Gentlemen, you two may be seated. All right?

Mr. Plexico, do you need five minutes to talk with your client?

MR. PLEXICO: Probably not that long, Your Honor.

THE COURT: Okay. Well, I'm going to give you about two minutes for you two to talk.

MR. PLEXICO: Thank you, Judge.

THE COURT: Thank you.

(Pause.)

THE COURT: All right. Mr. Koger and Mr. Newman, is it still correct that you do not wish to put up any evidence?

MR. NEWMAN: That is correct.

MR. KOGER: Yes, ma'am.

MR. NEWMAN: At the appropriate time, we will rest.

(Pause.)

MR. PLEXICO: We are ready.

THE COURT: I just remind you, Mr. Jones, you are still under oath, sir. Have you had an opportunity to

speak with Mr. Plexico now about whether or not you wish to testify?

DEFENDANT JONES, SENIOR: Yes, ma'am.

THE COURT: Do you wish to testify, sir?

DEFENDANT JONES, SENIOR: No, ma'am.

THE COURT: All right. Thank you. And is that your choice, sir?

DEFENDANT JONES, SENIOR: Yes, ma'am.

THE COURT: Thank you, sir. You may be seated.

Mr. Plexico, do you have any other witnesses you plan on putting up?

MR. PLEXICO: No, Your Honor.

THE COURT: Okay. This is what I propose we do, y'all. I'm going to bring the jury back out. You need to agree to rest for the jury. I'm going to send them home for the evening. We can renew our motions. At that point, my idea is that we will talk about the jury charge, obviously. We will come back tomorrow morning, I intend on having the jury back at 10:00 a.m, if that's acceptable to you all. We will hear closing arguments at that point, I'll charge them on the law, and we will send the case to them.

We are going to try that second Barnard Scott case, Margaret. I'm asking the panel to come back Friday morning, if that's okay with you. It's a quick

half-day trial. Is that okay, Margaret?

THE CLERK: Yes, ma'am.

THE COURT: Is that acceptable? And I understand we are going to do some guilty pleas and some other matters tomorrow afternoon, Mr. Hall, as soon as this case has gone to the jury; is that correct?

MR. HALL: That's correct, Your Honor.

THE COURT: Okay. I appreciate it.

All right. Well, let's bring the jury back in. And, Mr. Plexico, we will start with you and then I will let you guys go down the line and just rest formally for the jury. Okay?

(The Jury enters the courtroom at 4:00 p.m.)

THE COURT: Welcome back, ladies and gentlemen.

All right. Mr. Plexico.

MR. PLEXICO: Your Honor, the Defense would rest at this point.

THE COURT: On behalf of Mr. Jones, Senior; is that correct, sir?

MR. PLEXICO: Yes, Your Honor.

THE COURT: All right. Mr. Koger.

MR. KOGER: Defense rests on behalf of Jarrod Bostick.

THE COURT: All right. Mr. Newman.

MR. NEWMAN: If it pleases the Court, Your Honor,

Mr. Jones, Junior rests his case.

THE COURT: Ladies and gentlemen, so all of the cases have been rested at this point. What we have left to do is hear the arguments from the lawyers. I need to charge you on the law and send the case to you for your deliberations.

At this point, you have received all the evidence in this case. Ladies and gentlemen, what I'm going to do is ask you to be back tomorrow morning at 10:00 a.m., where you are going to hear the closing arguments from the attorneys, and we are going to send this case to you. All right?

So you will be finished tomorrow obviously. Is that acceptable, Mr. Foreperson? Again, we are going to go ahead and start at 10:00 a.m.

I just -- it always takes on the last day just a little bit longer, and rather than have you all wait back there on us, if I just have you come in at ten I know we will be ready to take you and go at ten. Okay?

Everyone, again, do not discuss this case with anyone. And do not do any independent research. Get a good night's sleep, ladies and gentlemen. We look forward to seeing you all tomorrow morning at 10:00 a.m. Okay? Thank you. You are excused.

(The Jury exits the courtroom.)

THE COURT: Anything further other than to talk about the charge?

MR. NEWMAN: Nothing from Jones.

THE COURT: Thank you. So we talked about the hand of one is the hand of all, obviously. Mister -- and you were asking about what ID charge we're using.

Crystal, I'm sorry, I don't know if she's had an opportunity --

Okay. She's got the multiple defendant one, and I need to look at it. I'm going to tell you all I have not seen it yet. So --

MR. NEWMAN: I haven't done a multiple defendant case in a awhile.

THE COURT: Okay. And that's why I'm looking at it. I haven't either. So I'm going to take a look at it.

Other than that, obviously I'm interested in the ID charge, the multiple defendant, again, the hand of one is the hand of all. My reasonable doubt charge is the very thorough one. It kind of covers the old and the new. It's a little ad nauseam, but I think it's important.

So anything else, Mr. Plexico? You look like you want to stand up.

MR. PLEXICO: Yes. I need to renew my motions for

directed verdict.

THE COURT: And we are going to do that. I just need to know other than that, is there anything further you want on jury charges?

MR. PLEXICO: No, Your Honor.

THE COURT: And what about you, Mr. Koger?

MR. KOGER: No, that is fine, Your Honor.

MR. PLEXICO: If we could be emailed the multiple defendant charge in particular, that is the only one that I'm really concerned about.

THE COURT: You found the identification one? Okay. I'm going to ask Crystal to email you the identification one and the multiple defendant one. Do you need to do that -- and I'll ask her to go ahead and email the hand of one is the hand of all. And then the rest of it, y'all, is my standard charge. I know I tried numerous cases with all of y'all, so it is my standard criminal charge.

And we are charging straight up murder, burglary in the first degree, and possession of a weapon during the commission of a violent crime. Pretty simplistic. No, lesser included unless anyone requests any, which I don't understand that they have. Other than that, anything?

Oh, actually, Crystal has done a verdict form. I

want to go ahead and show it to you, each of you. They are all identical, but there e separate verdict forms to each defendant. So, again, I'm going to give this to you. I want to make sure all the indictment numbers were changed. So, Crystal has got it.

So take a look, show them to everybody. I guess you can pass those out to all three. They are all literally identical. Okay? And just a minute.

MR. PLEXICO: Thank you.

THE COURT: All right. Other than that, anything else before we renew our motions?

MR. PLEXICO: Your Honor --

THE COURT: Now, it's time, Mr. Plexico.

MR. PLEXICO: Thank you, Judge.

Perhaps it would be wise for me to request a mere presence charge because after the other ones had broken in, they easily could have been killed from the person they were alleging is my client. There was a break in the time, the burglary and the murder had already been done, and there's no telling, if they believe it was my client, perhaps he was coming to get them out, and know what is going on. We just don't know. Or he didn't know what had happened. So that would make him just merely present.

THE COURT: Do you have anything on that?

MS. JONES: I heard, I believe, the tail-end of it.

THE COURT: He's asking for a mere presence charge.

MS. JONES: Based on his client wasn't there during the murder?

THE COURT: No, no, no. That he was there, but he came in after the fact. Although I got to tell you, now that I think about it, you saw all three of the individuals coming in with guns. It's hard to believe that he wouldn't have some idea, if that, in fact, was him, that the other two didn't have guns and they clearly were holding them and he came in -- and not he, but the third person came in. Let me think about that.

MS. JONES: And the firearms evidence showed three guns were fired, and not the victim's gun.

THE COURT: Right.

MR. PLEXICO: But the second person went back out to the car and got another gun. So that second person had a gun to start with, went back to the car and got another gun.

THE COURT: So that could account for the third gun, is what you are trying to say?

MR. PLEXICO: Yes. And then, you know --

THE COURT: Except for that third person walking

up the stairs had a gun in their hand.

MR. PLEXICO: But he didn't know -- he might have thought there was exchange of gunfire. He might not have known what had happened. And then the murder might have been over with, and he may not have known there was going to be a murder and then a robbery. We would have to --

THE COURT: So I guess that would then make him an accessory after the fact for meeting with someone.

MS. JONES: Your Honor, I think that takes a leap, and it would take a lot of maybes, maybe, maybe. All of the testimony from the children, who were the only ones in the home, testified that the gunshots were the last thing that happened. It was prior to the men leaving.

THE COURT: All right. Let me do this. I think -- let me go look at some case law on mere presence. Ms. Jones, I'm going to invite you to do the same. You just forward to Crystal anything that you think would help you or hurt you. And I'm going to invite the other attorneys to do the same.

Mr. Koger and Mr. Newman, do either one of you want a mere presence charge? Are either one of you asking for it?

MR. NEWMAN: I am not. Our defense is we weren't

there, period.

THE COURT: Okay. Mr. Koger?

MR. KOGER: The Court's indulgence.

THE COURT: Okay.

(Pause.)

THE COURT: I just think we need to read, literally, some case law on mere presence and hand of one is the hand of all, and see how they work in conjunction, and see how the charges were in together again.

I know that, according to the case law, they can be charged simultaneously, I'm just not so sure the facts of the case support it.

Yes, Mr. Koger.

MR. KOGER: Judge, we will not be requesting a mere presence.

THE COURT: Okay. I just want to be clear. So, Ms. Jones, if y'all take a look at what you have got and email me.

Yes, sir.

MR. NEWMAN: And we can take a look at the hand of one hand, hand of all charge. There's several facts that would not necessarily support that in the way the events went on the video. There's no testimony about any connections between the Defendants other than they

came together.

THE COURT: But they all rode up in a car together. Okay.

MR. NEWMAN: And what did they discuss? Talk about the State speculating. What did they discuss? Were they over there to make a phone call, and somebody breaks bad? They don't have any evidence of that whatsoever.

THE COURT: If they all knew they were going with guns, that was always a possibility that that could occur.

MR. NEWMAN: That, again, is a leap of speculation.

THE COURT: They are not charged with criminal conspiracy, they are charged with murder, burglary in the first, and possession of weapon during the commission of a violent crime. But, again, they each had a gun, if they believe three people were the people that walked in. So --

MR. NEWMAN: If they believe it was a gun, but that's only from the agent it appeared to be, the imaging expert, and that's all he could say on that.

THE COURT: Okay. Let me just think about it, let me look at it, and I will let you all know in the morning. Okay? Anything else?

MS. JONES: Not from the State, Your Honor.

MR. PLEXICO: Not from the Defense, Your Honor.

THE COURT: All right. And when you send anything to me, Ms. Jones, or Mr. Plexico on that issue, make sure you card in all the attorneys and Crystal so we can look at it. Okay? Sounds good.

Anything further from anyone? No? Okay.

All right. So I need to know what you all are doing tomorrow about your victims and/or whoever the family member was and members were that -- I can tell you this. I don't think anyone can come back in and have any kind of outburst, so whoever the young man was again who testified -- Tyreek?

MR. NEWMAN: That was Tyreek.

THE COURT: He's not coming back. The -- whoever was sobbing, it was the aunt or the aunt in some way, shape, or form. she is not coming back. Anyone else that was crying and could not contain themselves in any way, they are not welcome to come back.

Obviously, they didn't even have people here, if they are contained and were able to contain themselves and they were here today.

MS. JONES: I believe they are still in our office, and I will advise them. Okay.

They are gone? Okay. We will let them know.

MR. PLEXICO: I think I can make tonight easier, I'll withdraw the mere presence.

THE COURT: All right. Everyone can just focus on their closing argument. Correct? Okay. Sounds good. See you all in the morning.

I would like you all here by roughly 9:30 or a little after that, with the jury coming in at ten. I just want you all to have an opportunity to, you know, talk to me and argue against anything that maybe was in those three proposed charges that we are giving you, and just anything other than that.

Is there any objections to the proposed verdict forms from the State?

MR. PLEXICO: No, Your Honor.

THE COURT: From any of the Defendants? Mr. Plexico?

MR. PLEXICO: No, Your Honor.

THE COURT: Mr. Bostick -- I'm sorry, Mr. Koger.

MR. KOGER: No, Your Honor.

THE COURT: And Mr. Newman, on behalf of Mr. Jones, Junior.

MR. NEWMAN: No, ma'am. And in talking with the co-counsel here, we would intend after the State closes to close in order that we have been doing throughout the whole trial.

THE COURT: Fair enough.

MR. PLEXICO: I will be starting.

THE COURT: All right. I'll see you all tomorrow morning.

MS. JONES: Yeah, renew objections.

THE COURT: Yeah. Fine. Sorry. Finally. I just forgot myself. Go ahead.

MR. PLEXICO: I renew my motion for a directed verdict on all counts based on the sufficiency of the evidence. I believe that the jury can no more speculate on what little bit of evidence they have deduced against my client. They have no eyewitness testimony to say that my client was there and participated.

The video of my client, I believe it is -- that it could raise no more than a guess in speculation as to who the third person, the third person being the one they allege is my client, that got out of the car. There's been testimony by law enforcement officers that you cannot discern the face on that video.

The video has been played in court, and the only person that identified my client on the video has testified that she has identified him because of his shoes. She said that she had seen him walking around town and she was familiar with his gait. And yet she

said on testimony in front of the jury that she could only see him run in the -- see the person run in the video, and she said in front of the jury, she did not use his face, his head, his face, to make the identification.

She only used the shoes, and she did not point out any distinguishing features of the white pair of shoes that was on my client that would make it any different from any of the other hundreds of thousands of white pairs of shoes in America today.

So there is -- this is only speculation that they could use, and what I have feared all along, is guilt by association because his son is on trial. When you put all those factors together, I think we are entitled to a directed verdict based on the lack of evidence and the sufficiency of the evidence of not guilty on all charges.

THE COURT: Thank you.

MS. JONES: Your Honor, I would defer to my previous argument.

THE COURT: Respectfully, I do think there is evidence for this jury, and I think they can, from the video, deduce that it was your client. And I think the jury can also assess his stature, build, size, physique as well, and compare, which I know is above and beyond

what Dominique Coleman testified to. But I think they can see that clearly with their own eyes, in comparison to the testimony, in addition to the testimony she gave and make a decision.

So, respectfully, I'm going to deny your motion.

Mr. Koger, I presume you are renewing your directed verdict motion as well on Mr. Bostick, on the same grounds; is that correct?

MR. KOGER: Yes, Your Honor.

THE COURT: And respectfully, I'm denying it based on the same grounds again. I think there's evidence from which this jury can determine your client's guilt on all three of these charges, and I'm going to send this to the jury.

Mr. Newman, you want to renew yours as well, sir?

MR. NEWMAN: Yes, Your Honor. Mr. Jones, Junior renews his motion on the same grounds. And in addition, also joins in the grounds of Mr. Casey Jones, Senior and Mr. Bostick.

THE COURT: Thank you. All right. Again, I'm denying your motion based on the same grounds as stated previously.

I will see you all tomorrow morning, 9:30. Okay? We will be ready to go? Okay?

All right. I appreciate it. Good night, y'all.

MS. JONES: Thank you, Your Honor.

MR. NEWMAN: Thank you, Judge.

(Whereupon, the Court was adjourned for the day.)

In the Court of General Sessions for the
State of South Carolina, County of Jasper

Case No.: 2015-GS-27-0433; 0434; and 0437
2015-GS-27-0345; 0346; and 0349
2015-GS-27-0333; 0336; and 0337

State of South Carolina,
Plaintiff(s),

vs. Transcript of Record

Casey Jones, Sr.
Jarrod Bostick
Casey Jones, Jr.,
Defendant(s).

TRIAL TRANSCRIPT

October 26, 2017

Ridgeland, South Carolina

BEFORE:

The Honorable Carmen T. Mullen

10-26-2018 PROCEEDINGS

THE COURT: All right. Are there any other exceptions or additions to the charge from the State?

MS. JONES: Not from the State, Your Honor.

THE COURT: From the Defense?

MR. PLEXICO: Your Honor, I spoke with the law clerk and asked for additions to a number of -- well, I submitted No. 3 and No. 5 in the charge that you had. I wanted to add in issues on No. 3. It says, "If the identification of a witness may have been influenced by the circumstances under which the Defendant was presented to him for identification, you may scrutinize the identification." I think that phrase is an essential part of the charge since there's only one witness that, in fact, has identified my client.

Then, on No. 5, I'm not sure, but I would ask that you read my five.

THE COURT: It's in there. I can tell you that we just commented with -- "you may also scrutinize the circumstances that it was presented to the witness for identification. And identification by the witness may have been influenced by those circumstances."

So portions of that were included. I am comfortable that this is an accurate charge on identification law.

What about the second one? We can just make them a Court's exhibit.

MR. PLEXICO: This is a Court's exhibit. This is my two-page request for charge for identification, and we are speaking of items three and five.

THE COURT: This was going to make it a Court's exhibit then. Thank you.

MR. PLEXICO: And No. 5 was omitted, and I would ask that you have --

THE COURT: No. 5 is added in.

THE LAW CLERK: It was added back in. It was added in with the changes that he agreed to from Mr. Newman. And so you might want to annotate that on the exhibit, since you agreed to the change.

MR. PLEXICO: Well, yes. I mean, I did agree to change that. It wasn't read to me, I don't know what the final version is.

THE LAW CLERK: It now states, "You may also take into account whether identification was made by picking the Defendant out of a group of similar individuals or whether the presentation of the Defendant was made alone to the witness."

MR. PLEXICO: I don't have a problem with that. I don't have an objection to that version, which is essentially my No. 5.

THE COURT: All right. Anything additional, Mr. Koger?

MR. KOGER: No, ma'am.

THE COURT: Mr. Newman?

MR. NEWMAN: No, ma'am.

THE COURT: All right. You ready to go?

MS. JONES: Just briefly, Your Honor. I just want to ask, and I don't suspect this would be a problem, but based on last night's events, I would just ask that it not be referred to in anybody's closing arguments.

THE COURT: Oh, okay. All right. We are going to preclude, yeah.

MR. NEWMAN: Well, Your Honor, I think there's -- this is something that the jury obviously witnessed. I intend to make a brief comment on it about the young man not being able to identify any of these people, yet threatened these people without evidence that these are the people that did it. And I'm going to draw a parallel to that with what the State's trying to do, trying to get to the passions and prejudice to convict these people even though they haven't been identified, and are -- I think it needs to be addressed somehow because it was --

THE COURT: I will go ahead and I will talk to them ahead of time. I will go ahead and address it. I

don't think you making a comment on something someone did that was not while they were on the witness stand is appropriate. So I don't want you referencing him getting upset and coming forward. I will talk to them about that.

But, again, I don't think that that is something for you to comment on, if it wasn't a part of the evidence in the trial of this case. So I don't want you to talking about it.

Let's bring the jury out.

(The Jury enters the courtroom at 10:22 a.m.)

THE COURT: Good morning, ladies and gentlemen. It is a pleasure to see you all. Thank you for being back here and so promptly.

As you all know, we are going to wrap up this case today, ladies and gentlemen. What is going to happen, each of the attorneys are going to make a closing statement on behalf of their client. I am going to charge you on the law that is applicable to this case, and then we are going to send this case to you for your deliberations.

I will also comment, ladies and gentlemen, that yesterday we did have a young man who had been a witness, who got a bit upset in the trial of this case. I have asked those people to remove themselves from the

courtroom.

Obviously, ladies and gentlemen, in this case, you are to decide the case based on the evidence that was presented from the witness stand, as well as any other evidence that came into the case.

You are going to hear me remind you in my charge on the law that you owe no support or sympathy to anyone. The reason why we have 12 jurors is that we have people who are removed from the case, who can sit back and they can objectively look at the facts and decide these issues, debased and away from emotions. And I just want to remind you of that, ladies and gentlemen. Because, again, your duty is important here.

And I just want to emphasize that fact. You are not to get embroiled in all of this. Again, your job is to sit and listen and weigh the evidence and, again, determine the facts as you find them. All right?

So with that said, ladies and gentlemen, I'm going to turn it over to Ms. Jones for her to make her closing statement. And then each of the attorneys on behalf of each of the Defendants will also make their closing statements.

I will tell you at that point, we may -- and likely will take a break. My charge on the law

typically takes about 20 minutes or so. So, again, we may take a -- it might be just a stretch back, or it might be I may send you back to your jury room. If at any point anyone needs a break, just flag me down. Okay?

Thank you, ladies and gentlemen.

Ms. Jones, whenever you are ready.

CLOSING ARGUMENT BY THE STATE

MS. JONES: Thank you, Your Honor. May it please the Court.

THE COURT: Yes.

MS. JONES: Mr. Plexico, Mr. Koger, Mr. Newman.

When I first spoke to you on Tuesday morning, the very first word I said to you was "drugs." I told you from day one that this case was about drugs and money and murder. And you heard over and over and over from that witness stand that Jeremiah Wilson was, in fact, in the drug trade. You heard it. That is a fact.

But because of that, he was a target. I don't think it comes as any surprise to anybody that in that profession, that trade, that business, it is a cash only business. Drug dealers have money, and they have lots of it. You heard Gelinda say, "I left that money, and Jeremiah had $9,000 cash." You heard it.

That doesn't make him a bad person, that makes him

a target. And I don't care who you are or what you do or what poor choices you make in this life, but no one -- no one -- deserves to be gunned down in their own home. No child deserves to be forced to the floor with a gun to the back of their head. Nobody -- nobody -- especially not an 11-year-old boy, deserves to have to hide, to have to cower in his bedroom closet while he hears one, two, three, four, five, six gunshots that take his father's life. Nobody -- nobody -- deserves that.

This case has and always will be about identity, who did this to Jeremiah. You heard the name Jamarcus Brisbane. Mr. Newman repeatedly asked Tyreek about Jamarcus Brisbane. You picked him out. You identified him. You said he was one of the men there, didn't you? Tyreek said, yeah, I did. He also said, I was wrong when I said that.

And if you remember, Tyreek never got a good look at these people. He was forced back into the back of the house with his face on the floor. He told you he blacked out. He froze. He remembers the sight of the ground that morning, not the faces. And he told you that he was wrong.

Now, do I wish I had cell phone records? Do I wish I had the clothes that the men in that video are

wearing that morning? Do I wish I had that very distinct knit cap the first man has on? Or those white tennis shoes, or those plaid shorts, or that white T-shirt? Do I wish I had their DNA? Of course. Absolutely. But I don't.

And nothing, not having all of that does not trump, does not take away what we do have. And what we have is the video, and we have the images, and the video and the images from that morning on June 3rd, 2015 show three men. They show Casey Jones, Junior. They show Jarrod Bostick. And they show Casey's father, Casey Jones, Senior. Nothing can negate that. Nothing can diminish that.

DNA. Now, the Defense wants you to believe that because all three of those men's DNA was excluded, means it wasn't there, and it wasn't them. It couldn't have been them. That's wrong. That is simply wrong.

I admit we don't have their DNA. Their DNA was not in any of the swabs that Catherine Leisy, the DNA analyst, tested. She told you that, excluded, not there, not their DNA. Okay. Why? Why don't we have their DNA?

Well, this man, Patrick Hall, has been seated with me through this trial this entire week. You have seen him here all week long. He has been in that chair and

he has been here Monday, Tuesday, Wednesday, and today. Now, there are cameras coming in and out of the courthouse, and they capture who comes in and who leaves. We don't have them in here. So is Patrick really here? I don't know. Let's look for his DNA.

Well, he is a lawyer, so he must have touched this podium. Right? But we know he didn't do that. But we don't know that because we don't have cameras. So we are going to swab this podium. And we get the results back, and Patrick's DNA is not on this podium. Well, he wasn't here then. I guess that means he wasn't here.

Okay. End. Done. Couldn't have been him. He wasn't in here. No DNA.

Well, we know that that just isn't true, because you, with your own eyes, have seen him here every single day. He just didn't touch this thing. That is why his DNA is not there.

The non existence of DNA does not mean that person was not in that home, it just means they didn't touch whatever was tested. So what was tested? We have the doorknob. Well, you saw the video, you are going to see it here again shortly. Who opens the door that day? Is it Casey Jones, Junior? No, it is not. Is it Jarrod Bostick? Certainly not. Is it Casey Jones,

Senior? Nope. Jeremiah opened the door that day. His DNA was there because he touched that doorknob. He let them in. And the door stayed open, and it's still open when the police got there. Those men didn't touch that door, they didn't touch that doorknob, they didn't touch the surrounding areas. Of course, their DNA is not there.

Okay. Well, that makes sense. How about the Air Jordan shoebox? They tested this, the shoebox that was on the dresser in Jeremiah's room that appeared to have been disturbed. Again, none of those men's DNA is on that shoebox. So I guess they weren't there.

No. That is not what that means. That shoebox, I submit to you was disturbed when those men at gunpoint forced Jeremiah Frasier (sic) to get his own cash off that dresser and give it to them.

If you remember that video showed that those three men are in that house for four minutes. Now, while that doesn't seem like very long, that is a long time. Four minutes. They are asking Jeremiah, where is the work? Where is the money? Over and over and over. The boys told you that, they all heard it. Jeremiah saying, "Please don't kill me in front of my kids."

The men have Jeremiah go on that dresser and get his money, and what does he get it out of? That baby

wipe container. The final thing that we had tested for DNA. You saw the picture, it is flipped over, upside down. It was deep. Those men didn't get the money out that baby wipe container that day, Jeremiah did. Because the last thing that happened that morning wasn't them getting the money out of the container, it was Jeremiah handing over the money, begging for his life, and then them shooting him.

Jeremiah lived a lie for those four minutes. He did what they asked, and they still killed him. Do I wish that I had their DNA? Sure. But because they were excluded does not mean they were not there. It does not trump what we have, and that is the video.

(Video played.)

THE COURT: And I told you from day one that you would see that video with your own eyes, and you just saw it again. And I want you to remember what you just saw.

Remember that video and remember these images. This man, Casey Jones, Junior, sits before you, same skin tone, same body style, same structure, same facial hair, same nose, same profile. Why does this man match that description? Why does he look just like this man? Because it is the same person. Remember the children described a darker skinned man with facial hair and

gold teeth. They described this man right here. They described Casey Jones, Junior seated right there.

And I told you a little bit, or Agent McCallister told you a little bit about what he said when he was interviewed. He said, I get up about 11 o'clock, I go landscape some yards, I'm done by five. I go to my girl's house or my mom's house. He is not specific about June 3rd, 2015. And ask yourself, in the summer, in the lowcountry, what landscape company starts at 11 o'clock in the morning?

Remember that video as you look at these images, the second man to step on that porch that morning. Look at those images. Remember that video. Look at this man right here, Jarrod Bostick, as he sits before you, and remember the description. Taller than the first man, lighter skinned, and freckles or bumps on his face. Jarrod Bostick fits that description. Why does Jarrod Bostick fit that description? Because he is the man, No. 2, in the video. This is Jarrod Bostick. And this is Jarrod Bostick. It is the same man who sits before you, the very same man on the porch on June 3rd, the very same man who put a gun in Jeremiah's face after he shook his hand is that man right there. Nobody else.

And finally, you have the third man. Remember

that video as you look at these images. And look at the man in these photographs, stocky, much older, and larger than the other two, and short hair.

Now, don't let this man over here with the graying hair fool you. It's been two years since this video, since he killed Jeremiah, first Jeremiah. Look at this image, look at these images, look at this video. That man has the same stature, the same physique, the same body style, the same skin tone. That man right there is going up Jeremiah's porch with a gun in his hand, and nobody else but this man right here, Casey Jones, Senior. He is the third and final man to go into Jeremiah's home that morning. Nobody else.

But you don't only have your eyes here today. You have the eyes of people that know these men. You have Craig King Proctor, who came in. And the Defense wanted to confuse you about this, well, you were arrested for marijuana and you had this high bond and then you talked and all of a sudden, you got a lower bond. That is just nonsense. He told you he went in front of a judge under a proper bond hearing and the judge reduced it. He said we had never promised him anything. We didn't help him get that bond reduced, and I haven't promised him anything on that pending marijuana charge.

More importantly, he told you he don't want to be here, and I had to force him to come here with a subpoena. He didn't want to be here, but he did, and he did the right thing. And he told you, yeah, I was asked to look at that video, I was asked to look at those pictures. I knew that third guy. I knew the first two. I know that man right there is Casey Jones, Junior, and I have known him for some time. I know him through my brother in Estill. Remember?

Casey has an Estill address. So does his father. And I recognized him quick when I saw that video. I recognized him quick when I saw those images. I'm one hundred percent certain that the man in that video is Casey Jones, Junior.

And he then went on to the second man in the video. He said, I know that man, too. I know that man, again, through my brother in Estill. Says, I recognized him quick. I know that man is Jarrod Bostick, and I'm one hundred percent certain that that man is Jarrod Bostick.

You have Starsheika Scott. She was Jeremiah's -- is Jeremiah's sister. She got up there and said, I didn't know the older man. I don't know him. I have never seen him before. But I know two people on that video. First, I know the first man. How do I know

that first man? Well, I have seen a picture of this man before with that very same hat on. Okay. But I also saw him in person one time, and my brother told me his name. And my brother told me the man we saw, his name was Casey. She said, that man, I know him. That is Casey Jones, Junior. I recognized him quick, and I'm one hundred percent certain that that's who I see in the video.

She went on to know the second man. Said, we hung out. I know him. I have seen him around. I have seen him a bunch of times. I know him. I know Jarrod. I know him. She gave him a nickname. She said, I recognized him immediately, and I'm one hundred percent certain that that is the man on the video. I know him.

You went on to hear from Agent Jeff Croft with SLED. He didn't know two of those men, he knew one. Known him for ten years. Ten years he's known this man, and he gives him a name, Jarrod Bostick. No other name. He recognized him immediately, and he's one hundred percent positive the man he saw in the video, the man in that still is Jarrod Bostick. No doubt about it.

You heard from Chief Collins. He is the chief of police over in Estill. He looked at the video. He looked at the images. He said, I don't know the third

guy, but I know the first two, and I am one hundred percent without a doubt certain that that first man is Casey Jones, Junior. I know him from being around Estill. I've known him. I know him on sight. And I'm a hundred percent positive that that man in that video is Casey Jones, Junior.

And I know the second man. I have known him from being in Estill. I have known him for years. I recognized him quickly when I was shown that video, and I'm one hundred percent positive that the man, No. 2, who comes on that porch and shoves a gun in Jeremiah's face is no other than Jarrod Bostick.

Finally, you heard from Dominique Coleman. She is now up in Rock Hill, Rock Hill police department. She came back to tell you that a few years back she worked with Estill police department. And in her time in Estill she had the opportunity to know two of those men.

She knew that when she watched that video, she recognized him. No, she didn't know the second man in the video, she was not familiar with him, so she didn't tell you who he was. But she recognized the first man and the third man. And she knows them as father and son.

She told you that is Casey Jones, Junior in that

video. That is Casey Jones, Junior and I'm -- I recognized him immediately, and I am a hundred percent positive that that is him. She recognized him from the complexion, his facial features, his structure, his haircut, and stature. She even told you how she recognized him. She knew him, and she knows that is him.

She then told you who the third man was. That man right there. She told you, I know that is Casey Jones, Senior. I know him. And she watched the video as he goes up the steps and as he comes back down the step. And she says, "I recognize that man. I recognize his gait. I recognize his shoes."

And now, Defense wants you to say, well, 4 billion people have white tennis shoes. There is only one person on that video. She didn't identify the others, she identified him. She knows him, and it doesn't take just looking at a person's face to recognize somebody. If you recognize somebody, if you know somebody, their back could be towards you, their side, they could be walking away, they could be walking towards you, you will know who they are because you have seen them before, because you recognize them. You don't have to see their face.

Every single one of those witnesses took that

witness stand and looked at the video and they looked at the photograph, and they pointed in court to who they knew. They pointed to Casey Jones, Junior; they pointed to Jarrod Bostick; and they pointed to Casey Jones, Senior.

And if that wasn't enough, J'Amiah, who was 11-years-old when his father was killed, got on that witness stand and told you, no, I didn't identify anybody immediately, I didn't know these men, but I saw one of them a second time. He came to my school and he looked at me and he yelled at me, and he said, "What the F are you looking at?" A grown man to a 13-year-old boy in middle school. Why would he say that?

Well, J'Amiah recognized him, and he recognized him from the morning that that man came in and killed his father. And he stood up on that chair and he told you, and he pointed to Casey Jones, Junior and said, "That's the man I saw the morning my dad was killed, and that's the man I saw at my school. That is the same man, I know it is him."

Why are these witnesses important? Because we have the inherent ability to recognize. When we see something familiar, a familiar place, a familiar thing, a familiar person, we know it. We recognize them. We

remember. We recall. And we can tell you what we know. That is an ability that we have. It registers with us. We recall their mannerisms, we recall their traits. we recall their walk. We recall their faces.

And why is that? Because when you know somebody, when you have seen them before, when you have a relationship with this person, you know them. And you can recognize them on sight.

And it is these memories that help us, without a doubt, say that the first man to walk on that porch is Casey Jones, Junior; the second man to come on that porch is Jarrod Bostick; and the third man to come on that porch is Casey Jones, Senior.

Now, each and every one of these men stand before you charged with three charges, the very same charges. They are charged with burglary in the first degree, possession of a weapon during the commission of a violent crime, and murder.

And now, Judge Mullen is going to instruct y'all on the law, so whatever she says is the law. But briefly, I just want to tell you a little bit about the possession of a weapon during the commission of a violent crime. The name kind of gives it away.

Murder and burglary in the first degree are violent crimes in South Carolina. What makes burglary

in the first degree? Well, the burglary with a weapon, and we have that here. And murder is the killing of another person with malice aforethought, expressed or implied.

No, we don't know whose bullets killed Jeremiah that day, but we know that it was one of theirs, or a combination of all three. And why is that important? Because also in South Carolina, the hand of one is the hand of all. And, again, the Judge is going to instruct you on what exactly that means. But briefly, if a crime is committed by two or more people, everybody is responsible and liable for the acts that follow. Two people go into a house to rob somebody, someone gets shot and killed, they are all responsible for that death. Every single one of them.

So what do we know? We know that these three men go together to Jeremiah's house. They are in one car. They go to rob him of his cash, and they each had their own firearm. They each carried a gun.

You go together to rob a drug dealer and you carry a gun, there is only one ending in that situation. These men worked together while they were in that house. The boys told you they were talking together, they were asking questions together, and they each had a gun. The boys told you that one was in the back

room, and he had the gun at our head, and he was asking me where my mom was, and he was asking me where the work was, and he was asking me where the money was. Then he left.

Where did he go? He went to the front, where Jeremiah was, and then they heard the six gunshots. These men acted together. They are each just as guilty as the next. Because when they stepped foot in that house, they each had their own gun.

There's Casey Jones, Junior with a gun in his right hand, Jarrod Bostick with a gun in his hand, and Casey Jones, Senior with a gun in his hand. And what is important about that is that when Chad Smith, from SLED, the firearms expert came and talked to you, what did he tell you? He said this gun right here, the victim's gun, it didn't fire any of those shots that day. He didn't have anything to prove that gun went off that day.

Why? Because, Jeremiah is cowering back at this time. You see his hands still up, he didn't have a gun in his hand. He's not the third bullet that was fired that day. It was one, two, three. Three guns were fired that day, three guns were in their hands, three men are on trial today. They all are guilty.

This is not a science case. This is not a DNA

case. This is an identity case. Who did this.

Thank you to Jeremiah and thank you to members of the community, we know who did this. We know Casey Jones, Junior is the first person to step foot on that porch that day. We know Jarrod Bostick follows second. and we know Casey Jones, Senior follows third. And we can start by thanking Jeremiah for this, and we thank him because his pictures are not worth a thousand words, his pictures of Casey Jones, Junior, one word. Guilty. His pictures of Jarrod Bostick, one word, guilty. And his pictures of Casey Jones, Senior, one word. Guilty.

THE COURT: Mr. Plexico.

CLOSING STATEMENT BY MR. PLEXICO

MR. PLEXICO: If it pleases the Court.

THE COURT: Yes, sir.

MR. PLEXICO: Co-counsel and ladies and gentlemen of the jury, Madam Solicitor, let us be discrete and sum this up a little bit.

I want to thank y'all for sitting through all of this. I was listening with interest to a lot of what the Solicitor was saying. You know, when you are on trial you only get one chance. Okay? And the State has had the burden all along, and I have heard some pretty questionable explanations of the evidence. But

they have the burden to show that the Defendant is guilty beyond a reasonable doubt.

And that -- you know, in a joint trial, that goes to my client, Casey Jones, Senior, and each of the other ones. And the guilt has to be weighed separately. Okay? Individually. Okay? Not collectively. This isn't about emotions.

Now, you have to look at the quality of the evidence. I will briefly address the evidence, but remember, it is the State's burden to prove the Defendant guilty beyond a reasonable doubt. The Defense has nothing to prove.

We are shielded with the cloak of innocence, and they have to have proof coming from that witness stand, or in the exhibits that take away any reasonable doubt that you would have.

The first thing they have to show is identity. Now, you have a videotape that the only witness that identified my client says she can't tell the face. I mean, all this is -- I'm going to go through all the evidence with you, everything, and their failures. Failure to, you know, to properly investigate. They don't have clothing, they don't have fingerprints, they don't have DNA.

They do have DNA, they just don't know who it

belongs to. I would suggest the DNA that they couldn't identify, because our guys were -- and my guy and the rest were excluded. They don't know who. They don't know who the other people were. Somebody was there.

