

VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECORDED

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APPEAL FROM GREENVILLE COUNTY

Edward W. Miller, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

ROBERT MONDRIQUES JONES,

APPELLANT

Appellate Case No. 2011-186367

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

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

Attorney for Appellant

BRENDAN J. MCDONALD
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

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W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit
Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185
(864) 467-8282

Attorneys for Respondent

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

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1 always be pertaining to the right side with a version
2 of red. Now it doesn't necessarily have to be a
3 certain color of red. We've seen it light as pink
4 and as dark as a maroon color depending on the
5 various different sets.

6 Q What is the set of Nine Trey Gangstas?

7 A Nine Trey Gangstas is one of the original UBN, United
8 Blood Nations, sets that was originally formed out of
9 Rikers Island. And it does -- it -- that is one of
10 our largest of the two UBN sets in the Upstate.

11 Q Would it be unusual for someone to say that they are
12 no longer a member but are actually still involved?

13 A I don't really know how you can still be involved and
14 not a member anymore. It's kind of one of those
15 things it's a Blood in, Blood out mentality. Once
16 you're in you're going to put in the work until it
17 comes a time where you gained enough rank and respect
18 that you don't have to. The guys underneath you are
19 going to be putting in the work for you. But you're
20 never going to become a gang member and then quit
21 being a gang member but still live the gang
22 lifestyle. It simply doesn't exist.

23 MR. MARCHANT: Thank you, Mr. Brown, please
24 answer any questions Mr. Cooke may have.

25 THE WITNESS: Yes, sir.

1 MR. COOKE: I don't have any.

2 THE COURT: All right, thank you, sir, you can
3 step down.

4 MR. MARCHANT: That's all the State has on
5 reply.

6 THE COURT: All right, Mr. Foreman, ladies and
7 gentlemen of the jury, this is another time I need to
8 discuss matters with the attorneys but we'll be back with
9 you very shortly. So, if you would, excuse yourselves to
10 the jury room and don't talk about the case yet. Thank
11 you.

12 (WHEREUPON, the jury left open court at
13 approximately 2:40 p.m.).

14 THE COURT: All right, y'all got any requests to
15 charge? Well first, any motions to be made?

16 MR. COOKE: Renew my motion for a directed
17 verdict, Judge.

18 THE COURT: Okay, same ruling.

19 MR. COOKE: Of course, I'd ask, Your Honor, to
20 charge self-defense.

21 THE COURT: Well anything else?

22 MR. COOKE: I don't know the part of your charge
23 would be the testimony, I think, clearly shows that there
24 had been some prior difficulties between the parties and
25 physical abuse by the victim. Also the fact that he had

1 been seen with a gun. My client knew he had a gun before.
2 I think there is case law that says that you don't
3 necessarily have to react commonly in a case like that.
4 Your response time can be excused to be quick because you
5 know the fella is dangerous and treat him differently than
6 the average guy on the street, Your Honor. I don't know
7 what's in your charge on self-defense.

8 THE COURT: The law.

9 MR. COOKE: I thank you so much. But I assume
10 that you have all of that in your charge.

11 THE COURT: Yeah, I'm not entirely convinced
12 that he's entitled to charge on self-defense, Mr. Cooke.

13 I mean, what's your position, Mr. Marchant?

14 MR. MARCHANT: Judge, I would agree with the
15 Court that he's not entitled to it.

16 THE COURT: I haven't said that. I'm not
17 entirely convinced.

18 MR. MARCHANT: Just saying nor am I, Your Honor.

19 THE COURT: Okay.

20 MR. MARCHANT: But I would oppose the charge of
21 self-defense and that, His Honor, charge his standard
22 charge for the four charges that Mr. Jones has been
23 indicted and is on trial for today.

24 THE COURT: Mr. Cooke, how do you deal with the
25 duty to retreat?

1 MR. COOKE: I think the testimony was my client
2 was getting ready to retreat, Judge, and he was
3 approached -- he was in his car and he was approached by
4 the Defendant (sic) who took off his t-shirt and mentioned
5 he was -- if you want to talk guns, we'll talk guns. And
6 went up to get under the seat of his car. And when the
7 young lady got between them, my client claims that he saw
8 a gun. My client reacted.

9 THE COURT: We'll talk guns. I'm not sure I
10 remember that.

11 MR. COOKE: Not only that, it's in his
12 statement, Your Honor, that...

13 THE COURT: Well his statement is not evidence.

14 MR. COOKE: I understand that. But I think he
15 testified that the man said, If you want guns, we can talk
16 guns. I'll have to go back and listen to it.

17 THE COURT: Well you were asking him about the
18 day of the offense. And you said that he -- your client
19 testified that he had taken a gun out of his grandfather's
20 closet because of he said, Vincent's prior threats. And
21 that Vincent had talked about gun play. I don't remember
22 specifically when he said that talk about gun play. It
23 was prior to the day of the offense.

24 MR. COOKE: No, sir, there was also testimony
25 there at the scene. I believe you will find that he said

1 that the Defendant (sic) mentioned guns and went up
2 under -- turned to go up under the seat of his car.

3 THE COURT: Well yeah, he said -- your client
4 did testify to that. So what about the duty to retreat?

5 MR. COOKE: Well, of course, my client testified
6 that he -- everything happened so fast that the young lady
7 and the child was out there and he was concerned with
8 their safety.

9 THE COURT: Wait a minute, Ms. Hamby had that
10 child.

11 MR. COOKE: Well it turns out she handed the
12 child to my client after it all happened.

13 THE COURT: Right.

14 MR. COOKE: And they left.

15 THE COURT: Ms. Hamby had the child.

16 MR. COOKE: Well there was--

17 THE COURT: -- who was out there.

18 MR. COOKE: But that child was out in the yard.
19 But what I'm saying is my client said that he was afraid,
20 not only for himself, but afraid what he might do to
21 Crystal. It's his state of mind, not necessarily
22 Crystal's state of mind that she didn't feel threatened
23 because, I guess, she had been through this so many times.
24 But my client said he was concerned with her safety as
25 well as his and as well as the baby if he left. Judge,

1 this all happened sort of instantaneously out there in the
2 yard. So I would say under the circumstances my client
3 was right to react. I think there's case law that says,
4 if you know a fella -- if you know a fella is a gun toting
5 person and you know that he's physically abused people,
6 Your Honor, I would say that you don't have to necessarily
7 treat him the same way. I don't see how you can.

8 THE COURT: Physical abuse you're talking about
9 is not with respect to your client, Mr. Cooke. It's with
10 respect to this Crystal Stone. So you're claiming, I
11 guess, that your client's claim to the defense of others.

12 MR. COOKE: His loved one. I think clearly he's
13 entitled to do that. They were fixing to get married.

14 THE COURT: I mean...

15 MR. COOKE: You can't leave her there and count
16 on Vincent who abused her before not to punch her up or
17 even shoot her. He said he saw a gun, Judge. I think
18 it's a jury question. I think the jury's entitled to
19 consider that.

20 THE COURT: Why would he take his shirt off if
21 he's going to pull a gun? And the whole thing -- all the
22 testimony and your client's the only one I think who said
23 he took his shirt off, maybe Crystal did, I can't
24 remember. Why would he take his shirt off except he
25 wanted to fight?

1 MR. COOKE: Well let's take it in that context
2 and forget the gun situation. Here's a man that weighs
3 260 pounds. My client has the right to repel force with
4 force. And it's up to the jury to decide whether that's
5 reasonable or not. Hell, I'm not going to fight a 260
6 pound man if I'm 150 pounds. I mean, you're not talking
7 about just a little beating, you're talking about a
8 whooping. So I think he has a right to defend himself.
9 Even to use deadly force, Judge, in a situation like that.

10 THE COURT: Well it's all subject to the
11 reasonable -- reasonableness of his response.

12 MR. COOKE: Well I think that's a jury question.
13 I think it's up to the jury to make that decision.

14 THE COURT: Mr. Marchant, what do you want to
15 tell me?

16 MR. MARCHANT: Of course, the State disagrees
17 with Mr. Cooke's argument to the Court. And we
18 respectfully ask that self-defense not be charged. Not
19 only in addition to the conversation that's been going on
20 but, Your Honor, I don't believe there's any testimony in
21 the record that the Defendant stated that he believed his
22 life was in imminent danger or that he was getting ready
23 to sustain serious bodily injury. I know that Crystal
24 said that she was not scared at all. She didn't think
25 that Vincent was going to assault her to the point where

1 she was going to lose her life or sustain serious bodily
2 injury. So I think he failed on more than one point in
3 order for the Court to allow or provide a self-defense
4 charge. I think he's got more than just the duty to
5 retreat problem, Your Honor.

6 THE COURT: Anything else you want charged,
7 Mr. Cooke?

8 MR. COOKE: Okay, I guess manslaughter, Your
9 Honor, would be... I don't think there's any malice
10 aforethought here. The man -- they went over there to
11 drop a baby off and pick up a baby. I mean, there was no
12 plan to--

13 THE COURT: It can still be inferred from the
14 use of a deadly weapon. Where is the sudden heat of
15 passion? Where is the provocation? I mean...

16 MR. COOKE: I think a fella fixing to whip your
17 butt, as big as he is out there in the yard, if that
18 ain't -- if that ain't a reason to respond, I don't know
19 what is. I mean, I've been on the playground too many
20 times. And I was a little kid one time. And I remember
21 some big fella always bullying us in the neighborhood, I
22 took a broom handle to him one day. I didn't see anything
23 wrong with that.

24 THE COURT: Mr. Cooke, when did your client say
25 he was so upset?

1 MR. COOKE: He did. He said he thought he was
2 going to get shot.

3 THE COURT: Well that goes to self-defense, how
4 does that go to heat of passion?

5 MR. COOKE: It clearly is a heat of passion out
6 there, Judge, in a heated situation. I mean, this is
7 instantaneous stuff that you're talking about. This is a
8 guy my client says had a gun. And I have a reasonable
9 explanation for all that, Your Honor. I have a very
10 reasonable explanation for all that when I argue to the
11 jury. But all that, it's all a heated deal. I mean, this
12 man that died, Judge, had a bad temper. And when he
13 expressed it pretty doggone obviously, everybody was
14 afraid of him. There's no testimony that anybody ever
15 confronted him. You saw him in the video, he's a big guy.
16 And they're talking about -- talking about that gun being
17 a toy. I never seen a gun with a silencer on the end and
18 a guy shoving a clip in it as a toy. My client saw those
19 things. He has a right to expect trouble from this man.
20 I mean, he can't stand there and say, I'm going to let him
21 shoot first. You ask any police officer in this
22 courtroom, Judge.

23 THE COURT: You're talking about self-defense.

24 MR. COOKE: Yes, sir.

25 THE COURT: What's your position on voluntary

1 manslaughter, Mr. Marchant?

2 MR. MARCHANT: Judge, I don't believe there's
3 any information that was presented in the record that
4 would support a charge of voluntary manslaughter. I can
5 go further into that but I feel like it's been covered
6 thus far. Mr. Cooke just doesn't have, as, Your Honor,
7 stated, the sudden heat of passion. There's testimony
8 from both Donald and Kevin that there was no argument
9 going on between Vincent and Rob. I don't recall if
10 Crystal -- frankly don't recall what her statements were
11 but there's nothing sticking in my mind, Judge, that
12 there's this escalating incident that's getting ready to
13 occur. I don't recall the confrontation --

14 THE COURT: I believe he said he shot because he
15 was afraid. I believe --

16 Isn't that what your client said?

17 MR. COOKE: That's what he said, Judge. He was
18 afraid, certainly.

19 THE COURT: Well how is that got to do -- where
20 is that -- what legal provocation is there? I mean, to
21 shoot somebody -- where -- you can't create this out of
22 thin air, Mr. Cooke? What happened out there? Your
23 client goes and sits in the car, according to his own
24 testimony, he's got a gun, had a gun the whole time. The
25 guy comes out, according to your client, in the light most

1 favorable to your client, pulls his shirt off like he
2 wants to get into a fistfight. Crystal gets between them.
3 And as you said, he's 260 pounds and she must not even
4 weigh 100 pounds. So if he wanted to get into a
5 fistfight, he'd just thrown her out of the way. Certainly
6 by his past actions had shown no inhibition with respect
7 to violence and this Crystal Stone lady. Then your client
8 says instead of just going through with the fistfight, he
9 goes for his -- goes to his car and leans under the seat,
10 your client gets out and starts shooting. I mean, it is--

11 MR. COOKE: Let me explain, Judge. My client
12 testifies they that were getting ready to leave. He had
13 gotten in the car, Crystal walked around the car, started
14 to get in the car, they were going to leave. Even without
15 the child. She got out of the car, walked around in front
16 of the car and said, I'm going to get my child. Then
17 that's when Vincent got involved again and that's when my
18 client got out and she could see Vincent was fixing to
19 come either at my client or her. She's trying to keep him
20 off and my client sees him pull the gun out, Judge. I--

21 THE COURT: Your client said her back -- or the
22 testimony was the girl's back was to Vincent.

23 MR. COOKE: She came around trying to push him
24 in the car, Judge.

25 THE COURT: Well let's just take about five

1 minute recess. Y'all get ready for your argument. I'll
2 let you know what I'm going to do in a minute.

