

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

RECEIVED

FEB 19 2019

S.C. SUPREME COURT

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARSHELL HILL,

APPELLANT

APPELLATE CASE NO 2016-000868

RECORD ON APPEAL

**KATHRINE H. HUDGINS
Appellate Defender**

**ALAN WILSON
Attorney General**

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

**DAVID SPENCER
Senior Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201**

ATTORNEY FOR APPELLANT

**WILLIAM W. WILKINS, III
Solicitor, Thirteenth Judicial Circuit
305 East North Street
Greenville, SC 29601
(864)467-8282**

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED APRIL 11-13, 2016.....1

PRE-TRIAL MOTIONS.....7

JACKSON V. DENNO HEARING.....8

TESTIMONY

 BRANDON NAPOLITANO

 Direct examination by Solicitor Steinberg.....8

 Cross-examination by Ms. Johnson.....15

 Redirect examination by Ms. Johnson.....19

 Recross examination by Ms. Johnson.....20

 MICHAEL DOWNEY

 Direct examination by Solicitor Steinberg.....22

 Cross-examination by Ms. Johnson.....28

 MICHAEL FORTNER

 Direct examination by Solicitor Steinberg.....36

 Cross-examination by Ms. Wicker58

 MARSHELL HILL

 Direct examination by Ms. Wicker.....71

 Cross-examination by Solicitor Steinberg78

 MICHAEL FORTNER

 Direct examination by Solicitor Steinberg.....94

 Cross-examination by Ms. Wicker97

 ANTONIO BAILEY

 Direct examination by Solicitor Steinberg.....104

 Cross-examination by Ms. Johnson.....115

 Redirect examination by Solicitor Steinberg128

 Recross examination by Ms. Wicker132

 MARSHELL HILL

 Direct examination by Solicitor Steinberg.....133

 Cross-examination by Solicitor Steinberg137

 Redirect examination by Ms. Wicker145

DEFENSE MOTION TO SUPRESS.....147

TESTIMONY

JEFF FOWLER

Direct examination by Solicitor Steinberg.....166

MICHAEL ELLIS

Direct examination by Solicitor Steinberg.....169

OPENING STATEMENT BY SOLICITOR HOWARD STEINBERG.....174

OPENING STATEMENT BY MS. WICKER.....177

TESTIMONY

MICHAEL BARKSDALE

Direct examination by Solicitor Steinberg.....179

Cross-examination by Ms. Johnson.....191

Redirect examination by Solicitor Steinberg.....197

JEFF FOWLER

Direct examination by Solicitor Steinberg.....199

Cross-examination by Ms. Wicker.....203

MICHAEL ELLIS

Direct examination by Solicitor Steinberg.....204

Cross-examination by Ms. Wicker.....207

BRANDON POLITANO

Direct examination by Solicitor Steinberg.....208

Cross-examination by Ms. Johnson.....215

MICHAEL DOWNEY

Direct examination by Solicitor Steinberg.....217

Cross-examination by Ms. Johnson.....222

JONATHON HAMILTON

Direct examination by Solicitor Steinberg.....226

Cross-examination by Ms. Wicker.....263

JAMES FULCHER

Direct examination by Solicitor Steinberg.....273

Cross-examination by Ms. Wicker.....305

ANTONIO BAILEY	
Direct examination by Solicitor Steinberg.....	308
Cross-examination by Ms. Johnson	345
MICHAEL FORTNER	
Direct examination by Solicitor Steinberg.....	347
Cross-examination by Ms. Wicker	378
Redirect examination by Solicitor Steinberg	381
MARSHELL HILL	
Direct examination by Ms. Wicker.....	402
Cross-examination by Solicitor Steinberg	412
Redirect examination by Ms. Wicker	430
DEFENSE MOTION FOR DIRECTED VERDICT	387
EXAMINATION OF DEFENDANT	396
CLOSING ARGUMENT BY MS. WICKER	443
CLOSING ARGUMENT BY SOLICITOR HOWARD STEINBERG	454
CHARGE BY THE COURT	475
VERDICT	509
SENTENCING	519
STATE'S EXHIBIT NO. 1 (WAIVER OF RIGHTS).....	521
STATE'S EXHIBIT NO. 3 (VICTIM/ WITNESS STATEMENT).....	522
INDICTMENT	524
SENTENCING SHEET	526
CERTIFICATE OF COUNSEL	527

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 81- (Videotape of Appellant's Statement)

State of South Carolina v. Marshall Hill

538

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 (COURT IN RECESS)

2 (NOTIFIED OF JURY QUESTION AT 2:21 P.M.)