Now, and this is a tragedy. But let me give you this example. Now, let's say that this is not the murderer, the children are not involved. Let's say that this is a burglary, that now this is a threat theft case. Okay?

Now, take away any idea about -- of emotions, of weapons, of anybody being killed. Let's say when those people came up to that door, that this was a shed where somebody had put some posters and a TV. And each one of the people ran up and went in that door, burglary, entry without pursuit, with intent to commit a crime therein. They went in, one took a TV, one took a toaster, and one took a microwave. And they ran in and they ran out. And you have seen that video on and on and on.

In that case, removing yourself from all these emotions, would you say you could reliably identify any of the people in the video when you couldn't see a face? My client, you can't see a face. When you take the emotions away and then say who is on that video, if they were stealing a TV or a toaster or a microwave,

would I be convicting this person of murder based on that evidence?

Once you strip away, strip away the emotions, which is what they want you to do -- they want you to be upset. And, of course, it is a bad scene. But then you don't think rationally, and you have a duty, you have sworn an oath to clearly think about this stuff.

What is -- start with the evidence. Start with my client. I defend Casey Jones, Senior. It is a privilege to defend him. Look at the entire investigation. Look how everything went. They have three people. They needed a third person. They thought they had the first two, and then they started telling the only witness, I don't know who else they told, and we still don't know since Officer Collins said she could identify my client from speaking to him and waving as you drive by; had seen my client. Couldn't say when, where. Didn't know where my -- didn't say where my client lived at. Okay? All right.

Never had a conversation with my client. Looks at a bad video, can't see the person's face who is wearing a loose shirt, and you could have any body type, and says, "I saw them walk, so I know their gait."

And then they are running on the video. Well, that wipes that out. So, what is left? A pair of

shoes.

Let's identify a body. Okay? We have a full body here. Cut the body off, and here is what you got left. Okay? Now, hold up those feet, and let's go, who is this person? You would think the person was crazy because you can't look at that video and fairly say that I can identify the person.

So once you start there with the video, then you say what else is there? What other evidence do they have against Casey Jones, Senior? And I'm going to go through all of it, and you are going to hear a lot of no evidence against my client.

The only thing in the end, what it comes down to, is this person who can't explain how they make the identification. Fairly certain, or whatever she said.

What is that? Is that enough evidence? A video that you can't see the face on, and somebody saying, "I recognize them by their shoes," a pair of white shoes. Okay? I don't know if anybody is wearing white shoes out there today. But I can assure you they are not the only pair of white -- there is nothing unique. There's not a pair of white shoes that say Public Defender Steve Plexico on the side. A pair of white shoes that had yellow and green shoestrings on one side and red and black shoestrings on the other side. It is just a

pair of shoes. Everybody has got a pair of shoes. That is just -- that is no basis for identification.

The Judge will charge you about identification. And when there's only a one person identification, okay, you have to really be careful because you don't have any other evidence to reliably show who that third person is. And they have to prove beyond a reasonable doubt the identity of my client, along with all the other elements of what the person did.

But if you just start with my client, and who is the third person, and what is the evidence, you are not going to get there because you can't say, or obey your oath to do justice, that the evidence shows that it is this man unless we have corruption of blood here. Okay? Which I don't think we are going to have. I think you are better than that.

If you do believe that it is someone else, if you believe it's Casey Jones, Junior, then, no, it is not my job to come make the argument. Would that be the only basis you could convict Senior? No. And I would suggest anyone who did that should be ashamed.

You have to look at the evidence the judge will charge you, separately and individually. And what is that evidence going to be?

First, they started out with Rusty Wells. They

came in and played the 911 tape. You didn't learn anything about that. You didn't learn anything about my client. Okay? No evidence against my client.

Then we had Deputy Sons. He came in, you got cameras, y'all can look at the exhibits, cameras all over the place, you had a driveway camera, you had a gate camera. It was like a Mexican drug compound over there. These people making five-, $10,000 a day. They don't use banks. That is a lot of money to slosh around. Okay? Everybody knew that they had money. They were robbed on a regular basis. I mean, they were just a regular target.

It is sad, but there's no telling who had a motive. Who did he rip off on drug deals? I don't know. Who got a good deal, who got a bad deal? Who got a good deal and thought they got a bad deal and wanted to get even? I mean, people on drugs don't have sense. All right?

And, you are sitting on a pile of cash, he's over there with the Mrs.'s AK47. I guess, you know, that's Gelinda. I mean, he's got back up. And he is sadly raising the kids in that environment, but you could almost predict what would happen one day. Well, they knew it, because they were over there getting robbed before. It was not like they were calling the police,

you know. It was just bad circumstances to be raising children in that compound.

Where is the driveway video? That is all one video. Kids, sons, at least two of the children. One said 24'7 if I remember the phrase correctly. They had videos at the gate, in the living room. Why didn't they play that? Did it not support their theory? Where is the rest of the video? They all recorded at the same time. it was a DVR system with different channels.

Why put one on the gate if it's not going to record it? And you can look at one of the pictures, one of the photographs. It has a TV screen, little thing that lights up around it or whatever. You might look at two of them, two different scenes. But I thought it was -- why didn't they bring all the evidence forward? That would be a failure of the investigation. Maybe it didn't support what they were saying. Okay?

And remember, the bald-headed man they kept saying, the bald-headed man. there is no bald-headed man on trial. They wanted you to believe that man was bald-headed. That's not fair, and they claimed much older. Who testified that my client, that they saw that and they identified Casey Jones. That person is

much older.

You have those forensic techs, you have the guy from the State Department. Okay. That guy that, thought he had a burden of interest in law. He could do facial comparisons and all this other stuff. He didn't do any of that. They didn't ask. Why? Couldn't back up their theory because they closed the case too fast. Because when they start saying, Is this Jimmy Johnson? Oh, yeah, that is Jimmy Johnson. And then, my client -- Officer Coleman -- is this Casey Jones, Senior? Yeah, that is Casey Jones, Senior. Don't need to see a face. It doesn't make any sense.

You had Andy there, Mr. Williams, the EMT, not a witness against my client. You had Tyreek S. . He was part of the business, I'm the one that asked you did you take the -- who taught you to pick up the brass? Okay? Bad environment for those children. Okay? Very bad environment.

It is not my client's responsibility. No. No description who gave (inaudible). Okay? And they kept talking about cameras, they had another in the driveway. Okay? He's outside firing guns. I mean, this is how he's learned to shoot. Jeremiah Wilson was teaching him to shoot. Took care of him. Spent the drug money on him.

Then you had Javonte H. , the fifth witness, Javonte H. . Now, Javonte is important. and I feel sorry for all these children. You know, God bless them. And I hope they have successful lives. They are going to need a lot of guidance.

What happened happened, but we don't need to make it worse by convicting the wrong people in regards to it. And my client is just the wrong person. I'm not going to say that there are not three people in that video. I'm not saying justice shouldn't be done. But just like I asked Tyreek S. that day. I said, You want justice done, and you want it done so something similar -- you want it done by our standards and not by other. okay? You want it done by our standards.

Because he testified, you know, he wanted retaliation. You know, that was a sad thing. And I tried to counsel the kid a little bit. But, you know, we have a system, we have an old system, and we want it done by society standards. And the standards that we have is guilty beyond a reasonable doubt. and it is the burden of the State to put on that evidence, to pile it on, to convince you before you can take away someone's freedom. It is not a light thing to do. It is a heavy, heavy burden.

He said, little Javonte said, he knew -- he knew

the system. Okay? And he said black, bald-headed man. That is the person, that is the third person coming in. Black, bald-headed man. He saw him. He was talking to him. Bald-headed does not match my description. There is not a single witness to say my client ever been shaved or -- obviously not today -- a bald-headed man. The witness they had, okay, Dominique Coleman, never said that my client was ever bald. Okay? They have no proof on my client.

J'Amiah W. testified. No evidence against my client. Starr Troy, the school resource officer. Then you had Agent David Williams. Agent Williams, he ran the -- he's retired now, I think he said. But he ran the -- I think it was the older guy with the gray hair, okay, he ran the -- it sounded like he ran the -- I'm not quite certain if he said he ran it, but I thought he ran the identification department for SLED for ten years. Okay? And he talked about how you do identifications. All right?

He was saying you can't do it by body size and height. No, no, no. You can't do that. That is what the professional from SLED said. You can't do that.

But the non-professionals in the Solicitor's office say, We've got the face stuff, we don't need faces to identify people. Oh, you can pick somebody

out of the crowd from their back.

This isn't saying hey to Joe. This man is on trial for murder and burglary first. Okay? Among other things. How silly is that. How many times have you thought you have seen somebody and, no, you didn't see me, I was never there. I was at the movies that day. And I was out playing with my buds. Okay? It wasn't me. I was with my girlfriend. Okay? I mean, it happens all the time. It is called misidentification.

You made a misidentification. And if you are talking to somebody and you go, oh there goes Joe driving by, they glance up, they think they have seen Joe because it was suggested that that was Joe, and Joe drives a blue car. And a blue car drove by with a guy in it.

And you wouldn't think twice about it until you saw Joe, and then -- okay? The car is in the shop. I got a rental. It is a white car. Okay. It is called misidentification.

So if they want to lower your burden of being certain to the point you don't have a reasonable doubt, they want to make your burden count. That is not the way this works. Okay? I think you understand their burden and your responsibility.

And what would no face mean to -- for identity. It is not professional. It is not credible. So you are only going to the tennis shoes and a gait that you can't see. A gait is a walk. If they are running, you can't see the gait. Especially, when they testify that they have never seen them run. Okay? And if you are in Estill I imagine, if you are walking too fast, the police will probably stop you and ask you what you up to? What are you running from? Okay? You don't want to look suspect. This is just America. Okay. Use your common sense. Thank you.

We already talked about Ms. Heyward. She was the tenth witness. Okay? And to hand a 10,000-dollar or 5,000-dollar a day, whatever, exaggerate, business, that ain't a lot of customers coming into my place of business. Okay? All right? I have got to do a lot of turnover, I want repeat business, and people are going to know I'm successful because, you know, I am the go-to guy. And other people are my competitors. they're all going to go over here because I cook the best. Okay?

I got the best bread and whatever, sweet rolls, in town. All right? Everybody is coming to me. Everybody knows that. I'm making a fortune, I'm buying extra trucks, so to speak, to get those sweet rolls

out. There's a lot of people that know my business, and know I'm sitting on a pile of money. and I don't believe in banks. You know, the number of suspects is key to what it could be. The pile of money is huge on what it could be when you are running something that large.

Detective Johnson came in, that was the crime scene agent, collected evidence. You know, it looked like it had been raining from the pictures and all that I saw. I don't know why they didn't get fingerprints. Maybe so many people were over there -- not fingerprints, footprints. maybe so many people were over there they couldn't figure out which ones were what, which ones were theirs or not. But, you know, that would have been helpful. They don't have a pair of shoes to show that -- you know, to show my client owned a white pair of shoes. They didn't go search his house. they didn't do anything. They didn't get any evidence that led to the identification of my client. Okay? And we are at 12 and we haven't heard a single person say yet, that's my client. Okay?

Now, then you had Jeff Crosby. He did some stills. That was the local detective. Then you hear from Tony Imel. Okay? He enhanced the images, and he said he did facial comparison recognitions. The State

didn't ask him to do a facial comparison recognition. That is the one, he worked for the State Department. Why not? Because when you close a case really fast and you just grab somebody, okay, you tell them who to pick, like that gentleman sitting there named Casey Jones, Senior. He wouldn't dare do a facial comparison. Okay? You wouldn't want that! Okay?

Besides that, maybe it was because the witness said that body might as well have not had a head because you can't tell it by the head who it is. But maybe that was the reason. What else did Tony say? He said he could have developed height, weight, facial comparisons. Okay? They didn't do a height or a weight. They didn't put the height of the person in there. Okay.

When you are at this point on this rail, this rail is 3 foot, 8 inches off the ground, anything at this point is 3 foot, 8 inches. If I go back 10 feet, okay, or 5 feet, all right, while if you are standing over there, it would look different. So you call that geometry. Okay? And you sit down and you use your math formulas.

And if you work for the State Department and you have an employee who is over in the park in Moscow meeting with some shady figure once a week, or you pick

up on it, okay, you are going to go out there and photograph them from a distance and you are going to figure out who that person is.

You are going to figure out their height. You're going to figure out their weight. You're going to put a tail on them to see if they are going back to the KGB headquarters over in Moscow and making a report on what the traitor just gave us in our embassy. These things are important. Okay?

Did they ask to do a comparison and then come in here and say Casey Jones, okay, is 6 foot, 1 inch. We have done a comparison, and we find that this person would be 6 foot to 6 foot, 1 and a half, or 6 foot 1, or 6 foot to 6 foot 2. If he fits the profile, okay, as much as I hate to use the word "profile." Okay? All right? That person's weight appears to be somewhat different.

The person in the video has a loose shirt on. You can't be sure of the body size. How could you be sure of the weight? He was not even asked to do that. He wasn't asked to use the skills that he's enhanced the video with. He was with the FBI, so it uses that. They didn't bother asking because they already made up their minds and they didn't care about the weight. They had an ability to produce evidence to you in

another way that they failed to do that. They did not -- purposely did not use the resources they had at hand.

Look at the pictures. I think he's 36. Tall and younger than my client. Okay. And that is not evidence against my client, it is evidence against somebody if they are to get the right person. I don't know if they will or not. That is if you haven't convicted the wrong person. I mean, we do want justice.

Then we talked to Agent McCallister. She got up and testified. And remember, she is the one who talked to Officer Coleman. She already had two IDs in her pocket. To close the case, you got to have three. Okay? All right? So what does she do? She gives the name and a picture, is this Casey Jones, Senior? Well, of course, we already have these other two. Doesn't this look like his daddy? And we don't know where she got that idea from either because she didn't testify to it, and the State didn't bring it out. Or who the confidential informant was, whoever that was. Maybe it was somebody that looked like the person in the picture.

Okay. So what does that do? She participates in the creation of the unreliable identification of my

client through a one-person show-up. If I show you a picture of -- if I show you 12 similar looking people, and say which one -- did you see the person who stole the TV set in here? That would be more reliable, because I'm just not showing you one person, a choice of one. That is disfavored and frowned upon. It is called a show-up. Okay? Show-up is a very bad identification process. That does not work. That is inherently unreliable because it's suggestive. It is unfairly suggestive.

And what are we here today to do? Fairly to this defendant, fairness. Okay? To the Defendants.

Well, the sad thing is, what does the agent do after she gets the third ID? Closes the case. Goes and gets a warrant, go look for shoes, money, guns, drugs. We know who the people are, then they should be spending money, they should have drugs. You know, they should have guns. We could at least go look. Let's go get the shoes, let's go get the hat. Let's go get, you know, the shirts and the pants.

And then we are going to come in and we are going to show you the video, and we are going to show you they didn't go to my client, whatever that is, a plaid pair of pants or whatever and say, we got a plaid pair of pants, we got a pair of white shoes, and here is a

shirt that is similar. And all this appears to be similar.

Okay. Did they do that? No, they didn't bother. They failed in their duty to go get evidence. Because they didn't want to come in here and say they looked and didn't find anything, because we are wrong. We arrested the wrong people. Okay? Or at least the wrong person there.

Now, I'm not defending the other two. Okay? You know, they have their own attorneys. It is not my responsibility to do that.

This man, they don't have anything on. This is a miscarriage. It is sad.

Well, did they get phone records to show how these people were working together and texting each other? Did they get any phone records? You know, what else did they do? And what happened, they just stopped investigating. You get no supporting evidence. You know, that by itself, a failure to properly investigate and be fair, that is enough by itself to give you reasonable doubt, to make you pause and hesitate, and that is what this is really all about.

You know, there is -- what do you have for a connection here? Oh, father, son. Well, we talked about that. But, you know, I would hope that you

wouldn't go there because that is just so morally wrong to condemn a sister for what her mom did, or a sister for what her other sister did. That's just socially reprehensible.

Then we heard from Craig King Proctor. Okay? We are at 16 now, no evidence against my client. Okay? So y'all listened to a lot. All right? That is why I told you to listen keenly.

Well, he's a drug dealer. Then you heard Starkeisha Scott. No evidence, again, against my client. Then we heard from Special Agent Jeff Croft. Again, no evidence against my client. We are on 18 now. That is a lot of witnesses without showing any evidence against Casey Jones, Senior. Okay?

Then we have Chief Collins. Not even Chief Collins out of Estill is a witness against my client. Then we have one person, and that's No. 20, and that's who I have been talking to you about, who is coming in. Okay? Coleman.

Now -- but I call her the other shoe identifier. Okay? Without any special characteristics. Again, it's like a potato. Okay? You know. You know, so they used to do demonstrations in court. That has kind of fallen out of favor. But they would take the hat off, the eyebrows, they would take off -- let's say you

have a potato, supposed to be Mr. X. Okay? And you had a hat and then we'd say you didn't have on -- what kind of hat did he have on, and then they would take the hat off.

Well, what were his eyebrows like? Were they heavy? Okay. You know, were they a different color from his, you know, his eyebrows, his eyelashes? No, I don't know that. Okay. Well, take the eyebrows off. What color were the eyes?

Okay. Well, this is for identification, so were they black or brown, or, you know, whatever. So they pull the whole eyes off the face. What were his lips like? Were they thin? Was it narrow? Okay. Were they thick? Was it wide? Well, I don't really remember. So they take the lips off the person.

Was there anything unique, did he have big ears or little ears? I have seen people with tiny ears. I have seen people with big old ears. As you get older, your ears grow.

But then, I asked them, no, I can't remember anything about the ears. Well, then you take the ears off. Well, then you have got a potato without -- without a mouth, without -- was there anything special about the nose? No. Take the nose off. Well, what do you got? You got a head without any human features.

So how can you identify a human being? The answer is you can't. And here, you can't even see the faces. They don't -- they can't get the boat out of the harbor. It doesn't float. The case doesn't float. It sinks. It is wrong. It just does not work.

Now Ms. Coleman. Okay? I have already talked to you about the loose shirt. I have already talked to you about not being able to see the face. Okay? All right. Now, if she can't, how could a juror look at that and make an identification? You can't. It is not fair. You would be guessing. You can't guess. You can't speculate. That is not your job. Your job is to find true facts. Facts that you don't have a reasonable doubt about. Okay?

Now, she had no professional contact with my client. What does that mean? She didn't arrest him. Okay? He wasn't a suspect for shoplifting. All right? She said no more than drive by. Okay. Hello. Never had a conversation with my client. That was the actual testimony. Okay? And she claimed to ID him by his walk. All right. And then she says, well, I don't see him walking in the video. Well, you can't see it.

What about a credible identification? I have known Billy for ten years, or 15 years, or whatever, and you know, we drink beer every Friday night. Yeah,

that is his head, I'll identify his face. You know, I got clothes, I've seen -- that's the clothes I have seen him in. Okay? Well, what do you have? You don't have anything. There is just -- not there.

She can't even say when or where she talked to my client. Oh, I saw him around. You know, the real ID here was suggested by Agent McCallister in a one person show-up that she was given the name, and that sealed the case for her. Okay? That is what happened. Because she can't explain to you how she could identify that person in that video when no reasonable human being could, unless it's guilt by association, which is just morally wrong.

You know, when you look at an identification, you know, what you ought to consider is, you know, did they have a good opportunity to observe the person who they want you to convict? This is a unique case because you have the same opportunity to observe the person, the same evidence through that video, and that is going to be so brief. And a person you can't see the face, and you're going to know you can't identify them. And there's no reason if you can't, stick by your guns. If you can't identify them, make somebody tell you a reason why they can.

And just like -- they are going to -- just like

Agent Coleman, sitting on that stand and not be able to say by their shoes, cut them off at their feet, and who is this person? You know, that is the most ridiculous thing. That is not credible evidence. You know, this is my client's -- this is his only time in court. This is his -- I cannot understand. You know, it is called -- you have to have an adequate opportunity, a fair opportunity to observe the person and decide who it is. The tape doesn't give that.

You don't need that testimony. You can look at the tape, and no reasonable person could identify that beyond a reasonable doubt. And then it stops there. That's it, because if you can't convict anybody unless you know who it is, how can you convict somebody of something when you don't know it is that person? That would be silly. It doesn't make any sense.

All right. If you look at those circumstances of suggestion, you know, and I would be careful. You know, police officers are human beings, too. They make mistakes. Okay? They have faces to say it's that -- you know, I saw that Billy Smith steal the TV. Okay? They have to go tell a jury. That's why you have juries.

You know, the power of the State stops with jurors. Okay? They can come in and bully and make up

stuff and suppose stuff, and this, that, and the other, but when it comes down to people's common sense, you go, No. That is not the way. The buck stops with the jury in America. The power of the government stops, nobody can criticize you or you don't have to explain why you do anything. That is the power in America. Why do we have that? To control the accesses of the criminal justice system. Okay? Just like the vote, to wisely use and control the government and protect our rights. Okay? Y'all are the bottom line on the justice system. They can arrest anyone, but it is the jurors that can set them free. Okay? You make them do their job, which is what this is all about.

And I have already pointed out to you that, you know, a show-up of one, you don't have anybody else to pick. Oh, by the way, I am going to tell you who it is, too. That just seems so unfair.

You know, she never -- Ms. Coleman never talked to my client. Didn't know -- didn't say she knew where he lived. She didn't live in the town, so when she got off work she didn't see him over at the Galaxy grocery store or Piggly Wiggly over in Estill. She didn't -- you know, she wasn't buying gas at Bobops or 3 Way. Okay?

I mean, she just didn't spend her time in town.

She wasn't going around visiting girlfriends over there in Estill and getting to know the local people. She was just driving around playing police officer for a little over a year, and didn't even live there the first month, and then she was out job hunting after that. Okay? Wound up in Rock Hill. Job hunting is kind of a complicated thing. You got to go and show-up and talk to people and shake hands. You know, do you have an opening? All right. Meet with the personnel there. You know, whoever does the hiring.

And the phrase that got me and, you know, I don't know, she said she was fairly positive, that's my memory of her testimony -- what is "fairly positive" of identification of shoes? Okay? I mean, without a face. I just don't see how any of this is fair. It just struck me as the last thing that she should have talked about.

And what is fair about being shown one picture and given a name? What is fair about that? The procedure wasn't fair. She said, I can't tell the face from the video. And you are going to make a Mr. Potato Head video, you don't even have a potato. And that is even worse. I mean, it is just outrageous.

Then you have Catherine Leisy, that's the DNA lady. Okay? All right?

Now, she said that without question, scientifically, that my client is excluded from the DNA that they got off the baby wipes. They got DNA, they just don't know whose it is, and they have two samples aside from Jeremiah Wilson. They don't know who it is. Okay?

Now, they got another sample. And that DNA, they excluded my client. They had other people, but they don't know who it is. So I would suggest people that don't know who it is, is at least number three in there. Okay? At least number three instead of pinning my client for something -- out to dry for something that he did not do. That is just inherently unfair.

You know, the State talked about that. And I want them -- you know, I wish they would have explained that nobody -- since nobody accused today touched the baby wipe container where the money was, you know, what about the DNA of the two others? Who are they? They lapse in the investigation, they didn't bother going out doing other DNAs. They had -- okay? They should have. Might be not my client on trial today.

Firearms expert, you know, guns are guns. They didn't bother looking to see if my client had one. All right? They didn't bother looking to see if he had the shoes. They didn't bother. Okay? And then the last

witness was the doctor from MUSC and, you know, just -- that is 23 witnesses. And you look at all this stuff. Look at that picture. You can't say that is my client. You just can't do that. It is not fair. It is not doing your duty.

He is entitled to a fair trial, where the State puts up evidence, and that is meaningful evidence, evidence you can trust, that you can sleep with at night. You can't call Ms. Bostick next week and say, I made a mistake. It is over. Once you go in there and make a decision, you know, and be fair and be rational. If you know that video is no good, then nobody could use that for identification and be -- in fairness. Out of 23 witnesses, the one witness is Dominique Coleman, why would you let her do that? Ask that question. If nobody could -- why is she a special human being? What skills does she have that y'all don't have? She could see the same thing.

If you fairly can't say that a person is guilty, do not convict that person. This is a collective decision, and an individual decision. Do not convict the wrong person. The only way you could convict him is through the most evil socially unacceptable thing is the corruption of blood. You know what that is.

Put them to their proof. Stand your ground. You

know, this is the most important day in your life. You may never sit on a jury again and decide the fate of your fellow man. And I can't think of more serious charges than murder and burglary in the first degree.

I mean, that is the ultimate, and the punishment is great. You know, you had -- there's no evidence against my client, and I'm so worried that something terrible further, further might happen. And I'm just begging you to do your jobs. Follow your instinct, stick by your guns, and in the end, send this man home with a not guilty verdict on all the charges. Thank you.

THE COURT: Thank you, gentlemen. I think we should go ahead and take just a very quick break. Again, do not discuss this case, it wouldn't be appropriate to do so. You have not heard all the closing statements. Go refresh yourselves, get a cup of coffee, ladies and gentlemen. As you know, we have two more attorneys to hear from, and then I'm going to charge you on the law. Okay?

(The Jury exits the courtroom at 11:45 a.m.)

THE COURT: All right. Y'all, we will be at ease for about five to ten minutes. Okay? Thank you.

(Whereupon, the court was in recess.)

(The Jury enters the courtroom at 11:58 a.m.)

CLOSING STATEMENT BY MR. PLEXICO

THE COURT: Welcome back. Ladies and gentlemen. Y'all refreshed a bit?

(Jury indicates.)

THE COURT: Very good. All right. Well, let's go ahead and continue. Mr. Koger.

CLOSING ARGUMENT BY MR. KOGER

MR. KOGER: May it please the Court. Solicitor Jones, Mr. Hall, Co-counsel Plexico, Co-counsel Attorney Newman.

The State has not proven this case beyond reasonable doubt. The State has not met their burden of proving identity beyond a reasonable doubt in this particular case.

In the State's opening, Ms. Jones gave an example with Mr. Hall right here and tried to minimize the DNA that was -- the DNA that was found in this particular case. However, the example she gave you, the jurors, in the example, you were the eyewitnesses. You didn't have to see a photograph of Mr. Hall. You didn't have to see a video surveillance of Mr. Hall. You was eyewitnesses of Mr. Hall, and you saw Mr. Hall here.

She stated that there would not have been -- there was not any DNA prints on any of the items up here, but that's because Mr. Hall did not participate actively in the trial. He didn't touch this here.

But if you were to conduct DNA analysis of this area right here in front of Mr. Hall, and of his -- of the chair, you will find DNA of Mr. Hall. That is important because the lack of DNA found back at [redacted] Clover Circle is very important to this case.

Now, I think what Agent Johnson, that testified that first processed the scene for SLED, and Exhibit No. 16, and she stated her qualifications and said she went throughout the house. First, she did a walk through and then she went through the pertinent areas of the house, in which the incident occurred.

Of course, you heard about the baby wipe container, you heard about the Air Jordan box and, of course, the entryway, with the entryway, the door on the porch. She determined that those were the pertinent bits of evidence to try to solve this crime in relation to the murder, burglary first degree, and possession of a weapon during commission of a violent crime.

And the results were and are that Casey Jones, Senior, my client Jarrod Bostick, and Casey Jones, Junior were all excluded from being at [redacted] Clover Circle on June 3rd, 2015.

Now, Ms. Jones said in her opening she wished -- she wished that she had the clothing for Casey Jones,

Junior. She wished this, and she wished that, but they don't have it. Well, that is not an excuse because this case happened over two years ago, and they knew that eventually they would have to bring evidence in this court and submit it to you and prove beyond a reasonable doubt.

Ms. Jones killed a theory where, why the prints may not be on the baby wipe container, or why prints may not be on the Air Jordan box, but there's no testimony from the stand that said that Mr. Wilson's prints was on the baby wipe container or on the Air Jordan box. They could have analyzed. No testimony presented.

The Solicitor's office should not have a wish list. They have a duty and an obligation to prove in every court, not only in Jasper County, but any court in the state and in this country beyond a reasonable doubt. Hold them to that standard.

Now, in relation to my client, Mr. Jarrod Bostick, and in relation to the identification -- and, again, as I stated earlier, the State has not proven their case beyond a reasonable doubt in relation to the identification.

Now, just to go by -- go down the list of witnesses that were pertinent to Mr. Bostick,

Mr. Plexico stated his case with identification. And Attorney Newman is going to address his client as far as what the identification issue, and I'm going to address my client, Mr. Bostick, with the identification issue.

First of all, the two juvenile, eyewitness juveniles, the one -- the ones that were not in the closet, at first, Jashaun -- Jashaun came with -- and Tyreek S. , Jashaun could not -- did not identify my client, Mr. Bostick.

Now, the Solicitor said in the opening, try to say that it was -- that he say someone lighter, but on testimony, he say light skinned. Okay? That was Jashaun -- that was Jashaun H. .

Now, is it important that he said light skinned, because if you remember Jashaun complexion, he was brown skinned. He was brown skinned, and he say light skinned. Okay? Not lighter skin, but light skin.

Also, with Mr. Simmons, Mr. Simmons identified someone with freckles. Lighter skin with freckles. But they was not able to identify Mr. Bostick.

Okay. The next one we have as far as Officer Coleman. Officer Coleman as stated by Attorney Plexico worked over in the Estill police department about a year and a half. I think now she in Rock Hill. She

was shown the photographs and the video surveillance and was not able to identify my client. Again, identity must be proven beyond a reasonable doubt.

Now, we get to the two law enforcement officers, Jeff Croft and Mark Collins. And there seem to be some type of discrepancy here whether he received the nickname before he identify my client. I asked Croft, Agent Croft on the stand whether he received the nickname Bug or Bugs. He said he couldn't recall. He could have received that first before he made the identification.

I asked the lead investigator, "Did you approach or give Agent Croft the nickname Bug or Bugs?" She couldn't recall, which is really inexcusable, because she's the lead investigator, and it is her notes that pushes this -- that pushed this investigation.

It is our contention that the nickname used, Bug or Bugs, suggested who should be -- who should be selected from the video, from the video surveillance, and the photographs.

With Officer Collins, Collins made the identification, didn't give any description. Croft didn't give any description, but he also, when asked -- I asked him a follow-up question, would the evidence -- "Would physical evidence confirm an identification?"

He said yes. He said yes. So basically they have not proved their case beyond a reasonable doubt when it comes to -- when it comes to identification.

Now, Ms. Scott, I didn't ask her too many questions, I gave her leeway because she's still grieving, and rightfully so. And she made identification, but it is our contention that it was somewhat tainted because she want closure in this matter. She wants a resolution, and she said what she said.

The next identification witness that the State set forth was Craig Proctor, and that is a very -- he was a very interesting witness because he was arrested on October -- on October 6th on distribution and manufacture of drugs. All of a sudden, three days later, he couldn't recall whether he contacted law enforcement or somebody got in contact, and October 9th, he gave a statement, making an identification, again, from photographs or a video surveillance. He made that statement on October 9th, 2015.

All right. He was then on the distribution, manufacture of drugs, 125,000-dollar bond. That is a serious bond. That is a six-figure bond. Okay? All of a sudden, three weeks later, not really a lot of

time in jail in relation to that particular offense to get a bond hearing, his bond was dropped $90,000. It went from $125,000 to $35,000.

Now, I know the Solicitor said, well, you know, that just a function of the Court, and those things happen. But I have been practicing law 24 years, and there are a lot of things that are not placed on the record that are known, wink, wink, and this is what happened. And all of a sudden, a couple weeks later, Mr. Proctor was out on bond, in November of 2015. And two years later, two years later, his court -- his case has not come to court. A drug case, not a murder case. Not a burglary first case. Not a criminal section convict case, but a simple drug case. And two years later, it has not come to court. And you have to wonder why? Has it not come to court because we need -- the State need his testimony in this case? And once he testified, then maybe next week or so, or maybe first of the year, it is gone.

And you have to look at the basis of his identification, whether his identification -- whether his information is tainted because of that. And, again, it goes into the State has not proved their case beyond a reasonable doubt with the overall case and with the identity.

A couple of weeks ago -- I have three children, my oldest is 21, he's in college at Coastal. My second son is a senior at Spring Valley High School. And my little girl is 13. And my wife and I and my little girl was looking through some photos for our senior because, you know, during the senior year they want the baby photos for the yearbook pictures and everything. And my little girl, she was trying to pick out the photos of Jordan. Jordan my second son. And she said, "Well, Daddy, which one is Jordan and which is Joshua third?" Because as babies, they looked a lot alike. Talking about photographs. Okay? What we have here. Photographs. And, of course, my wife was trying to figure out which is which, because they look very similar as babies. And we went through them and went through them, and then we looked at the facial features. Well, the faces are the same. And it came down to the point that the only way we was able to tell the difference was by the outfits she bought during that time. Okay? And this is -- and these are my children. Okay? Keep that -- keep things like that in mind when you come to trying to determine, well, whether the State proved their case beyond a reasonable doubt in relation to the overall case, and in relation to identity. Because that is the biggest part of this

case, as admitted to, as conceded to by the State, by Ms. Jones in her opening statement.

Now, there was another person that testified, Ms. Gelinda Heyward. And Attorney Plexico touched upon this in his opening. She -- she came up here, she took the stand. She -- the mother of -- I think, of two juveniles. Unapologetic. Unapologetic. Yes, we made five-, $10,000 a day. Okay. Anything I wanted, everything I wanted I got. You know. Kept her children in that dangerous environment for years. Okay. Kept her children there cooking crack. Okay? With vast amounts of money. Okay. Kept the children in there with drug scales and drugs. Kept them there. Okay?

This was not a -- this was -- this was not a street dealer, this was a drug business. Five- to $10,000 a day over a period of years. Testimony by the first on the scene, the house was surrounded with a fence, 8 feet surrounded with a fence. Front yard surrounded with a fence. Usually your back yard is surrounded with a fence, and your front, you got a lower fence. Video cameras all over the place. You know why? Because this was a lucrative drug business. Testified to that Mr. Wilson had the best recipe in the area. Was seemed to know people came from miles around

to get what he had.

I bring that up not to denigrate the dead, but I bring it up that there was plenty of people out here that wanted, that could have and wanted to kill him, as Attorney Plexico pointed out. That he could have had a lot of enemies out here because he had a vast drug empire.

Don't allow the State to minimize the lack of physical evidence that was not founded. Agent Johnson testified to thoroughly going through the house at [redacted] Clover Circle. She testified to thoroughly identifying every treatment, what would be important in this investigation. Front door, the baby wipe container, in which the money allegedly came out of, and the Air Jordan shoebox that was located in close proximity to it on the dresser. And as was stated again, it went through proper testing, went through the proper protocol. Casey Jones, Senior, Jarrod Bostick, Casey Jones, Junior are properly, properly excluded as contributors of any DNA on that particular day.

So, in other words, on June 3rd, 2015 there is no physical evidence that Casey Jones, Senior, Jarrod Bostick, and Casey Jones, Junior was inside the residence. And you seen that video -- did they show in that video tens and tens of times, talking about don't

allow the lack of physical evidence to influence you. Well, according to my viewing of the video, they could have gotten DNA because each one of those Defendants touched the banister coming up, allegedly touched the banister coming up.

The three men in there, they touched the banister coming up. If they had retrieved that, maybe they would have had a different DNA report.

The State has failed to meet the burden of proof of beyond a reasonable doubt in relation to this case. But even before you get to that, the State has failed in meeting its burden beyond a reasonable doubt with identity -- in relation to identity.

The two juvenile eyewitnesses in this case did not identify my client. The ones that were on the scene on that fateful day did not identify Mr. Bostick as being there.

You have another witness that could have, Croft, that could have been tainted, don't know whether he received the name Bugs or Bug or not, but it couldn't be disputed because lead investigator McCallister say, I can't recall, he say, I couldn't recall.

And then you have Craig Proctor, who after being arrested for drug charges, I got some information. Okay. And then three weeks later, bond is reduced

$90,000. Charges still pending, and they pending because they needed his testimony here.

Take into account what my co-counsel, Mr. Plexico, said in his closing. Take into account what my co-counsel Attorney Newman is going to say in his closing, and take into account my address to you. And I am sure, and I am confident that once you take these factors into account, you will first -- you will first determine that they have not proved identity beyond a reasonable doubt, and because they cannot prove identity beyond a reasonable doubt, they cannot prove this case. And you will come back with a verdict that will say, not guilty on murder, and burglary first, and possession of a weapon during a violent crime for Casey Jones, Senior. You will say, not guilty on murder, burglary first, possession of a weapon in a violent crime for Jarrod Bostick. And you will say, verdict, not guilty for murder, burglary first, and possession of weapon during violent crime for Casey Jones, Junior. Thank you.

THE COURT: Mr. Newman.

CLOSING ARGUMENT BY MR. NEWMAN

MR. NEWMAN: Thank you, Your Honor.

I don't have to say it for you. You are going, oh, great, we get to hear this again.

Well, I don't mean to make light of it, but you have taken an oath to do that. I watched y'all through the trial, you have been very attentive. You've listened, you've well earned your $10 a day or whatever pittance the State gives you.

But you came as citizens, as citizens of our country that believes in justice. Believes in our legal system and the integrity thereof. And integrity says that a defendant, if any one of us was charged with a crime, we probably couldn't prove our innocence except in rare circumstances. So what we do is tell the State to bring you evidence that you are satisfied, competent when you render a verdict, particularly a verdict of guilty, because they have the extreme burden of proof on that.