3 (WHEREUPON, a short break was taken.)

4 MR. MARCHANT: May it please the Court?

5 THE COURT: Yeah.

6 MR. MARCHANT: Judge, I'm done with all my
7 witnesses. I believe Mr. Cooke is too. Obviously we're
8 at that point in the trial, can we have everybody released
9 from their subpoena?

10 THE COURT: Yeah, yeah.

11 MR. COOKE: Judge, may I make a comment?

12 THE COURT: Yeah.

13 MR. COOKE: Something I said earlier. Talk
14 about imminent danger, reasonable belief. State v.
15 Fuller. The defendant most show that he believed that he
16 was in imminent danger, not that he was actually in such
17 danger because he had right to act upon appearances alone
18 but under the circumstances as they appeared to him. He
19 believed that he was in such danger that a reasonable,
20 prudent man of ordinary firmness and courage would have
21 had the same belief. And it goes on to state in State v.
22 Ray, he doesn't have to wait until his assailant gets the
23 drop on him. If it's reasonably apparent that the
24 assailant is taking steps to get the drop on him, he may
25 take steps first and prevent this.

1 So back to appearances and what was in my
2 client's mind about this man.

3 THE COURT: Well, you know, the self-defense I'm
4 going to charge. You know, it's certainly there.

5 MR. COOKE: I'm sorry, Judge?

6 THE COURT: I'm going to charge self-defense.

7 MR. COOKE: Okay.

8 THE COURT: While I think it was extremely weak,
9 I'll charge voluntary manslaughter. Your self-defense
10 only goes to the charge of murder. It is not connected to
11 the assault and battery with intent to kill. Right?

12 MR. COOKE: I disagree.

13 THE COURT: You disagree?

14 MR. COOKE: Yes, sir.

15 THE COURT: Well --

16 MR. COOKE: I mean, he saw the man get in the
17 car and go -- I mean, his testimony is he saw the man open
18 the door of the car and he even mentioned the pistol as he
19 went under the seat.

20 THE COURT: Who did?

21 MR. COOKE: My client said that. On the stand,
22 Judge.

23 THE COURT: He never saw a pistol in the other
24 guy -- the other victim's--

25 MR. COOKE: He doesn't have to see a pistol. He

1 can react on appearances. He doesn't have to see a
2 pistol.

3 THE COURT: Mr. Cooke --

4 MR. COOKE: If I see -- Judge, if I stick my
5 hand in my pocket and I walk in a bank and I say, Give me
6 your money. They have a right to assume there's a pistol
7 in my pocket. There's no difference in that and my client
8 assuming, because of the heat of the situation, the man
9 got in the car to get a gun. Because he mentioned guns.

10 THE COURT: Who mentioned guns?

11 MR. COOKE: As I recall the testimony, the other
12 victim mentioned guns.

13 THE COURT: When was that, Mr. Cooke?

14 MR. COOKE: When he opened the car door to go
15 under the seat of the car. My client said when he went
16 around the car, to the driver's side of the car and the
17 other fella was running, that this man was in the car, he
18 saw him reaching down under the seat of the car, and I
19 believe the testimony said he said something about guns.

20 THE COURT: I don't have where -- who's the
21 other victim, what's his name?

22 MR. MARCHANT: Kevin.

23 THE COURT: Kevin. Where is that? And he did
24 not go to the driver's side, he went to the passenger
25 side, around the other side --

1 MR. COOKE: Passenger side, yes, sir.

2 THE COURT: He was already shot.

3 MR. COOKE: No, sir. No, sir. First two
4 shots -- the first two shots, the testimony and the
5 evidence is, was at the driver, was at Vincent. The other
6 fella got shot after Vincent was shot, Judge.

7 THE COURT: Okay.

8 MR. COOKE: And --

9 THE COURT: Are you saying, Mr. Cooke, that
10 there's evidence in the record that Kevin got out of the
11 car with a gun?

12 MR. COOKE: There's evidence that Kevin went
13 under the car and was looking for the gun, yes, sir.
14 Absolutely.

15 THE COURT: No. What gun?

16 MR. COOKE: Judge, there doesn't have to be a
17 gun. I mean, there doesn't have to be a gun. If a fella
18 says, I'm getting a gun. You don't have to wait for him
19 to get the gun and turn around and shoot you.

20 THE COURT: Did he say he was getting a gun?

21 MR. COOKE: He said he was getting a gun. My
22 client testified to that.

23 THE COURT: You're saying that Kevin testified
24 that he said he was going to get a gun?

25 MR. COOKE: When my client went around to the

1 other side of the car, because he saw Kevin getting in the
2 car, he thought Kevin was going to get a gun. Whether
3 there was a gun or not, Judge, I can't tell you. But I
4 sure can when I follow up with my argument to the jury.

5 THE COURT: Well, Mr. Cooke, you can't argue
6 facts that are not evidence. And I will tell you what was
7 said on cross-examination. That Kevin was behind Vincent.
8 That your client said he never saw Kevin with a gun.

9 MR. COOKE: Right.

10 THE COURT: Just a minute.

11 MR. COOKE: I'm sorry.

12 THE COURT: He says he opened the passenger door
13 and the Defendant doesn't know if he was trying to get in
14 the car or reach for a gun. And he wasn't going to give
15 him a chance and fired twice.

16 MR. COOKE: Right.

17 THE COURT: Is that a reasonable person doing
18 that?

19 MR. COOKE: Under those circumstances, yes,
20 Judge. And I think that's a jury question. I think it's
21 up to a jury whether they believe that or not. I mean,
22 this is a heated bam, bam situation, Judge. And I can't
23 see why my client is not entitled to react based on his
24 beliefs. And the history of this fella that was in his
25 mind.

1 THE COURT: What history does he have with
2 Kevin?

3 MR. COOKE: With Kevin I don't have any idea
4 other than he thought he was getting a gun. I mean, the
5 whole thing you have to take--

6 THE COURT: Maybe your client believed it but
7 would a reasonable person believe that?

8 MR. COOKE: That's a jury question, Judge. Why
9 wouldn't that be a jury question? Why should we decide
10 whether that's reasonable or not?

11 THE COURT: Well, Mr. Cooke.

12 MR. COOKE: I think he's entitled to tell his
13 story.

14 THE COURT: He did tell his story.

15 MR. COOKE: And I think he's entitled to a
16 charge of self-defense and voluntary manslaughter.

17 THE COURT: I'm giving him the murder and I'm
18 giving him the voluntary. How is he entitled to it on the
19 assault and battery with intent to kill?

20 MR. COOKE: Because, Judge, he's defending
21 himself and you just told me I couldn't argue that to the
22 jury on the assault and battery. Is that what you told
23 me?

24 THE COURT: I said you can't argue facts that
25 are not in the record.

1 MR. COOKE: That's fine.

2 THE COURT: I mean, what have we been arguing
3 about?

4 MR. COOKE: Maybe I just misunderstood.

5 MR. MARCHANT: I don't know how this is going to
6 go, Judge. I mean, I want to be clear that he's not
7 allowed to argue self-defense on the ABWIK.

8 THE COURT: Right.

9 MR. MARCHANT: Is that correct?

10 THE COURT: Yes. I'm not charging it on that.
11 I don't find that there's any evidence in the record to
12 show that a reasonable person would have the right to
13 react as he did.

14 MR. COOKE: Judge, I still say that that's a
15 jury question. Why though? I mean, my client, what's his
16 state of mind is his state of mind. I mean, I can't -- I
17 mean, if he thought -- it's up to a jury to decide based
18 on all the evidence. Whether my client truly believed he
19 was in imminent danger. Based on the testimony. Not what
20 we decide.

21 THE COURT: Mr. Cooke, he followed him around
22 the car.

23 MR. COOKE: No, he followed the other guy around
24 the car. Then when he saw Kevin go inside the car, that's
25 when he shot him. He didn't know whether he had a gun or

1 not. He was going for a gun--

2 THE COURT: Mr. Cooke, tell me if I'm wrong that
3 your client -- that the two cars were parked driver's side
4 to driver's side. The doors are opened. Or the door to
5 your client's car is opened. Your client thinks that
6 Vincent is getting a gun from under the driver's side
7 seat. Kevin is behind Vincent. Yes, that's the testimony
8 of your client.

9 MR. COOKE: I disagree. No. Some testimony
10 from one of the witnesses said that was true out in the
11 yard but by Kevin's -- Judge, by Kevin's own admission on
12 the stand, he went to the passenger door, his brother went
13 to the driver's door when they were leaving. That is the
14 testimony from his own mouth. And I'll be glad for you to
15 replay that. That's in the statement.

16 THE COURT: Okay.

17 MR. COOKE: I mean, I --

18 THE COURT: Listen to me, Mr. Cooke. Your
19 client testified that Kevin was behind Vincent, this is
20 what he testified to. That when the shooting started,
21 Kevin goes around to the passenger side. And he has to go
22 around the SUV. Your client followed him around and shot.

23 MR. COOKE: I disagree with that.

24 THE COURT: Well that's fine.

25 MR. COOKE: What I'm saying --

1 THE COURT: You're not getting --

2 MR. COOKE: Just may I mention this, Judge? The
3 blood evidence as far as -- as far as Vincent was
4 concerned is on the -- it started at the left back door
5 fender area and continued around the car. He went around
6 the Expedition, in front of the Expedition around to the
7 other side of the Nissan.

8 THE COURT: You're talking about Vincent?

9 MR. COOKE: Vincent, yes.

10 THE COURT: Okay.

11 MR. COOKE: So what I'm talking about --

12 THE COURT: I'm talking about Kevin.

13 MR. COOKE: My client went around after him. He
14 saw the other guy in the car, Judge. The other man was in
15 the car. He thought reaching for a gun so he shot him.
16 That's all I'm saying, Judge. Then Vincent continued to
17 run and he went down the driveway. He didn't know whether
18 he still had a gun or not.

19 THE COURT: I'm charging self-defense on murder.
20 Okay. Anything else?

21 MR. MARCHANT: Judge, if you're going to charge
22 voluntary manslaughter, is that right?

23 THE COURT: Yeah, I'll give him that shot.

24 MR. MARCHANT: Well, Judge, the State would
25 object to that based on the fact that the State's position

1 is that this was one, not in the heat of the moment, it
2 wasn't sudden heat of passion and it certainly wasn't
3 after legal sufficient provocation. If there was anything
4 at all there was some talking going on. And words alone
5 are not enough, Judge. I think it's going to be confusing
6 to the jury. There's not been enough evidence in the
7 record for them to consider.

8 THE COURT: Well, Mr. Marchant, Mr. Jones
9 testified he thought he saw him getting a gun. So.

10 MR. MARCHANT: Well there's a self-defense
11 charge.

12 THE COURT: Right.

13 MR. MARCHANT: So I don't understand why we're
14 considering a voluntary manslaughter charge.

15 THE COURT: Well, I'm going to let him have it.
16 Well tell me -- explain it.

17 MR. MARCHANT: I just did, Judge. It's not
18 there. There's not evidence in the record to support that
19 charge.

20 THE COURT: Cooke, what's your evidence to
21 support that charge?

22 MR. MARCHANT: This is all or nothing.

23 THE COURT: That's what I...

24 MR. MARCHANT: So I can't understand why we're
25 talking about manslaughter.

1 THE COURT: Why is that, Mr. Cooke?

2 MR. COOKE: Well if we're talking about all or
3 nothing at all, then, you know, how about assault and
4 battery with intent to kill --

5 THE COURT: No --

6 MR. COOKE: If we're talking all or nothing at
7 all.

8 THE COURT: No, I'm not negotiating with you.
9 What's the -- what is your voluntary manslaughter?

10 MR. COOKE: Voluntary manslaughter, Judge, is in
11 the heat of the moment. In the heat of the moment. A 260
12 pound man that he knew had had a weapon before, that he
13 was a man of violence, that he was defending himself and
14 he had no other way out of it except to shoot him when he
15 saw the gun.

16 THE COURT: Well you're talking yourself out of
17 your voluntary manslaughter now.

18 MR. COOKE: No, I'm not, Judge. I'm not.

19 MR. MARCHANT: That's exactly the State's
20 position, Judge. That is the self-defense.

21 THE COURT: Yeah.

22 MR. MARCHANT: And there's nothing in there to
23 support voluntary. It shouldn't be charged, Judge.

24 THE COURT: Mr. Cooke, I think Mr. Marchant's
25 right. I'm going to go with my initial gut reaction, I'm

1 not charging voluntary.

2 All right, you ready? Anything else?

3 MR. MARCHANT: State's ready, waive opening.

4 THE COURT: Okay.

5 All right, go get them.

6 Hold them just a minute.

7 MR. COOKE: I'm still confused. I'm sorry, can
8 I ask you a question?

9 THE COURT: Yeah.

10 MR. COOKE: Okay, you're going to let me argue
11 self-defense as to Vincent?

12 THE COURT: Murder, yes.

13 MR. COOKE: Okay. And you're not allowing me to
14 argue to the jury anything about the assault and battery
15 with intent to kill? I mean, what I just said you went
16 ahead and found him guilty of that? If I can't argue
17 self-defense? I mean, what?