3 (DEFENDANT PRESENT)

4 THE COURT: We have a question.

5 (SO MARKED AS COURT'S EXHIBIT 3)

6 THE COURT: All right. The
7 questions are:

8 Number one, does a not guilty
9 verdict have to mean self-defense;

10 Two, what time was 9-1-1 called;

11 Three, what was time of death;

12 Four, blood on porch and door jamb,
13 was it tested;

14 Five, what was results?

15 I don't believe -- let's address
16 two, three, four, and five first. I don't --
17 and again, I don't -- of course, I cannot
18 respond to the question. They can listen to
19 any portion of the testimony they wish -- but
20 I don't believe there actually was any
21 information when 9-1-1 was called, or was
22 there?

23 MS. WICKER: I don't recall.

24 SOLICITOR STEINBERG: There wasn't
25 pinpoint. There was between 11:50 -- well

State of South Carolina v. Marshall Hill

539

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 between 11:00 and 12:00. There was not a
2 particular time.

3 THE COURT: And time of death, I
4 don't believe anybody really determined that.

5 Blood on porch and door jamb, I
6 don't think there's any evidence ---

7 MS. WICKER: Seems one of the
8 offices talked a little bit about collecting
9 the samples of the blood.

10 SOLICITOR STEINBERG: And the time
11 of death, Dr. Fulcher did mention that but he
12 didn't give a particular, he just gave a
13 range.

14 SOLICITOR STEINBERG: Your Honor,
15 Jonathan Hamilton did testify there was blood
16 on the door.

17 THE COURT: Right. But I don't
18 think there was any -- was there a question,
19 was it tested?

20 SOLICITOR STEINBERG: It was tested
21 as blood on the door. He said with
22 phenolphthalein solution, I think.

23 THE COURT: Number one, does not
24 guilty verdict have to mean self-defense?
25 I'm a little bit hesitant about -- I almost

State of South Carolina v. Marshall Hill

540

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 need to read the -- maybe recharge them a
2 little portion of it.

3 I think on one, I almost need to
4 bring them back in and recharge them on the
5 portion where I said -- when I went over the
6 verdict form and said that if you find the
7 State has met their burden as charged you
8 must find him guilty of murder and if they
9 have not met their burden, then you must
10 consider whether they're guilty of voluntary
11 manslaughter and felt they met their burden
12 there. And then the not guilty if they did
13 not meet their burden or met the burden on
14 self-defense, if you find self-defense.

15 SOLICITOR STEINBERG: Yes, sir.

16 THE COURT: I mean, don't y'all
17 agree? I mean ---

18 MS. WICKER: Yes, sir. I think
19 that's what they're asking.

20 THE COURT: Yeah. I think just
21 kind of review that portion of the verdict.
22 And then respond to them on the questions two
23 through five that we cannot respond to
24 specific questions because they must base
25 their decision on the information, on the

State of South Carolina v. Marshall Hill

541

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 evidence presented as they recall it. If
2 they need any particular portions of
3 testimony played of any witnesses then we can
4 allow them to come back in the courtroom and
5 play that testimony.

6 SOLICITOR STEINBERG: Yes, sir.

7 MS. WICKER: Yes, sir.

8 THE COURT: All right. Does
9 anybody want to read this, by the way, just
10 to ---

11 SOLICITOR STEINBERG: No, sir.

12 THE COURT: Any exception to me
13 responding that way?

14 SOLICITOR STEINBERG: No, sir.

15 THE COURT: All right.

16 MS. WICKER: Nothing from the
17 Defense, Your Honor.

18 THE COURT: If the jury is ready,
19 ask them to -- we need to bring them in for
20 further instructions.

21 (JURY IN AT 2:21 P.M.)

22 THE COURT: All right. Ladies and
23 gentlemen, I hope everybody had a good lunch.
24 And now you have sent forth, Madam Forelady,
25 you've sent a list of questions. And I

State of South Carolina v. Marshall Hill

542

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 thought it probably best if we just brought
2 you back in here and kind of went over those
3 questions I think would be the easiest way.