The Solicitor mentioned it right out. If she had a case that had even parts of her wish list on it, it wouldn't be a case. You would probably see a guilty plea. You would see something. I don't know.

She opened the day with calling Mr. Jones, Junior a coward. Same guy that lives in Estill, that has been driving just like you have, back and forth everyday to come to this court, to come to this court and face you. He didn't run, he didn't take off. They called him on the phone, and said, you know what, Mr. Jones, we have

got some warrants for you, and they made an arrangement, a date and time and place that he would show-up and turn himself in. And what did he do? He turned himself in, gave a statement to the agent. That kind of brings up when I asked the agent about -- we will talk about this in a little bit, about how these people are connected, how they are associated with each other, and how the State proved that or did not prove that.

She said, well, yeah, I would have liked to have known that, but I didn't have Casey Jones, Junior's cell phone.

She had his phone number. She called him. She could have gotten records from that. Opted not to for whatever reason.

Deputy Sheriff Sons was the first -- again, he has testified first -- but Deputy Sons was the first law enforcement agent that came and testified to you. And I asked him what do you do, rope off, preserve the crime scene. You have to -- obviously, this is the main crime, we had to get a crime scene unit in. We have to get help. We are going to have to get help because we need more resources. So they went to SLED. They even went further and went to the FBI. We will talk about that.

So they interviewed the four juveniles in the house. Two of the juveniles really didn't get a look at anything, and that would be J'Amiah and Javonte. Because, if you remember Javonte's testimony, being a good brother, looking out for Little J, I believe, when the first man on the video came in, which is their No. 2, he immediately rushed out of there, they rushed in, they sought cover, the older brother taking care of his little brother. Closed the closet, got down on the floor, and stayed there the entire time until -- I think I asked them, until the bad guys left.

The oldest brother, Tyreek, said that he actually saw all three people. And so did Jashaun, the middle brother. And what does Tyreek say? Tyreek, to the first deputy on the scene, when they're asking him what happened, did you see anybody, did you get descriptions because they are going to want to put out bulletins on the radio. They're looking for a guy with dreads, a tall guy, a short guy, looking for a guy with a red cap, gave very vague information. Wasn't even really able to broadcast a description. But he did get a good look at one of the assailants, and he gave a name. A name of a person that he knows by sight, and he said, Jamarcus Brisbane.

So he's asked a day or so later, maybe even later

that afternoon, David Williams, that was the SLED agent with the all white hair. The SLED identification expert is going to come down to see if he can put line-ups together of suspects for these children to look at. They put together an array of 30 photographs in five different line-ups.

Without hesitation and problem, Tyreek said, that is one of the assailants, Jamarcus Brisbane. They note that down.

Investigator McCallister, the SLED specialist to do this investigation, discarded it. That information from an eyewitness, actually in the house, and you saw how long they were in that house, four minutes, five minutes, that that child would be able to view these three suspects.

Tyreek got on the stand, could not identify Casey Jones, Junior, could not identify any of these Defendants over here. And he, when we talked about groups of witnesses, there's going to be a second group of witnesses that are looking at range of photographs and videos, and we'll talk about the second group in a second.

But the actual eyewitnesses, face to face in their house, you saw how small that -- I believe this is State's 16. You see how small -- this is a small

residence. Little three-bedroom residence. And you have seen pictures from in here, and you've seen pictures from in here, where the stuff was, the scales, the crack, the baby wipes box, and inside that would have been the shoebox where they kept the money. And we will talk about those. Oddly enough, the State didn't introduce those into evidence because it doesn't help their case. In fact, it hurts it.

So you get this immediate identification of Jamarcus Brisbane. And what do we know about Jamarcus? Well, he's been out of prison for about a week. Asked the agent, what was he in prison for? Robbery and drug dealing. Out of prison, he doesn't have any money, he is going to need to do a hit or a lick or whatever they call it on the street.

And based on that, the agent decides well, I'm going to need to talk to this guy, Brisbane. His name has come up not only immediately on the scene, but later on, after Tyreek has had time to reflect and think about it and he goes, yes, I'm sure. This is the guy that was there.

So Agent McCallister gets Brisbane to come in and talks to him, and Brisbane says, well, I was at my aunt's house, went over to my daddy's house. I just got out of prison so, you know, I'm staying close to

home. No specific times when he's close to home.

I asked the agent, what's the aunt's name? This is important. We are going to need to track down an alibi, right?

You just don't want to buy it. If I told you I was somewhere else, you would want to go check it out, right? What is the aunt's name? I don't know. All I think she knew about her is she worked for the school district. This thing happened about 10 o'clock in the morning, where is the aunt going to be? Jasper County school district, working. She is not around.

Talked to the daddy. What is his name? I don't know. Where does he live? Walterboro. What is the address? I don't know. What is the aunt's address? How close did Jamarcus live? Was it in walking distance from where this -- from Clover Circle? I don't know, in Ridgeland somewhere.

When the State fails to track down things like that, they rob you of the ability to judge the credibility of Jamarcus Brisbane's alibi. She said she did it for you, I found him credible. And they want to turn around and say, they want Mr. Casey Jones, the State argued, well, he gave an alibi that he was -- gets up around 11, goes to work, landscaping, and he gets home around four or so and goes to his mom's

house, is what I got -- maybe his mom's or girlfriend's house. And the State argues to you, is that really an alibi? Do you believe that?

What specific day did he do that? What is his mom's name? Where does she live? And they want to tell you, don't believe Casey Jones's alibi, because that's all he's got. Don't believe it. But believe Jamarcus's alibi, the guy that got out of prison for robbery and drug dealing. Just take it on my word, he didn't have nothing to do with it. It's all information that should have been on the wish list that you don't have.

The other thing that is really bothersome is we take DNA samples from these gentlemen that they arrested for this crime. You heard about it. The buccal swab, no problem, easy peasy. Do you think that they'd ask Mr. Brisbane, hey, Jamarcus, while we got you here, how about -- how about give it up. And even if he didn't want to, there is a procedure, they could have asked the Judge, say, look, he's been identified in a murder case, give us a warrant to do that, and they can make him do it.

Wouldn't you like to have Jamarcus Brisbane's DNA so the lady could come in and maybe say, I can exclude him, too, or go, you know what, we got a match.

Mr. Wilson, obviously, it is his house, you are going to find his DNA. And we got Mr. Brisbane. You were robbed, deprived of that opportunity to consider that information from the State that has the burden to track these things down, and to prove it to you.

Did they ask to do a search of Jamarcus Brisbane's house, either ask him or since he was identified, apply to a judge and get a warrant? No. So that leaves us with the on-scene identifications. Tyreek, don't know the man, don't know the man, don't know the man. Jashaun couldn't identify any of them. Javonte couldn't identify any of them. The only one on scene, one out of four, who was in the closet, probably first in the closet, says now that I think back, after two years -- and this is the very first time, because there's nothing in any report that J'Amiah says, oh, yeah, I remember him now, that dude was in my house.

He knew that Mr. Jones had been arrested for this, he knew he had been charged with it, and thinking like an 11-year-old, now 13, 14, I believe, year-old, he's got convinced in his mind, well, if the police arrested him, that must have been the man that did that to my daddy. He was never re-interviewed and never said -- made that connection until yesterday, the day before. Didn't report that to the police. A man that he saw at

school that maybe since he knew it, scared him a little bit.

So on-scene identification witnesses, three can make no -- the 11-year-old, the youngest, who was in the closet, says, yes, ten years ago. And when he pointed over to Mr. Jones, he really didn't even look at him.

So we have the opinion identifications that come up. Now, remember these are people that did not sit there through this entire crime and see these people with their eyes. They were nowhere near it.

You have Ms. Taylor -- I'm sorry, Ms. Heyward, Gelinda, testify. I think she said she had seen a guy named Casey sometime in the past, vague, doesn't remember when, in a car with somebody named Tray or something like that. And Gelinda was not able to identify the man in court, and did not, because she couldn't.

I don't even need to go over King Proctor. I mean, if y'all want to believe that, for a guy who will tell you I smoke dope every day -- I smoke dope every day -- except for when I come to court and go to strip clubs. So you judge that testimony how you want it. That is your province solely.

Officer Coleman and Chief Collins, yeah, they seen

these people. If they are from Estill, Casey and his father, small town cops are going to see people, and they tell them. Is this Casey Jones in this photograph? Oh, yeah. Oh, yeah.

And interesting with Collins and Coleman, and I'm trying to get a connection between Mr. Bostick and Mr. Jones other than all you have is seeing them sitting next to each other all week, but they are not sitting there because they want to be necessarily. That is where the Court sat them.

Chief Collins and Coleman, yeah, okay, I seen Casey Jones, Junior around, but they have never seen Casey Jones, Junior with his father, who he's estranged from, and they've never seen Casey Jones, Junior with Mr. Bostick. There's absolutely no connection. They never seen them together. They claim they saw them a lot. That they are buds, pals, that they know each other strong enough, hard enough to do a hit, a lick, a robbery, whatever it's called, together. But they are not just going to say, Hey, we just met, got an idea, let's go do something. And they don't even make a connection that they know Mr. Wilson or his criminal enterprise and empire that he runs in Jasper County.

So you got Agent Crosby, who works up in the Bamberg/Barnwell area. Said that he has known Mr.

Bostick for ten years, I believe is what he said. In that ten years, and agents keep files on when they do field contacts, when they see people. This is an investigator, a SLED agent, which he has no records of. He has never seen Casey Jones, Junior ever, and he's never seen Casey Jones, Senior, ever. So you know a guy for ten years, and here they are together doing a murder, and every time you have seen him over those ten years, you have never seen him with Jones, Junior or Senior ever? There's no connection. No connection whatsoever.

You got the State's identification experts. They brought three in for you. They brought David Williams, the SLED agent with the white hair. They brought in Mr. Imel, if I'm pronouncing that correct, Mr. Imel, and Jeff Crosby. Jeff Crosby testified, he was the tall detective that used to work for the sheriff's department, he now works in Hardeeville. Well, he has the technology, and I looked at it, I lightened it, changed his skin colors a little bit, and looked at it. These are the best images I can give you even though you can't see the face.

Well, Jeff Crosby, he was here in court, he looked at these and looked at these, and worked on them, and looked on them, looked over here. Did he ever identify

any of these Defendants, the State's identification expert that has been looking at these things, and the Defendants are sitting right here? No. Because he couldn't do it.

David Williams explained to you why he couldn't do it. Williams, same thing. He's looked at images, put these line-ups together. And when I asked him on the difficulty of putting up a line-up, other than Jamarcus Brisbane, and if you have a name, do you look for people to pull photographs by their beard, by their face shape, by their weight? He stopped me before I could finish my question. You can't do that. It's just too general. It just fits too many people. You can't ID somebody like that.

And Mr. Imel, who works for the FBI, very well trained, I think he said he also, as part of the FBI, works for the Air Force, and they do a lot of work in identifying people all over the world. And the Solicitor asked him, did I ask you to do any height, weight comparisons, facial? And he said no.

And I'm like, why would the State not ask you to do that? Facial recognition has been around for 15 years. It gets better every day, where they can enhance. They also use a thing that was touched on, which is biometrics. You can take these photographs,

analyze them, just like Mr. Plexico said. We can get a known height right here. We can put all that stuff together. That must have been on the Solicitor's wish list, but she did not ask this guy to do that. Did not ask to do facial recognition, and all the experts agreed, and even the lay witnesses, you cannot see their faces. We are going on by our opinions of what it looks like to us. And these are people even further removed -- further removed, they were not at the crime scene. They did not witness this.

They are looking at a video and photos, to get grainier off the video that you can't see faces. So I have no idea why they have deprived you of the biometric and facial recognition technology.

Mr. Imel, who testified likewise up here had a chance, after he's worked and captured stills and worked hours and hours and hours looking and coming with these images, sees these guys. He doesn't identify them because he can't. We are going to leave it up to you to maybe help save us in this case because what we did in this case was jump the gun. We jumped the gun and we got stuck with it, and we are trying to stick you with it, the State, and rescue us in this endeavor.

So, Agent McCallister disregards Jermane (sic)

Brisbane. Nah, you don't need to worry about him, I took care of that for you.

The associations, well, I really don't have anything. I asked her about documents that they got from Mr. Bostick's phone and Facebook and texts and whatever young kids do these days. I'm sorry. I'm kind of slow. Coffee, that's about all I do.

And she got 2957 pages of records and phone numbers and texts and photographs and Facebooks and pings and whatever you -- Snapchats, whatever young folks do these days. And I asked her, because I'm trying to think, you know, you got two guys, they should at least show they know each other. If they are going to do something like a brutal robbery, they at least have met before.

And I said out of that, there's nothing in there, is there? And in an attempt to protect her case, rather than give a straight answer, oh, yeah, I think there was something in there that connects them. Yeah, I kind of remember looking at that.

And we sat right here and played a game. I said, what? Tell me. Bring it to me.

Well, that's on the disc. Get the disc, let's look at it. Do you honestly believe that if there had been any connection, because they know they have to

show that, which they haven't shown, if there had been a connection, like a Facebook post or a text message, hey, Casey, this is me, Bostick, let's get together, let's have a beer. I got something you -- anything. Anything. Even, hey, bro. Anything.

And we know we had Casey Jones' number. She called him on his telephone.

I submit to you out of 2957 pages worth, there is not one text, tweet, twitter, picture, ping, pong, whatever it is between the two of them. The officers have never seen them together. They claim they've known one for ten years, one for a year, and the chief, I think, has been there maybe three years. Never seen them together.

I asked about the VW, the car they came in. They identified it as a white. We can all see that on there, white or cream, at least. Volkswagen Passat.

I said okay. Well, let's see what we can do to tie these three guys or at least the driver over there, allegedly my client, let's see what we can do to tie them to that car. And you know what she said? Well, we got the rental documents. We got the registration.

Where is it? Why didn't they show it to you? You know why they didn't show it to you, there's nothing in those documents that lead to any of these gentlemen.

Do you honestly think that if there was something that connected any one of these gentlemen to that car, they wouldn't have blown it up, put it on a poster board and said, Look at this rental agreement. Mr. Bostick rented it, or Mr. Jones, Senior, or a girlfriend of one of them rented it. They have those records, why didn't they show them to you? They didn't want you to see them because it doesn't help their case. And that's just not fair.

You want your government to give you all of the available evidence they have to let you make a judgment on it. She's made her judgment on it, the agent, that you don't need to see it.

JUROR: Ma'am? Judge, can I get a bathroom break?

THE COURT: Absolutely. Mr. Newman, are we close?

MR. NEWMAN: We're close, but certainly.

THE COURT: Okay. Let's go ahead and take a bathroom break. Ladies and gentlemen, you all need to go. Again, do not discuss this case, it wouldn't be appropriate to do so.

Mr. Foreperson, knock on the door when you all are ready to come back. Okay?

(The Jury exits the courtroom at 11:44 a.m.)

(Whereupon, the court was in recess.)

THE COURT: All right. Let's go.

(The Jury enters the courtroom at 11:55 a.m.)

THE COURT: All right. Ladies and gentlemen, welcome back. I also wanted to let you know, that your Clerk of Court, Ms. Bostick, has ordered pizza for you. So once we get this case to you, she's got pizza so y'all can eat while you begin your deliberations. I don't want you to think we are starving any of you out here. All right?

So if you give Mr. Newman your attention, he's going to finish up and then I am going to charge you on the law that's applicable. Okay?

MR. NEWMAN: As I said, I will not be too much longer, but I do have a lot of stuff to cover, and it says the other attorneys have echoed. These are our clients' one day in court. If you get it wrong, there's no way to fix it.

So in this case, we talked about the alibi, talked about the rental documents from the BMW -- the rental place of the VW, the white Passat. Nothing connecting them.

The other thing that I'm incredibly curious about -- not curious, more at this stage, when people are on trial for their lives, why didn't they do a search warrant? They knew where Mr. Jones, Junior lived, my client. Called him up. She had his address.

In fact, when they took him into custody, before he made bond, perfect time to go get it. Can't go back and change anything, they've got him locked up. The agent admitted there was no reason she couldn't have got a search warrant. She got an arrest warrant. Same standard. There's enough evidence out there. Not the evidence we needed here, but to start the case.

The State's wish list, right? What if they went to the house and had that funky looking hat. And I think a blousy looking shirt, and clothes. Maybe the T-shirt. How about the firearm? Whoa. That would be on the wish list, right? If the State came in here and said how about it, guys, I got DNA, I got a firearm, I got the clothes, you can forget these flaky identifications we tried to piece together. We got evidence.

Well, they don't. Three out of three ID experts can't ID them. Three out of four children can't ID them. And we have got a situation that the DNA of Ms. Leisy, I believe, the DNA analyst that did that, the chain of custodies were perfect. She had absolutely no doubt, mixture of three individuals. And what a miracle -- what a miracle if these three gentlemen were in that residence for five, six, maybe seven minutes, and what did the analyst tell you? She

didn't -- I suggested a number to her about humans shed about 400,000 cells a day. And she goes, I don't know that, but it's in the hundreds of -- it's a lot. It's in the hundreds of thousands.

What kind of miracle is it that these guys could be in there, fighting with people, holding children down, touching things, taking the baby wipe container out, taking the shoebox out, touching that. What a miracle it is that they are ID'd doing this, but the DNA says one hundred percent proof positive no. Not just on one, not just on Mr. Jones, Junior, Mr. Bostick, and on Senior. Those odds are too incredible if these are the people that went and spent that much time in that house.

There is a story that shows the enormous amount, and you read about it in the paper every day about witness identification. People have been convicted and years later, DNA has exonerated them. One of the biggest ones was a prize fighter named Rubin (Hurricane) Carter, from Patterson, New Jersey. Five eyewitnesses ID'd him robbing and killing a man with a co-defendant named John Artis. ID'd Artis, too. Twenty-eight years later, both of them were exonerated. Five came in, police officers, said I saw it. I know it. No, they didn't.

What we got lucky in this case, they made the arrest before they did the DNA. The DNA came back, now they are stuck with their case. Did they go back and re-investigate? Did they go back to Mr. Brisbane and want to get his DNA and talk to him? Talk to anybody? Talk to any of those other thugs identified at that house? They just quit. When they got the DNA back, they could have just as easily say, you know what, we are going to open our investigation and take a look at this again. But what did they do? Nah, we are not. Go with what we got. We will go with what we got.

I know I talk too much. Lawyers do that. But this is the only shot that I get to talk to you. This is Casey Jones, Junior and Senior and Mr. Bostick, this is their one day. There is a chance you get the right verdict. There's also a greater chance you get the wrong verdict. I would ask you to hold the State to its task. Go back and re-investigate this case. Bring us some more evidence. Look at -- open your minds. Look at what is actually happening in front of you. And they're dumping it in your lap, because their wish is that you bring back guilty verdicts on insufficient evidence. That is their wish. Hold them to their wish list. If they brought you back their wish list, say you got them.

The Judge is going to tell you, you are not here to support one side, another side, passion or prejudice. Murder is a horrible crime. Terrible thing to happen. We are not asking you to, you know, leave your humanity, if you would. But a wrongful conviction is just as bad as a murder case. Wrongful conviction for robbery, burglary is just as bad because you rob a defendant of his right to have the State prove its case beyond a reasonable doubt.

There's evidence out there, but it doesn't point to Mr. Jones, Junior.

Mr. Foreman, thank y'all very much. I really appreciate your time.

THE COURT: Are you all right? Everyone's in?

Mr. Foreperson, ladies and gentlemen of the jury. You followed very patiently and listened very attentively to the presentation of the evidence in this case, and I want to thank you for that.

It now becomes the duty of the trial judge under the Constitution of this state to charge and instruct you on the law that is applicable to this case. And it is your duty as jurors to accept and apply the law as the Court will now state it to you.

As jurors, it is your exclusive duty to decide all the issues of fact in this case. You must determine

the effect, the value, the weight, and the truth of the evidence. Both the State of South Carolina and Defendants have a right to expect that you will carefully consider and evaluate the evidence and the apply the law of the case to the evidence. And by doing so, both the State and the Defendants will receive and obtain a fair and impartial trial in this case.

Now, the State of South Carolina, by the bills of indictment in this case charges the Defendants, Casey Jones, Senior, Jarrod Bostick, and Casey Jones, Junior with murder, burglary in the first degree, and possession of a weapon during commission of a violent crime.

I remind you that the fact that the Defendants were arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it claim the presumption or inference of guilt.

These documents simply are the formal written instruments which contain a charge that is made against the Defendants. They are the formal documents by which a case -- case, excuse me, is brought into the courtroom.

Now, ladies and gentlemen, I charge you that there

are three defendants in this case. Each of them is charged with murder, burglary in the first degree, and possession of a weapon during a violent crime. The case of each defendant and the evidence and the law concerning that defendant should be considered separately and individually.

Your verdict does not have to be the same for all defendants. The fact that you may find one defendant guilty or not guilty should not control your verdict as to the other defendants.

When more than one person is charged with a crime, if the evidence warrants it, you may convict one and acquit the others, or you may acquit all, or you may convict all. It will depend upon your view of the testimony and evidence.

You must take each defendant and consider the evidence as to that defendant and my instructions to you on the law. You will then write a separate verdict of guilty or not guilty for each individual defendant on each charge.

Now, ladies and gentlemen, all of the defendants in this case have pled not guilty to these indictments, and that plea puts the burden on the State to prove each of the defendants guilty beyond a reasonable doubt. A person charged with committing a criminal

offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of law, the defendant in a criminal trial, no matter what the seriousness of the charges may be, will always be presumed innocent of the crime for which an indictment was issued unless guilt has been proven by evidence satisfying you, the jury, of that guilt beyond a reasonable doubt.

And this presumption of innocence does not end when you begin your deliberations, but it accompanies a defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

Now, the presumption of innocence is like a robe of righteousness, but it's placed about the shoulders of the defendant, and it remains with the defendant until it has been stripped away by evidence satisfying you of a defendant's guilt beyond a reasonable doubt.

Now, the presumption of innocence is not a mere legal theory. It's not just a legal phrase we use, it is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of that defendant's guilt beyond a reasonable doubt.

Now, what is reasonable doubt in the law? A

reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. Now, the State has the burden of proving each of the defendants guilty beyond a reasonable doubt. And the term "reasonable doubt" must be given its plain and ordinary meaning.

However, to the extent that I may define it for you, a reasonable doubt, again, is the kind of doubt that would cause a reasonable person to hesitate to act in the most important of their personal decisions. Each of the defendants are entitled to every reasonable doubt arising in this case.

If upon any issue of facts essential to a conviction you have a reasonable doubt as to how that issue should be resolved, you must resolve that reasonable doubt in favor of that defendant.

Now, some of you may have served as jurors in civil cases, where you were told that it was only necessary to prove that a fact is more likely true than not true, such as what we call the greater weight or the preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. Suspicion, no matter how strong, is insufficient to convict a person charged with a crime. That the facts and the circumstances presented may seem

suspicious, and a defendant's guilt may seem probable is not sufficient in the law to convict. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of a defendant's guilt.

Now, ladies and gentlemen, there are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are firmly convinced that a defendant is guilty of the crime or crimes charged, you must find that defendant guilty.

If, on the other hand, you think there is a real possibility that a defendant is not guilty, you must give that defendant the benefit of the doubt and find him not guilty.

Now, I remind you that during this trial, you and I have certain duties to perform. As the judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence that's offered during the trial. You are to consider only the competent evidence that's before you. You are to consider only the testimony which has been presented here from the witness stand and any exhibits which have been made a

part of the record in this case.

I have the additional duty to charge you the law that's applicable to this case. I'm the sole judge of the law. And it's your duty as jurors to accept and apply the law as only I give it to you.

If you have any ideas to what the law is, or what you think the law ought to be, and it does not agree with what I now tell you the law, in fact, is, you must abandon this idea, because you are sworn to accept the law and apply the law exactly as I state it to you.

Now, every case that's tried in this court before a jury, the jury is the sole and exclusive judge of the facts. A trial judge cannot intimate, comment on, or make any statement to a trial jury about the facts in a case. And since you, the jury, are the sole judge of the facts in this case, you are not to infer from what I have said during the progress of this trial in a ruling upon the admissibility of evidence or otherwise, or anything that I now say during the course of this instruction to you that I have an opinion about this case.

The law does not allow me to have an opinion about the facts in this case. Again, this matter is solely for you, the jury, to determine. And I remind you, as jurors, it is your duty to determine the effect, the

value, the weight, and the truth of the evidence that's presented during the trial.

Now, there are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who claims to have an actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence. And the law makes no distinction between the weight or the value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of an accused beyond a reasonable doubt.

If these circumstances merely portray a defendant's behavior, if suspicious, the proof has failed. The State has the burden of proving a defendant guilty beyond a reasonable doubt, and this burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Now, it is your duty to determine the credibility

of witnesses who have testified in this case. And credibility simply means believability. It is your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses, or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether the witnesses has exhibited to you an interest, bias, prejudice, or other motive in this case. And you may also consider the appearance and manner of a witness while on a witness stand.

Now, the rules of evidence ordinarily do not permit witnesses to testify to obtainments (SIC) or conclusion. An exception to this rule exists for witnesses we call expert witnesses. A witness, who by education and experience has become an expert in some art, science, or profession may give an opinion as to the subject a witness claims to be an expert in, may also give the reasons for the opinion. You should

consider any expert opinion given by a witness, and like any other evidence, give it the weight you think it deserves.

If you decide an expert witness' opinion is not based on sufficient education and experience, or if you decide that the reasons given in support of the opinion are not sound, or that the opinion is outweighed by other evidence, you may disregard the opinion entirely.

An expert witness' testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. And you do not have to accept an expert's opinion, even though it's uncontradicted.

I instruct you and emphasize that the fact that none of the defendants testified in this case is not a factor to be considered by you in any way in your deliberation and your consideration on the question of the guilt or innocence of that defendant. It must not be considered by you in any manner whatsoever.

A defendant has the constitutional right to remain silent. And the assertion of this right must not be considered by you in your deliberations. I repeat, under the oath, you are to draw no conclusion whatsoever from the fact that none of the defendants in this case testified. The fact that these defendants

did not testify should not even be discussed in the jury room.

I remind you, the burden of proof is on the State. None of the defendants are required to prove their innocence, and the burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Now, ladies and gentlemen, if a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person, which happened as a probable or natural consequence of the act done in carrying out the common plan and purpose.

If two or more people are together, acting together, assisting each other in committing the offense, the act of one is the act of all. Or as it is sometimes said, the hand of one is the hand of all.

Prior knowledge that a crime is going to be committed, without more, is not sufficient to make a person guilty of that crime. Mere knowledge that another person is going to commit a crime, even if a defendant is present when the crime is committed, is not sufficient to convict a defendant as a principal.

Guilt as a principal is shown by action or

constructive presence at the scene as a result of a prior arrangement. Therefore, finding a prior arranged plan or common scene is necessary for a finding of guilt as a principal.

The State must prove beyond a reasonable doubt by competent evidence the theory of the hand of one is the hand of all. A principal in a crime is one who either actually commits the crime, or who is present aiding, abetting, or assisting in committing a crime.

When a person doesn't act in the presence of and with the assistance of another, the act is done by both. Where two or more acting in a common plan or intent are present in the commission of a crime, it does not matter who actually commits the crime. All are guilty. The hand of one is the hand of all.

Present at the commission of a crime means to be sufficiently near to aid and abet and assist in the commission of the crime. However, mere presence at the scene of a crime is not sufficient to convict one as a principal on the theory of aiding and abetting.

Intent is also a necessary element, so there must have been a common design or intent to commit the crime, and the crime must have been committed pursuant thereto with a person aiding and abetting by some overt act.

Intent means intending the result which actually occurs. Not accidentally or involuntary. Intent may be shown by act or conduct of a defendant in other circumstances from which he may naturally and unreasonably infer intent. And the State must prove the elements beyond a reasonable doubt.

Now, an issue in this case is the identification of each of the defendants as a person who committed the crimes charged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of the identification of each of the defendants before you may convict that defendant.

Identification testimony is an expression of belief or impression by a witness. You must determine the accuracy of the identification of that defendant. In appraising the identification testimony of a witness, you should consider the following: Are you convinced that the witness had the capacity and an adequate opportunity to observe the offender? And this will be affected by such matters as how long or short a time was available, how far close the witness was, how good the lighting conditions were, and whether or not the witness has had an occasion to see or know the person in the past, and to what extent.

Are you satisfied that the identification by the witness subsequent to the event was a product of his own recollection? You may take into account with the strength of the identification and the circumstances under which the identification was made.

You may also scrutinize the circumstances under which a defendant was presented to a witness for identification, and whether that identification by the witness may have been influenced by those circumstances.

And you may also take into account whether identification was made by picking a defendant out of a group of similar individuals, or whether the presentation of a defendant was made of him alone to the witness.

Finally, you must consider the credibility of each identification witness in the same way as any other witness, considering whether he or she is truthful, and considering whether he or she had the capacity and opportunity to make a reliable observation on the matter covered in their testimony.

Again, I instruct you the burden of proof is on the State, and that extends to every element of the crime charged. And this specifically includes the burden of proving beyond a reasonable doubt the

identity of a defendant as the person who committed the crime.

If, after examining the testimony, you have a reasonable doubt of the accuracy of the identification, you must find that defendant not guilty.

Now, ladies and gentlemen, in this case each of the defendants were charged with three separate offenses. And the first one is murder.

Now, to prove murder, the State must prove beyond a reasonable doubt that a defendant killed another person with malice aforethought. Now, malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse, and with an intent to inflict an injury or other circumstances that the law will infer in evil intent.

Malice aforethought does not require that malice exists for any particular time before the act is committed. But malice must exist in the mind of a defendant just before and at the time the act is committed. Therefore, there must be a combination of the previous evil intent and the act.

Malice aforethought may be expressed or inferred. Now, these terms, "expressed" and "inferred" do not mean different kinds of malice, but merely the manner

in which malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Expressed malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other act of preparation, going to show that the deed was within a defendant's mind with the expressed malice.

Now, it may be inferred from conduct showing a total disregard for human life. And inferred malice may also arise when the deed is done with a deadly weapon.

Now, a deadly weapon is an article, instrument, or substance which is likely to cause death or great bodily harm. And whether an instrument has been used as a deadly weapon depends on the facts and circumstances of each case.

Now, ladies and gentlemen, each of the Defendants is also charged with first degree burglary. The State must first prove -- to prove first degree burglary beyond a reasonable doubt that a defendant entered a dwelling without consent.

Now, a dwelling is any building or portion of a

building in which a person ordinarily sleeps. A building consists as a dwelling, but has never been occupied, cannot be considered a dwelling for purposes of burglary. But a building is a dwelling even if the residents are temporarily absent from the building.

In order to prove a defendant entered the dwelling, the State does not have to show the defendant's entire body entered the dwelling. The smallest entry is sufficient. It may be any part of the body, such as a hand or a foot, or even an instrument.

In addition, the State does not have to prove that force was used to gain entry. If a person enters a building by using deception, artifice, trip, or misrepresentation to get consent to enter, this is an entry without consent.

Now, next, the State must prove beyond a reasonable doubt that a person intended to commit a crime, either a felony or a misdemeanor, at the time of the entry. And the mere entry into a dwelling without consent is not burglary. If the intent to commit a crime is formed after the entry, it is not burglary.

On the other hand, if a defendant intended to commit a crime at the time of entry, it is a burglary, even if the intent was abandoned after the entry. It

does not matter that the intended crime was not completed.

Ladies and gentlemen, intent may be shown by act and conduct of a defendant and other circumstances from which he may be naturally and reasonably infer intent.

And then finally, ladies and gentlemen, to prove burglary in the first degree, the State must prove beyond a reasonable doubt that when entering, while in a dwelling, or when fleeing, a defendant or an accomplice was armed with a deadly weapon or explosive, or when entering while in the dwelling or when fleeing, the defendant or an accomplice displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm.

Ladies and gentlemen, a deadly weapon is an article, instrument, or substance which is likely to cause death or great bodily harm. And whether an instrument has been used as a deadly weapon depends on the facts and circumstance of each case.

Now, the following are examples of instruments that may be deadly weapons: A pistol, a shotgun, a rifle, a dirk, a dagger, a knife, metal knuckles, a razor, gasoline, and lighter fluid.

Now, ladies and gentlemen, last, each of the Defendants are charged with possession of a weapon

during the commission of a violent crime. Now, to prove this event, the State must prove beyond a reasonable doubt that a defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime.

Now, a firearm means any machine gun, automatic rifle, revolver, pistol, or any weapon which will, is designed to, or may be readily converted to expel a projectile. In order to find a defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the defendant guilty of committing a violent crime.

Ladies and gentlemen, I charge you that it is the law of this state that murder and burglary in the first degree are both violent crimes. Again, the State must prove beyond a reasonable doubt that the weapon further advanced or helped in the commission of the violent crime.

Now, Mr. Foreperson, members of the jury, as you retire to begin your deliberations this afternoon, I wish to express the hope that each of you are mindful of the importance of your job here today. You're not called upon very often to serve as jurors, and the proper performance of that duty requires each of you to reach the height of freeing your mind of all improper

influences.

Ladies and gentlemen, don't get the idea I'm trying to intimate to you how you should decide this case. I already told you under the laws of this state, you, the jury, are the sole judge of all questions of fact. And it would be highly improper for me to influence you in your performance of that duty.

However, ladies and gentlemen, as the presiding officer of this court, I am vitally concerned of whatever verdict you reach will be the result of you going back into your jury room and confining your deliberations and your consideration to the evidence and the law that you heard here in this courtroom, weighing it fairly and impartially, as I have every confidence you will.

Ladies and gentlemen, you owe no support or sympathy to anyone. The Court, again, is of the confirmed opinion that whatever verdict you reach will be the result of you going back there and doing your job as you have been instructed.

Now, Mr. Foreperson, the verdict must be unanimous. It must be the verdict of all 12 jurors. And to that end, my law clerk has prepared three verdict forms. Each have the different Defendant's name on them. The first one is the State of South

Carolina versus Casey Jones, Junior. And it has three questions, and each of them have three questions. You must answer each question as to each of the Defendants before you are finished. All right?

So the first one states as to indictment number, and it says the indictment number, and it says, "The charge of murder, we the jury, unanimously find the Defendant, Casey Jones, Junior" either guilty or not guilty. And then it goes to the next question, and it asks the same question as to Casey Jones, Junior as to burglary in the first degree, and then the same question at the bottom as to possession of a weapon during the commission of a violent crime. Again, as to Casey Jones, Junior. That would be your first verdict form. Okay?

And then there's a space at the bottom, when you do reach your verdict, I need you to sign it, Mr. Foreperson, and date it. Okay? On each of these.

The second verdict form, it looks identically the same, it simply has changed the name of the Defendant. This one says, "The State of South Carolina versus Jarrod Bostick." It goes through the same questions again, do you find him guilty or not guilty of murder, then burglary in the first degree, and then possession of a weapon during a violent crime. And then finally

the same thing, separate verdict form as to each of them, as to Casey Jones, Senior. And, again, it asks all three questions.

Again, Mr. Foreperson, when the jury has reached a unanimous verdict on all three of these verdict forms, for all three separate defendants, I'm going to ask that you knock on jury room door, and we are going to accept you back into the courtroom to take your verdict. All right?

Ladies and gentlemen, I will also tell you just a couple of housekeeping rules. I know I have had one person, at least, take notes. Those notes are for you to use. You can share your notes, and when I say that, it's not to pass them around, but you can say that this is what I recall. But I need to caution the rest of you that you are not to rely on someone else's notes simply because they took notes, rather than what your own independent memory is.

Also, I will tell you that while you have seen my court reporter taking down everything in this case, there is not a transcript of this case. If you want certain testimony played back, what I can do is bring you all back into the courtroom and we can play the audio tape, which is really the back-up tape of the trial. I just need to tell you, Mr. Foreperson, if you

request a certain witness' testimony, I am required to play that entire witness' testimony, which means the direct, the cross-examine, the redirect, the re-cross, if there was any. Okay?

Additionally, ladies and gentlemen, all the evidence that was entered into the record for you will be sent back to your jury room. So if you think you heard something talked about here that is not in there and you say can we have, you will have all the evidence that has been entered into the case for you to review. Okay?

Lastly, I know that we have some video, and Mr. Foreperson, if for some reason you need to video replayed in some way, again, what I can do is bring you back in here and I can replay the video for you. Okay? I just don't have a device to send back to you, unless I can find one. And I don't think we do. So I think if you want to see the video again, we would just have to bring you back out. Okay?

Ladies and gentlemen, thank you. For the very last time, I'm going to send you back to your jury room, and I'm going to tell you not to discuss this case. If there is something further on the law the lawyers want me to charge, I'm going to bring you back out here and I am going to charge you further. Okay?

If not, I am going to send the verdict form along with all the evidence that was entered in this case. All right? That's going to be your signal, sir, to begin your deliberations. And I want to make sure you have everyone contributing to the deliberations. Okay?

All right. Ladies and gentlemen, again hopefully there is pizza back there. Yes, start eating, don't start deliberating until you have received the verdict forms and all the evidence. Okay? Go grab a bite to eat. Thank you.