18 THE COURT: Where is your self-defense with
19 respect to Kevin?

20 MR. COOKE: My client's testimony, Judge.

21 THE COURT: That he followed him around the car
22 and shot him?

23 MR. COOKE: He followed --

24 THE COURT: He did not withdraw.

25 MR. COOKE: He is not required to withdraw. I

1 mean, the law is clear on that. If you're in a situation
2 like that, you don't have to withdraw. If you know --
3 hey, there's a guy other there with a toothache and he's
4 coming over there just with his brother. I mean, they
5 went over there, I think, to pick a fight. I don't think
6 there's any question. My client said that man appeared to
7 be going under the seat to get a gun. Now by George, if I
8 can't argue self-defense, Judge, I mean, that just takes
9 everything out of context. I mean, you know, it's just --
10 it's just, Hey, you're okay with one guy, you're not okay
11 with another guy. I mean...

12 MR. MARCHANT: Judge, the State doesn't have any
13 objection if you charge it. Let's resolve this matter and
14 get it on, it's all or nothing.

15 THE COURT: All right, Cooke you get your cake.
16 Ready?

17 MR. COOKE: All or nothing, thank you.

18 THE COURT: Go ahead.

19 (WHEREUPON, the jury came into open court at
20 approximately 3:30 p.m.)

21 THE COURT: Mr. Foreman, ladies and gentlemen of
22 the jury, if you remember in my opening comments to you a
23 couple of days ago I told you about the five parts of the
24 trial. Well we have completed the first two parts. So
25 all the -- you got the opening statements, now all of the

1 testimony and all of the evidence is in. And we're moving
2 now to the third part of the trial which are the closing
3 arguments by the attorneys where they advocate their
4 positions to you. And I urge you -- you all paid great,
5 close attention throughout the course of this trial and I
6 ask you to continue to do that through the closing
7 arguments of these fine attorneys. Thank you, very much.

8 Mr. Cooke.

9 MR. COOKE: Thank you, sir, may it please the
10 Court.

11 THE COURT: Yes, sir.

12 CLOSING STATEMENT

13 MR. COOKE: Ladies and gentlemen of the jury,
14 again my name is Larry Cooke and I represent Robert. It's
15 very difficult to remember everything that's been said
16 here for the last three days. Including myself. As a
17 human being, I can't remember everything. But one thing
18 we do have, if you can't remember things, is we have a
19 record. This young lady's been taking all the testimony
20 of all the witnesses. So if you have a question about
21 anything that was said, please, ask her. If I forgot
22 something and I forget, you can always look at the record.
23 You can read every single thing.

24 As in all cases, my client is presumed innocent
25 until proven guilty. My client did not have to take the

1 stand, he did not have to testify. He did not have to
2 give any of the statements he gave in his testimony. The
3 burden is on the State to prove that my client is guilty
4 beyond a reasonable doubt. This case is really very
5 simple. We've had a lot of window dressing here. We've
6 had various witnesses who really didn't have much to say
7 about the case. We had one witness who said that he was
8 there, another witness said he was not there. I think
9 Mr. Stone said he was there. His sister said he was not
10 there. Mr. Stone had said that he -- that she slapped the
11 grandmother. She did not slap the grandmother. There's
12 no evidence from anybody that the grandmother was slapped.
13 Including Kevin who was the young man that got shot,
14 braised in the shoulder. So that's the problem with
15 witnesses sometime.

16 But let me tell you the witness in this case
17 that is the most important witness. The most important
18 witness is the fireman that the State put up first. And I
19 brought him back as my first witness. And here's what he
20 said. And this is so important. Please don't forget it.
21 Twice he said under oath, he is a fireman, he had five
22 years of training as a deputy. He said that he was at the
23 Bariatric Clinic when Vincent came in bleeding and fell on
24 the floor. Vincent had come all the way from the back of
25 the house, went into the Bariatric Clinic and was on the

1 floor. A short time later Kevin came. Kevin came. He
2 said that Kevin looked like he was trying to pick him up
3 in this area. And he said when he got through that Kevin
4 left. This is very important. Kevin left the Bariatric
5 Clinic. He went back across the street and he went up the
6 driveway. Uncontested testimony. Twice. Twice that
7 fireman and that reserved deputy said that.

8 And I'll tell you why this is important. Donald
9 said that he came out of the Bariatric Clinic and came
10 across the street where he was standing in front of the
11 house.

12 I said, Well, where did he go after that?

13 He said, he stood there with me the whole time.

14 And take Kevin's testimony and Kevin said, I
15 stayed at Bariatric Clinic the whole time, I never left.

16 And I tell you why this is very important,
17 folks. Because my client said he was defending himself.
18 Defending himself against a man that he already knew had
19 committed criminal domestic violence on the girl in this
20 case. He had seen him with a pistol on a video. And
21 folks, I'm a hunter, I know a little bit about guns. And
22 you watch T.V., you know what a gun looks like. I want
23 you to take a look at that gun again. That gun not only
24 has a silencer on it but he took a clip and shoved it into
25 the handle. That ain't no play gun. You don't carry

1 around guns with silencers unless you intend on using it
2 on somebody. You don't go hunt deer with a silencer. You
3 hunt people with a silencer. And look at the video and
4 see who handled that gun. Who was the person or people
5 who handled that gun? One other person in there handled
6 that gun, the only others that handled that gun was the
7 deceased person and his injured brother. They were the
8 ones handling the gun 90 percent of the time in that
9 video.

10 My client knew this. He had heard about him, he
11 knew he was a violent man and he had a right to act. When
12 he went out into the yard, there's no testimony my client
13 said anything to anybody. He was trying to leave. He
14 said on the stand, I told Crystal, let's just forget it
15 and go. He was trying to leave and Crystal came around
16 the car to get in. My client was getting ready to leave
17 and she came back out from around the car and said, I'm
18 going to get my child. She changed her mind. She wanted
19 her child. With that, by Kevin's own testimony, he had
20 gone to the driver's side of their car, his brother had
21 gone to the passenger side. That's undisputed.

22 Undisputed. Even by the police officer first on the scene
23 in the backyard, the door was opened when he got there.

24 My client said that when she came back around
25 the front of the car, that's when the mention of a pistol

1 was made by Vincent. My client said that Crystal came to
2 him because Vincent had taken his shirt off. Thrown it
3 down on the ground. 260 pound man. He was wanting to
4 whip somebody. She was trying to keep my client safe in
5 the car. She was pushing on him when my client said he
6 saw Vincent with a gun. She had her back to Vincent.
7 It's not what's in her mind whether she was afraid, it was
8 what's in my client's mind, was he afraid? She had had
9 experience with the guy before. You know, she knew he was
10 a batterer. She knew that she wasn't probably going to
11 get killed because he whipped her ass before. You know.

12 He had a right -- he had a right to defend not
13 only himself but the girl who was standing between them.
14 The girl that he was getting ready to marry. A girl that
15 he was getting ready to support. A girl who he was ready
16 to put in an apartment in Belton and support Vincent's
17 children. My client. Working at Hardees. Working until
18 late in the night to the point he had to drop out of
19 school to be able to afford to do this. Is this a violent
20 man? There's not one thing in that record that shows my
21 client is a violent person. They put some guy on the
22 stand, I didn't even ask him a question, about Bloods.
23 There is nothing in the record that my client was under
24 investigation for being involved with The Bloods. So
25 what? These young kids they talk about music. These kids

1 do all kinds of crazy things today. They got tattoos that
2 represent everything in the world. That does not mean
3 that they're a violent person. That they shot somebody
4 for the heck of it. He sure didn't go over there
5 intending to do that. Although they say, well he took a
6 pistol.

7 The reason my client said he took a pistol over
8 there is because a previous night or two before, Vincent
9 had threatened him. He knew the guy -- he's a man that
10 doesn't come to Greenville. He's a country boy. He's
11 been over here a few times. The only reason he came to
12 Greenville that morning was to take her, take her to check
13 in about a ankle bracelet. He then went over to do
14 something as simple as leave a child and pick up a child.
15 When unbeknownst to them, here comes Vincent and his
16 brother with a toothache. Who stayed out of school
17 because his tooth hurt so bad, hurt so bad, that he stayed
18 home from school but yet he got in the car at 9:15 in the
19 morning to go over to the grandmother's house.

20 Now folks you tell me that they weren't going
21 over there looking for some trouble. No explanation for
22 them going over there at 9:15, 9:30 in the morning. I
23 mean, no evidence has even been put up here. My client
24 and Crystal didn't even know they were coming. How can
25 there be any plan to kill him? There's no plan to kill

1 him. My client, if he had wanted to kill him, he could
2 have shot him before they ever went in the house, he could
3 have shot him inside the house, he could have shot him --
4 he could have shot him way before the shooting took place.
5 He was trying to leave until she got out of the car.

6 You know, we have all have a hard time, a lot of
7 you probably never been in a situation like this. You
8 don't know what to do. This old -- this old thinking that
9 you're supposed to let the other guy get the first shot.
10 Well, there's a lot of dead people in this world because
11 they let the person get the first shot. The law says he
12 has the right to act on appearances. And based on what he
13 knew about Vincent. Based on what he knew, he shot.

14 And, you know, what the other interesting thing
15 about this folks, he really didn't even know anybody was
16 hurt. Because he never saw, he never saw, Kevin, the
17 brother, who got shot in the shoulder, the last time he
18 saw Vincent, Vincent was running down the driveway. He
19 never saw him again. As a matter of fact, he didn't even
20 know that Vincent was dead until he was informed by the
21 police officers. He's a young kid who was scared. He's
22 a young kid who shot a gun at two people. He's a young
23 man whose never been in a situation like this before.
24 There's no evidence that this young man has ever done
25 anything to anybody. Not one bit. And for them to try to

1 put up testimony because he was a member of The Bloods or
2 he's a member of the Klu Klux Klan, whatever. There's no
3 proof he's done anything wrong. He was scared. And he
4 ran. That does not make him guilty of murder. That does
5 not make him guilty of malice aforethought. That does not
6 make him -- he had no idea this was going to happen. It
7 just happened. It just happened.

8 My client felt like he was defending himself.
9 And the Judge is going to charge you on self-defense.
10 There's no murder here. The Judge will charge you on
11 manslaughter. There is no murder here. My client was
12 defending himself. Look at it all, folks. This is a
13 young kid, scared, Belton, South Carolina. Taking a young
14 girl who had had three children, one by the time she was
15 13. Who had been bounced back and forth around all over.
16 He was willing to accept the responsibility of marrying
17 her, providing a place for her to live and supporting her
18 children. That's what we have here.

19 And you know what happened to that gun, folks?
20 You know what happened to that gun? The reason they
21 didn't find that gun? Because that gun wasn't there. It
22 wasn't there. You know why it wasn't there? Because
23 Kevin left that Bariatric Center, he went across the
24 street and he went up that driveway, he got that gun and
25 he hid that gun. Why else would they lie about it? Thank

1 God, thank God that trained officer, that fireman saw it
2 all. Saw it all. Why would they deny it? Why would they
3 deny that he went back across the street and up that
4 driveway and disappeared behind the house? That's why.
5 And think about this. He just came over out the clear
6 blue sky a day or two later to visit he said. We don't
7 know. Maybe to get the gun. Maybe got it a day or two
8 before. I don't know. But why lie about that? That's
9 what happened with the gun.

10 And it's up to the State of South Carolina,
11 folks, to prove beyond a reasonable doubt that my client
12 committed murder. That he killed a man with malice
13 aforethought. The Judge will explain all of that. My
14 client said he was defending himself. That he was scared.
15 That this man weighed 260 pounds. I ask you to consider
16 all the evidence. There's probably a lot of stuff that I
17 left out. But, you know, your verdict's got to be
18 unanimous. Nobody can ever fault anybody. If you get up
19 in the morning and you say, Hey, I did the right thing.
20 Shave, do your hair, walk away, go to work. I did the
21 right thing. But the burden is on the State of South
22 Carolina to disprove self-defense. I don't think they've
23 done that. They put a lot of window press out there. Put
24 the mannequin in the window. Put the merchandise in the
25 window.

1 It's kind of like -- it's kind of like eating a
2 hamburger. And on the T.V. they put all that stuff on
3 those big beautiful hamburgers but there's ain't meat in
4 it. Where's the beef? Where's the meat? The presumption
5 of innocence is sitting over there at the table. It's up
6 to the State of South Carolina, not us, not me, not my
7 client, to prove anything.

8 I want to thank for your time and as I said,
9 everything is there, if you need anything, read anything
10 and your vote has to be unanimous. This is our only day
11 in court. We'll never be here again. And you have a
12 very, very tough decision. This is probably -- probably
13 the most powerful position you will ever be in your life.
14 The decision of the guilt or innocence of another human
15 being. That's pretty doggone tough, folks. So I ask you
16 to take all the time you need. Don't be in a hurry
17 because it's late in the afternoon. Whatever it takes. I
18 ask you to come back in your decision, just decision,
19 based on the evidence and testimony. Thank you, very
20 much.