4 Your first question, does not guilty
5 verdict have to mean self-defense? It think
6 in order to respond to that I'm going to kind
7 of go back through what I told you when I was
8 going through the verdict form. I think that
9 should answer your question.

10 First, there's three choices that you
11 have to choose. One is if you felt that the
12 State has met its burden on the charge of
13 murder beyond a reasonable doubt, then that
14 is your selection.

15 If you find that they did not meet their
16 burden on murder but you find that they have
17 met the burden beyond a reasonable doubt as
18 to voluntary manslaughter, then that would be
19 your selection.

20 If you find that the State has not met
21 its burden of proof beyond a reasonable doubt
22 or that self-defense applies, then that would
23 -- then you would select Not Guilty.

24 So those are the three choices there in
25 the burden required for that. The second

State of South Carolina v. Marshall Hill

543

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 through five, I'm going to read them because
2 my response, all of it's going to be the
3 same.

4 The second question, what time was 9-1-1
5 called?

6 Third question was, what was time of
7 death?

8 Fourth, blood on porch and door jamb, was
9 it tested?

10 Five, what was results?

11 First of all, your decision must be based
12 on the evidence that has been presented. No
13 additional evidence can be presented at the
14 close of the case. So, you know, whether
15 that information was presented or not has to
16 be, you know, how you recall. And so if it
17 was information that was not presented, then
18 we cannot give you additional information at
19 this time. So you have to base your decision
20 on how you recall the evidence that was
21 presented.

22 But if you feel like there is a specific
23 portion of testimony that needs to be
24 reheard, then we can replay portions of
25 testimony again. But I can't indicate

State of South Carolina v. Marshall Hill

544

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 whether that information was provided or
2 answer the question specifically or give you
3 additional information. So I hope that
4 doesn't cloud things up.

5 So that specifically responds to your
6 questions, I think. And at this time, I'm
7 going to ask that you go back and you have
8 some additional follow-up, then send me
9 another note and we can address those. All
10 right.

11 (JURY OUT AT 2:25 P.M.)

12 THE COURT: All right. Any
13 exception to my additional charge from the
14 State?

15 SOLICITOR STEINBERG: No, sir, Your
16 Honor.

17 THE COURT: Anything from the
18 Defense?

19 MS. WICKER: No, sir.

20 THE COURT: All right. We'll be
21 at-ease. I have a feeling we may have
22 another question, though. I'm not sure.

23 I'm not sure they're really going to
24 be able to find those answers with any
25 definiteness.

State of South Carolina v. Marshall Hill

545

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

Charge by The Court

1 (COURT IN RECESS)

2 (JURY NOTIFICATION AT 5:00 P.M.)

3 (DEFENDANT PRESENT)

4 THE COURT: All right. It's my
5 understanding that we have a verdict. Before
6 I bring the jury out, I want to remind
7 everybody to keep their composure regardless
8 of the verdict. So if the jury is ready
9 bring them in.

10 BAILIFF: You ready, sir?

11 THE COURT: Yes. Anything before
12 we bring the jury in from the State?

13 SOLICITOR STEINBERG: No, sir, Your
14 Honor.

15 THE COURT: From the Defense?

16 MS. WICKER: No, sir.

17 THE COURT: All right.

18 (JURY IN AT 5:07 P.M.)

19 THE COURT: All right. Madam
20 Forelady, it's my understanding you've
21 reached a verdict?

22 MADAM FORELADY: Yes, sir. We have.

23 THE COURT: All right. If you
24 would hand the verdict to the bailiff.

25 MADAM FORELADY: (Tenders).

State of South Carolina v. Marshall Hill

546

Case No. 14-GS-23-2209
Jury Trial of April 11-13, 2016
Charge by The Court

1

2

BAILIFF: (Tenders verdict form to the
judge)

3

4

5

6

THE COURT: (Upon review), it's
not quite in correct form. I see what you
did. But the box has to be checked.

7

MADAM FORELADY: Okay.

8

9

10

11

12

THE COURT: I'll let you do it. I
can see what you did and I'll explain that to
the parties. It's my understanding you put
the number of votes, I guess, in there, the
votes that were taken?