(The Jury exits the courtroom.)

THE COURT: Any additions or exceptions to the charge from the State?

MS. JONES: No, Your Honor.

THE COURT: Mr. Plexico?

MR. PLEXICO: No, Your Honor.

THE COURT: Mr. Koger?

MR. KOGER: No, Your Honor.

THE COURT: And Mr. Newman, finally.

MR. NEWMAN: I do have an addition to the charge, Your Honor. Normally when you explain the verdict forms, I noticed in this, I know, I think, your rule is that you normally do them, one trial guilty, one trial not guilty, in the order that they come.

THE COURT: It's reversed every time.

MR. NEWMAN: Yes, ma'am. No, I understand that. But you did not go over and explain the verdict form that the State has no significance in the order in which the verdicts are presented. There are six -- nine guiltys all on top. On the three verdict forms, I would ask that you clarify that with the jury.

THE COURT: All right. Let's bring the jury out just very quickly, and I will instruct them of that. I'm not sure I exactly need to, but you are right, I do have the trial.

Everyone has just been long winded, you have been going for a long time, so it's been three hours now, so -- just for a quick moment, y'all come on back in.

(The Jury re-enters the courtroom at 1:35 p.m.)

THE COURT: All right. Very quickly, ladies and gentlemen, something I neglected to tell you.

I want you to take no significance from the order that I write guilty or not guilty on the verdict forms. One has to come before the other, and I can tell you in every trial that we do is we just reverse them. All right? I typically tell the jury that, but this the first time in 11 years that I have ever forgotten to. So I just wanted you to know that.

So, again, take no significance in the order that there is guilty and not guilty. The last trial it was

not guilty first. So it just gets switched. All right?

Mr. Foreperson, I now am going to send the verdict forms back with you, the evidence, again. Now, finally, grab a bite to eat and we look forward to hearing from you. Okay? Thank you.

(The Jury exits the courtroom.)

THE COURT: All right. Anything further from anyone? We will just be at ease. All right.

Mr. Hall, when are we bringing people over?

MR. HALL: Your Honor, they are already here, so it's just a matter of trying to work on getting some people signed up.

THE COURT: Let's do this. Let's -- we are just going to take just a quick minute to get a bite, let's maybe take 20 minutes or so, if we can. I know you are the one, Mr. Plexico, signing people up, probably, right?

MR. HALL: Actually, we have tried to avoid Mr. Plexico as much as possible.

THE COURT: Very good. All right. Perfect.

THE CLERK: Just one minute. Somebody is knocking.

THE COURT: Sure. You can answer the door. Find out what they need.

Need a smoke break? Absolutely. No worries.

Okay. Listen, the bailiff needs to go with you though, and while one juror is smoking, the rest of you can't talk about the case. You got to just take a little break. Okay? Is that all right?

JUROR: Yes. The bailiff going to come in here?

THE COURT: Yeah. She's going to walk out with you. I don't know where you take them to smoke, we don't have a balcony anymore. Thank you, Honeycutt. That's perfect. I appreciate it.

Okay. When you take the evidence in, I need you to bring me the alternates. Okay? When you take the evidence in. Okay?

(Pause.)

THE COURT: I want to thank you so much. I didn't lose any more jurors, I just lost the one. So at this point, I am going to go ahead and excuse you from the trial of this case. A few things I just didn't want to tell you. You are now permitted, when you go home, to discuss the case. Sometimes the attorneys, maybe the investigators, the witnesses want to talk to you about your thoughts are about a performance or just about certain evidence. And you are more than welcome to talk to them if you would like to. But, of course, you are not required to. If you are not interested, just

say, no, thank you.

Additionally, if you have made friends with any of these jurors, I just ask that you not speak with them until they have reached a verdict. I have no idea how long they are going to go, and if for some reason they were to go overnight, again, I wouldn't want you talking to them until after that.

I will also tell you that you are welcome to call the Clerk of Court's office tomorrow and ask what the verdict is, if you don't want to stay around. Again, I have no idea how long they are going to be there, but at this time I am going to go ahead and excuse you.

So you all are welcome to leave, or you are welcome to stay. Whatever you prefer to do. Okay?

Now, my next issue is, I am trying one other case tomorrow. It is going to be a short case, so I need to ask them to come back. I think I do, Margaret, don't I?

Let me tell you, it is going to be a fairly fast case. Do either one of you have a horrible conflict that prevents you from coming back tomorrow? What I'm asking is you be back by 9 a.m., the case is a half-day case. It's going to go to you very quickly. It is just something that I need to get tried this week.

You're okay to come back if you have to? What

about you, do you have any specific issues? Or if you really have something else, I could probably lose one person, but I really need enough people to be able to pull this jury. So if you are able to come back, I would love for you to be back tomorrow morning at 9:00 a.m. Is that okay? Y'all have worked hard this week, and I appreciate it. I know.

Yes, ma'am.

JUROR: If I could ask for a note or something?

THE COURT: Of course. Yeah. If you are missing work or wherever you need to be, you're going to have a work excuse all week. And if you were to have any problems with a boss, you call Ms. Bostick and she will call me, and I will call them. Okay. Don't worry about it. Okay? Thank you.

I really appreciate it, ladies. You all are excused for the rest of the day, and I will see you all tomorrow morning at 9:00 a.m. Okay? Thank you.

The rest of you all will be at ease until we have something. All right.

(Whereupon, the Court was in recess.)

(Jury begins deliberations at 1:43 p.m.)

THE COURT: All right. Let's bring the jury out.

(The jury enters the courtroom at 4:35 p.m.)

THE COURT: Welcome back, ladies and gentlemen.

Mr. Foreperson, your note to me indicates that you are having a difficult time reaching a unanimous verdict. As I instructed you earlier, your verdict must be unanimous. It must be the verdict of all 12 jurors. So, I want to give you a further instruction to help maybe see if you can get to a unanimous verdict.

Ladies and gentlemen, when a matter is in dispute, it is not always easy for even two people to agree. When we need 12 people to agree, we recognize that it's that much more difficult. However, I want you to understand that you have a duty to make every reasonable effort to reach a unanimous verdict in this case.

In doing so, you should consult with each other, suppress your views, listen to each other and listen to the opinions of your fellow jurors. Tell them how you feel and why you feel that way, so discuss your differences with an open mind. Ladies and gentlemen of the jury, although it must be a unanimous one, every one of you has the right to your own opinion. The verdict that you agree to must be your own verdict and it must be the result of your own convictions and you should not give up firmly held beliefs that you have merely to be in agreement with other jurors.

Now, I want the majority to consider the

minority's opinion and the minority to consider the majority's opinions. And you should respect the opinions of each other. And re-evaluate your opinion for the reasonableness, correctness and for impartiality. And you should lay aside all outside matters and examine the evidence before you based on the law and evidence in this case.

Now, Mr. Foreperson and Members of the Jury, if you don't agree with the verdict in this case, I have to declare a mistrial. If that happens, it doesn't mean that anyone wins. It means that at a future time I'll try the case before another jury right here before me with the same parties and attorneys. They will come and they will ask the same questions and possibly get the same answers. We will have to go through the same process again, just as you were selected for the jury, the same manner and same sources, for any future jury.

And there's no reason for me to believe that this case will ever be submitted to 12 more intelligent, impartial, conscientious or competent jurors than you 12.

Ladies and gentlemen, I ask you to continue to your deliberations. And once again, try to reach a unanimous verdict. Again, talk with each other, listen to each other and see if you can reach a verdict. And

if you are unable to, at that point, let me know Mr. Foreperson. All right. Thank you. I'm going to send the verdict forms back with you, okay.

(The jury exits the courtroom at 4:39 p.m.)

THE COURT: All right. We will be at ease until we hear back from the jury then, okay. I will tell you that they are hung on all three of the defendants, so it's not just on two, it is on all three. For what that is worth, if it matters, okay.

MR. NEWMAN: The note will be marked?

THE COURT: It will be. They sent me all of the verdict forms unfilled out so.

MR. NEWMAN: Okay. Thank you.

(Jury continues deliberating.)

THE COURT: My thought is to bring the jury out and invite them, if they are still deliberating, to come back in the morning. I will be starting another trial for Barnard Scott and I do not have to have these 12, so just to tell them to come back at 10:00 tomorrow morning. Anyone have any thoughts?

MR. NEWMAN: Well, Your Honor, certainly a jury is not required to bring back a verdict. I would just ask to give them the option of whether they want to continue or come back tomorrow.

THE CLERK: We have to get Mary.

THE COURT: Yes, go get Mary Jones. Go ahead and bring -- will you bring the clients in?

MR. NEWMAN: My guy is locked out of the courthouse because the courthouse is closed. I have got to get him.

THE COURT: All right. Let's bring the jury out. I will talk to them. It is five after six for the record. And we will see what they want to do.

THE BAILIFF: They want five minutes.

THE COURT: Well, bring them out. I want to talk to them before they do that. No, no, I just want to talk to them.

(Pause.)

THE COURT: Mr. Foreperson, I wanted to talk to the whole jury just about how you want to proceed. So, I need everyone to come out. Come on out, sit down.

(The jury enters the courtroom at 6:03 p.m.)

THE COURT: All right. Welcome back, ladies and gentlemen. I just wanted to touch base with you all. Because it is a little after six o'clock, and typically I bring juries out at this point and ask them what their choice is. We can continue to deliberate, if you would like to, tonight. We can do that. I just need to know if I need to bring dinner in, because that is going to take a little while and I don't want anyone to

go hungry.

Or we can also break for the evening and we can all come back tomorrow morning where you can continue deliberations at that point as well. It's completely up to you. Either way. Whatever you all want. Like I said, it is up to you.

THE FOREPERSON: Thirty minutes.

THE COURT: Thirty minutes, that is fine. No one is holding you to any time in any way, shape, or form. And again, you know, I understand it is required to be a unanimous verdict and if you can't reach a unanimous verdict, I understand that as well. I just need to have an idea of what you would prefer to do, and if you want to continue tonight. And even if you go back there and you all decide after that, that maybe you would like to break for the evening and come back at 10 o'clock tomorrow, you can certainly do that too.

Okay. So, go back, talk about what you want to do. Tell me, you know, roughly, how you are feeling. And, again, I'm just more concerned if we continue and stay, I need to start making arrangements to get food for you all, okay, and to make sure that if you need to use phones to call family members or something you can do that as well.

So, okay, if y'all will go back and figure out

what it is that you want to do, you are more than welcome to let the bailiff know and we will go from there. Okay?

Thank you.

THE BAILIFF: Two that need to use the phone.

THE COURT: Okay. Wait until they talk but then let them use the phone. Let's see where they are at and see what they want to do. We will continue to be at ease in this case, okay.

(Recess.)

THE COURT: Thank you. Please be seated. All right. My understanding is that the jury has reached a verdict. For those of you that are in the courtroom, I do not want to hear a word about the verdict, or after the verdict. If you don't think that you can contain yourself, you need to remove yourself right now. All right?

Because if anyone does or says anything, or makes any kind of motion whatsoever, you are going to be taken into custody. And I want to make sure you understand that because it'll be direct contempt of court. And we would be revisiting your custody sometime next week, okay. So, I just want to make sure -- I understand that this is hard and that this is emotional.

Again, I want to make sure that you can contain yourself. If you can't, remove yourself now. Okay? I want to give everyone fair warning. All right. Thank you, sir.

All right. Y'all ready? Let's bring the jury in.

(The jury enters the courtroom.)

THE COURT: Mr. Foreperson, I understand that jury has reached a verdict?

THE FOREPERSON: Yes.

THE COURT: Could you please hand it to Ms. Bostick?

All right. Gentlemen, if you will all rise please. In the case of the State of South Carolina versus Casey Jones, Junior, as to Indictment 2015-GS-27-0333, the charge of murder, we the jury unanimously find the defendant, Casey Jones, Junior, guilty.

As to indictment number 2015-GS-27-0336, the charge of burglary in the first degree, we the jury unanimously find the defendant, Casey Jones, Junior, guilty.

As to indictment number 2015-GS-27-0337, to the charge of possession of a weapon during a violent crime, we the jury unanimously find the defendant, Casey Jones, Junior, guilty.

Signed by our foreperson. Ladies and gentlemen of the jury, if this is your verdict as to Mr. Casey Jones, Junior, would you please indicate by raising your right hand.

(All jurors raise their right hand.)

THE COURT: Thank you. Ladies and gentlemen, you can put your hands down. Next as to indictment of State of South Carolina versus Jarrod Bostick.

As to the indictment number 2015-GS-27-0345 as to the charge of murder, we the jury unanimously find the defendant, Jarrod Bostick, guilty.

As to the indictment number 2015-GS-27-0346, as to the charge of burglary in the first degree, we the jury unanimously find the defendant, Jarrod Bostick, guilty.

As the to indictment number 2015-GS-27-0349, the charge of possession of a weapon during a violent crime, we the jury unanimously find the defendant, Jarrod Bostick, guilty.

Ladies and gentlemen, if this is your verdict as to Jarrod Bostick, would you please indicate by raising your right hand.

(All jurors raise their right hand.)

THE COURT: Sir?

MR. KOGER: Okay. They raised their hand.

THE COURT: Lastly, ladies and gentlemen, in the

State of South Carolina versus Casey Jones, Senior, defendant.

As to indictment number 2015-GS-27-0433, the charge of murder, we the jury unanimously find the defendant Casey Jones not guilty.

As to indictment number 2015-GS-27-0434, as to the charge of burglary in the first degree, we the jury unanimously find the defendant, Casey Jones, Senior, not guilty.

As to indictment number 2015-GS-27-0437, the charge of possession of a weapon during a violent crime, we the jury unanimously find the defendant, Casey Jones, Senior, not guilty.

Ladies and gentlemen of the jury, if this is your verdict as to Casey Jones, Senior, would you please indicate by raising your right hand.

(All jurors raise their right hand.)

THE COURT: And all of the jurors have raised their right hand. Gentlemen, you may all be seated. Is there anything further required of this jury? Mr. Newman, from you?

MR. NEWMAN: I ask that the jury be polled, Your Honor.

THE COURT: All right. And Mr. Koger, the same for you sir?

MR. KOGER: Yes, Your Honor.

THE COURT: Margaret, do you want me to do it?

THE CLERK: That will be fine.

THE COURT: That's fine. All right. Ladies and gentlemen of the jury, the attorneys have asked me to individually poll you. What I'm going to ask you is this: ladies and gentlemen, I'm going to say: As to a defendant, Casey Jones, Junior, is this your verdict, or was this your verdict and is this still your verdict. All right?

So, basically, I'm going to need you to say yes or no. So, there's two questions so you know exactly what we are doing. And I'll call you each individually.

Okay? So, we are going to go ahead and begin.

Mr. Hubbard, sir, if you would just waive to me so I know who I am talking to, if you don't mind.

Sir, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to defendant, Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you, sir. Mr. Walker. Sir, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And, sir, is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And Is it still your verdict as to defendant, Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you, sir.

Ms. Mitchell, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And, ma'am, is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to defendant, Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you. Ms. Frazier, ma'am, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Ma'am, is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to defendant, Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you.

Ms. Durant, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And Is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you, ma'am. Mr. Lightner, sir, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And, sir, is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Ms. Fishburne, ma'am, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to

Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you.

Ms. Steele, ma'am, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you., ma'am.

Ms. Williams, ma'am, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you, ma'am.

Mr. Glassberg, sir, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you.

Ms. Jones, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you.

And Mr. Gardner, sir, is this your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: Is it still your verdict as to Casey Jones, Junior?

THE JUROR: Yes.

THE COURT: And, sir, is this your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: And is it still your verdict as to Jarrod Bostick?

THE JUROR: Yes.

THE COURT: Thank you, sir.

All right. Is there anything further that you request of this panel, Mr. Newman or Mr. Koger?

MR. KOGER: No, Your Honor.

MR. NEWMAN: No.

THE COURT: All right. Ladies and gentlemen, I want to thank you. You have helped us resolve this matter which has three cases now coming off of our

roster. At this time, ladies and gentlemen, I am going to go ahead and excuse you from, not only this case but also from jury duty. I have got enough jurors. I am going to try another case starting tomorrow morning. The rest of the panel is reporting back at 9 a.m. I have a very short, half day case that I would like to get tried to finish out the week. But I'm not requiring you all to come back. Okay?

What's going to happen at this time is that I am going to go ahead and sentence these gentlemen, if we have time and that is what is happening at this point. I'm going to ask, ladies and gentlemen, you are welcome to stay for that sentencing or you are welcome to leave, either way. Whatever you want to do is perfectly fine.

I'll also tell you, ladies and gentlemen, that at this point when you go home you are permitted to discuss the case. Of course you are not required to in any way. Sometimes the attorneys may want to ask you what your thoughts were. Of course, you are never required to talk. Simply tell someone that I do not want to discuss the case in any way, shape, or form if you don't wish to. If for some reason someone persists, I want you to call Ms. Bostick and we will take care of them.

And you have earned exemption for three years from jury service. And again, thank you. And at this time, if you need work excuses, Ms. Bostick will have them for you through the bailiff to let them know what you have been doing here. But at this time, if you want to excuse yourself and not be here for the sentencing, now is the time to go. We will excuse you through the back and make sure that you get to your cars. Okay?

So, now is the time if you would like to leave, now is the time to go. If you don't want to and you would like to sit through the sentencing, you are welcome to stay. It is up to you.

THE JUROR: Stay here?

THE COURT: Yes, you are welcome to stay. You can stay right where you are. Okay?

MR. NEWMAN: Your Honor, prior to sentencing, I have a number of post-trial motions to make.

THE COURT: Certainly.

MR. NEWMAN: And I would ask, at this hour, to reserve the sentencing and motions until in the morning or during a break of your next trial.

MS. JONES: Your Honor, the State would like to go forward with sentencing.

MR. NEWMAN: We are required to make a number of motions. I am respectfully asking, I would like to

have time to prepare and make those motions.

THE COURT: Okay. Let's do this. We are going to be here anyway, so let's go ahead and break for the evening. We need to take up, obviously, Mr. Jones, Senior and his bond. But I'm going to go ahead and allow in the morning for you to go ahead and do that.

My thought is, so to tell you my schedule for tomorrow, Mr. Plexico, you are working on my schedule, apparently you are the trial lawyer for the case. The jury is coming in at 9 a.m. in the morning, and we are going to pull the jury and then start the case.

MR. NEWMAN: Right before you come back from the lunch break, if it pleases the Court.

THE COURT: That's fine. I just don't want you to be waiting around for us. The rest of us are going to be here. I'll say this, if anyone that is here that does not want to come back tomorrow and would like to speak right now, I'm happy to hear from you if you don't wish to come back during the sentencing. It is up to you. I know that it's been a long week and I know it has been very difficult for the family on both sides, and I certainly respect that.

But if you choose not to come back, I can hear from you at this time. Agent McCallister, I don't know if you talked to your people.

(Pause.)

THE COURT: Mr. Newman, let's come back about 12:30 or 1:00. Let's do 12:30 or 1:00. I don't think that we will get to take a lunch break because I will have a jury here.

So why don't we say at 12:30, Mr. Koger, for you and Mr. Newman to come in. And if for some reason I feel like we are delayed from that, you will get an email from Crystal telling you to come an hour later. But we will get them taken care of tomorrow. And we will allow that for post-trial motions, and certainly for sentencing. And certainly if, for any mitigation if you want to bring family members or friends or whomever.

MR. NEWMAN: Thank you.

MR. PLEXICO: Your Honor, my client has no general sessions matters pending and he did have a driving without a license which has been paid. There shouldn't be a hold on him. I would ask if there' s no further business, I would ask that he be discharged.

THE COURT: He will be discharged, and of course you have to be discharged through the jail. I know that you know that, Mr. Jones, Senior, providing that there's no outstanding warrants pending that could be served on you. But of course, if there is they will

hold you and Mr. Plexico will bring it to my attention tomorrow and we can address whatever we need to address. With that said --

MS. JONES: There is one family member that would like to address Your Honor. She can't be here tomorrow.

THE COURT: I'm happy to hear from her as well. I think that it's best if she kept her spot. She's welcome to stand. And give me her full name for the record.

MS. GOLDWIRE: Loretta Goldwire. I'm Jeremiah's cousin, (inaudible) I can't be here, I have to be back to work tomorrow.

THE COURT: I certainly understand that. What would you like to say?

MS. GOLDWIRE: Thank y'all for everything. I am glad that we were able to get some justice for him.

THE COURT: Thank you. Okay. All right. And so we will just go ahead and be at ease until 9 a.m. tomorrow morning on the first case that we are going to try. And so we will have them brought back over tomorrow morning. Don't bring them over until -- you know, more closer to 12:30 or so. Okay? I just don't want them sitting back there. You can bring them any time that you want, but whatever is easiest for you. I

appreciate it.

So, we will go ahead and break for the evening. And, obviously, Mr. Jones will be put in custody, Junior. All right. Thank you.

MS. JONES: Thank you, Your Honor.

THE COURT: All right, ma'am. If you would like to -- and I apologize, it is late and they have to make post-trial motions. I'll be sentencing roughly around 12:30 or 1:00, if you would like to call up to the clerk's office, they are welcome to tell you. Or Crystal will call you if you are interested in the sentence, I certainly will have Crystal call you and tell you what it is.

THE JUROR: Okay, that is fine. That is fine.

THE COURT: I appreciate it.

(Proceedings adjourned for the day.)

In the Court of General Sessions for the
State of South Carolina, County of Jasper

Case No.: 2015-GS-27-0433; 0434; and 0437
2015-GS-27-0345; 0346; and 0349
2015-GS-27-0333; 0336; and 0337

State of South Carolina,

Plaintiff(s),

vs. Transcript of Record

Casey Jones, Sr.
Jarrod Bostick
Casey Jones, Jr.,

Defendant(s).

TRIAL TRANSCRIPT

October 27, 2017

Ridgeland, South Carolina

BEFORE:

The Honorable Carmen T. Mullen

10-27-2017 PROCEEDINGS

THE COURT: All right. Let's go ahead.

Actually, what would you prefer to do first, probably sentencing or post-trial motions? Probably post-trial motions before sentencing, Mr. Newman?

MR. NEWMAN: I believe so, Your Honor. As far as the notice of the appeal goes, it includes an appeal of denial of post-trial motions.

THE COURT: I understand. Okay. Who wants to go first? Mr. Koger?

MR. KOGER: Your Honor, may it please the Court.

I would like to move for a new trial based upon insufficiency of the evidence. Specifically in this particular case, we had the non-identification by the two eyewitnesses. There was not any physical evidence at the scene of the crime. There was possible suggestibility by Agent McCallister with the mentioning of the nickname to Mr. Jeff Croft before identifying on the -- with the videos and the photographs. And also, too, with Craig Proctor, there was a possible deal made after he made the statement.

Those are non, and they are nón withstanding, we say that the identification was not proven beyond a reasonable doubt as required by the law.

And also, too, I also would make a motion that a

possible compromised verdict occurred on this particular case on the first time when the jury came out. There was a deadlock on all three defendants, and then after about two hours or something, then it came back for guilty for both Mr. Bostick and Mr. Casey Jones, Junior, and a not guilty for Mr. Casey Jones, Senior.

THE COURT: All right. Do you want go ahead and answer right now?

MS. JONES: Certainly, Your Honor.

Your Honor, I believe that there was substantial direct evidence and circumstantial evidence that the jury was able to reach the correct verdict on Mr. Bostick's case. I don't believe that the verdict was compromised in any way, and I think that is evidenced by the jury actually acquitting Mr. Jones, Senior of the same exact charges.

I did want to touch on a possible deal between the State and Mr. Proctor. That did not exist. I did not know Mr. Proctor until I was prepping this case, and no deal was made by myself or any other person with the Solicitor's office with those charges.

THE COURT: Well, I'll go through and just state that as far as people that ID'd Mr. Bostick in the video, Jeff Croft ID'd, Investigator Croft. Starsheika

Scott identified Mr. Bostick. Craig King Proctor identified Jarrod Bostick, as well as Chief Collins from the Estill police department also ID'd Jarrod Bostick. That was five people that saw the video ID'd him.

I will also make the comment, and I am comfortable that the appellate court, most of them has served as circuit court judges and know, as far as any deal that may have been offered for Mr. Craig King Proctor, I can tell you clearly that 125,000-dollar bond, which I'm sure was set by a magistrate on a possession with intent to distribute marijuana charge, was a ridiculously high bond.

When it was lowered in front of a circuit court judge to 35,000 or 25,000, that was the appropriate bond that he should have had all along. And some may even say that that is a little high even for Hampton County, which it is a little bit. Correct me if I am wrong, was it PWID or was it distribution? Was it PWID marijuana?

MS. JONES: It was.

THE COURT: Which is a five-year charge. So, again, the original 125,000-dollar bond that was set on the case was ridiculous, and never should have been there. And, again, a 35,000-dollar bond, which it was

reduced to, was reasonable.

And, again, I would go ahead and say for the record that I am competent when the appellate court did this, handed down even in a poor county, and bonds are not as high in poor counties because people simply cannot pay them. And it needs to be -- there needs to be surety with what really is a surety to hold someone, and I would even say $35,000 is high on a PWID marijuana charge in Hampton County.

So with that said, I know certainly to me there was no evidence of it. Mr. Koger, you argued that, obviously very strenuously in cross-examination of Mr. Proctor, and additionally in your closing argument you used that a number of times. I think it was obviously smart that you did, and obviously a good strategy.

But, again, I don't find that there was any offer or anything along those lines.

So anything else?

MR. KOGER: No, I was just standing.

THE COURT: All right. And I appreciate that, sir.

Just respectfully, I think there was plenty of ID evidence in this case. You know, it was one of those where, you know, you were right, there was no actually

at-the-scene touch DNA. There was, you know, no gun afterwards, no collection of clothes. But, you know, I think what the Solicitor kept saying in her opening statement and closing statement was, you know, we have one better, we have a picture. And there was a video.

And I think the jury, after seeing the video, clearly identified Mr. Bostick and Mr. Jones, Junior. And I can tell you, not that it really ever matters, but what the jury did was precisely what I thought they would do in this case. I think they analyzed it, I think they looked at it. I think they couldn't possibly ID Jones, Senior, so they couldn't convict him.

So I don't think there was anything improper that the jury did. Clearly, for the record, I did Allen charge them because they said that, you know, they were having difficulties, you know, coming to a unanimous decision. And that doesn't surprise me, it's a murder case. It is important, and I think this jury did an excellent job paying attention to all the evidence.

Although I would say for the record, I think all the lawyers did an excellent job, from the Solicitor to each one of you, all represented your clients well.

You know, you got to live with the facts as you get them. So -- but I will tell you this, I think the

attorneys did a very good job.

So with that said, thank you. Mr. Koger, certainly, I respect you need to make motions for your client for appeals purposes.

Now, Mr. Newman, on behalf of Casey Jones, Junior.

MR. NEWMAN: May it please the Court, Solicitor.

Mr. Jones, Junior moves for a new trial in this matter. We had -- the Court had denied two defense motions for severance in this matter. And fearing exactly what happened is we believe that there was a compromise, which occurred only after the Allen charge, and only after the jury specifically informed the Court that it was deadlocked as to all three Defendants.

Certainly, I think there's grounds to argue that there's a compromised verdict. The easy trade-off was with this case in evidence, certainly was with Senior, that the compromise was, if you give us the two boys, we will let the old man go. And that was specifically after the Allen charge on that.

We think there was a structural due process trial rights that were affected because of the non-severance allowing a compromised verdict after an Allen charge.

We also think as to the due process, that as the State's investigation, the evidence, it did uncover scientific evidence that positively excluded Mr. Jones,

Junior from the scene of the crime. The investigation did not follow up on, and the jury had questions about it, about leads in other directions or DNA testing that we believe deprived Mr. Jones of a fair trial.

When you pin this with what we believe were unconstitutionally inadmissible in-court ID, and this applies to the ID of mine. He had seen Mr. Jones, Junior some two years later in Estill. He had knowledge that Mr. Jones was the person charged with his father's murder. No other line-ups or any other procedures were done, to my knowledge. We found out only within about a week or so of trial that he intended to offer in-court identification. And we believe that his in-court identification is unduly suggestive under all the facts, and that should have been suppressed. And we are moving for a new trial to renew our objections to the in-court identification, moving for a new trial on those grounds.

Also, inadmissibly suggestive as to the ID, centers the -- other than J'Amiah, the three other children in the house could identify none of the Defendants. All of the photograph opinion evidence, admittedly all of them said, well, we do admit that we can't see faces, we are doing it on body shapes, motions, beard, facial hair, gold teeth, things like

that.

Agent David Williams from SLED specifically gave testimony. When asked about that, he said you cannot, that is not a proper procedure for an ID, and that does not lead you to a proper ID. Because those elements -- body shapes, walk, gait, things like that -- are too wide open. They apply to too many people to be able to make an individual identification on that.

We also renew our motion that we made for a mistrial on the same grounds. We also renew our motions for directed verdict, both at the close of the State's evidence and the close of the Defense's evidence. We believe that due to the scientific evidence and the impermissible ID procedures, that the jury reached a verdict on an improper basis, that the quantity of evidence was insufficient to make that connection on that.

We also join in any motions made by Mr. Bostick. Thank you.

THE COURT: Thank you. Yes, ma'am.

MS. JONES: Yes, Your Honor. Thank you.

Just to hit on a couple of points that Mr. Newman brought up. Regarding the due process violations, his reasoning during the severance motions, if you recall, that their due process rights would be violated by

their loss of last argument. And we didn't have that in this trial. Actually no evidence was put up by the Defense in that right, even though it was not a constitutional right.

They didn't lose that right, they still have that right, and that was their basis for the last motion to sever. So I believe that that motion was rightfully denied, as was the first one. I do not feel there are any violations there.

Regarding J'Amiah's ID, we had a proffer of his testimony. Your Honor ruled after hearing his testimony that the identification was allowable, that he, in fact, remembered seeing the same man from the morning that his father was killed. And he identified him at the school that morning.

That was an identification, that was in evidence, it was in discovery, it was handed over to Mr. Newman when the State received it -- well, when Mr. Newman came on the case. He did come in late on Mr. Jones, Junior's case, but it was in the initial discovery handed over. And Your Honor ruled outside the presence of the jury that the identification was, in fact, proper.

Regarding the other identifications, it wasn't actually this Jones that they did not see the face, it

was of Mr. Jones, Senior that they did not see the face in the video or the stills. Some of the witnesses even based their identification of Mr. Jones, Junior on his nose, on his facial hair, on his facial structure. They were very specific about certain parts, certain traits of his face that they were able to see from the video, that they were able to see from the photograph, that helped him identify them.

And, again, based on the preliminary hearings you had on those identifications, Your Honor ruled that they were admissible. I believe you relied on State V Fripp, which was the leading case on those particular types of identifications.

I just believe, Your Honor, that there was direct evidence. We have the video, we have the stills, and there was circumstantial evidence that Mr. Jones, Junior was, in fact, the first person to step foot on that porch that morning. And I believe there was enough evidence for it to go to the jury.

MR. KOGER: Judge, may it please the Court. Before making a ruling, I want to join in any motion that my co-counsel has made.

THE COURT: Okay. Thank you.

Well, just going through the evidence, you know, clearly we have the video, and we had the stills made

from the video. Starsheika Scott identified Casey Jones, Junior in the video; Craig King Proctor identified Casey Jones, Junior in the video; chief Mark Collins identified Casey Jones, Junior in the video; and Dominique Coleman identified Casey Jones, Junior in the video.

Again, I think those were adequate, and I think those were appropriate IDs in these cases.

Mr. Newman made a comment on that there was no scientific evidence in this case, such as touch DNA evidence. You know, there was no gun recovered. You know, it doesn't surprise me in this case that, you know, you had four juveniles in the house, you had one adult who clearly, if he didn't have a gun in his hand, had access to a gun. It appears when they went in, they were keeping him covered.

You know, we can only guess as to what the theory is. You know, how the money and the drugs got out of the house, but it could have been giving the money, which would be likely to try to give it to them to save his life.

When I say, "him," I say that to the decedent in this case.

But there are cases that there are physical evidence in. You know, whether or not -- the jury

didn't need it. The jury saw the video, and that was adequate. So I don't think that a lack of scientific evidence -- while, I think it is an excellent argument, in 2017 with the advent of shows like CSI and Cold Case, while I think it's what juries are looking for nowadays because they think everything is going to tie up nice and neat like it is on TV, that's just not real life.

And I know the police are going in there, and I certainly don't see any evidence in any way in this case of any type of, you know, poor police procedure or law enforcement procedure. I think they went in, they did the best they could. You know, these people were not apprehended or turn themselves in until a month after this case. And, you know, there was no arrest warrants out for them. So being able to go collect clothing or hats or anything along those lines, chances are they were long gone. So I can certainly understand why there wasn't any there.

So respectfully, as far as the severance motion, you know, we heard two severance motions. You know, there were no pertinent issues in this case. Again, I heard you, and I will say as well that I agree that the last argument is important, Mr. Newman. I actually believe on a strategy point, particularly in a case

like this where, you know, the time the State spoke and you finished speaking, we are talking about a lapse in time of two and a half hours, which is a long time. And, you know, we all know the whole idea of our last argument is we want them to hear me last, so you can make your best argument. And I think it is a fact that I agree. It's not a Constitutional right. Just as you pointed out in Federal court, you don't have that right ever. It doesn't matter.

But I don't think in this case it prejudiced anyone, and I don't think it violated their constitutional rights. So respectfully, sir, I'm going to deny your motions.

I think you have adequately made them and preserved them certainly for the appellate courts to take a look at this. And, again, I commented, you all did a very good job. Everyone did in this case. I think you worked very hard for your clients.

But, again, you have to look at the facts as they are and do the best you can. And I think everyone did the best they could.

So with that said, I think the jury worked hard. I think they were very conscientious. And, so, respectfully, I deny your motions.

MR. KOGER: Understand, Your Honor.

THE COURT: Okay. Well, we can go ahead and do sentencing on both these gentlemen now.

I need to know -- well, let's start with Mr. Bostick, if we could. I need to know his prior record. And if there's anyone here to speak on his behalf, I am more than happy to hear from them.

MS. JONES: Your Honor, I do have sentencing sheets to hand you.

THE COURT: Okay. Thank you.

MS. JONES: And, Your Honor, if I may, I did want to touch on -- I don't want to go into great detail of the facts. You heard the facts; you know what happened. We have been here all week, you exactly what happened that day.

I just wanted to go into a little bit of detail about how it's affected some of the people involved, the children most importantly. I think that the behavior and the demeanors you have seen in court this week can attest that these children's lives have been changed forever. You have been in Jasper County for years, you know how violent and scary some of these situations can be. And unfortunately, a lot of them are fueled by the drug trade.

But this wasn't a common Jasper County case that we see. These men went into a home, where they knew

these children were. J'Amiah, 11 years old, and you saw on the video how young, how small he was two years ago. He went to the door. He made eye contact with these men and they saw him. And they still chose to do what they did that day, knowing that these children were in the home that day.

J'Amiah has changed from a spunky, a go-getter, a little boy who loved to play football into this young man who is angry. He is mad at the world. He has quit playing sports, his grades have dropped, he doesn't want to go to school. He's done a complete 180 from this day, and it's all because of what these men did and what they took away from him.

The other boys in the house, Javonte and Jashaun, they can't sleep. They lock their bedroom doors at night. They are scared every time they hear somebody knock on their front door.

They watched their stepdad as he took his last breath that morning. They are the ones that found him, and they are never going to be the same.

Tyreek, he was 16. You've seen him in this court, you saw how upset he got. And while that was highly inappropriate what happened in court the other day, it's his anger and his emotions that are taking hold of him, that he can't control. And you saw the tears come

out of his eyes.

These are boys, these are young men whose lives have been completely altered. They will never be the same. They have had guns put to their heads, they have had their faces thrown down on their bedroom floor, and they now live in fear. And it's because these men took it upon themselves to go into that home that day and take their father and their stepfather, their uncle from them.

They went in and, I still contend for those four minutes that they were in that house, that Jeremiah was alive. I think that they barged in that day, they made him give them their money, give them whatever drugs he had in that house and he did that. He obliged. He did what they asked, and they still killed him. He begged -- the children told you that he begged for their life -- for his life. He said, "Please do not kill me in front of my kids." And they did not care. They did not care.

And in my opinion, it takes a special kind of monster to be able to do something this heinous, hold a gun at a child's head and then go and kill their father, knowing that those children are going to be the ones that find him there.

This is just completely out of the realm of

ordinary here. And it is just a terrible act that has affected numerous people on more levels than we can even account for.

And a little bit about these men that are before you now convicted by this jury. I do have, if I may, Your Honor, you saw a little bit of this during the trial, I have it marked as Court's Exhibit 10. I have shown it to Mr. Koger. It is more applicable to Mr. Bostick, but this is the intake application that we found -- that was found in his jail cell in Georgia.

As you know, he is on probation revocation and he goes into great detail how he is now in a prison system, and he wants to be in a position of authority. He is a known member of a gang known as Across the Track Boys. They are an offshoot of the Gangster Disciples. And I have a couple photographs I would like the Court to see.

This is a tattoo on Mr. Bostick's chest of a six-point star, which is a known insignia of the Gangster Disciples. And it is stands for, which I think is applicable to why we are here today, the six-point star stands for love, life, loyalty, knowledge, wisdom, and understanding. Money, mack, and murder. He has zero regard for any law in this state being a part of this violent organization.