21 THE COURT: Mr. Marchant.

22 CLOSING STATEMENT

23 MR. MARCHANT: May it please the Court.

24 Mr. Cooke.

25 Good afternoon, ladies and gentlemen. Again, I

1 want to thank for your patience with this case. It's
2 obviously taken three days. More importantly, I want to
3 thank for your attention you've paid to both myself and
4 Mr. Cooke throughout this process. This is, of course, a
5 very important day for the Defendant but it is always a
6 very important day for Kevin Campbell. Kevin Campbell is
7 entitled to his day in court just as much as the
8 defendant.

9 Now, I don't know how well this is going to go
10 but I hope that I'm able to place you somewhat at ease
11 with your decision making process. This is obviously a
12 very serious case. A man is dead, a man has been shot.
13 And there's uncontradicted testimony that this man sitting
14 at this table, wearing this black tie and this white shirt
15 is the one that shot both of them. He told you. He told
16 you he shot Vincent. He shot him twice. He shot Kevin
17 twice. Kevin only got hit once.

18 Mr. Cooke did bring up a very important point
19 just a moment ago. This is a collective reasoning opinion
20 of all 12 of you. No one person's vote is anymore greater
21 or anymore significant than the next person's. If for
22 some reason your uncomfortable or unable to get your point
23 out to the other members of this panel, I ask that you
24 inform the Foreman or inform the Bailiff so that the Judge
25 can get involved.

1 As Mr. Cooke stated, you're going to have a lot
2 of evidence back there. Folks, I probably got 50 pictures
3 and 15 different other pieces of evidence. I ask that you
4 look at it. Because it's much more important than
5 Mr. Cooke commented on a minute ago. This isn't about the
6 fireman across the street. This is about the Defendant
7 who admitted that he's 17 years of age, bringing a loaded
8 .38 revolver to Greenville because he was expecting
9 trouble. The Defendant took the stand. And we'll go over
10 his testimony in a minute. Mr. Cooke misstated one thing
11 a moment ago. You're going to have two decisions. You're
12 going to be able to find him guilty of these four charges
13 or not guilty. There is no in between. It's an all or
14 nothing proposition. Okay.

15 Now, His Honor, is going to go over what the law
16 is. I'm going to try to comment on it as specifically as
17 I can. If I misstate something, please don't hold it
18 against me or Kevin. What I want you to do is take what
19 the Judge tells you and you take the facts as you have
20 heard them today. Yesterday and Monday. The facts and
21 evidence is what came from the stand. And what came from
22 right here. It's not what Mr. Cooke just told you of what
23 he remembers. He may have remembered things differently
24 than each one of you. Now you've had the opportunity to
25 take some notes. Again, the Judge informed you that you

1 may remember something differently than the person next to
2 you. Is that unusual? I submit to you that it's not.
3 Because that is exactly the testimony that you've heard in
4 this case today. You heard from Kevin Campbell, you heard
5 from Donald Stone and you heard from Mr. Smith.

6 Now why would I put up somebody who contradicted
7 one of my own witnesses? Because I'm not trying to hide
8 anything. Mr. Smith was an eye witness to what Kevin did.
9 Kevin has told you what he remembers. Could it be so
10 unreasonable to believe that after Kevin got shot and he
11 goes across the street to the clinic and sees his brother
12 who is dying in front of him, that maybe he doesn't
13 remember whether or not he went back across the street? I
14 submit to you it's very reasonable to assume that he did
15 go back across the street because that's what Mr. Smith
16 told you. Mr. Smith was not involved in this but he saw
17 Kevin come in and leave. That's his testimony. That's
18 the way he remembered it. Kevin told you that he didn't
19 go back across the street. Is Kevin lying? Is Mr. Smith
20 lying? Is Donald lying? I submit to you none of them
21 are. That is just the way they remember the events as
22 they unfolded on this fateful afternoon.

23 Now, we had several experts come in here and
24 testify about the CSI type stuff that y'all all see on
25 T.V. It's something the State has to combat and deal with

1 on every case. And frankly, folks, the State is kind of
2 dammed if we do and dammed if we don't. Mr. Cooke made a
3 huge deal about the GSR that wasn't located on Vincent's
4 hands. This happened at 10:30 in the morning. The
5 autopsy, you're heard Dr. Ward testify, the autopsy
6 occurred at 1:00. There was a two and a half hour span
7 that Vincent Campbell was being treated. Now, it is
8 possible that EMS or the paramedics were doing some
9 treatment that possibly wiped some of that GSR off of his
10 hands? Maybe. I submit to you that's not what happened
11 because he never had a gun.

12 Now the expert from SLED came down and told you
13 that if he did have a gun, he wouldn't have even had to
14 fire it in order for there to be residue on his hand. Why
15 did we not find any residue? We didn't find any because
16 he didn't have a gun. The only person and the only
17 evidence that Vincent Campbell had a gun comes out of his
18 mouth. And when does he tell this story? After he's
19 arrested and Detective Garrison asked him what happened.
20 His girlfriend, fiancée, who's pregnant with his child,
21 that was standing probably closer to Vincent than he was,
22 testified she never saw a gun. She did not see it. And
23 remember, that's the witness they put up.

24 Donald Stone testified that he never saw a gun
25 in anybody's hand other than the Defendant. And Kevin has

1 told you the same thing. There are three people that are
2 with us today that told you Vincent did not have a gun.
3 It's convenient that the Defendant, who jumps, out of his
4 car, who is essentially stolen a pistol from his
5 grandfather's locked closet and loaded it -- excuse me, it
6 was loaded when he got it. He took a box, a box of 38
7 shells. He couldn't tell you why he needed the evidence.
8 But where did the shells come from? And where did these
9 bandannas come from? They came from underneath his
10 mattress. Why is he hiding this stuff?

11 Ladies and gentlemen, I didn't bring this gang
12 expert to insinuate or put anything out there that this
13 was a gang related shooting. I did that to show you that
14 this man has not been honest with you. He told you that
15 he wasn't in a gang anymore. That's not how gangs work.
16 You don't come and go as you please. He's still got the
17 flags that they use. He had these five underneath his
18 mattress, right next to the bullets. He also had one in
19 the car. Again, I'm not saying this is gang related.
20 Because there's absolutely no evidence, no testimony in
21 the record that Vincent or Kevin is a gang member.

22 You heard from Donald about who was where. What
23 does Donald tell you? They spill out into the backyard.
24 Donald is back here. Kevin is near him. The Defendant is
25 in the driver's side, sitting in the driver's seat. And,

1 in fact, at one point in time, Donald told you that his
2 sister, who is the girlfriend, was sitting on top of the
3 Defendant so he would not get out of the car. Crystal
4 told you the same thing. She told you she had to keep him
5 in the car. What does Donald say happened? Vincent was
6 standing somewhere in this area. I don't know or remember
7 whether or not Donald told you that he actually opened the
8 car door or not. But what he is certain that is Vincent
9 never had a gun. And that the Defendant, because there
10 were no words exchanged between the two of them, between
11 Vincent and the Defendant, the Defendant took it upon
12 himself to get out of the car and start shooting.

13 And where was Vincent shot? Donald told you
14 that his head snapped back. Had testimony from Dr. Ward
15 there were two wounds. One went through the left cheek
16 and came out essentially the right jugular. That was the
17 kill shot. So it's reasonable to infer from the facts
18 that we have that that was the very first shot that struck
19 Vincent. Where does the second shot go? Dr. Ward
20 testified that it went in the back and out the front. So
21 he shot him in the back. Vincent was running away.
22 Vincent was retreating. Vincent was trying to remove
23 himself from this situation. Unfortunately, he didn't
24 move quick enough.

25 Now, you will be able to see in the photographs

1 that the DNA expert that came from SLED testified about
2 five locations of blood that came back to Vincent
3 Campbell. If you'll pay attention, you will have JD-2 and
4 3. That was Jon Derby, the forensic tech that collected
5 the evidence, the blood swab, off of Vincent's vehicle.
6 Two comes from the passenger door. Three comes from the
7 bumper. That comes back to Vincent. Mike Petersen, the
8 lieutenant, testified also that he took three swabs from
9 the Defendant's vehicle. They came off the rear bumper
10 and trunk of the Defendant's vehicle. Those three, which
11 are MP-1, 2, 3, came back to Vincent Campbell.

12 What does that tell you? That tells you that
13 Vincent was shot and Vincent ran around this way. Had to
14 have come around the Defendant's car and then across the
15 street. Now, there's a diagram that lieutenant Petersen
16 drew up. And it's just a sketch. And it shows you where
17 various pieces of evidence were collected. It's State's
18 46. It's very hard to see so I'm just going to try to
19 walk you through it. Three pieces of evidence collected
20 in the backyard. JD-1, which is a projectile, it's in
21 evidence. JD-2 and 3 which is remember are the swabs
22 coming off Vincent's car. There is JD-5, it was not
23 tested. JD-6, which is blood that comes off the Bariatric
24 Clinic door. JD-7, which is an additional swab that was
25 that not tested. And then eight and nine. Eight and nine

1 you heard Derby testify were so bloody they had to be
2 dried out. They were Vincent's shirts.

3 You will always be able to see in the
4 photographs that there are various other placards that are
5 marked in the roadway to show distance. And also to show
6 where there were other drops of blood. Now Derby told you
7 that just because there are placards out here, doesn't
8 necessarily mean that they swabbed it. But why is this
9 important? It's important because there is blood on the
10 driver's side of the door, excuse me, the passenger side
11 of the door, the front bumper and then the rear bumper of
12 the Defendant's vehicle. There's then blood on the side
13 of the house, down the driveway, middle of the road, front
14 door of the clinic. Okay. Doesn't go up the street.
15 Doesn't go over to the church. Doesn't go to some drain
16 hole.

17 If Vincent had a gun, you think he'd be trying
18 to get rid of it? He did all he could do to get away from
19 this man. He got shot in the throat. Crystal told you
20 she saw him gurgling blood. He ran 185 feet trying to get
21 help. And trying to get away from the Defendant. And you
22 know what? He couldn't go any further and he collapsed.
23 You heard Mr. Smith say he came in the front door and
24 dropped. And that was the end of it.

25 Mr. Smith also told you that Kevin came in and

1 that he was concerned about his brother. And he tried to
2 roll him over. Wasn't fishing through his pockets, wasn't
3 trying to take anything out of his pocket, he wasn't
4 looking for a gun because there wasn't one. Kevin told
5 you they went over there that day and that Vincent nor him
6 had a weapon. Neither one of them. Law enforcement
7 searched that house, across the street in the clinic, that
8 day. The scene was secured approximately 15 minutes after
9 this happened. I asked the lead officer that showed up
10 that was in charge until Detective Garrison showed, how
11 many folks were out there? How many law enforcement
12 officers? He said approximately six to seven, I believe.

13 Detective Garrison got on the stand and told you
14 there were approximately three to four detectives. The
15 forensic tech, John Derby and his lieutenant told you it
16 was the two of them plus two others. You're looking at a
17 total of 15 people. There's fifteen people out there
18 looking for a gun. They told you they went in the house.
19 They didn't find anything. No one, no one talked about a
20 gun that Vincent had that day. The story is convenient
21 for the Defendant to tell the detective after it happened.

22 The Defendant's story is as credible -- the
23 Judge is going to instruct you that you can believe some
24 of his story, all of his story, none of his story. And
25 that goes for all the witnesses that testified. I submit

1 to you that part of it is true. There's no question that
2 he and Crystal came over to Greenville that day. There's
3 no question that he left after he shot Vincent twice.
4 There's no question that he shot Kevin. There's no
5 question that were in his mother's vehicle.

6 What does come into question about his story?
7 Crystal told you that she believed that the gun was thrown
8 out on Highway 25. What does the Defendant tell you?
9 He's given Detective Garrison two or three different
10 stories about where the gun was. Detective Garrison told
11 you he questioned him for about an hour and a half and
12 that least 30 minutes of this questioning was regarding
13 the gun. And that he kept changing his story. Why is he
14 changing his story? Because it is not truthful. It is
15 easy to stick with the same story and remember it and
16 repeat it when it's the truth. It's hard and impossible
17 to continue telling a story that's a lie. That's why
18 there's many variations of what the Defendant has told
19 you.

20 I ask you to consider whether or not the
21 Defendant has told you that he was actually in fear of
22 losing his life or sustaining serious bodily injury. He
23 didn't. He did not testify to that. All he told y'all
24 was that he was going to shoot first. He didn't say he
25 was even scared. Never mentioned it. Claims now that he

1 was coming to the rescue of Crystal as well as defending
2 his own life. Never told Detective Garrison that. Never
3 told Detective Flavell that. Never told them he was
4 scared at any point in time. Never told them he was
5 scared for Crystal.

6 It's convenient that this rap video comes up
7 well after the fact. Out there on Myspace. He's the one
8 that told you went looking for it. Why did he go looking
9 for it? Just to bring y'all off over here and take you
10 away from what really happened that day. He's put
11 together several convenient things that are trying to
12 distract you from really what happened. Talk about all
13 this beating that was going on with Crystal. She's got
14 three kids with Vincent. Three. She told you that the
15 most (sic) two incidents, she never called the police.
16 She told you that day that this happened she was not
17 scared of Vincent, she didn't think she was going to be
18 harmed and she didn't think she was going to be killed.
19 And remember no gun. Never saw a gun.