13

MADAM FORELADY: Yes, sir.

14

15

THE COURT: All right. You may
publish the verdict.

16

17

18

19

20

21

22

23

CLERK Your Honor, this is case
number 2014-GS-23-2209. As to the indictment
number, the charge of murder, (reading):
"We, the jury, find the Defendant Marshall
Hill guilty of voluntary manslaughter. I
certify that this is a unanimous decision of
the jury." Signed Carrie Johnson,
Foreperson.

24

25

If this is the verdict you reached
in the jury room and continues to be your

State of South Carolina v. Marshall Hill

547

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 verdict now, please raise your right hand.

2 JURORS: (Unanimous affirmative
3 response).

4 CLERK Thank you.

5 THE COURT: All right. And Madam
6 Forelady, just to make this, just to clarify
7 for the record, the jury verdict form that
8 was presented originally, you had indicated
9 in the box next to voluntary manslaughter,
10 you had put the number twelve, but then when
11 I gave it back to you, you checked that was
12 the selection.

13 MADAM FORELADY: Yes, sir.

14 THE COURT: All right. And when I
15 gave it back to you, you added the check?

16 MADAM FORELADY: Yes, sir.

17 THE COURT: All right. And that
18 was the one that you meant to check. Is that
19 correct?

20 MADAM FORELADY: That's correct.

21 THE COURT: All right. Anything
22 else from the jury with that additional
23 information. If y'all would like to review
24 the forms in light of a little bit of a quirk
25 there.

State of South Carolina v. Marshall Hill

548

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 SOLICITOR STEINBERG: No, Your
2 Honor. The State appreciates the jury's
3 service.

4 THE COURT: All right. Anything
5 else. I've got your motions. But do y'all
6 have anything before we release the jury?

7 MS. JOHNSON: Judge, I would just
8 request the jury to be polled.

9 THE COURT: All right.

10 CLERK Ladies and gentlemen, the
11 verdict that I have just published was the
12 verdict that you reached in the jury room. I
13 ask you was it your verdict then and is it
14 your verdict now.

15 As I call your names, please answer
16 yes or no.

17 Starting with the foreperson, Carrie
18 Johnson?

19 JUROR NUMBER 243: Yes.

20 CLERK: Thank you. Karen Smith?

21 JUROR NUMBER 193: Yes.

22 CLERK: Thank you. Jacqueline
23 Shaw.

24 JUROR NUMBER 184: Yes.

25 CLERK: Thank you. James Soenke?

State of South Carolina v. Marshall Hill

549

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 JUROR NUMBER 201: Yes.

2 CLERK: Simone Beach?

3 JUROR NUMBER 11: Yes.

4 CLERK: Mark Holcombe?

5 JUROR NUMBER 84: Yes.

6 CLERK: Amy Schiera?

7 JUROR NUMBER 178: Yes.

8 CLERK: Thank you. Patricia Smith?

9 JUROR NUMBER 196: Yes.

10 CLERK: Thank you. John Wood?

11 JUROR NUMBER 232: Yes.

12 CLERK: Thank you. Tabitha Bowens?

13 JUROR NUMBER 16: Yes.

14 CLERK: Thank you. Jay Broering?

15 JUROR NUMBER 20: Yes.

16 CLERK: Thank you. And John Reed?

17 JUROR NUMBER 174: Yes.

18 CLERK: Thank you.

19 THE COURT: All right. Anything

20 further from the Defendant before we release

21 the jury?

22 MS. JOHNSON: No, Your Honor.

23 THE COURT: All right. Ladies and

24 gentlemen, I do appreciate your service and I

25 realize this was a long afternoon for y'all

State of South Carolina v. Marshall Hill

550

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 and I appreciate your being careful
2 deliberation and your very careful attention
3 throughout this trial.

4 This does conclude this jury service not
5 only for this case but for the week. So you
6 don't have to come back you don't have to
7 call or anything like that so I think you've
8 earned the rest of the week off.

9 So at this time I'm going to ask that you
10 return to the jury room. The Foreperson will
11 need to see the clerk about signing the form.
12 And I'll be glad to step back there in a few
13 minutes and answer any questions that y'all
14 have or anything like that. Of course, you
15 don't have to but I know sometimes people do.
16 But I really do appreciate your service and
17 we just can't thank you enough on that. But
18 at this time you can return to the jury room.