Here is also a photograph of Mr. Bostick that says "track light." Track is referencing the offshoot of the Gangster Disciples he is a member of. And if you can see, that is a pitchfork, another symbol that the Gangster Disciples use. And what is also important in this intake application is it asks you for who can vouch for you? Who can vouch for your membership on the outside? And the name he puts down is this man, Casey Jones, Junior.

Now, while I don't have any photographs showing any gang symbols on Mr. Jones, Junior, it is ironic that Bostick would use his name as a reference to become a position of authority within the prison system in the Gangster Disciples.

Your Honor, they both have prior records. This is not their first time in general sessions. Mr. Bostick has -- you heard a little bit, he does have a murder charge that was nolle prossed in 2009. But for conviction, he has a 2012 shoplifting, and in 2013, forgery, which is what he is on his probation revocation for.

Mr. Jones, Junior, his prior record is much more extensive. He dates back to 2009. Two counts of strong arm robbery, which was pled down from armed robbery. He received ten years suspended to six years,

and five years probation on those counts.

2009, he has a burglary in the second degree, non violent. Seven years suspended to two years probation. In 2013, he has a driving under suspension.

I think those prior records show Your Honor that these men are criminals. They have been in the criminal world for years, and their crimes are elevating with their ages. The older they get, the worse their crimes appear to be.

Your Honor, these men are dangerous, dangerous, dangerous men. They are -- they are monsters, they do not care who is a victim to their crime, and they need to be off the streets in order for society's safety as a whole. And because of that, Your Honor, I will be asking that both of them receive life sentences today.

There has been numerous members of Jeremiah's family here all week long. Jeremiah was not a violent person. He did act in the drug trade, he did cook crack cocaine, and that is his fault. And likely his fault that cost him his life. But he has no violence on his prior record, Your Honor. Anything he was charged with, it was drugs.

And his family is here to support him. He has numerous loved ones that are left behind and left with holes in their hearts because he's not here anymore.

And I'm unsure if anybody would like to address the Court.

THE COURT: Actually, she can -- she needs to stay where she's at. I'm happy to hear from you, Ms. Scott. I know you testified. You're welcome to stand up.

This is Starsheika Scott, for the record. Yes, ma'am, I know you are the sister of Mr. Wilson.

MS. SCOTT: This ain't easy. Yes, my brother been doing what he had to do for his family, but he never went out and tried to threaten somebody, or even try to. He was a good father. We have a sick mama that if she was well, she would have been here herself. And I am the baby. I'm the baby, and I had to pick up those responsibilities because these kids is really frightened, and they don't understand. And I don't understand because my brother never did anything to nobody.

I mean, he didn't deserve that. We both are losing somebody. Their families, they can never lose. But I have to go to the graveyard to see my brother, and it's hard. Because he didn't deserve it at all. And I haven't been the same. I am -- I don't trust nobody. It is hard. I have to go to work, take care of my mama. I am only 27 years old, and I have a lot of responsibilities. And he was the best one of the

family. He made sure everybody was taken care of. It doesn't matter if you couldn't give, he would give you the clothes off his back. He wasn't a violent person. He wasn't going to take from nobody. He did what he had to do to make sure his family was taken care of.

And all I ask is, I forgive y'all. I do not have no hurt in my heart. I just don't know why, but I forgive y'all. And I'm not -- I'm hurt. I am really hurt because my brother didn't do nothing to nobody. And I forgive y'all. I really do, and I wish y'all the best, but I am just -- that's all I got to say.

THE COURT: Thank you, Ms. Scott. Okay.

MS. JONES: And I think that's all the family members that want to address the Court. Thank you, Your Honor.

THE COURT: All right. Mr. Bostick, let's start.

MR. KOGER: Your Honor, may it please the Court. Mr. Bostick did indicate he has two family members here. His sister is here and his aunt is here. And at the appropriate time, they would like to -- at least one of them would like to address the Court.

THE COURT: Okay.

MR. KOGER: Your Honor, it has not been stated, but Mr. Bostick is 28 years of age. As Mr. Newman

stated about his client during the trial, Mr. Bostick also turned himself in. Actually I was contacted by his mother after, I think, Ms. Jones mentioned Agent Sampson contacted, I think it was a marshal or something, or he worked on a fugitive, contacted his mother. His mother wanted to retain me first, and once I was retained, I was retained several days later, I contacted Agent Sampson and I brought Mr. Bostick over here. He was at the Jasper County Detention Center at that time. At that time, he turned himself in, and he had been detained until he made bond, I think two or three months later.

So I would like to, for the Court's knowledge, that he did turn himself in. And as stated on the record, he is from the Atlanta area, Decatur, Georgia area. He came from -- he found out once the mother was contacted, he was in Georgia, and he came to South Carolina and turned himself in.

From a prior bond hearing, he does have an employment past. First of all, he went to Grady High in Atlanta, Georgia. He -- I don't think he -- he obtained his high school diploma. He -- he did have an employment -- or he does have an employment past. He worked in warehouses, construction, and lawn, and he does have a son with his -- six years of age.

Of course, the jury has spoken in this particular case, and Mr. Bostick realized he faces significant time. As the Solicitor pointed out, and as the family pointed out, and of course, we are all in agreement that Mr. Wilson didn't deserve this here.

And they spoke about the trauma that was placed on the children that grew up in the household. And I would not only hope, but I would pray that they will eventually find -- they will never forget, but find some type of means or consolation to be able to move on past this.

With that being said, and, again, not to make a comparison situation, but an environment was created, and that had an effect on the children, too. And that environment, it enabled this tragedy to happen.

So that is just something that, coming from me as a defense attorney that have tried many cases in the last 24 years, that cycle must stop. The cycle must stop as far as, you know, taking care of your family and then, again, that is an admirable trait. But the drug culture must stop.

With that being said, I ask that you impose the minimum in this case, the minimum on murder is some 30 years. Of course, he had the burglary first and possession with -- excuse me, the possession of a

weapon during commission of a violent crime. We would ask that you run those concurrent with a minimum term for murder.

His mother had to go back to work today. She works in the Atlanta area. She has been -- I have dealt with her for a long time. I was the attorney back in 2009. I was appointed then, and I handled his case in Barnwell, South Carolina. And his mother has been by his side every step of the way.

So, again, just from my dealing with her, I don't think Mr. Bostick can say that he didn't have support of his mother. She's been there from day one, she was there eight years ago. I mean, throughout this here, she's from Atlanta, she's been in contact with me. She's been every step of the way. And she was not in here when the verdict came down yesterday, because quite frankly, she couldn't take it. And I think -- she said she had to go back to work today, but I think she didn't want to see this here.

But she -- but, you know, she realizes the jury has spoken, and she was here when the video surveillance was played and the photographs seen. So she basically, not only on behalf of Mr. Bostick, but on behalf of his mother, we ask that you consider the minimum sentence.

And before the aunt speaks, again, it rings hollow during the trial for me to offer my condolences to you. And I didn't do it during the trial because I didn't want it to ring hollow. But I do offer my condolences.

At the appropriate time, I think --

THE COURT: I would like to hear from her on record.

Ma'am, if you would, just give me your name for the record, please.

MS. HUDSON: Jacqueline Hudson.

THE COURT: Yes, ma'am. You are Mr. Bostick's aunt; is that correct?

MS. HUDSON: Correct.

THE COURT: What would like to tell me, ma'am?

MS. HUDSON: Judge, Your Honor, I do plead that you spare Mr. Bostick for this that was done.

To the family, you have my condolence, and I'm praying for you. We know that this deed was done to you, but we hope that you find it in your heart to forgive them for the deed that has been done unto you, because we understand that, you know, things happen in life.

Mr. Bostick is yet a young man, and if we think back on our lives, we knew how we were at 18, 19, and 20 years old. Some -- a lot of us went astray. Some

of us called our minds in and came back. But you can't change, young men going to be young men. They going to make mistakes, and we were all taught in our house that who you leave with, you come back with. And from my understanding, when the other two were being picked up by the police, he turned around and went back. The only reason why, you know, he was picked up. So -- and then he was man enough, as the attorneys say, to turn himself in.

So that gives some account, you know, for what has happened. So we are asking for your mercy, and your grace on this issue. As the attorney also said, he has a six-year-old son that he need to be there to raise, because every son need their father. So we are asking you that you will spare him in this deed. Thank you.

THE COURT: Thank you.

All right. Mr. Newman.

MR. NEWMAN: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. NEWMAN: All week long, this was a difficult trial for everybody in this courthouse. I mean, everybody -- the clerk, the law clerk, security staff that had to work this case. This is unfortunately one of these times that after today, nothing -- nothing happy is going to come of it. But I do like to thank

Ms. Scott for her statements, and I think we heard from both sides of the aisle, forgiveness is the first step to healing. We appreciate her sentiments on that. It must have been very hard to do.

But I think you've all found that you can find room in your heart to forgive, and you can start the healing process then, filled with hatred. You're only going to -- I wish you not to be disrespectful and do not -- we understand that the jury has spoken.

While my client does maintain his innocence, it does not mean that he doesn't have remorse for Mr. Wilson's family, for his children. I ask you to consider what I consider an acceptance of responsibility.

Mr. Jones turned himself in as soon as he was notified. Surrendered to authorities. Been out on bond. He has appeared in this court, not tried to flee. He's not tried to alter his appearance by shaving his beard, all those kind of things. To me, he accepted responsibility when he sat here every day this week and faced that jury.

I think you saw in court, at least I hope you saw that Mr. Jones was respectful to court personnel, to Your Honor, respectful to the jury, to the victim's family in this case, and respectful when he surrendered

himself to the authorities.

So I ask you to consider that, although you can't make an admission at this point, but you consider that as an acceptance of responsibility under his bond.

I think that as in all of these cases, and you have to see it, you -- with your position to always look down the middle of the aisle to balance justice, that's the way our courts are structured, that there's no happiness that can come out of either side of this courthouse. There can't be.

So, again, I hope that the family can heal and forgive. I know our family has thoughts and prayers, and I would even suspect that Mr. Wilson's family has thoughts and prayers for Mr. Jones and Mr. Bostick's family. And I do find that if there is anything uplifting in our humanity, that we can accept that.

Mr. Jones is 31 years old. He has a seven-year-old son, Jaquiese (phonetic) that he lives with and supports, and has a 12-year-old daughter, Tamiah, (phonetic) that he lives with and supports. I think you heard that she goes to Estill Middle School, and Mr. Jones occasionally transports her back and forth.

Mr. Jones was working, supporting his family, worked for J.R. Wilson Construction Company, and I know

Your Honor has gone back and forth from Beaufort County to Hampton County in your travels as a circuit judge, and I think 68 goes to Hampton. You have seen a lot of that road construction. Mr. Jones was a heavy equipment operator. Sometimes he would have to rotate the stop and slow down signs. In doing that, he was gainfully and lawfully employed. Doing that, making a reasonably decent wage for his family and living with his children and raising them.

I would ask that you hear from a family member or two of Mr. Jones at this time, if you so choose.

THE COURT: I'm happy to. Whoever would like to speak, just give me your name for the record, please, and how you are related or know Mr. Jones.

MS. MICHAEL: My name is Tacar (phonetic) Michael. I'm his fiancee. We have two kids together, his seven-year-old son that he has full custody of, and my daughter -- our daughter. Her father died in a tragic accident six years ago. Her grandfather and father died, drowned in a boat. And he has stepped in her life and been a father figure. He was also a Little League basketball coach for the 11-year-old to 13 years old. He's very active in his community. His neighbor loves him.

I heard from several members of his job today, and

they are concerned and they're saying prayers. And I'm just asking that he has a family, and that he -- he is able -- that we are able to get to see him, that he's not sent so far where we are asking that we will be able to visit him regularly while he serve his time.

And I'm sorry for the family. I say my condolences.

MR. NEWMAN: Thank you, ma'am.

THE COURT: Yes, sir.

THE BROTHER: My name is (inaudible). I'm Casey Jones' oldest brother. And it is -- this situation is crazy. It's been a long, crazy week. Things have gone on. I really truly can't fathom or even grasp the concept of everything because my brother is my brother, and he doesn't -- this image that's being painted doesn't match the things that me and everybody in town, everybody from me -- he is a respectful young man. He just like everybody over there tried to stop us family, like I say, he has full custody of his own child. His only son will make that because a mother who is not sufficient enough or capable enough to take care of the child, so he stepped up and take care of the child.

It been rough for him to even do the things he do because the fact of the things that have been -- I mean, that been alleged against him. So a lot of

things been -- anyway, me and my brother were over at that, you know, have been trying to do positive things, working on a non-profit organization, help out with the youth and stuff like that. And also a little bit working on starting trucking business, he was going to get the CDL, working on it, trying to, you know, to get a couple of trucks to help all that.

So it just crazy that potentially he going to be gone for a while and not be able to support me in that. And I don't believe what's going on, and I definitely do apologize for what happened. And this is a continuous cycle. You potentially -- he going to potentially have a child that might need to have a father to be raising, so that keep going on and on and on for both sides of the family.

And like I was hoping to bring a stop today, what we positively mean was we was trying to talk a little bit, but unfortunately that's right now. That, you know, going to pause, be redirected for a moment.

But I don't even know what to say about things for this to me, you know, and I love you, brother.

THE COURT: Yes, ma'am. Give me your name, please.

MS. MAINER: My name is Darnell Mainer, I'm Casey Jones's mother. I'm truly sorry for everything. I

won't wish that on nobody's family. And the prosecutor painted him as a monster. He is not a monster. He is somebody's son, he is my son.

I raised him in the church. We talked, we believed in the right things. We have raised his -- helped raise his son. He loves children. I don't know what happened. I wasn't there. But I'm just saying, if anybody have leniency on -- on my son because I don't want to have to see him go through this. This is not what I want for him. I don't want for nobody else's children.

I'm not painting -- I understand their child or their children or brothers or whoever, that they are angry and they want justice done. But to have leniency. I'm so, so sorry. If we could please do this again, I probably shouldn't -- none of this would have happened to anybody. I'm so sorry. I'm so sorry. So sorry.

THE COURT: Yes, sir.

MR. MAINER: My name is Lewis Mainer. I'm Casey Jones' father. I have been in Casey Jones' life since 26 years ago. I installed good morals in Casey.

I am an ordained minister in my church, and I brought Casey up in the church to -- and learned him that he would understand that manners and respect will

take you farther than money. And I just want to say that I don't know what happened. I'm not here to judge on who did what and didn't do what. But I just want to say that in Jasper County, and surrounding counties, black on black crime have went through the roof. And it needs to stop. My condolence and my sorrow goes out to the family.

But I just want to say to the courts that this man that is sitting up there, I taught both of them how to work, that work would carry you far. If you want to be successful, work at what you want. Don't go out there trying to get it the easy way. And I installed that in both of my boys. But I wasn't there to say what happened.

But I just want to say to the courts that Casey is not a monster, he is a respectful young man. He gives you the shirt off his back if he can. He is a good man. He try to take care of his son. I try to steer him right in taking care of his son. I'm not with him 24/7, I don't know what he do, but I know he had a job. And when he didn't have a job, he worked with me under my job. I got a side construction job that if he didn't have a job, he always worked with me and made sure that he provide for his family.

But I just want to say to you that if you could

exclude a life sentence on this man life -- on these young men's life, because they have kids. I understand that the Defendant have kids that he -- that they going to miss they father and I feel sorry, and I'm so sorry about that. But if you could find any mercy within your soul, please find it today. God bless.

MR. NEWMAN: And I think you heard alluded to during the course of the trial, that unfortunately at a fairly young age, Casey was estranged from his biological father. And even with that, Casey has always told me he respects his biological father, because it is his father, but he was raised by this gentleman. That's a little bit of sentiment.

Another reason these cases are so difficult -- we are losing a generation or two in the aftermath in the community and it does -- it is tragic whether it's drugs and violence that they get in, and with person to person, I'm not here to disparage anybody, the decedent or whatever, but it is a fact.

But I would ask Your Honor to impose the minimum sentence, a 30-year sentence. As you know, it's not suspendible. In a murder case, any sentence you impose is a day for day sentence. There's no good time. There's no half time off. There's no work credits. There's nothing. And I would ask you, Casey is 31,

minimum sentence. If he served day for day, which, he would have to, he would be 61 years old. Still enough time maybe to keep in connection with his family.

Tragically, for African American males, the average life sentence in the Department of Corrections is about 57.7 years. I would ask that there are redeemable qualities and other than address that with Mr. Bostick, as well in these men, that a minimum sentence in this, while it sounds like minimum, somebody is getting off a little bit easier, it is a 30-year day for day.

I would ask Your Honor to strongly consider that. What all went on in that house, the Solicitor has her opinion. The bottom line is we are not going to know. We do know that the man was murdered, he was murdered in his home. Under all the circumstances, we will never know. I think the children that was there don't really know what happened either, when it came down to it, because I'm sure they were very frightened.

We know that two of them didn't, you know, get out and give the older brother taking care of his brother, Little J. I would assume that the minute this went down, the older brother probably pushed his little brother into that closet and they got down. I think that is what they both had.

But as I said, I don't know what else to say. I know Casey has expressed remorse to the Wilson family over this situation. And a lot of times I have wanted to be a circuit court judge, this is not a time I would want to. The burdens and pressures that you have to protect society, to determine the punishment, to constrain their sentence with a sense of justice and mercy, I don't envy your job today, Judge. We just ask that you do in your heart what you think is the right thing to do, and I know you will.

Thank you, Your Honor.

MS. JONES: Your Honor, my apologies. I was just informed that Jeremiah's aunt wants to say something.

THE COURT: Okay. Certainly.

MS. BROWN: My name is Mary Brown. I am the aunt of Jeremiah Wilson, almost mother to Jeremiah Wilson. I was there when Jeremiah born. Almost have raised Jeremiah.

Jeremiah wasn't a bad person. He was easygoing person. He never bothered nobody as I know of.

We always try to teach Jeremiah the right thing. But, you know, we don't have nothing to do with what he doing in his life. But he never went out there and hurt nobody. Jeremiah got four children back here, and they is from me, my sister, they mothers, and we are

struggling trying to take care of these kids. These children need their father also. We can't go and talk to Jeremiah. We can go to his grave and visit him.

Starsheika has a sick father and a sick mother that she is taking care of. And the help that I can do for her. We just ask that you please to give us some mercy in this case.

I have nothing against the family. We forgive the family. Nothing against them. Thank you.

THE COURT: Thank you. Well, I would agree with Mr. Newman, this is probably the worst part of this job. And I will say, in my experience doing criminal work, and then now as a judge for the last almost 11 years now, that there is too much violence. And there is too much drugs, and there just is. And I'll tell you also, I say this all the time when I have to speak publicly. If there's one thing in this world I could do, it would be get rid of the drugs. Because if I could get rid of the drugs, I would get rid of all of the violence and all the motivation.

Because in my experience, I think there are very few truly evil people in this world. I think drugs motivate people to do evil things. I don't think they are truly evil people. I know a lot of people would disagree with me on that.

I tell you, I don't know what the answer is, because all of these men were raised in Christian, church-going homes by strong women. And you look back and say, what is the answer? What is it? Because they did have guidance, they did have loving families. They did have Godly backgrounds. And how are we here today? How are we here, that we have, you know, two people having killed a man who admittedly sold drugs out of his house with children there? I mean, it is just -- it's very difficult to wrap your head around and understand.

I would agree that until we can change that culture, we are going to lose a generation, two generations, or permanently. It's hard to imagine. I really do.

I always try to figure out what is the answer, and we talk about Mr. Manor not taking the easy money, doing it to the easy way. And is the answer we get all our young people educated so they can go out and earn good livings, and they can be respectful of themselves, of what they do, and proud that they can raise up generations of more young people?

It is the one thing I really wish I truly could do. I do believe that education is the start. And, again, I know that everyone is not afforded the same

opportunities, but that is where it's got to start. And continuing to take them to church, continuing setting good examples.

I mean, that is really what it is about, setting good examples. I don't know if this whole situation will have an impression of all the children of Mr. Wilson. I can imagine that they understand at this point that drugs were the cause of why their father was robbed. I'm sure they understand that. I think they also, at this point, understand, you know, what can happen.

I had an opportunity to talk to Mr. Simmons this morning, and I think he understood. I think they all realize that this is not where we want to be. Nobody wants to be in this courtroom. Not any son. Either of Mr. Jones' or Mr. Bostick's or Mr. Wilson's family. None of us want to be here.

I will just tell you with my job, I do the best I can with what is presented, to protect not only society, but also to punish. And that's part of the job here.

So I often tell people you don't necessarily have to worry so much about what I do, you need to worry about, you know, when you go to your heavenly place, that is where the true justice is going to be. And I

just hope that everyone learns from it. And I hope certainly the younger generation learns from it.

So with that said, in the case of Jarrod Bostick, Indictment 2015-GS-27-0345 on the charge of murder, the sentence of this Court is you be committed to the Department of Corrections for a period of 30 years.

On Indictment 2015-GS-27-0346, for the charge of burglary in the first degree, the sentence of this court is that you, Mr. Bostick, be committed to the Department of Corrections for a period of 15 years.

And on Indictment 2015-0349, possession of a weapon during the commission of a violent crime, you, Mr. Bostick, are committed to the Department of Corrections for a period of five years, and those are to run consecutive to each other.

On Indictment, as to Mr. Jones, Junior, if you'll stand, sir. Indictment No. 2015-27-0338, on the charge of murder, the sentence of this Court is you be committed to the Department of Corrections for a period of 30 years.

Indictment 2015-GS-27-0336, burglary in the first degree, again, the sentence of this Court is you be committed to the Department of Corrections for a period of 15 years.

And on Indictment 2015-337 for possession of a

weapon during the commission of a violent crime, you be committed to the Department of Corrections for a period of five years. And, again, those are to run consecutive to each other.

Good luck to you, and I'm giving you credit for the time you all served. Thank you.

MR. NEWMAN: May it please the Court, Your Honor. I have one last administrative matter that does not affect the trial or the sentence. I have a proposed order to pass up for Your Honor.

THE COURT: Yes, sir.

MR. NEWMAN: This is the consent of my client.

THE COURT: Thank you. All right, sir.

Is there anything further required of the Court?

MS. JONES: No, Your Honor.

THE COURT: Anything more, Mr. Koger?

MR. KOGER: No, Your Honor.

THE COURT: Thank you. Good luck to everybody.

MR. HALL: Your Honor that concludes all the matters that we have for general sessions in Jasper County this week. Thank you.

(Whereupon, court was adjourned for the week and the sentencing concluded.)

CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

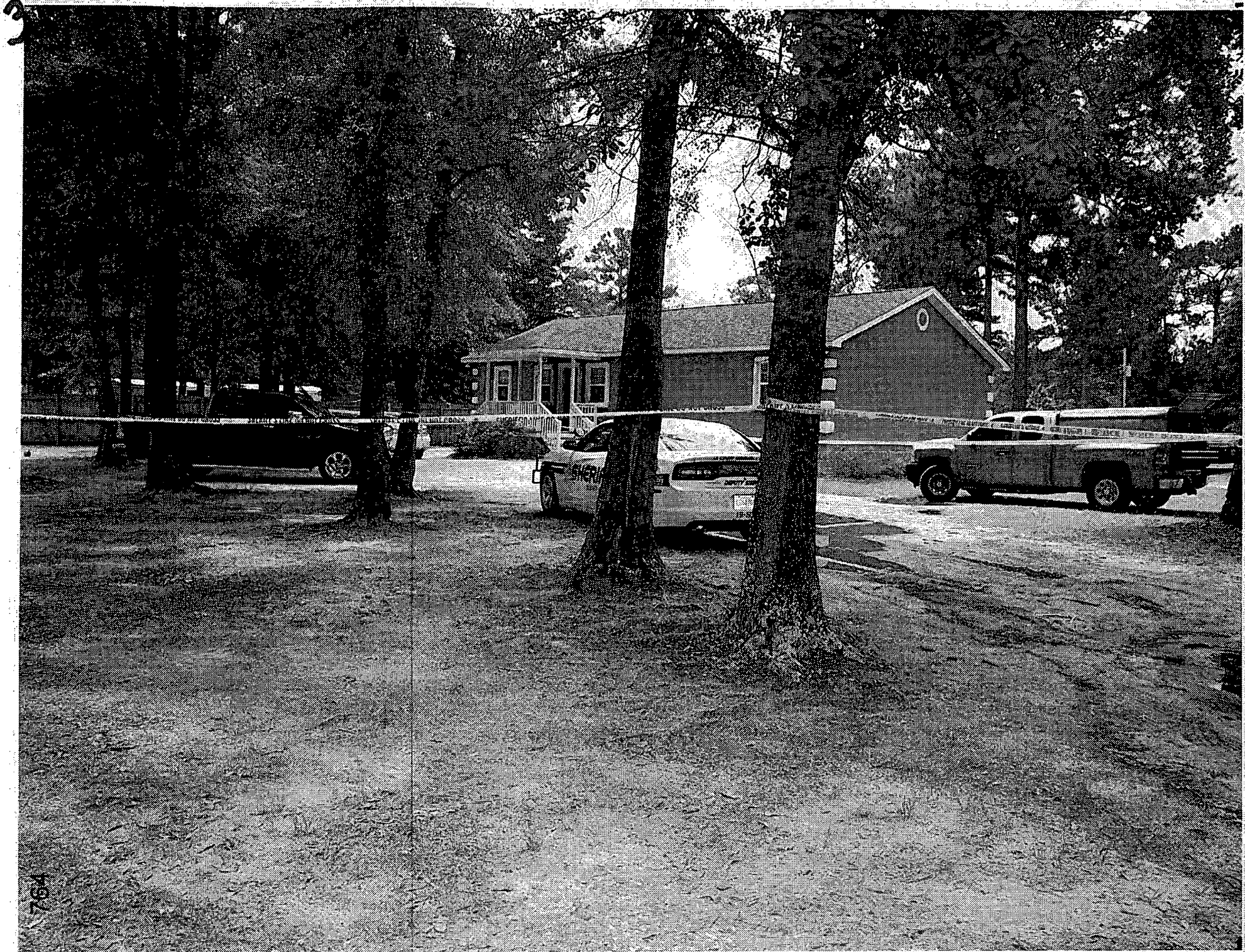
I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 20th day of March, 2018.

Mona L. Manley /s/

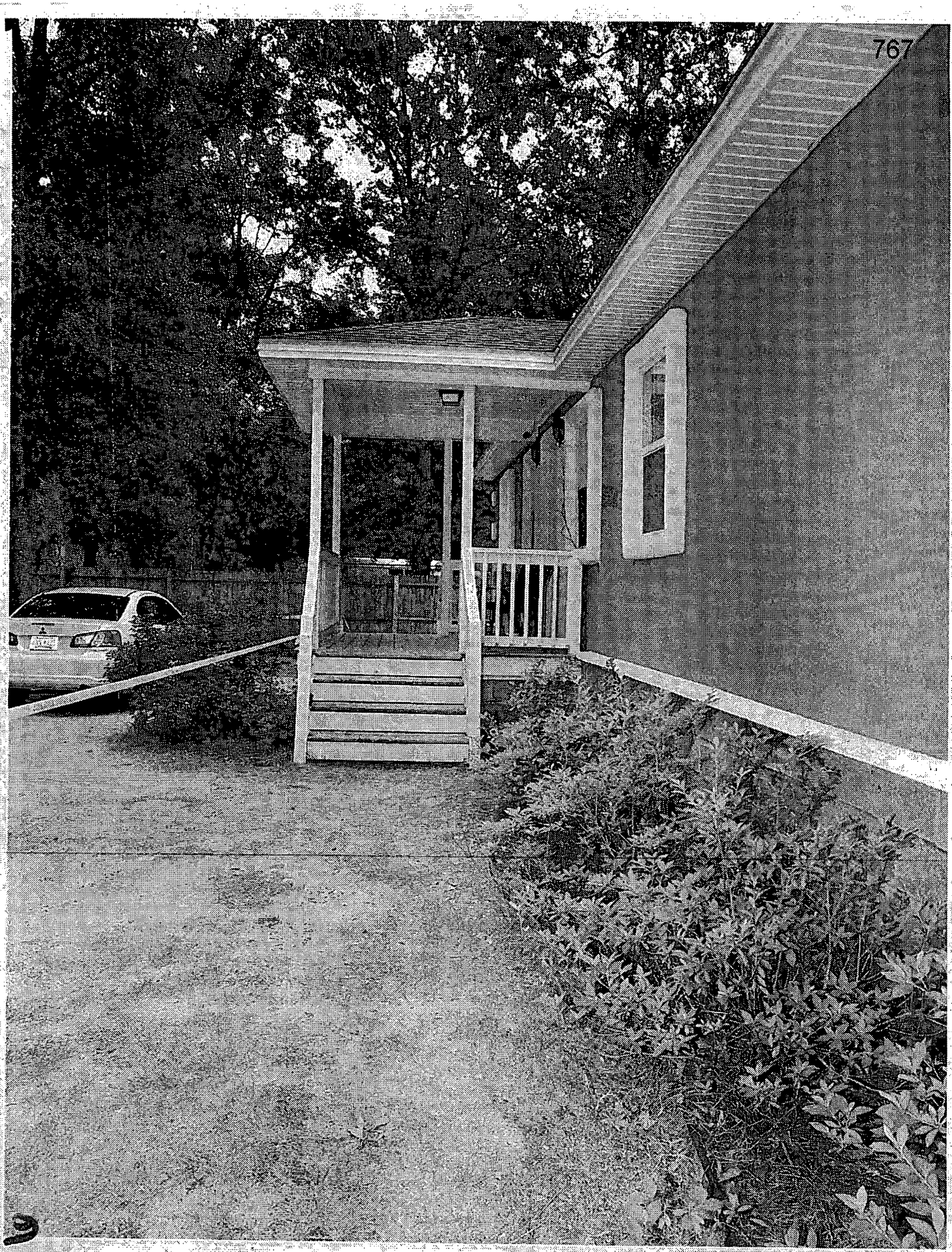
MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
(850) 893-6662
mmanley@sccourts.org

