

Volume II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM SUMTER COUNTY

Howard P. King, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ANTRELL R. FELDER,

APPELLANT

APPELLATE CASE NO. 2011-203747

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RECORD ON APPEAL

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1 MR. KENT: Thank you, Judge.

2 THE COURT: --- Mr. Kent.

3 MR. KENT: Thank you, Judge.

4 And let's get to the most important thing that we  
5 have. The State of South Carolina, their job is to try to  
6 prove their case beyond a reasonable doubt. What they're  
7 proving beyond any doubt is not who did it, they're proving  
8 who didn't do it, Mr. Felder.

9 Let's go over some simple math. I don't have all this  
10 technology, all this stuff. I'm going to borrow this from  
11 the public defender's office. I'm going to steal their  
12 chart. Let's do some simple math.

13 State's Exhibit No. 51. You're going to have this,  
14 all of it. You're going to have it.

15 State's Exhibit No. 51. This is the CAD sheet. This  
16 is the 911 call sheet that shows the time of which things  
17 happen. On the CAD sheet -- and you can look at it. When  
18 you call 911, it's registered automatic. You can't just  
19 call 911. That's how some times you've heard people call  
20 911 by accident, then the 911 operator calls you right  
21 back. They know when you're calling 911. They know the  
22 time that you called and when the call is transmitted and  
23 then they know when they pick up.

24 On State's Exhibit No. 51 is the 911 call time of when  
25 the call from [REDACTED] was reported. Call 12:36 and 53

1 seconds of when a call started. The call was received at  
2 12:37 and 14 seconds. That's the time the call is  
3 received. That's the time the 911 operator picks up the  
4 phone. You've heard it. They've played it for you. He's  
5 right, Antrell Felder is at the house. He's there. You  
6 hear him in the background. That call last for 24 seconds.

7 That turns our time now into 12:37 and 38 seconds.

8 Let's give the state the benefit of the doubt. Let's  
9 say, Antrell Felder gets off the phone, gets angry, solves  
10 this burglary, figures it out, and takes off to try to find  
11 the person. Antrell Felder.

12 MR. MEADORS: Objection.

13 THE COURT: Yes, sir.

14 MR. MEADORS: Antrell Felder was not on the phone,  
15 Your Honor. I object.

16 THE COURT: All right.

17 MR. KENT: I was -- never mind, Judge.

18 THE COURT: They have the right to -- if it's --  
19 ladies and gentlemen of the jury, you are to -- you are the  
20 judges of the facts, not what the attorneys say the facts  
21 are in this case. You are the ones who are supposed to  
22 evaluate the testimony, evaluate the facts, and take the  
23 facts as you believe them.

24 The attorneys have the right to comment on what they  
25 think the facts show or reasonable inferences from the

1 facts. But in the final analysis, you and you alone make  
2 the determination of the facts in this case.

3 And I caution all the lawyers to confine their  
4 arguments to matters that are reasonably inferrable from  
5 the facts that have been introduced into evidence.

6 All right. Proceed.

7 MR. KENT: Go back and listen to the 911 tape if you  
8 want to. There's a male voice inside of the 911 tape. I  
9 submit to you, that's Antrell Felder. That's what they've  
10 been arguing about. He was angry. I'm telling you, that's  
11 him. He was angry. He's on the tape. Listen to it. The  
12 tape lasts 24 seconds.

13 That takes our time to 12:37 and 38 seconds.

14 Let's give the state the benefit of the doubt that  
15 Antrell Felder leaves the house, gets angry, solves this  
16 burglary, takes off. Let's say it takes -- give them the  
17 benefit of the doubt. It takes 10 seconds. That takes us  
18 to 12:37 and 48 seconds.

19 The evidence by stipulation -- let me explain to you  
20 what a stipulation is. A stipulation is evidence that the  
21 state and defense have agreed to. It is evidence. It is  
22 the evidence. It is the evidence that you rely upon.

23 Exhibit 54 is the map, the last thing the state put  
24 in. What did he tell you? He read it to you. The  
25 distance between [REDACTED] Street is point

1 3 miles. It also says about 2 minutes -- it's a 2 minute  
2 drive. That's the stipulation. That's the evidence. It's  
3 a 2 minute drive.

4 So it's 2 minutes -- 2 minutes. I'm going to stop --  
5 it takes 2 minutes from one to the other; that's the  
6 stipulation, that's the evidence -- that's the evidence the  
7 state put in, and we stipulated to.

8 We have the other 911 call. The other 911 call is  
9 State's Exhibit 52. The same thing. They note the initial  
10 time the initial call came -- you've have this in evidence.  
11 And we know the time it was received. That 911 phone call  
12 means that's when someone was dialing the phone calling  
13 911. 12:38 and 51 seconds. 12:38 and 51 seconds is when  
14 the 911 call was coming in.

15 Again, using our benefit of the doubt, using common  
16 sense, you don't call 911 while a crime is happening. It's  
17 going to take a little bit. The crime happens. The  
18 shooting happens. From their own testimony, shots happen,  
19 the individual goes around the front of the car, kick,  
20 kick, shoot, goes around the car, drives off, then the 911  
21 call; that's giving the benefit of the doubt again if that  
22 only took 10 seconds -- huge benefit of the doubt. That  
23 turns it backwards into 12:38 and 41 seconds.

24 Simple math means that white car would have had to  
25 have a flux capacitor in it, and then a Deloraine have been

1 able to back in time, because that's a minute and 37  
2 seconds. It takes 2 minutes just to get there. It's not  
3 possible.

4 You'll have all this. You can do the math yourself.  
5 This isn't me doing blue math or anything of that nature.  
6 Go back there and do it to yourself. It's 2 minutes away.

7 The times are so close, it just didn't happen. But  
8 they made that assumption, and they haven't even done the  
9 math.

10 Assumptions. And that's what they want you to convict  
11 somebody. An assumption.

12 Antrell voluntarily went to the police station and  
13 gave them a statement. Lawyers usually tell clients --  
14 I'll tell you candidly, we don't go give statements to  
15 officers. We just don't do it. He voluntarily. He went.  
16 He gave a statement. I agree with John Meadors. Told the  
17 officers everything. Told them what hats were stolen. But  
18 he also told them, look, I had weed. I had marijuana on  
19 me. I had weed. I had to beat feet and get out of there.

20 Stacey -- we still haven't heard from -- told them,  
21 don't look -- if you're holding something, if you've got to  
22 leave, you need to get out of here; that's why he left.  
23 That's why he was angry; that's what I submit to you. Why  
24 was he angry? Why was he upset? I got weed and you just  
25 called the cops to come over to my house. I got to get out

1 of here. That's what happened.

2 Does it fit the state's theory? No. Does it fit  
3 their assumptions? No.

4 Read this caption. Read the area. Read the area that  
5 it says there's normal gang activity around there. Read  
6 these sheets. Read all of this evidence. Look at it.  
7 Compare the times. Use your common sense -- as the state  
8 likes to say -- and try to figure out exactly what  
9 happened.

10 I'll tell you candidly, I don't know what happened. I  
11 wasn't out there. Solicitor Meadors wasn't out there.

12 This is tragic. This is awful. I do believe in the  
13 system. I believe in the system very much. I believe it  
14 works because when the state puts in valid evidence that is  
15 documented, the system works. When they do not, it does  
16 not work.

17 Someone broke into that house. Someone stole stuff  
18 out of that house. Someone stole hats out of that house.

19 What the state has proven to you, they haven't proven  
20 that Antrell did it. They proven to you there's no way he  
21 could have.

22 The judge is going to talk about reasonable doubt, and  
23 I keep mentioning it. I will tell you, I graduated -- now  
24 that I'm practicing law, about 13 years now. I graduated  
25 law school. I went to law school in Michigan. And when I

1 was in law school, I will tell you honestly, I did not  
2 understand reasonable doubt. I didn't understand it the  
3 entire time I graduated law school and actually started  
4 prosecuting down in Charleston. Still did not really  
5 understand reasonable doubt.

6 Actually lived with my parents when I got out. I  
7 stayed there with my little brother. His name is Terry.  
8 He's not little any more, but at the time he was still  
9 living at home. He had the definition of bad attitudes.  
10 He had a bad attitude. He got in trouble all the time. He  
11 had this horrible habit of every single time he got in  
12 trouble, he would go upstairs to his room and he would slam  
13 the door.

14 Oh, my dad used to get so angry at him. He'd tell  
15 him, don't slam that door when you go upstairs. Don't slam  
16 that door when you go upstairs.

17 I remember one day I was sitting at home. I was  
18 hanging out. I was talking to my mom. I'll never forget  
19 the day. It was a spring day. Windows were all open in  
20 the house. Pollen floating around in the air. It was one  
21 of those days you have your hay fever going. My dad had  
22 Percy Sledge, When a Man Loves a Woman was playing in the  
23 background. I heard it. We were all sitting there  
24 talking. And my brother had done something that made my  
25 dad just completely angry.

1 My dad told him, go upstairs and do not slam the door  
2 when you go upstairs.

3 My brother got all angry. Stormed upstairs. And all  
4 of a sudden, all we heard a door slam. I knew what was  
5 about to happen. My dad was going to march up those stairs  
6 and he was going to wail my little brother up. He's going  
7 to tear his hide.

8 So being the awful big brother that I am, I wanted to  
9 go up there and watch him get a beating. So my dad goes  
10 upstairs and I go upstairs right after him. My mom is  
11 coming upstairs. She's the Baptist minister. Please don't  
12 hurt him. Please don't hurt him. And so she's going  
13 upstairs right behind us. We're all going up there.