20 Let me tell you why this theory of self-defense
21 doesn't apply. There's five elements of self-defense and
22 the State has to disapprove. He has, he the Defendant,
23 has offered, he's attempted to offer some of these into
24 evidence. I submit to you that he doesn't get past any of
25 them. The Defendant is without fault. The Defendant came

1 to Greenville with a loaded .38. The Defendant told you
2 on the stand that he told Vincent if he had something to
3 say, he was going to say it. He's not this innocent angel
4 they try to paint him out to be. Doesn't work.

5 Two, the Defendant actually believed he was in
6 imminent danger of losing his life or sustaining serious
7 bodily injury. Again, look at the testimony that Crystal
8 gave. And recall whether or not he told you on the stand
9 himself that he was in fear of losing his life or
10 sustaining serious bodily injury. The only thing we heard
11 was that Vincent maybe took his shirt off and wanted to
12 fight. Never told you that he thought he was going to
13 lose his life. Or sustain serious bodily injury. This is
14 the one that's the easy to rest your hat on. Would a
15 reasonably prudent person of ordinary firmness and
16 courage, would they have entertained that same reason?
17 Whether any other person that's situated in this
18 situation, would they believe that they're about to lose
19 their life? Okay.

20 Let me tell you why this doesn't work. The
21 Defendant leaves. After the shooting. Where does he go?
22 He just fired three times in the middle of downtown
23 Greenville. Two blocks from Greenville High, one block
24 from the Drive Stadium. There were at least two children
25 under the age of three at the house. As well as two other

1 relatives of Crystal's. What does he do? Does he go to
2 the police department and tell them what happened and that
3 he was scared of his life? Does he make any phone calls
4 to 911? He does neither of those. He gets in his car,
5 goes back to Belton. And what did he tell you on the
6 stand was his primary concern? He didn't want his
7 grandfather to get in trouble because he had stolen his
8 gun. Seriously? Is that what he's thinking?

9 He then tells you he goes inside his house and
10 drops off Vincent's child with his sister. Gets a knife
11 and wants to cut Crystal's ankle monitor off. Why? So he
12 couldn't be tracked. And why didn't he want to be
13 tracked? Because he told you he wanted to get away.
14 That's why this doesn't fly. Any other person in this
15 situation, if you were to believe what the Defendant is
16 feeling and thinking, that is not reasonable behavior.
17 Lastly, had no other probable means of avoiding the
18 danger. Sitting in the driver's seat of his own vehicle,
19 with the door opened, he's got the keys. What does it
20 take to put the key in the ignition of the car and drive?
21 He told you he was already headed out. He had pulled in
22 that day, positioned his car and all he had to do was put
23 it in drive. Self-defense is not part of this case.

24 What is this case about? This case is about
25 murder and assault and battery with intent to kill on

1 Kevin. I submit to you you've only got really one
2 decision to make. Because one of them the Defendant had
3 admitted to. He's already told you that he was 17 and he
4 possessed a weapon. His Honor, is going to instruct you
5 on what the law is with respect to age and carrying a
6 pistol in the State of South Carolina. He's already
7 admitted to that. So that's one charge there should
8 really be no discussion about. The second charge and the
9 most important is, of course, the murder. What are the
10 elements? It is the killing of another with malice
11 aforethought. What is malice? Malice is the doing of a
12 wrongful act intentionally and without just cause or
13 excuse.

14 We've already gone over this, ladies and
15 gentlemen. He has no just cause or excuse because the
16 self-defense does not apply. When is aforethought? It is
17 evil that is conceived. It is the time that the evil was
18 conceived. And, His Honor, is going to instruct you that
19 it doesn't have to be this premeditated, planned out
20 killing of another. It's not like this stuff you see on
21 T.V. where somebody is paid to set up to hit on somebody
22 else. It's not like you have to take all these steps to
23 go through and plan and set them up, put them in a
24 position. That evil can be perceived right before you
25 pull the trigger.

1 Now, why is it even one step further than right
2 when this happened? Because he came to Greenville, with a
3 loaded .38 and went inside Ms. Hamby's with it. And what
4 did Ms. Abbott tell you on the stand? Ms. Abbott is
5 Crystal's cousin. She told you that she was privy to a
6 conversation where the Defendant said if he, Vincent, ever
7 hurts Crystal again, I'm going to shoot him. Or have
8 someone else shoot him. What more premeditation do you
9 need?

10 Now, he shoots and kills Vincent. He shoots
11 Vincent in the back as Vincent is running away. What does
12 he next do? Kevin is trying to get in the car to get
13 cover. Kevin gets shot in the back of the arm and comes
14 out up top here. What does that tell you? He shot Kevin
15 in the back of the arm. There is no gun, ladies and
16 gentlemen. Vincent never had one. There was no
17 impression that there was a gun. This is something that
18 the Defendant has contrived in his head on the way back to
19 Belton as he was trying to get away as he said. He had to
20 come up with something. And there is no evidence, none,
21 that there is a gun.

22 I ask that you take this information and the
23 evidence back to the jury room. That you each are able to
24 express your thoughts and opinions with your fellow
25 jurors. And I want to remind you that you have taken an

1 oath, and the State of South Carolina, more particularly
2 Greenville County, appreciates the responsibility that you
3 have. As I stated in my opening, it is an awesome
4 responsibility. And frankly I do not envy you for having
5 the responsibility today. But remember, you took an oath
6 that you're going to apply the facts and evidence as they
7 were given to you today to what the Judge tells you the
8 law is and that you would render a verdict that speaks the
9 truth. And there is only one verdict that speaks the
10 truth on all four of these charges. And that is guilty.
11 And that's what I ask you to do. Is to go back and
12 deliberate and return four verdicts of guilty against
13 Robert Jones. For murder, assault and battery with intent
14 to kill, possession of a weapon during a violent crime,
15 possession of a weapon by someone under the age of 18.
16 Justice demands that. Thank you.

17 JURY CHARGE

18 THE COURT: All right, Mr. Foreman, ladies and
19 gentlemen of the jury, during this trial you and I have
20 certain duties to perform. As the trial Judge it is my
21 responsibility to preside over the trial of the case and
22 to rule on the admissibility of the evidence offered
23 during the trial. It's also my duty to charge you the law
24 applicable to the case. And it is your duty, as jurors,
25 to accept and apply the law as I now state it to you.

1 Also, I told you in my opening comments, if you think you
2 have any idea as to what the law is or what the law ought
3 to be and it disagrees with what I tell you the law is
4 now, you've sworn an oath to set aside your own opinion
5 and apply the law precisely as I state it to you.

6 I would also remind you that in every case tried
7 in this court before a jury, the jury is the sole and
8 exclusive judge of the facts. And a trial Judge cannot
9 comment on or make any statement about the facts in a
10 case. So please do not think by anything I may have said
11 or done throughout the course of the trial that I have an
12 opinion, I do not. That is entirely up to you all to
13 judge the facts.

14 I would tell you that the fact that this
15 Defendant has been arrested, charged and indicted in the
16 case is not evidence of guilt. Nor does it create any
17 presumption or inference of guilt. The documents are
18 simply the formal written instruments which contain
19 charges made against a defendant. And they serve as the
20 formal documents by which a case is processed and brought
21 into court. Now the Indictments in this case allege
22 several different offenses against the Defendant. And
23 they are murder, assault and battery with intent to kill,
24 possession of a weapon during the commission of a violent
25 offense and possession of a handgun by a person less than

1 18 years of age. Each Indictment contains a separate and
2 distinct offense. And you must decide each Indictment
3 separately on the evidence and law applicable to it
4 uninfluenced by your decision as to any other Indictment.
5 And the Defendant may be convicted or acquitted on any or
6 all of the offenses charged. And you will be asked to
7 write a separate verdict of guilty or not guilty for each
8 Indictment.

9 Now necessarily, your jobs as judges of the
10 facts requires that you determine the credibility or
11 believability of the witnesses who have testified in this
12 case. And it becomes your duty as jurors to evaluate the
13 evidence and determine which evidence convinces you it is
14 true. And in determining the believability of the
15 witnesses, you may believe one witness over several or
16 several over one. You may believe a part of the testimony
17 of a witness and reject the remaining part. You may
18 believe the testimony of a witness in its entirety or
19 reject that same testimony in its entirety. You may
20 consider whether the witness has a interest in the result
21 of a trial, whether the witness is prejudiced towards
22 either the State or the Defendant, the opportunity for the
23 witness to have seen the matters and things about which
24 that witness has testified. And the way a witness acts on
25 a witness stand or what we call a witness' demeanor.

1 Now, the rules of evidence ordinarily do not
2 permit witnesses to testify to opinions or conclusions.
3 An exception to this rule exists for witnesses we call
4 expert witnesses. A witness who by education and
5 experience has become expert in some art, science or
6 profession, may give an opinion as to the subject a
7 witness has been qualified as an expert in and may also
8 give the reasons for the opinion. And you should consider
9 any expert opinion given by a witness, and like any other
10 evidence, give it the weight that you think it deserves.

11 Now, the Defendant has pled not guilty to these
12 Indictments. And that plea puts the burden on the State
13 to prove the Defendant guilty. A person charged with
14 committing a criminal offense in South Carolina is never
15 required to prove themselves innocent. And I charge you
16 that it is a cardinal and important rule of the law that a
17 defendant in a criminal trial, will always be presumed to
18 be innocent of the crime or crimes for which Indictments
19 have been issued unless and until guilt has been proven by
20 evidence, satisfying you of guilt beyond a reasonable
21 doubt.

22 Now, reasonable doubt is the kind of doubt that
23 would cause a reasonable person to hesitate to act. And
24 reasonable doubt may arise from the evidence which is in
25 the case or from the lack or absence of evidence in the

1 case. And you, the jury, must determine whether or not
2 reasonable doubt exists as to the guilt of this Defendant.
3 The State has the burden of proving each and every element
4 of a crime beyond a reasonable doubt. And any reasonable
5 doubt that you may have in your deliberations should be
6 resolved in favor of the Defendant. The Defendant is
7 charged with the murder of another person. And The State
8 must prove beyond a reasonable doubt that the Defendant
9 killed another person with malice aforethought.

10 Malice is hatred, ill will, or hostility towards
11 another person. It is the intentional doing of a wrongful
12 act without just cause or excuse and with an intent to
13 inflict an injury. Or under circumstances that the law
14 will infer as a evil intent. Malice aforethought does not
15 require that malice exists for any particular length of
16 time before the act is committed. But, malice must exist
17 in the mind of the Defendant just before and at the time
18 the act is committed. Therefore, there must be a
19 combination of the previous evil intent and the act. And
20 malice aforethought maybe expressed or inferred. And
21 these terms, express and inferred do not mean different
22 kinds of malice but merely the manner in which malice may
23 be shown to exist. That is either by direct evidence or
24 by inference from the facts and circumstances which are
25 proved.

1 Expressed malice is shown where a person speaks
2 words which express hatred or ill for another. Or when
3 the person prepared beforehand to do the act which was
4 later accomplished. Malice may be inferred from conduct
5 showing a total disregard for human life. It may also
6 arise where the deed is done with a deadly weapon. Now,
7 if the facts are proved beyond a reasonable doubt
8 sufficient to raise an inference of malice to your
9 satisfaction, this inference would be simply an
10 evidentiary fact to be considered by you, along with the
11 other evidence in the case. And you may give it the
12 weight that you decide it should receive.

13 Now, the Defendant has also been charged with
14 assault and battery with intent to kill. In order to
15 prove assault and battery with intent to kill the State
16 must prove beyond a reasonable doubt that the Defendant
17 committed an unlawful act of a violent nature to the
18 person of another with malice aforethought. And an
19 assault occurs when a person unlawfully attempts or offers
20 to commit a violent injury upon another person and had
21 that present ability to complete to attempted injury. An
22 assault is the intentional creation of a reasonable fear
23 of immediate bodily harm. It is not necessary that the
24 attempted injury or harm actually take place. For
25 example, if I walk up to you and when we are within arms

1 reach, I draw back to hit you, that is an assault. A
2 battery is the unlawful touching of another person by a
3 person who has committed an assault. An unlawful touching
4 can be caused by a part of the accused body or by any
5 object the accused puts in motion. A battery is the
6 completion of the assault by using or applying force to
7 another person. However slight and in a rude, angry or
8 resentful manner without legal justification for doing so.

9 Using my earlier example, if I carry through the
10 assault by hitting you, that would constitute a battery.

11 Now, again, malice is hatred, ill will or hostility
12 towards another person. It is the intentional doing of a
13 wrongful act without just cause or excuse and with an
14 accident to inflict an injury. Or under circumstances
15 that the law will infer an evil intent. And malice
16 aforethought is not required that the malice exist for any
17 particular time before the act is committed. But malice
18 must exist in the mind of the Defendant just before and at
19 the time that the act is committed. Therefore, there must
20 be a combination of the previous evil intent and the act.