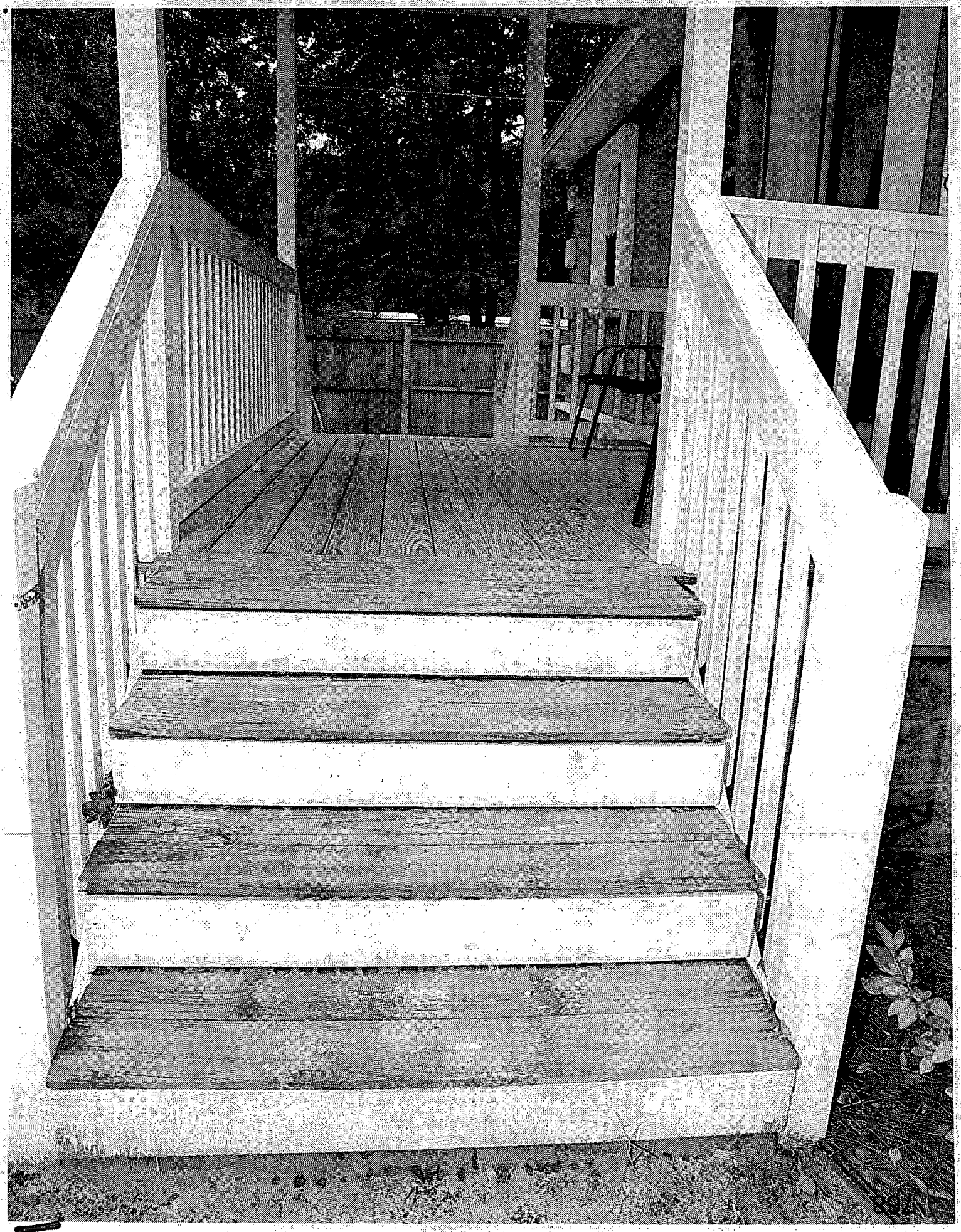




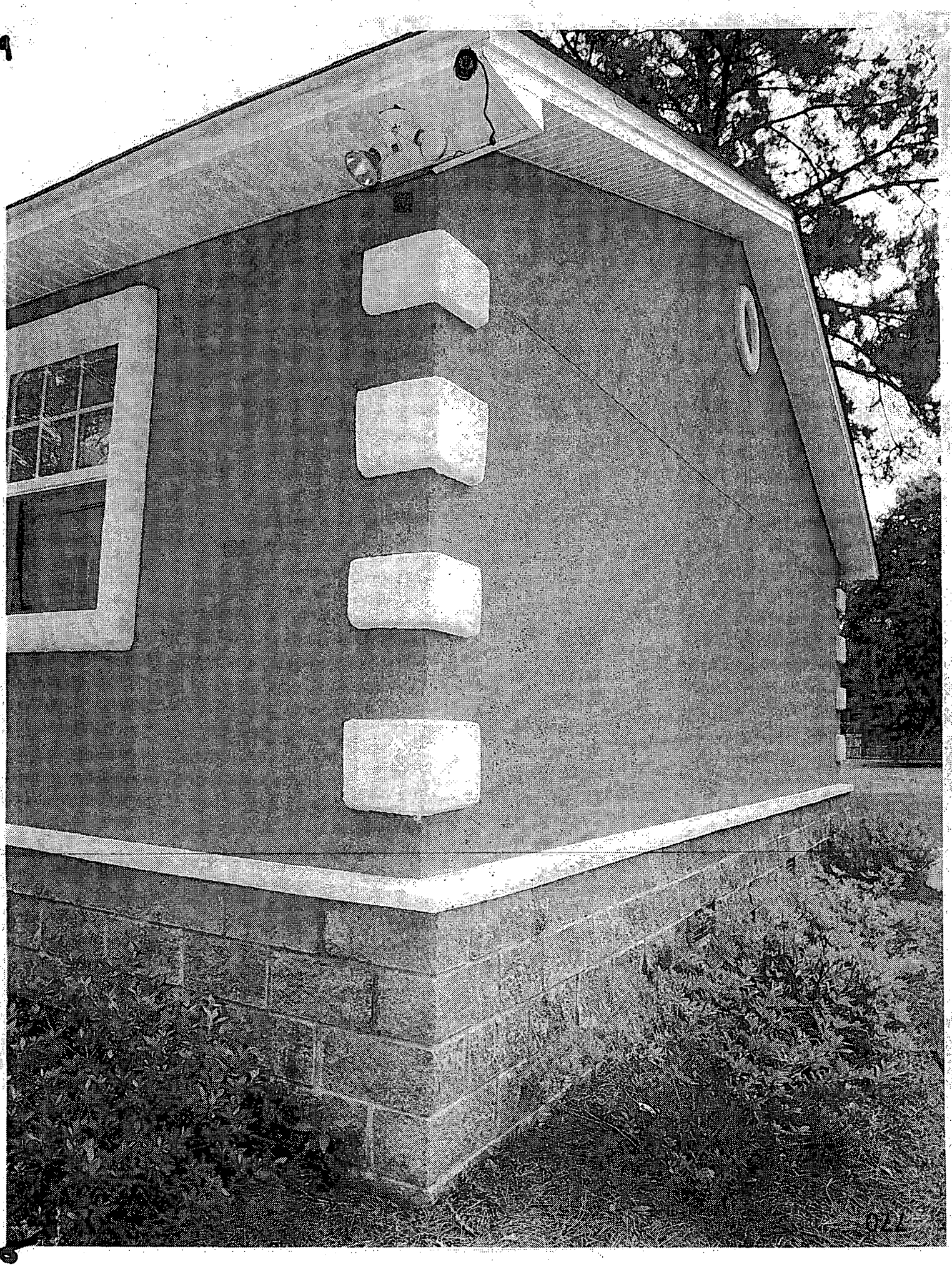


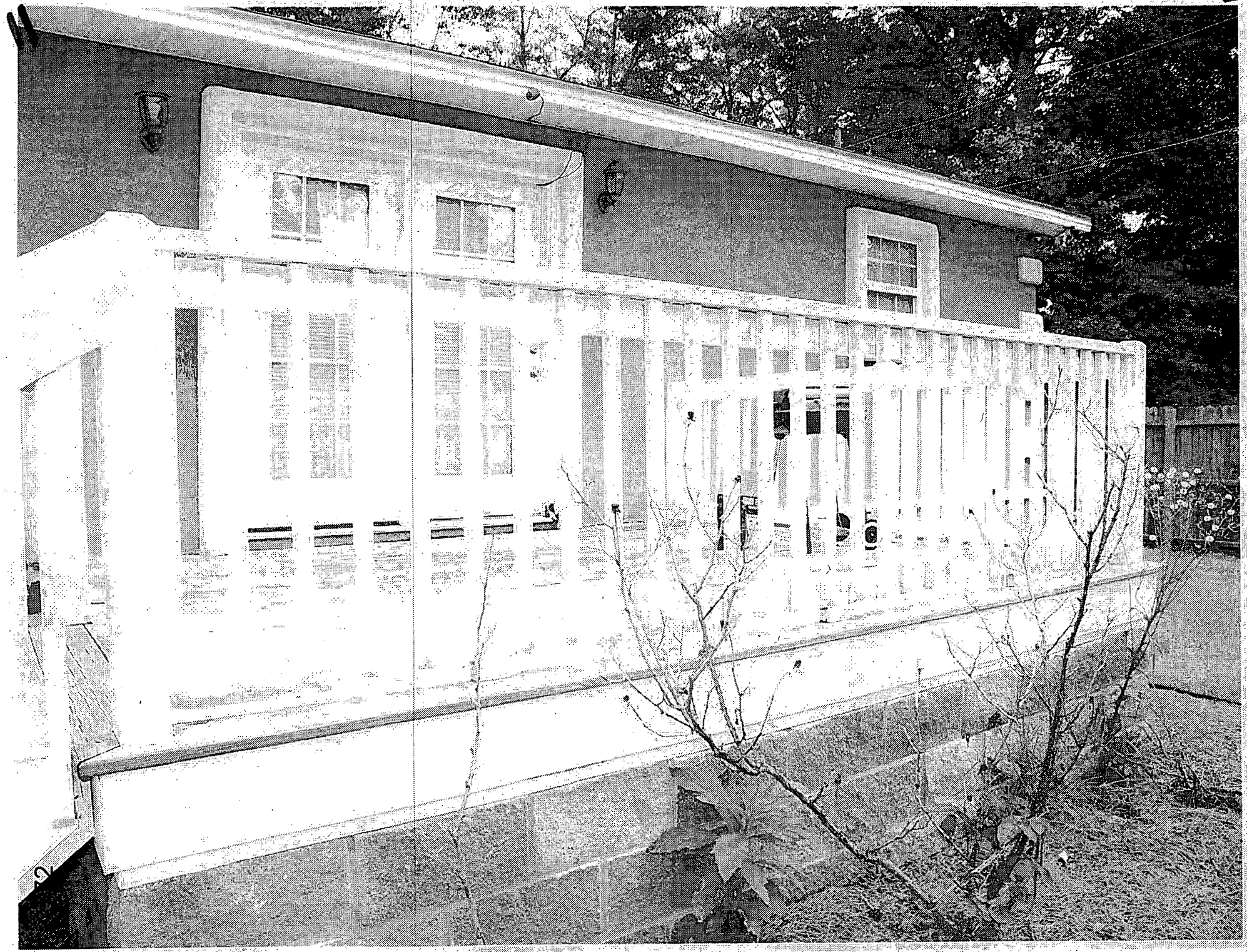


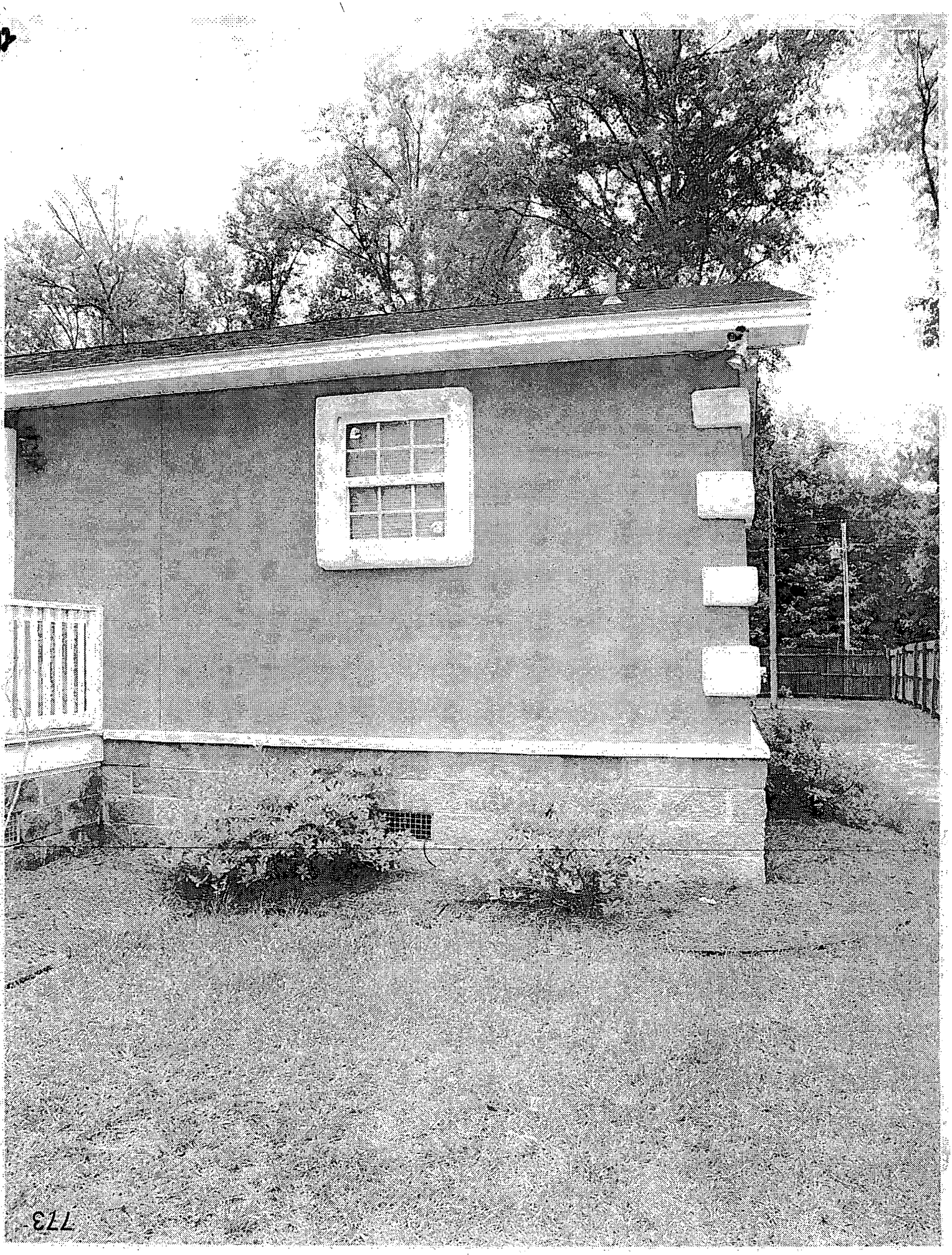

767

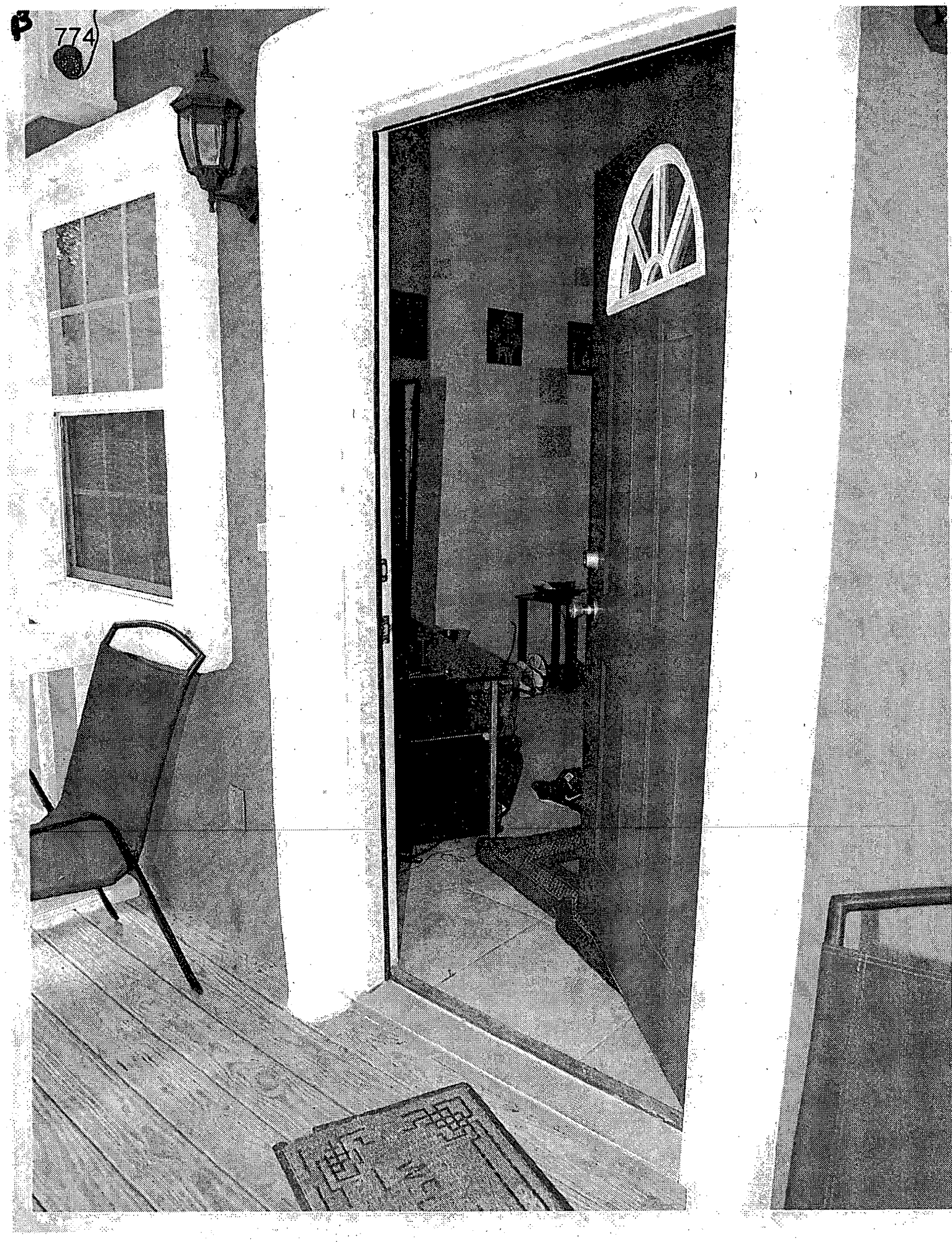


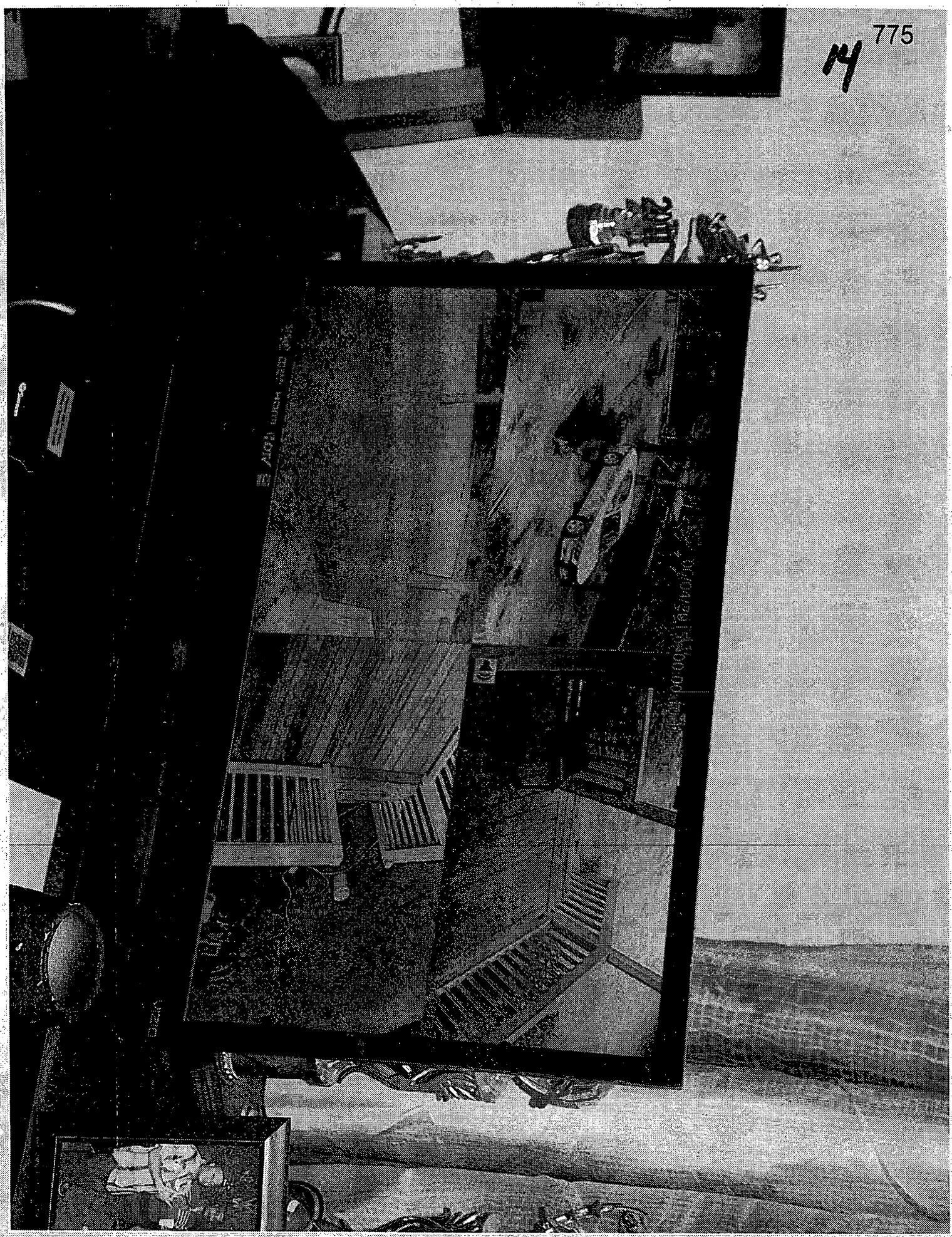






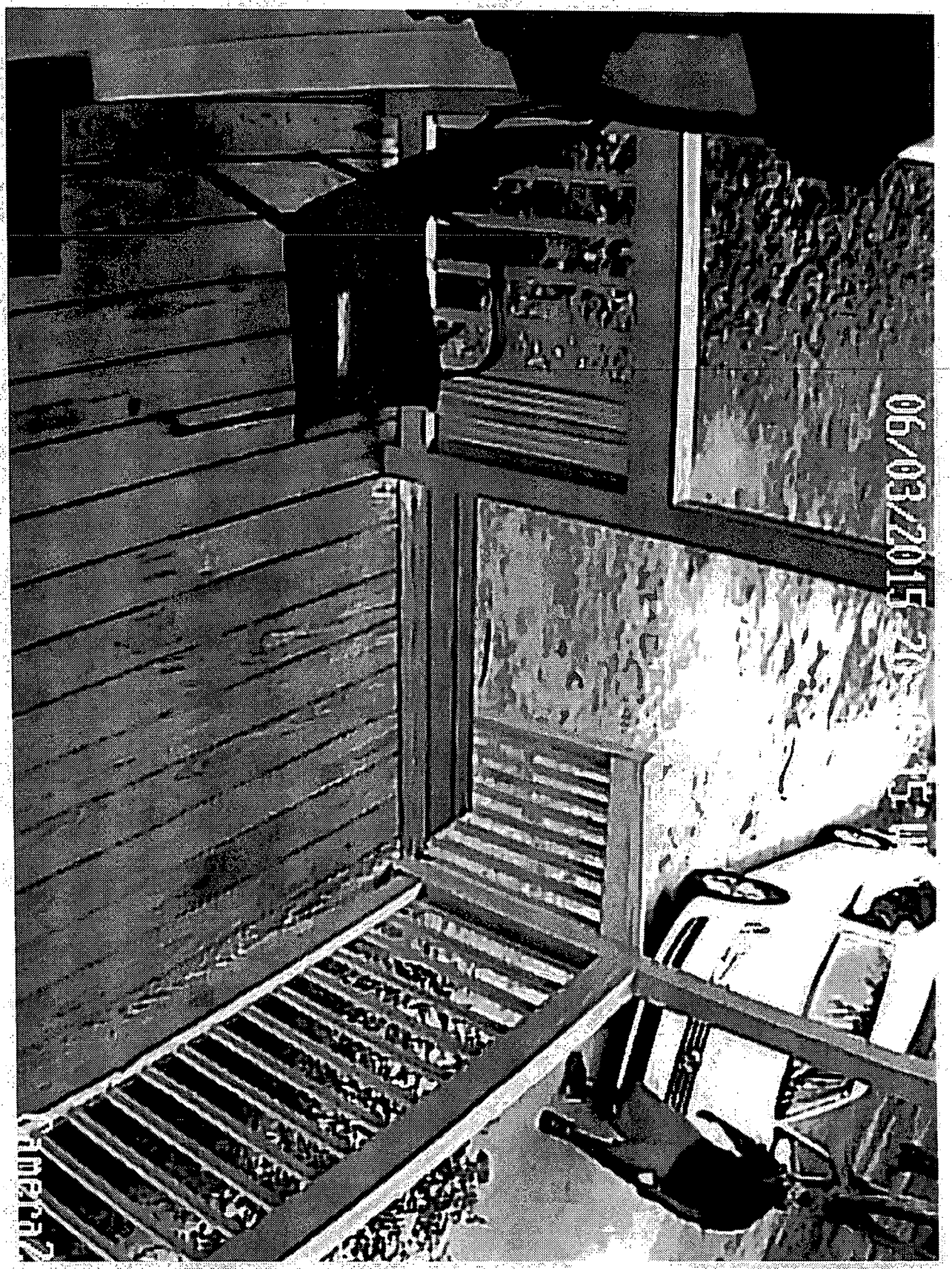


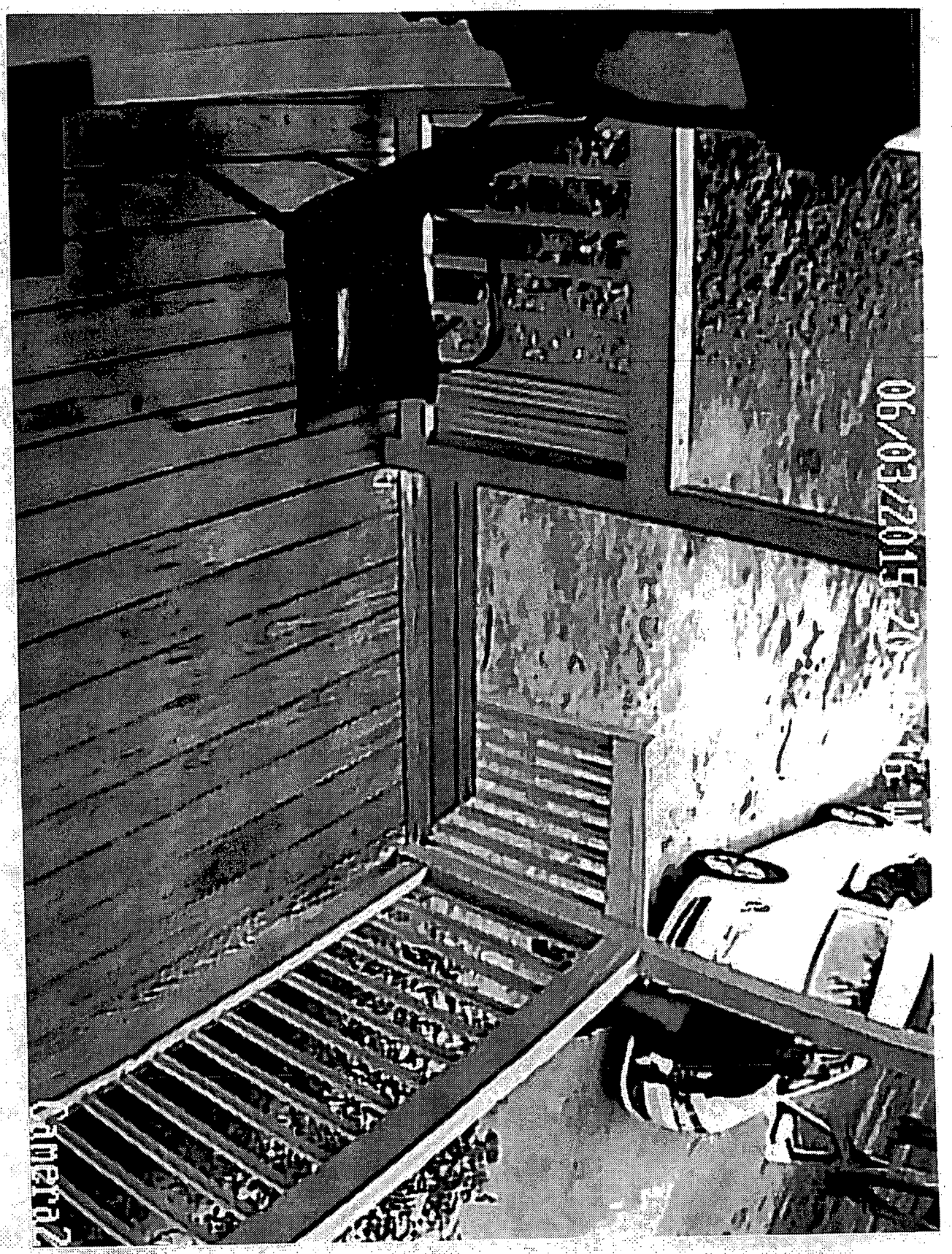

B
774



STATE'S EXHIBIT 3

776


06/03/2015


06/03/2015 20:

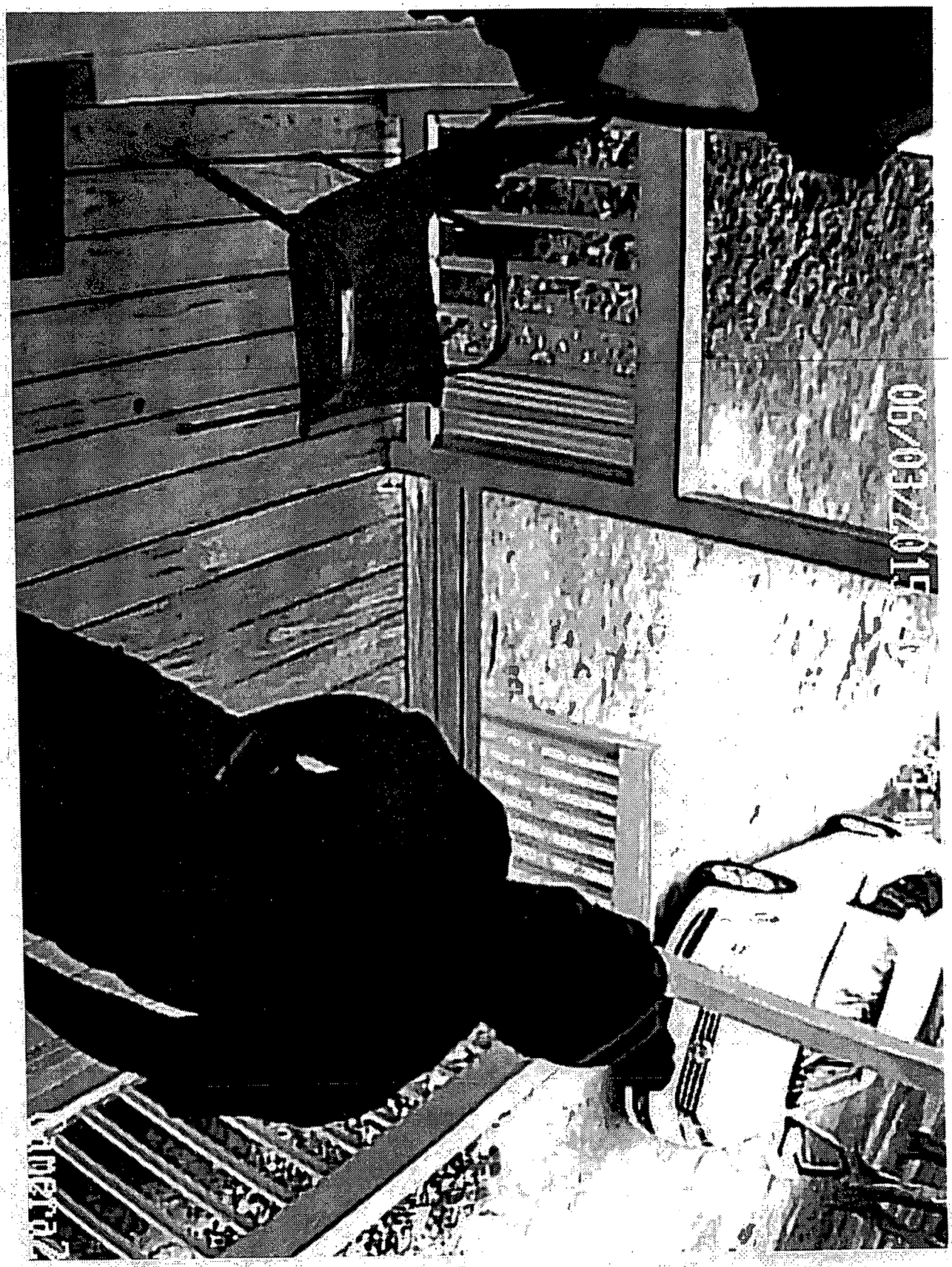
06/03/2015 20
Camera2

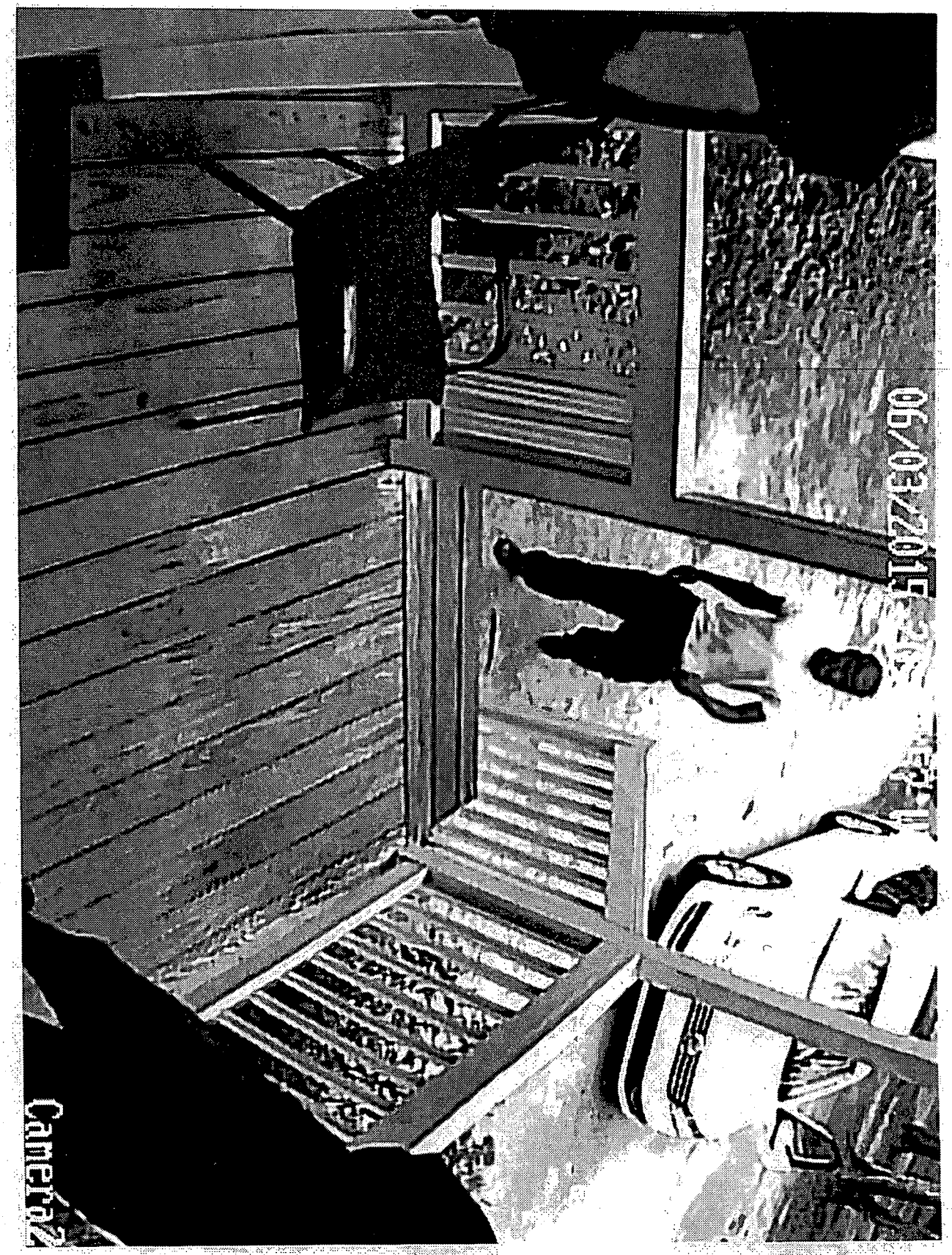

06/03/2015

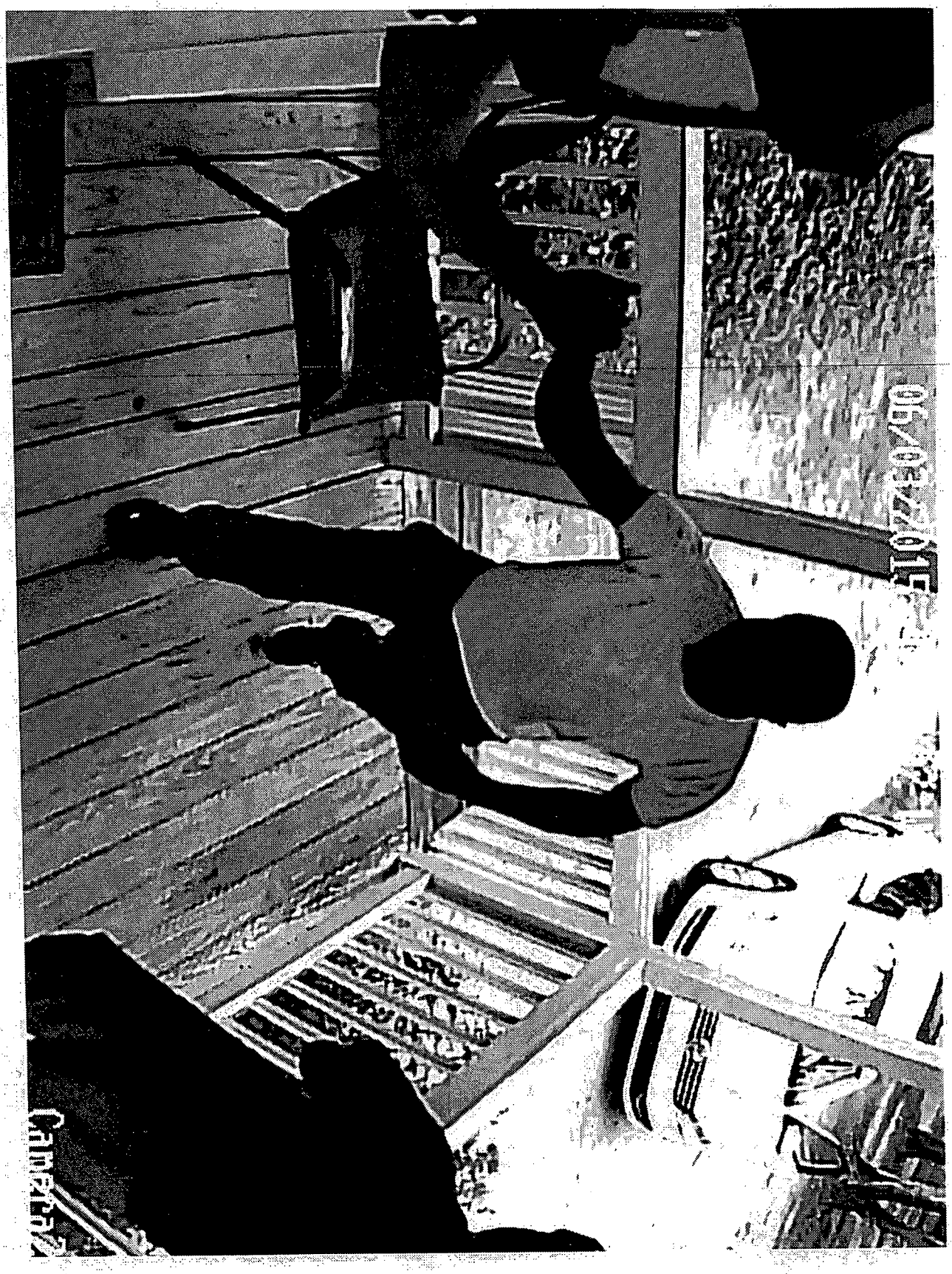


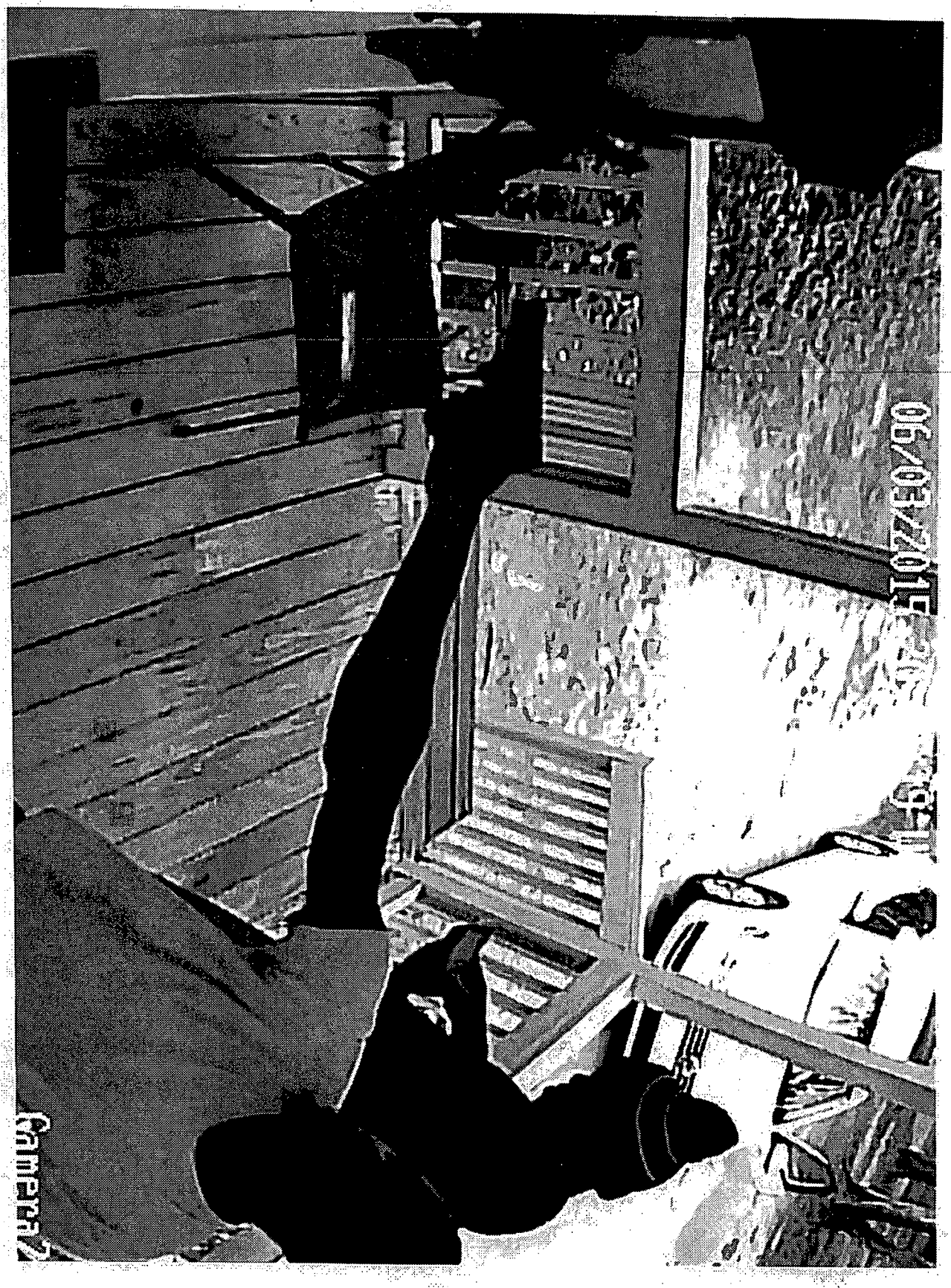


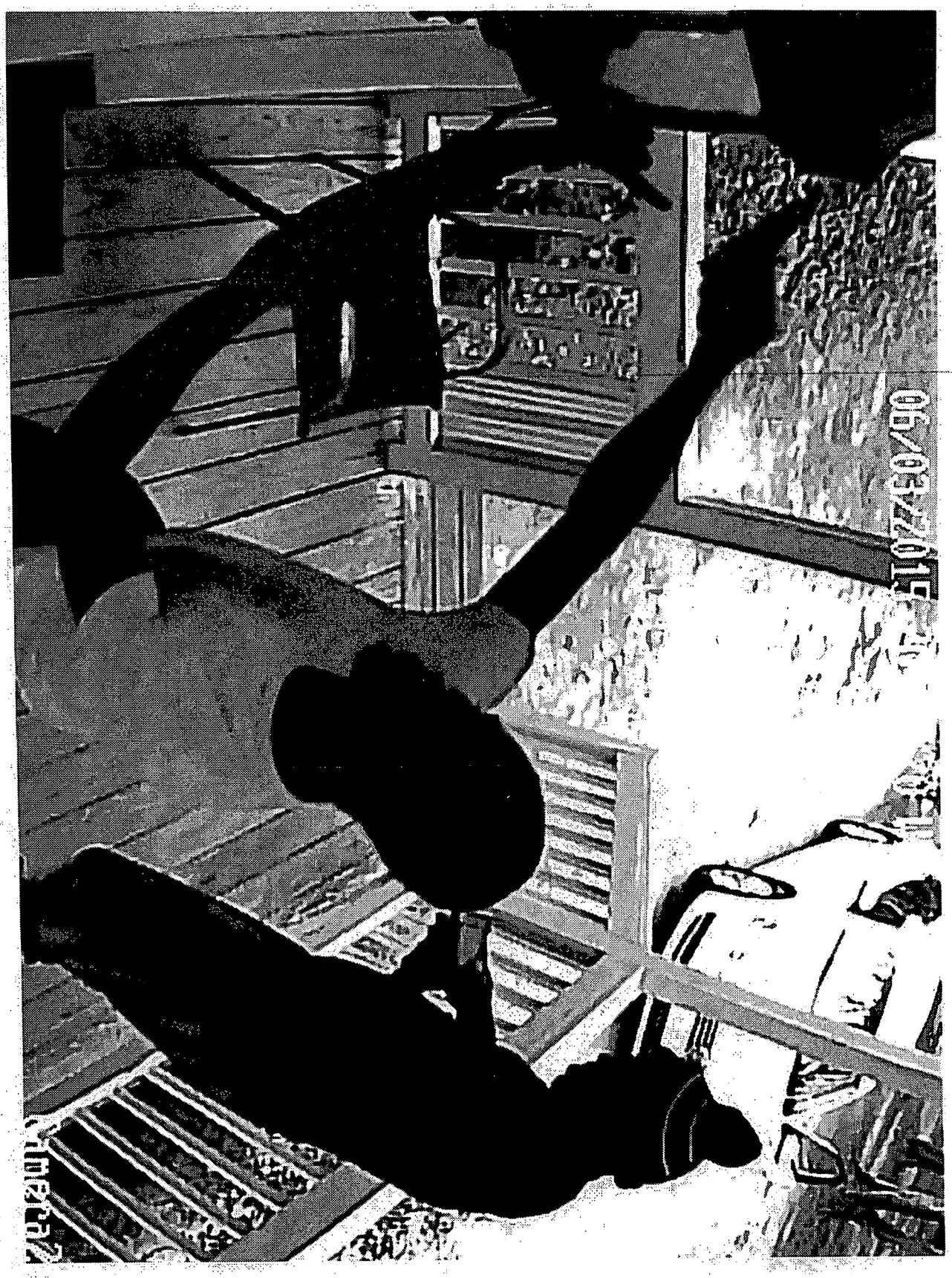


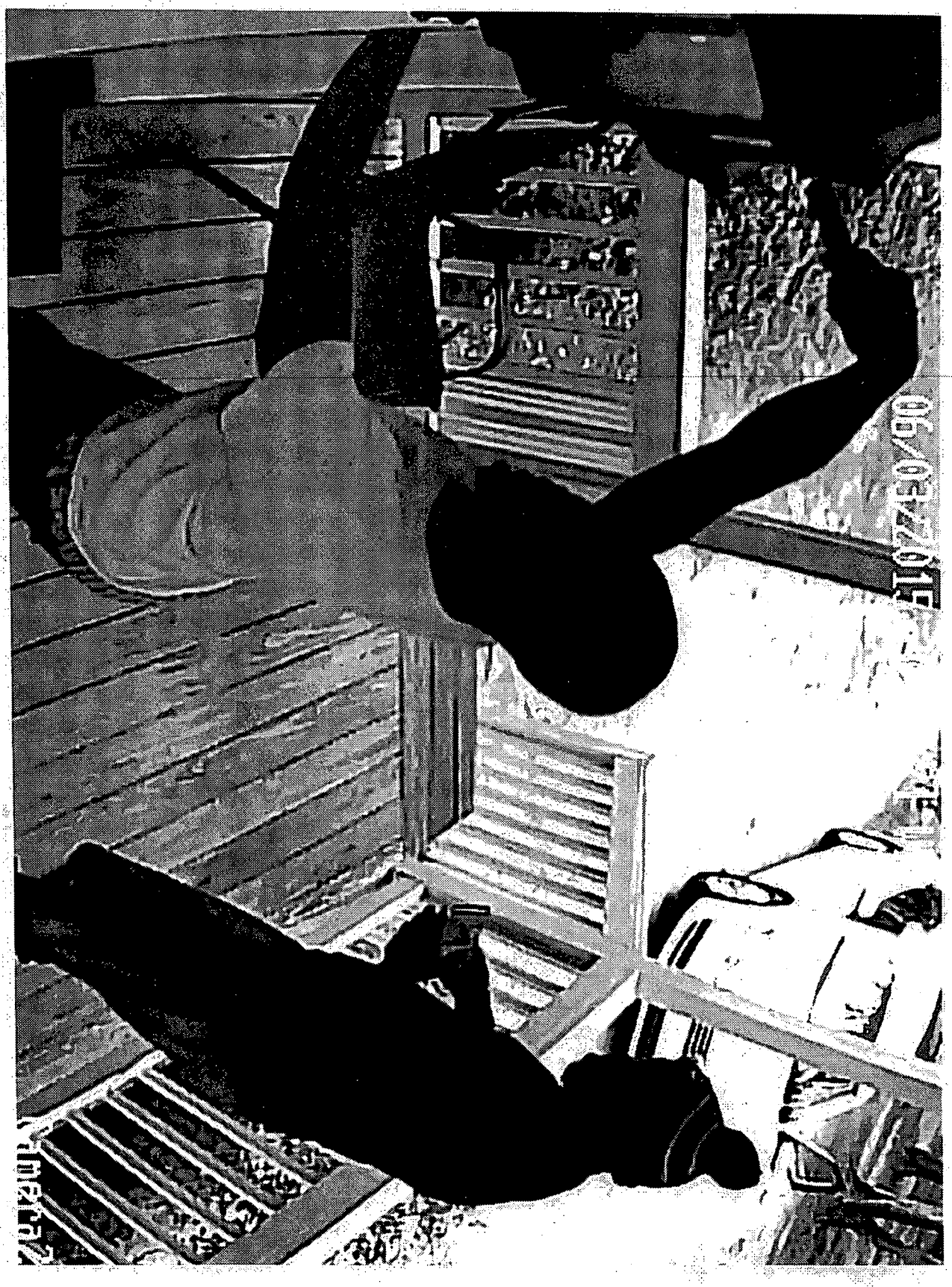

08/03/90


Camera2
06/03/2015 21:27:30

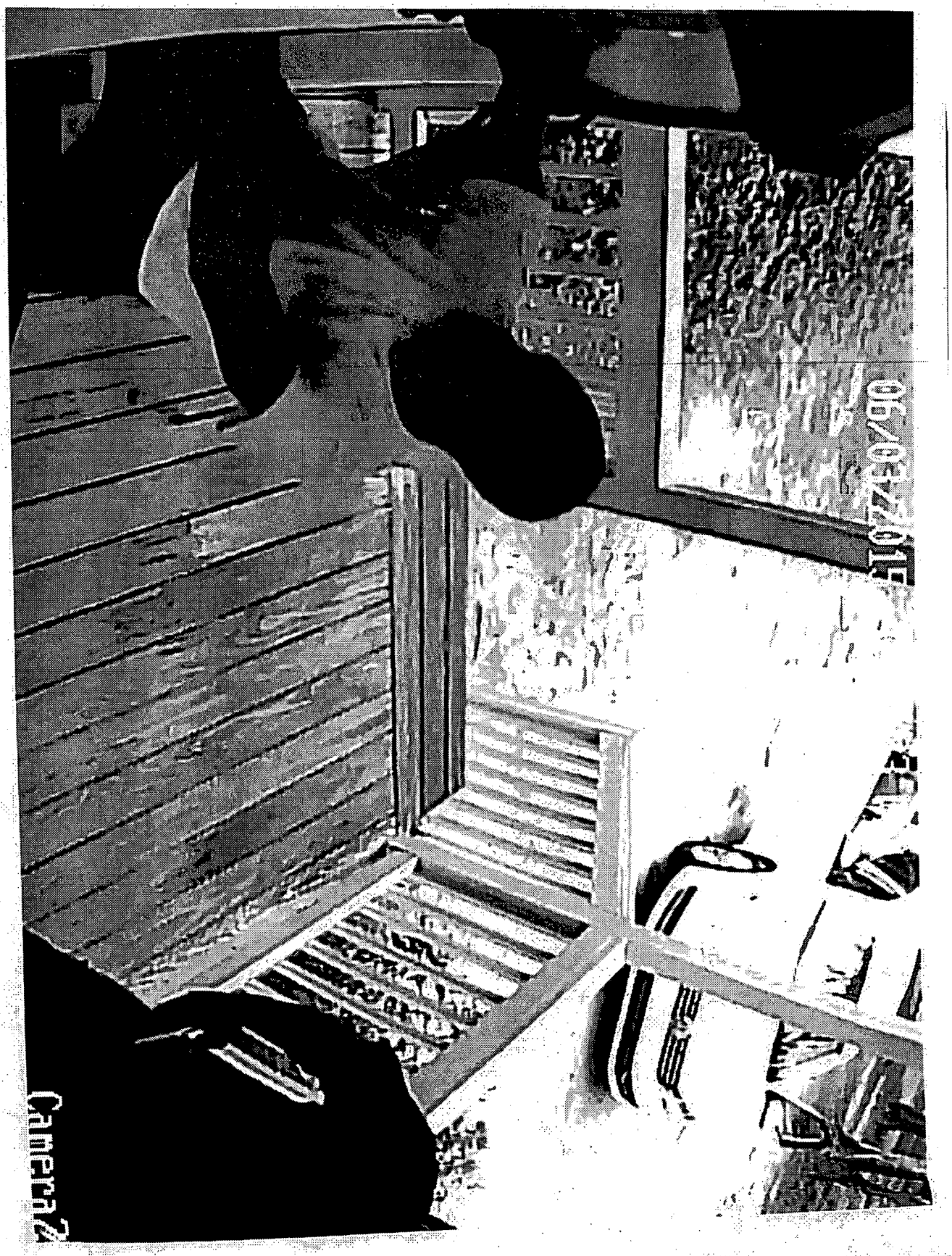

07/04/2016


08/03/2015 19:30
Camera2

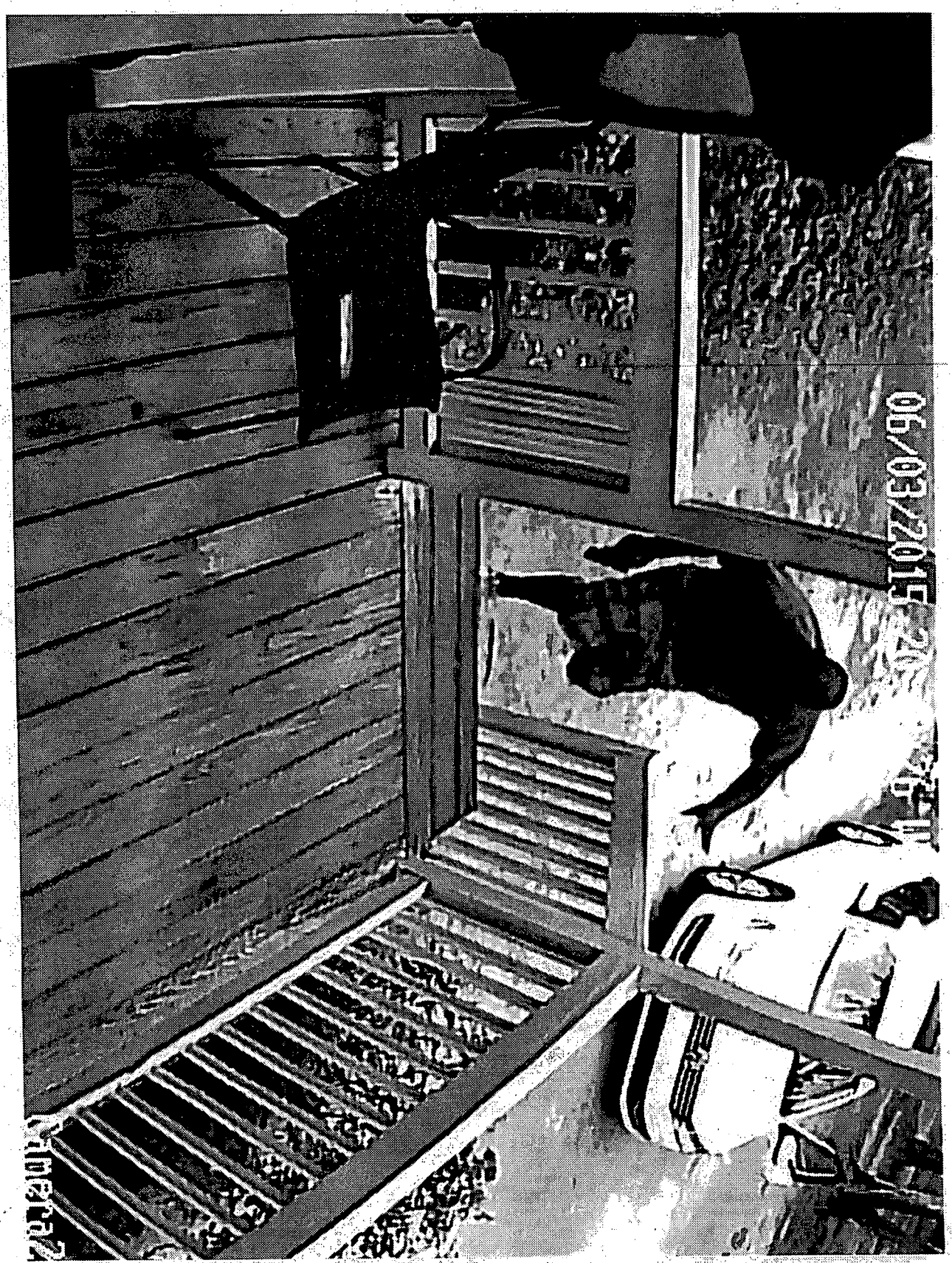

04/20/90



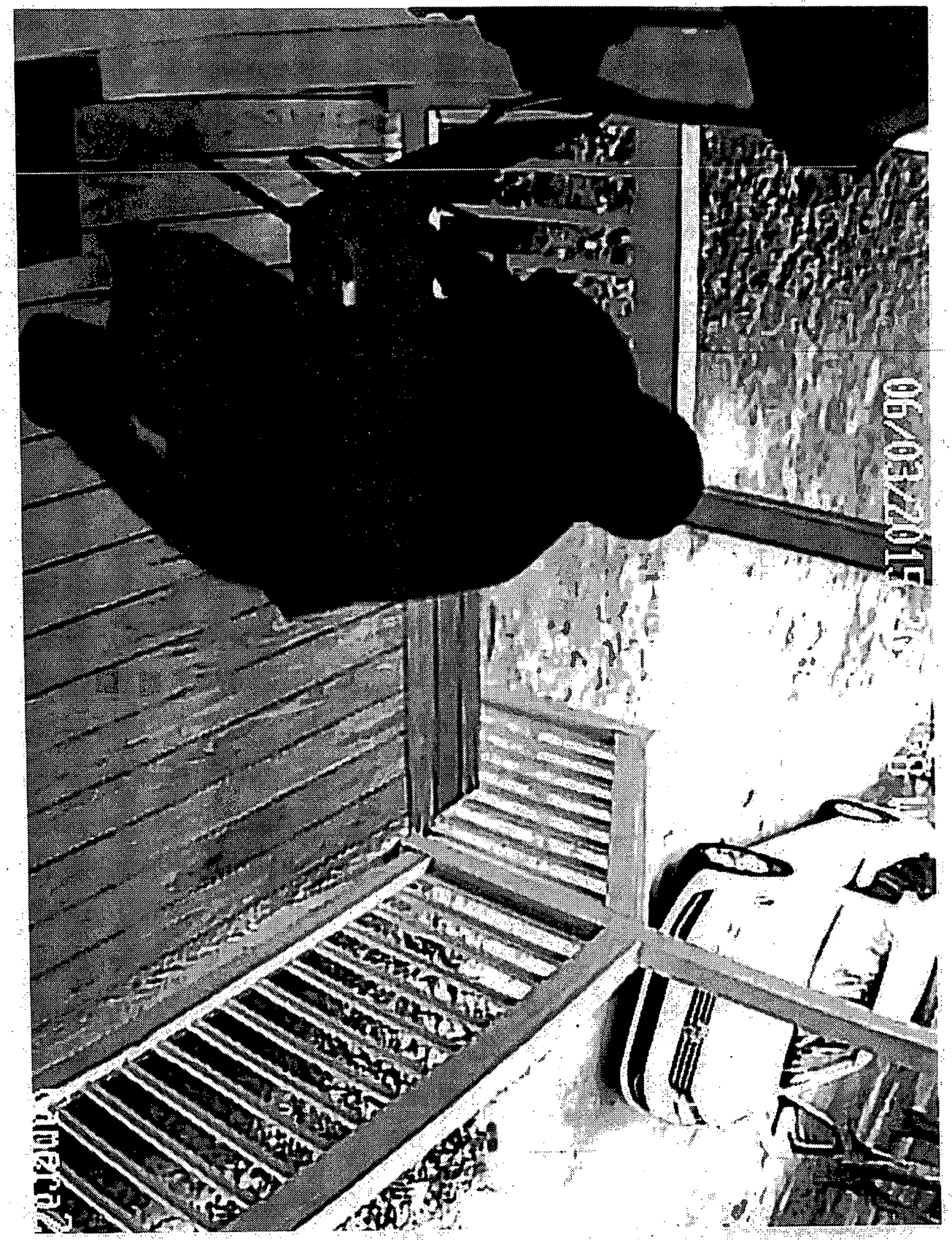
06/03/2019

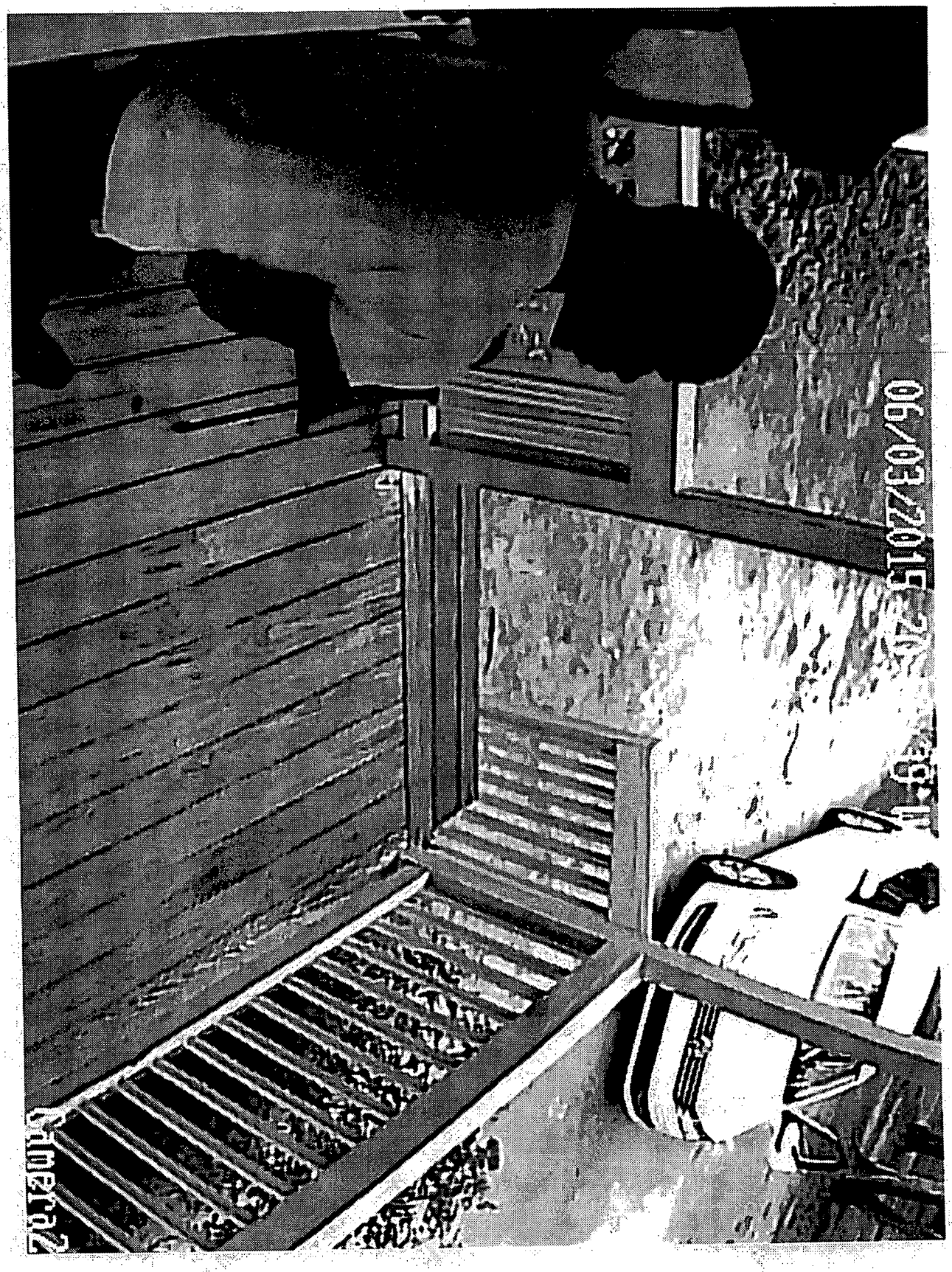

08/20/2015
Camera2

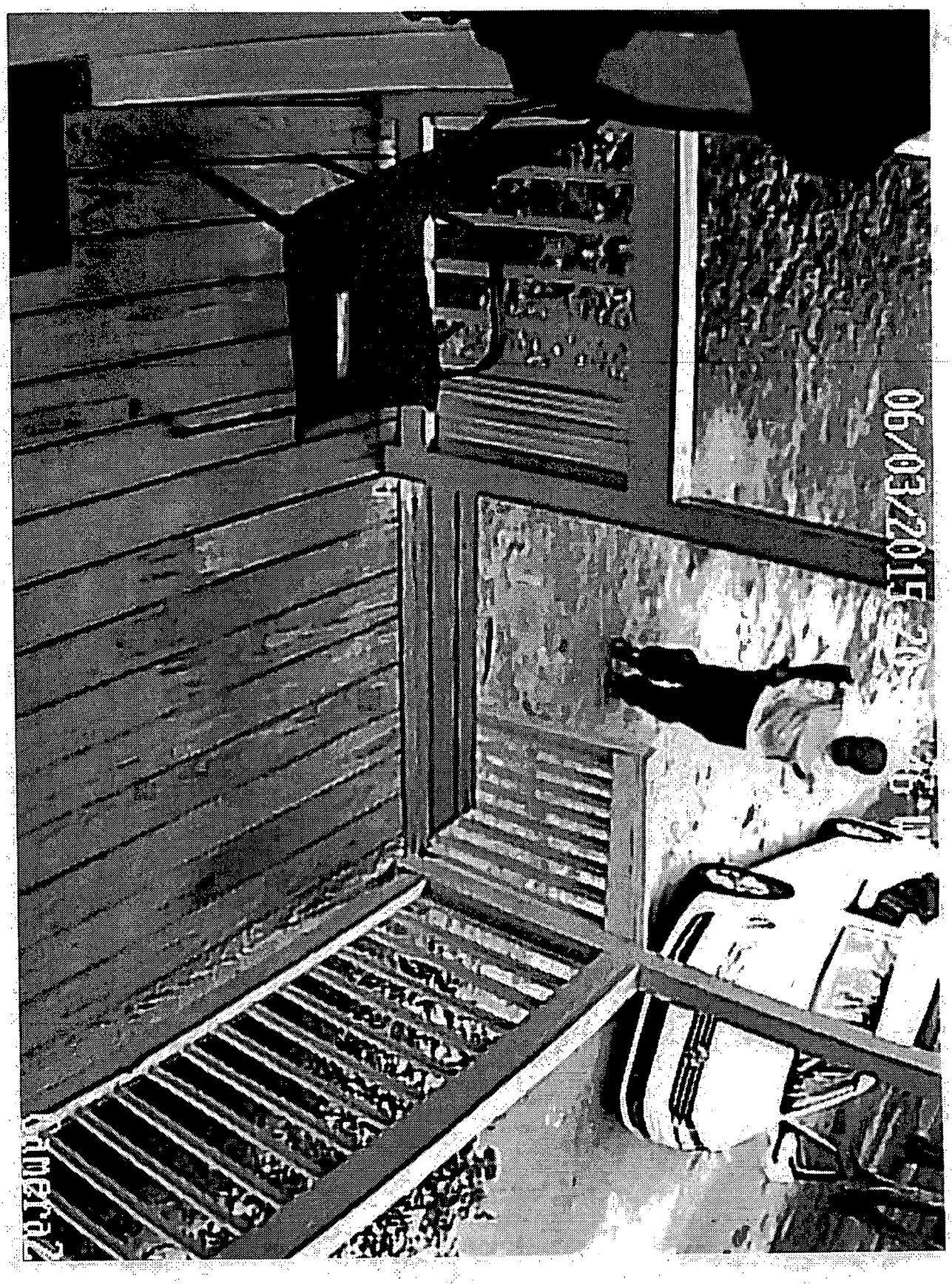

08/03/2015 09:49:30

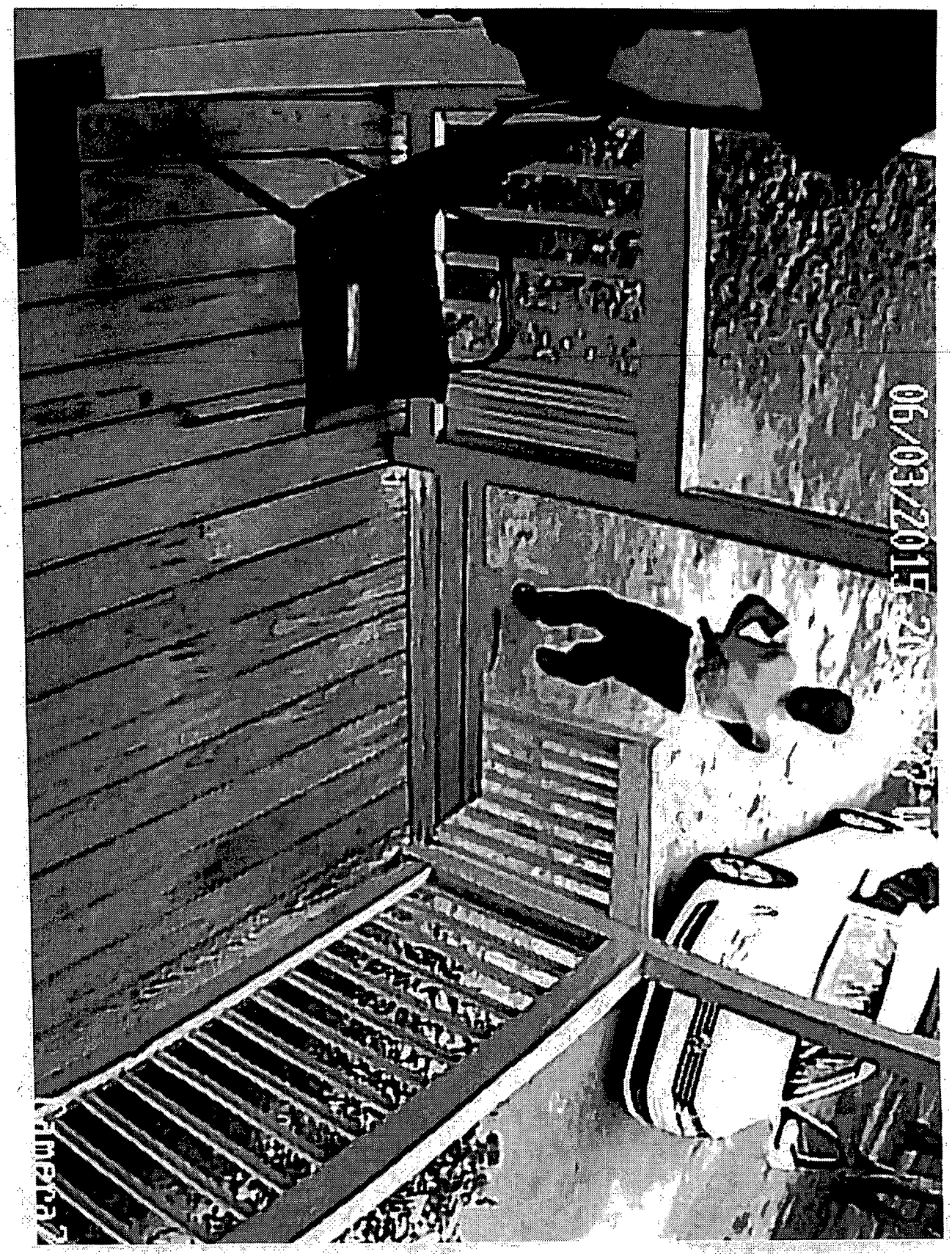

06/03/2015

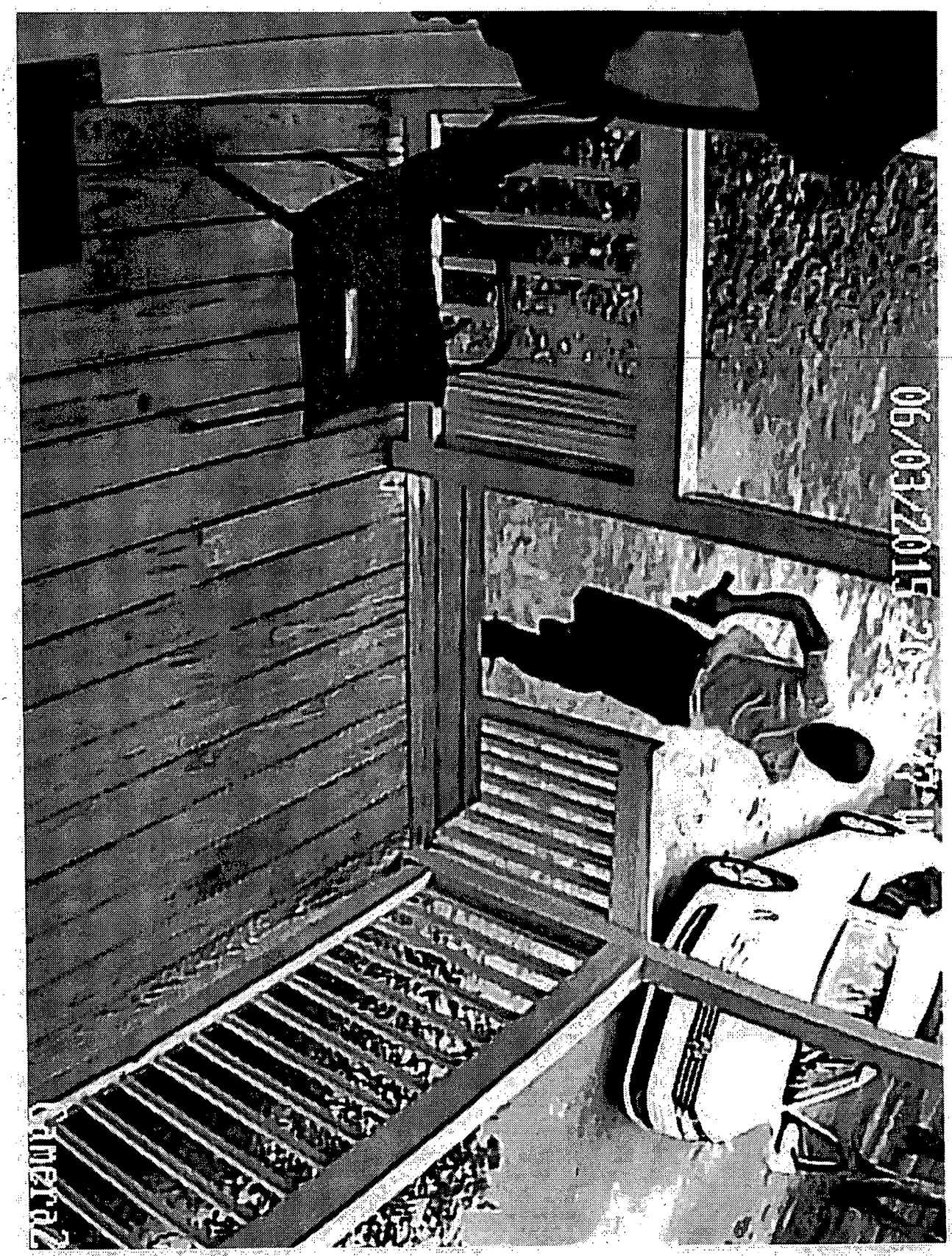

06/03/2015 10:27

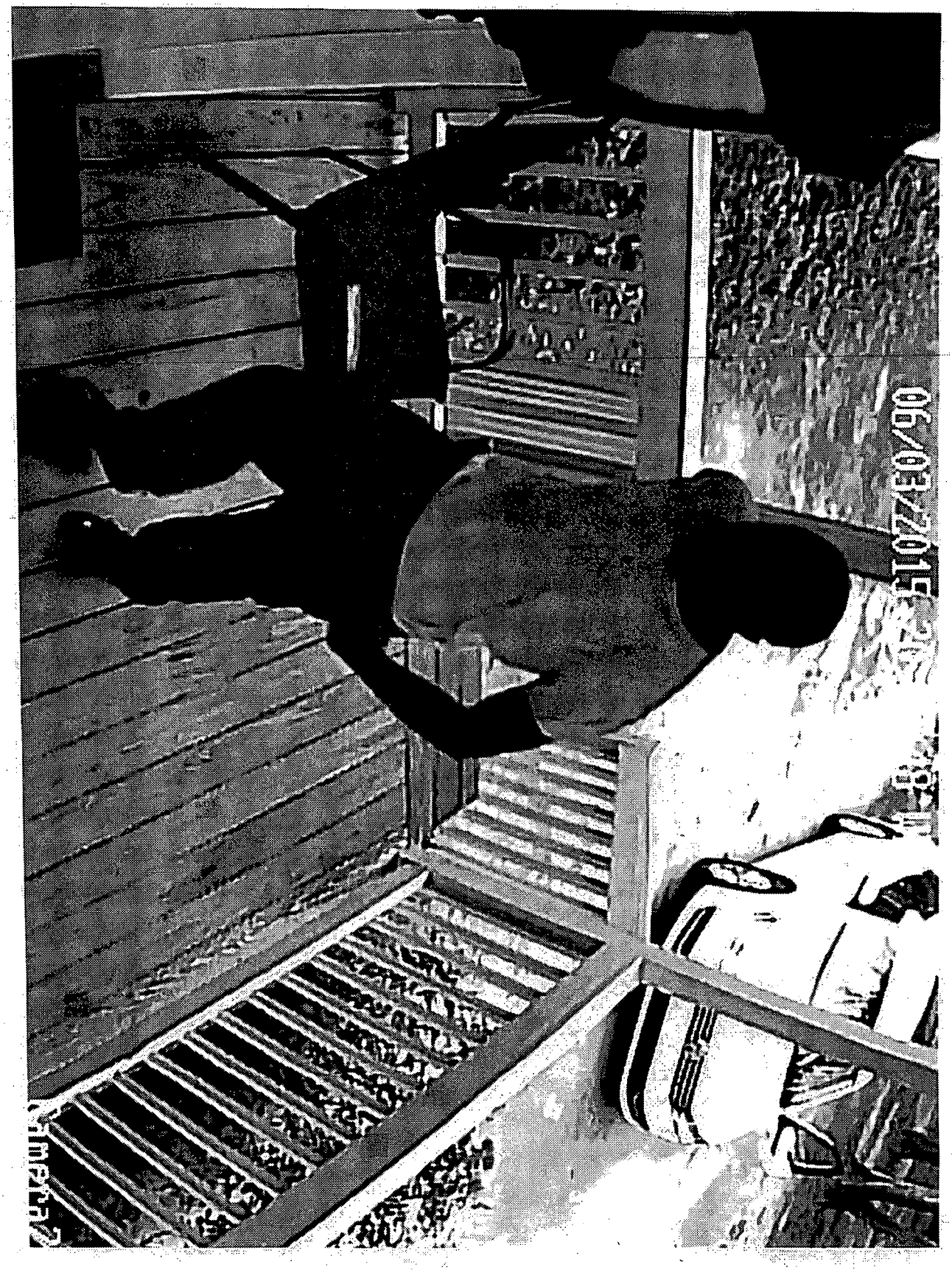

08/05/2018


06/03/2015 20:48:11
CAMERA 2

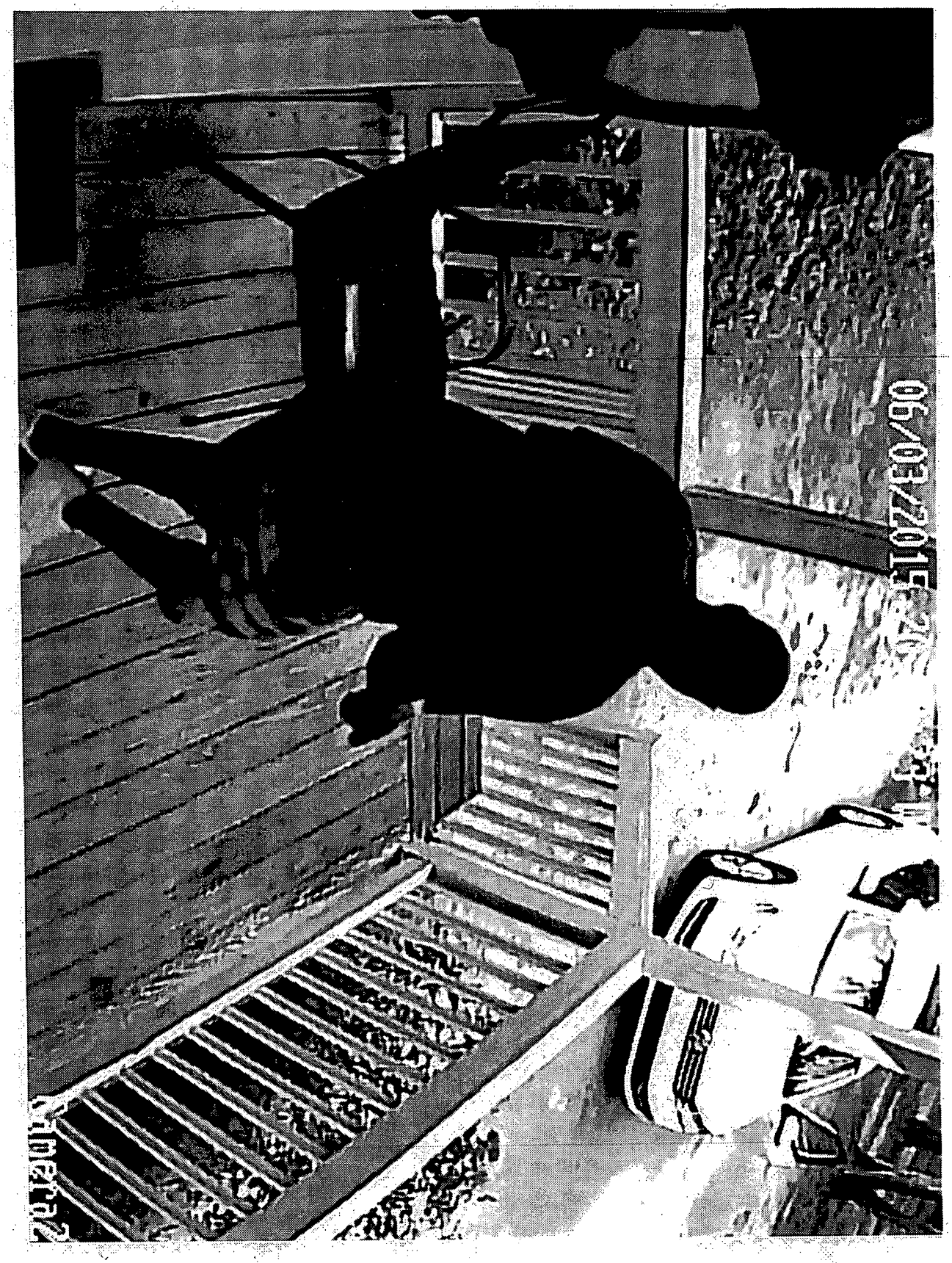

06/03/2015 10:27

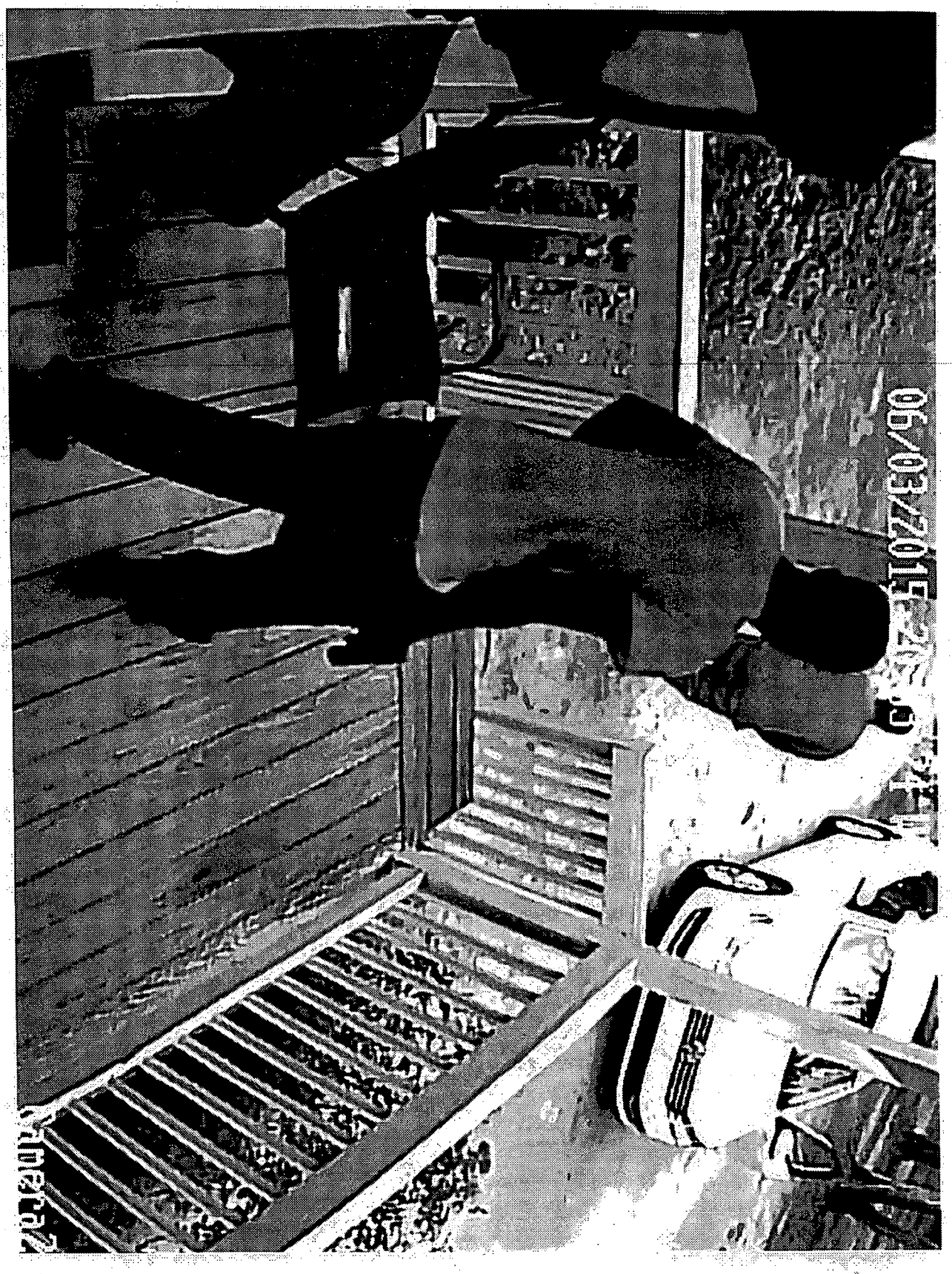

06/03/2015 20:


06/03/2015 07:10


06/03/2015 07:40

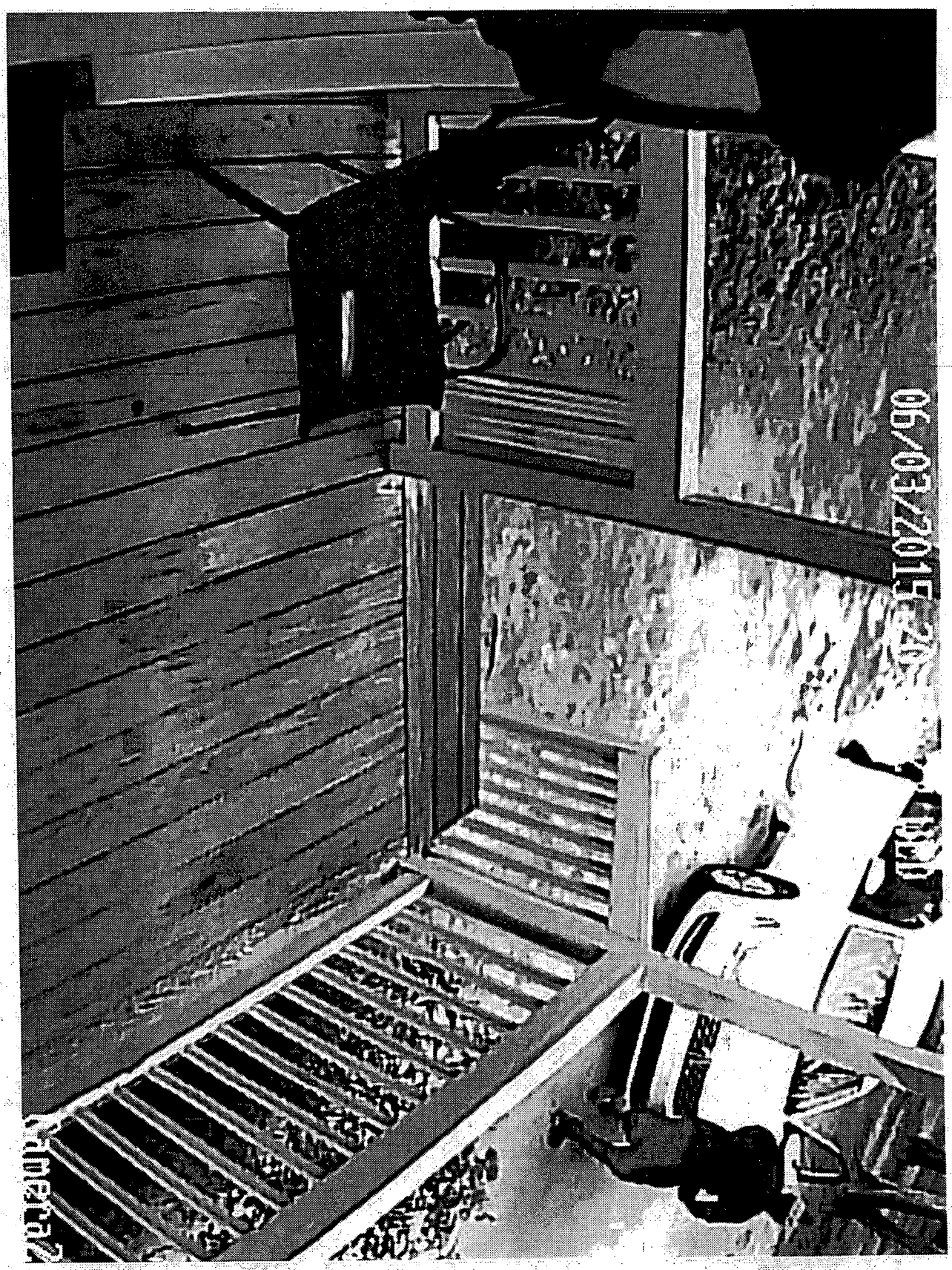

06/03/2015


06/03/2015 20:30


06/03/2015

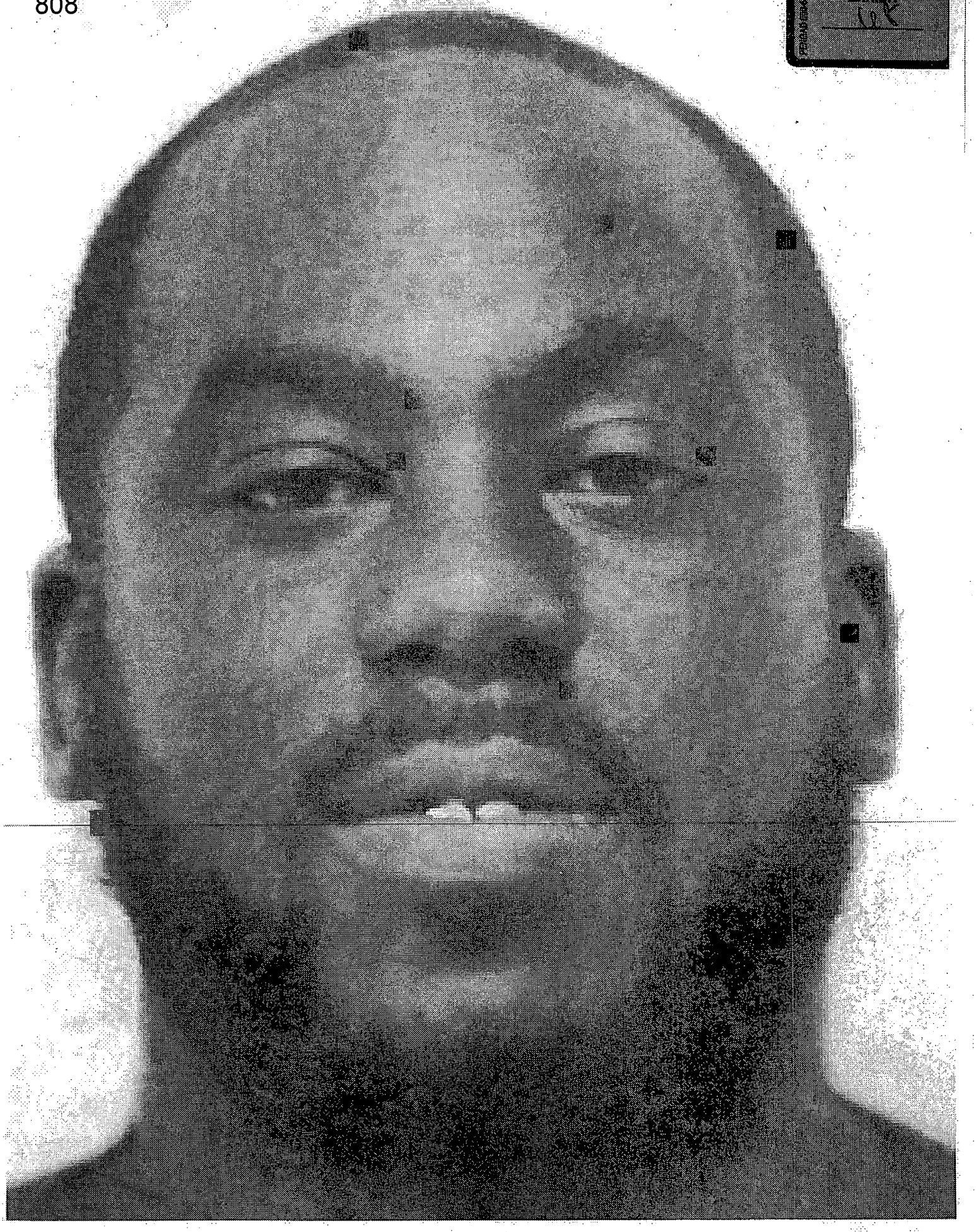

06/03/2015 23:27


06/03/2015


06/03/2015


VLC media player
Video Tools View Help
STATE'S EXHIBIT

EXHIBIT



CASE # _____

LEAD # _____

EXHIBIT 09
U9

VOLUNTARY STATEMENT

LAST NAME: JONES	FIRST NAME: Casey	MIDDLE NAME: KASON	AGE: 29	D.O.B: [redacted] 86
NICKNAME/AKA	M ☐ F ☐ SSN: [redacted]		STREET ADDRESS: Savannah Hwy 601	
CITY: Estill	STATE: SC	ZIP: 29918	MAILING ADDRESS IF DIFFERENT: P.O Box 1430	
HOME TELEPHONE: [redacted] - 0183	WORK TELEPHONE	[redacted] -0404	OCCUPATION: Landscaping	
EMPLOYER:		EMPLOYER ADDRESS:		
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW: 7/13/2015 1:30pm		
LOCATION OF INTERVIEW				
INTERVIEWING AGENT: K. McCallister	DEPARTMENT: SLED	INTERVIEWING AGENT: D. Bamberg	DEPARTMENT: SLED	

I, Casey Jones understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I (can) cannot read and write and completed the 12 grade in school.

I get up in the mourning round 11:00 for work everyday I Landscape Several yards until about 5:00 and then goes to my girl house and Moms house almost everyday

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 7/13/15 Time: 2:02pm X Casey K. Jones
Signature of person giving voluntary statement

WITNESS: K McCallister WITNESS: D Bamberg

I certify that I have been given a copy of this statement consisting of 1 pages.

Form # CF-002 (Rev. 7-24-06)
CALEA 1.2.3, 44.2.3

STATE'S EXHIBIT 70

SOUTH CAROLINA SLED LAW ENFORCEMENT DIVISION 1947

MIRANDA RIGHTS

PLACE: Jasper County CID DATE: 7-13-15 TIME: 1:31 pm

BEFORE WE ASK YOU QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

CJ You have the right to remain silent.

CJ Anything you say can be used in court as evidence against you.

CJ You are entitled to talk to a lawyer now and have him present now or at any time during questioning.

CJ If you cannot afford an attorney, one will be appointed for you without cost.

CJ If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

CJ **Do you understand these rights?**

CJ **Do you wish to talk to us at this time?**

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to talk now without a lawyer present. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: Casey K. Jones

Witness: KMcCall

Witness:

Form # P-022 (Rev. 7-24-06)
CALEA 1.2.3, 44.2.3


FBI
FORENSIC AUDIO, VIDEO
IMAGE ANALYSIS UNIT
STATE'S EXHIBIT
71
CO-2199290
170818001


FORENSIC AUDIO, VIDEO AND
FBI
IMAGE ANALYSIS UNIT
STATE'S
EXHIBIT
12
CO-2199290
170818001


FORENSIC AUDIO, VIDEO AND IMAGE ANALYSIS UNIT
FBI
STATE'S EXHIBIT
13
CO 2199290
I70818001

192

THE STATE OF SOUTH CAROLINA COUNTY OF JASPER	)	IN GENERAL SESSIONS COURT FOURTEENTH JUDICAL CIRCUIT
	)	Ind. # 2015-GS-27-00433, 434, 437
THE STATE	)	
V.	)	
CASEY JONES, SR.	)	
	)	Notice of Motion to Sever and Motion to Sever

To: Assistant Solicitor, Fourteenth Judicial Circuit, Mary Jones

The defendant moves to sever his trial from that of his codefendants on the grounds that a joint trial with the other two codefendants will compromise a specific trial right, a defendant's right to testify in his own defense, and therefore violate his Due Process rights under Amendment 5 and Amendment 14 of the U.S Constitution and the S.C. Const. Article 1, Sec. 3 because of the unique facts presented by this murder case.

The defendant, his son and a third party are charged as codefendants in the cases referred to in the above captioned indictments.

The defendant intends to offer an Alibi defense that will completely exonerate him of these indictments.

The defendant must testify in order to present his defense of alibi in an effective manner. The United States Supreme Court has stated in Zafiro v. United States, 506 U.S. 534, 113 S. Ct. 933, 122 L. Ed. 2d 317 (1993) that "... a district court should grant a severance only if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgement about guilt or innocence." A universally accepted specific trial right of all defendants is the right to testify. To deny a defendant the right to testify for all practical purposes would be a due process violation. Without the testimony of the defendant, the jury will be prevented from making a reliable judgement about the guilt or innocence of this defendant.

If the defendant testifies, he is subjected to cross-examination by the State and the codefendants attorneys. The defendant will be asked if he can identify his own son in the video related to the murder. No matter how the defendant answers, he will be prejudiced in front of the jury.

If the defendant refuses to identify his son, as most fathers would be expected to do, he has lost credibility in front the jury for his own valid defense.

If the defendant identifies his son during cross examination, he has testified against his own son in his trial for the murder. Once realizing this inevitable consequence of his choice to testify, a defendant won't testify because it would destroy his family unit.

This "Hobson's Choice" of either testifying or not presented in a joint trial undermines, diminishes, and eliminates for all practical purposes, the defendant's right to

DEFENDANT'S EXHIBIT
1 WHE
10-17-17

testify in his own defense. The defendant's right to testify is at least seriously compromised. This is exactly what Zafiro seeks to prevent.

If the defendant is in a situation created by the State that no reasonable defendant could be expected to exercise their right to testify because of the state's joinder of these codefendants, then a remedy must be available to the defendant to protect his right to testify on his own behalf. That remedy is Severance.

The refusal to sever this defendant's trial so quells the defendant's right to testify as to deny him his Due Process rights under the South Carolina Constitution and the U.S. Constitution.

Ridgeland, South Carolina, 2017

Ridgeland, South Carolina

Stephen T. Plexico
Attorney for the Defendant

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	
COUNTY OF JASPER)	Indictments: 2015-GS-27-0433; 0434; and 0437
)	2015-GS-27-0345; 0346; and 0349
)	2015-GS-27-0333; 0336; and 0337
STATE OF SOUTH CAROLINA)	
)	
vs.)	State's Memorandum in Support of Joinder of Defendants
)	
Casey Jones, Sr.)	
Jarrod Bostick)	
Casey Jones, Jr.)	
)	
Defendant)	
)	

FILED
2017 AUG 23 PM 3:38
CLERK OF COURT
JASPER COUNTY

COMES NOW, the State of South Carolina, by Fourteenth Circuit Assistant Solicitor, Mary Jones, hereby asks this Court to allow joinder of all defendants in the above-captioned case. Criminal defendants who are jointly tried are not entitled to separate trials as a matter of right. *State v. Boys*, 302 S.C. 545, 397 S.E.2d 529 (1990).

Severance should be granted only where there is a serious risk that a joint trial would compromise a specific trial right of a codefendant or prevent a jury from making a reliable judgment about a codefendant's guilt. *State v. Dennis*, 337 S.C. 275, 523 S.E.2d 173 (1999). A defendant must show some prejudice resulting from a joint trial in order to successfully challenge the trial court's discretion in granting one. *State v. Smith*, 359 S.C. 481, 597 S.E.2d 888 (App. 2004).

ISSUE

Whether any of the codefendants constitutional rights would be compromised by a joint trial and whether a joint trial would prevent a jury from reaching a reliable verdict.

FACTS

On the morning of June 3, 2015, the Victim, Jeremiah Wilson is at his home located at [redacted] Clover Circle, Ridgeland, Jasper County, SC. Four juveniles ranging in ages from eleven (11) to seventeen (17) are also present. Mr. Wilson has surveillance cameras surrounding the perimeter of his home. One of these cameras is directed at the front door and shows all who enter and exit the residence. The surveillance footage, later obtained via a search warrant, shows two men approach. These men are later identified as Jarod Bostick and Casey Jones, Jr. Mr. Wilson opens the front door and the three men start talking. Jones, Jr. is seen on his cell phone. Within a couple minutes, Bostick pulls out a gun and points it at Wilson, forcing him inside. Jones, Jr. follows them inside. Shortly thereafter, Casey Jones, Sr. exits the car the three arrived in and hurries inside the home. The video does not have audio.

Two of the juveniles hide in a back closet when the argument begins. The other two are being held face down at gunpoint by Casey Jones, Jr. All of the juveniles report hearing 4-6 shots. After the shooting the three men run out the residence and flee in the white Volkswagen they arrived in.

Jeremiah Wilson is shot six (6) times and dies at the scene. None of the juveniles identify any of the three men. Throughout the investigation, multiple people with knowledge and prior relationships with Jones Jr., Jones, Sr. and Bostick are shown the surveillance footage as well as still photographs taken off the surveillance footage. These individuals positively identify the Defendants as the three men who enter the home.

On July 14, 2015 Casey Jones, Jr. turns himself in. He gives a written statement indicating he was at work during the time of the murder. He does not reference either of the co-defendants in his statement.

On July 20, 2015 Jarrod Bostick turns himself him. He does not give a statement.

On September 11, 2015, US Marshalls locate Casey Jones, Sr. in Raleigh, NC. He is arrested and also, does not give a statement to law enforcement.

On May 3, 2017, Special Agent Katie McCallister with SLED along with Special Agent Richard Johnson of SLED interviewed a Federal Inmate named Tray Graves. Graves gave a statement to the agents and provided them with information he claims he received directly from Casey Jones, Jr. The State does not intend on calling Tray Graves as a witness at trial.

ARGUMENT

The State's interest in trying the defendants jointly rests in increasing judicial economy, reducing the burden on witnesses as well as presenting all of the facts and culpable parties to the jury so that they may reach a most reliable and informed decision. The State should be able to proceed in this manner so long as the defendants' Constitutional rights are not compromised.

Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620 (1968) only applies to those statements, or confessions, that inculpate another defendant in their joint trial. By redacting any portion of the statement inculpating other defendants, the State avoids the potential for Confrontation Clause issues. Furthermore, the Supreme Court in *Richardson v. Marsh* noted that the *Bruton* rule is a narrow one and only applies when a statement implicates a defendant 'on its face,' and does not apply to statements that become incriminating when linked to other properly admitted evidence. *State v. McDonald*, 400 S.C. 272, 734 S.E.2d 167 (S.C. App. 2012) citing *Richardson v. Marsh*, 481 U.S. 200 at 207-208, 107 S.Ct. 1702 (1987).

All cause for possible concern over prejudice to the defendants on trial is avoided through redacting any reference to non-testifying codefendants. Although the State is seeking to admit a statement made by one defendant (Casey Jones, Jr.), it does not contain any reference to the other parties thereby eliminating any possible argument involving violation of the Sixth Amendment right of confrontation and cross-examination.

CONCLUSION

WHEREFORE, for the reasons described herein, the State respectfully requests that the Court grant the State's motion to join in one trial all Defendants charged in the Murder of Jeremiah Wilson.

Respectfully Submitted,

Mary C. Jones

Mary C. Jones
Assistant Solicitor
Fourteenth Judicial Cicuit

820

FILED

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

State of South Carolina,

v.

Casey Jones, Sr.
Jarrod Bostick
Casey Jones, Jr.,

Defendants.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictments: 2015-GS-27-0433; 0434; and 0437
2015-GS-27-0345; 0346; and 0349
2015-GS-27-0333; 0336; and 0337

ORDER GRANTING DENYING DEFENDANTS' MOTION FOR SEVERANCE

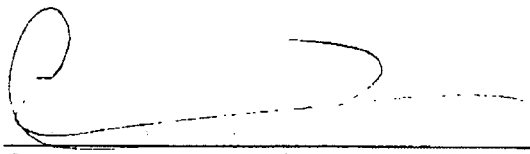
This matter came before upon Defendants Casey Jones, Sr., Jarrod Bostick and Casey Jones, Jr.'s ("Defendants") Motion for Severance on August 25, 2017. Present at the hearing on behalf of the State of South Carolina, Assistant Solicitor Mary Concannon Jones, Defendant Casey Jones, Sr. with Counsel Stephen T. Plexico, Attorney Joshua Koger, Jr. on behalf of Defendant Jarrod Bostick, and Defendant Casey Jones, Jr., along with his attorney, Jared Newman. Defendant Jarrod Bostick was not present.

The charges against Defendants arise from the shooting death of Jeremiah Wilson on June 3, 2015 in Ridgeland, South Carolina. Defendants join in the Motion to Sever on the basis of general prejudice of joint trial and the Defendants Casey Jones, Sr. and Casey Jones, Jr., father and son, potentially having to testify against one another.

After reviewing the relevant case law and considering the arguments of Counsel, the Court finds that the State's interest in trying the Defendants jointly rests in increasing judicial economy, reducing the burden on witnesses as well as presenting all of the facts and culpable parties to the jury so that they may reach a most reliable and informed decision. Further Defendants have not pointed to a specific trial right of a codefendant which would be compromised or that would

prevent a jury from making a reliable judgment about a codefendant's guilt. *State v. Dennis*, 337 S.C. 275, 523 S.E.2d 173 (1999). Therefore Defendants' Motion for Severance is hereby DENIED.

IT IS SO ORDERED.



Carmen T. Mullen, Chief Administrative Judge
Fourteenth Judicial Circuit

September 5, 2017
Ridgeland, South Carolina

822

WITNESSES

Katie McCallister--SLED

ARREST WARRANT NUMBER

2015A2710200190

TRUE BILL TRUE

NO BILL

FOREMAN Wes Rowton

DATE 12/14/15

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 10/26/17

INDICT

DOCKET NO. 2015GS2700346

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

December Term 2015

THE STATE

vs.

Jarod Bostick

Indictment For

Burglary, 1st Degree

SC Code: 16-11-311(A)(1)(a)

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 JASPER)

INDICTMENT
2015GS2700346

At a Court of General Sessions, convened on December 17, 2015, the Grand Jurors of Jasper County present upon their oath:

Burglary

That in Jasper County, South Carolina, on or about June 3, 2014, the Defendant, Jarod Bostick, did enter a dwelling without consent and with intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime was armed with a deadly weapon or explosive, to wit: the Defendant did enter the dwelling of Jeremiah Wilson without consent and while armed with a deadly weapon; all in violation of Section 16-11-311(A)(1)(a), et al. of the Codes of Law of South Carolina.

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

Solicitor

824

WITNESSES

Katie McCallister--SLED

ARREST WARRANT NUMBER

2015A2710200189

TRUE BILL TRUE
NO BILL
FOREMAN Luke Rountree
DATE 12/17/15

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Foreperson of Petit Jury
Date: 10/26/17
INDICT

DOCKET NO. 2015GS2700345

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

December Term 2015

THE STATE

vs.

Jarod Bostick

Indictment For

Murder

SC Code: 16-3-10
CDR Code: 0116

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 JASPER)

INDICTMENT

2015GS2700345

At a Court of General Sessions, convened on December 17, 2015, the Grand Jurors of Jasper County present upon their oath:

Murder

That in Jasper County, South Carolina, on or about June 3, 2014, the Defendant, Jarod Bostick, did, with malice aforethought, kill Jeremiah Wilson and Jeremiah Wilson did die as a proximate result of Jarod Bostick's actions, to wit: by means of shooting him, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

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

Solicitor

826

WITNESSES

Katie McCallister--SLED

DOCKET NO. 2015GS2700349

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

December Term 2015

THE STATE

vs.

Jarod Bostick

Indictment For

Possession of Weapon During Violent Crime

SC Code: 16-23-490

CDR Code: 0549

ARREST WARRANT NUMBER

2015A2710200193

TRUE BILL TRUE

NO BILL

FOREMAN Westbrooke

DATE 12/18/15

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 10/26/17

INDICT

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 JASPER)

INDICTMENT

2015GS2700349

At a Court of General Sessions, convened on December 17, 2015, the Grand Jurors of Jasper County present upon their oath:

Possession of Weapon During Violent Crime

That in Jasper County, South Carolina, on or about June 3, 2015, the Defendant, Jarod Bostick, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: murder and Jarod Bostick was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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

Solicitor

15yrs - MC

828

STATE OF SOUTH CAROLINA)
)
COUNTY OF Jasper)
)
STATE)
vs)
Jarod Bostick)
AKA:)
Race: B Sex: M Age: 28)
[redacted] SS#: [redacted])
Address: [redacted] Highland Rd.)
City, State, Zip: Decatur, GA 30031)
DL# SID#)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-27-0346
A/W#: 2015A2710200190
Date of Offense: 12/13/15
S.C. Code §: 16-11-311(A)(1)(a)
CDR Code #: 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Burglary, 1st degree
In violation of § 16-11-311(A)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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

ATTEST:
Meg C. Jones 100353 Jarod Bostick J.K.J. 7111
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ **State Department of Corrections** ☐ **County Detention Center**, for a determinate term of 15 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____ ; provided that upon the service of _____ days/months/years and or payment of $ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☑ CONSECUTIVE to sentence on: 2015-345 & 349
☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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:		$ 0
§14-1-206 (Assessments 107.5%)		$ 0
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$ 0
§56-5-2995 (DUI Assessment)	$12	$ 0
§56-1-286 (DUI Breath Test)	$25	$ 0
Proviso 61.6 (Public Def/Probation)	$500	$ 0
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$ 0
§50-21-114 (BUI Breath Test Fee)	$50	$ 0
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$ 0
3% to County (if paid in installments)		$ 0
TOTAL		$ 125
		$

Clerk of Court/Deputy Clerk Maryd Bostick
Court Reporter: MONA MARVEY

_____ 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, Proviso 61.6 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [signature]
Judge Code: 2142
Sentence Date 10-27-17

SCCA/217 (07/2016)

30-11R

STATE OF SOUTH CAROLINA)
COUNTY OF Jasper)
STATE) IN THE COURT OF GENERAL SESSIONS
VS. Jarod Bostick)
AKA:)
Race: B Sex: M Age: 25)
[redacted] SS#: [redacted])
[redacted] Highland Rd.)
City, State, Zip: Decatur, GA 30031)
DL# SID#)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2015GS-27-0345
A/W#: 2015A2710200189
Date of Offense: 6/13/15
S.C. Code §: 16-3-10
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Murder
In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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

Mary C. Jones 100353 Jarod Bostick J. [illegible] 7111
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: 2015-346 + 349
☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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:		$ 0
§14-1-206 (Assessments 107.5%)		$ 0
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$ 0
§56-5-2995 (DUI Assessment)	$12	$ 0
§56-1-286 (DUI Breath Test)	$25	$ 0
Proviso 61.6 (Public Def/Probation)	$500	$ 0
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$ 0
§50-21-114 (BUI Breath Test Fee)	$50	$ 0
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$ 0
3% to County (if paid in installments)		$ ____
TOTAL		$ 1250
		$ ____

Clerk of Court/Deputy Clerk Mary Bostick
Court Reporter: MONA HAWLEY

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. Proviso 61.6 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge ____
Judge Code: 2142
Sentence Date 10-27-17

-915-

830

STATE OF SOUTH CAROLINA)
COUNTY OF Jasper)
STATE) IN THE COURT OF GENERAL SESSIONS
vs
Jarod Bostick)
AKA:)
Race: B Sex: M Age: 28)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Highland Ln.)
City, State, Zip: Decatur, GA 30031)
DL# SID#)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2015-GS-27-00349
A/W#: 2015A2710200193
Date of Offense: 6/13/15
S.C. Code §: 16-23-490
CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Possession of a weapon during violent crime
In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549
☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or Lewd Act)
The charge is: ☑ As indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.
ATTEST:
Meg C. Jones 100353 [signature] Zk-J. 7111
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015-345 & 346
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** PTUP ____

Total: $ ____ plus 20% fee: ____ $ ____ ____ days/hours Public Service Employment

Payment Terms: ____ Obtain GED ☐

☐ Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. ____

May serve W/E beginning ____

Recipient: ____ Substance Abuse Counseling ☐

*Fine:		$ 0
§14-1-206 (Assessments 107.5%)		$ 0
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$ 0
§56-5-2995 (DUI Assessment)	$12	$ 0
§56-1-286 (DUI Breath Test)	$25	$ 0
Proviso 61.6 (Public Def/Probation)	$500	$ 0
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$ 0
§50-21-114 (BUI Breath Test Fee)	$50	$ 0
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$ 0
3% to County (if paid in installments)		$
TOTAL		$ 125.00
		$

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. Proviso 61.6 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Mayoll Bostick
Court Reporter: MONA MANGUM
Presiding Judge: [signature]
Judge Code: 2142
Sentence Date: 10-27-17

SCCA/217 (07/2016)

POSTED BY DATE 11/1/17

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 7th day of January, 2019.