19 (JURY DISMISSED)

20 THE COURT: All right. Do you
21 have everything ready, Mr. Steinberg?

22 SOLICITOR STEINBERG: Yes, Your
23 Honor.

24 THE COURT: Are y'all ready to
25 proceed?

State of South Carolina v. Marshall Hill

551

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 MS. WICKER: Yes, sir, Your Honor.
2 Just for the record we would renew all of our
3 prior ---

4 THE COURT: Okay. Yeah. I'm
5 sorry. Yeah. All right. I'll be glad to
6 hear from you regarding any Motion?

7 MS. WICKER: Your Honor, just for
8 the record we would renew all of our prior
9 Motions and objections in this case.

10 THE COURT: All right. And I
11 believe that everything was properly before
12 the jury and I will deny your Motions as
13 indicated before. Anything else? Anything
14 further before sentencing?

15 SOLICITOR STEINBERG: Not from the
16 State, sir.

17 THE COURT: All right. I'll be
18 glad to hear from you and then I'll hear from
19 ---

20 SOLICITOR STEINBERG: Thank you,
21 Your Honor. The State thinks you've heard
22 everything. I just want you to know that
23 from our research and our investigation into
24 the victim, Billy Patterson, he was a good
25 guy. He did not have a lot of problems. You

State of South Carolina v. Marshall Hill

552

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 heard, did not have any enemies in the
2 neighborhood.

3 I want to give you the Defendant's prior
4 record and then the victim's family would
5 like to speak, particularly his sister would
6 like to speak on a pretty important issue.
7 Billy's mother was still alive when he
8 passed. She was not able to see the body
9 because of the condition. And I do want his
10 sister to testify.

11 THE COURT: All right. And I'll
12 be glad to hear from you in just a few
13 minutes, ma'am.

14 SOLICITOR STEINBERG: His prior
15 consists of a 1989 attempted possession of
16 crack cocaine. A few driving charges, a DUI,
17 a violation of probation from 1990. False
18 name. He had some more relatively minor
19 charges. A lot of driving charges. A public
20 drunk charge.

21 He has a charge that, Your Honor, caused
22 concern when I first discovered it. He has a
23 2012 CDV that also involves hitting someone
24 and saying they messed -- while drinking,
25 "they were messing with my TV." Those were

1 his words, "they were messing with my TV." I
2 decided not to bring that out. We were going
3 to try to bring that out during the trial
4 itself. I informed opposing counsel I would
5 give this information to the Court. He also
6 has a DUS in 2011 and just a bench warrant
7 from that case that Your Honor heard about
8 earlier.

9 And, Your Honor, Ms. Nalley would
10 like now to speak.

11 MARIAN NALLEY: This happened to my
12 brother. We wee told by somebody that mama
13 could not come to the hospital to view my
14 brother's body because it was just in too bad
15 a shape. I took that as hearsay and I,
16 myself, called the crematory when his body
17 was taken there. I asked the funeral
18 director could I please bring my mama,
19 because she's lost three other children
20 before this one. I said, 'can I please bring
21 my mama just so she can say goodbye to him?'
22 And he told me absolutely not. He said that
23 whenever the last time my mama saw my
24 brother, that was the memory she needed to
25 keep of him because he was in no condition

State of South Carolina v. Marshall Hill

554

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

VERDICT

1 for her to see him, that he was beat beyond
2 recognition. I'll never forget those words.
3 And I thanked him for that and we told mama
4 that. And that's why I'm here. Is because I
5 just want -- Mr. Hill can still see his
6 brother (sic). My mama never even got to say
7 goodbye. She never got to look at Billy and
8 say 'goodbye Billy.' And I just would hope
9 that the Court would take that into some
10 consideration. Thank you.

11 THE COURT: All right. And thank
12 you for coming. And what was your name
13 again?

14 MARIAN NALLEY: Marian Nalley, I'm
15 sorry.

16 THE COURT: No, that's fine. No,
17 no, listen, I know this is a very traumatic
18 situation for you and I appreciate your being
19 here and I'm very sorry for your loss and
20 your family.

21 SOLICITOR STEINBERG: Thank you,
22 Your Honor. And Mr. Robert Patterson is also
23 here. I don't think he wants to speak, but
24 he is the brother of Billy Patterson.

25 THE COURT: Okay.

State of South Carolina v. Marshall Hill

555

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

SENTENCE

1 MARIAN NALLEY: He says he don't.

2 SOLICITOR STEINBERG: Yes, ma'am.

3 THE COURT: All right. Anyone
4 have anything else?

5 SOLICITOR STEINBERG: No, sir, Your
6 Honor.

7 THE COURT: All right. I'll be
8 glad to hear from y'all?

9 MS. WICKER: Thank you, Your Honor.
10 May it please the Court. Your Honor, I won't
11 belabor the issues. We felt we had some good
12 issues for trial, Your Honor. You've heard a
13 bit about Mr. Hill's background. He worked
14 for a long time at the same job until his
15 disability took over. He does have a loving
16 mother and cousin, supportive family. Your
17 Honor, we would just respectfully request
18 that you consider his age and his disability
19 in sentencing, Your Honor.

20 THE COURT: Mr. Hill anything you
21 want to tell me? You don't have to.

22 DEFENDANT: I'm just sorry it
23 happened. Truly sorry.

24 THE COURT: Yeah, listening to
25 that autopsy report, that was some pretty

State of South Carolina v. Marshall Hill

556

Case No. 14-GS-23-2209

Jury Trial of April 11-13, 2016

SENTENCE

1 severe beating.

2 The sentence of the court is twenty-
3 two (22) years confinement in the State
4 Department of Corrections.

5 SOLICITOR STEINBERG: Thank you,
6 Your Honor.

7 (TRANSCRIPT CONCLUDED).
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MARSHALL HIEL
[REDACTED] 3RD ST (JUDSON)
GREENVILLE, SC 29601
[REDACTED]-54

Case Number: 13-12(5245)

[REDACTED]
PARKER HIGH SCHOOL
GRAD 1973

YOUR RIGHTS

Sheriff's Office

Greenville, S.C.

Date 08-15-13

Time AS 1727 HOURS

mit Before we ask you any questions, you must understand your rights.

mit You have the right to remain silent.

mit Anything you say can be used against you in court.

mit You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

mit If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.

mit 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.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. 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.

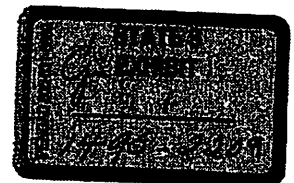
mit

Signed _____

Witness Michael E. [Signature]

Witness _____

Time 1804



Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 13-126451

Date 8/15/13 1527 HOURS

I, MARSHELL HILL (redacted-54) (redacted), do hereby give freely and voluntarily this statement to MICHAEL E. FORTNER and (redacted) who have identified themselves to me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 58 years old and I reside at (redacted) BRD ST (JUDSON) GREENVILLE, SC 29611 (C) (redacted) (C) (redacted)

I HAVE KNOWN BILLY FOR ABOUT FIVE OR SIX YEARS. I THINK BILLY STAYS IN ONE OF THE EMPTY HOUSES ON 5TH ST. TUESDAY MORNING I GOT INTO MY TEA. BY THAT I MEAN MY DRINKING. I STARTED AROUND 11:00, 11:30, MAYBE 12:00 NOON. I THEN LIT ONE UP, BY THAT I MEAN I SMOKED SOME MARIJUANA. I LAID BACK AND LOOKED CRAZY. I SAT UP UNDER THE AIR CONDITIONER. IT WAS ABOUT 6:00 PM OR MAYBE A LITTLE LATER WHEN BILLY SHOWED UP. I DID NOT NOTICE ANY INJURIES THAT HE HAD. HE HAD A BEER IN HIS HAND, I THINK IT WAS A MILLER. HE WAS SITTING OUT IN THE FRONT YARD. HE WAS SITTING OUT BY THE WHITE OLDSMOBILE. I WENT UP TO A FRIEND OF MINE'S HOUSE. I CALL HIM "POOH". I WENT BACK TO MY HOUSE RIGHT AT DARK AND I ASKED BILLY INTO THE HOUSE. HE CAME ON IN AND I GAVE HIM ONE SHOT OF TACO VODKA BLUE TOP. I THEN GAVE HIM ANOTHER ONE. WE SAT BACK AND WATCHED A LITTLE TV. I ASKED HIM WHAT WAS UP. HE TOLD ME THAT HE COULDN'T MOVE. HE WAS SITTING IN A CHAIR. I WENT TO THE BATHROOM AND CAME BACK AND BILLY HAD SLID DOWN OUT OF THE CHAIR. I ASKED HIM WHAT WAS WRONG AND AGAIN HE SAID HE COULDN'T MOVE. HE DIDN'T SAY WHY HE COULDN'T MOVE. I TOLD HIM TO JUST LAY DOWN ON THE FLOOR. HE STAYED THERE FOR ABOUT A COUPLE OF HOURS. RIGHT AFTER BARKSDALE GOT HOME WHICH WAS AT ABOUT 11:00 PM. WHEN BARKSDALE GOT HOME BILLY WAS STILL ON THE FLOOR. AFTER BARKSDALE GOT HOME I GOT UP AND WENT OUT TO THE LIVING ROOM. BARKSDALE SAID TO LET BILLY SLEEP IT OFF. BILLY GOT UP AND SAID THAT HE WAS GOING TO TRY AND LEAVE. AT THIS TIME BARKSDALE HAD GONE TO HIS ROOM. AT SOME POINT BILLY GOT UP AND STARTED MOVING AROUND. BILLY SAID HE WAS GOING TO LEAVE AND HE WENT OUT THE FRONT DOOR. HE WAS HOLDING ONTO THE SCREEN DOOR AND FELL, AND HE AND THE DOOR WENT TO THE GROUND. I WENT OUTSIDE TO BILLY AND HELPED HIM UP. I GOT BILLY ALL THE WAY BACK UP THE STAIRS ALL THE WAY BACK TO THE DOOR WAY. BARKSDALE HELPED ME GET HIM TO THE DOOR. I AM PRETTY SURE OF THAT. WE GOT HIM INSIDE AND CLOSED THE DOOR. BILLY LAID BACK DOWN AGAIN. HE LAID THERE MAYBE A COUPLE OF HOURS AND BILLY LOOKED AT ME AND SAID BYE AND STATED ON DOWN THE STREET TOWARDS THE EMPTY LOT BESIDE MY HOUSE. I LET HIM GO THIS TIME. I WENT ON BACK IN THE HOUSE.

I have read the above statement of 1 OF 2 pages and it is true and correct as best as I recall.

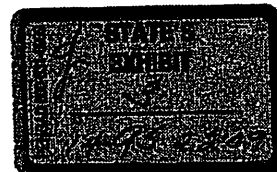
WITNESS:

I have received a copy of this statement.

Sworn before me this _____ day of _____

NOTARY PUBLIC FOR SOUTH CAROLINA

OF



Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 13-126451

Date 8/15/13 1527 HOURS

I, MARSHELL HILL [REDACTED]-54 [REDACTED], do hereby give freely and voluntarily this statement to MICHAEL E. FORTNER and [REDACTED] who have identified themselves to me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 58 years old and I reside at [REDACTED] 3RD ST (JUDSON) GREENVILLE, SC 29611 (C) [REDACTED] (C) [REDACTED]

ABOUT A COUPLE OF HOURS LATER I HEARD MY DOG BARKING. THIS WAS AT ABOUT 1:00 AM. IT WAS AFTER BARKSDALE HAD BEEN HOME FOR A COUPLE OF HOURS. I WENT OUTSIDE TO SEE WHY AND I SAW BILLY AND HE WAS RIGHT THERE IN THE CORNER BY THE AIR CONDITIONER ON THE BACKSIDE OF MY HOUSE. HE WAS SITTING ON THE GROUND. HE WAS MUMBLING SOMETHING, SO I ASKED HIM IT THEY HAD BOARDED UP THAT HOUSE AGAIN. HE REALLY DIDNT SAY ANYTHING, SO I ASKED HIM IF HE WAS GOING TO BE ALL RIGHT AND HE MUMBLED SOMETHING BACK. I LEFT HIM OUT THERE AND WENT BACK INSIDE.