21 And again, malice aforethought may be expressed
22 or inferred. And these terms expressed and inferred do
23 not mean different kinds of malice but merely the manner
24 in which malice may be shown to exist. That is either by
25 direct evidence or by inference from the facts and

1 circumstances which are proved. Expressed malice is shown
2 when a person speaks words which express hatred or ill
3 will for another or when the person prepared beforehand to
4 do the act which was later accomplished. For an example,
5 lying in wait for a person or other acts of preparation
6 going to show that the deed was within the Defendant's
7 mind would be expressed malice. It may also be inferred,
8 malice may also be inferred from conduct showing a total
9 disregard for human life. And inferred malice may also
10 arise when the deed is done with a deadly weapon.

11 I will also tell you that if facts are proved
12 beyond a reasonable doubt sufficient to raise an inference
13 of malice to your satisfaction, this inference would be
14 simply a evidentiary fact to be considered by you along
15 with the other evidence in the case. And you may give it
16 to the weight you decide it should receive. And a
17 specific intent to kill is not an element of an assault
18 and battery with intent to kill. But there must be a
19 general intent to commit serious bodily injury. And
20 intent means intending the result which actually occurs.
21 Not accidentally or involuntarily. Intent may be shown by
22 acts and conduct of the Defendant and other circumstances
23 from which you may naturally and reasonably infer intent.
24 Evidence of the character of the assault, the character of
25 the instrument used, the manner in which it was used, the

1 purpose to be accomplished and the resulting wounds or
2 injuries may be considered in determining the intent with
3 which the assault was committed. An intent may be
4 inferred when it is demonstrated that the Defendant
5 voluntarily and willfully commits an act the natural
6 tendency of which is to destroy another's life.

7 Now, ladies and gentlemen, the Defendant has
8 raised the defense of self-defense. A self-defense is a
9 complete defense. And if it is established, you must find
10 the Defendant not guilty. The State has the burden of
11 disproving self-defense by proof beyond a reasonable
12 doubt. And if you have a reasonable doubt of the
13 Defendant's guilt after considering all the evidence,
14 including the evidence of self-defense, then you must find
15 the Defendant not guilty. On the other hand, if you have
16 no reasonable doubt of the Defendant's guilt after
17 considering all of the evidence, including the evidence of
18 self-defense, then you must find the Defendant guilty.

19 The following are the elements that are required
20 to establish self-defense. First, the Defendant must be
21 without fault in bringing on the difficulty. If the
22 Defendant's conduct was the type which was reasonably
23 calculated to and did provoke a deadly assault, the
24 Defendant would be at fault in bringing on the difficulty
25 and would not be entitled to an acquittal based on

1 self-defense. The second element of self-defense is that
2 the Defendant was actually in imminent danger of death or
3 serious bodily injury. Or that the Defendant actually
4 believed that he was in imminent danger of death or
5 serious bodily injury. Now, if the Defendant was actually
6 in imminent danger, it must be shown that the
7 circumstances would have warranted a person of ordinary
8 firmness and courage to strike the fatal blow to prevent
9 death or serious bodily injury. If the Defendant believed
10 he was in imminent danger of death or serious bodily
11 injury, it must be shown that a reasonably prudent person
12 of ordinary firmness and courage would have had the same
13 belief.

14 And in deciding whether the Defendant actually
15 was or believed he was in imminent danger of death or
16 serious bodily injury, you should consider all the facts
17 and circumstances surrounding the crime. Including the
18 physical condition and characteristics of the Defendant
19 and the victim. Now prior instances of violence by the
20 victim may be considered in deciding whether the Defendant
21 actually believed he was in imminent danger of death or
22 serious bodily injury or was actually in that imminent
23 danger. The final element of self-defense is that the
24 Defendant had no other probable way to avoid the danger of
25 death or serious bodily injury than to act as the

1 Defendant did in this particular instance.

2 In order to be entitled to claim self-defense,
3 the Defendant must have had no other probable way to avoid
4 the danger of death or serious bodily injury, including
5 the duty to retreat from the harm. If that opportunity
6 existed prior to employing the use of deadly harm to
7 protect himself. Now, also under the law of self-defense,
8 the Defendant may strike a blow or -- in the defense
9 others. The right to intervene to protect another person
10 is subject to the same rights and limitations as the right
11 of self-defense. And the Defendant may take the life of a
12 person who assaults a friend, relative or bystander, if
13 that friend, relative or bystander would have had the
14 right of self-defense. To show that the person being
15 defended had the right of self-defense, it must first be
16 shown that the person being defended, and the Defendant,
17 were both without fault in bringing on the difficulty. If
18 the conduct of the person defended or the Defendant was
19 the type which was reasonably calculated to and did
20 provoke a deadly assault, the person would be at fault in
21 bringing on the difficulty and would not have the right of
22 self-defense. Therefore, the Defendant would not have had
23 the right to use deadly force in defending that person.

24 The defense of another person is excusable if
25 the Defendant had reasonable grounds to believe and in

1 good faith did believe that the person being defended was
2 in imminent danger of death or serious bodily harm from
3 the victim. And in deciding whether the person defended
4 actually was or that the Defendant actually believed the
5 person was in imminent danger of death or serious bodily
6 injury, you should consider all the facts and
7 circumstances surrounding the crime including the physical
8 condition and characteristics of the parties.

9 I will also tell you evidence of prior
10 difficulties between the person defended and the victim
11 may be considered in deciding whether a threat existed,
12 whether the Defendant had a reason to believe a threat
13 existed and how serious that threat was. Relative size,
14 ages and weights of the parties may be considered in
15 deciding the apparent or actual need for force in
16 self-defense and the amount of force needed. And
17 reputation of the victim as a violent person may be
18 considered in deciding whether there was a need for force,
19 whether the Defendant had reason to believe there was a
20 need for force and whether deadly force was reasonably
21 necessary. And threats made by the victim, may be
22 considered in determining whether the Defendant actually
23 believed that the person defended was in imminent danger
24 of death or serious bodily injury or was actually in
25 imminent danger.

1 And with respect to self-defense, I would
2 finally tell you that the Defendant does not have to show
3 that the person the Defendant defended was actually in
4 danger. It is enough if the Defendant believed the person
5 was in imminent danger. The Defendant has a right to act
6 on appearances even though the Defendant's beliefs might
7 have been mistaken. The Defendant must show that under
8 the circumstances, as they appeared to the Defendant, the
9 Defendant believed the person defended was in danger and
10 that a reasonably prudent person of ordinary firmness and
11 courage, would have had the same belief under the same
12 circumstances. It is for you, the jury, to decide whether
13 the Defendant's fear of immediate danger of death or
14 serious bodily injury to the person defended was
15 reasonable. And would have been felt by an ordinary
16 person in the same circumstances. The Defendant does not
17 have to wait until the victim gets the drop on the person
18 defended, the Defendant has the right to act under the law
19 self-preservation to prevent the victim from getting the
20 drop on the person defending.

21 Okay. The Defendant is also charged with the
22 possession of a weapon during the commission of or attempt
23 to commit a violent crime. And the State must prove
24 beyond a reasonable doubt that the Defendant was in
25 possession of a firearm when visibly displayed what

1 appeared to be a firearm during the commission of a
2 violent crime. And in order to find the Defendant guilty
3 of possession of a weapon during the commission of a
4 violent crime, you must first find the Defendant guilty of
5 either committing a violent crime or attempting to commit
6 a violent crime. And I would tell you that murder and
7 assault and battery with intent to kill are considered
8 violent crimes under the laws of our state.

9 Finally with respect to possession of a handgun
10 by a person under 18, our law 16-23-30 reads, It is
11 unlawful for a person to knowingly sell, offer to sell,
12 deliver, lease, rent, barter, exchange or transport for
13 sell into the state any handgun to a person under the age
14 of 18. That this shall not apply to the issue of handguns
15 to members of the Armed Forces of the United States,
16 active or reserved, National Guard, State Militia, ROTC
17 when on duty or training or the temporary loan of handguns
18 for instructions under the immediate supervision of
19 apparent or adult instructor. The State must prove beyond
20 a reasonable doubt that the Defendant possessed a handgun
21 and that the Defendant was under the age of 18 at the time
22 of the possession. A handgun is defined as any firearm
23 designed to expel a projectile and designed to be fired
24 from the hand. But shall not include any firearm
25 generally recognized or classified as an antique or

1 collectors item or that does not fire fixed carriages.

2 Now, ladies and gentlemen, with respect to each
3 of those four Indictments there two possible verdicts that
4 you may reach. They are guilty or not guilty. Ladies and
5 gentlemen, I would tell you that each case must be decided
6 on the merits of that case. Without respect to the merits
7 of other cases. Except with respect to the possession of
8 a firearm during the commission of a violent crime. You
9 may not find the Defendant guilty on that particular
10 Indictment unless you find the Defendant guilty of either
11 murder or assault and battery with intent to kill. Okay.
12 I want to tell you that all 12 of you must agree. Your
13 verdict must be unanimous. And it cannot be based on
14 sympathy, passion, prejudice, emotion or any other
15 consideration not in evidence in the case. You have no
16 enemies to punish, you have no friends to reward.

17 Now, Mr. Foreman, we will -- well I'm going to
18 excuse you in just a second. We are going to have a
19 verdict form which we will deliver to you in the jury
20 room. On which to indicate your verdict and at the bottom
21 a place for you to sign.

22 Ladies and gentlemen, do not start your
23 deliberations just yet. I need to go over my charge on
24 the law with the lawyers to make sure I didn't omit
25 anything or misstate something. And when you all receive

1 the verdict form, along with all the evidence you may begin
2 your deliberations. I will say this, we are not going to
3 send the video back into the jury room with you. If you
4 would like to watch that, let us know and we'll arrange to
5 allow you to watch it. Okay. At this time, ladies and
6 gentlemen, with the exception of Mr. Garcia and
7 Mr.England, I ask you to return to your jury room.

8 (WHEREUPON, the jury left open court at
9 approximately 4:35 p.m.)

10 THE COURT: Again, it's always a hard duty for
11 me to tell you all that you can't go back there and
12 deliberate. You're just as qualified, you made every
13 sacrifice that they have but the law only allows 12. I
14 hope you can see with a three day case, it's not unusual
15 for someone to take sick and we lose them. I wish I could
16 let you deliberate but I can't. What I can do for you is
17 everybody else has got to call back after 6:00 tonight but
18 I'm cutting y'all loose for the week. So y'all are done.
19 Thank you for your service. You're free to talk to
20 anybody you want to about this case or not talk to them.
21 Somebody comes up to you and bothers you about it and you
22 don't want to talk about it, you just let the Clerk of
23 Court know, find out who they are, let them know who they
24 are, whether it's here or someone where else and we'll fix
25 that problem. Because we're not going to have you all be

1 bothered or harassed because of your service. Thank you
2 very much for your service, you're welcome to stay, go, do
3 whatever you'd like to do. Thank you.

4 (WHEREUPON, the alternates were excused.)

5 THE COURT: All right, any exceptions or
6 objections to the charge?

7 THE BAILIFF: Your Honor, can I take them
8 through? They want to stay.

9 THE COURT: Yeah, they can stay.

10 MR. MARCHANT: No objections, Your Honor, from
11 the State.

12 MR. COOKE: Judge, I just had some additions to
13 the request.

14 THE COURT: What? Aside from voluntary
15 manslaughter, I know you object to that.

16 MR. COOKE: State v. Hendricks. If a Defendant
17 initially has the right to open fire he may continue
18 firing until he reasonably concludes the danger to his
19 life and safety has passed. And the use of an unlawful --
20 the possession of an unlawful weapon does not preclude him
21 from self-defense -- does not bar a self-defense charge,
22 Judge. That's State v. Slater. I think it's very
23 relevant to this case.

24 THE COURT: You want me to charge that?

25 MR. COOKE: Yes, sir.

1 THE COURT: There's been no mention of that.

2 MR. COOKE: Well I think it has.

3 THE COURT: Let me see what you got. You know,
4 I asked you about -- Mr. Cooke, here's the thing, I asked
5 about any additional charges you might want before I gave
6 the charge to the jury.

7 MR. COOKE: I understand that, Judge. I hadn't
8 read your charge.

9 THE COURT: Y'all go through the evidence make
10 sure it's all there. All right.

11 MR. COOKE: Judge, I might add that State v.
12 Mickle also a proposition of a person acting lawfully even
13 though he's unlawfully in possession of a weapon also
14 states that he's entitled to arm himself in self-defense
15 at the time of the shooting. Same proposition as in the
16 cases that I just gave you. Just State v. Mickle.

17 THE COURT: Well, Mr. Cooke, Mr. Cooke.

18 MR. COOKE: Yes, sir.

19 THE COURT: State v. Hendricks.

20 MR. COOKE: Yes, sir.

21 THE COURT: Is very distinguishable from this
22 case.

23 MR. COOKE: Okay.

24 THE COURT: The State argued in that case that
25 the defendant used excessive force by firing more than

1 once, okay. The rule is that ordinarily one is not
2 justified in shooting or imploring a deadly weapon after
3 the adversary has been disarmed or disabled. I'm not
4 going to charge it. Distinguishable. Slater involved a
5 case where the Court did not charge self-defense. We
6 charged self-defense.