14 My dad opened the door to his bedroom and there's my  
15 brother in the middle of the floor just sitting there with  
16 tears in his eyes. I didn't slam the door. Just sitting  
17 there, Dad, I didn't slam the door.

18 And my dad is not believing it. He's not thinking it.  
19 He's not hearing it. My dad comes over to him with his  
20 hand raised about to whack -- and at that moment, the  
21 window's open, Percy Sledge playing, some wind comes in and  
22 hits my dad's hand. And I saw my dad look at his hand and  
23 look at my brother and he paused. And at that point in  
24 time I realized what reasonable doubt was. It's that  
25 pause. It's that hesitation. It's that I just don't know.

1           You're not allowed to talk about the case all week  
2 since you've been in this trial. You're actually going to  
3 be allowed to talk about the case with one another in  
4 probably about 20 or 30 minutes. You're going to go home.  
5 You're going to talk about your families. You're going to  
6 talk about the trial you sat on, talk about that attorney  
7 who looked like Dwayne Wayne, who was on his knees with his  
8 hands in the air. You're going to tell everything you've  
9 done on this case.

10           Ladies and gentlemen, when you start talking about a  
11 case, someone your spouse, maybe in a week, maybe in 5  
12 years, maybe in 10 years is going to ask you. You may talk  
13 about doubts that you had. That's not the time to have  
14 doubts, tonight, 5 weeks from now -- those aren't the  
15 times. If you have doubts, have them now, because it's too  
16 late later.

17           Thank you very much.

18           THE COURT: I'm going to send them out.

19           All right. Ladies and gentlemen, you have now heard  
20 all the evidence in this case. And there is only one thing  
21 that remains to be done, and that is for me to instruct you  
22 on the law. However, before we do that, I want to take  
23 about -- you've been in the courtroom about an hour and 10  
24 minutes. And I think we should take about a 10-minute  
25 recess, a very short recess, before I instruct you on the

1 law.

2 So I'm going to ask you to go to your jury room for  
3 just a few minutes, 5 to 10 minutes. Take a very brief  
4 recess. Do not discuss the case among yourselves. It's  
5 still premature for you to begin any discussion because I  
6 have not instructed you on the law, and I'm going to do  
7 that in just a minute. But we'll take 10 minutes before we  
8 do that. But don't discuss the case among yourselves, and  
9 we'll send for you very shortly.

10 Thank you. You may go with the bailiff.

11 (The jury retires to the jury room at 10:48 a.m.)

12 THE COURT: All right. Let's take a 10-minute recess.  
13 Be ready to start back at 11:00 o'clock. Thank you.

14 (A recess was taken.)

15 THE COURT: Back on the record with regard to the  
16 matter of The State versus Felder. Mr. Felder is present  
17 in court with his attorney, Mr. Kent. The state is present  
18 represented by Mr. Meadors.

19 Bring the jury in please.

20 (The jury returns to the courtroom at 11:02 a.m.)

21 BAILIFF: Your Honor, we have all the jurors present  
22 in the courtroom.

23 THE COURT: All right. Thank you very much.

24 CHARGE OF THE COURT:

25 All right. Mr. Foreman and ladies and gentlemen of

1 the jury, if you would give me your attention.

2 You have followed very patiently and listened very  
3 attentively to the presentation of the evidence in this  
4 case and also to the able arguments made by the solicitor,  
5 Mr. Meadors, on behalf of the state, and by Mr. Kent on  
6 behalf of the defendant. And I thank you for that.

7 It now becomes the duty of the trial judge under the  
8 constitution of this state to charge and instruct you in  
9 the law applicable to this case. And it is your duty as  
10 jurors to accept and apply the law as The Court will now  
11 state it to you.

12 And as jurors, it is your exclusive duty to decide all  
13 of the issues of fact in this case. And for that purpose,  
14 to determine the effect, the value, the weight, and the  
15 truth of the evidence.

16 Both the state and the defendant have the right to  
17 expect that you will consciously consider and evaluate the  
18 evidence and apply the law thereto, to the end that both  
19 the state of South Carolina and the defendant will receive  
20 and obtain a fair and impartial trial in this case.

21 Now, when I use the word defendant, I refer, of  
22 course, to Mr. Antrell Rashawn Felder.

23 The state of South Carolina by the bill of indictment  
24 in this case which I hold in my hand charges the defendant,  
25 Mr. Felder, with 2 offenses. The first offense he's

1 charged with is the crime of murder. And the indictment  
2 alleges that Mr. Felder did in Sumter County on or about  
3 July 18, 2008 feloniously, wilfully, and with malice  
4 aforethought either expressed or implied kill one William  
5 McKenzie by means of shooting him with a shotgun -- a  
6 handgun and the said William McKenzie did die as a  
7 proximate result thereof.

8       The second crime charged in the indictment is  
9 possession of a firearm during the commission of a violent  
10 crime and alleges that Mr. Felder did in Sumter County on  
11 or about July the 18th have in his possession or visibly  
12 display a knife or a firearm during the commission of a  
13 violent crime of murder; and that is a charge of a separate  
14 crime of possession of a weapon during the commission of a  
15 violent crime.

16       To these indictments or to these charges in this one  
17 indictment the defendant has entered a plea of not guilty.  
18 This plea of not guilty by the defendant places the burden  
19 of proof on the state to prove by evidence the guilt of the  
20 defendant beyond a reasonable doubt before you, the jury,  
21 can find the defendant guilty.

22       The defendant, Mr. Felder, is presumed in the law  
23 innocent of the charge contained in the indictment. It is  
24 a cardinal and fundamental rule of the law of evidence that  
25 a defendant irrespective of the enormity of the charges.

1 against him will always be presumed innocent of the crime  
2 for which he is indicted unless and until the guilt of the  
3 defendant has been proven by evidence which satisfies you,  
4 the jury, of his guilt beyond a reasonable doubt.

5 The presumption of innocence is not a mere legal  
6 theory, it is not just a legal phrase. The presumption of  
7 innocence is a substantial right to which every accused is  
8 entitled.

9 Our Supreme Court has declared that the presumption of  
10 innocence is like a robe of righteousness placed about the  
11 shoulders of the defendant and it remains with him and  
12 assigns to him that class, the innocent until that  
13 presumptive robe of righteousness has been stripped from  
14 his person by evidence satisfying you, the jury, of his  
15 guilt beyond a reasonable doubt.

16 The presumption of innocence accompanies the defendant  
17 from the time of his arraignment and appearance in this  
18 court and continues with the defendant after you retire to  
19 your jury room to deliberate your verdict.

20 The presumption of innocence remains with the  
21 defendant until you have concluded from the evidence that  
22 he is guilty beyond a reasonable doubt.

23 Now, the state -- let's talk about this. What is a  
24 reasonable doubt? It is not an imaginary or fanciful doubt  
25 or a weak doubt. It is a substantial doubt. It is a doubt

1 which the words imply. A doubt for which you can give or  
2 assign a reason based on the testimony and the evidence in  
3 this case.

4 A reasonable doubt is not any sort of a doubt. You  
5 and I know from everyday life experiences that you may have  
6 a sort of doubt about any matter that arises, no matter how  
7 trivial it may be or how serious it may be.

8 A reasonable doubt is a doubt which makes an honest,  
9 sincere, conscientious juror in search of the truth  
10 hesitate to act.

11 Proof beyond a reasonable doubt is proof which leaves  
12 you firmly convinced of the defendant's guilt. If you have  
13 a reasonable doubt for which you can give or assign a  
14 reason as to the guilt of the defendant, then he is  
15 entitled to a verdict of not guilty.

16 Reasonable doubt may arise from evidence which is in  
17 the case or from the lack of evidence in the case.

18 You, the jury, must make the determination of whether  
19 or not reasonable doubt exists as to the guilt of the  
20 defendant.

21 The very fact, however, that the jury engages in a  
22 full and free discussion of the issue of guilt or non-guilt  
23 in this case with the normal conversational ebb and flow on  
24 these issues does not automatically mean that reasonable  
25 doubt exist in this case or in any other case.

1       The state is not required to prove the guilt of the  
2 defendant beyond all doubt or beyond every doubt, but  
3 beyond a reasonable doubt.

4       A reasonable doubt is the kind of doubt that would  
5 cause a reasonable person to hesitate to act.

6       I charge you that the defendant is entitled to every  
7 reasonable doubt arising in the whole case or arising in  
8 any defenses asserted by the defendant.

9       If upon any issue of fact essential to conviction and  
10 a verdict of guilty you have a reasonable doubt as to how  
11 that issue should be resolved, it would be your duty to  
12 resolve that doubt in favor of the defendant.

13       A defendant, ladies and gentlemen, is not required to  
14 prove his innocence. But the state is required by law to  
15 prove every essential element in the offense charged  
16 against the defendant by evidence which satisfies you, the  
17 jury, of the guilt of the defendant beyond a reasonable  
18 doubt before you can convict the defendant and find him  
19 guilty.

20       If then upon the whole case you have a reasonable  
21 doubt as to the guilt or innocence of the defendant, he is  
22 entitled to that reasonable doubt and would be entitled to  
23 an acquittal and a verdict of not guilty.

24       But on the other hand if upon the whole case you find  
25 that the state has proven by evidence which satisfies you,

1 the jury, of the guilt of the defendant beyond a reasonable  
2 doubt, then in such circumstances it would equally be your  
3 duty to convict the defendant and find him guilty.

4 Now, I instruct you that the indictment in this case  
5 which I do have in my hand is not evidence and cannot be  
6 considered by you as evidence in this case. The indictment  
7 is simply the formal charge against the defendant -- the  
8 formal instrument which contains the charge against the  
9 defendant and it serves as a formal document by which this  
10 matter is brought to trial.

11 During this trial each of us, you and I, have certain  
12 duties to perform. As the trial judge, it is my  
13 responsibility to preside over the trial of this case. And  
14 I also have the duty to rule upon or pass upon the  
15 admissibility of evidence offered during the progress of  
16 this trial.

17 You are to consider only the evidence before you, and  
18 you are to disregard and disabuse from your mind any  
19 testimony ordered stricken from the record of this case  
20 during the progress of this trial if there be any, and you  
21 are to consider only the testimony which has been presented  
22 from the witness stand, together with any exhibits admitted  
23 into the record of this case and any stipulations counsel  
24 made into the record of this matter.

25 I have the additional duty to charge you the

1 applicable law in this case. As the presiding judge, I am  
2 the sole judge of the law in this case. And it is your  
3 duty to accept and apply the law as I now state it to you.

4 If you have a preconceived idea as to what the law is  
5 or what the law ought to be in this case and it does not  
6 agree with what I tell you the law is; you are obligated  
7 under your oath to abandon this preconception on your part  
8 because you are sworn to accept and apply the law precisely  
9 as I state it to you.

10 In every case tried in this court before a jury, the  
11 jury becomes the sole and exclusive judge of the facts of  
12 the case.

13 You, the jury, are the exclusive judge of the facts in  
14 this case.

15 The Court is the judge of the law. The constitution  
16 of this state has declared that the trial judge shall not  
17 intimate, state, comment upon, or make any statement to a  
18 trial jury about the facts. You are not to infer from  
19 anything that I have said during the progress of this trial  
20 or anything that I say during the course of this  
21 instruction to you that I have any opinion about the facts  
22 of the case. I do not. The law does not permit me to have  
23 an opinion about the facts of the case.

24 This is a matter solely for you, the jury, to  
25 determine. As jurors then it is your duty to determine as

1 I have stated the effect, the value, the weight, and the  
2 truth of the evidence presented during the course of this  
3 trial.

4 Necessarily, then, you must assess the credibility of  
5 the witnesses who have testified in this case. Credibility  
6 is simply a legalistic term meaning believability. It  
7 becomes your duty then to analyze and evaluate the evidence  
8 and to determine that evidence which convinces you of its  
9 truth.

10 I charge you that in determining the question of  
11 credibility or believability of the witnesses, you may  
12 believe one witness as against several witnesses or several  
13 witnesses as against one witness.

14 You may believe a part of the testimony of a witness  
15 and reject the remaining part of the testimony of that same  
16 witness.

17 You may believe the testimony of a witness in its  
18 entirety or you may reject the testimony of a witness in  
19 its entirety.

20 You may consider whether any witness has exhibited any  
21 interest, any bias, or any prejudice in the case.

22 And you may consider the demeanor of a witness; that  
23 is, the appearance of a witness from the witness stand.

24 And you may consider the opportunity for knowledge  
25 concerning those things about which a witness testified.

1           These considerations you do not exercise arbitrarily,  
2 but if in your good judgment there is sound reason in the  
3 record for so doing. Because your objective, ladies and  
4 gentlemen, is to find the truth, whether it comes from a  
5 witness or witnesses for the state of South Carolina or  
6 whatever witnesses in this case. And in doing so, in  
7 exercising your mental processes and in determining what  
8 you consider to be true, the law simply requires that you  
9 exercise your good judgment, your common sense, your sense  
10 of logic and reason, and your experiences in life.

11           You then apply these attributes of ability to the  
12 evidence and determine what you consider to be the truthful  
13 evidence. And to these true state of facts as determined  
14 by you, the jury, you take and apply the law as I will now  
15 state it to you and thus arrive at a true verdict in this  
16 case.

17           Now, the defendant in this case is charged with the  
18 offense of murder. What is murder? Murder is defined as  
19 the wilful and felonious killing of a human being by a  
20 human being with malice aforethought; that malice being  
21 either express or implied malice.

22           Section 16-3-10 of the code of laws of South Carolina  
23 provides as follows: Murder is, quote, the killing of any  
24 person with malice aforethought either express or implied,  
25 end quote.

1           The state must prove beyond a reasonable doubt that  
2 the defendant killed another person with malice  
3 aforethought.

4           The presence of malice is a required element of  
5 murder. Malice as defined as being hatred or ill-will.  
6 Malice in its legal sense does not necessarily import ill-  
7 will toward the individual injured, but signifies rather a  
8 general, malignant recklessness of the lives and safety of  
9 others or a condition of the mind which shows a heart  
10 regardless of social duty and fatally bent on mischief.

11          Malice is the wrongful intent to injure another  
12 person. It indicates a wicked or a depraved spirit intent  
13 on doing wrong.

14          Malice is a legal term implying wickedness and  
15 excluding a just cause or excuse. It is the doing of a  
16 wrongful act intentionally and without just cause or  
17 excuse.

18          The term malice indicates a formed purpose and design  
19 to do a wrongful act under the circumstances that exclude  
20 any legal right to do it.

21          Malice may be either express or implied. The words  
22 express or implied add nothing to the meaning of the word  
23 malice. They do not imply different kinds of malice, but  
24 merely the manner in which the only kind of malice may be  
25 shown to exist; that is either by positive evidence or by

1 inference.

2       Express malice is where there is a deliberate  
3 intention to unlawfully take the life of another.

4       Implied malice is when circumstances demonstrate a  
5 wanton or reckless disregard for human life or a reasonably  
6 prudent man would have known that according to common  
7 experience there was a plain and strong likelihood that  
8 death would follow the contemplated act.

9       The law says that if one intentionally kills another  
10 with a deadly weapon, the implication of malice may arise.  
11 If facts are proven beyond a reasonable doubt sufficient to  
12 raise an inference of malice to your satisfaction, this  
13 inference would be simply an evidentiary fact to be taken  
14 into consideration by you, the jury, along with the other  
15 evidence in this case. And you may give it such weight as  
16 you determine it should receive.

17       A deadly weapon is any article, instrument, or  
18 substance which is likely to cause death or great bodily  
19 harm. Whether an instrument or an object has been used as  
20 a deadly weapon depends upon the facts and circumstances of  
21 each case.

22       Now, although malice must be aforethought, there's no  
23 requirement that it must exist for any appreciable length  
24 of time before the commission of the act. It may be  
25 conceived at the very moment the act occurs. There must be

1 a combination of the evil intent and of the act producing  
2 the result.

3 Now, the defendant is also charged in the indictment  
4 with possession of a firearm during the commission of a  
5 violent crime. Section 16-23-490 of the South Carolina  
6 code of laws provides, if any person is in possession of a  
7 firearm or visibly displays what appears to be a firearm  
8 during the commission of a violent crime and is convicted  
9 of committing or attempting to commit a violent crime as  
10 defined in section 16-1-60, he is guilty of the separate  
11 crime of possession of a firearm during the commission of a  
12 violent crime.

13 Firearm is defined as any machine gun, automatic  
14 rifle, revolver, pistol, or any weapon which will or is  
15 designed to or may readily be converted to expel a  
16 projectile.

17 Now, section 16-1-60 of the South Carolina code of law  
18 provides that murder is a violent crime within the meaning  
19 of the statute.

20 For you to find the defendant guilty of the separate  
21 offense of possession of a firearm during the commission of  
22 a violent crime, you must first find the defendant guilty  
23 of either committing a violent crime or attempting to  
24 commit a violent crime. In this case, the crime of murder.

25 If you find the defendant guilty of murder, you must

1 then decide whether the state has proven beyond a  
2 reasonable doubt that the defendant was in possession of a  
3 firearm or visibly displayed what appeared to be a firearm  
4 during the commission of a violent crime.

5 Now, ladies and gentlemen, there are generally 2 types  
6 of evidence which are presented during a case; direct and  
7 circumstantial evidence.

8 Direct evidence is the testimony of a person who  
9 asserts or claims to have actual knowledge of a fact, such  
10 as an eyewitness.

11 Circumstantial evidence is proof of a chain of facts  
12 and circumstances indicating the existence of a fact.

13 The law makes absolutely no distinction between the  
14 weight or value to be given to either direct or  
15 circumstantial evidence. Nor is a greater degree of  
16 certainty required of circumstantial evidence than of  
17 direct evidence.

18 You should weigh all of the evidence in this case.  
19 And after weighing all of the evidence, if you are not  
20 convinced of the guilt of the defendant beyond a reasonable  
21 doubt, you would find the defendant not guilty.

22 On the other hand, after weighing all of the evidence  
23 if you are convinced of the guilt of the defendant beyond a  
24 reasonable doubt, you would find the defendant guilty.

25 Now, there has also been testimony offered in this

1 case from expert witnesses. Although lay witnesses are  
2 limited to testifying about facts within their knowledge  
3 and are not allowed to give opinions, certain witnesses who  
4 by their training, education, or experience are considered  
5 experts in a particular field may give their opinions in  
6 that field based upon the facts of a matter and their  
7 conclusions.

8       These opinions constitute evidence to be considered by  
9 you in connection with all of the other testimony and  
10 evidence in the case.

11       You may consider the expert's opinion just as you do  
12 all other evidence in this case. It is for you, the jury,  
13 to give it such weight as you in your experience and  
14 discretion may determine.

15       You must weigh such evidence and accept or reject it  
16 in the same manner that you treat all other evidence in  
17 this case.

18       The testimony of experts is to aid and assist the  
19 jurors, not to determine or control you in your decision on  
20 questions of fact.

21       The opinions and deductions from the evidence before  
22 you and their judgments and opinions do not preclude yours.  
23 You are required to decide disputed questions after  
24 comparison and consideration of all the evidence in this  
25 case.

1           So you should consider expert opinions received in  
2 this case and give it such weight as you feel it deserves.

3           Now, ladies and gentlemen, I want to tell you now and  
4 I want to emphasize to you this instruction regarding the  
5 constitutional rights of the defendant.

6           The defendant in this case has not testified. This is  
7 his constitutional right. It is not a circumstance you can  
8 take into consideration or leave it -- or even allow it to  
9 enter your discussions in the jury room.

10           Under the Constitution of South Carolina and the  
11 United States's Constitution, it is the defendant's  
12 constitutional right not to testify. The burden of proof  
13 is on The State of South Carolina to establish the guilt of  
14 the defendant by competent evidence by beyond a reasonable  
15 doubt.

16           The fact that the defendant did not take the witness  
17 stand and testify in his own behalf does not create any  
18 inference against him, and you, the jury, must not permit  
19 that fact to weigh in the slightest degree against this  
20 defendant, nor should this fact enter into the discussion  
21 or deliberations of the jury in any manner whatsoever.

22           Now, ladies and gentlemen, I am about finished my  
23 instructions to you, and I would tell you that you are not  
24 partisans or advocates for The State of South Carolina or  
25 for the defendant. You do not serve on the jury to reward

1 your friends or punish your enemies. Obviously, such a  
2 perverted system of justice would be intolerable.

3 You have been selected by both The State of South  
4 Carolina and this defendant as fair and impartial jurors.  
5 It is your duty then by your joint deliberations to  
6 determine the truth in this case, giving to the defendant  
7 the benefit of each and every reasonable doubt on each and  
8 every issue. And then to the facts which you determine to  
9 be true, you then take and apply the law which The Court  
10 has given to you. And then you arrive at a verdict which  
11 does speak the truth in this case.

12 The word verdict, ladies and gentlemen, has a Latin  
13 derivative. It comes from the Latin verb veridicto, meaning  
14 to speak the truth or truth saying.

15 And when you have accomplished these responsibilities,  
16 you will have satisfied your oath as jurors and you will  
17 have discharged your duty to this court.

18 Now, I want to instruct you on your forms of verdict  
19 in this case.

20 If the state has failed to prove the guilt of the  
21 defendant beyond a reasonable doubt, your verdict would be  
22 on each charge two words, not guilty.

23 If the state has proven the guilt of the defendant  
24 beyond a reasonable doubt, your verdict would be one word,  
25 guilty.

1           The verdict that you render in this case must be the  
2 verdict of each and every juror. It must be your unanimous  
3 verdict. All 12 of you must agree on the verdict which you  
4 authorize the foreman to write.

5           Now, Mr. Foreman, I have prepared a form of verdict  
6 for your use, and it is on this form here and I'm going to  
7 go over it with you right now. But before I go over this,  
8 I want to tell you that the order in which I have put the  
9 possible verdicts on this form has absolutely no  
10 significance whatsoever. You should not infer from the  
11 order in which I have put the possible verdicts on this  
12 form that I have any opinion as to what your verdict should  
13 be. I do not. The law does not allow me to have an  
14 opinion; that is a matter that is solely up to you.

15           But, obviously, when putting something down on a piece  
16 of paper, I had to put something first and something  
17 second.

18           Across the top up here we have the caption of the  
19 case, the name of The State versus the defendant, Antrell  
20 Rashawn Felder. And on the right verdict. And, of course,  
21 the case number.

22           And on count 1, I have written this: We, the jury, by  
23 unanimous agreement on the charge of murder find the  
24 defendant, Antrell Rashawn Felder, guilty or not guilty.  
25 And you would place a check mark or an X -- depending on

1 which one of those 2 was your verdict in this case.

2 It goes on to say. If you find the defendant guilty  
3 of murder, consider count 2. If you find the defendant not  
4 guilty of murder, do not consider count 2. Skip to the end  
5 of the verdict form where you would sign your name.

6 But if you find the defendant guilty of murder, then  
7 you would consider count 2, which is the possession of a  
8 firearm during the commission of a crime. And, again, we,  
9 the jury, on the charge of possession of a firearm during  
10 the commission of a violent crime find the defendant,  
11 Antrell Rashawn Felder, guilty or not guilty. Choose one.  
12 Put the date here. Sign it, and notify the bailiff, and we  
13 will return you to the courtroom.

14 Now, I'm going to send you to the jury room. Going to  
15 ask that you not begin your deliberations just yet. I have  
16 to take up certain matters of law with the attorneys. If  
17 it is not necessary for me to bring you back into the  
18 courtroom for additional instructions, the bailiff will  
19 bring you the verdict form. He will also bring you the  
20 exhibits and tell you to begin your deliberations.

21 A bailiff will be stationed outside of your jury  
22 room door, for your security during the process of  
23 deliberations.

24 And the other thing I want to tell you is that there  
25 are some exhibits in this case that require technology. If

1 you want to hear any of the tapes or view any of the things  
2 that were done with the television and the computer, you  
3 advise -- give us a note in writing and advise us, and  
4 we'll bring you back to the courtroom and have those keyed  
5 up and played for you.

6 You will not have the equipment in the jury room to  
7 play those things, but we will make them available to you  
8 if you wish to hear them in more detail or to view them in  
9 more detail, just let us know exactly what you wish to hear  
10 or wish to see, and we will make sure that that can be  
11 played for you.

12 Otherwise, all of the other exhibits will be taken  
13 into the jury room with you.

14 With that, I'm going to ask the 12 members of the  
15 principal jury to go to your jury room. Do not begin your  
16 deliberations just yet. I'm going to ask the 2 alternates  
17 to keep your seats while the jury goes to the jury room.

18 Thank you. You may go with the bailiff.

19 (The jury retires to the jury room at 11:30 a.m.)

20 THE COURT: Any additions or exceptions on behalf of  
21 the state, Mr. Meadors?

22 MR. MEADORS: No, sir.

23 THE COURT: On behalf of the defense?

24 MR. KENT: Not from defense.

25 THE COURT: All right.

1 (The alternates were excused.)

2 THE COURT: If you will now check the exhibits so that  
3 we can make sure that the exhibits go to the jury, only  
4 those things that have been introduced into evidence.

5 Mr. Bradley, here's the verdict form. And when you  
6 get the exhibits, you can tell the jury to begin their  
7 deliberations.

8 (Pause.)

9 MR. MEADORS: Judge, we'll send the CDs back. And if  
10 they want to hear them ---

11 THE COURT: Yes, send them back. That way it will  
12 keep it in their mind. And then if they want to hear it,  
13 we'll make arrangements to play it.

14 (The verdict form and exhibits were sent to the jury  
15 to begin deliberations at 11:37 a.m.)

16 THE COURT: All right. Mr. Bradley, if you will take  
17 the exhibits to the jury.

18 Counsel, I have told -- the bailiffs said we had a  
19 couple smokers on the jury. They can take them down, but  
20 tell the jurors not to begin any deliberations until all  
21 12 of them are back in place. But I am allowing them to  
22 do that.

23 Okay. All right. We'll be in recess until we hear  
24 from the jury.

25 (The court is at ease awaiting a verdict of the jury.)

1 (A bench conference was held off the record.)

2 THE COURT: Ask the foreman to come here just a  
3 minute, and ask them to refrain from discussing on the case  
4 while Mr. Brooks is here.

5 (The foreman enters the courtroom at 12:55 p.m.)

6 THE COURT: Mr. Brooks, I'm going to come in just a  
7 minute and give you some direction on these questions that  
8 were asked. But before I do that, it's almost lunch time.  
9 I want the jury to feel like they have as much time as they  
10 would like to deliberate all the issues in this case and  
11 want to know if you think the jury would like for us to  
12 send out for lunch? It will take us about 30 minutes to  
13 get it here.

14 FOREMAN: Probably. I can ask them.

15 THE COURT: Check and ask them if they'd like for us  
16 to send out for lunch. If you think it's going to take you  
17 longer than 30 or 40 minutes -- it will take us about that  
18 long to get lunch here. Please don't feel like you're  
19 under any pressure to make a decision. We'll be glad to  
20 bring lunch in.

21 FOREMAN: From what they were saying ---

22 THE COURT: Don't tell me what they're saying.

23 FOREMAN: They want to know that ---

24 THE COURT: These questions, I'll answer these  
25 questions for you in just a minute. In fact, maybe I ought

1 to answer these questions and then you -- go back with you  
2 and answer these questions, and then you tell me whether  
3 you would like for us to send out for lunch.

4 FOREMAN: Okay.

5 THE COURT: Okay. All right. I'll be right there.

6 (The foreman returns to the jury room at 12:57 p.m.)

7 (Pause.)

8 THE COURT: All right. Let the record reflect that  
9 the foreman came in. I'm going to have this note marked as  
10 the next Court's Exhibit. And I have already shared the  
11 note with the lawyers in this case.

12 (Court's Exhibit No. 1 marked for identification.)

13 THE COURT: The questions were, No. 1. The night  
14 officers took witnesses home and thought they saw a car,  
15 were windows tinted?

16 And my response to that would be that that is a  
17 factual issue that they will just have to rely upon the  
18 testimony -- factual issue that I cannot comment on and  
19 they'll just have to rely on their recollection of the  
20 testimony on that.

21 Second question is: Can we have the statement of  
22 Kayla McFadden?

23 And my response to that would be that that statement  
24 is not in evidence.

25 I would propose simply going to the jury room door and

1 telling them those 2 factors.

2 Any objection to handling it that way on behalf of the  
3 state, Mr. Meadors?

4 MR. MEADORS: No, Your Honor.

5 THE COURT: On behalf of the defense?

6 MR. KENT: Not from the defense, Your Honor.

7 THE COURT: All right. We'll do that. At the same  
8 time I will tell them to let me know if they would like for  
9 us to send out for lunch.

10 MR. KENT: Thank you.

11 MR. MEADORS: Thank you, sir.

12 (Pause.)

13 THE COURT: Just a minute until we hear from the  
14 foreman as to what they want to do about lunch.

15 Let the record reflect that I did convey to the jury  
16 that the answer to the first question was that was a  
17 factual question. They would have to rely upon their own  
18 recollection of the testimony. And the third (sic) was the  
19 statement was not in evidence. And so it was not available  
20 to them.

21 All right. Let's see what they want to do about  
22 lunch.

23 (The court is at ease awaiting a verdict of the jury.)

24 THE COURT: He's going to ask the jurors if they've  
25 made a decision about what they want to do about lunch.

1 Any objection to that?

2 MR. CHANDLER: No, sir.

3 MR. MEADORS: No, sir.

4 THE COURT: All right. Go ahead.

5 (Pause.)

6 THE COURT: No lunch. Okay. All right. The jury has  
7 advised that they do not wish for us to order lunch, so  
8 we'll stay right here.

9 (The court is at ease awaiting a verdict of the jury.)

10 THE COURT: Back on the record in the matter of The  
11 State versus Felder. Get Mr. Felder back in the courtroom,  
12 please. I've been advised that the jury has reached a  
13 verdict.

14 (Pause.)

15 THE COURT: All right. Let the record reflect that  
16 Mr. Felder is present in the courtroom with his counsel,  
17 Mr. Chandler and Mr. Kent. The state is present,  
18 represented by Mr. Meadors.

19 I've been advised that the jury has reached a verdict.

20 Before I bring the jury in, let me speak to all the  
21 spectators in the courtroom, both the victim's family and  
22 the defendant's family.

23 I know this is a matter of great importance to  
24 everybody who is here today, and I know that everyone is  
25 very much emotionally involved in this matter. But I am

1 going to have to tell you that this is a court of law, and  
2 I'm going to require that order and decorum be maintained  
3 in the courtroom when the verdict is read.

4 If there is anyone in the courtroom who thinks that  
5 they cannot sit quietly and accept the verdict without any  
6 shows or demonstration of emotion in any manner whatsoever,  
7 whether it's clapping, shouting out loud or anything else  
8 or any shows of emotion whatsoever, if there's anyone who  
9 thinks they cannot sit quietly when the jury's verdict is  
10 published, then I would require that you leave now.  
11 Because if there are any disturbances in the courtroom, I  
12 will treat them as contempt of court.

13 If anybody cannot sit quietly, please leave now.

14 (Pause.)

15 THE COURT: All right. That being the case then, if  
16 you'll bring the jury in for me please.

17 (The jury returns to the courtroom at 1:16 p.m.)

18 BAILIFF: Your Honor, we have all the jurors present  
19 in the courtroom.

20 THE COURT: All right. Thank you very much. And, Mr.  
21 Foreman, have you reached a verdict?

22 FOREMAN: Yes, sir.

23 THE COURT: Is that verdict unanimous?

24 FOREMAN: Yes, sir.

25 THE COURT: Would you hand it up to the bailiff

1 please.

2 (Pause.)

3 THE COURT: All right. From the standpoint of form,  
4 the verdict appears to be correct.

5 Mr. Chandler, Mr. Kent, would you and your client rise  
6 please. And, Mr. Clerk, you may publish the verdict.

7 VERDICT OF THE JURY:

8 CLERK: Okay. The State of South Carolina, the  
9 County of Sumter, in the Court of General Sessions, Docket  
10 No. 2009-GS-43-59, The State of South Carolina versus  
11 Antrell Rashawn Felder, defendant. As to count 1, we, the  
12 jury, by unanimous agreement on the charge of murder find  
13 the defendant, Antrell Rashawn Felder, guilty.

14 As to count 2, we, the jury, on the charge of  
15 possession of a firearm or knife during the commission of a  
16 violent crime find the defendant, Antrell Rashawn Felder,  
17 guilty.

18 Signed, Albert Brooks, foreperson. Dated November 18,  
19 2011.

20 Ladies and gentlemen, if this is your verdict, so say  
21 you all by raising your right hand please.

22 (All hands raised.)

23 CLERK: Thank you.

24 THE COURT: Mr. Kent, Mr. Chandler, you all may be  
25 seated.

1 MR. KENT: Thank you, Judge.

2 THE COURT: Anything before the jury is discharged,  
3 Mr. Chandler, Mr. Kent?

4 MR. KENT: Yes, we'd like to poll the jury, Your  
5 Honor.

6 THE COURT: All right. The jury will be polled.

7 All right. Court is still in session. Settle down.

8 CLERK: Ladies and gentlemen of the jury, as your name  
9 is called please stand and answer my 2 questions please.

10 Phil Nesbitt, is this your verdict and still your  
11 verdict?

12 JUROR: Yes, sir.

13 CLERK: Thank you. Have a seat please.

14 Catherine Lowery, is this your verdict and still your  
15 verdict?

16 JUROR: Yes, sir.

17 CLERK: Thank you. Lorraine Burgess, is this your  
18 verdict and still your verdict?

19 JUROR: Yes, sir.

20 CLERK: Thank you. Alma Reeves, is this your verdict  
21 and still your verdict?

22 JUROR: Yes, sir.

23 CLERK: Thank you. Derrik Murray, is this your  
24 verdict and still your verdict?

25 JUROR: Yes, sir.

1 THE COURT: Thank you. Connie McCormic, is this your  
2 verdict and still your verdict?

3 JUROR: Yes, sir.

4 CLERK: Thank you. Gloria Scarborough, is this your  
5 verdict and still your verdict?

6 JUROR: Yes, sir.

7 CLERK: Thank you. Nathaniel Durant, is this your  
8 verdict and still your verdict?

9 JUROR: Yes, sir.

10 CLERK: Thank you. David Ice, is this your verdict  
11 and still your verdict?

12 JUROR: Yes, sir.

13 CLERK: Thank you. Irick Brooks, is this your verdict  
14 and still your verdict?

15 JUROR: Yes.

16 CLERK: Thank you. Matthew Donald, is this your  
17 verdict and still your verdict?

18 JUROR: Yes, sir.

19 CLERK: Thank you. Victoria Riddick, is this your  
20 verdict and still your verdict?

21 JUROR: Yes, sir.

22 CLERK: Thank you. Your Honor, the jury has been  
23 polled and the verdict stands.

24 THE COURT: All right. Thank you.

25 Mr. Kent, Mr. Chandler, anything before the jury is

1 excused?

2 MR. KENT: Nothing further.

3 THE COURT: All right.

4 (The jury is excused.)

5 THE COURT: All right. Mr. Kent, motions on behalf of  
6 the defendant.

7 MR. KENT: Thank you, Judge. May it please The Court.

8 At this time I think it's proper pursuant to the rules to  
9 first make a motion for a new trial. I think The Court  
10 rules actually, one, first require me to re-request my  
11 motion for a directed verdict.

12 THE COURT: I'm sorry?

13 MR. KENT: Re-request my motion for a directed  
14 verdict, to render a verdict of not guilty, take away what  
15 the jury has already said.

16 Your Honor, I'm still of the impression based upon the  
17 evidence that was presented, based upon what the witnesses  
18 that you heard -- I have trouble believing, even though I  
19 do believe in the jury system, that based upon the evidence  
20 that was presented that they were able to come up with a  
21 guilty verdict.

22 I reinstate all the motions, all the arguments I made  
23 earlier with my motion for directed verdict.

24 At this point I would ask for a new trial, I think  
25 that's required.

1 I make a motion for a new trial based upon the  
2 lightness of the evidence, the quickness of the jury  
3 verdict. I think they were out for approximately about an  
4 hour, if that.

5 The question that they asked, Judge, the fact that I  
6 do not believe that after they asked the question, I think  
7 they were out for seconds after asking the question.

8 For those reasons, Your Honor, the evidence -- how  
9 quick they came to a verdict -- the fact that they asked a  
10 question, clearly didn't have time to deliberate over that  
11 question. I make my motion for a directed verdict -- re-  
12 make it -- make a motion for a new trial at this point in  
13 time.

14 And, additionally, Your Honor, I reinstate all the  
15 motions I made throughout the course of the trial. But I  
16 reinstate all those motions at this time.

17 THE COURT: All right. The defense has made a motion  
18 for a new trial and for a motion in arrest of judgment.  
19 And I am aware of the grounds on which it is made. I think  
20 that the previous rulings of The Court were correct on all  
21 of the previous motions, motion made at the conclusion of  
22 the evidence for a directed verdict. I also feel that  
23 there was sufficient evidence in the record by which the  
24 jury could have reached the determination that they did.  
25 It was a jury question. And I feel that the jury has

1 resolved those questions and made the factual  
2 determinations as they are charged with doing.

3 And so The Court would respectfully deny the motion  
4 for a new trial and the motion in arrest of judgment.

5 Mr. Meadors, do you have the sentencing sheet?

6 MR. MEADORS: They're getting it ready, Your Honor.

7 Could we have a moment, Your Honor.

8 (Pause.)

9 THE COURT: All right.

10 MR. MEADORS: Could I have one moment to see if anyone  
11 wants to talk?

12 THE COURT: Yes, sir.

13 (Pause.)

14 THE COURT: All right. Mr. Meadors, I'd be glad to  
15 hear from you, by way of anything that you wish to  
16 introduce in the way of aggravation, or I'd be glad to hear  
17 from a member of the victim's family.

18 MR. MEADORS: Thank you. If it please Your Honor.  
19 First of all, I want to thank the family for their  
20 patience, and, obviously, all of law enforcement. Judge,  
21 I've been doing this about 25 years. This is one of the  
22 strongest circumstantial evidence cases I've ever tried.

23 And just to respond to some of Mr. Kent's comments, I  
24 think the jury -- obviously, we thank them for their  
25 verdict. But it truly was an incredible circumstantial

1 evidence case, how things pieced together and everything  
2 came back to Mr. Felder.

3 Judge, Stephanie Harry is here, the sister. For the  
4 record, mama is here, brother and sister -- everybody in  
5 the family, raise your hand.

6 (Complied.)

7 MR. MEADORS: They have been supportive of me and law  
8 enforcement since I got here. We started off on a real  
9 rough start, me and Ms. Harry, quite frankly. But we've  
10 grown to really care about each other now. And I think she  
11 has faith in the system now. Stephanie Harry would like to  
12 briefly address Your Honor.

13 THE COURT: All right. Ms. Harry under the victim's  
14 rights bill, of course, you and the family have the right  
15 to be kept advised of everything that's going on. And you  
16 also -- and I'm sure the solicitor's office has kept you  
17 advised -- the victim's advocate of this case as it has  
18 proceeded through the system. And you also have the right  
19 to address The Court on behalf of the victim in this case.  
20 And so I'll be glad to hear from you.

21 MS. HARRY: First of all, my name is Stephanie Harry.  
22 I'm 35 years old. I would first like to give thanks to  
23 God. It's been our prayer throughout this 3 years and some  
24 change we've been waiting on justice for my brother.

25 My brother had not always been perfect. He had not

1 always been what we have asked for him to do. I can't say  
2 that he didn't break into the house. I can't say that he  
3 did. But my thing is if he did, I would prefer him to have  
4 lock him up.

5 By taking his life, he put a big, big hole in my  
6 family, you know. He was my best friend. His daughter was  
7 born after he got killed. She will never get to see her  
8 father, never. He has 2 twins, a boy and a girl -- I don't  
9 know what to tell them, beside from the fact that their  
10 daddy have gone on to heaven. They hurts. They ask me if  
11 they can see their father. They never going to see him  
12 again.

13 I don't know what's gone on with this world today. I  
14 don't know why people think that they should take the law  
15 into their own hand; that's why have a system. I would  
16 prefer, like I said, lock him up. If any of us commit a  
17 crime, lock us up. That's what the law is for. I wouldn't  
18 have gotten mad if they had lock him up. I wouldn't have  
19 gotten mad if they had beat him. But to kill him, I'm not  
20 -- I hate -- I don't hate them. I just figure they could  
21 have went about it a different way. Killing him over  
22 nonsense.

23 If there were any items stolen, I would have paid for  
24 it, the same way as I paid for my brother's funeral. I  
25 could have gave them all that back, plus some more.

1           Okay. He can get those items back. We can't get my  
2 brother back. So they're -- I mean, for me, there's no  
3 remorse on their behalf. You know, they -- it's like,  
4 Okay. They the law. You know, because they sell drugs, we  
5 get to break the law.

6           I work hard. Every day that I be here, I've been  
7 coming from work in Columbia. I work hard. That's not the  
8 way that they do things. You know, we need to start like  
9 Mr. John said in this courtroom, set an example, letting  
10 these people know when they pick up these guns or they  
11 taking other people's family lives, you know, the chances  
12 that they're taking. You're not going to get a tap on the  
13 back when you decide to take somebody's life. You know,  
14 because you're not going to get that life back.

15           THE COURT: Okay.

16           MS. HARRY: You can give anything else back except for  
17 a life.

18           THE COURT: All right.

19           MS. HARRY: I'm just saying, Your Honor, I just hope  
20 that -- like I said, it's been a long 3 years. We had  
21 different solicitors after different solicitors. I've been  
22 up here. I've been pushing. My brother can't speak, so I  
23 been speaking for him. I've been pushing. And I just  
24 thank God for allow Mr. John to work on this case, because  
25 he have been working very hard. He has done a excellent

1 job, and I wish I could thank the jury for being honest,  
2 because they know what they saw and they know what they  
3 heard. I just want to thank you all.

4 THE COURT: Okay. Thank you. All right.

5 MR. MEADORS: Detective Lyons would like to make a few  
6 brief comments.

7 THE COURT: Yes, sir, Mr. Lyons.

8 DETECTIVE LYONS: Thank you, Your Honor. First, on  
9 behalf of law enforcement and Sumter Police Department, we  
10 would like to thank the solicitor's office for the job well  
11 done on the case.

12 I think Mr. Meadors said it best, Your Honor. This is  
13 where it all happens. We can't allow it to happen on the  
14 streets. It's an unfortunate -- Ms. Harry is right. We  
15 can't prove or disprove whether or not her brother broke  
16 into Antrell Felder's house. But if he did, this is where  
17 it should have been handled, not in the streets. And all  
18 too often in law enforcement, Your Honor, as you're well  
19 aware of the cases that come in and out of these halls  
20 everyday, these type of actions are continuously taking  
21 place in the streets of Sumter. And this is the place to  
22 put a stop to them is in this courtroom.

23 So with that being said, Your Honor, a fair and equal  
24 punishment should be as equal to the punishment that Mr.  
25 McKenzie received for supposedly breaking into Mr. Felder's

1 house. Thank you.

2 THE COURT: All right.

3 MR. MEADORS: Your Honor, he's got 2 -- it looks like  
4 one in April of '03, a possession of -- I assume cocaine  
5 first, and then a PWID conviction in June of '05. Thank  
6 you.

7 THE COURT: All right. Anything else, Mr. Meadors?

8 MR. MEADORS: No, sir. I just want to thank the jury  
9 for their vote.

10 THE COURT: All right. Mr. Kent, Mr. Chandler, and  
11 Mr. Felder. If you all would come around please.

12 (Complied.)

13 THE COURT: All right. Mr. Kent.

14 MR. KENT: May it please The Court. First,  
15 respectfully, usually after a jury trial, I would not let  
16 my client speak. It's not to disrespect The Court  
17 whatsoever. But, of course, he has appellate rights. I've  
18 explained to him his appellate rights and it may be in his  
19 best interest not to say anything to The Court.

20 THE COURT: And I never hold it against him because I  
21 do know they have appellate rights, and anything they said  
22 could be used for or against him in the appeal.

23 MR. KENT: Your Honor, this is an interesting case --  
24 is probably the easiest way to put it. As you know, we've  
25 had our battles on this case. I've never had a client such

1 as Mr. Felder who has come forward every stretch of the  
2 way. Not only maintaining his innocence, but demanding his  
3 day in court. And I will tell you candidly now that we're  
4 done, myself and Mr. Chandler, often met with him and said,  
5 I don't know if you really want to go to trial.

6 I'll tell you very candidly, we told him it may not be  
7 in his best interest. It may not be a good idea. It's  
8 probably in your best interest just -- candidly, Judge --  
9 to let time take over. Sometimes time can heal things.

10 He was adamant. He wanted a trial. He wanted a trial  
11 as soon as possible; that's why we kept beating down the  
12 door for bond hearings and things of that nature.

13 When we were preparing for trial, I actually sat down  
14 and met with Solicitor Meadors to talk to him about the  
15 chances of working on a guilty plea. I talked to him  
16 possibly about exploring the voluntary manslaughter. We  
17 talked to the fact that this is at best a circumstantial  
18 case, that it was a 50-50 shot either way.

19 He told me to go and explore the option with my client  
20 first, to see if it was something he was interested in.

21 I told Mr. Felder there's a very strong chance if  
22 convicted -- and I said there's a likelihood you could be  
23 convicted based upon the evidence that the state has.  
24 You'd be looking at life in prison.

25 Without hesitation, without reservation, he looked at

1 me very candidly -- myself, Mr. Chandler, and Mr. McKenzie  
2 (sic) was in the room at this time. He said, I didn't do  
3 this and I'm not going to plead guilty.

4 I met with his family. I told his family the same  
5 thing. They're all in the back of the courtroom. There  
6 was significantly more people. I met with all of them. I  
7 told them the same thing, that this might be the type of  
8 case that we need to try to entertain a guilty plea.

9 They talked to Mr. Felder. Because of the outside  
10 evidence, because of the circumstantial evidence and what  
11 could happen, and you never know what a jury's going to do.  
12 He, again, maintained his innocence.

13 I tell you this, Judge, that even after the jury  
14 rendered his verdict, he looks at me very straight and  
15 continues to maintain his innocence to this day; that's the  
16 fear of a circumstantial evidence case, Judge.

17 I am not -- I am still a true believer in the jury  
18 system. I understand the jury's verdict. I understand how  
19 they can come with their verdict. I could understand how  
20 they could come with another verdict. But I believe in  
21 people also. And Mr. Felder has been very clear this  
22 entire time that he maintains his innocence; that's why we  
23 are here today.

24 I explained on the record yesterday a lot of our  
25 strategy. There's a lot of reasons that we allowed and put

1 evidence in. I think you can understand that now from our  
2 closing argument. And he was clear with that, that there  
3 was nothing he wanted to hide. The simple fact was just  
4 tell everything to everyone.

5 It's troubling, Judge. It very much is troubling.  
6 It's troubling that 2 young men have lost their lives as a  
7 result of this.

8 I made it clear that it's difficult -- and I must  
9 commend Solicitor Meadors. He's given us everything. He's  
10 been very honorable with us. But if there is a Court of  
11 Appeals who is reading this some day, it is very difficult  
12 to try a case when the former solicitor's office simply  
13 won't give you everything.

14 I think we did as good of a job as we could with what  
15 we had. I don't think the family is in a position -- I  
16 would ask everyone in the back of the courtroom who is here  
17 for Antrell Felder simply to stand up that you're here  
18 showing your support for Mr. Felder.

19 (Complied.)

20 MR. KENT: And, Judge, the courtroom -- as you notice  
21 had ---

22 THE COURT: Thank you. Be seated.

23 MR. KENT: Please be seated. Had significantly more  
24 people in the courtroom earlier. He's got a lot of  
25 support.

1 It's a difficult day, Judge. What I'd ask -- and I  
2 don't know if Mr. Chandler has anything additionally to  
3 say. I understand your sentencing options in this  
4 situation.

5 I still think there is some question of doubt as to  
6 what actually happened.

7 I'd ask you to sentence around the 30-year range under  
8 the statute. I understand you have a life option, Judge.  
9 Based upon the difficulties the defense has had in trying  
10 this case, based upon the testimony that you yourself  
11 heard, based upon the fact that this is still a  
12 circumstantial evidence case, I'd ask you to sentence to  
13 the 30 range.

14 Mr. Felder has family. He just recently had a child.  
15 If I'm not mistaken, this child is not even a year old yet.

16 MR. FELDER: 8 months.

17 MR. KENT: 8 months old. It's a difficult day for the  
18 Felders. I think Mr. Chandler may want to address you  
19 also, Judge.

20 THE COURT: Mr. Chandler.

21 MR. CHANDLER: No, sir. I'm fine. Thank you.

22 MR. KENT: And, again, for the record, I've advised my  
23 client not to address The Court.

24 THE COURT: Right. And I won't hold him; that will  
25 not be held against him.

1 All right. Thank you.

2 MR. KENT: Thank you, Judge.

3 SENTENCE OF THE COURT:

4 As is usual whenever we have a case of this  
5 significance, there are a number of people in the courtroom  
6 who are involved in the criminal justice system. And those  
7 people have all heard me say before that the most difficult  
8 thing we circuit court judges have to do is criminal  
9 sentencing.

10 We have no crystal ball as to what the future might  
11 bring. And the sentences that we impose very often don't  
12 satisfy everyone. Sometimes they don't satisfy anyone.  
13 But we have to make a decision based upon the evidence that  
14 we've heard in a particular case and based upon our  
15 experience and our training.

16 I agree with the prosecution's statements in this  
17 case. And I've thought this throughout the trial of this  
18 case, that the court simply cannot condone vigilante  
19 justice. There is no place for taking the law into your  
20 own hands. Even if a burglary was committed, that in no  
21 way justifies the taking of a life.

22 It's also my duty to give credence and meaning to the  
23 jury's decision in their finding of guilt by this  
24 defendant, even though the evidence was circumstantial for  
25 the most part.

1 But the jury resolved those fact questions and it's  
2 not for me to question the jury's determination.

3 I am going to impose a sentence of less than life in  
4 prison, so that there will be some hope for Mr. Felder at  
5 some time in the future, albeit the far distant future, to  
6 get out of prison. But at the same time, I think it's  
7 necessary that I impose a substantial sentence because  
8 according to the jury's finding, he took the life of  
9 another human being and has no right to settle a score that  
10 he perceived he had the right to do.

11 The sentence of The Court is the defendant is  
12 committed to the State Department of Corrections on the  
13 murder charge for a term of 42 years. He will be given  
14 credit for whatever time that he has served.

15 The sentence on the possession of a weapon during the  
16 commission of a violent crime is 5 years to run concurrent.

17 MR. KENT: Thank you, Your Honor.

18 THE COURT: All right. Everyone be seated please. No  
19 one has been excused.

20 All right. The hearing is adjourned.

21 --- End of transcript of record ---

22

23

24

25

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WITNESSES

SPD

Potteiger

vons

ARREST WARRANT NUMBER

1304487

D/A: 07/19/08

ACTION OF GRAND JURY

*[Signature]*  
*Thur Bin*

oreperson of Grand Jury

ate: 31 December 2008

VERDICT

oreperson of Petit Jury

ate:

DOCKET NO. 2009-GS-43-0059

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY TERM 2009

THE STATE

vs.

ANTRELL RASHAWN FELDER

Indictment for

MURDER, POSSESSION OF FIREARM  
OR KNIFE DURING THE COMMISSION  
OF A VIOLENT CRIME

C. KELLY JACKSON, SOLICITOR

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

*James C. Campbell*

CLERK OF COURT  
SUMTER COUNTY,  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
MURDER, POSSESSION OF FIREARM OR  
KNIFE DURING THE COMMISSION OF A  
VIOLENT CRIME

At a Court of General Sessions, convened on December 31, 2008, the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE - MURDER

That ANTRELL RASHAWN FELDER did in Sumter County on or about July 18, 2008, feloniously, wilfully and with malice aforethought, either expressed or implied, kill one William McKenzie by means of shooting him with a handgun, and that the said William McKenzie did die as a proximate result thereof.

COUNT TWO - POSSESSION OF A FIREARM OR KNIFE DURING THE COMMISSION OF A VIOLENT CRIME

That ANTRELL RASHAWN FELDER did in Sumter County on or about July 18, 2008, was in possession of and did visibly display a knife during the commission of a violent crime, to-wit: murder, a violent crime as defined in Section 16-1-60, in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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

*P. Kelly Jackson*  
\_\_\_\_\_  
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

555

COUNTY OF Sumter
STATE VS.
Antrell Rashawn Felder
AKA:
Race: Sex: M Age: 29
DOB: SS#:
Address:
City, State, Zip: Sumter, SC 29154
DL#: 090479427 SID#:

INDICTMENT/CASE#: 2009-GS-43-0059
A/W#: J304487
Date of Offense: 7/18/2008
S.C. Code §: 16-03-0010
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

CONVICTED OF or PLEADS

in violation of § 16-03-0010 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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: John P. Meador, John P Meador, John P Meador
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 42 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

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

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

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

SPECIAL CONDITIONS:

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

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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL.

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

Clerk of Court/ Deputy Clerk James C. Campbell
Court Reporter: Dianne Rutledge

Presiding Judge
Judge Code: 2107
Sentence Date: Nov 18, 2011

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Y OF Sumter

VS. Antrell Rashawn Felder

INDICTMENT/CASE#: 2009-GS-43-0059

A/W#: Div. Present

Date of Offense: 7/18/2008

S.C. Code § : 16-23-0490

CDR Code #: 0549

Address: City, State, Zip: Sumter, SC 29154 DL#: 090479427 SID#: \*

SENTENCE SHEET

\*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

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 w/minor 1st or Lewd Act) §17-25-45

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: Meadors, John P 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: concurrent court two - The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered 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:

Table with columns for description, amount, and total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), and TOTAL.

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

James C. Campbell Dianne Rutledge

Presiding Judge

Judge Code:

Sentence Date:

Howard P. King 2107 Nov 18, 2011

WITNESS STATEMENT

Name: Antrell McFadden  
Address: 811 Peace St, Sumter SC, 29150  
DOB: 07/13/1980  
SS#: 247-45-4293  
Phone #: 803-566-1792  
Date: 07/18/2008  
Case Number: 08081134

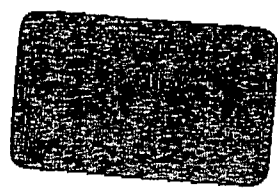
On July 17, 2008 at about 9:00 PM my cousin, Kayla McFadden, and I went to my girlfriend's, Sheena, house. She lives at 3 Sims St. At about 12:30 AM, my cousin and I left my girlfriends house and started walking to the Pantry. As we were walking down [redacted] Ave we crossed over Jackson St. We were about fifty feet or so from Jackson when we saw a black guy wearing grey sweats and grey "wife beater". He was coming from a yard on the left side of the road. There were some people in the doorway of the house that he was coming from. He met up with us and asked me for a cigarette. I had never seen him before this time. I gave him a cigarette. Then we split up both walking the same direction. He was walking down the left side of the road my cousin and I were walking down the ride side of the road. As I continued I saw a white car coming. It turned onto [redacted] Ave from [redacted] St as if it was coming from the [redacted] direction. Then as we kept walking the car pulled onto the shoulder of the road, on the side the other guy was walking. The car was an all white four door Buick. It looked like it may have been a 90's and had a light tint on the windows. The dude stopped walking and we stopped walking. I saw the driver get out of the car. He came around the front of the car and shot the dude. He hand a shiny handgun, it looked like an automatic. I believe that the he said something like, I know you or I got you now before he shot the dude. The driver was a black male, about in his late 20's, about 5'07", and about 190- 195 pounds, he had a low cut fade, and was wearing a red and white Phillis hat a white "wife beater", and light blue jeans. I couldn't see if anyone else was in the car or not. The dude fell to the ground and the guy went over a kicked him about three times in the face. The guy got back in the car a spun off. He traveled up [redacted] turned right onto [redacted]. My cousin called the police and we ran into a neighboring yard. We waited there until the police arrived. A police officer came up to us and we told them that we saw what happened. I could probably identify the guy that got out of the car if I saw him again. I never saw the guy before this incident. After the dude got shot I heard someone say a girl in a yard say "that Main", referring the dude that got shot. I saw someone come out and place a blanket on his wound also.

Signed: Antrell McFadden

Date: July 18, 2008

Witness: [Signature]

Witness: \_\_\_\_\_



## Summary of Defendant's Oral Statement

On July 18, 2008, Detectives William Lyons, Jason Potteiger, and Curtis Hodge of the Sumter Police Department went to the home of Ida Mae Felder in Wedgefield in an attempt to speak with her son Antrell Felder about a homicide that occurred earlier that day. Upon arrival the detectives were met at the door by an African American male who told them he was Antrell's brother, Tavaris Felder. When the detectives returned later that day they learned that the person identifying himself as Tavaris Felder was in fact Antrell Felder. When they attempted to contact Antrell Felder again he could not be located.

On the afternoon of July 19, 2008, defendant Antrell Felder turned himself in at the Sumter City-County Law Enforcement Center. Felder was arrested, signed a written Miranda waiver, and agreed to talk to Captain Alvin Holston and Detective Potteiger.

Antrell Felder began by stating he was 26 years old, that his date of birth was July 15, 1982, and that he lived at [REDACTED]. He related that he was currently on bond for a lynching charge. Regarding the burglary of the house at [REDACTED], Felder said he was hanging out at his sister-in-law Sada's apartment on [REDACTED] along with Sada, Stephan, Tavaris, James Singleton, Kim, his brother Roy, and his mother, sister, and nieces. He stated that he had been at Sada's since first dark, around 8:00-8:30 p.m. Felder said that prior to this, everyone was over at his house on [REDACTED] when he suggested that they go to his "bro's house."

Felder continued by saying he was outside drinking with Kim and his brother when he heard a commotion inside. He then told the officers that someone he knew named David had called his cell phone at 11:59 p.m. [Thursday, July 17<sup>th</sup>] and said four guys were in the process of breaking into his house at [REDACTED]. Felder said he did not know David's last name or where he lived. He said that he, Kim, and his girlfriend Stacey left and went to the [REDACTED] house. According to Felder, he, Stacey and Kim rode in his car, while his mother Ida, Sada, the kids and James came later in Ida's green car. He said Stephan and Tony came in Tony's car.

Felder stated he went inside the house to make sure everything was okay. When asked what was missing from the house, he mentioned shoes (a pair of new, black Air Force Ones and a pair of white and red Air Jordan's), hats, and some "his and hers" clothes. He disclosed that Stacey then told him to "make sure you don't have anything on you." Because he had a bag of weed with him, Felder said he promptly left, by himself, driving his white, 4-door Buick. Felder said Stacey, Sada and Kim remained at the residence. He further related that he went back to Sada's apartment, and that when he arrived "Boo," Stephan's cousin, was there. When asked which direction he drove when he left [REDACTED] Avenue, Felder told the officers he "took the back way" to Sada's, but could not name any of the streets he took. He then said that when he arrived he smoked a cigarette because "no one was home."

When confronted with his previous remark about "Boo," Felder replied that "Boo" was indeed there and that "Boo" took him over to Red Bay to visit a girl named Shanda. Felder remarked that Shanda lived on Belmont Drive near Jelly's people, and that he left the white Buick at Sada's house with the keys on the "front floorboard." Felder stated he and "Boo" arrived over on Red Bay between "12:25 a.m. and 12:35 a.m.," and that he didn't leave the Red Bay area until



3:00 a.m. When asked to provide more information about "Boo," Felder said he did not know his real name or where he lived.

When asked what he had been wearing the morning of the 18<sup>th</sup>, Felder replied that he had on black shorts and a black shirt, although he stated he had changed earlier from a white shirt. He volunteered that he frequently visits his mother's place in Wedgefield and that he stayed with her on that Thursday and Friday [17<sup>th</sup> and 18<sup>th</sup>]. Felder gave his telephone number as [REDACTED], and offered the following numbers in addition: [REDACTED] 4 and [REDACTED] (Stacey), [REDACTED] (Kia), [REDACTED].

As the interview wound down, Felder reiterated that the items allegedly taken from the house on [REDACTED] were clothes, shoes, and hats.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SUMTER )  
 )  
 THE STATE )  
 )  
 v. )  
 )  
 ANTRELL RASHAWN FELDER, )  
 )  
 Defendant. )

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT NO.: 2009-GS-43-059

STATE'S STIPULATIONS

These are stipulations by and through Assistant Solicitor John Meadors on behalf of The State and the Defendant, Antrell Rashawn Felder, by and through his attorneys Shawn Kent and Ray Chandler.

WE HEREBY STIPULATE TO THE FOLLOWING:

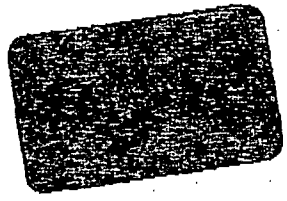
That the attached "DNA ANALYSIS REPORT" which was prepared by Ms. Maryann E. Shehan of the South Carolina Law Enforcement Division contains the same information and conclusions as to which she would have testified had she been here at trial.

We Consent:

*John P. Meadors*  
 John P. Meadors  
 Assistant Solicitor

*Shawn Kent*  
 Shawn Kent  
 Ray Chandler  
 Attorneys for the Defendant

Sumter, SC  
 This, the 17<sup>th</sup> day of November, 2011



# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD  
*Governor*



REGINALD I. LLOYD  
*Director*

Det/Lt. Truman Duggin  
Sumter Police Department  
107 East Hampton Avenue  
Sumter, SC 29150

**DNA ANALYSIS**  
May 07, 2009  
SLED LAB: L08-12650  
Your Case No: 08081134  
Incident Date: 7/18/2008  
[S] Antrell Felder  
[V] William McKenzie

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This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director  
South Carolina Law Enforcement Division

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### SUPPLEMENTAL REPORT

#### SEROLOGY ANALYSIS

<u>Items Submitted:</u>	<u>Results of Examinations:</u>
1 Swabs from victim's sunglasses	1 See DNA analysis.
2 Swabs from radio control button on steering wheel	2 Blood indicated. See DNA analysis.
3 Swabs from Piggly Wiggly receipt	3 Blood indicated. See DNA analysis.
4.1 Swab from baseball cap	4.1 See DNA analysis.
16 Blood standard- William McKenzie	16 See DNA analysis.
17 Buccal swabs- Antrell Felder	17 See DNA analysis.



DNA ANALYSIS

ITEMS ANALYZED:

- 16 Blood standard- William McKenzie
- 17 Buccal swabs- Antrell Felder
  
- 1 Swabs from victim's sunglasses
- 2 Swabs from radio control button on steering wheel
- 3 Swabs from Piggly Wiggly receipt
- 4.1 Swab from baseball cap

EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.

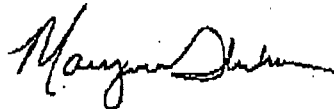
RESULTS

The DNA profile developed from item 1 is a mixture of at least two individuals. William McKenzie cannot be excluded as a possible contributor to this mixture.

The DNA profile developed from items 2 and 3 matches the DNA profile of Antrell Felder. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 5.6 quadrillion.

The DNA profile developed from item 4.1 is a mixture of at least two individuals. The DNA profile developed from the major contributor to this item also matches the DNA profile of Antrell Felder. William McKenzie can be excluded as a possible minor contributor to this mixture.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.



Maryann E. Shehan  
Forensic Scientist

cc: Sumter County Solicitor's Office







Directions to [redacted], Sumter, SC  
29150  
0.3 mi - about 2 mins

**Save trees. Go green!**  
Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)

[redacted] Ave, Sumter, SC 29150

- 1. Head northeast on [redacted] toward Tom Ln . go 0.2 mi  
total 0.2 mi
- 2. Turn left onto **Broad St**  
About 1 min go 230 ft  
total 0.2 mi
- 3. Take the 1st right onto [redacted] go 0.1 mi  
Destination will be on the right total 0.3 mi

[redacted], Sumter, SC 29150

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

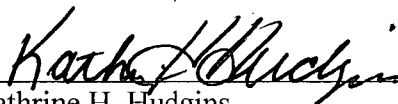
Map data ©2011 Google

Directions weren't right? Please find your route on [maps.google.com](http://maps.google.com) and click "Report a problem" at the bottom left.

## 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."

May 8th, 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

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Sumter County

Howard P. King, Circuit Court Judge

RECEIVED

MAY 08 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

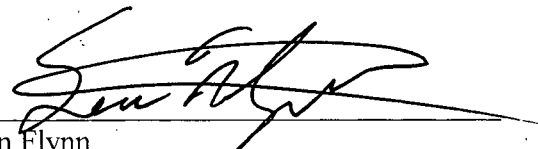
ANTRELL R. FELDER,

APPELLANT

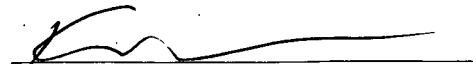
APPELLATE CASE NO. 2011-203747

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 8th day of May, 2013.

  
Sean Flynn  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 8th day of May, 2013.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 3, 2013.