I WENT BACK OUTSIDE AROUND 9:00 OR 10:00 AM AND BILLY WAS STILL THERE LEANING UP AGAINST THE HOUSE. THAT WAS THE FIRST TIME I HAD SEEN THE INJURIES THAT BILLY HAD. MOSTLY I SEEN THAT HE HAD A BIG CHERRY ON ONE OF HIS EYES. I NOTICED HE HAD SOME BLACK AND BLUE MARKS ON HIS BACK. HE HAD ON A BLACK SHIRT THAT WAS TORE UP. BILLY TOOK THE SHIRT OFF AND I GAVE HIM A WHITE SHIRT TO PUT ON. HE ASKED FOR SOME WATER AND I GOT HIM A JAR OF WATER. I WENT BACK INTO THE HOUSE. I WENT BACK OUTSIDE AT ABOUT 11:00 AM OR 12:00 NOON. IT MAY HAVE BEEN A LITTLE EARLIER. HE DRUNK THE WATER. I HAD FILLED THE JAR UP FULL WITH THE WATER. I WENT BACK INTO THE HOUSE AND BILLY WAS STILL OUTSIDE. I WENT BACK OUT ABOUT TWO HOURS LATER AND HE HAD DRUNK MOST OF THE WATER. IT WAS MAYBE 8:00 AM OR 9:00 AM. I PUSHED HIM AND HE DIDNT MOVE AND I THEN FELT FOR A PULSE. I DIDNT FEEL ONE, SO I WENT INSIDE THE HOUSE AND GOT BARKSDALE. HE CALLED 911 AND HE STARTED CPR. THE FIRST PEOPLE THAT SHOW UP WAS EMS AND THEY STARTED WHAT THEY DO. ONE OF THE OFFICERS SHOWED UP AND THEY SEPARATED ME AND BARKSDALE.

I have read the above statement of 2 OF 2 pages and it is true and correct as best as I recall.

WITNESS: I have received a copy of this statement.

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA



WITNESSES

Michael Fortner *[Signature]*
Greenville County Sheriffs Office

8/15/2013

ARREST WARRANT NUMBER
2013A2330208942

ACTION OF GRAND JURY
TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty of Voluntary Manslaughter

[Signature]
Foreperson of Petit Jury

Date: 4/13/2016

DOCKET NO. 2014-GS-23-^{HLS} 002209

The State of South Carolina
County of Greenville

COURT OF GENERAL SESSIONS

March TERM 2014

THE STATE

vs.

MARSHELL HILL

Indictment for

0116

MURDER

VIOLATION §16-03-0010

ENTERED
ACCT. *[Signature]*

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER

MAR 18 2014

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That MARSHELL HILL did in Greenville County, on or about the 14th day of August 2013, unlawfully and with malice aforethought kill BILLY PATTERSON by physically assaulting him, and that BILLY PATTERSON died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

526
STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Marshall Hill

AKA: _____

Race: BLACK Sex: M Age: 61

1954 SS#: _____

Address: 3Rd St

City, State, Zip: Greenville, SC 29611-5465

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Voluntary manslaughter

1410241
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2302209

A/W#: 2013A2330206942

Date of Offense: 8/14/2013

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-3-50 of the S.C. Code of Laws, bearing CDR Code # 0217
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

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

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

ATTEST: HW His 14082
Steinberg, Howard 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 22 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

- CONCURRENT or CONSECUTIVE to sentence on:
- The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
- The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: _____ \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>2500</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>500</u>
3% to County (if paid in installments)		\$ <u>300</u>
TOTAL		\$ <u>1350</u>

PTUP _____
_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

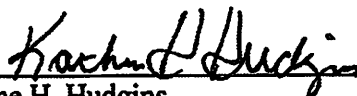
Clerk of Court/ Deputy Clerk Paul B. Williams
Court Reporter: Lawson

Presiding Judge Paul H. Moody
Judge Code: 2755
Sentence Date: 4-13-2016

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 8th day of August, 2017.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARSHELL HILL,

APPELLANT

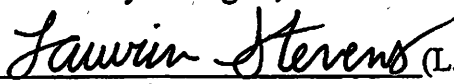
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon David Spencer, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 8th day of August, 2017.



Scott Leverett
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 8th day of August, 2017.

 (L.S.)
Notary Public for South Carolina

My Commission Expires July 5, 2027