7 MR. COOKE: Okay. Note my exception to your
8 ruling for the record.

9 THE COURT: I notice that you're siting out of
10 the Criminal Offenses in South Carolina. I don't know
11 what addition it is, but the cases say -- they actually
12 stand for different propositions than you're asserting
13 here and I'm not going to charge it.

14 MR. COOKE: Okay, thank you.

15 THE COURT: Have y'all seen the verdict form?
16 You want to see it?

17 You going to object to that, Mr. Marchant?

18 MR. MARCHANT: No, sir, Your Honor.

19 THE COURT: All right, give it to them.

20 (WHEREUPON, deliberations began at approximately
21 4:50 p.m)

22 THE COURT: One other thing I want to say. Is
23 that this is clearly an emotional case and there's a lot
24 of hard feelings. And I have told y'all once before, we
25 will not accept any sort of confrontation between anybody.

1 Okay. All right. We'll be at ease.

2 (WHEREUPON, court was in recess awaiting a
3 verdict.)

4 THE COURT: All right. We have a request from
5 the jury. Says, Could we have four copies of the trial
6 transcript? And 12 copies of the law that the Judge read.

7 MR. MARCHANT: She can have that ready by
8 9:00 a.m., Judge.

9 THE COURT: I guess we'll just have to bring
10 them back and I'll tell them they can't have a copy of the
11 transcript but we can play. And I'll give them a copy of
12 the charge on the law. I'll have to put it together.

13 Let's bring them.

14 (WHEREUPON, the jury came into open court at
15 approximately 5:05 p.m.)

16 THE COURT: All right, ladies and gentlemen, I
17 got your request. We can get you four copies of the
18 transcript in about six or seven months. Takes a long
19 time to get this done. And I'm not -- it's not because my
20 court reporter couldn't do it but she's got -- they're way
21 overworked as it is, she's got to work every day,
22 taking -- it doesn't automatically print out is what I'm
23 telling you. But what we can do is if there are specific
24 portions of testimony that you would like to hear, we can
25 find those and play them back to you, okay. With respect

1 to the law, I will --

2 Do you want -- I'd like to know if you want the
3 entire charge or if you would just like the charge as it
4 relates to the offenses or? I can give you the whole
5 thing, I'm not going to make 12 copies for you.

6 MR. FOREMAN: Just basically what you read to us
7 today, Your Honor, would be sufficient.

8 THE COURT: Okay. All right, well you all -- I
9 will ask you -- excuse y'all back to your room and I'll
10 bring you the charge on the law in just a minute. I
11 change it for each case a little bit so I'll have to
12 change it on the computer, print it out and I'll bring it
13 to you. Okay. Thank you, very much.

14 (WHEREUPON, the jury left open court at
15 approximately 5:08 p.m.)

16 THE COURT: Paul, will you check and make sure
17 if any of the jurors have any conflicts or requirements
18 time wise?

19 THE BAILIFF: Yes, sir.

20 THE COURT: Okay.

21 (WHEREUPON, deliberations continued.)

22 THE COURT: We may have -- we may let them go
23 for the evening and bring them back tomorrow. I think
24 they're going to be deliberating for a while. But we'll
25 let them work for a little bit.

1 MR. MARCHANT: May it please the Court, it's
2 fresh in their minds right now. I'd prefer they have at
3 least 30 minutes --

4 THE COURT: Oh, I'm not going to send--

5 MR. MARCHANT: Okay, I'm sorry, I misunderstood.
6 (WHEREUPON, Court's Exhibit No. 3 was marked for
7 identification and received into evidence.)

8 THE COURT: All right, bring them back out, I'm
9 going to release them for the day.

10 Let's bring them. Well, hang on.

11 All right, I just spoke, I believe, her name was
12 Ms. Williams, she's the one that has two young children,
13 needs to leave by 6:00. Apparently there's someone else
14 who needs it. And Ms. Williams, I was in the presence of
15 Mr. Fuller, the bailiff and my clerk. And she said
16 there's no way they will decide today. So I'm going to
17 send them home. Bring them back in the morning. And take
18 it from there.

19 MR. MARCHANT: What time, Judge?

20 THE COURT: I'll just ask them to be back, well
21 nine o'clock.

22 MR. MARCHANT: Thank you.

23 (WHEREUPON, the jury came into open court at
24 approximately 5:50 p.m.)

25 THE COURT: All right, ladies and gentlemen,

1 thank you for everything you've done so far. And I'm
2 going to release you for the evening and ask y'all to be
3 back at nine o'clock in the morning. I can't tell you
4 just how vital it is at this juncture that you not discuss
5 this with anyone. That you not go on the internet. Do
6 any research, go to the scene or anything. You come this
7 far, you've made this much of a sacrifice, let's finish
8 it, okay. And ensure that -- sounds a little corny but if
9 you protect the Constitutional rights that are at issue
10 today by following your oath, you're protecting you're own
11 rights, okay. It's like that old saying that No man is an
12 island entire of himself. We're all part of the main.
13 And that's what that is. That's what this is. So if you
14 protect it in this case it's being protected for
15 everybody.

16 So y'all have a pleasant night, thank you for
17 your hard work so far, look forward to seeing y'all at
18 nine o'clock in the morning. I'll have copies of the law
19 for y'all then. Okay. Thank you.

20 (WHEREUPON, the jury left open court and was
21 excused for the day at approximately 5:53 p.m.)

22 THE COURT: Wait a minute, y'all come back.
23 What number is the weather number?

24 THE CLERK: It should be on -- Judy will put a
25 message on their call-in line.

1 THE COURT: I'm sorry, to make y'all up and
2 down.

3 What time will she have that message out there?

4 THE CLERK: As soon as she hears from
5 administration she'll put it out there.

6 THE COURT: Okay, ladies and gentlemen, we have
7 potential weather issue in the morning as you all probably
8 are aware. I don't think -- hopefully it's not going to
9 be an issue, it's going to warm up tomorrow for sure. And
10 so I don't think it's going to stick. But just if you
11 would, call the number in the morning, in the morning
12 before you come to make sure that we're opening at the
13 same time or when we're going to open. Okay. I apologize
14 for making y'all get up and down. The callback line, it
15 will be on the callback line. Okay, thank y'all very
16 much.

17 (WHEREUPON, the jury left open court at
18 approximately 5:54 p.m.)

19 THE COURT: All right, anything else before we
20 break?

21 MR. MARCHANT: No, Your Honor.

22 THE COURT: Okay.

23 MR. COOKE: Not from the defense, Judge.

24 THE COURT: Okay, see y'all in the morning.

25 (WHEREUPON, the proceedings were concluded for

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the day to be reconvened on 10, 2011 at
approximately 9:00 a.m.)

1 Thursday, February 10, 2011

2 (WHEREUPON, deliberations began at approximately
3 9:10 a.m.)

4 (WHEREUPON, Court's Exhibit Nos. 4 & 5 were
5 marked for identification and received into
6 evidence.)

7 THE COURT: We got six copies going back, we got
8 one we're going to make a part of the record. Y'all want
9 to examine them before we send them back?

10 Y'all can sit down.

11 MR. COOKE: We've looked at them.

12 THE COURT: You good?

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

14 MR. COOKE: (Mr. Cooke, nods.)

15 THE COURT: All right, take it back.

16 Anything else?

17 MR. MARCHANT: Nothing from the State.

18 MR. COOKE: Nothing the from the defense, Judge.

19 THE COURT: All right, we'll be at ease.

20 (WHEREUPON, court was in recess awaiting a
21 verdict.)

22 THE COURT: All right, I understand we have
23 verdict. I just want to tell everybody, I don't know what
24 the results going to be, nobody knows. But I want no
25 outburst in the courtroom when the verdict is read. Okay.

1 All right.

2 (WHEREUPON, the jury came into open court at
3 approximately 10:50 a.m.)

4 THE COURT: All right, good morning, ladies and
5 gentlemen, welcome back. I understand y'all reached a
6 verdict, Mr. Foreman.

7 MR. FOREMAN: Yes, sir.

8 THE COURT: All right, would you hand it to the
9 bailiff, please.

10 Okay, publish the verdict, please.

11 VERDICT

12 THE CLERK: Your Honor, in the case of 2 -- all
13 cases, 2010-GS-23-692, 693, 694 and 695, The State of
14 South Carolina vs. Robert Mondriques Jones. Number one,
15 as to the charge of murder, we, the jury, find the
16 Defendant guilty. As to the charge of assault and battery
17 with intent to kill, we, the jury, find the Defendant
18 guilty. As to the charge of possession of a weapon during
19 the commission of a violent crime, we, the jury, find the
20 Defendant guilty. As to charge of possession of a pistol
21 by a person under 18 years of age, we, the jury, find the
22 Defendant guilty. I certify the decision was unanimous
23 decision of this jury. Signed by Mr. Rodd, our
24 Foreperson.

25 Ladies and gentlemen of the jury, if you agree

1 these are verdicts you reached in your deliberation room,
2 would you please raise your right hand.

3 (WHEREUPON, all members of the jury panel
4 raised their right hand.)

5 THE COURT: Anything else from the jury?

6 MR. MARCHANT: Nothing from the State, Your
7 Honor.

8 MR. COOKE: None from the defense.

9 THE COURT: All right, Mr. Foreman, ladies and
10 gentlemen of the jury, I want to thank you for your work.
11 I hope I did not make a liar out of myself on Monday when
12 I told you about the importance of jury service. And I
13 hope you recognize that now. It is a heavy
14 responsibility, it's a great privilege. And you have done
15 an incredible job for the people of South Carolina and the
16 citizens of Greenville County. I want you to feel good
17 about your work, dedication and sacrifice and be proud of
18 what you've done. I hope that it's been a good experience
19 for you.

20 I want to tell you that you all are through for
21 the week. And so you are free to talk about this case, if
22 you want to. You're free not to talk about it. If
23 someone talks to you about it and you don't want to talk
24 about it and they persist, just let us know about it and
25 we'll fix the problem. Because we're not going to have

1 you all suffer any embarrassment or harassment or anything
2 of that nature as a result of your service. With that,
3 ladies and gentlemen, I thank you and you're free to go,
4 stay, whatever you'd like to do. Thank you.

5 (WHEREUPON, the jury left open court and was
6 excused for the day at approximately 11:00 a.m.)

7 THE COURT: Oh wait, get the foreperson, don't
8 let him go. We got to get him to sign the Indictments.

9 MR. MARCHANT: Judge, I need a minute. I don't
10 have sentencing sheets, I gave them to Mr. Cooke about two
11 weeks ago.

12 THE COURT: Okay.

13 MR. MARCHANT: I only have a copy, I sent the
14 Investigator to --

15 THE COURT: All right, that's fine.

16 Any motions?

17 MR. COOKE: Yes, sir. I move for a new trial,
18 Judge, setting aside the verdict of the jury on the basis
19 of the evidence was certainly insufficient to support the
20 verdict of guilty of murder, assault and battery with
21 intent to kill and possession of a weapon during the
22 commission of a crime.

23 THE COURT: Okay. Well I disagree with that.
24 And I'll deny your motions.

25 All right, come on around.

1 All right, Mr. Marchant, anything?

2 MR. MARCHANT: May it please the Court. We
3 certainly appreciate the jury's service this week. And
4 the State's position, of course, that they have rendered a
5 verdict that speaks the truth. We would ask that you
6 sentence this Defendant accordingly. I believe the
7 evidence has shown that he came armed. Definitely took
8 the first steps to strike the first blow that ended a
9 man's life. In the commission of that he also shot the
10 man's brother, Kevin, who is fortunately still with us.
11 But he was completely reckless in the actions that he did
12 that day. He could have hit anybody else out there or
13 some passerby walking down the street.

14 His prior record is 2008, unlawful carrying of a
15 weapon, simple possession of marijuana. That is the
16 extent of his prior record. He has been in the county
17 jail since the day this happened back on March 25th of
18 2009. Just ask that, His Honor, hand down a sentence that
19 is appropriate with the charge and with the verdict that
20 the jury returned. I do have a statement that the family
21 would like me to communicate to the Court.

22 THE COURT: All right, be happy to hear it.

23 MR. MARCHANT: This is the Campbell family
24 statement. Since March 25th of 2009, when the doctors
25 pronounced Vincent Antonio Campbell, Jr. deceased, our

1 family has not been the same. He left behind a very large
2 family. Felicia Campbell, Kevin Campbell, Jamall
3 Campbell, Temekiea Campbell, Shemeeka Campbell, Darrion
4 Campbell, his mother, Carlotta Campbell and his father,
5 Vincent Campbell, Sr. Also three nephews and one niece.
6 He had three children, Alexia Campbell, Vianna Campbell
7 and Dayquon Campbell who miss their daddy a lot. We all
8 miss him and there is no one who can replace him. He was
9 a good son, a good brother and a loving father.

10 Robert Jones committed an abominable, hateful
11 crime. We do not want any animosity between our family
12 and Robert Jones where we would be enemies. We just want
13 justice served. We feel our family should get justice
14 because we will never see, hear or touch Vincent Antonio
15 Campbell, Jr. again. He never deserved to get killed.
16 Especially not the way he got killed. All we're asking is
17 for the right justice to be served.

18 THE COURT: All right, anything else? Kevin
19 Campbell, anything he wants to say?

20 MR. MARCHANT: No, sir, Your Honor. I believe
21 that's the extent of the family's input.

22 THE COURT: Okay.

23 MR. MARCHANT: I don't believe that he can
24 address the Court at this time, Judge.

25 THE COURT: Okay. How about the mother, is she

1 here?

2 MR. MARCHANT: She's here, Your Honor.

3 THE COURT: Well, you know, it's understandable.

4 MR. MARCHANT: She and the family prepared this

5 statement in the event that this is where we landed.

6 Understanding that this was going to be a very emotional

7 time for them.

8 THE COURT: Okay.

9 MR. MARCHANT: Thank you.

10 THE COURT: All right, Mr. Cooke.

11 MR. COOKE: Judge, you've already heard the
12 facts of the case, you know Robert's background, you know
13 how this all started. We would ask, Your Honor, to have
14 some mercy in this case. Robert's a young man and
15 hopefully this thing will turn out for the best for him in
16 the future. So I would ask, Your Honor, to be as lenient
17 as possible under the circumstances.

18 THE COURT: What do you want to tell me?

19 MR. JONES: I just want to let the family know
20 that I'm sorry for their loss or whatnot. And that's the
21 way -- the way things happened they way I saw it, it
22 appeared to me. And I still apologize to everyone. I ask
23 for your mercy too, also.

24 THE COURT: What gun were you carrying in '08?

25 MR. JONES: I wasn't carrying a gun, I had got

1 caught with some brass knuckles. They charged me with
2 carrying a weapon in the City of Belton. It was a
3 misdemeanor charge.

4 MR. COOKE: That was handled in the City, Judge.
5 City court case. Then there was a marijuana charge.
6 Judge, he was -- I want to mention this. He was in an
7 alternative school and working at Hardees when this all
8 happened. And as you know, this was basically over his
9 meeting up with the young lady who had these children. He
10 was 16 years old at the time. Had not really got to be 17
11 very long before this happen. So I'm not blaming the
12 woman in the case but certainly that had a great deal to
13 do with a young man who was in a lot, I guess, heat you
14 might say when you're young and sometimes you make bad
15 decisions. But certainly, he is very sorry this happened.

16 I will say this about him too, Judge.
17 Regarding his attitude, I said this -- I've said it a
18 couple of times. The whole time he's been in jail, he
19 has -- he has been the most polite, pleasant person I have
20 ever dealt with. He has, not the first time, and you
21 worked down there in that office, you know how they
22 constantly want you to come, this and that. I mean, you
23 know, you can't really keep up with it. He has never,
24 never been that sort of person. He's always -- everything
25 he's done has been like a gentleman. And what happened

1 here is really out of character for him. And I know that
2 they tried to portray him as some kind of gang guy and all
3 that. But he is -- he is just is very meek guy. I mean,
4 it's just totally out of character from what I've seen in
5 him. So, you know, he's got a chance to come out one of
6 these days if you'll give him that opportunity and not
7 take his whole life away from him. And be a productive
8 citizen.

9 It's just -- you know, had they not gone there
10 that day with a child situation -- you know, it's just
11 amazing how this all happened, how it unfolded. And I
12 know you're going to say well he had a gun, if he hadn't
13 had a gun it wouldn't have happened. Well, if they hadn't
14 driven up that day it wouldn't have happened either. So I
15 just ask, Your Honor, to give him a chance to come out of
16 prison at some point in time and be a productive citizen.
17 He's a young nice looking man, he's --

18 THE COURT: I just don't understand what it is
19 with guns. You want to explain it to me? Why is it that
20 everybody carries a gun?

21 MR. JONES: For protection.

22 THE COURT: That's what every single, young,
23 black man that comes up here tells me, for protection.
24 You don't need protection if nobody carries a gun. It's
25 illegal to do it.

1 MR. JONES: Yes, sir.

2 MR. COOKE: Judge, you know, I know, I've got
3 case after case down there that I'm responsible for with
4 that sort of thing has been involved. It's almost -- it's
5 like a combat zone. I agree with you. But it's everybody
6 out there. I mean, it's just like -- I can remember I get
7 in a fight, I didn't worry about a guy pulling a gun on
8 me. I mean, he might pick up a baseball bat and come
9 after me. But you're right, it is a prevalent thing out
10 there. And I think a lot of times these young boys, young
11 men think that they do -- if you live in a rough
12 neighborhood, I think sometimes they think that that's
13 something they need to protect themselves. They never
14 know when they're going to be confronted out there
15 somewhere. So I'd ask, Your Honor, to please have mercy,
16 give him a chance to come out and be a productive citizen,
17 Your Honor. He's got a child he hasn't seen after all
18 this.

19 SENTENCING

20 THE COURT: All right, I'm going to give him 40
21 years on the murder, 20 years on assault and battery with
22 intent to kill, five each of the gun charges.

23 You have ten days from today's date to file a
24 notice of intent to appeal. You need to get it to your
25 attorney if you intend to do that much sooner than that so

1 he has time to forward the documents.

2 MR. COOKE: I'll put on the record right now
3 I've already talked to him about that and I will file the
4 notice for him.

5 THE COURT: All right.

6 MR. COOKE: Thank you, Judge.

7 THE COURT: All right.

8 I'll ask everyone to remain in the courtroom
9 while the victim's family and friends are allowed to exit.

10 (WHEREUPON, the proceedings were concluded.)

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WITNESSES

D Garrison

D. Garrison

Greenville Police Department

3/25/2009

ARREST WARRANT NUMBER

M068834

ACTION OF GRAND JURY
TRUE BILL

Wm. S. Dyerette
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

106 Feb 11
Date:

DOCKET NO. 2010-GS-23- 000692

LCM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2010

2-10-11

THE STATE

vs.

ROBERT MONDRIQUES JONES

Indictment for

2364

POSSESSION OF A PISTOL BY A PERSON
UNDER 18 YEARS OF AGE

VIOLATION § 16-23-0030

Certified Copy

Paul B. Winkler
Clerk of Court C.P. & G.S.
Greenville County, SC

Date: *2/15/11*

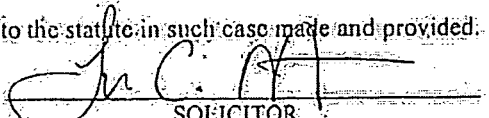
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A PISTOL BY A PERSON UNDER 18 YEARS
OF AGE

At a Court of General Sessions, convened on FEB 10 2010 the Grand Jurors of Greenville
County present upon their oath:

That ROBERT MONDRIQUES JONES did in Greenville County, on or about the 25th day of March, 2009, while at [REDACTED]
[REDACTED] Greenville, South Carolina, willfully and unlawfully have in his possession and under his control a pistol, the
said defendant being under the age of eighteen (18). This is in violation of § 16-23-0030 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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

INDICTMENT/CASE#: 2010GS2300692

Robert Mondriques Jones

A/W#: M068834

AKA:

Date of Offense: 3/25/2009

Race: B Sex: M Age: 19

S.C. Code § : 16-23-0030, 0050

DOB: SS#: [REDACTED]

CDR Code #: 2364

Address:

City, State, Zip: Belton, SC

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol CONVICTED OF or PLEADS

In violation of § 16-23-0030, 0050 of the S.C. Code of Laws, bearing CDR Code # 2364
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-23-45

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: Paul B. Wickman 72742
Marchant Lucas 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:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. since 3/25/09
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Recipient: _____
*Fine:
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: _____

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

TOTAL \$ _____

Clerk of Court/ Deputy Clerk Paul B. Wickman
Court Reporter: A. Herron

Presiding Judge [Signature]
Judge Code: 2130
Sentence Date: 2-10-11

CRJ

WITNESSES

D Garrison

[Signature]

Greenville Police Department

3/25/2009

ARREST WARRANT NUMBER

M068830

ACTION OF GRAND JURY
TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

10 FEB 11
Date:

DOCKET NO. 2010-GS-23-

000693

LCM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February TERM 2010

2-10-11

THE STATE

vs.

ROBERT MONDRIQUES JONES

Indictment for

0116

MURDER

VIOLATION § 16-03-0010

Certified Copy
Paul B. Wickens
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated *2/15/11*

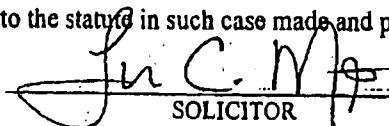
STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 MURDER

At a Court of General Sessions, convened on **FEB 16 2010** the Grand Jurors of Greenville
 County present upon their oath:

That ROBERT MONDRIQUES JONES did in Greenville County, on or about the 25th day of March, 2009,
 unlawfully and with malice aforethought kill Vincent Campbell by means of shooting him, and that Vincent
 Campbell 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

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS.)
Robert Mondriques Jones)
 AKA:)
 Race: B Sex: M Age: 19)
 DOB: [REDACTED] SS#: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: Belton, SC)
 DL#: [REDACTED] SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2300693
 A/W#: M068830
 Date of Offense: 3/25/2009
 S.C. Code § : 16-03-0010, 0020
 CDR Code #: 0116

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury: _____ (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 72142
Marchant, Lucas 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 40 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections since 3/25/09
 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 _____

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: _____

Recipient: _____
 *Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100</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>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCJA Surcharge)	\$5	\$	<u>5</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$	
3% to County (if paid in installments)		\$	
TOTAL		\$	

Condition Discharge, § 44-53-450(C) requires
 \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/Deputy Clerk: Paul B. Wickerman
 Court Reporter: Q. Heron
 SCCA/217 (06/2010)

Presiding Judge: [Signature]
 Judge Code: 2130
 Sentence Date: 2-10-11

WITNESSES

D Garrison

J.P. Davis

Greenville Police Department

3/25/2009

ARREST WARRANT NUMBER

M068835

ACTION OF GRAND JURY

TRUE BILL

Ann Swerette

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

10/25/09
Date:

DOCKET NO. 2010-GS-23-

LCM

000694

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2010

2-10-11

THE STATE

vs.

ROBERT MONDRIQUES JONES

Indictment for

0549

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A CRIME

VIOLATION § 16-23-0490

Certified Copy

Paul B. Wickham
Clerk of Court C.P. & G.S.
Greenville County, SC

Dated *2/15/11*

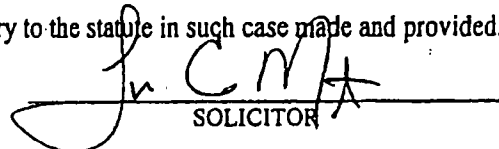
STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE) INDICTMENT FOR
) POSSESSION OF A WEAPON DURING THE COMMISSION OF A
) CRIME

At a Court of General Sessions, convened on **FEB 16 2010** the Grand Jurors of Greenville

County present upon their oath:

That ROBERT MONDRIQUES JONES did in Greenville County, on or about the 25th day of March, 2009, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Murder and/or Assault and Battery with Intent to Kill. This is in violation of §16-23-490 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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

Robert Mondriques Jones

AKA:

Race: B Sex: M Age: 19

DOB: SS#:

Address:

City, State, Zip: Belton, SC

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

INDICTMENT/CASE#: 2010GS2300694

A/W#: M068835

Date of Offense: 3/25/2009

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 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: J. C. M. 72742
Marchant, Lucas 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:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. SINCE 3/25/09
 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 _____

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: _____

Recipient: _____
*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</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>25</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>5</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B. Wickensamer
Court Reporter: A. Harro
SCCA/217 (06/2010)

Presiding Judge ED C. W. Miller
Judge Code: 2130
Sentence Date: 2/10/11

555

WITNESSES

D Garrison

D. L. Garrison

Greenville Police Department

3/25/2009

ARREST WARRANT NUMBER

M068833

ACTION OF GRAND JURY
TRUE BILL

Wm. D. Swartz
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-
LCM

000695

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
February
TERM 2010

THE STATE

vs.

ROBERT MONDRIQUES JONES

Indictment for

0014

ASSAULT AND BATTERY WITH INTENT TO
KILL

VIOLATION § 16-03-0620

Certified Copy
Paul B. Wickens
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 7/15/11

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS.)
 Robert Mondriques Jones)
 AKA:)
 Race: B Sex: M Age: 19)
 DOB: [REDACTED] SS#: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: Belton, SC)
 DL#: [REDACTED] SID#: [REDACTED])
 *CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Assault / Assault and battery with Intent to Kill (ABWIK)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2300695
 A/W#: M068833
 Date of Offense: 3/25/2009
 S.C. Code § : 16-03-0620
 CDR Code #: 0014

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0620 of the S.C. Code of Laws, bearing CDR Code # 0014
 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: J. Lucas Marchant, Lucas SC Bar# 72242 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 20 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:
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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 _____

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: _____

Recipient: _____
 *Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100</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>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCJA Surcharge)	\$5	\$	<u>5</u>
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3% to County (if paid in installments)		\$	
TOTAL		\$	

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B. Lutzmann
 Court Reporter: A. Hannon
 SCCA/217 (06/2010)

Presiding Judge SO. RW. WILL
 Judge Code: 2130
 Sentence Date: 2-10-11

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 11th, 2013



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT