

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM COLLETON COUNTY

D. Craig Brown, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SINCERE JAMAL OWENS,

APPELLANT

APPELLATE CASE NO. 2012-213550

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF COLLETON) CASE NO.: 2009-GS-15-305,306

THE STATE OF SOUTH CAROLINA,)
)
)
 v.) TRANSCRIPT OF RECORD
)
 SINCERE JAMAL OWENS,)
)
 DEFENDANT.)

September 13TH, 14TH and 15th, 2010
Walterboro, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE.

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Jury Selection**State v. Sincere Jamal Owens****2009-GS-15-305, 306****September 13th - 15th, 2010**

Juror #	Name	Race	Gender	Jury
5	Paige Bates	W	F	1
101	Rita V. Manigo	B	F	2
145	Jamey S. Shock	W	F	3
108	Robert E. Meetze, Jr.	W	M	4
69	Pete Helwig	W	M	5
164	Virginia Washington	B	F	6
167	Annie S. Williams	B	F	7
2	Anthony Alston	B	M	8
127	Tamara Parrish	W	F	9
99	Bruce M. Manigo	B	M	10
107	Benjamin McNeil	B	M	11
28	Kawan P. Daniels	B	F	12
173	Hazel M. Wilson	B	F	Alt. 1
91	Wendy H. Lee	W	F	Alt. 2

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1 THE COURT: Good afternoon, ladies and gentlemen. My
2 name is Craig Brown. I am a Circuit Court Judge from
3 Florence. It was a nice ride here from the big town of
4 Florence this morning. You all, ladies and gentlemen, have
5 been summoned for a term of what's called General Sessions
6 Court to serve as jurors this week.

7 General Sessions Court in South Carolina is better
8 known as criminal court. We also have what is called Common
9 Pleas Court and that involves civil court where cases are
10 tried such as wreck cases and contract disputes. Can
11 everybody in the back hear me okay? Okay. But you all have
12 been summoned here this week for a term of General Sessions,
13 better known as criminal court.

14 The Clerk, Ms. Grant, has started the first part of the
15 qualification process, and this is a multi-step process
16 whereby you all are qualified as jurors.

17 THE COURT: Call your case, Solicitor.

18 DEP. SOL. THORNTON: Thank you, Your Honor. The State
19 is ready to proceed on two indictments today, 2009-GS-15-
20 305, charging the defendant, Sincere Jamal Owens for the
21 crime of murder. 2009-GS-15-306, charging the defendant
22 Sincere Jamal Owens for the crime of possession of a weapon
23 during the commission of a violent crime. May I approach?

24 THE COURT: Yes, sir.

25 (MR. THORNTON APPROACHES THE BENCH.)

1 THE COURT: Thank you, sir.

2 DEP. SOL. THORNTON: The State is ready to proceed,
3 Your Honor.

4 THE COURT: Ladies and gentlemen of the jury panel, the
5 State has called the case of the State v. Sincere Jamal
6 Owens. Mr. Owens has been charged in a two-count
7 indictment. The first count in the indictment being murder.
8 The second count being the possession of a weapon during the
9 commission of a violent crime.

10 Ladies and gentlemen, let me explain something to you,
11 first. The fact that Mr. Owens has been charged in this
12 matter is not evidence of guilt. The indictment that I hold
13 in my hands is not evidence. Those are simply the charging
14 documents by which one is brought into this Court.

15 The State bears the burden of proving Mr. Owens guilty
16 of the charges in these indictments. The State bears the
17 burden of proving these charges beyond a reasonable doubt.
18 We are going to proceed here today with the selection of a
19 jury in this case, but there are some questions that I must
20 ask you before we can begin selection of this jury.

21 The indictment for murder charges that, in Colleton
22 County, on or about April 22nd, 2009, with malice
23 aforethought, Sincere Jamal Owens, did kill and murder Keith
24 Williams by means of shooting the victim with a handgun, and
25 that Keith Williams did die as proximate result thereof in

1 violation of section 16-3-10 in the South Carolina Code of
2 Laws.

3 For the charge for possession of a weapon during the
4 commission of a violent crime, the Indictment reads that in
5 Colleton County, South Carolina, on or about April 22, 2009,
6 the defendant, Sincere Jamal Owens, did possess a handgun or
7 visibly displayed what appeared to be a handgun during the
8 commission, or attempted commission, or murder; a violent
9 crime in violation of Section 16-23-490 in the South
10 Carolina Code of Laws.

11 I'll remind you again, ladies and gentlemen, that the
12 indictments for which I just read are not evidence. The
13 State bears the burden of proving Mr. Owens guilty of these
14 charges beyond a reasonable doubt, and that he is presumed
15 innocent of these charges until the State proves their case.

16 Again, let me ask you some questions before we proceed
17 with jury selection. Is anyone on the jury panel ever been
18 related by blood or marriage, to Mr. Sincere Jamal Owens or
19 Mr. Keith Williams? If so, please stand.

20 Has anyone ever had a close personal, or social
21 relationship with either Mr. Sincere Jamal Owens or Keith
22 Williams? If so, please stand.

23 The record as to both of those questions reflect that
24 no one has stood.

25 The following, ladies and gentlemen, is a list of

1 potential witnesses in this case, if you'll listen very
2 carefully to these names of the witnesses. David Green,
3 Richard Sheffield, Joseph Campbell, Matthew Parlor, Gene
4 Reed, Al Lewis, Ken Dasen, Tavera Edwards, Chris Warren,
5 Charlene Rowes, Mark McCune, Richard Harvey, Dr. Nicholas
6 Batalis, Chevelle Campbell, Shante Glover, Allen Inabinett,
7 Stephanie Bridge, Ilah Simmons, Kenneth Whitler, Shawn
8 South, Weston Bodison, Ken Billings, Anitha Green, Qwame
9 Moultrie, Keevy Rowes, Sincere Jamal Owens, Kelvin Mitchell.

10 Is anyone on the jury panel related by blood or
11 marriage, to any of the people I have just listed, or has
12 anyone ever had a close personal, or social, relationship
13 with any of those people I have just listed? If so, please
14 stand.

15 (JURORS STAND.)

16 THE COURT: Yes, ma'am. Your name and number?

17 JUROR: My name is Wandale Brown; I'm juror number 14.

18 THE COURT: Who did you know off of that list, Ms.
19 Brown?

20 JUROR: I know Kelvin Mitchell and Shante Glover.

21 THE COURT: Do you just know them?

22 JUROR: Well, I've known their families most all of my
23 life.

24 THE COURT: All right. The fact that you know them or
25 know their family, and have known their family all of your

1 life, will that affect your ability to be fair and impartial
2 to both the State and the defendant in this case?

3 JUROR: Yes.

4 THE COURT: It would?

5 JUROR: Yes.

6 THE COURT: Okay, Ms. Brown, I'm going to set you aside
7 on this case. I appreciate you standing up and letting us
8 know that.

9 JUROR: I'm Janice Ferguson, and you had called Mark
10 McCune; I am his aunt.

11 THE COURT: Okay. Hold on just a minute. Juror Number
12 39, Ms. Janice Ferguson. And how do you know Mr. McCune?

13 JUROR: He's my nephew.

14 THE COURT: All right. The fact that you know Mr.
15 McCune, or he is your nephew, will that affect your ability
16 to be fair and impartial in this case to both the State and
17 the Defense?

18 JUROR: No, sir.

19 THE COURT: It would not?

20 JUROR: No, sir.

21 THE COURT: Okay. All right. You may be seated, thank
22 you. Yes, ma'am?

23 JUROR: Lakia Youngblood, 175.

24 THE COURT: All right. Ms. Youngblood, who do you
25 know off of that list?

1 JUROR: I know Shante Glover, Keith and Jamal.

2 THE COURT: Are you related by blood or marriage to any
3 of them?

4 JUROR: No. Friends.

5 THE COURT: The fact that you know those individuals,
6 will that affect your ability to be fair and impartial to
7 both the State and the Defense in this case?

8 JUROR: Yes.

9 THE COURT: All right. Ms. Youngblood, I'm going to
10 set you aside on this case. Thank you very much for
11 standing and letting me know that. Yes, ma'am?

12 JUROR: I'm Jamie Shock, 145, and I am associates with
13 Sean South, and friends with his wife, but I don't think it
14 would allow me to be impartial.

15 THE COURT: You're friends with Mr. South's wife?

16 JUROR: Yes, sir.

17 THE COURT: The fact that you are friends with his
18 wife, will that affect your ability to be fair and impartial
19 to both the State and the Defense in this case?

20 JUROR: No, sir.

21 THE COURT: All right. Thank you, ma'am, for letting
22 the Court know that. Any others? (NO RESPONSE.) All
23 right.

24 Now, ladies and gentlemen, the attorneys involved in
25 this case, I'm going to allow them to stand at this time,

1 staring with the State, to stand and introduce themselves
2 and the individuals that are in their office. Mr.
3 Thornton?

4 DEP. SOL. THORNTON: Thank you, Your Honor. Good
5 afternoon, y'all, my name is Sean Thornton. I'm Deputy
6 Solicitor here in the Fourteenth Circuit. I supervise
7 Colleton, Allendale, Hampton, and Jasper. I formally
8 practiced with Gerald Maree, who is a local attorney here,
9 and I'm also currently with Colleton County Solicitor's
10 Office. With me on this case will be Amanda Haselden, who
11 is an Assistant Solicitor in my office. Thank you.

12 THE COURT: All right. Mr. Mathews?

13 MR. MATHEWS: Thank you, Your Honor. I'm Dave Mathews,
14 and I'm with the Public Defender's Office obviously. That's
15 my boss, Harris Beach, and that's Bunny, who helps us out,
16 and you've already met my client.

17 THE COURT: All right. Ladies and gentlemen of the
18 jury panel, has any member of the jury panel ever been
19 represented by any of the attorney's involved in this case
20 with their law firms, or is anyone on the jury panel related
21 by blood, or marriage, or have a close personal, or social,
22 relationship with any of the attorney's involved in this
23 case, or anyone in their office? If so, please stand.

24 THE COURT: Yes, ma'am. Your name and number?

25 JUROR: I'm Mary Ferguson; I'm number 40. While all of

1 the guys are not here, but I was a past employee of Gerald
2 Smoak Sr., with the Solicitor's Office.

3 THE COURT: Okay. Ms. Ferguson, the fact that you were
4 previously employed in that capacity in that firm, will that
5 affect your ability to be fair and impartial to both the
6 State and the defense in this case?

7 JUROR: It would not. It was not him as a solicitor,
8 but as a private attorney.

9 THE COURT: All right. Thank you for letting the
10 Court know that. You may be seated. Yes, sir. Your name
11 and number?

12 JUROR: Travis Frasier, number 47.

13 THE COURT: Mr. Frasier, do you know or are related by
14 blood or marriage to any of the attorney's in this matter?

15 JUROR: No, sir.

16 THE COURT: All right. And you're standing for what
17 reason?

18 JUROR: I thought you said if we were represented.

19 THE COURT: Okay. The fact that you were previously
20 represented, will that affect your ability to be fair and
21 impartial to both the State and the Defense in this case?

22 JUROR: No, sir.

23 THE COURT: Okay. Thank you. You may be seated, sir.
24 Ladies and gentlemen, my next question is, has any member of
25 the jury panel formed or expressed an opinion about any

1 issues or matters involved in this case. If so, please
2 stand. Yes, sir. Your name and number?

3 JUROR: George Salisbury, 140.

4 THE COURT: Could the attorney's approach for just a
5 minute, please?

6 (WHEREUPON, a bench conference is held off the record
7 and out of the hearing of the jury.)

8 THE COURT: Mr. Salisbury, if you'd come forward
9 please, sir?

10 (WHEREUPON, a bench conference is held off the record
11 and out of the hearing of the jury.)

12 THE COURT: All right. Ladies and gentlemen, the next
13 question is there any member of the jury panel aware of any
14 bias or prejudice toward either the State or the defendant
15 in this case? If so, please stand. Let the record reflect
16 there are none.

17 Is there any member of the jury panel that was a member
18 of the grand jury, which issues the indictment in this case?
19 If so, please stand. Let the record reflect there are none.

20 Is there any member of the jury panel who is a member
21 of contributor to any group which has as its primary concern
22 the promotion of law enforcement or victim's right's; these
23 groups include, but certainly may not be limited to MADD,
24 SADD, or CAVC, Citizens Against Violent Crime? If so,
25 please stand.

1 Does any member of the jury panel know of any reason
2 whatsoever why he or she should not serve as a juror in this
3 case, with particular emphasis being placed on your ability
4 to be fair and impartial to both the State and the
5 defendant? If so, please stand.

6 Let the record reflect there are none.

7 Does the State have any additional questions it would
8 request that I ask, Mr. Thornton?

9 DEP. SOL. THORNTON: None, Your Honor.

10 THE COURT: Mr. Mathews, are there any additional
11 questions?

12 MR. MATHEWS: Yes, sir. Should we approach, Your
13 Honor?

14 THE COURT: Yes, sir.

15 (WHEREUPON, a bench conference is held off the record
16 and out of the hearing of the jury.)

17 THE COURT: All right. Ladies and gentlemen, one
18 additional question I want to ask. Is there any member of
19 the jury panel who has been a victim -- and when I say any
20 member of the jury panel, I mean immediate family, been a
21 victim of a violent crime? When I say immediate family, I
22 mean mother, father, brother, sister, or children. If so,
23 please stand. Ma'am, the only thing I want to know is your
24 name and number, okay?

25 JUROR: Janet Sykes, 155.

1 THE COURT: Okay. Thank you. You may be seated. Yes,
2 ma'am. Your name and number?

3 JUROR: Bobby Williams, 166.

4 THE COURT: All right. Ms. Williams, thank you ma'am.
5 You may be seated. Anything further from the State at this
6 time?

7 DEP. SOL. THORNTON: No, sir.

8 THE COURT: Mr. Mathews, from the Defense?

9 MR. MATHEWS: No, sir.

10 THE COURT: All right. If the attorney's will approach
11 just a minute, before we begin selection of the jury.

12 (WHEREUPON, a bench conference is held off the record
13 and out of the hearing of the jury.)

14 THE COURT: All right. Ladies and gentlemen, we are
15 now going to proceed with the jury selection in this case.
16 Ms. Grant, are you ready to proceed?

17 MADAME CLERK: Yes, I am, Your Honor.

18 THE COURT: Now, while they're printing up this juror
19 list at this time, you all may have recognized and seen a
20 number of different people in the courtroom. Seated to my
21 right over here, that mask that's in front of this young
22 lady's face, she is our court reporter, Mrs. Becky Hill.
23 This is a court of record, and everything that's said in
24 here is taken down, and she is putting on record what I am
25 saying right now and what these attorney's say during this

1 process. To my left over here is Mr. Padgett. He is one of
2 the courtroom officers and bailiffs here. Mr. Grant and Mr.
3 Beach, these are courtroom bailiffs, and these are
4 individuals -- and Ms. Moore in the back. These are
5 individuals who are here that are bailiffs and security here
6 in the courthouse.

7 During the course of the time that you are on the jury,
8 or serving as a juror this week, if you have any questions
9 or need any assistance, these are the individuals who are
10 here to assist you all. Seated in front of me is Ms.
11 Patricia Grant, who is your Clerk of Court here in Colleton
12 County, and her staff, to her immediate right; she is here
13 for your service as well, ladies and gentlemen.

14 Now, we're going to proceed with the selection of
15 jurors in this case. If you hear your name, I would ask
16 that you gather your belongings and come up front, come
17 through this swinging door and turn and face the attorney's
18 after your name is called, and stay there until you're given
19 further instructions on whether to have a seat in the jury
20 box, or take a seat back out in the audience again. Ms.
21 Grant, are you ready to proceed?

22 MS. GRANT: I am.

23 THE COURT: All right.

24 MS. GRANT: Number 5, Paige F. Bates. What say you for
25 the State?

1 DEP. SOL. THORNTON: Please present this juror.

2 MS. GRANT: What say you for the defendant?

3 MR. MATHEWS: Please swear the juror.

4 MS. GRANT: Please have a seat in the jury box to my

5 right, the bailiff will show you where to be seated. 101,

6 Rita V. Manigo. What say you for the State?

7 DEP. SOL. THORNTON: Please present this juror.

8 MS. GRANT: What say you for the defendant?

9 MR. MATHEWS: Please swear the juror.

10 MS. GRANT: Please have a seat in the jury box to my

11 right. Number 88, Bonnie J. Knight. What say you for the

12 State?

13 DEP. SOL. THORNTON: Please present this juror.

14 MS. GRANT: What say you for the Defendant?

15 MR. MATHEWS: Please excuse Ms. Knight from the trial

16 of this case.

17 MS. GRANT: Please have a seat back in the panel.

18 Number 135, Roslyn A. Roberson. What say you for the State?

19 DEP. SOL. THORNTON: Please present this juror.

20 MS. GRANT: What say you for the Defendant?

21 MR. MATHEWS: Please excuse the juror from the trial of

22 this case.

23 MS. GRANT: Please have a seat back with the panel.

24 165, Paul B. Weatherford. What say you for the State?

25 DEP. SOL. THORNTON: Please excuse the juror from the

1 trial of this case.

2 MS. GRANT: Please have a seat back with the panel.

3 Number 64, Matthew J. Groves. What say you for the State?

4 DEP. SOL. THORNTON: Please present this juror.

5 MS. GRANT: What say you for the defendant?

6 MR. MATHEWS: Please excuse the juror from the trial of
7 this case.

8 MS. GRANT: Please have a seat back with the panel.

9 Number 145, Jamey S. Shock. What say you for the State?

10 DEP. SOL. THORNTON: Please present this juror.

11 MS. GRANT: What say you for the Defendant?

12 MR. MATHEWS: Please swear the juror.

13 MS. GRANT: Please have a seat in the jury box. Number
14 108, Robert E. Meetze, Jr. What say you for the State?

15 DEP. SOL. THORNTON: Please present this juror.

16 MS. GRANT: What say you for the defendant?

17 MR. MATHEWS: Please swear the juror.

18 MS. GRANT: Please have a seat in the jury box. Number
19 69, Pete E. Helwig. What say you for the State?

20 DEP. SOL. THORNTON: Please present this juror.

21 MS. GRANT: What say you for the Defendant?

22 MR. MATHEWS: Please swear the juror.

23 MS. GRANT: Please have a seat in the jury box. Number
24 164, Virginia Washington. What say you for the State?

25 DEP. SOL. THORNTON: Please present this juror.

1 MS. GRANT: What say you for the Defendant?

2 MR. MATHEWS: Please swear the juror.

3 MS. GRANT: Please have a seat in the jury box. Number
4 47, Travis H. Frazier. What say you for the State?

5 DEP. SOL. THORNTON: Please excuse this juror.

6 MS. GRANT: Please have a seat back with the panel.
7 Number 167, Annie S. Williams. What say you for the State?

8 DEP. SOL. THORNTON: Please present this juror.

9 MS. GRANT: What say you for the defendant?

10 MR. MATHEWS: Please swear the juror.

11 MS. GRANT: Please have a seat in the jury box. Number
12 2, Anthony Alston. What say you for the State?

13 DEP. SOL. THORNTON: Please present this juror.

14 MS. GRANT: What say you for the Defendant?

15 MR. MATHEWS: Please swear the juror.

16 MS. GRANT: Please have a seat in the jury box. Number
17 1, Jeff O. Addison. What say you for the State?

18 DEP. SOL. THORNTON: Please present this juror.

19 MS. GRANT: What say you for the Defendant?

20 MR. MATHEWS: Please excuse the juror from the trial of
21 this case.

22 MS. GRANT: Have a seat back with the panel. Number
23 40, Mary F. Ferguson. What say you for the State?

24 DEP. SOL. THORNTON: Please excuse the juror from the
25 trial of this case.

1 MS. GRANT: Please have a seat back with the panel.
2 Number 126, Theresa B. Padgett. What say you for the State?
3 DEP. SOL. THORNTON: Please present this juror.
4 MS. GRANT: What say you for the Defendant?
5 MR. MATHEWS: Please excuse this juror from the trial
6 of this case.
7 MS. GRANT: Please have a seat back with the panel.
8 Number 72, Joanne S. Herndon. What say you for the State?
9 DEP. SOL. THORNTON: Please present this juror.
10 MS. GRANT: What say you for the defendant?
11 MR. MATHEWS: Please excuse this juror from the trial
12 of this case.
13 MS. GRANT: Please have a seat back with the panel.
14 Number 127, Tamara A. Parrish. What say you for the State?
15 DEP. SOL. THORNTON: Please present this juror.
16 MS. GRANT: What say you for the Defendant?
17 MR. MATHEWS: Please swear the juror.
18 MS. GRANT: Please have a seat in the jury box. Number
19 171, Shelia K. Williams. What say you for the State?
20 DEP. SOL. THORNTON: Please excuse the juror from the
21 trial of this case.
22 MS. GRANT: Please have a seat back with the panel.
23 Number 18, David P. Butler. What say you for the State?
24 DEP. SOL. THORNTON: Please present this juror.
25 MS. GRANT: What say you for the Defendant?

1 MR. MATHEWS: Please excuse this juror from the trial
2 of this case.

3 MS. GRANT: Please have a seat back with the panel.
4 Number 99, Bruce M. Manigo. What say you for the State?

5 DEP. SOL. THORNTON: Please present this juror.

6 MS. GRANT: What say you for the Defendant?

7 MR. MATHEWS: Please swear the juror.

8 MS. GRANT: Please have a seat in the jury box. Number
9 155, Janet M. Sykes. What say you for the State?

10 DEP. SOL. THORNTON: Please present this juror.

11 MS. GRANT: What say you for the Defendant?

12 MR. MATHEWS: Please excuse the juror from the trial of
13 this case.

14 MS. GRANT: Please have a seat back with the panel.
15 107, Benjamin Mcneil. What say you for the State?

16 DEP. SOL. THORNTON: Please present this juror.

17 MS. GRANT: What say you for the Defendant?

18 MR. MATHEWS: Please swear the juror.

19 MS. GRANT: Please have a seat in the jury box. Number
20 28, Kawan P. Daniels. What say you for the State?

21 DEP. SOL. THORNTON: Please present this juror.

22 MS. GRANT: What say you for the Defendant?

23 MR. MATHEWS: Please swear the juror.

24 MS. GRANT: Please have a seat in the jury box.

25 Alternates, now.

1 THE COURT: Select two alternates.
2 MS. GRANT: 173, Hazel M. Wilson. What say you for the
3 State?
4 DEP. SOL. THORNTON: Please present this juror.
5 MS. GRANT: What say you for the Defendant?
6 MR. MATHEWS: Please swear the juror.
7 MS. GRANT: Please have a seat in the jury box. Number
8 91, Wendy H. Lee. What say you for the State?
9 DEP. SOL. THORNTON: Please present this juror.
10 MS. GRANT: What say you for the Defendant?
11 MR. MATHEWS: Please swear the juror.
12 MS. GRANT: Please have a seat in the jury box. That
13 concludes the selection of the jury.
14 THE COURT: All right. Are there any matters of law
15 that we need to take up with regards to jury selection from
16 the State?
17 DEP. SOL. THORNTON: None from the State, Judge.
18 THE COURT: From the Defense?
19 MR. MATHEWS: None, Your Honor.
20 THE COURT: All right. Could the attorney's approach?
21 (WHEREUPON, a bench conference is held off the record
22 and out of the hearing of the jury.)
23 THE COURT: Ladies and gentlemen of the panel who are
24 still seated out in front of me, you have not been selected
25 to serve as jurors in this particular case. However, just

1 because you were not selected as a juror in this case does
2 not mean that you are not going to be selected as a juror in
3 another case this week. So what I'm going to do at this
4 time is I'm going to excuse those jurors who are still
5 seated out in front of me. I'm going to excuse you for the
6 balance of today and tomorrow and ask that you call the
7 Clerk's Office -- Ms. Grant, do they have the telephone
8 number already?

9 MADAME CLERK: Yes, it's on a card they were given when
10 they came in.

11 THE COURT: Ms. Grant tells me that you all were given
12 a card when you all came in and that card has a number that
13 you are to call with further instructions for your jury
14 service this week. I want you to call that number tomorrow
15 after 6:00 p.m., and there will be a recording that gives
16 you instructions on what you need to do with regards to
17 Wednesday, okay? So please call that number tomorrow after
18 6:00. There will be a recording that will give you
19 instructions on what you need to do. Those of you who are
20 on this jury panel, seated to my left of the audience, at
21 this time, you are free to leave. Make sure you have that
22 card with that number on it. Those of you are seated to the
23 left only are allowed to leave at this time.

24 (WHEREUPON, the jury exits the courtroom and the
25 following is held on the record.)

1 THE COURT: All right. Ladies and gentlemen, you all
2 have been selected as jurors in this case. I want to go
3 over with you some general guidelines before I excuse you
4 for the balance of today. We're not going to start this
5 trial today. It's already about 4:15 and we're not going to
6 start this trial today. I just want to give you some -- I
7 want to talk to you about some things with regards to the
8 trial of this case; some general guidelines.

9 I don't know if any of you have ever sat on jury duty
10 before. I do know that if one of you sat on a jury at least
11 within the last three years, I'm sure you would have stood
12 up earlier today when I asked that question. First of all,
13 I want to talk to you about, and I know that most people, 99
14 percent of people, I think today have cell phones. When
15 asked, do you have a cell phone, don't bring it to court
16 when you come because we don't want your cell phone going
17 off during court proceedings; or two, if you do bring a cell
18 phone, either make sure that it is on vibrate or in silent
19 mode. There has been a Supreme Court Order by our Chief
20 Justice Toal about cell phones in the courtroom. They're
21 not supposed to go off in the courtroom and I would just
22 caution you about not having your cell phone on or at least
23 having it in on vibrate or silent mode.

24 If you have a concern about family members needing to
25 get in touch with you for some reason during the course of

1 the trial, I certainly understand that, and the Clerk's
2 Office, Ms. Grant, can provide a number that you all can
3 give to your family or friends that may need to reach you
4 during the course of this trial. She can give you that
5 number that you can provide to them so that they can contact
6 this court facility if such an emergency were to arise.

7 One other thing I want to tell you, ladies and
8 gentlemen, before I excuse you for tonight is that you are
9 not to have any contact whatsoever with any of the parties,
10 lawyers, or possible witnesses in this case. Previously,
11 the lawyers have introduced themselves to you, so you know
12 who the lawyers are. I read out a list of potential
13 witnesses in this case, so you know who they are as well.

14 Even innocent conversations -- I grew up in a small
15 town, just like Walterboro is a small town, so you may some
16 of the lawyers involved or some of the potential witnesses,
17 but even innocent conversations, the mere perception may be
18 misconstrued and I would just ask that you not have any
19 contact whatsoever with the lawyers or parties involved in
20 this case or potential witnesses.

21 One of the things that I was talking to the lawyers up
22 here was about for scheduling purposes. I would ask that
23 you be back in your jury room. The bailiffs here will show
24 you where you need to report back, but I'm going to ask that
25 you be back here at 9:30 in the morning, at 9:30 in the

1 morning. I ask that you be prompt, so that the Court
2 doesn't have to wait and I say that kind of somewhat
3 reluctantly, because at times there may be a situation where
4 you all have to wait back there. I can assure you that I do
5 not like to make anyone sit back in the jury room. I'm very
6 aware of the fact that you all have lives outside of this
7 courtroom and outside of this court facility, and that you
8 all have jobs and responsibilities other than that which are
9 not in this courtroom.

10 Having said that, we cannot conduct business without
11 you, and there may be times when we have to conduct business
12 outside of your presence; outside of your presence, okay?
13 The case is going to be presented to you in this courtroom
14 and will begin tomorrow and you will decide that case based
15 upon evidence that has occurred from this witness stand,
16 testimony given in this courtroom from this witness stand,
17 and evidence presented during the course of this trial.
18 That is what you will make your decision on and not on any
19 outside influences.

20 I want you to be aware of the fact that you are not to
21 decide this case on any outside influences. There may be
22 times that I have to ask you during the course of the trial
23 to leave the courtroom, because you may hear a lawyer say,
24 "Your Honor, we have a matter or law. We have something we
25 need to take up outside the presence of the jury." Which

1 may necessitate me asking you to leave to go to your jury
2 room so that we can deal with matters outside of your
3 presence, because you decide the case based upon what you
4 hear.

5 I will further instruct you on this later, but I will
6 just briefly tell you now. You are, ladies and gentlemen,
7 the judges of the facts in this case. You decide the case
8 based upon the facts that you hear in here. During the
9 course of this trial, I'm the judge of the law. I decide
10 which law applies to this particular case. And if there is
11 a time that I ask you to leave, it may be that it requires
12 that I make a comment on the facts of the case, applicable
13 to that particular law. I don't want you to glean anything
14 from what I may say on the facts. You're the judges of the
15 facts, and again, I will instruct you further during the
16 course of this trial. Now, having said that, I'm going to
17 excuse you to the jury room at this time. The bailiff will
18 show you where to return in the morning. I would ask that
19 you be back here by 9:30. Please get a good night's sleep
20 tonight. Make sure you get a good night's sleep tonight.
21 Anything further from the State before I excuse the jury at
22 this time?

23 DEP. SOL. THORNTON: Nothing from the State, Your
24 Honor.

25 THE COURT: All right. From the defense?

1 MR. MATHEWS: No, sir, Your Honor.

2 THE COURT: All right. Sir, if you would, show them
3 where they need to be back in the morning at 9:30 and we
4 will proceed at that time. Thank you very much, ladies and
5 gentlemen.

6 (WHEREUPON, the jury exits the courtroom and the
7 following is held on the record.)

8 THE COURT: Prior to selecting this jury, having a
9 request from defense counsel, I inquired as to whether or
10 not any of the immediate family of any of the jurors had
11 been the victim of a violent crime. Two jurors in
12 particular, juror 155 and 166, stood up at that time. Juror
13 166 was not one of the jurors placed in the pool of
14 potential jurors in the selection of this case. The
15 remaining individuals seated in the audience were
16 defendants; is that correct, Mr. Thornton?

17 DEP. SOL. THORNTON: It is, Your Honor. I always look
18 back to make sure.

19 THE COURT: All right. Your looking back made me kind
20 of cautious. I assumed they were defendants, but I just
21 wanted to make sure. Juror number 166 was not a part of the
22 jury pool for this particular panel for this particular
23 defendant. Mr. Mathews inquired prior to selecting this
24 jury as to whether or not I would bring up juror 155 and 166
25 and further question them about who and to what extent and

1 the facts surrounding them and their immediate family being
2 victims of violent crimes. Out of his concern -- and Mr.
3 Mathews, if I mis-state anything, please correct me, about
4 out of his concern of their ability to be fair and impartial
5 in the trial of Mr. Sincere Jamal Owens.

6 The Court, at that time, indicated that it would not
7 call those individual jurors up because of the fact that I
8 had previously asked them about whether or not they were
9 aware of any reason why they could not be fair and
10 impartial, and nobody in this jury panel stood up indicating
11 that there was any reason that they could not be fair and
12 impartial, other than those that we specifically addressed
13 on the record and that I set aside for the trial of this
14 case.

15 Juror 155 was a member of this jury panel and she was,
16 that individual was a female. Juror number 155 was Ms.
17 Janet Sykes, a white female who stood, and she was struck by
18 the defense as a potential juror in this case. And I want
19 it noted for the record that at the time she was struck,
20 that was defendant's eighth strike, leaving him two
21 additional strikes that he did not utilize during the
22 selection of this jury panel. Just for the record purposes,
23 Mr. Mathews indicated that he wanted to put that on the
24 record. Mr. Mathews, at this time, if I have left anything
25 out, I will be happy to let you add anything that you feel

1 as though I may have left out.

2 MR. MATHEWS: That sounds accurate, Your Honor.

3 THE COURT: Okay. Anything further with regards to
4 that matter from, Mr. Thornton?

5 DEP. SOL. THORNTON: No, sir.

6 THE COURT: Anything further before we adjourn as it
7 relates to this case before tomorrow morning?

8 DEP. SOL. THORNTON: Your Honor, the only thing I'm
9 aware of at this time, and I've got the officer, and he's
10 not here yet, but he'll be here momentarily. Actually, I
11 see him. He's right outside the door there. I need Mr.
12 Mathews to put it on the record. There is a -- the
13 defendant in this case gave a statement -- both a written
14 statement and had an extended taped, although sometimes
15 unintelligible, discussion with Chris Warren from the
16 Walterboro Police Department. I always bring this up out of
17 an abundance of caution, Judge, for Jackson v. Denno.

18 Mr. Mathews has informed me that he's seen the
19 accompanying paperwork, his client's waiver, et cetera, and
20 it says there is not an issue; but I need that on the record
21 so that we don't walk into it tomorrow, just to protect both
22 Mr. Mathews and myself. I've looked over everything, Judge.
23 It certainly appears to me that it was a volunteer waiver
24 and a confession. But I've got the officer here just in
25 case we need to go through it, Judge.

1 But other than that, and Mr. Mathews and I are going
2 through a few exhibits that I will have, I don't know of
3 anything else that we have to do this afternoon, but I
4 wanted to put that on the record in case we need to have a
5 *Jackson v. Denno* hearing, Judge.

6 THE COURT: All right. Mr. Mathews, you've heard what
7 Mr. Thornton has stated on the record with regards to this
8 particular issue regarding the *Jackson v. Denno*. Does the
9 defense wish to make a motion to pursue a *Jackson v. Denno*?

10 MR. MATHEWS: No, sir, Your Honor. I think -- I've
11 looked at it. I've seen a ton of these and it looks like it
12 was probably voluntary, so I don't see any reason to do
13 that.

14 THE COURT: So you, therefore, waive any rights to a
15 *Jackson v. Denno* hearing?

16 MR. MATHEWS: Yes, sir. And Mr. Thornton and I will
17 discuss any other issues. There are a couple that he and I
18 will talk about. I don't think that we will require any
19 hearings or any out of court identifications that need to
20 be.

21 DEP. SOL. THORNTON: I think everybody knew both
22 parties involved. There's no photo lineups that I'm aware
23 of. If there is, we're not going to use them, because I
24 haven't seen them yet and neither has Mr. Mathews. So as
25 far as I know, Judge, everybody kind of knew each other,

1 actually, by name.

2 The only other thing I'm aware of, Your Honor, other
3 than if you need to rule on the Denno, I'll wait first; but
4 the only other thing I know about, I asked Mr. Mathews about
5 GSR's, and whether we could enter into a stipulation on
6 those, and if he's made that decision, that's fine. If not,
7 we'll talk about it some more.

8 But basically, Judge, I have a SLED person I can bring
9 down that I've subpoenaed here and in Dorchester County.
10 Both the defendant and the victim had GSR's done. Both of
11 them came back negative, so it doesn't really tell us
12 anything, one way or the other. I can certainly argue,
13 well, I don't think the victim had a gun because he didn't
14 any GSR, but we know Mr. Owens had a gun and he didn't have
15 any on him either. So I don't know, for whatever it's worth
16 to the case, rather than having somebody come down and
17 testify that both tests were negative, I wanted to know if
18 we could stipulate to it.

19 MR. MATHEWS: We'll talk about that. We've got some
20 other issues and we will see if we can get all this stuff
21 addressed.

22 THE COURT: Okay. Bear with me for just a second.
23 (BRIEF PAUSE IN THE COURTROOM.)

24 MR. MATHEWS: Your Honor, Mr. Owens has mentioned some
25 concern about the Jackson v. Denno thing, and I, perhaps,

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1 spoke out of turn. Since Det. Warren is here and it
2 shouldn't take long to do, and it's a substantive right,
3 obviously, if he's got some question about it, I would just
4 as soon do it; if we've got a few minutes.

5 THE COURT: Okay. Mr. Thornton, are you ready to
6 proceed now?

7 DEP. SOL. THORNTON: Yes, sir. Your Honor, at this
8 time, the State would call Sgt. Chris Warren to the stand.

9 MADAME CLERK: Place your left hand on the Bible and
10 raise your right.

11 (WHEREUPON, Sgt. Chris Warren is duly sworn.)

12 THE COURT: Please state your name for the record.

13 MR. WARREN: Christopher Warren.

14 DIRECT EXAMINATION

15 BY DEP. SOL. THORNTON:

16 Q Sgt. Warren, I know this is a dumb question, especially
17 with no jury in the room. Who are you employed by, sir?

18 A Walterboro Public Safety.

19 Q All right. Were you employed by Walterboro Public
20 Safety on or about April 22nd, 2009?

21 A I was.

22 Q All right, sir. And were you, at that time, a
23 detective?

24 A I was.

25 Q All right, sir. And did you have any connection to the

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1 case involving the State v. Sincere Jamal Owens involving
2 the murder of Keith Williams?

3 A Yes.

4 Q All right, sir. And at some point on the, I believe,
5 the evening of April 22nd of 2009, did you talk to or
6 interview the defendant in this case, Sincere Jamal Owens?

7 A Yes.

8 Q All right, sir.

9 DEP. SOL. THORNTON: Your Honor, may I have these
10 marked as Court's Exhibits?

11 THE COURT: Yes, sir. Any objection by the defense?

12 MR. MATHEWS: If I can see what they are, Your Honor.
13 I presume they're Miranda. Yeah, I've seen these and I'm
14 familiar with them and I don't object to them being marked
15 for identification

16 (WHEREUPON, Court Exhibit Numbers One and Two, Miranda
17 Rights Form and statement is marked for identification.)

18 DEP. SOL. THORNTON: With the Court's permission, Your
19 Honor, may I approach?

20 THE COURT: You may.

21 Q Sgt. Warren, I'm going to hand you what's been marked
22 for identification as Court's Exhibit Number One and Number
23 Two. Can you identify those documents for me, sir? As to
24 Court's Exhibit Number One, for identification, do you
25 recognize that document?

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- 1 A Yes, sir.
- 2 Q What is it?
- 3 A It's a Miranda Rights Advisement Form.
- 4 Q Now, is it just a generic Miranda Rights Advisement
- 5 Form or does it have somebody's specific name on it?
- 6 A It's the Waltherboro Public Safety
- 7 Q Let me rephrase it. Is that a blank one or did you
- 8 fill that one out?
- 9 A I filled this one out, yes.
- 10 Q All right, sir. And what case does that Rights' form
- 11 relate to?
- 12 A The Sincere Owens case.
- 13 Q All right, sir. And is that the form that you used or
- 14 a copy of the form that you used to give Mr. Owens his
- 15 rights?
- 16 A Yes.
- 17 Q All right.
- 18 DEP. SOL. THORNTON: Your Honor, for the purpose of
- 19 this hearing, the State will stipulate that he was in
- 20 custody at the time.
- 21 THE COURT: Okay.
- 22 Q Sgt. Warren, can you read off the rights that are on
- 23 that form?
- 24 A Yes, sir. The first one is, "You have the right to
- 25 remain silent." The second one is, "Anything you say can

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1 and will be used against you in a court of law." The third
2 one is, "You have the right to talk to a lawyer and have one
3 present with you while you are being questioned." Number
4 Four is, "If you cannot afford to hire a lawyer, one will be
5 appointed to represent you before any questioning if you
6 wish." Number five is, "You can decide at any time to
7 exercise these rights, not answer any questions or make any
8 statements."

9 Q All right, sir. And did you read each of these rights
10 to Mr. Owens prior to you talking to him?

11 A I did.

12 Q And did he indicate to you that he understood his
13 rights?

14 A He did.

15 Q All right, sir. And did you have him sign or initial
16 anywhere on that form?

17 A Yes, sir. I had him initial next to each one of the
18 rights that I read and he signed the bottom waiving his
19 rights.

20 Q Did he appear to understand what he was doing, sir?

21 A Yes, sir.

22 Q Did he appear to be under the influence of drugs or
23 alcohol, to the extent that he was not coherent?

24 A No, sir.

25 Q Was he able to provide a statement to you?

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1 A Yes, sir.

2 Q Did he, in fact, give you an oral statement on
3 videotape, as well as a written statement?

4 A Yes, sir.

5 Q All right, sir. As to Court's Exhibit for
6 Identification Number Two, can you identify that document?

7 A Yes, sir.

8 Q All right. What is it, sir?

9 A It's a voluntary statement taken from Sincere Owens by
10 myself.

11 Q All right. And what does that statement say?

12 A You want me to read it verbatim?

13 Q I do.

14 A "I pulled up to my child grandmother's house to pick up
15 my baby and they told me the kids were still at the daycare.

16 So I started walking back to my baby mother truck when
17 somebody said -- somebody said, "Look," he was walking from
18 his house on Francis Street toward the truck reaching when
19 he pulled out a black gun. Told me run. I shoot him and
20 ran. I didn't know where I was shooting at and didn't know
21 what he could have done to me. I just ran and shot.

22 Showtime was the one with the gun."

23 Q All right, sir. Now, in that statement, it indicates
24 that Showtime -- are you familiar with the person with the
25 street name as Showtime?

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1 A Yes, sir.

2 Q Is that the same person as Keith Williams?

3 A Yes, sir.

4 Q Is that the decedent in this case?

5 A Yes, sir.

6 Q Now, did he also talk to you on videotape in an oral
7 statement?

8 A Yes, sir.

9 Q Is it, at times, hard to understand what he's saying
10 because of his emotional state?

11 A Yes, sir.

12 Q All right. Can you describe, just in basic terms, what
13 the essence of his verbal statement was?

14 A That he went to the residence of the deceased, Keith
15 Williams, to confront him about some issues that were going
16 on. Basically, some threats and statements that were made.
17 And from there, he advised that he pulled out a gun and just
18 started shooting while he was running.

19 Q All right, sir. At some point on that videotape, does
20 he also indicate that he's not sure if he had a gun or not;
21 he had something?

22 A Yes.

23 Q All right. But the long and short of it is that he
24 admits to shooting Keith Williams, does he not?

25 A Yes, sir.

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1 Q All right, sir. Now, did you make any promises to
2 Sincere Owens?

3 A No, sir.

4 Q Did you threaten him in any way to get him to give you
5 a statement?

6 A No, sir.

7 Q Did you tell him you would take it easy on him?

8 A No, sir.

9 Q All right.

10 DEP. SOL. THORNTON: Your Honor, Court's indulgence for
11 one moment.

12 Q Sgt. Warren, how long did this interview last? Was it
13 10 hours? A couple hours? Do you remember how long it was?

14 A I would say, with myself, I would say about less than
15 an hour.

16 Q All right. When you say with yourself, was he
17 interviewed by other officers?

18 A I believe Major Dasen had went in there, also.

19 Q All right. Did you also allow the defendant's mother
20 in the room at some point?

21 A Yes.

22 Q All right. And did she have a discussion with him?

23 A Yes.

24 Q To your knowledge, as far as any additional statement,
25 that would be the statement that he gave you both in writing

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1 and on videotape; is that correct?

2 A Yes, that's correct.

3 Q All right. Did you -- and again, just to go over this
4 in brief, how were you dressed that day? Were you dressed
5 then as you are now, or were you in what we would call
6 civilian or dress clothes?

7 A In civilian clothes.

8 Q All right. And did you at any time threaten him with a
9 firearm to get him to make this statement?

10 A No, sir.

11 Q Did you make sure that you read to him all of his
12 rights?

13 A Yes, sir.

14 Q Did he initial next to each of those rights?

15 A Yes.

16 Q Did he sign that form?

17 A Yes.

18 Q And at the end of signing that form, did he agree to
19 give you a statement?

20 A Yes.

21 Q At any time, sir, did he ask you for an attorney or
22 tell you that he no longer wished to answer your questions?

23 A No.

24 DEP. SOL. THORNTON: Your Honor, at this time, I would
25 ask that for the purposes of this hearing, Court's Exhibit

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1 for identification numbers One and Two be introduced into
2 evidence for Your Honor's review; and I don't have any
3 further questions for Mr. Warren.

4 THE COURT: Okay. Any objection, Mr. Mathews?

5 MR. MATHEWS: As long as it's just for the purposes of
6 this hearing. I would like some questions of Det. Warren,
7 but no objections for the purposes of this hearing, as long
8 as they don't go to the jury.

9 THE COURT: I'm going to give you a chance to question
10 Mr. Warren. All right. So admitted, for the purposes of
11 this hearing.

12 (Court's Exhibit Number One, Miranda Rights Form, is
13 received into evidence.)

14 (Court's Exhibit Number Two, written statement of
15 Sincere Owens, is received into evidence.)

16 MR. MATHEWS: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. MATHEWS:

19 Q Detective -- you're not a detective anymore?

20 A No, sir.

21 Q What happened?

22 A I went back to patrol.

23 Q Okay. You look in better shape; it's got to be
24 agreeing with you some. Do you have a copy of the videotape
25 of that statement?

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1 A Not with me.

2 DEP. SOL. THORNTON: Your Honor, if it pleases the
3 Court, I'll have to step out to grab it and I will be right
4 back.

5 THE COURT: All right.

6 (WHEREUPON, MR. THORNTON STEPS OUT OF THE COURTROOM FOR
7 A BRIEF PERIOD. THEREAFTER, MR. THORNTON RETURNS WITH A
8 COPY OF THE VIDEOTAPE OF INTERVIEW.)

9 DEP. SOL. THORNTON: Sorry for the delay, Judge. Like
10 I said, I didn't know we were going to do this.

11 MR. MATHEWS: Is it a true and accurate copy?

12 DEP. SOL. THORNTON: It's a true and accurate copy to
13 my knowledge. It's the only copy I've got.

14 MR. MATHEWS: All right. May I approach the witness,
15 Your Honor?

16 THE COURT: Yes, sir.

17 MR. MATHEWS: Let's mark this as Court's Exhibit Three.

18 (WHEREUPON, Court Exhibit Number Three, videotape of
19 interview, is received into evidence.)

20 Q Sgt. Warren, I'm handing you what's been marked as
21 Court's Exhibit Three. If you will pull that out and take a
22 look at it and see if you can identify that.

23 A (WITNESS COMPLIES.) Yes, sir.

24 Q Does that appear to be a copy of a videotape of that
25 interview that you had with Mr. Owens?

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- 1 A Yes, sir.
- 2 Q Along with another partial interview, or attempted
3 interview, I think, might be in there; one that you did not
4 do?
- 5 A That's correct.
- 6 Q At what time -- how did Mr. Owens come to be in
7 custody? How did you -- under what circumstances did he
8 appear to the interview?
- 9 A He came up voluntarily. I believe his father brought
10 him, if I'm not mistaken.
- 11 Q His father brought him up?
- 12 A Yes, sir.
- 13 Q Okay. About how much after the incident was this?
- 14 A Just a couple hours.
- 15 Q And the written statement, I guess the videotape would
16 reference that, is at the conclusion of the oral interview,
17 you basically told Sincere to summarize what the verbal
18 interview had been, something to that effect?
- 19 A (NO RESPONSE.)
- 20 Q I guess it would be on the tape. I don't need to ask
21 that at this time.
- 22 MR. MATHEWS: I don't have anything further, Your
23 Honor.
- 24 THE COURT: All right. Mr. Thornton?
- 25 DEP. SOL. THORNTON: I was just going to say, Judge,

1 for the purposes of the record, and for Your Honor, and Mr.
2 Mathews is right, I just viewed the tape not too long ago,
3 and for purposes of the record, we'll stipulate that at the
4 conclusion of the interview, Sgt. Warren did ask the
5 defendant to reduce the statement to writing.

6 MR. MATHEWS: I don't think we need to stipulate any of
7 that, Your Honor. I think probably the net result is going
8 to be to show the jury the videotape and I think the video
9 will speak for itself, but I was just asking for purposes of
10 this hearing.

11 THE COURT: All right. Anything further of this
12 witness by you, Mr. Mathews?

13 MR. MATHEWS: No, sir.

14 THE COURT: From the State?

15 DEP. SOL. THORNTON: Nothing, Judge.

16 THE COURT: All right. Sir, you may step down. Thank
17 you.

18 (SGT. WARREN EXITS THE WITNESS STAND.)

19 THE COURT: Mr. Thornton, call your next witness.

20 DEP. SOL. THORNTON: Your Honor, the State has no other
21 witnesses other than Sgt. Warren; that's it.

22 THE COURT: Mr. Mathews, do you have any witnesses?

23 MR. MATHEWS: No, sir.

24 THE COURT: All right. With regard to this matter,
25 for confession, the statement by the defendant is admitted

1 into evidence. The law requires that a hearing outside the
2 presence of the jury to determine whether the confession was
3 voluntary and whether it's admissible under Miranda. The
4 State stipulated in this hearing that this young man, Mr.
5 Owens, was in custody at the time that this statement was
6 given. And under a Miranda statement, whether exculpatory
7 or inculpatory, obtained as a result of custodial
8 interrogations is inadmissible, unless the person was
9 advised and voluntarily waived his rights under Miranda.
10 Officer Warren testified with regards to Court's Exhibit
11 Number One, he testified that these Miranda rights were
12 reviewed with the defendant, that the defendant, Mr. Owens,
13 initialed with regards to his rights, each particular right
14 and signed the waiver of rights prior to giving a statement.
15 Officer Warren further testified that there were no
16 promises or threats, and that in fact, during the
17 questioning of this defendant, which lasted less than an
18 hour, the defendant's mother was allowed to enter the room
19 at some point in time to talk with the defendant.
20 Furthermore, the testimony that was heard in this
21 courtroom today, the defendant, at no time, requested an
22 attorney, nor did he assert his right to remain silent at
23 any time. Furthermore, there was no testimony with regards
24 to the defendant's maturity or immaturity, his lack of
25 education, physical condition, mental health, or anything

1 that would affect Mr. Owens's ability to understand and know
2 what he was doing, nor anything that indicated or was made
3 aware to me that his waiver was voluntary, knowingly, and
4 intelligently made.

5 Therefore, I make the finding of the statement given by
6 this defendant, based on a preponderance of the evidence was
7 voluntarily, knowingly and intelligently made, and I'm going
8 to admit it.

9 Anything further from the State?

10 DEP. SOL. THORNTON: Nothing further from the State,
11 Judge.

12 THE COURT: From the defense?

13 MR. MATHEWS: No, sir.

14 THE COURT: All right. Anything further at this time?

15 MR. MATHEWS: Your Honor, was the ruling as to the
16 statement itself? Not necessarily the written or the
17 verbal, but just the fact that he made a statement?

18 THE COURT: I'm going to admit the contents of it.
19 That's what this hearing was for.

20 MR. MATHEWS: On the video, the testimony?

21 THE COURT: Right. Yes, sir. Mr. Thornton?

22 DEP. SOL. THORNTON: Nothing further, Judge. Mr.
23 Mathews and I, I'm going to ask the people to remain. I
24 have some tasks for them to perform, which they always enjoy
25 me giving them this late in the day. Mr. Mathews and I, I

1 know we are going to talk today, and we will also be here
2 first thing in the morning. I'm not going to have a large
3 number of exhibits. I'm going to organize the ones I have
4 with me and try to get everything ready, so that when Ms.
5 Becky gets here in the morning, we can go ahead and get them
6 marked and taken care of so we can start on time.

7 THE COURT: Yes. If y'all want to separate out those
8 exhibits that you can agree on, those that you can agree on,
9 let's address those in the morning. I don't want to shuttle
10 the jury in and out of the courtroom, so if you would, make
11 sure that you can agree on them and be prepared to address
12 with me what you can agree on first thing in the morning.

13 DEP. SOL. THORNTON: Yes, sir.

14 THE COURT: Mr. Mathews, anything further?

15 MR. MATHEWS: No, sir.

16 THE COURT: Mr. Thornton?

17 DEP. SOL. THORNTON: Your Honor, the only other thing
18 I'm aware of, and has nothing to do with this case, is we
19 ask that we be adjourned. I believe as to this matter, I
20 believe we are concluded for the day.

21 THE COURT: You are correct. In regards to the State
22 v. Sincere Jamal Owens, we will stand adjourned. Mr.
23 Thornton, you are free to do what you need to do, as well as
24 Mr. Mathews, in preparing for this case. All defendants in
25 the courtroom remain seated at this time.

1 (WHEREUPON, MATTERS IN THE TRIAL OF THIS CASE ARE
2 ADJOURNED FOR THE EVENING AS THE COURT TURNS TO OTHER NON-
3 JURY MATTERS. THEREFORE, THE NEXT MORNING, 9:30 A.M., THE
4 COURT RECONVENES IN THE TRIAL OF THIS CASE AND THE FOLLOWING
5 IS HELD ON THE RECORD.)

6 THE COURT: Is the State ready to proceed in the case
7 of the State v. Sincere Jamal Owens?

8 DEP. SOL. THORNTON: The State is ready, Your Honor.
9 And per the Court's instructions, the State has instructed
10 all of its witnesses to not discuss this testimony, even
11 though there is no sequestration. That it would be
12 inappropriate for them to discuss their testimony.

13 For the Court's information, Your Honor, because of
14 some prior issues we've had, I have also let the entire
15 courtroom know that there is also to be no contact of
16 witnesses after court to try and threaten or intimidate or
17 otherwise harass them on either my side or Mr. Mathews'
18 side. I made it a general statement to the Court, Your
19 Honor.

20 THE COURT: All right. Mr. Mathews, anything? Is the
21 defense ready to proceed?

22 MR. MATHEWS: The defense is ready to proceed, Your
23 Honor. Also, I had mentioned to Mr. Owens, that his mom had
24 mentioned to me at some prior possible conflict. There is
25 no conflict. I discussed the matter of prior representation

1 of him and he says there is not a conflict, and I agree.

2 THE COURT: All right. That was discussed back in
3 chambers with me this morning that the issue of a potential
4 prior conflict, and what that was is I guess there was some
5 concern about Mr. Thornton previously representing your
6 client, Mr. Owens in juvenile court.

7 MR. MATHEWS: He says that that is not a conflict. I
8 don't think it is either.

9 THE COURT: And the Court doesn't feel as though that
10 is a conflict either. Anything else before we bring the
11 jury out?

12 DEP. SOL. THORNTON: Not from the State.

13 THE COURT: From the defense?

14 MR. MATHEWS: No, Your Honor.

15 THE COURT: All right. Does the Court need to address
16 anything with regards to conduct during the trial?

17 MR. MATHEWS: Your Honor, I've talked to my client and
18 we're -- in addition to Mr. Thornton's instructions and
19 everything, we're on the same page. Everything is fine. I
20 expect that we will all keep our decorum during the process.

21 THE COURT: Okay. Bring us the jury, please, sir.

22 (WHEREUPON, the jury enters the courtroom and the
23 following is held on the record.)

24 THE COURT: Good morning, ladies and gentlemen.

25 JURY: Good morning.

1 THE COURT: I hope you all had a good evening. I
2 appreciate you getting back here in a timely fashion this
3 morning so we can begin this trial. To those of you who are
4 in the audience, during the course of this trial, you're not
5 allowed to leave while the jury is in the courtroom and
6 during testimony which is being taken from this witness
7 stand.

8 Before we begin this morning, I want to go ahead and
9 appoint a foreperson on this jury. Mr. Bruce Manigo, sir,
10 I'm going to give you the pleasure of serving as the
11 foreperson of this jury and I will further instruct you as
12 we proceed here during the course of this trial what your
13 responsibilities are as the foreperson, but that you are the
14 spokesperson for this jury, and before we go any further,
15 I'm going to ask, and I hope it won't inconvenience you too
16 much, but I'm going to ask that you switch seats with this
17 young lady who is seated in the front seat over here, in the
18 front row in the pink. Thank you, ma'am.

19 (JURORS SWITCH SEATS.)

20 THE COURT: Thank you. Now, ladies and gentlemen,
21 before we begin this trial, as I told you yesterday, we're
22 about to begin the case of the State v. Sincere Jamal Owens,
23 but before we begin this trial, I want to tell you that this
24 trial is probably going to be different from what you might
25 expect.

1 You know, most people do not have a chance or take the
2 time to attend an actual court session, as each of you are
3 doing right now. And many people think, as I told you
4 yesterday during qualifications, many people think from
5 watching television, such shows as Cold Case and L.A. Law,
6 and things of that nature, many people think from
7 television, or going to a movie, or reading a book, that
8 trials are always full of high drama and intense action, and
9 the riveting and entertaining circumstances.

10 While all those things may be true at times, an actual
11 trial, an actual trial, as I mentioned to you, is not for
12 entertainment. An actual trial is a fundamental part of our
13 democracy. It is a search for the truth in an effort to
14 make sure that justice is done between the parties and
15 before the Court.

16 Searching for the truth and making sure justice is done
17 is often slow. It is often deliberate. In fact, it is
18 often repetitive. It is the exact opposite of what you may
19 have seen on television or in a movie or read in a book.

20 This courtroom is a place of honor, dedicated to the
21 protection and preservation of citizen's rights through what
22 many people have called the greatest justice system in the
23 entire world. The attorneys appearing before you are
24 advocates of the parties they represent, but first and
25 foremost, they are officers of the Court, sworn to uphold

1 the integrity and fairness of our judicial system, and to
2 help you in the search for the truth.

3 You should expect the attorneys to be professional.
4 You should expect the attorneys to be competent, and you
5 should expect the attorneys to be ethical in the discharge
6 and representation of their respective client's interests.

7 Ms. Grant, I'd ask that at this time, you swear the
8 jury.

9 MADAME CLERK: Mr. Foreman, ladies and gentlemen of the
10 jury, please stand and raise your right hand.

11 (WHEREUPON, THE JURY IS DULY SWORN.)

12 THE COURT: Now, I want to remind each of you that this
13 oath that you've taken to try this case and reach a fair and
14 a just verdict in this case is an oath that expects you to
15 be professional, reasonable, and to be ethical in the
16 discharge of your duty as jurors. Thank you for accepting
17 this very important responsibility of jury service and for
18 your contribution today to our justice system.

19 And what I will now say is intended to serve as an
20 introduction to the trial of this case. These remarks are
21 not a charge on the law in this case. I will instruct you
22 on the law applicable to this case at the end of the trial,
23 before you retire to consider your verdict.

24 This is merely an explanation of the procedure that we
25 will follow in the trial of this case so that you may better

1 understand what may be happening.

2 The defendant, Mr. Sincere Jamal Owens is charged by
3 indictment filed in this Court with the crime of murder and
4 possession of a weapon during the commission of a violent
5 crime. The elements which will be explained to you later.
6 The indictment is simply the charge by which the case is
7 brought into court and it is not in any sense, evidence of
8 any of the allegations it contains.

9 The defendant has pled not guilty to these indictments.
10 The State, therefore, has the burden of proving each of the
11 elements of the indictments beyond a reasonable doubt. And
12 it will be your duty, ladies and gentlemen, to decide
13 whether the State has met that burden. Your purpose as
14 jurors is to find and determine the facts..

15 You are the sole judge of the facts. If, at any time,
16 I make any comment regarding the facts, you must disregard
17 it. You are to determine the facts from the testimony you
18 hear and the other evidence introduced in Court. It is up
19 to you to determine the inferences which you feel may
20 properly be drawn from the evidence. It is especially
21 important that you perform your duty of determining the
22 facts diligently and conscientiously, because ordinarily,
23 there is no way to correct an erroneous determination of the
24 facts by a jury.

25 On the other hand and with equal emphasis, the same law

1 that makes you the judge of the facts, makes me the judge of
2 the law. The law as given by the Court is the only law you
3 may consider. You must accept it and follow it even though
4 you may disagree with it. I cannot tell you what the facts
5 are and you cannot disagree with me about what the law is or
6 should be. Your job is to take the law as I give it to you
7 and apply it to the facts as you find them from the
8 testimony of the witnesses and any other evidence that is
9 introduced.

10 After doing that, you will render your verdict, a true
11 and just verdict, under the solemn oath that you just took
12 as jurors. Until I advise you to begin your deliberations,
13 you must not discuss this case with anyone, including your
14 fellow jurors, friends, family members, and anyone involved
15 in the case. After the case is submitted to you, you must
16 discuss it only in the jury room with your fellow jurors.
17 The attorneys and parties in this case have been advised
18 that they are not to talk to you at all. So if you see
19 anyone involved in the case and they do not speak, they are
20 not being unfriendly; they are simply following my
21 instructions.

22 During the trial, do not read, listen to, or watch any
23 news reports about this case. This includes anything that
24 may be in the newspapers or on the internet, radio,
25 television. You must not consider anything you have read or

1 heard about the case outside the courtroom, whether it be
2 before or during trial. It is important that you keep an
3 open mind and not decide any issue in the case until all of
4 the evidence has been presented, the parties have made their
5 closing arguments, and I have instructed you on the law in
6 this case.

7 It is your solemn responsibility to determine the guilt
8 or the innocence of the defendant and your verdict must be
9 based solely on the evidence as it is presented to you in
10 this trial and on the law as I instruct you during and at
11 the close of the trial.

12 Now, in just a moment, the Solicitor will make what is
13 called an opening statement, in which the Solicitor will
14 explain to you the issues in this case, or at least what the
15 Solicitor thinks the issues are in this case. The attorney
16 for the defendant may also make an opening statement,
17 although he is not required to do so.

18 What the attorneys tell you during their opening
19 statement is not evidence in this case. It is only their
20 contention as to what the issues are in this case, and they
21 know they have to confine that to evidence that will be
22 admitted. The evidence in this case will be presented to
23 you by the testimony of sworn witnesses from this witness
24 stand, and by exhibits that may be introduced into evidence.

25 From time to time, during the trial, you may hear one

1 of the lawyers say, "Your Honor, I believe we have a
2 question of law, or a matter of law to discuss with you."
3 Or "Your Honor, may we approach the bench?" Or sometimes I,
4 myself, might find it necessary to excuse you from the
5 courtroom for a short while so that the attorneys and I can
6 discuss a matter of law. The reason for this is because you
7 are the judges of the facts in this case and sometimes, when
8 I am discussing matters of law with the attorneys, it may be
9 necessary for me to make some comment as to the facts in
10 connection with ruling whether or not a particular law
11 applies.

12 I am not supposed to tell you what I think the facts
13 are, so I will excuse you from the courtroom while these
14 discussions take place. So that in no way will you be
15 influenced by anything that I might say or do in connection
16 with the facts.

17 In determining what the true facts are in this case,
18 you must decide whether or not the testimony of the
19 witnesses is believable. It will be my responsibility to
20 rule as a matter of law as to whether certain testimony is
21 admissible at all or not. Once the testimony is admitted,
22 whether or not you believe it, is solely for you to
23 determine.

24 In deciding whether to believe a witness, you have the
25 right to consider the interest of any witness, the bias of

1 any witness, the prejudice of any witness, the opportunity
2 for the witness to have seen the matters or things about
3 which the witness may testify, and the way the witness acts
4 on the witness stand.

5 You have a right to consider anything that is in the
6 record that will help you evaluate the testimony of the
7 witnesses. That means it is your duty to pay close
8 attention to these witnesses, to observe them, to listen to
9 them and to pay close attention to the attorneys and to the
10 Court.

11 Please don't let your thoughts wander, but give strict
12 attention to the testimony in this case, so that at the end
13 of all the testimony, after the arguments of counsel and the
14 charge on the law by the Court, you will then be in a
15 position to determine what the true facts are and to apply
16 the law to those facts, and thus render a true and just
17 verdict.

18 It is your added duty, Mr. Foreman, to preside in the
19 jury room and to be the jury spokesperson here in Court. It
20 will also be your duty to write the verdict, but I will give
21 you further instructions about that at the conclusion of the
22 case.

23 But nevertheless, in order to preserve everyone's
24 rights, I will give the parties an opportunity to object to
25 anything that I've said, if they have any such objections.

1 Any exceptions or objections from the State of South
2 Carolina?

3 DEP. SOL. THORNTON: No, Your Honor.

4 THE COURT: From the defendant?

5 MR. MATHEWS: No, Your Honor.

6 THE COURT: Ladies and gentlemen of the jury, we will
7 now begin the trial of the case. Mr. Thornton?

8 DEP. SOL. THORNTON: Thank you, Judge. May it please
9 the Court?

10 OPENING STATEMENT

11 DEP. SOL. THORNTON:

12 April the 22nd of 2009, ladies and gentlemen, Sincere
13 Jamal Owens shot and killed Keith Williams. That is what
14 this case is about. Something the judge said always strikes
15 me as interesting because a lot of people come in here with
16 preconceptions about what happens in Court, is it like it is
17 on television. Is it like is when we hear out in California
18 where trials sometimes takes eight weeks, or ten weeks, or
19 fourteen weeks. That rarely happens here in South Carolina.
20 I don't think this case will be any different, ladies and
21 gentlemen. I would imagine that the vast majority of the
22 evidence, as the Judge told you, the evidence is what people
23 testify to on that stand and any exhibits that get
24 introduced. That's what the evidence is. What I tell you is
25 not evidence, what Mr. Mathews tells you is not evidence.

1 Evidence is what you hear from that stand and what you see
2 with any exhibits that get introduced.

3 Most of that should be in, if not all of it, today. By
4 the end of the day, you should have a great feel of the
5 evidence in this case; maybe all of it.

6 But please don't mistake the fact that it only takes a
7 day to get in the evidence that this case is not important.
8 This is a murder case and a man has been killed. He was
9 shot right next to his own house. The evidence in this
10 case, ladies and gentlemen, is going to show you that
11 Sincere Owens is the shooter. A lot of the facts in this
12 case will not be disputed. You're going to hear from
13 paramedics, firefighters who showed up on the scene. You're
14 going to hear from some law enforcement personnel who went
15 to the scene, neighbors who were there. You are even going
16 to hear a statement that Mr. Owens gave to the police.

17 There are a lot of facts not in dispute in this case,
18 ladies and gentlemen. All I can ask you to do is to listen
19 to everything as it comes in on the stand. Listen to the
20 testimony, look at the exhibits, and don't leave your common
21 sense at home; that's very important. We don't ask you to
22 leave your common sense at the door when you come in. You
23 were picked as jurors to be fair and impartial, to review
24 the evidence, to listen to it, and render a true verdict,
25 and that's all anybody can ask you to do.

1 But in this case, Keith Williams was killed. He lost
2 his life. And the man that shot him and killed him is
3 sitting right over there, Sincere Owens. Pay close
4 attention, listen to the evidence as it comes in, and do
5 justice in this case.

6 THE COURT: Mr. Mathews?

7 MR. MATHEWS: Thank you, Your Honor.

8 OPENING STATEMENT

9 BY MR. MATHEWS:

10 Mr. Foreman, ladies and gentlemen of the jury, I'm
11 David Mathews, as I mentioned earlier. I have the privilege
12 to represent Sincere Owens in this case. Much of what the
13 Solicitor has told you is true. However, I expect the
14 evidence will show that while one of the two things
15 necessary to prove a murder is not present. In any case the
16 judge will charge you, there are two parts to any criminal
17 prosecution. One is a criminal act, and the other is a
18 criminal intent.

19 I believe the evidence will show, although we have to
20 wait and see what comes from the stand, that Sincere Owens
21 was present and that he fired the shot, and that shot,
22 unfortunately, the bullet hit, and resulted ultimately, Mr.
23 Williams ended up dying.

24 However, I believe the evidence will also show that Mr.
25 Owens had a reason to fear for his safety. That I believe

1 the evidence will show that Keith "Showtime" Williams had
2 been threatening Sincere for a long time. That he had, in
3 the past, pulled a gun on Sincere and that he had threatened
4 him with serious bodily harm, that he was angry in
5 approaching Mr. Owens, and that Mr. Owens grabbed -- that
6 Sincere grabbed a gun and fired, not looking, just to
7 protect himself.

8 And that in an unusual set of facts, I believe the
9 evidence will show that the bullet angle, a pathologist will
10 testify to this. Normally, if you're firing at somebody
11 straight on, normally, you would expect the bullet angle to
12 be down. I believe the evidence will show that the bullet
13 angle was up. As it is consistent with a ricochet or
14 something where it was not an intentional killing.

15 In any event, listen carefully to all of the evidence
16 that comes from that stand and consider not just the act,
17 but also the intent. Some killings are, sadly, justified;
18 and some are accidents, and there was no intent to kill at
19 all. The judge will inform you of the law, but consider
20 carefully the facts that come from that stand.

21 THE COURT: Mr. Thornton, call your first witness.

22 DEP. SOL. THORNTON: Thank you, Judge. The State calls
23 Richard Sheffield to the stand.

24 MADAME CLERK: Please come forward and be sworn, Mr.
25 Sheffield.

1 (WHEREUPON, Mr. Richard Sheffield is duly sworn.)

2 MADAME CLERK: Please have a seat on the witness stand
3 and state your full name for the record.

4 MR. SCHEFFIELD: Richard Sheffield.

5 DIRECT EXAMINATION

6 BY DEP. SOL. THORNTON:

7 Q Mr. Sheffield, who do you work for, sir?

8 A Colleton County Fire and Rescue.

9 Q And did you work for Colleton County Fire and Rescue on
10 or about April the 22nd of 2009?

11 A Yes, sir.

12 Q All right. Did you respond out to any particular calls
13 that day on Francis Street?

14 A I did. I responded to ---

15 Q Okay. I'm sorry, go ahead.

16 A I responded to a reported gunshot wound.

17 Q Okay. And was that in the area of 211 Francis Street?

18 A I believe so.

19 Q All right. What county is that in?

20 A It's in the county of Colleton.

21 Q All right. So it's here in Colleton County?

22 A Yes, sir.

23 Q All right. What did you find when you responded out to
24 that address?

25 A I found a male patient lying face down on a dirt alley

1 beside a house.

2 Q And did you make note of any person that might have
3 been there before you got there?

4 A Ms. Charlene Rowe was beside the patient.

5 Q All right. Do you see Charlene Rowe in the courtroom?

6 A I do.

7 Q All right, sir. Could you point her out for me?

8 A She's first row.

9 Q This nice lady right here in the pink shirt?

10 A Yes, sir.

11 Q All right, sir. Ms. Rowe was already there. Did you
12 look at the patient?

13 A I did.

14 Q All right. And did you get a name of that patient, at
15 some point?

16 A After the patient was transferred.

17 Q And what name did you have?

18 A Keith Williams.

19 Q All right, sir. And Mr. Williams, what was Mr.
20 Williams' condition when you examined him?

21 A He had a wound to the right side of his buttocks area,
22 lower back.

23 Q All right.

24 A It appeared to be a puncture wound or possibly a
25 gunshot wound. He did state that he had been shot.

1 Q All right, sir. Did he make any statements about who
2 had shot him?

3 A No, he did not.

4 Q All right. And did you question him at all about who
5 had shot him?

6 A No, I did not.

7 Q All right. Was that because your main focus is medical
8 care?

9 A That's correct.

10 Q All right, sir. And either what you did or what was
11 done in your presence, as far as medical care for Mr.
12 Williams?

13 A Well, first, we rolled him over onto his back, which is
14 standard procedure, put a collar around his neck and put him
15 on the board. Mr. Williams was very uncooperative the
16 entire time. You know, we had to physically restrain him,
17 or hold him down, to the boards so we could put him in the
18 ambulance.

19 Q All right, sir. And let me ask you something, what is
20 the purpose of putting the collar on somebody?

21 A Well, we don't know where the bullet may have went when
22 it -- if it was indeed a bullet. Any traumatic injury or
23 that we suspect to be a traumatic injury, we would put them
24 in a collar around their neck, just for their cervical
25 spine.

1 Q All right. To make sure if there is a spinal injury,
2 that y'all don't make it worse?

3 A That's correct.

4 Q All right, sir. After loading him into the ambulance,
5 did you ride with him in the ambulance?

6 A I did. I rode with him to the airport.

7 Q All right, sir. And what was the purpose of taking him
8 to the airport?

9 A We have a medical helicopter.

10 Q All right. And is there any particular hospital that
11 that comes from?

12 A No, the helicopter is a private ambulance company.

13 Q All right. Do you know where it was going to?

14 A To the Medical University.

15 Q All right. Is that MUSC in Charleston?

16 A Yes.

17 Q All right. Other than that, sir, did you have any
18 other connection to this case?

19 A No.

20 Q All right. Let me ask you one thing, while you were at
21 the scene, were you attending to Mr. Williams?

22 A Yes.

23 Q All right. And were you right next to him or touching
24 him and turning him over and all that?

25 A Yes.

1 Q Did you see any gun laying next to him?

2 A I did not.

3 Q Do you think you would have notated that if there would
4 have been a gun next to the person who was being
5 uncooperative?

6 A Absolutely.

7 Q All right, sir. And was any other person out there
8 with you that day from fire and rescue?

9 A Yes.

10 Q All right. And were there several people actually out
11 there?

12 A Yes.

13 Q All right. Other than that, again, do you have any
14 connection at all to this case other than what you performed
15 that day and riding with him in the ambulance?

16 A No, I don't.

17 DEP. SOL. THORNTON: Your Honor, Court's indulgence for
18 a moment.

19 Q I have no further questions, Mr. Sheffield. Please
20 answer any questions Mr. Mathews has for you.

21 MR. MATHEWS: May it please the Court?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. MATHEWS:

25 Q How are you doing today?

1 A Good.

2 Q Good. Would Mr. Williams' case have been -- wouldn't
3 you have had a better chance to save him if he had been
4 cooperative?

5 A We would have given better care if he had been
6 cooperative, yes. As far as saving him, that's not my
7 decision to make.

8 Q I understand that. I understand that. It was
9 difficult to render the kind of care he required because of
10 his behavior?

11 A Yes.

12 Q When -- how much after -- when did you get the call to
13 go out? At what time?

14 A I'm not sure of the time. It could be on the run
15 report -- or it would be on the run report, the times.

16 Q The run report? Okay. Do you have that with you
17 today?

18 A I do. I don't have it on the stand.

19 MR. MATHEWS: Your Honor, may I approach?

20 THE COURT: Yes, sir.

21 Q Mr. Sheffield, is that your report?

22 A It is the patient care report written by the lead
23 paramedic.

24 Q All right. About what time did you arrive?

25 A We received the call at 15:43 and patient contact was

1 made at 15:50.

2 Q Okay. So about seven minutes from the time y'all got
3 the call, y'all were on the scene?

4 A Yes.

5 Q Okay. When you arrived, were there other people on the
6 scene? You mentioned Ms. Rows; were there others milling
7 about?

8 A There were police officers. I don't think anybody was
9 next to the patient yet.

10 Q Okay. Ms. Rowe arrived later?

11 A No, she was there. As far as any of us was -- there
12 was nobody attending patient care when I arrived.

13 Q All right.

14 MR. MATHEWS: Your Honor, may I approach?

15 THE COURT: Yes, sir.

16 Q Mr. Sheffield, I'm handing you a couple of photographs.
17 I have not asked those to be marked at this time, but is
18 that the area of Francis Street where you -- do you
19 recognize that? If you can't, you can't.

20 A I don't.

21 Q Okay. All right. But you indicated that he was in a -
22 - that you found the decedent -- well, Mr. Williams, not a
23 decedent at that point, but you found him in a dirt alley
24 way?

25 A It appeared to be maybe a driveway or an alley way; if

1 you're coming from the Hampton Street side on Francis, it
2 was to the left next to a blue house, if I recall correctly.

3 Q Okay. Next to a blue house. Do you know whose blue
4 house that was?

5 A I do not.

6 Q Okay. Were there any other dirt alley ways or was
7 there just the one?

8 A I don't know.

9 Q Okay. How much blood was there? Not a lot or just --
10 you said a puncture wound.

11 A It was not a lot of blood.

12 Q All right. Do you know where he was when he was shot?

13 A No, I don't.

14 MR. MATHEWS: I have no further questions, Your Honor.

15 THE COURT: Any redirect?

16 DEP. SOL. THORNTON: None, Your Honor. I'd ask that
17 this witness be excused and allow him to return to his
18 business.

19 THE COURT: Any objection by the defense?

20 MR. MATHEWS: No, Your Honor.

21 THE COURT: Sir, you may step down and you are excused
22 as far as your responsibilities under this subpoena. Thank
23 you very much.

24 DEP. SOL. THORNTON: The State calls Joseph Campbell
25 to the stand.

1 MADAME CLERK: Please come forward to be sworn. Place
2 your left hand on the Bible and raise your right.

3 (WHEREUPON, Mr. Joseph Campbell is duly sworn.)

4 MADAME CLERK: Please have a seat on the witness stand
5 and state your name for the record.

6 MR. CAMPBELL: Joseph Campbell.

7 DIRECT EXAMINATION

8 BY DEP. SOL. THORNTON:

9 Q Mr. Campbell, who do you work for, sir?

10 A Colleton County Fire and Rescue.

11 Q All right. And did you respond out to the 211 Francis
12 Street area on April the 22nd of 2009?

13 A I did.

14 Q All right, sir. And what did you find once you got
15 there?

16 A I arrived on scene, I would recollect it was minutes
17 after Chief Sheffield did. I found a patient lying -- at
18 that time, he was supine or laying on his back on the
19 ground, and we began -- they had started the process of
20 patient care at that time.

21 Q All right. And we heard earlier about spine board and
22 those sorts of things. Did you notice any wounds on him,
23 sir?

24 A He stated that he had been shot. And at that point, he
25 was indicating an area where he had been shot at.

1 Q All right, sir.

2 A We exposed that area by pulling down his pants and we
3 noticed that puncture/gunshot wound in the area just above
4 or at his waistline on the right-hand side.

5 Q All right, sir. And let me ask you a question, is the
6 reason that you say puncture/gunshot wound is because you
7 don't really know whether it's a gunshot wound or not at
8 that point, do you?

9 A At that point, no. The context of the situation with
10 the person stating they had been shot, we can reasonably
11 deduct that it was a gunshot wound, but without pathology,
12 there's no way to figure that out.

13 Q And that's what the pathologist comes to talk about.

14 A Yeah.

15 Q But was the wound consistent in your opinion with a
16 gunshot?

17 A With my opinion and experience and training, it was
18 consistent with a gunshot wound.

19 Q All right, sir. Did he -- and I say "he," excuse me.
20 Did the patient, Mr. Williams, did he make any statements to
21 you about who had shot him?

22 A No, sir.

23 Q All right, sir. And once you had got there and
24 attended patient care, what did you do with him? Did you
25 take him in the ambulance or what all were your

1 responsibilities that day, sir?

2 A I assisted him in getting him on the long spine board
3 and moving him into the ambulance. And I assisted the crew
4 in attempting the IV access to get fluids to replace the
5 potential blood loss that he had.

6 Q All right. And did you go with him in the ambulance to
7 the airport?

8 A I did.

9 Q All right, sir. And did you help load him on the
10 helicopter?

11 A I don't remember whether I specifically carried him
12 from the ambulance to the helicopter, but I was there when
13 the helicopter arrived.

14 Q All right, sir. Did you have any other connection in
15 this case once he left on the helicopter?

16 A No, I did not.

17 Q While you were out there, sir, were you close by to
18 him?

19 A Yes.

20 Q When you got to the scene, were you around him and next
21 to him at the scene of the crime?

22 A Yes. I was physically touching him and assisting with
23 patient care.

24 Q You flipped him over and all that stuff?

25 A Yeah.

Direct Examination of Joseph Campbell by Dep. Sol. Thornton
Cross-Examination of Joseph Campbell by Mr. Mathews

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1 Q Did you see any gun?

2 A I did not.

3 Q Any gun around him that you could see?

4 A I did not.

5 Q All right. Would that have been something important
6 that you might have taken note of if you had found a gun
7 right next to an uncooperative patient?

8 A I would have, yes.

9 Q And although this is going to sound like a silly
10 question, where is 211 Francis Street, what county?

11 A It is in Colleton County.

12 Q Thank you, sir. I have no further questions. Please
13 answer any questions that Mr. Mathews has.

14 MR. MATHEWS: May it please the Court?

15 CROSS-EXAMINATION

16 BY MR. MATHEWS:

17 Q Mr. Campbell, where is 203 Francis Street?

18 A It would be very close to 211 Francis Street. It would
19 be -- with the County's numbering system, it would be on the
20 same side of the street as 211, being an odd number.
21 Whether it would be directly adjacent to it or not, I can't
22 tell you.

23 Q Okay. All right. And I understand that you said that
24 Mr. Williams was very uncooperative. Was he flailing his
25 arms and legs about?

1 A He was, yes.

2 Q Was it easy to give him the care that he needed?

3 A Not at all.

4 Q Did you notice any cell phone or anything like that?

5 He didn't have a -- by the time you arrived a few minutes
6 after the Chief did, did you notice any cell phone laying
7 around?

8 A I did not recollect one.

9 Q And he was not bleeding -- or he wasn't bleeding much
10 at that point?

11 A There was very little blood that I remember coming from
12 the wound area. He did make a statement, though, that he
13 felt the blood in his abdomen, or his belly. He could feel
14 it, "I'm filling up. I'm filling up," was the comment he
15 made.

16 Q Okay. Was there any way to tell from where you were
17 that where he was physically located when he was shot?

18 A No, sir.

19 Q And because there was no blood, there wouldn't be a
20 trail or anything to be able to determine.

21 A I would not believe so.

22 MR. MATHEWS: Nothing further, Your Honor.

23 THE COURT: Redirect?

24 DEP. SOL. THORNTON: No redirect, Judge. I'd ask that
25 this witness be excused and also allowed to return to his

1 duties.

2 THE COURT: Sir, you are relieved of your
3 responsibilities under this subpoena. You are free to
4 leave.

5 DEP. SOL. THORNTON: Charlene Rowes, please.

6 MADAME CLERK: Please come forward and be sworn.

7 (WHEREUPON, Ms. Charlene Rowes is duly sworn.)

8 MADAME CLERK: Please have a seat on the witness stand
9 and state your name for the record.

10 MS. ROWE: My name is Charlene Monique Rowes. It's
11 pronounced Rowe.

12 DEP. SOL. THORNTON: I'm sorry. I've been calling you
13 the wrong name for three weeks now. You could have
14 corrected me; I'm sorry.

15 DIRECT EXAMINATION

16 BY DEP. SOL. THORNTON:

17 Q Ms. Rowes, where do you live?

18 A 217 Francis Street.

19 Q 217 Francis Street. Is that the same Francis Street
20 that we've been hearing about so far?

21 A Yes, sir.

22 Q Let me ask you a question. On the date of April 22nd
23 of 2009, were you at home during the day?

24 A Yes, sir.

25 Q All right. Did anything unusual happen that day?

1 A Outside of Mr. Williams being shot?

2 Q That's what I'm talking about. You said Mr. Williams.
3 Do you know Keith Williams?

4 A Yes, sir, I do.

5 Q All right. Does he live close to you or far away from
6 you?

7 A Next door. He's my neighbor. He was my neighbor.

8 Q All right. He was your neighbor. You said outside of
9 Keith Williams being shot. Did you actually see him get
10 shot?

11 A No, sir, I did not.

12 Q Did you hear him get shot?

13 A I heard the gunshot.

14 Q And what did you do when you heard the gunshots?

15 A I actually went outside.

16 Q All right. What did you see when you went outside?

17 A Once I heard the gunshot, I went to the door. And when
18 I went to the door, I saw Showtime, that's what I call him,
19 running from up Francis Street into McTeer Lane; that's the
20 dirt lane, the alley.

21 Q Okay. And when you say from Francis Street to McTeer
22 Lane, this dirt alley, I mean, how far apart is that?

23 A Like about (USES HANDS TO INDICATE CLOSENESS.)

24 Q Okay. So Francis Street connects to McTeer?

25 A That's the lane that he was actually laying in.

1 Q All right. How close was he, when you went outside and
2 saw him, you said he was running; did he fall at some point?

3 A Yes, he did.

4 Q All right. And when he fell, where was he?

5 A In McTeer Lane, which is the dirt alley.

6 Q Okay. And where is that in relation to his house?

7 A McTeer Lane is here, his house is here, and my house is
8 right there.

9 Q So in other words, it's between his yard and your yard?

10 A Yes, sir.

11 Q All right. So he was right at the edge of his
12 property?

13 A Just like, yes, sir, right outside of it.

14 Q All right. And does Francis Street, is that the street
15 that y'all are both off of? In other words, that goes in
16 front of y'all's houses?

17 A We actually live on Francis Street, yes, sir.

18 Q All right. How far away was he away from the front of
19 his yard when you saw him run?

20 A He was actually running through his front yard.

21 Q Okay. And that's what I'm asking. You said down
22 Francis Street. Was he running from a block away coming up
23 or was he right in his yard?

24 A Right there, yes, sir. Right on the other side.

25 Q All right. Now, when you went outside, was anybody

1 else with law enforcement or fire rescue or anybody there
2 yet?

3 A No, sir.

4 Q Okay. So were you one of the first people that got
5 there?

6 A Yes, sir.

7 Q And what happened when you saw him?

8 A Like I said, when I heard the gunshots, I came outside,
9 saw him running, and I went -- when he fell, I was like
10 right on him when he fell, so I just kind of grabbed his
11 hand, asked him to lay there. I didn't know exactly what
12 had happened or where the bullet had hit him, supposedly had
13 hit him. I just tried to keep him calm. He laid there for
14 a long time. And then he got agitated once the paramedics
15 got there.

16 Q Okay. Now, when you were out there, did you see him
17 with a gun?

18 A No, sir, I did not.

19 Q Did you see him throw a gun?

20 A No, sir, I did not.

21 Q Did you see any gun on him or around him at any time
22 that day?

23 A No, sir.

24 Q Do you know somebody named Kevee Rowes?

25 A Yes, sir.

Cross-Examination of Charlene Rowes by Mr. Mathews

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1 Q And who is that?

2 A He's actually my brother.

3 Q And was he home that day as well?

4 A Yes, sir.

5 DEP. SOL. THORNTON: Your Honor, Court's indulgence for
6 one moment, please.

7 Q Ms. Rowes, did Mr. Williams before he died, he didn't
8 make any statements to you?

9 A No, sir. He never did.

10 Q Thank you very much, ma'am.

11 DEP. SOL. THORNTON: Your Honor, I have no further
12 questions. Ma'am, if you would please answer any questions
13 Mr. Mathews has.

14 THE COURT: Mr. Mathews?

15 MR. MATHEWS: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. MATHEWS:

18 Q Ms. Rowes; was Anita Green, or Anetha Green, also on
19 the scene?

20 A Not at the time that Mr. Williams got shot; no, she was
21 not.

22 Q Okay. Did she arrive later?

23 A I never recall seeing her at all, to be honest.

24 Q Okay. Did you see Showtime give his cell phone to
25 anybody?

1 A No, sir. Like I said, I got to him right as he was
2 running. He never had a cell phone. He never had a gun, to
3 my knowledge.

4 Q He never had it at that time ---

5 A Yes, sir.

6 Q --- or ---

7 A He had just gotten home from work, so his vehicle was,
8 actually still running when he got home -- when he got shot.
9 His car was actually still on.

10 Q Okay. When you saw him running, he was running towards
11 his house?

12 A Yes, sir. He was running like -- if I may?

13 Q Uh-huh (affirmative).

14 A His house is like right here. There used to be a house
15 right there, but the state, the county, the city tore it
16 down.

17 Q Okay.

18 A So he was like right outside of his house, on the other
19 side.

20 Q Okay. Is he -- was he -- where do you live in relation
21 to Anna Claire?

22 A Actually, Ms. Glover lived here. Showtime was here and
23 I was here. So like maybe a house apart down. It used to
24 be two houses, but like I said, one house was torn down.

25 Q Okay. So you've got Anna Claire Glover, her house is,

1 let me see, if you can tell ---

2 MR. MATHEWS: Your Honor, may I approach?

3 THE COURT: Yes, sir.

4 Q Can you tell in this picture where Anna Claire's house
5 is?

6 A Actually, unh-unh.

7 Q You can't tell from that picture?

8 A Actually, her house is right here. This is her house.

9 No, wait -- no.

10 Q Can't tell?

11 A No, can't tell.

12 Q Okay. All right. Was Showtime running from the
13 direction of her house toward his house?

14 A Yes. Right there on that side. Like I said, there is
15 an empty lot there, now. So that's where I saw him coming
16 at, right through his yard. He cut right through his front
17 yard.

18 Q Okay. Now, Anna Claire Glover, is that the -- who is
19 that related to -- is she related in any way to Showtime, to
20 Keith?

21 A No.

22 Q Okay. Is she the grandmother of his baby?

23 A Great-grandmother.

24 Q Great-grandmother, okay. So that would be Shante's
25 grandmother?

1 A Yes.

2 Q And did Shante's grandmother keep Shante's children
3 after they came back from daycare?

4 A According to my knowledge, yes.

5 Q Okay. And Shante had children by both Keith and by
6 Sincere; is that true?

7 A According to my knowledge, yes.

8 Q All right. So both Keith and Sincere, both Showtime
9 and Jamal would both have reasons to be at Annie Mae's
10 house?

11 A Yes.

12 Q Okay. Is it -- so did it appear to you that Showtime
13 was coming from Annie Mae Glover's house?

14 A It could be, because considering that his car was on,
15 he still had on work clothes, so I know that he had just
16 gotten home from work at that time.

17 Q Okay. So his car was running, but he wasn't -- he
18 didn't go inside. He went ---

19 A He never made it inside his house.

20 Q He never made it inside. Apparently he walked from his
21 house -- in order to be coming back, he would have had to
22 walk towards Annie Mae Glover's house?

23 A I imagine. I was in the house at the time, so I can't
24 really answer that.

25 Q Okay. All right.

Redirect Examination of Charlene Rowes by Dep. Sol. Thornton

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1 MR. MATHEWS: Nothing further, Your Honor.

2 THE COURT: Any redirect?

3 DEP. SOL. THORNTON: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY DEP. SOL. THORNTON:

6 Q Ma'am, just so that we get this straight, I know you've
7 done a good job so far describing it. So basically there's
8 an empty lot in between Keith Williams' house and Ms.
9 Glover's house?

10 A Yes, it is.

11 Q All right. Now, when you saw him, was he on her
12 property running back or was he on the edge of his with
13 still an empty lot in between?

14 A Yes. At the edge, yes.

15 Q So he was basically at the edge of his property when
16 you saw him running immediately after the gunshot?

17 A Yes, sir.

18 DEP. SOL. THORNTON: No further questions.

19 THE COURT: Any recross?

20 MR. MATHEWS: No, sir.

21 THE COURT: Ma'am, you may step down.

22 DEP. SOL. THORNTON: I'd ask that she be excused, Your
23 Honor.

24 THE COURT: Any objection by the defense?

25 MR. MATHEWS: No, Your Honor.

1 THE COURT: Ma'am, you may be excused from your
2 responsibilities under the subpoena.

3 (THE WITNESS LEAVES THE STAND.)

4 DEP. SOL. THORNTON: Your Honor, with the Court's
5 permission, she is going to remain until her brother is
6 finished.

7 The State calls Kevee Rowes.

8 MADAME CLERK: Please come forward and be sworn. Place
9 your left hand on the Bible and raise your right.

10 (WHEREUPON, Mr. Kevee Rowes is duly sworn.)

11 MADAME CLERK: Please have a seat on the witness stand
12 and state your full name for the record.

13 MR. ROWES: Kevee Ryan Rowes.

14 DIRECT EXAMINATION

15 BY DEP. SOL. THORNTON:

16 Q Mr. Rowes, where do you live, sir?

17 A 217 Francis Street.

18 Q And do you stay with anybody in particular?

19 A Yes.

20 Q And who is that?

21 A My sister.

22 Q Is that the nice lady there in the pink shirt who just
23 testified, Ms. Charlene?

24 A Correct.

25 Q All right, sir. Were you home with her on April the

1 22nd of 2009?

2 A Yes.

3 Q All right. And did anything unusual happen that day
4 that you remember?

5 A Mr. Williams getting shot.

6 Q All right, sir. Now, did you see Mr. Williams get
7 shot?

8 A No, sir.

9 Q All right. Now, did you hear gun shots?

10 A Yes.

11 Q All right. And do you remember if it was one shot or
12 more than one shot?

13 A I heard at least two shots.

14 Q All right. Did you go outside after you heard the
15 shots?

16 A Yes.

17 Q Did you see anything?

18 A I seen Mr. Williams running and then he fell.

19 Q All right. And where did he fall?

20 A He fell in the dirt road.

21 Q All right. And is that the dirt road that is in
22 between your house and his house?

23 A Correct.

24 Q All right. And did you go up to him?

25 A Yes.

1 Q All right. And did you see anything else?

2 A No, sir.

3 Q All right. Did you see any particular vehicle at that
4 time?

5 A Yes.

6 Q All right. Tell me about the vehicle.

7 A It appeared to be like a black Jimmy, a black Blazer.

8 Q All right. Did you see anybody get into the black
9 Jimmy?

10 A Yes. The guy actually came running right past him.

11 Q All right. But did you get a good enough look to
12 identify him?

13 A No, I didn't.

14 Q All right. So other than that, did you have any
15 contact in this case or do anything else in this case?

16 A No, sir.

17 Q All right. Did you go right up to Mr. Williams?

18 A Yes.

19 Q All right. Did you notice him having a gun?

20 A No, sir.

21 Q Did you see where he threw a gun anywhere?

22 A No, sir.

23 Q See a gun anywhere in his yard or your yard?

24 A No, sir.

25 Q Thank you very much. I don't have anything further.

Cross-Examination of Kevée Rowes by Mr. Mathews

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1 Kevée, if you would please answer any questions that Mr.
2 Mathews has for you.

3 THE COURT: Mr. Mathews?

4 MR. MATHEWS: One moment, Your Honor.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. MATHEWS:

8 Q Mr. Rowes, did you ever have occasion to call Showtime,
9 or Keith Williams?

10 A No, sir.

11 Q So did you see his cell phone that day?

12 A No, sir.

13 MR. MATHEWS: I don't have anything further, Your
14 Honor.

15 THE COURT: Any redirect?

16 DEP. SOL. THORNTON: No, sir. I'd ask that he and his
17 sister be excused.

18 THE COURT: Sir, you are excused from your
19 responsibilities under the subpoena. Thank you.

20 THE COURT: Any objection by Mr. Mathews?

21 MR. MATHEWS: No, Your Honor.

22 THE COURT: Okay. Thank you. You all are excused.
23 Call your next witness.

24 DEP. SOL. THORNTON: Your Honor, if I could have one
25 moment.

1 THE COURT: All right.

2 DEP. SOL. THORNTON: The State calls Mark McCune, Your
3 Honor. He is coming in right now.

4 MADAME CLERK: Please come forward and be sworn. Place
5 your left hand on the Bible and raise your right.

6 (WHEREUPON, Mr. Mark McCune is duly sworn.)

7 MADAME CLERK: Please have a seat on the witness stand
8 and state your full name for the record.

9 MR. MCCUNE: Mark McCune, Mark Allen McCune.

10 DIRECT EXAMINATION

11 BY DEP. SOL. THORNTON:

12 Q Mr. McCune, how are you today?

13 A Doing alright.

14 Q Mr. McCune, where do you live?

15 A I stay at 221 Springwood Drive.

16 Q All right. Do you know the man seated at that table
17 right there next to Dave Mathews?

18 A Yes, sir.

19 Q Who is that?

20 A I call him Jamal.

21 Q All right. Is that Sincere Jamal Owens?

22 A Yes.

23 Q Do you remember seeing him on April the 22nd of 2009?

24 A Yes.

25 Q All right, sir. And where were you at when you saw

- 1 him?
- 2 A I was coming down Francis Street.
- 3 Q Coming down Francis Street. Is there anybody in
- 4 particular's house you were closest to?
- 5 A My cousin, Annie Claire's house, right down the street.
- 6 Q All right. Annie Claire, what's her last name?
- 7 A Glover.
- 8 Q Annie Claire Glover. And who lives -- do you know
- 9 anybody who lives pretty close to Ms. Glover?
- 10 A Uh ---
- 11 Q Let me ask that ---
- 12 A Well, I know several people.
- 13 Q You know a lot of people?
- 14 A Yeah, in that neighborhood.
- 15 Q All right. Let me be more specific, do you know who
- 16 Keith Williams is?
- 17 A Showtime.
- 18 Q Yes, sir. Do you know who that is?
- 19 A Yes.
- 20 Q All right. Does he live close to Ms. Annie Claire
- 21 Glover?
- 22 A Yes.
- 23 Q All right. Did you see him on that day? When I say
- 24 "him," I mean Keith Williams, or if you call him Showtime.
- 25 Did you see him the same day you saw Sincere Owens?

1 A Yeah, I was coming down the street. He just got off
2 from work.

3 Q "He" being who? Keith Williams just got off from work?

4 A Yeah, Showtime.

5 Q And how do you know that? How do you know he just got
6 off from work?

7 A Because I feeds the dogs every day, you know. I rakes
8 the yards and feeds his dog every day.

9 Q So you do work for him around his house?

10 A Yeah.

11 Q All right. And does he wear anything in particular
12 when he goes to work?

13 A He had on an orange, one of those construction-like ---

14 Q Like a safety vest?

15 A Yeah. Yeah.

16 Q And did you see him come home from work?

17 A I seen him when he pulled in the yard. I was coming
18 down the street. I seen -- he had just got out and check
19 his mailbox.

20 Q All right. What did you see after he pulled in to
21 check his mailbox?

22 A Well, before he came home, you know, I seen Sincere
23 coming from out his yard, you know. I guess he wanted to go
24 talk to him about something, but ---

25 Q All right. Hang on. Slow down for me for a second.

1 You saw Sincere Owens, the defendant in this case, come out
2 of Keith Williams' yard?

3 A Yeah. I was coming down the street.

4 Q All right. And did Sincere say anything to you?

5 A He just said, "What's up", you know, and then got back
6 in the truck.

7 Q All right. And what kind of truck was it?

8 A It was a black truck.

9 Q A black truck. Was it a pickup truck or like a SUV
10 type vehicle?

11 A Something like a Blazer.

12 Q Like a Blazer, okay. So he gets back into a black
13 Blazer. What happens after that?

14 A Keith came to check his mailbox and me and one of my
15 friends was walking down the street, and Sincere was already
16 in the truck, and he came to check his mailbox. He was like,
17 "You come to do my yard?"

18 Q Now, when you say "he," you're talking right now is
19 Keith Williams?

20 A Yes.

21 Q And he asked you if you were doing his yards?

22 A Yeah, because I come to do his yards, because I do his
23 yard every day at 4:00 when he get off. So as we was
24 walking down the street, one of my friends told Sincere, and
25 he had done got in the truck. He said ---

1 MR. MATHEWS: Objection, Your Honor, that's hearsay.

2 THE COURT: Sustained.

3 Q Mr. McCune, don't talk about what anybody told you
4 unless you heard something.

5 A No, I'm not saying anybody told me.

6 Q Okay. You can't talk about what you heard or what
7 somebody else may have heard; that's hearsay. Just tell me
8 what you saw after Mr. Williams came home, checked his
9 mailbox, what did you see after that?

10 A Sincere got out the car. He came and said something
11 about -- they must have had confusement or something about
12 his mother or something, and Show was like -- Keith was
13 like, "What you say? What you say?" you know, and after
14 that, you know, all I seen was a gun and he said ---

15 Q All right. Who had the gun?

16 A Sincere.

17 Q Okay. And he wasn't trying to shoot him or nothing,
18 you know. He pulls the gun and he was like, "Man, I should
19 --" and then he stopped. He didn't finish his statement.
20 He was like -- and Keith was like, "Oh, so you got a gun?
21 You got a gun?" and he started walking off and Sincere
22 fired three times at the ground, you know, trying to scare
23 him. And he ran and he must be got hit in the back.

24 DEP. SOL. THORNTON: Court's indulgence, Your Honor, one
25 moment.

1 THE COURT: Yes, sir.

2 Q Now, Mr. McCune, I'm going to ask you a question. Do
3 you remember talking to a Sgt. Warren?

4 A Yes.

5 Q Do you remember what you told him?

6 A Yes.

7 Q Is it your testimony today that you just told this jury
8 the same thing that you told the Sergeant?

9 A Yes.

10 Q All right. So your testimony, now, is that this was an
11 accidental shooting? That he just shot at the ground to try
12 and scare him?

13 A Yeah, the first shot was at the ground, and then, you
14 know, he just kind of like aimed, like he was shooting, but
15 he was still shooting at the ground. He was still shooting
16 -- not towards like trying to shoot him, but he was shooting
17 at the ground.

18 Q And your testimony right now is that that is what you
19 told Sgt. Warren on that day?

20 A Yeah.

21 Q Do you remember talking to a detective at the scene,
22 Jean Reid?

23 A I believe so.

24 Q Is that what you told her?

25 A Is it a lady?

1 Q Yes, it's a lady.

2 A Yeah, that he was shooting at him at the -- you know,
3 he wasn't pointing at him. He was shooting at the ground.

4 Q And that's what your testimony is?

5 A Yeah.

6 Q All right. So on April 22nd of 2009, that afternoon,
7 you didn't tell her that Mr. Williams was walking -- that
8 you were walking down the street when this incident
9 occurred?

10 A Yes, I did.

11 Q That the lone suspect was Jamal Owens?

12 A Uh-huh (affirmative).

13 Q That you observed a black Chevy Blazer with dark tinted
14 windows fire several rounds out of his window at Keith
15 Williams?

16 A No, I didn't say he fired out the car. He was standing
17 outside his car. Everybody was in the middle of the road.

18 Q So did he shoot at Keith Williams or did he shoot at
19 the ground?

20 A He was shooting towards him, but he was shooting at the
21 ground.

22 Q But that's not what you told the detective, is it?

23 A That's what I told her. He was shooting at him,
24 shooting at him.

25 Q At any time prior to you sitting in that chair today

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1 did you say to the detectives, or to me, or anybody in my
2 office that he shot at the ground? Did those words come out
3 of your mouth in any of your interviews before you just took
4 this stand? Think real hard, now.

5 A I believe so.

6 Q You believe so or you did?

7 A I believe so.

8 Q So if we get a tape ---

9 THE COURT: All right. Mr. Thornton, let him answer
10 your question.

11 DEP. SOL. THORNTON: Yes, sir.

12 Q Did you say that in your interview with Det. Warren?

13 A No.

14 Q No, you didn't did you?

15 A No.

16 DEP. SOL. THORNTON: I have no further questions.

17 THE COURT: Cross-examination?

18 MR. MATHEWS: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. MATHEWS:

21 Q Mr. McCune, did Keith used to carry -- did you know
22 Keith, or Showtime, to sometimes carry weapons?

23 A He used to, but after he got on probation, he got rid
24 of them.

25 Q All right. And was it pretty well known that Keith

1 had threatened -- that Showtime had threatened Jamal?

2 A Oh, I didn't have no sense about that.

3 Q Didn't know about that?

4 A No, I didn't know nothing about that.

5 Q All right.

6 MR. MATHEWS: One moment, Your Honor.

7 (BRIEF PAUSE IN THE COURTROOM.)

8 MR. MATHEWS: Nothing further, Your Honor.

9 THE COURT: Any redirect?

10 DEP. SOL. THORNTON: None, Judge.

11 THE COURT: Sir, you may step down. Thank you. Mr.

12 Thornton, would you and Mr. Mathews approach, please?

13 (WHEREUPON, a bench conference is held off the record
14 and out of the hearing of the jury.)

15 THE COURT: Ladies and gentlemen, at this time, we're
16 going to take our morning break. We've been going at it a
17 little over an hour. The next witness will be here in a few
18 minutes. I'm going to allow you to go to your jury room at
19 this time to take a break. Once again, I would instruct you
20 not to discuss this case at all. I will bring you back out
21 here shortly and we will proceed with the trial. Thank you
22 very much.

23 (10:40 A.M., WHEREUPON, the jury exits the courtroom
24 and the following is held on the record.)

25 THE COURT: Anything from the State?

1 DEP. SOL. THORNTON: None from the State, Judge.

2 THE COURT: From the defense?

3 MR. MATHEWS: No, sir.

4 THE COURT: All right. We'll stand at ease until
5 11:00, Mr. Thornton?

6 DEP. SOL. THORNTON: Yes, sir, Judge. I'll notify the
7 Court just as soon as Dr. Batalis is here.

8 THE COURT: Okay.

9 (WHEREUPON, the Court is in a brief recess in the trial
10 of this case. Thereafter, at 11:00 A.M., the following
11 proceedings are held on the record.)

12 THE COURT: Anything from the State before we bring the
13 jury back in?

14 DEP. SOL. THORNTON: Nothing from the State, Judge.

15 THE COURT: From the defense?

16 MR. MATHEWS: No, sir.

17 THE COURT: All right. Bring us the jury.

18 (11:02 A.M., WHEREUPON, the jury enters the courtroom
19 and the following is held on the record.)

20 THE COURT: Is the State ready to proceed?

21 DEP. SOL. THORNTON: The State is ready, Your Honor.

22 THE COURT: Call your next witness, please.

23 DEP. SOL. THORNTON: Dr. Nicholas Batalis.

24 MADAME CLERK: Please come forward to be sworn. Place
25 your left hand on the Bible and raise your right.

1 (WHEREUPON, DR. NICHOLAS BATTALIS IS DULY SWORN.)

2 MADAME CLERK: Please have a seat on the witness stand
3 and state your full name for the record.

4 DR. BATTALIS: My name is Nicholas Batalis, B-A-T-A-L
5 -I-S.

6 DIRECT EXAMINATION

7 BY DEP. SOL. THORNTON:

8 Q Dr. Batalis, where do you work, sir?

9 A I'm employed at the Medical University of South
10 Carolina in Charleston.

11 Q All right. And what do you do for the Medical
12 University of South Carolina?

13 A I'm employed by the University as a forensic
14 pathologist.

15 Q All right. And Dr. Batalis, can you tell us what a
16 forensic pathologist does?

17 A Let me first just explain what pathology is. Pathology
18 is the study of disease, so a general pathologist would
19 specialize in all aspects of disease, including looking at
20 tissue biopsies to see if there is cancer, that sort of
21 thing. Forensic pathology is in a subset of pathology and
22 it deals with injuries, trauma, and unexpected deaths. So
23 primarily our job would be conducting autopsies to figure
24 out why people die.

25 Q And what sort of education do you have to have to be a

1 pathologist, sir?

2 A To be a pathologist, first, requires a degree from a
3 college, then a four-year medical school, four years of
4 training in general pathology, and then an extra year of
5 training just in forensic pathology.

6 Q All right, sir. And how long have you been a forensic
7 pathologist?

8 A I've been on staff at the University for about two and
9 a half years, now.

10 Q All right. And how many autopsies have you performed? A

11 Q All right, sir. And how many times, if at all, have
12 you been qualified as an expert in Court?

13 A I don't remember the exact number, but it's somewhere
14 between five and ten, I would say.

15 Q All right, sir. And do you belong to any professional
16 associations or anything like that?

17 A I do. I belong to several organizations for general
18 pathology, and then also to the larger organizations just
19 for forensic pathology and forensic science.

20 DEP. SOL. THORNTON: Your Honor, at this time, I would
21 ask that the witness be declared, Dr. Batalis, be declared
22 an expert in the field of forensic pathology.

23 THE COURT: Mr. Mathews?

24 MR. MATHEWS: If I might voir dire just a little bit?

25 THE COURT: Yes, sir.

1 VOIR DIRE

2 BY MR. MATHEWS:

3 Q Dr. Batalis, you say you've been qualified as an expert
4 somewhere between five and ten hundred?

5 A No, sir.

6 Q Somewhere between five and ten times?

7 A Yes, sir.

8 Q Is it closer to five or is it closer to ten?

9 A I honestly, I'm not sure. It's been over the course
10 between my Fellowship and the course of five years. I don't
11 have an exact number.

12 Q Okay. So over the course of five years, you may have
13 testified once a year?

14 A Once or twice a year, yes.

15 Q And where did you get your undergraduate degree?

16 A Butler University. It's in Indianapolis, Indiana.

17 Q Okay.

18 MR. MATHEWS: Nothing further, Your Honor. I have no
19 objection to his qualifications.

20 THE COURT: All right. Ladies and gentlemen, let me
21 instruct you real quick before we go any further. Normally,
22 a person can not give opinion testimony. Normally, when a
23 person testifies, they must testify as to what they either
24 saw, heard or sensed by smell or something of that nature.
25 However, there is an exception when someone is qualified

1 because of education or experience, they are permitted to
2 give their opinion in certain areas if the Court qualifies
3 them that way.

4 This witness will be qualified as a forensic in the
5 area of forensic pathology to give opinion testimony in that
6 area. That does not mean that you must accept the opinion,
7 but it is evidence for you to use in any way that you see
8 fit and give the weight and credibility that you believe is
9 appropriate. Mr. Thornton, you may continue.

10 DEP. SOL. THORNTON: Thank you, Judge.

11 DIRECT EXAMINATION CONTINUES:

12 Q Dr. Batalis, and this may sound like a really dumb
13 question, but when an individual comes in front of you and
14 you perform an autopsy, what is their condition as far as
15 are they alive? Are they dead? What is that process?

16 A By the time the body reaches us, they are deceased at
17 that point; so they are already dead.

18 Q On April the 23rd of 2009, Dr. Batalis, did you perform
19 an autopsy on one Keith Williams?

20 A Yes, I did.

21 Q And can you tell me what the procedure is? What did
22 you do in that case?

23 A As in the case of any autopsy, the first thing we do
24 when we receive the body is to take overall photographs of
25 how we received the body. After that, we take any clothing

1 and any medical therapy, we take that off the body. We
2 clean the body, take another set of photographs to document
3 our findings. Then, we do a thorough external exam just
4 looking at the changes in the surface of the skin, so it
5 includes looking at hair color, eye color, tattoos, and then
6 also any scars, and then, finally, any injuries that are
7 noticed.

8 Q All right, sir. And did you notice any injuries in the
9 case of Keith Williams?

10 A Yes. The main finding here with Mr. Williams was a
11 gunshot wound of the left buttock.

12 Q All right, sir. And are you able when looking at
13 bullet wounds to track the pathway of the bullet? In other
14 words, to orient it front to back, left to right, up, down,
15 those types of things?

16 A We're able to do that by looking at the wound itself,
17 and in this case, we recovered a bullet, so through the
18 course of the autopsy. So after we completed the internal
19 exam, once we find the bullet, we can then line up a pathway
20 in which the bullet traveled and figure out the direction
21 that it traveled.

22 Q All right, sir. And in this case, were you able to
23 determine in general what the pathway of the bullet was?

24 A Yes.

25 Q All right. And can you describe that to the jury?

1 A Yes. The bullet entered on the left buttock, near the
2 mid to upper portion. Then, traveled from back to front, and
3 from left to right, predominantly, and then very slightly
4 upward. So as it traveled through the left buttock, it went
5 through the muscles and soft tissues, and then entered the
6 pelvis, went through the colon, or the last part of the
7 large intestines. It went through the right ileac vein,
8 which is a very large vein that brings all of the blood back
9 from your right leg to the rest of your body, and then went
10 into the small intestine, the last part of the small
11 intestine, which is where we recovered the bullet.

12 Q All right, sir. Is that what you determined the cause
13 of death to be was this gunshot wound?

14 A Yes. The cause of death was the gunshot wound to the
15 buttock.

16 Q All right. Could you explain to the jury how he died?
17 In other words, it doesn't sound like it hit any major
18 organs, so what was it that happened?

19 A The natural mechanism of death in his case was blood
20 loss. As it went through that major vein, it perforated
21 that vein, and then during the course of the autopsy, we
22 recovered a large amount of blood in his pelvis and stomach
23 area; so he would have died from bleeding out.

24 Q All right. So when you said you recovered a large
25 amount of blood, there was a lot of blood in his internal

1 cavity?

2 A Yes. In his pelvis and his abdomen.

3 Q So it's not necessary for there to be a lot of blood
4 outside the wound; it could be blood inside the body as
5 well?

6 A Yes. We frequently see that.

7 Q All right, sir. And in this case, in particular, your
8 findings were a great amount of blood in the pelvis, you
9 said, and in the abdomen, as well as in the stomach?

10 A Yes.

11 Q Dr. Batalis, I want to ask you a question. In your
12 examination of the wound, would it appear consistent with a
13 ricochet?

14 A No, it would not.

15 Q And why not, sir?

16 A When wounds ricochet or strike off of another object
17 before hitting the body, they generally will cause an
18 irregular wound. That is when a bullet might go straight
19 through without touching anything first, forms a nice,
20 circular, kind of punched out wound as it passes through the
21 skin. When bullets ricochet off of a firm, solid object,
22 the bullet starts tumbling in a different direction. So
23 instead of a nice spiral, like a football, maybe, that
24 starts tumbling in different directions, and then it strikes
25 the skin and causes a very irregular picture.

1 Q Dr. Batalis, you testified earlier that you recovered a
2 bullet, or a slug, or whatever you want to call it, from Mr.
3 Williams' body; is that correct?

4 A Yes, I did.

5 Q I'm going to show you what's been marked, only for
6 identification at this point, as State's Exhibit Number Six.
7 Can you identify what is in that envelope? I realize there
8 are several envelopes inside that envelope, but can you
9 identify that for me?

10 A Yes. Included in here is the envelope which I labeled,
11 and then also the bullet which I recovered from Mr.
12 Williams.

13 Q All right. So that is the bullet that you recovered
14 from the decedent in this case, Keith Williams?

15 A Yes, it is.

16 Q All right, sir. And did you then turn that over to law
17 enforcement? Is that the standard protocol?

18 A Yes. After the completion of the autopsy, our fellow,
19 our trainee, working directly under my supervision, then
20 signed the bullet over to an officer who attended the
21 autopsy.

22 Q All right, sir. And would that be referenced in your
23 report? I believe it's page Three as Detective Tavera
24 Edwards; would that be correct, sir?

25 A Yes, it is.

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1 DEP. SOL. THORNTON: Your Honor, Court's indulgence for
2 one moment.

3 THE COURT: Yes, sir.

4 Q Dr. Batalis, I'm going to hand you one more time what's
5 been marked as State's Exhibit Number Six for
6 identification. Does the bullet appear to be in the same
7 general condition as it was when it was removed?

8 A It does.

9 Q Okay. Thank you. I have no further questions. Dr.
10 Batalis, please answer any questions that Mr. Mathews might
11 have for you.

12 THE COURT: Cross-examination, Mr. Mathews.

13 MR. MATHEWS: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. MATHEWS:

16 Q Dr. Batalis, you said that the bullet passed through
17 the skin, subcutaneous tissue, superior left buttock, the
18 musculature, and -- okay -- okay, enters the pelvis. So it
19 -- what all did it hit? The bullet, what all did it hit?

20 A So from the time it hit the skin, it hit the skin, some
21 fat, muscle. Then when I went through the pelvis, it went
22 through the sacrum and the discal spine; so the pelvis is a
23 very tight area, and several bones come together, and it
24 grazed against that. Then went through the colon, which is
25 the last part of the large valve, the right ileac vein,

1 which is the big blood vessel, and then went into the small
2 intestine.

3 Q Okay. What -- what -- and you noted, were their x-rays
4 or anything to denote damage to the bones?

5 A We do take x-rays during the course of an autopsy, but
6 it's predominantly for identification of the bullet, in
7 order to locate it.

8 Q Was there any identifying -- you testified earlier, one
9 of the things you look for is identifying features of the
10 decedent. Was there any identifying features of the
11 decedent, Mr. Williams?

12 A Yes, there were several.

13 Q Okay.

14 A From the report, he had a large, what we call a
15 Mongolian spot, or a figment of a birthmark, if you will, on
16 his butt. He had numerous scars across his arms, legs and
17 trunk; up to three inches in size. He had numerous tattoos
18 across the body, the trunk and extremities, arms and legs.

19 Q Any description on that?

20 A I specifically described one on the report, which is
21 one that read "death before desire," which is across the
22 chest. And to be honest, there were numerous tattoos, and I
23 have descriptions in my notes, but we don't go into detail
24 in describing each and every tattoo.

25 Q How many of the between five and ten cases that

1 you've been qualified as an expert, how many of those cases
2 involve ricochets?

3 A None of the cases in which I've testified have involved
4 a ricochet.

5 MR. MATHEWS: No more questions, Your Honor.

6 THE COURT: Any redirect?

7 REDIRECT EXAMINATION

8 BY DEP. SOL. THORNTON:

9 Q Dr. Batalis, just so that we're clear, you've been
10 qualified to come testify in Court as an expert, you said
11 five or ten times. How many autopsies have you done?

12 A In my career?

13 Q Yes, sir.

14 A Probably close to a thousand.

15 Q All right. Thank you, sir.

16 DEP. SOL. THORNTON: No further questions.

17 THE COURT: Any recross?

18 MR. MATHEWS: No, Your Honor.

19 THE COURT: Sir, you may step down.

20 DEP. SOL. THORNTON: I'd ask that he be excused, Your
21 Honor.

22 THE COURT: You are excused from your responsibilities
23 under this subpoena.

24 Call your next witness.

25 DEP. SOL. THORNTON: Chevelle Campbell.

1 MADAME CLERK: Please come forward and be sworn. Place
2 your left hand on the Bible and raise your right.

3 (WHEREUPON, Ms. Campbell is duly sworn.)

4 MADAME CLERK: Please have a seat on the witness stand
5 and state your full name for the record.

6 MS. CAMPBELL: Chevelle Campbell.

7 DIRECT EXAMINATION

8 BY DEP. SOL. THORNTON:

9 Q Ms. Campbell, where do you live, ma'am?

10 A 1006 Gadsden Loop.

11 Q And is that where you lived on or about April the 22nd
12 of 2009?

13 A Yes, sir.

14 Q All right. Do you know the defendant in this case, Mr.
15 Owens?

16 A Yes, sir.

17 Q How do you know him?

18 A He's a friend of my brother.

19 Q He's a friend of your brother? So you know him to see
20 him?

21 A Yes, sir.

22 Q And when I say that, I mean you know what he looks like
23 and you know who he is?

24 A Yes, sir.

25 Q All right. Now, do you call him Sincere or do you call

- 1 him Jamal?
- 2 A Jamal.
- 3 Q Okay. Did you see Jamal on April 22nd of 2009?
- 4 A Yes, sir.
- 5 Q And where were you when you saw him?
- 6 A In my house.
- 7 Q In your house?
- 8 A Uh-huh (affirmative).
- 9 Q And did you give a statement to law enforcement about
- 10 seeing him that day?
- 11 A Yes, sir.
- 12 Q All right. Did he come in and ask you anything or tell
- 13 you anything?
- 14 A No. He just came in and normally, they all be to my
- 15 house, so when they at my house, they just be chillin, you
- 16 know. So he his gun and he asked me to hold it, and I told
- 17 him, "Jamal, do not play with guns." And he went back out
- 18 the house and that was it.
- 19 Q Okay. So he asked you to hold his gun for him and you
- 20 said no?
- 21 A Uh-huh (affirmative).
- 22 Q All right. I don't have any further questions, ma'am.
- 23 Thank you. Please answer any questions that Mr. Mathews
- 24 has.
- 25 THE COURT: Mr. Mathews?

1 MR. MATHEWS: No questions, Your Honor.

2 THE COURT: All right. Ma'am, you may step down.

3 Thank you.

4 DEP. SOL. THORNTON: I'd ask that she be excused, also.

5 MR. MATHEWS: Without objection, Your Honor.

6 THE COURT: Thank you. Ma'am, you're excused with
7 regards to your responsibilities under this subpoena.

8 DEP. SOL. THORNTON: Thank you, Judge. We'd call
9 Shante Glover.

10 MADAME CLERK: Please come forward and be sworn. Place
11 your left hand on the Bible and raise your right.

12 (WHEREUPON, Ms. Shante Glover is duly sworn.)

13 MADAME CLERK: Please have a seat on the witness stand
14 and state your full name for the record.

15 MS. GLOVER: Shante Glover.

16 DIRECT EXAMINATION

17 BY DEP. SOL. THORNTON:

18 Q Ms. Glover, where do you live?

19 A 504 Forest Circle, Apartment 615.

20 Q All right. Ms. Glover, there is some testimony earlier
21 in this Court, do you know the defendant, Sincere Jamal
22 Owens?

23 A Yes, sir.

24 Q All right. Do you, in fact, have a child in common
25 with him?

1 A Yes, sir.

2 Q And did you also know the decedent, Keith Williams?

3 A Yes, sir.

4 Q All right. So the victim in this case, Keith Williams,
5 do you have a child in common with him as well?

6 A Yes, sir.

7 Q All right. Do you remember about all of the events
8 that occurred on April the 22nd of 2009 when Keith Williams
9 was killed? Do you remember that day?

10 A Yes, sir.

11 Q All right. Do you have a vehicle, ma'am, or did you
12 have one at that time?

13 A Yes, sir.

14 Q What is it?

15 A A '95 Blazer.

16 Q All right. What color is it?

17 A Black.

18 Q And did you let anybody borrow the truck, or that
19 Blazer, that day?

20 A Yes.

21 Q Who?

22 A Sincere Owens.

23 Q All right. So at the time this occurred, were you --
24 and forgive me for not knowing some of the words that folks
25 call it, were you seeing Jamal or dating Jamal? I mean,

1 were y'all together at that point?

2 A Yes, sir.

3 Q All right. So it's not unusual for him to have your
4 vehicle?

5 A No. He always had it.

6 Q Okay. So on the day of April 22nd, 2009, Jamal Owens
7 is driving your black Blazer; is that right?

8 A Yes, sir.

9 Q And did you ask him to do anything in particular that
10 day?

11 A I told him that I might need him to go get my kids.

12 Q All right. And I will ask you, and as I ask you these
13 questions, remember don't say anything that somebody else
14 told you, because that's hearsay; just what you saw or what
15 you said, okay?

16 A Uh-huh (affirmative).

17 Q All right. So you asked Mr. Owens to go out and pick
18 up your children; is that right?

19 A I told him I might need him to.

20 Q All right. At some point, did you tell him to go pick
21 the kids up?

22 A Later on.

23 Q Okay. Where would your kids have been when he went to
24 pick them up?

25 A After I wanted him to?

1 Q Yes, ma'am. Where were they? Where did you send him
2 to get the kids is what I'm asking.

3 A After when I talked to him the second time, I needed
4 him to go get the kids; he had to go get them from my
5 grandma's house.

6 Q Okay. And who is your grandmother?

7 A Annie Glover.

8 Q And is that the Annie Glover that we've heard about
9 here today that lives on Francis Street?

10 A Yes, sir.

11 Q Okay. And does she live a few houses down from Keith
12 Williams, where he lived at the time before he was killed?

13 A Yes, sir.

14 Q Now, there's been a lot of testimony about this; it's
15 no secret that there was some issues between Mr. Williams
16 and Mr. Owens; is that correct?

17 A Yes, sir.

18 Q Now, on that particular day, you had some type of
19 disagreement with Mr. Williams, hadn't you?

20 A Yes, sir.

21 Q Okay. And is that what prompted you to go tell Jamal
22 to go get the kids?

23 A Yes.

24 Q Okay. Ma'am, at some point after Keith Williams was
25 killed, did you give officers consent to search your Jimmy,

1 or Blazer -- I'm sorry, I keep calling it a Jimmy; but your
2 black Blazer?

3 A They never asked me, no.

4 Q Okay.

5 DEP. SOL. THORNTON: Your Honor, Court's indulgence one
6 moment.

7 (BRIEF PAUSE IN THE COURTROOM.)

8 DEP. SOL. THORNTON: Your Honor, may I approach?

9 THE COURT: Yes, sir.

10 Q Ma'am, I'm going to hand you a document. I just need
11 for you to review that and see if it refreshes your memory?

12 A (WITNESS REVIEWS DOCUMENT.)

13 Q Ma'am, is that your signature at the bottom of that
14 page?

15 A Uh-huh (affirmative).

16 Q Okay. Does it appear that you gave them consent to
17 look in your vehicle?

18 A Yes.

19 Q All right. Thank you very much. I realize that it's
20 been over a year ago and you may not remember everything.
21 Were you around them when they searched your vehicle?

22 A No, sir.

23 Q All right. Did you have anything in the vehicle in the
24 way of a firearm? What I mean is did you have a gun in the
25 Blazer?

1 A Yes, sir.

2 Q And do you think that you would recognize it by the
3 serial number if you saw it?

4 A I don't think so.

5 Q Okay. But you did keep a gun in the car; is that
6 right?

7 A Uh-huh (affirmative).

8 Q Where did you keep it?

9 A In the glove compartment.

10 Q How long had you kept that gun in there?

11 A Since I was going to work at 11.

12 Q You work nights?

13 A I had to be there at 12.

14 Q Twelve in the daytime or twelve at night?

15 A In the day.

16 Q Okay. Were you at your grandmother's when Keith was
17 shot and killed?

18 A No, I was at work.

19 Q Okay. So you weren't able to see anything as far as
20 what happened with the shooting?

21 A No, sir.

22 Q The only thing you would know about it is what you
23 heard from word on the street or other people or whatever;
24 is that right?

25 A Yes, sir.

1 Q All right. What was the argument with Keith Williams
2 about that day? Did it involve getting your kids or did you
3 ask him to go get your kids?

4 A He saw Sincere drop me off at work and after Sincere
5 left, he came in and he was like, "I hope you got somebody
6 to go get your kids."

7 Q And remember, don't talk about what somebody else said;
8 but is it safe to say that he wasn't happy when he saw you
9 with Sincere?

10 A Uh-huh (affirmative).

11 Q All right. And y'all had an argument at that point
12 about going to pick up the kids?

13 A Yeah.

14 Q Is that when you sent Sincere to go get the kids?

15 A That's when I called him and told him I might need him
16 to -- well, I needed him to go get my kids at that time.
17 And he told me that him and Quame was out of town and for me
18 to get somebody to go get them.

19 Q I'm sorry. They were out of town?

20 A They was somewhere.

21 Q Okay. Did he tell you that -- were they in your truck
22 when they did that?

23 A Yes.

24 Q Did they bother to tell you that beforehand?

25 A I mean, that was like -- that was like 12:30, maybe 30

1 minutes after I got to work.. After me and Keith got done
2 arguing.

3 Q Okay. At some point, though, you sent Mr. Owens over
4 to your grandmother's house, correct?

5 A Uh-huh (affirmative).

6 Q All right. And other than that, ma'am, that's the only
7 thing that you know yourself that you saw?

8 A I sent him to get my kids.

9 Q Ma'am, I'm going to hand you a stack of photographs
10 that's been marked, so far for identification, as State's
11 Exhibit Number Two. Would you look at those and see if you
12 can identify any of those objects? To be more specific,
13 what's in any of those pictures?

14 A My truck, my license plate, my glove compartment.

15 Q Do you recognize what looks like a picture of a
16 building?

17 A No.

18 Q You don't recognize that?

19 A No.

20 Q Thank you, ma'am, very much. But they are photographs
21 of your truck, your license plate tag and your glove box?

22 A Uh-huh (affirmative).

23 Q If you look real closely, do you see your gun in the
24 glove box? And if you need to look at it again, I'll let
25 you. Do you need to see it?

1 A Uh-huh (affirmative).

2 Q Would you look and see if that's a top part of the gun
3 in the glove box?

4 A Yeah, that's what it look like.

5 Q All right. Thank you, ma'am. I don't have anything
6 further, Ms. Glover. Please answer any questions that Mr.
7 Mathews has for you.

8 THE COURT: Mr. Mathews, cross-examination.

9 MR. MATHEWS: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. MATHEWS:

12 Q Shante, this is very difficult for you, isn't it?

13 A Yes, sir.

14 Q You've got a baby by Jamal and you've got a baby by
15 Show?

16 A Uh-huh (affirmative).

17 Q Did your -- let's start with something easy. Did the
18 glove box in your Blazer, did that sometimes have a hard
19 time staying closed? Was the latch kind of messed up?

20 A A little.

21 Q All right. But Sincere, he knew that you kept a gun in
22 there?

23 A Yeah.

24 Q Okay. Did you -- you've been knowing Keith -- Keith
25 was your first love, right? Showtime?

1 A He was my first relationship.

2 Q I gotcha. I'm sorry, your first relationship. Did he
3 have a stretch where he carried a gun?

4 A Yes, sir.

5 Q Did you see that gun?

6 A Yes, sir.

7 Q How many times?

8 A A lot of times.

9 Q Okay. Did you know about his reputation for whether he
10 was a violent guy or a peaceful guy?

11 A I mean, he had an attitude, uh-huh (affirmative).

12 Q Okay. Did he send you texts threatening Jamal?

13 A He sent a text -- he always, I mean, since me and
14 Sincere got back together, he was just upset about it;
15 period.

16 Q Did he say he was gonna -- pardon my language, but did
17 he say he was gonna "F" Jamal up when he saw him?

18 A Yes, sir.

19 Q Okay. And Jamal, this is -- how long had that been
20 going on?

21 A Times when me and Sincere saw him at the gas station or
22 Sincere told me he came to Druid Hills one time or if he saw
23 us, he'd talk trash; that was him. Tell Sincere don't
24 bother him up. That was just Show.

25 Q Okay. And now, you had -- when was the last time you

1 had talked to Jamal on the day that Show was killed? When
2 was the last time before you found out that Show was dead?
3 How much earlier than that was the earliest you talked to --
4 how much earlier than that had you most recently talked to
5 Jamal?

6 A It was around 12:30 or 1:00 when he told me to find
7 somebody to pick them up because he was going to Summerville
8 and they might not get back in time.

9 Q Okay. And when did you find out that Show had been
10 shot?

11 A Right after he left my job, cursing me out, mad.

12 Q Okay. How much time was that between? Half hour,
13 hour?

14 A It was like 15 minutes.

15 Q Okay. I'm talking about when was the last time -- now,
16 Show showed up to your work?

17 A Uh-huh (affirmative).

18 Q And he was cussing and raising -- raising hell?

19 A Uh-huh (affirmative).

20 Q And very angry?

21 A Uh-huh (affirmative).

22 Q And he left out of there angry?

23 A Uh-huh (affirmative).

24 Q And fifteen minutes after that, you found out that Show
25 was dead?

- 1 A Yeah, 10 or 15 minutes.
- 2 Q Ten or fifteen minutes; not long at all?
- 3 A Uh-huh (affirmative).
- 4 Q He left mad and then a very short time after that, you
- 5 found out he was dead? You called your grandmother and she
- 6 told you?
- 7 A I had a customer, and I had to do that customer, and
- 8 then I called my grandmother to tell her that he just came,
- 9 because he is so quick to go over there and tell her first,
- 10 because, you know, she was like a moma to him.
- 11 Q Okay. Now, from the time that Show left from your
- 12 work, from that time, did you talk to -- when's the next
- 13 time you talked to Jamal? Did you talk to him between that
- 14 time, the time that Show left there, you didn't talk to him
- 15 until after this had happened, did you?
- 16 A I didn't talk to Jamal until afterwards. He wasn't
- 17 picking up his phone. When I saw Jamal, I talked to him.
- 18 Q Okay. You talked to him earlier in the day and said to
- 19 go pick up my kids?
- 20 A Uh-huh (affirmative).
- 21 Q And then Show comes up to your work and starts raising
- 22 hell?
- 23 A Yeah.
- 24 Q And then the next person you talked to was your
- 25 grandmother?

1 A I didn't get to talk to her, I talked to my little
2 cousin and he say my grandmoma ---

3 DEP. SOL. THORNTON: Objection, Your Honor; hearsay.

4 Q Yeah, don't say -- I'm not interested in what they told
5 you other than from the time that Show left out of there,
6 you didn't talk to Jamal until sometime after all of this?

7 A Uh-huh (affirmative).

8 Q All right.

9 MR. MATHEWS: May I have a moment, Your Honor?

10 THE COURT: Yes, sir.

11 MR. MATHEWS: I don't have anything further, Your
12 Honor.

13 THE COURT: Any redirect?

14 DEP. SOL. THORNTON: None, Your Honor. I ask that she
15 be excused.

16 THE COURT: Ma'am, you may step down. Any objection by
17 the defendant?

18 MR. MATHEWS: No, sir.

19 THE COURT: You are relieved from your responsibilities
20 under subpoena. Call your next witness.

21 THE COURT: Tavera Edwards.

22 MADAME CLERK: Please come forward and be sworn.

23 (WHEREUPON, Det. Edwards is duly sworn.)

24 MADAME CLERK: Please have a seat on the witness stand
25 and state your full name for the record.

1 MS. EDWARDS: Tavera Edwards.

2 DIRECT EXAMINATION

3 DEP. SOL. THORNTON:

4 Q Ms. Edwards, who do you work for, ma'am?

5 A Walterboro Police Department.

6 Q And what is your current position?

7 A I'm a detective.

8 Q All right. And were you a detective on or about April
9 the 22nd of 2009?

10 A Yes, sir.

11 Q And did you participate at all in the investigation of
12 the death of Keith Williams?

13 A Yes, sir, I did.

14 Q All right. And did you attend the autopsy?

15 A Yes, sir, I did.

16 Q Earlier, Dr. Batalis testified that a round was
17 recovered from Mr. Williams' body. I'm going to show you,
18 ma'am ---

19 DEP. SOL. THORNTON: With the Court's permission to
20 approach?

21 THE COURT: Yes, sir.

22 Q What's been marked for identification only as State's
23 Exhibit Number Six. Can you identify that, ma'am?

24 A Yes, sir. That's the envelope casing I brought back
25 from the autopsy.

1 Q All right, ma'am. And is it in the same condition it
2 was when you received it?

3 A Yes, sir.

4 Q What did you do with it upon your receipt?

5 A I logged it into our evidence log and put it into
6 evidence.

7 Q All right. And did it remain in a sealed condition
8 while in your care, custody and control?

9 A Yes, sir.

10 Q Ma'am, I'm going to show you what's been marked for
11 identification as State's Exhibit Number Five and ask you to
12 identify this envelope.

13 A Yes, sir. That's the GSR I did on Keith Williams.

14 Q All right. And what is a GSR?

15 A A gunshot residue kit.

16 Q And what does that look for?

17 A Lead particles to see if there is any gunshot residue
18 on persons.

19 Q And was that taken by you?

20 A Yes, sir.

21 Q And how do you know that?

22 A That's my signature on it.

23 Q All right. And did you seal it?

24 A I did.

25 Q And what did you do with it?

1 A Logged it in the evidence log and booked it in
2 evidence.

3 Q Detective, let me ask you a question; who is your
4 evidence custodian?

5 A Stephanie Bridge.

6 Q And do you have an alternate custodian in case Ms.
7 Bridge is unavailable?

8 A Yes, sir, we do.

9 Q And who is that?

10 A Major Dasen.

11 Q Major Dasen. And is Major Dasen here in the courtroom?

12 A Yes, sir.

13 Q All right. Can you point him out for me?

14 A The gentlemen right here in the brown jacket.

15 Q And you would have been in a lot of trouble if you
16 couldn't have pointed out your Major. Ma'am, did you
17 respond out to the scene in this case?

18 A Yes, sir, I did.

19 Q All right. And what were your duties at the scene, if
20 any? Or what did you do when you were dispatched out?

21 A Once we got the phone call, myself and my partner, we
22 arrived on scene. The ambulance was already on scene and
23 had Mr. Williams in the back of their truck. Major Dasen
24 asked me to go to the hospital to try to talk with him.

25 Q All right. And were you able to have any meaningful

1 conversation with Mr. Williams?

2 A No, sir. Once I arrived at the hospital, they advised
3 me that he had been medivacked to MUSC.

4 Q All right. And when did you go to MUSC?

5 A When the autopsy was done.

6 Q And the autopsy was done at what time?

7 A The autopsy was done the next morning. This was the
8 incident date that I went to see him that night in attempts
9 to try and talk to him.

10 Q All right. And when you got to MUSC, at some point did
11 you learn that Mr. Williams had died?

12 A Yes, sir, I did.

13 Q And is that when you attended the autopsy the next day
14 on April the 23rd of 2009?

15 A Yes, sir.

16 Q All right. After retrieval of the items you've already
17 testified to and their admission to evidence, did you have
18 any other connection as far as to the evidence in this case,
19 other than seeing it this morning?

20 A No, sir, I didn't.

21 Q Okay. What else did you do after you left the autopsy?
22 Did you return to any of the scenes or what else did you do?

23 A When I left the autopsy, I returned to our police
24 headquarters and I booked everything into evidence.

25 Q All right, ma'am. And other than a trip that I

1 believe you and I took to the crime scene, have you been
2 back other than that?

3 A No, sir, I haven't.

4 Q All right. Who had primary custody, control and care
5 of the crime scene as far as detectives go?

6 A My partner, Sgt. Warren.

7 Q All right. And is that Sgt. Chris Warren who is with
8 the Waltherboro Police Department?

9 A Yes, sir, it is.

10 Q All right. Thank you.

11 DEP. SOL. THORNTON: Your Honor, I have no further
12 questions at this time. Ms. Edwards, please answer any
13 questions that Mr. Mathews may have for you.

14 THE COURT: Cross-examination.

15 MR. MATHEWS: One moment, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. MATHEWS:

18 Q Det. Edwards, you arrived on the crime scene?

19 A Yes, sir.

20 Q Okay. When you arrived, who all were there?

21 A There were several people on the scene. Ambulance,
22 police officers, some deputies from the Sheriff's
23 Department, some civilians.

24 Q Okay. And did you arrive at the same time as Sgt.
25 Warren or did you arrive at a different time?

1 A We were in different vehicles and he was ahead of me.

2 Q By minutes or by ---

3 A By minutes.

4 Q Okay.

5 MR. MATHEWS: No further questions, Your Honor.

6 THE COURT: Any redirect?

7 DEP. SOL. THORNTON: None, Your Honor.

8 THE COURT: Ma'am, you may step down.

9 DEP. SOL. THORNTON: Unfortunately, Judge, I can't ask
10 her to be excused. She has to stay at the table with me.

11 Court's indulgence for one moment.

12 THE COURT: Yes, sir.

13 DEP. SOL. THORNTON: Your Honor, the State calls Major
14 Ken Dasen.

15 MADAME CLERK: Please come forward to be sworn.

16 (WHEREUPON, Major Ken Dasen is duly sworn.)

17 MADAME CLERK: Please have a seat on the witness stand
18 and state your full name for the record.

19 MAJOR DASEN: Major Kenneth J. Dasen.

20 DIRECT EXAMINATION

21 BY DEP. SOL. THORNTON:

22 Q Major Dasen, who do you work for, sir?

23 A The Walterboro Police Department.

24 Q Earlier, we had testimony that you are the -- for lack
25 of a better word, the alternative evidence custodian for

1 Walterboro; is that correct?

2 A Yes, sir.

3 Q All right, sir. Who is the primary evidence custodian?

4 A Stephanie Bridge.

5 Q All right. What is the purpose of having evidence
6 custodians?

7 A Having a custodian gets evidence from all of the
8 detectives or patrol officers and sends them or distributes
9 it to the laboratories or where they need to go for testing.

10 Q Like maybe SLED, for instance?

11 A Exactly.

12 Q All right, sir. And does everybody have access to this
13 evidence or is it kept in a secure area?

14 A It's in a secure room.

15 Q All right, sir. And who are the people who have access
16 to that room?

17 A Myself and Stephanie Bridge.

18 Q And I believe Stephanie Bridge was actually qualified
19 to the jury as one of the potential witnesses. Can you tell
20 me why Stephanie Bridge is not here right now?

21 A Unfortunately, she is out sick. She has an ear
22 infection and pink eye, which is highly contagious

23 Q Which is why I decided to call you instead; is that
24 correct?

25 A Yes, sir.

1 Q Mr. Dasen, let me ask you something. I'm going to show
2 you a series of items that have only been marked at this
3 point for identification.

4 DEP. SOL. THORNTON: May I approach, Judge?

5 THE COURT: Yes, sir.

6 Q I'll just do these one at a time and I'll probably do
7 them in numerical order for you. I'm going to hand you,
8 first, what's been marked only for identification as State's
9 Exhibit Number Four. Can you look at your evidence sheet and
10 determine what that is, sir, and what was done with it? I
11 don't mean examine, but what the evidence room did with it,
12 sir.

13 A Exhibit Number Four is a GSR gunshot residue kit that
14 was conducted on Sincere Jamal Owens. It shows that it went
15 from Sgt. Warren to Stephanie Bridge, which was then in turn
16 sent to SLED, and back from SLED to the evidence department
17 and was taken out for court today.

18 Q So other than coming into the evidence room, being sent
19 to SLED, and brought back, has it been moved or altered in
20 any way?

21 A No.

22 Q All right. Did that package you are holding, which I
23 believe is State's Exhibit Number Five, was it in a larger
24 envelope that you opened in my presence this morning to get
25 these pre-marked?

1 A Yes, sir, that's correct.

2 Q Other than that, has it been altered or changed in any
3 way?

4 A No.

5 Q All right, sir. I'm going to hand you what's been
6 marked as State's Exhibit Number Five and ask you the same
7 question.

8 A This is the GSR gunshot residue kit that was conducted
9 on Keith Williams. It was collected by Detective Edwards.
10 She turned it into evidence where Stephanie Bridge carried
11 that to SLED and back into evidence and then here in court
12 today.

13 Q All right, sir. And as protocol, in each of these
14 circumstances, when you receive it into evidence, are they
15 in a sealed condition?

16 A Yes.

17 Q And when you send it into SLED, are they in a sealed
18 condition?

19 A Yes.

20 Q Is that protocol that's followed in your cases?

21 A Yes, sir.

22 Q All right. And as to what's been marked for
23 identification as State's Number Six, can you identify that?

24 A Yes, this is the bullet that was recovered at the
25 autopsy by Det. Edwards and signed into evidence by her to

1 Stephanie Bridge and then, again, to SLED, back into
2 evidence, and then back here to court today.

3 Q All right, sir. And again, as to that item, was it
4 submitted in a sealed condition?

5 A Absolutely.

6 Q All right, sir. And does it appear to have been
7 altered in any way?

8 A No.

9 Q All right, sir. I'm going to hand you, again, State's
10 Exhibit Number Seven; can you identify that for me?

11 A These are the shell casings from the crime scene.

12 Q All right, sir. Can you tell me from the evidence log
13 who submitted those?

14 A Yes, they were collected by Sgt. Warren from the crime
15 scene and submitted into evidence to Stephanie Bridge, to
16 the SLED Lab and back, and then here in court today.

17 Q All right, sir. Is that Sgt. Chris Warren with your
18 office?

19 A Yes, sir, it is.

20 Q All right, sir. And as to those shell casings, were
21 they submitted to y'all in the evidence locker in a sealed
22 condition?

23 A Correct.

24 Q If something wasn't submitted to you in the proper
25 form, would you accept it or would you make the officers

1 seal it properly before it's entered into evidence?

2 A We have to annotate -- it would have to be sealed
3 properly, but it would be caught in the process, but if it's
4 altered, it's always put in a log.

5 Q All right. Is there any indication in any of your logs
6 that there was any issues with regards to this evidence?

7 A No.

8 Q All right. I'm going to now hand you what's been
9 marked as State's, for identification, as State's Exhibit
10 Number Eight. Can you identify that for me?

11 A Yes. This was the weapon that was recovered by Sgt.
12 Warren. And again, he sealed it in a container with the
13 rounds and clips that were found with it.

14 Q All right, sir. And even if that one wasn't sealed, is
15 that gun identifiable by serial number?

16 A Yes, it is.

17 Q Is the serial number referenced on the evidence log
18 sheet?

19 A Yes, it is.

20 Q All right, sir. And would you compare the serial
21 number on the log sheet to the serial number on the weapon
22 and tell me if they match?

23 A They do match.

24 Q All right, sir. So that would be the weapon that was
25 recovered by Sgt. Warren in this case; is that correct?

1 A That is correct.

2 Q Other than the fact that it has been made safe, and by
3 being made safe, I mean that there is a locked cable running
4 through the mechanism, has it been altered or changed in any
5 way to your knowledge?

6 A No, it has not.

7 Q And other than -- as to all of these items that I've
8 talked to you about so far, sir, which would be, for
9 identification, State's Four, Five, Six, Seven and Eight;
10 were they maintained properly in your evidence locker at the
11 Walterboro City Police Department?

12 A That is correct.

13 Q Were all these items sent to SLED via Stephanie Bridge?

14 A Yes.

15 Q And to your knowledge, have they been altered or
16 changed in any way, shape or form?

17 A No.

18 Q Once coming back from SLED, other than today, have they
19 been removed from the evidence locker?

20 A No.

21 Q Other than opening envelopes in my presence, have you
22 altered or changed any envelopes?

23 A No.

24 Q All right, sir. And have you maintained at my request
25 any of the original envelopes in the bag?

1 A I still have them there.

2 Q And have those left your custody, care or control since
3 we opened them this morning, sir?

4 A No, sir.

5 Q Major Dasen, I don't have anything further for you at
6 this time. Please answer any questions that Mr. Mathews has
7 for you.

8 THE COURT: Mr. Mathews?

9 MR. MATHEWS: May it please the Court?

10 CROSS-EXAMINATION

11 BY MR. MATHEWS:

12 Q Major Dasen, your role in this case involved more than
13 just evidence custodian?

14 A That's correct.

15 Q Okay. In the course of your investigation, did you
16 also seize a phone?

17 A Yes.

18 Q Okay. Whose phone was it that you seized?

19 A Mr. Keith Williams.

20 Q Okay. Did your investigation reveal that that was the
21 phone that was used to call 9-1-1?

22 A I don't have that information.

23 MR. MATHEWS: May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 Q Major Dasen, I'm handing you a supplemental report and

1 ask if you can identify that.

2 A Yes. This is supplemental that I put in with our
3 police database system.

4 Q Are you able to use that to refresh your recollection?
5 Are you able to determine whether your investigation
6 revealed that Keith Williams' phone was the one that was
7 used to call 9-1-1?

8 A It still does not say whether or not he called 9-1-1.

9 Q Okay. Would you read that to the jury, please?

10 A "While conducting follow-up investigation at the crime
11 scene at approximately 15:30, I was informed that Mr. Keith
12 Williams' personal cell phone was in possession of Anita
13 Greene. Apparently, the phone had been taken from the
14 initial crime scene in efforts to notify Mr. Williams'
15 immediate family. I was able to locate Ms. Green at USC-
16 Salkehatchie and seize the phone as evidence."

17 Q Okay. So it may not have been used to call 9-1-1, but
18 it was taken from the crime scene?

19 A From the information, yes, sir.

20 Q And Major Dasen, were you also involved in the tail end
21 of the interview of Jamal?

22 A I did not interview him, but I allowed the family
23 members to come in and I did talk to Mr. Owens right at the
24 end.

25 Q Okay. And did you tell -- were you the one that told

1 Jamal that Showtime had died?

2 A Yes.

3 Q What was his reaction?

4 A He began crying and fell forward from his chair onto
5 the floor.

6 MR. MATHEWS: Nothing further, Your Honor.

7 THE COURT: Any redirect?

8 DEP. SOL. THORNTON: None, Your Honor. Ask that this
9 witness be excused -- or step down.

10 THE COURT: Sir, you may step down.

11 DEP. SOL. THORNTON: Your Honor, I think we will stop
12 at this point.

13 THE COURT: All right. Ladies and gentlemen of the
14 jury, at this time, we are going to take a break for lunch.
15 There are some matters we need to deal with here in the
16 courtroom and I'm going to allow you to go take a lunch.
17 I'm going to ask that you be back in your jury room at 2:00
18 p.m. Now, I don't know if you get a two-hour lunch break at
19 work. We're not going to take a two-hour lunch break here;
20 we've got some work that we've got to take care of, but I'm
21 going to give you all a two-hour lunch break today, but I
22 will ask that you be back in your jury room at 2:00 ready to
23 go.

24 Again, I would instruct you not to discuss this case;
25 not to discuss this case at all. You are excused at this

1 time. Mr. Bailiff, if you will lead them out. Thank you.

2 (WHEREUPON, the jury exits the courtroom and the
3 following is held on the record.)

4 THE COURT: Those of you who are seated in the
5 courtroom to my right, you are not permitted to leave at
6 this time; please remain seated. We're going to stand down
7 for about five minutes.

8 (WHEREUPON, a brief recess is taken by the Court.)

9 THE COURT: Call your next witness, Mr. Thornton.

10 DEP. SOL. THORNTON: Your Honor, the State calls Sgt.
11 Chris Wilson.

12 MADAME CLERK: Please come forward and be sworn. Place
13 your left hand on the Bible and raise your right.

14 (WHEREUPON, Sgt. Chris Wilson is duly sworn.)

15 MADAME CLERK: Please have a seat on the witness stand
16 and state your full name for the record.

17 SGT. WILSON: Sgt. Christopher Wilson.

18 DIRECT EXAMINATION

19 BY DEP. SOL. THORNTON:

20 Q Sgt. Wilson, who do you work for, sir?

21 A The Walterboro Police Department.

22 Q And you are a Sergeant with the Walterboro Police
23 Department; is that right?

24 A That's correct.

25 Q Did you respond out to the area of 211 Francis Street?

1 A I did.

2 Q All right, sir. And what were your duties when you got
3 to that scene?

4 A The initial duty was to basically process the crime
5 scene. One of the first things I did was locate the shell
6 casings in the roadway.

7 Q All right. I'm going to hand you ---

8 DEP. SOL. THORNTON: With the Court's permission, Your
9 Honor?

10 THE COURT: Yes, sir.

11 Q --- I'm going to hand you what's been marked for
12 identification as State's Number One, which is six
13 photographs, previously shown to the defense. Can you
14 identify those photographs?

15 A Yes, sir. Those are placards that were marked to
16 identify the three shell casings that were located.

17 Q All right, sir. And can you -- is that the first
18 photograph?

19 A That's the first photograph.

20 Q All right, sir. What's the second photograph?

21 A The second photograph is placards B and D; it's
22 representing two of the three shell casings that were
23 located, at close view. The third photograph is placard B;
24 it's an up close view of one of the shell casings found in
25 the roadway. Placard C is a close up of the shell casing

1 that was located just off of the roadway. And placard B is
2 a close up of the third shell casing that was located. The
3 last picture is a photograph of the victim's, Mr. Williams'
4 work vest and t-shirt that had to be removed by fire rescue,
5 and that's the location I found it upon my arrival.

6 Q All right, sir. And when you arrived, was Mr.
7 Williams, the victim in this case, was he still on scene?

8 A No, sir. He was already being transported by fire
9 rescue.

10 Q All right, sir. And you said you located shell
11 casings. Did you conduct a search around the area where
12 this t-shirt and work vest were found?

13 A Yes, sir, I sure did.

14 Q All right. Did you find any shell casings?

15 A Around the work vest? No, sir, I sure didn't.

16 Q All right, sir. And are those photographs an accurate
17 representation of how the scene appeared on that day?

18 A Yes, sir.

19 Q And have they been altered or changed in any way?

20 A No, sir.

21 DEP. SOL. THORNTON: Your Honor, at this time, I would
22 ask that State's Exhibit Number One be moved into evidence.

23 THE COURT: Mr. Mathews, any objection?

24 MR. MATHEWS: No objection.

25 THE COURT: Photos are admitted in State's Exhibit

1 Number One without objection.

2 DEP. SOL. THORNTON: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit Number One, Three photos,
4 is received into evidence.)

5 Q I'm going to hand you what's been marked for
6 identification as State's Exhibit Number Two, which is a
7 stack of four photographs, sir. Can you identify those
8 photographs?

9 A Yes, sir. The first one is the residence of 1006
10 Gadsden Loop. This is the location where the white
11 Trailblazer, belonging to Ms. Glover, was located. The
12 second photograph is a distant view of the Trailblazer. The
13 third photograph is the photograph of the license plate that
14 is on the vehicle. And the last photograph is a picture of
15 the front passenger area of the vehicle showing the glove
16 box open with the firearm inside the glove box.

17 Q All right, sir. Are those pictures an accurate
18 representation of how that Trailblazer, the house, and the
19 glove box contents appeared on that day?

20 A Yes, sir, it is.

21 Q All right. Have the pictures been changed or altered
22 in any way?

23 A No, sir.

24 DEP. SOL. THORNTON: Your Honor, I'd ask that State's
25 Exhibit Number Two be moved into evidence.

1 THE COURT: Mr. Mathews, any objection?

2 MR. MATHEWS: No objection, Your Honor.

3 THE COURT: State's Exhibit Number Two admitted without
4 objection.

5 (WHEREUPON, State's Exhibit Number Two, four
6 photographs, is received into evidence.)

7 Q I'm going to hand you what's been marked for
8 identification as State's Exhibit Number Four. Can you
9 identify that for me?

10 A Yes, sir. It's a gunshot residue kit that was obtained
11 from Mr. Owens.

12 Q All right. You mean the defendant in this case,
13 Sincere Owens?

14 A Yes, sir, I do.

15 Q All right, sir. Is that one that you collected
16 yourself?

17 A Yes, sir.

18 Q Did you seal it in that box?

19 A I did.

20 Q And what did you do with it?

21 A I completed a evidence log on it and booked it into
22 evidence.

23 Q All right, sir. Did you alter or change the contents
24 of it in any way once you put them in the box?

25 A No, sir.

1 Q And other than today, have you seen it since then?

2 A I have not.

3 Q All right, sir. I'm going to hand you what's been
4 marked for identification as State's Exhibit Number Seven.
5 Can you identify those items, please?

6 A Yes, sir. These are the three shell casings that were
7 in the first set of photographs; the ones I found in the
8 roadway.

9 Q Is that the placards B, C and D?

10 A It was, I believe.

11 Q All right, sir. If you need to refer back to the
12 photographs, you can.

13 A Yes, sir. That's correct.

14 Q All right. What did you do with those shell casings,
15 sir?

16 A They were photographed and collected and the evidence
17 box was completed and they were booked into evidence.

18 Q All right, sir. Did you alter or change them in any
19 way?

20 A I did not.

21 Q All right. And once you booked them into evidence,
22 other than just now when I handed them to you, have you seen
23 them?

24 A No.

25 Q All right. I'm going to hand you what's been marked for

1 identification as State's Exhibit Number Eight. Can you
2 please open that box and describe for me the contents, if
3 you recognize it.

4 A Yes, sir. This is the handgun that was taken out of
5 the Trailblazer, the one in the photograph.

6 Q So this is the handgun that was removed from the glove
7 box of Shante Glover's Trailblazer?

8 A It is.

9 Q All right, sir. How do you know that for sure?

10 A I recognize the serial number as one being that I
11 identified upon the seizure at the booking into evidence; I
12 also notated it in my reports.

13 Q All right, sir. And is that what you double-checked
14 for me this morning?

15 A It sure is.

16 Q All right, sir. And has it been made safe for Court?

17 A Yes, sir.

18 Q All right, sir. Is there anything else in that box?

19 A Yes, sir. There is a clip that was inside the gun
20 containing unspent rounds, bullets if you will. There is
21 also another package here with two bullets.

22 Q All right. And were those items taken from the gun?

23 A Yes, sir.

24 Q Along with the gun, by you?

25 A Yes, sir.

1 Q What did you do with them?

2 A I completed the evidence voucher and booked them into
3 evidence.

4 Q Have they been altered or changed in any way?

5 A No, sir; except for the lock-out system.

6 Q Right, sir. But other than that, does that gun appear,
7 does the magazine appear as it did on the day that you
8 collected it from Shante Glover's glove box?

9 A Yes, it does.

10 Q And once you submitted it into evidence, sir, other
11 than today, earlier this morning included when you saw it,
12 have you seen it any other time?

13 A No, sir.

14 Q All right. Sgt. Warren, I'm going to ask you to look
15 again at the first photograph in State's Exhibit Number One.
16 Approximately what distance was it between those shell
17 casings? Was it just a few inches, several feet? Some of
18 that is obvious from the picture, but what was your
19 estimation based on you taking those pictures?

20 A Roughly about 10 to 15 yards apart.

21 Q Each?

22 A Each, yes, sir.

23 Q So there's three of them; so a total of about 30 yards?

24 A Yes, sir, about 30 yards.

25 Q All right, sir. As to shell casing B, where was that

1 found in relationship to Ms. Glover's home?

2 A Casing B was actually found just in front of the far
3 right of the piece of property in the roadway.

4 Q All right. Would that be the corner that would be
5 closest to the empty lot separating Ms. Glover's home from
6 Mr. Williams, the victim, in this case?

7 A Yes, on that left side, yes, sir.

8 Q All right. So that was the first shell casing. Where
9 was the second one, C?

10 A C was actually located just off the roadway on the left
11 side. It was actually located, if you will, just in between
12 the two houses belonging to Ms. Glover and the victim, Mr.
13 Williams.

14 Q All right, sir. So between B and C, is C going towards
15 -- that second shell casing, is it going towards or away
16 from Mr. Williams' house?

17 A It's going towards.

18 Q All right. And did you find another shell casing
19 labeled D?

20 A Yes, sir.

21 Q Where did you find that one?

22 A That was actually located in the roadway just in front
23 to the left of the victim, Mr. Williams' house.

24 Q So the shell casings start at the corner of Ms.
25 Glover's and end, actually, right in front of the victim in

1 this case house?

2 MR. MATHEWS: Objection, Your Honor. This calls for
3 speculation. I don't think he's qualified as an expert. I
4 don't think he has the right background.

5 THE COURT: He's already testified as to where the
6 shell casings were found. He can testify as to where they
7 were found in relation to this house. Objection overruled.
8 (TO THE WITNESS.) Testify to your own knowledge, though.
9 You can't speculate.

10 THE COURT: Yes, sir.

11 Q What you observed on the ground were three shell
12 casings; is that correct?

13 A Yes, sir.

14 Q Is there a shell casing at the corner of Ms. Glover's
15 lot?

16 A There is.

17 Q All right, sir. Where were the other shell casings
18 located?

19 A There's one off of the roadway in between the two
20 houses. The third one was located in the road to the left
21 front of the property of Mr. Williams, the victim.

22 Q All right. Is there anything around that area where
23 the other shell casing was found?

24 A No, sir.

25 Q All right, sir. So there's no -- no other shell

1 casings were located?

2 A No, sir. That's the only three.

3 Q All right. Where are the mailboxes for those houses or
4 from Mr. Williams' house located in relation to those shell
5 casings?

6 A Probably about 15 yards, just past the one labeled D,
7 and it sits right on the roadway, the shoulder of the road,
8 right in front of his house.

9 Q Okay, sir. Now, once again, what was your testimony
10 about any other shell casings found, other than in that
11 roadway?

12 A There were none located.

13 Q Did you locate a gun, or to your knowledge, has anyone
14 ever located a gun at this crime scene?

15 A No, sir.

16 Q Did you interview the defendant in this case, Sincere
17 Owens?

18 A I did.

19 Q Where did you interview him at?

20 A At the police department.

21 DEP. SOL. THORNTON: May I approach, Judge?

22 THE COURT: Yes, sir.

23 Q Sir, I'm going to hand you for identification what's
24 been marked as State's Exhibit Number Nine. Can you
25 identify that document?

1 A Yes, sir. It's a statement of Miranda rights signed by
2 the defendant, Sincere Owens.

3 Q And what is that form used for, sir?

4 A It's used to advise the subject of their Miranda
5 rights.

6 Q Is that what you see on TV about you have a right to
7 remain silent and so on and so forth?

8 A It is.

9 Q Can you read off the rights for me, please, sir?

10 A Yes, sir. The first one is you have the right to
11 remain silent. The second one is anything you say can and
12 will be used against you in a court of law. The third one
13 is you have the right to talk to a lawyer and have one
14 present with you while you're being questioned. The fourth
15 one is if you cannot afford to hire a lawyer, one will be
16 appointed to represent you before any questioning, if you
17 wish. The fifth one is you can decide at any time to
18 exercise your rights and not answer any questions or make
19 any statements.

20 Q And did Mr. Owens indicate that he understood his
21 rights?

22 A He did.

23 Q All right, sir. And did he initial by those rights
24 indicating that he understood them?

25 A Yes, sir.

1 Q Did he also sign that form indicating that he wanted to
2 make a statement?

3 A Yes, sir, he did.

4 Q Has that form been altered or changed in any way since
5 you did it?

6 A No, sir.

7 Q Did Mr. Owens fill that out in your presence?

8 A Yes, sir.

9 Q And are those the rights that you went over with him?

10 A Yes, sir.

11 DEP. SOL. THORNTON: Your Honor, I'd ask that State's
12 Exhibit Number Nine be moved into evidence.

13 THE COURT: Any objection by the defense?

14 MR. MATHEWS: None for the Miranda Form, Your Honor.

15 THE COURT: All right. Admitted without objection.

16 (WHEREUPON, State's Exhibit Number Nine, Miranda Form
17 of Sincere Owens, is received into evidence.)

18 Q Sergeant, I'm going to hand you what's been marked as
19 State's Exhibit Number Ten for identification. Can you
20 identify that document?

21 A Yes, sir. It's a voluntary statement completed by the
22 defendant, Sincere Owens, and witnessed by myself.

23 Q All right. And who wrote that statement?

24 A Mr. Owens.

25 Q All right. And did he write that statement after a

1 videotaped interview?

2 A Yes, sir.

3 Q And did he write that statement in your presence?

4 A Yes, sir.

5 Q Have you altered it or changed it in any way?

6 A No, sir.

7 Q Is that the statement he wrote after Miranda?

8 A Yes, sir.

9 Q All right, sir.. In other words, did you Mirandize him
10 before or after his videotaped statement?

11 A Before.

12 Q Did you Mirandize him before or after the written
13 statement?

14 A Before.

15 Q All right. And again, has that written statement been
16 altered in any way?

17 A No, sir.

18 DEP. SOL. THORNTON: Your Honor, I'd ask that State's
19 Exhibit Number Ten be moved into evidence.

20 THE COURT: Any objection, Mr. Mathews?

21 MR. MATHEWS: No objection, Your Honor.

22 THE COURT: Admitted without objection.

23 (WHEREUPON, State's Exhibit Number Ten, written
24 statement of Sincere Owens, is received into evidence.)

25 Q Would you please read that statement, Sergeant?

1 A Yes, sir. I pulled up to my child's grandmother's
2 house to pick up my baby and they told me the kids were
3 still at the daycare. So I started walking back to my baby
4 mother's truck when somebody said, "Look." He was walking
5 from his house on Francis Street towards the truck,
6 reaching. Then, he pulled out a black gun and started --
7 and told me to run. I was shooting and ran. I didn't know
8 where I was shooting at. I didn't know what he could have
9 did to me. I just ran and shot. Showtime was the one with
10 the gun.

11 Q All right, sir. Now, I'm going to hand you what's been
12 marked for identification as State's Exhibit Number Three
13 and ask if you can identify this, sir.

14 A Yes, sir. It's the videotaped interview of Mr. Owens.

15 Q And did you verify that tape at my request today?

16 A Yes, sir.

17 Q And after reviewing that tape, has it been altered or
18 changed in any way?

19 A No, sir.

20 Q All right, sir. Now, it's my understanding after
21 viewing that tape, along with you and Mr. Mathews, that
22 there are two occasions when family members are allowed into
23 the room to sit with Mr. Owens; is that correct?

24 A Yes, sir.

25 Q All right. During those times, you were not

1 questioning Mr. Owens, is that correct?

2 A That's correct.

3 Q All right, sir. So the actual interview itself would
4 be when you were in the room by yourself with Mr. Owens; is
5 that right?

6 A That's right.

7 Q All right, sir. Has it been altered or changed in any
8 way?

9 DEP. SOL. THORNTON: Your Honor, I'd ask that State
10 Exhibit Number Three be moved into evidence at this time.

11 THE COURT: Any objection by the defense?

12 MR. MATHEWS: No, sir.

13 THE COURT: Admitted without objection.

14 (WHEREUPON, State's Exhibit Number Three, videotape
15 interview with Sincere Owens, is received into evidence.)

16 DEP. SOL. THORNTON: Thank you, Judge. I'd like to
17 publish at this time, Your Honor, but I do need to go ahead
18 and put something on the record.

19 THE COURT: Okay.

20 DEP. SOL. THORNTON: Your Honor, Mr. Mathews and I have
21 reviewed the tape and in order to save everybody a great
22 deal of time, I'm going to fast forward it, and we both
23 agree that the only relevant portions will be shown to the
24 jury, and based on what I just asked Sgt. Warren, I'm going
25 to do that at this time.

1 MR. MATHEWS: Your Honor, I would ask the chance to
2 cross-examine Sgt. Warren before that tape is shown. That's
3 obviously going to put a great deal of time between me and
4 the questions he just answered, so I would like to be able
5 to cross-examine him now and then have the tape be
6 published.

7 THE COURT: Mr. Thornton?

8 DEP. SOL. THORNTON: I'll leave that up to the Court's
9 discretion, Judge. Normally, I wouldn't turn over to cross-
10 examination until I was finished with a witness, but I will
11 defer to Your Honor's judgment.

12 THE COURT: All right. I'm going to allow him to
13 continue on direct. You can do whatever you need to do on
14 cross-examination. You can proceed.

15 MR. MATHEWS: Your Honor, may I be allowed to put my
16 argument on the record?

17 THE COURT: I'll allow you to do that in a minute.

18 MR. MATHEWS: Thank you, Your Honor.

19 (VHS Videotape is cued by Mr. Thornton. Begins playing
20 at 2:24 P.M.; Videotape ends at 3:14 P.M.)

21 Q Sgt. Warren, you had reasons to do it. You seemed
22 awfully nice to him. You even mentioned at one point, you
23 said it was self defense. Is there a reason that you said
24 those things to the defendant?

25 A Yes, sir.

Direct Examination of Sgt. Chris Wilson by Dep. Sol. Thornton
Cross-Examination of Sgt. Chris Wilson by Mr. Mathews

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1 Q And what was that?

2 A It's more or less a interview technique. It's to build
3 a repore on a friendly level with the interviewee, the
4 person you are interviewing.

5 Q All right. So in other words, it's fair to say that's
6 like good cop, bad cop, without the bad cop?

7 A Yes, sir.

8 Q Okay.

9 DEP. SOL. THORNTON: Your Honor, Court's indulgence one
10 moment.

11 (BRIEF PAUSE IN THE COURTROOM.)

12 DEP. SOL. THORNTON: I have no further questions.

13 Please answer any questions that Mr. Mathews has for you.

14 THE COURT: Mr. Mathews?

15 MR. MATHEWS: May I approach for the pictures?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. MATHEWS:

19 Q Det. Warren, you testified that these were true and
20 accurate depictions of the area. You said the State's One,
21 that stack right there. Those weren't true and accurate
22 depictions of what happened at the time of the shooting,
23 were they?

24 A No, I testified those are what I found outside.

25 Q Right. And at that point, obviously, the body was

1 gone, all the people that were there were gone, the people
2 that weren't there, are there at that time; is that
3 accurate?

4 A This is just where the shell casings were.

5 Q I understand. But there's one picture here ---

6 A Everybody was just outside of the picture.

7 Q I understand. But, and so at the time of the shooting,
8 you arrived after Mr. Williams was already taken away?

9 A That's correct.

10 Q Okay. The paramedics were gone?

11 A Yes, sir.

12 Q Who was in charge of taking off the scene?

13 A I believe it was Sgt. South.

14 Q Sgt. South?

15 A Yes, sir.

16 Q Okay. You testified that the shells were 10 to 15
17 yards apart?

18 A Yes, sir.

19 Q Do you have a measuring tape?

20 A No, I sure don't.

21 Q Okay. Does the Waltherboro Police Department have a
22 measuring tape?

23 A Yes, sir.

24 Q Okay. Why was one not used?

25 A I don't know.

1 Q In terms of -- you've heard testimony. You've been
2 here the whole time, correct?

3 A Yes, sir.

4 Q So you heard testimony already that a cell phone was
5 removed from the scene?

6 A Yes, sir.

7 Q Okay. That happened before you got there, correct?

8 Whatever happened in that instance, happened before you got
9 there?

10 A Yes, sir.

11 Q Is there anyone that you know of that can say where the
12 shells were, where the body was, at the time that this
13 incident occurred? Can you?

14 A I can't, no, sir.

15 Q Your testimony today is that you lied to the people
16 around you when you said, I think, Deputy Solicitor Thornton
17 said an "interview technique"?

18 A Yes, sir, that's correct.

19 Q Were you telling the truth?

20 A No, sir.

21 Q You were not telling the truth. Are you telling the
22 truth today?

23 A It's one aspect. It's an interview technique.

24 Q Lying?

25 A It's not lying.

1 Q Okay. You made a couple of -- you read the report -- I
2 guess you saw that in the tape. You read the report, the
3 written statement, as he was writing it, correct?

4 A Yes, sir.

5 Q And you made one correction, you told him to write in
6 Keith instead of Showtime?

7 A Yes, sir.

8 Q Okay. So you were obviously there when he was writing
9 what he was writing?

10 A The last part, yes, sir.

11 Q You made that one correction. Did you offer to make
12 any other corrections? You were there, obviously, for the
13 entire interview. Did you point out any inaccuracies in his
14 statement, other than he put Showtime instead of Keith?

15 A No, sir.

16 Q Was the gun where he said it was?

17 A Not exactly, no, sir.

18 Q Was it with his sister?

19 A It was on her property, yes, sir.

20 Q On her property, okay. So he told you the truth about
21 who had the gun?

22 A Yes.

23 Q And when he showed up, I think you had already
24 testified that it was a voluntary statement?

25 A Yes, sir.

1 Q How did he come to be in your presence?

2 A He came and turned himself in.

3 Q You were telling Jamal, you were telling Sincere about
4 self defense. What is self defense?

5 DEP. SOL. THORNTON: Objection, Your Honor. That's the
6 force prerogative. This witness is in no position to make a
7 stipulation on what the Court's going to tell -- whether the
8 Court is even going to instruct the jury on self defense.

9 THE COURT: Objection is sustained.

10 Q Why did you say that to him?

11 A I didn't say that to him; he said it to me.

12 Q You don't know what it means?

13 A I do know what it means.

14 MR. MATHEWS: I don't have anything further, Your
15 Honor.

16 THE COURT: Any redirect?

17 DEP. SOL. THORNTON: Just one question.

18 REDIRECT EXAMINATION

19 BY DEP. SOL. THORNTON:

20 Q Sergeant, is there some mass conspiracy that you
21 haven't told either my office or this Court about when
22 moving shell casings or altering evidence that you haven't
23 said?

24 A No, sir.

25 DEP. SOL. THORNTON: No further questions.

1 THE COURT: Any recross?

2 MR. MATHEWS: Yes, sir. Since he brought it up;
3 otherwise, I would not have.

4 RECROSS EXAMINATION

5 BY MR. MATHEWS:

6 Q Did you instruct -- were you aware of, not instruct,
7 were you aware of anybody going into Keith Williams house
8 and removing things right after this happened?

9 A No, sir.

10 Q Were you aware of Mark McCune, perhaps, going into
11 Keith Williams' house and removing things?

12 A I haven't known of him to remove anything, no, sir.

13 Q Were you aware that he might be gonna do that, remove a
14 little bit of marijuana, or something like that?

15 A Yes, sir.

16 Q Okay. And that was immediately following this?

17 A It was the next day, I believe.

18 Q Okay. You interviewed Mark McCune before you
19 interviewed Sincere?

20 A That's correct.

21 MR. MATHEWS: Nothing further, Your Honor.

22 THE COURT: You may step down.

23 DEP. SOL. THORNTON: No further questions, Judge. We
24 ask that he be allowed to step down. We would recall Major
25 Dasen to the stand.

1 THE COURT: Sir, you can come around and take the
2 stand. I remind you that you're still under oath.

3 DIRECT EXAMINATION

4 BY DEP. SOL. THORNTON:

5 Q Major Dasen, did you get there to the scene at 211
6 Francis Street before or after Sgt. Warren?

7 A Before.

8 Q Was the victim still there when you were there?

9 A Yes, he was.

10 Q Were the shell casings in the proximate location, or as
11 a matter of fact, in the exact location as they are depicted
12 in State's Exhibit Number One?

13 A Yes. They were located just around the corner from
14 where the victim was.

15 Q Did you move them?

16 A No, I did not.

17 Q Did anybody else move them?

18 A No.

19 Q Now, let me ask you something, Major. This may sound
20 like a dumb question, but do people generally shoot and kill
21 other people right in front of y'all?

22 A No.

23 Q So usually there is some time lapse between the time
24 that the killing occurs and the time that law enforcement is
25 dispatched? Would that be correct?

1 A That's correct.

2 Q I have nothing further. Thank you, sir.

3 THE COURT: Cross-examination.

4 MR. MATHEWS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. MATHEWS:

7 Q Obviously those -- why did no one take pictures of the
8 body when the body was there?

9 A Because he was receiving medical care. I was the first
10 detective on the scene and the other two detectives had the
11 cameras. I did not have one at the time.

12 Q The other -- okay. So you didn't have a camera, so you
13 couldn't take pictures of the body?

14 A No. My first primary concern was to care for the
15 victim and not take pictures.

16 Q Sure. I understand that. But isn't it the normal
17 course of investigation that if you have a body there, to
18 put a chalk outline down there or to take a picture if
19 you're there in time to do that?

20 A If he had been dead on scene, we probably would have
21 taken pictures.

22 Q Okay. But as far as where he was, you didn't have a
23 camera, so you could not have taken a picture?

24 A That's correct.

25 MR. MATHEWS: Nothing further, Your Honor.

1 THE COURT: Mr. Thornton?

2 DEP. SOL. THORNTON: No further questions, Judge. We
3 ask that he be allowed to step down.

4 THE COURT: You may step down. Ladies and gentlemen of
5 the jury, if you want to stand up for just a minute, I know
6 you've been sitting for about an hour and a half. You're
7 free to do that.

8 (JURORS STAND UP AND STRETCH.)

9 BAILIFF: Your Honor, I have one juror that needs to
10 use the restroom.

11 THE COURT: Okay. Let's do this. Let's take about a
12 ten-minute break. We're going to stand at ease for about 10
13 minutes. Hold on just a minute. Again, I remind you not to
14 discuss the case, not to discuss the case until I tell you
15 to do so. I'm going to take about a 10-minute break. Thank
16 you.

17 (WHEREUPON, the jury exits the courtroom and the Court
18 is in a brief recess. THEREAFTER, the following is held on
19 the record.)

20 THE COURT: All right. Before we bring the jury back
21 in, during the testimony of the last witness, Officer Chris
22 Warren, defense counsel, Mr. Mathews, made an objection. He
23 requested that he have cross-examination before the tape was
24 played for the jury, which I denied his request. He wanted
25 to take an opportunity to make his objection on the record

1 and I told him I would give him that opportunity outside the
2 presence of the jury. Mr. Mathews?

3 MR. MATHEWS: Thank you, Your Honor. This is actually
4 not speculation at this point, it's a -- the problem with
5 breaking up a cross-examination with a large -- a long tape
6 in the middle, you lose the immediacy of the response. Of
7 course, certainly you can have the same problem if you have
8 an hour long witness or something like that, getting back to
9 the other points. It's just there really wasn't -- I guess
10 there was some stuff to cross-examine on that tape, but
11 generally speaking, it takes away from the immediacy of it
12 and it puts the -- it just makes an effective cross-
13 examination very difficult, and that would be my only basis
14 for it, Your Honor.

15 THE COURT: I note your objection for the record. And
16 while I denied your request at the time, I will deny it,
17 obviously, it's kind of past tense at this point, but
18 there's nothing that precluded you from replaying that tape
19 and questioning him on any portions that you felt necessary
20 to do so. I mean, I did not, and would not prohibit you
21 from doing so had you so desired, and at the time, I was not
22 going to stop Mr. Thornton from his direct examination and
23 allow cross-examination simply for that reason. Okay?

24 MR. MATHEWS: Thank you, Your Honor.

25 THE COURT: But your objection is noted for the record,

1 Mr. Mathews. Anything else from the State before we bring
2 the jury back in?

3 DEP. SOL. THORNTON: Nothing from the State, Judge.

4 THE COURT: All right. Mr. Mathews?

5 MR. MATHEWS: No, sir.

6 THE COURT: I told both of you before we broke just a
7 second ago, it was off the record, though, I suspect the
8 firearm will be introduced into evidence over the course of
9 the next two witnesses that the State intends to put up.
10 Before I introduce it, obviously, depending upon any
11 objection by the defense, I will instruct the jury anyway,
12 just with regards to safety measures that have been taken to
13 ensure that the gun is being handled safely and that they're
14 not to be in any kind of fear of that, okay? Any objection?
15 And I'll give you the opportunity if you want to object
16 after I tell them anything?

17 DEP. SOL. THORNTON: No objection from the State at
18 this point, Judge.

19 THE COURT: All right.

20 MR. MATHEWS: No, sir.

21 THE COURT: All right. Everybody ready to proceed?
22 Bring us the jury, please, sir.

23 (WHEREUPON, the jury enters the courtroom and the
24 following is held on the record.)

25 THE COURT: Ladies and gentlemen, are you ready to

Direct Examination of Ilah Simmons by Dep. Sol. Thornton

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1 proceed?

2 MR. FOREMAN: We are.

3 THE COURT: Mr. Thornton, you are recognized, sir.

4 DEP. SOL. THORNTON: Thank you, Judge. The State, at
5 this time, calls Ms. Ilah Simmons to the stand.

6 MADAME CLERK: Please come forward to be sworn.

7 (WHEREUPON, Ms. Ilah Simmons is duly sworn.)

8 MADAME CLERK: Please have a seat on the witness stand
9 and state your full name for the record.

10 MS. SIMMONS: My name is Ilah Simmons.

11 DIRECT EXAMINATION

12 BY DEP. SOL. THORNTON:

13 Q Ms. Simmons, where do you work, ma'am?

14 A At the South Carolina Law Enforcement Division, also
15 known as SLED, in the Forensics Laboratory Trace Evidence
16 Department.

17 Q All right. Agent Simmons, what is it that you do for
18 SLED?

19 A I analyze samples that come into the laboratory for the
20 trace evidence. We analyze gunshot residue, gunpowder
21 residue, we perform fiber comparisons. We also analyze
22 explosive residues and arson.

23 Q Ma'am, what kind of training or education do you have
24 to go through to become a forensic analyst for SLED?

25 A I have a Bachelors of Science degree in Chemistry.

1 After completing that, I went to work at SLED where I
2 underwent a three-year training program where I worked with
3 a SLED-certified, court-qualified, trace evidence examiner.
4 He taught me how to collect and analyze trace evidence.
5 During that time, I had to take written, practical, and oral
6 examination and complete them with one hundred percent
7 efficiency to become a trace evidence examiner.

8 Q And did you do all those things?

9 A Yes, sir.

10 Q And have you ever been qualified as an expert before in
11 Circuit Court, South Carolina?

12 A Yes, sir, I have.

13 Q How many times?

14 A Several hundred times.

15 Q All right.

16 DEP. SOL. THORNTON: Your Honor, at this time, I'd ask
17 that Ms. Simmons be recognized as an expert in forensic
18 trace evidence, specifically with regard to gunshot residue.

19 THE COURT: Mr. Mathews?

20 MR. MATHEWS: No objection, Your Honor.

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, I previously instructed you with regards to expert
23 testimony in this case and I would just remind you that that
24 instruction applies here. Agent Simmons has been qualified
25 as an expert in forensic trace evidence and you are to give

1 her testimony that weight which you see fit to give. Mr.
2 Thornton?

3 DEP. SOL. THORNTON: Thank you, Judge. With the
4 Court's permission, I will approach, Your Honor.

5 THE COURT: Yes, sir.

6 Q I'm going to hand you, Agent Simmons, what's been
7 marked for identification as State's Exhibit Number Four.
8 Can you identify that for me, please?

9 A Yes, sir. This is a gunshot residue collection kit
10 that was submitted to the laboratory for analysis. It is
11 marked with the laboratory identification number. Every case
12 that comes into our laboratory is assigned its own unique
13 identification number, as well as each item of evidence
14 within that case, has its own item number. It's also marked
15 with that item number, it's marked with my initials, and
16 it's also marked with the date that the analysis began on
17 the kit.

18 Q Now, can you tell me from looking either at the item
19 I've handed you, State's Exhibit Number Four, for
20 identification, or from your internal chain of custody, who
21 would have submitted that or what agency?

22 A That would have been submitted by Stephanie Bridge of
23 the Walterboro Police Department.

24 Q All right. And then what happened to it?

25 A It would have come into our central log-in area. All

1 the evidence comes into our log-in area where we have
2 evidence technicians that log it into the system. They give
3 it the unique identification number, as well as an item
4 number. They would then take this evidence, place it into a
5 secure envelope, place a piece of evidence tape on the
6 envelope, and it would be initialed and dated by the
7 evidence person, and in this case, Stephanie Bridge from
8 Walterboro. She would put her initials, as well as the
9 date, on it. It would then be placed in a secure evidence
10 area that only our evidence log-in technicians have access
11 to.

12 Q All right. And if something is not submitted sealed,
13 or some other issue had come up, would you have analyzed it?

14 A No, sir. If just a seal was maybe not completely
15 sealed on the outside of the box or something, we would then
16 call and ask the agency that was submitting it what may have
17 happened to it. If it were completely not sealed or open,
18 we would not have analyzed the kit.

19 Q All right. And even if there had been a minor issue
20 with the seal, would that have been notated in your report?

21 A Yes, sir, it would have.

22 Q And was there any such issue in this case?

23 A No, sir. This was sealed.

24 Q All right. And can you identify every tech that came
25 anywhere near this sample?

1 A Yes, sir, I can.

2 Q All right. Would you identify those people for me,
3 please?

4 A Yes, sir. After Stephanie Bridge brought it in and it
5 was sealed and placed into evidence storage. Our evidence
6 technician, Amy Stephens, she is one of our log-in
7 technicians, placed it into this sealed, locked area, which
8 is called trace evidence intake. It's basically a big
9 vault- type area where our evidence goes to stay. It's
10 locked at all times. Then, Pat Crooks, is another one of
11 our log-in technicians, would have gone in to retrieve it on
12 the day that we went down to receive it. Then, Lisa
13 McReynolds would have gone in and gotten it from her. That
14 date would have been 5-5-09. Lisa would have brought it up
15 to our department. She's a technician in our department who
16 handles gunshot residue. And then, I would have received it
17 from her.

18 Q All right. Now, what kind of protocols are there in
19 place as regards to each of these techs handling potential
20 evidence in a case?

21 A Once it is sealed by Stephanie Bridge, once she seals
22 the evidence, it would not be opened again until it's
23 received into our department to begin processing. They
24 would have never broken the seal on the outermost envelope.

25 Q And do you take precautions to avoid anything being

1 contaminated or mixed together?

2 A Absolutely.

3 Q And you indicated earlier about an item number. Is
4 each item given a specific item number?

5 A Yes, sir.

6 Q And is each item number in a particular case, is there
7 a specific case number?

8 A Yes, sir.

9 Q All right. And what is the case number in this case?

10 A In this case, it is L09 -- meaning that is the year it
11 was submitted, 2009 -- 05214.

12 Q All right. Agent Simmons, is that number given -- in
13 other words, that number that you just gave, is that
14 separate and distinct from every other case that SLED has
15 done or will ever do?

16 A Yes, sir.

17 Q I'm going to hand you what's been marked for
18 identification as State's Exhibit Number Five and ask you do
19 you recognize that and how?

20 A Yes, sir, I can. It is also marked with my initials.
21 It has an identification number that is unique to that.
22 It's unique item number, as well as the date that the kit
23 was open for analysis.

24 Q And what department submitted that to you?

25 A It was actually submitted on the same day at the same

1 time with the other kit. It was submitted by Stephanie
2 Bridge of the Waltherboro Police Department.

3 Q And did the same people that you mentioned before, your
4 evidence techs, and were the same procedures followed on
5 State's Exhibit Five as State's Exhibit Four?

6 A Yes, sir.

7 Q All right. With regard to State's Exhibit Number Four,
8 can you identify that as coming from a specific individual,
9 as far as what was reported to you?

10 A Yes, sir. It was a gunshot residue collection kit
11 listed as coming from Sincere Owens.

12 Q All right. And as to State's Exhibit Number Five, can
13 you show that as coming from a particular person?

14 A Yes, sir. It was a gunshot residue collection kit
15 collected from Keith Williams.

16 Q All right. And were you able to make a determination
17 based on your reviewing these two items, State's Exhibit
18 Number Four and State's Exhibit Number Five, as to any
19 gunshot residue on either Sincere Jamal Owens or Keith
20 Williams?

21 A Yes, sir, I was able to make a determination.

22 Q All right. And what in your expert opinion is the
23 determination?

24 A The quantity of metals that we found did not indicate
25 the presence of gunshot residue on either kit.

1 Q All right. So according to your opinion, there were
2 not enough metals to have gunshot residue on either Mr.
3 Owens or Mr. Williams, as per the samples that were
4 submitted; is that correct?

5 A That's correct.

6 Q All right. Can you tell the jury what type of -- what
7 things might interfere with a gunshot residue kit?

8 A Yes, sir. Gunshot residue is a mixture of microscopic
9 chemicals that come out of a gun when it's fired. The
10 majority of the gunshot residue, about 95 percent, comes out
11 of the muzzle and travels down toward a target like the
12 projectile would. A small amount can get onto the hands of
13 the person shooting the gun. Gunshot residue has the
14 consistency of salt, so if you washed your hands, you're
15 going to wash the gunshot residue away. If someone were to
16 begin sweating, put their hands in and out of their pockets,
17 or wipe their hands on a towel, use hand sanitizer, that
18 would all remove, could possibly remove gunshot residue.

19 Q All right. So there's no way for you to know anything
20 at this point anything other than based on the two kits,
21 State's Exhibit Four for identification and Five, that
22 neither Mr. Owens nor Mr. Williams had gunshot residue on
23 them at the time these kits were taken?

24 A That's correct.

25 Q I have no further questions, ma'am. Please answer

1 any questions that Mr. Mathews has for you.

2 THE COURT: Mr. Mathews?

3 MR. MATHEWS: No questions, Your Honor.

4 THE COURT: You may step down.

5 DEP. SOL. THORNTON: Your Honor, the State calls Ken
6 Whitler to the stand.

7 MADAME CLERK: Please come forward and be sworn.

8 (WHEREUPON, Mr. Kenneth Whitler is duly sworn.)

9 MADAME CLERK: Please have a seat on the witness stand
10 and state your full name for the record.

11 MR. WHITLER: My name is Kenneth H. Whitler. Last name
12 is spelled W-H-I-T-L-E-R.

13 DIRECT EXAMINATION

14 BY DEP. SOL. THORNTON:

15 Q Mr. Whitler, who do you work for, sir?

16 A I work for the South Carolina Law Enforcement Division,
17 that's also known as SLED. I'm in the Forensic Services
18 Department in the firearms section.

19 Q And what is it that you do for them, specifically, Mr.
20 Whitler?

21 A I examine firearms and bullets and cartridge cases for
22 the purpose of determining if the bullets and cartridge
23 cases were fired by a particular gun or if no gun is
24 submitted, if they were fired by the same gun.

25 Q How long have you been doing this for SLED?

1 A I've been doing it for SLED since 1997. I've been a
2 qualified firearms examiner since 1991.

3 Q And do you go through training courses or what kind of
4 courses did you go through to become certified?

5 A There's no school or university that you go to get a
6 degree in firearms identification. You have to get it from
7 training on-the-job with other qualified examiners. I was
8 employed in the FBI laboratory and underwent their training
9 program; it was approximately a two year training program
10 where you work with qualified examiners, you work on real
11 cases, plus test cases, plus a lot of independent study.

12 At the end of the training period when all the
13 examiners in the unit think you have reached the level of
14 competence needed to do the work, then you're given a series
15 of three test, and if you successfully complete the three
16 test, then the laboratory will certify you to conduct
17 examinations on behalf of the laboratory. I successfully
18 completed the training period and the test, and in 1991, I
19 was certified by the FBI laboratory to conduct examinations.

20 Q Agent Whitler, how many times, if ever, have you been
21 certified as an expert in the Court of South Carolina?

22 A I don't know how many in South Carolina, but overall,
23 I've testified as an expert approximately 230 times in
24 various state, federal, and territorial courts.

25 Q Thank you.

1 DEP. SOL. THORNTON: Your Honor, at this time, I would
2 ask that Agent Whitler be recognized as an expert in the
3 field of tool mark and firearm identification.

4 THE COURT: Mr. Mathews?

5 MR. MATHEWS: No objection, Your Honor.

6 THE COURT: Again, ladies and gentlemen of the jury, my
7 same instruction applies with regards to experts. This
8 gentleman has been qualified as an expert in tool mark and
9 firearm identification without objection; that does not mean
10 you must accept the opinion that he gives, but as evidence
11 for you to use in any way you see fit, and give it the
12 weight and credibility that you believe is appropriate. Mr.
13 Thornton?

14 DEP. SOL. THORNTON: Thank you, Your Honor.

15 Q Agent Whitler, I'm going to hand you first what's been
16 marked as State's Exhibit Number Six. Can you identify
17 that, sir?

18 A Yes, I can. It is a fired bullet that I previously
19 examined.

20 Q All right, sir. And when you are given things to
21 examine, can you talk a little bit about the procedure for
22 things to be submitted to SLED?

23 A How we do the examination?

24 Q Yes, sir. Once you receive an item into SLED, how do
25 you do that?

1 A It depends on the items that are submitted. If, for
2 example, just a bullet or a couple of bullets are submitted
3 then we microscopically compare the bullets to each other to
4 determine if they were fired by the same firearm. If the
5 firearm is submitted, then we test fire the firearm and take
6 that test bullet because we know where the bullet or the
7 cartridge case comes from, and use that as a standard to
8 compare against any submitted bullets or cartridge cases.
9 Using the microscope, it's a visual one to one comparison.
10 It's two stages that allow you to see two objects at the
11 same time in a side by side view. There are no graphs,
12 charts, or computers that say this is a match or not, you
13 have to look at the striations or marks on the bullets or
14 cartridge cases, to see if the marks on the test bullets are
15 the same; if they agree, then you're able to say this bullet
16 or cartridge case was fired by this particular firearm. If
17 you don't have enough agreement, then you aren't able to say
18 so. You either have to say it was inconclusive, or in some
19 cases, if the marks don't match at all and there's certain
20 other class characteristics then you're able to say it
21 wasn't fired by the particular gun.

22 Q Let me ask you this, Agent Whitler. Can you tell,
23 either through your internal documents or just from your
24 recollection, what agency submitted what's been marked as
25 State's Exhibit Number Six?

1 A This was supposedly -- according to the records in our
2 computer system, this was submitted on 4-30-09, by Stephanie
3 Bridge of the Walterboro Police Department. What it is
4 labeled is container A, which includes other items; this
5 particular bullet was also submitted was also submitted on
6 4-30-09, by Stephanie Bridge of the Walterboro Police
7 Department.

8 Q All right. I'm going to also hand you -- so we can do
9 these all at once. For identification, State's Exhibit
10 Number Seven, and Number Eight, and ask you if you can also
11 identify those as possibly being the other items you've
12 mentioned?

13 A Yes. These items were also submitted at the same time.

14 Q All right, sir. And can you tell by virtue of your
15 internal records who in SLED would have handled any of these
16 items?

17 A Yes, sir. As far as State's Exhibit Seven and Eight,
18 they were originally received by Amy Stephens of SLED; they
19 were subsequently transferred to the latent's evidence
20 intake storage, they were later -- that was on 4-30-09, they
21 were sent to latent's on 5-5-09, they were received back in
22 the evidence room by Patricia Crooks on 5-5-09.

23 Later that morning, Denise (LAST NAME UNINTELLIGIBLE)
24 took custody of it and put it in the incoming latent print
25 evidence. On June 8, 2009, Tom Darnell of the latent print

1 department took custody of it, and later that day or several
2 minutes later, he put it in an evidence locker in the latent
3 print department. On June 10th, he transferred it from him
4 to me -- excuse me, it went from Darnell to, we have a room
5 in our unit that's for collection of evidence from the
6 latent print department, and that's called the firearms
7 evidence storage room; he put it in there, and on June 17th,
8 I took it out.

9 When I finished the case on June 26th, I took the
10 evidence back downstairs to the evidence log-in department,
11 and Selena Kinard took charge of it. She put it in a
12 certain bin; it was bin 1, shelf G. It was taken out on
13 July 10th, by Nikki Perry, who subsequently turned it over
14 the agency for return.

15 Q All right. Which would have been Waltherboro Police
16 Department; is that correct?

17 A Yeah, then I think it was signed for by Stephanie
18 Bridge.

19 Q All right, sir. Now, Agent Whitler, are protocols in
20 place at SLED so that evidence isn't mixed together or mixed
21 up?

22 A The rule is when the evidence comes in, if it's not in
23 a sealed condition before the personnel in the, what we call
24 the evidence log-in department, will accept it, it has to be
25 sealed and initialed. You have to tell them what you want

1 done, what it is, and where you want it to go and exams you
2 want; then they determine where the package needs to go and
3 who needs to see it. But in any case, it's sealed right
4 there and as far as the log-in personnel, they never have
5 access to the evidence, it's always in a sealed container
6 when it's in their custody.

7 Q All right, sir.

8 A It will come in, and then if it needs to go to
9 latent's, it will be transferred to the latent department.
10 When they do their work, they'll either take it back
11 downstairs to return it or they'll take it to whatever the
12 next unit is that needs it.

13 In this case, after they did the latent work, it was
14 supposed to come to firearms. So he brought it to firearms,
15 I ultimately got custody of it, and then when I was through
16 with it there were no other people to see it. I took it
17 back downstairs and then it gets returned to the department.

18 Q All right. Let me ask you this. With regard to
19 State's Exhibit Numbers Six, Seven, and Eight, are those
20 items that you analyzed in this case?

21 A Yes, it is.

22 Q All right, sir. And what exactly, precisely, did you
23 do with these items? What did you compare?

24 A State's Exhibit Seven consist of three fire cartridge
25 cases. State's Exhibit Six, as I've said before, it

1 consists of one fired bullet. State's Exhibit Eight consist
2 of a pistol and unfired cartridges in a magazine. I test
3 fired the pistol, test fired bullets in cartridge cases,
4 which I then microscopically compared to State's Exhibit
5 Seven cartridge cases in the State's Exhibit Six bullet.
6 After doing that comparison, I was able to conclude that the
7 cartridge cases in the bullet were fired by the pistol.

8 Q All right, sir. So the long and the short of it is,
9 and you tell me if I'm being correct, is that both State's
10 Exhibit Seven for identification, these three cartridge
11 casings, and State's Exhibit Number Six, the round pulled
12 from the dead body of Keith Williams, they were both fired
13 by the same gun; is that correct?

14 A They were fired by State's Exhibit Eight.

15 Q That was my next question. And the gun they were fired
16 by is in the box labeled State's Exhibit Eight, is that
17 correct?

18 A That's correct.

19 Q And did you prepare a report in preparation of your
20 testimony today?

21 A Yes, I did.

22 Q All right, sir. I'm going to hand you what's been
23 marked for identification as State's Exhibit Number Eleven;
24 is that a true and correct copy of the report you prepared
25 for this case, sir?

1 A Yes, it is.

2 Q All right, sir. Has it been altered or changed in any
3 way?

4 A Not that I can see.

5 Q All right. With regard to Six, Seven, and Eight, other
6 than what you did to do your comparisons, did you alter or
7 change them in any way?

8 A No. Other than when we received bullets that were
9 possibly contaminated, we will sanitize them with a bleach
10 solution.

11 Q All right.

12 A And if -- because the cartridge cases and the gun had
13 been through latent's, they probably had fingerprint powder
14 on them; if that's on them, we would wipe that off.

15 Q All right. And did you alter them again in any way,
16 other than what you've described?

17 A No, sir.

18 Q And do they appear in the same general condition as
19 they did when you examined them?

20 A Those do. These are still in the sealed bags that I
21 put them in.

22 Q All right, sir.

23 DEP. SOL. THORNTON: Your Honor, I'd ask at this time
24 that State's Six, Seven, Eight, and Eleven be moved into
25 evidence.

1 THE COURT: Mr. Mathews?

2 MR. MATHEWS: No objection, Your Honor.

3 THE COURT: All right. Without objection.

4 (State's Exhibit Number Six, fired bullet taken from
5 decedent's body, is received into evidence.)

6 (State's Exhibit Number Seven, three cartridge cases,
7 is received into evidence.)

8 (State's Exhibit Number Eight, firearm, is received
9 into evidence.)

10 (State's Exhibit Number Eleven, Agent Whitler's report,
11 is received into evidence.)

12 DEP. SOL. THORNTON: Your Honor, did you need to ---

13 THE COURT: Ladies and gentlemen of the jury, one of
14 the exhibit's that's been moved into evidence without
15 objection, Exhibit Number Eight, which is a firearm, some of
16 you may have been around firearms, some may not. This Court
17 and law enforcement, and I, have examined the gun and have
18 taken adequate precautions to ensure that this gun has a
19 safety lock on it to ensure that it is not usable. We've
20 done that for the precautions of this courtroom for
21 everybody here. Okay. Mr. Thornton?

22 DEP. SOL. THORNTON: Thank you, Your Honor.

23 Your Honor, with that, I have no further questions. Agent
24 Whitler, thank you, sir. If you'd please answer any
25 questions Mr. Mathews has for you.

1 THE COURT: Mr. Mathews, cross-examination?

2 MR. MATHEWS: No, sir.

3 THE COURT: Agent Whitler, you may step down, sir.
4 Thank you for being here.

5 DEP. SOL. THORNTON: Your Honor, if I could have the
6 Court's indulgence for one moment?

7 THE COURT: Yes, sir. -- Mr. Thornton, I'm assuming
8 that you're asking could he be excused?

9 DEP. SOL. THORNTON: I am, Judge. I apologize.

10 THE COURT: All right. Any objection, Mr. Mathews?

11 MR. MATHEWS: No objection, Your Honor.

12 THE COURT: All right. Y'all are excused under your
13 obligations from these subpoena's. Thank you for being
14 here.

15 DEP. SOL. THORNTON: Your Honor, I apologize. I wanted
16 to double-check everything. At this time, the State rests.

17 THE COURT: All right. Ladies and gentlemen of the
18 jury, you have heard all of the evidence and testimony that
19 the State intends to introduce during the course of this
20 trial. At this time, I'm going to have to ask you to retire
21 to your jury room, there's some matters of law that we need
22 to take up outside of your presence. Again, I will instruct
23 you not to discuss this case until you're instructed to do
24 so. So I'm going to ask you to retire to your jury room at
25 this moment. Thank you.

1 (Whereupon, the jury exits the courtroom, and the
2 following is held on the record.)

3 THE COURT: All right. Mr. Mathews?

4 MR. MATHEWS: Your Honor, I would make a motion for a
5 directed verdict of acquittal at this time. The evidence
6 taken in the light most favorable to the State does not make
7 a case for murder.

8 THE COURT: Mr. Thornton?

9 DEP. SOL. THORNTON: Thank you. Your Honor, I would
10 ask that you respectfully deny Mr. Mathews motion. There
11 has been ample testimony that could support a finding of
12 murder. At this point in this case, I would also submit
13 there's been ample evidence the jury could also find
14 manslaughter in this case. But certainly, the testimony has
15 been that the defendant basically does everything in his own
16 statement, except for the motive for the shooting. He puts
17 himself at the scene; he puts himself shooting the gun.

18 In one part of his videotape statement claims that he
19 doesn't know if the guy had the gun or not, and another
20 place when he does his written statement, he says he shot
21 him because he had a gun; I think a jury can believe all, or
22 part, or none of what he has to say. It's clear that the
23 gun found in the glove box of his girlfriend, or mother of
24 his child, Ms. Glover, is the gun, based on testimony of Mr.
25 Whitler. Not only the gun that fired the bullet which

1 entered into and killed Keith Williams, it's also the gun
2 that shot and fired what were found to be the three empty
3 shell casings at the scene. Again, that was the car being
4 ridden in by Mr. Owens at the time, Your Honor. So as to
5 whether the jury believes that this was a justifiable
6 killing, not a justifiable killing -- there's no question he
7 actually fired the shot that killed him, and the rest of it,
8 Judge, is a jury question.

9 THE COURT: All right. Anything further, Mr. Mathews?

10 MR. MATHEWS: No, sir.

11 THE COURT: All right. Mr. Mathews, I'm going to
12 respectfully deny your motion. As each of you are well
13 aware, the case law is quite clear, the trial court is
14 concerned with the existence of evidence, not its weight;
15 that's under State v. Wiggins, 330, S.C. 538.

16 Furthermore, if there is any direct or circumstantial
17 evidence reasonably intending to prove the guilt of the
18 accused or from which guilt may be fairly and logically
19 deduced, the case should be submitted to the jury. That's
20 under State v. Johnson, 334, S.C. 78. Based on the
21 testimony that's in the record, I do believe that a directed
22 verdict at this time would be inappropriate and I would
23 therefore, respectfully, deny your motion.

24 MR. MATHEWS: Thank you, Your Honor.

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

1 at this time?

2 DEP. SOL. THORNTON: No, sir.

3 THE COURT: Mr. Mathews?

4 MR. MATHEWS: Your Honor, it's my understanding --
5 nothing on a matter of scheduling, which I think we
6 previously discussed at sidebar. It's my understanding that
7 perhaps tomorrow morning at that point, we'd have the night
8 to think about whether or not Mr. Owens wants to testify,
9 and whether or not we're going to put up the case. It's my
10 understanding that the State had requested that we break at
11 this time and resume tomorrow morning for legal matters and
12 let the jury come back tomorrow afternoon?

13 THE COURT: Okay. Mr. Thornton?

14 DEP. SOL. THORNTON: Yes, sir, Judge. My request would
15 be if the Court or Mr. Mathews is ready to make a
16 determination, that's fine, but I had requested to the Court
17 to be out of here by 5:00, if possible, because I had some
18 matters I need to attend to with the Court's permission.
19 I'm at the Court's leisure either way for you and Mr.
20 Mathews.

21 THE COURT: All right. Mr. Mathews, do you want me to
22 go ahead and proceed and at least advise your client of his
23 rights at this time?

24 MR. MATHEWS: I'd just like him to have the night to
25 think about it, but of course we have the time right now, I

1 guess it would be as good a time as any to let him know what
2 his rights are.

3 THE COURT: Okay. If you'll have your client come
4 around. Ms. Grant, if you'll place him under oath, please?

5 (Whereas, the defendant, Mr. Sincere Jamal Owens, is
6 sworn.)

7 THE COURT: Mr. Owens, at this time I'm going to
8 explain to you certain of your rights. If you do not
9 understand anything that I say, please let me know. If you
10 want me to explain anything in more detail, please let me
11 know; do you understand?

12 MR. OWENS: Yes, sir.

13 THE COURT: All right. We've now reached the
14 stage of the trial where you may present your defense. You
15 have the right to claim the protections given to you by the
16 Fifth Amendment to the Constitution of the United States.
17 This Amendment states in part that no person shall be
18 compelled in any criminal case to be a witness against
19 himself. This means that you cannot be required to testify
20 in this case, you have the right to testify on your own
21 behalf. However, no one can make you testify; this is a
22 personal right, and no one can waive this right except you.
23 If you decide to testify, you will be subject to the same
24 rules that govern other witnesses, and you may be examined
25 or cross-examined on any relevant issue in this case.

1 In addition, if you have any convictions involving
2 dishonesty, or false statements, or for crimes punishable by
3 imprisonment for more than one year and the Court determines
4 that the probative value of admitting this evidence
5 outweighs its prejudicial effect to you, the Solicitor, Mr.
6 Thornton, will be able to introduce your record to attack
7 your credibility.

8 If you decide to testify this decision on your part
9 must be freely, voluntarily, and intelligently made with
10 knowledge of the protections given to you by the Fifth
11 Amendment and the consequences of your decision to testify.

12 If you decide not to testify, I will instruct the
13 jurors that they cannot give the fact that you did not
14 testify any consideration whatsoever and that there is to be
15 absolutely no prejudice to you because you did not testify.
16 It is left entirely up to you whether or not you testify.
17 You may talk with your attorney, your family and friends, or
18 anyone else, but the final decision will be left entirely up
19 to you. Do you understand, Mr. Owens, what I've explained
20 to you?

21 MR. OWENS: Yes, sir.

22 THE COURT: Do you have any questions about what I
23 have explained to you?

24 MR. OWENS: No, sir.

25 THE COURT: Have you discussed with your lawyer whether

1 you should or should not testify?

2 MR. OWENS: Not yet.

3 THE COURT: All right. I'm going to give you and your
4 lawyer -- respectfully request that this Court give you
5 overnight, it's approximately 4:25 on the afternoon of
6 Tuesday, September 14th, your attorney had respectfully
7 requested that I give you overnight to discuss this with
8 him, and to further consider what you want to do with
9 regards to testifying, and I'm going to grant that request.
10 I'm going to allow you to think about that night overnight
11 and talk with your attorney overnight as well. But what I
12 would tell you once again, that the ultimate decision rests
13 with you. Okay?

14 MR. OWENS: Yes, sir.

15 THE COURT: Anything further from the State at this
16 time?

17 DEP. SOL. THORNTON: No, sir.

18 THE COURT: From you, Mr. Mathews?

19 MR. MATHEWS: No, sir.

20 THE COURT: All right. You may have a seat back down
21 over there with your attorney. All right. If there's
22 nothing further at this time from the State or the defense,
23 I would propose that we bring the jury back out, release
24 them for the remainder of today. Ms. Grant, what about the
25 jury panel, they're supposed to call back in this afternoon

1 after 6:00. Mr. Thornton?

2 DEP. SOL. THORNTON: Your Honor, because this case does
3 appear it's going to go all the way through, this jury won't
4 be able to come back until 1:00 because of the funeral
5 tomorrow. My suggestion would be just have them call back
6 tomorrow after 6:00, because I don't think we could get to
7 anything else even if we wanted to.

8 THE COURT: All right. Ms. Grant, would you please
9 post that now on the recording tonight to have them call
10 back tomorrow after 6:00. Mr. Thornton, Mr. Mathews, I'm
11 going to bring the jury back in and cut them loose for the
12 balance of today and have them return to their jury room at
13 1:00 tomorrow. We'll proceed with this case at that time.

14 DEP. SOL. THORNTON: Yes, sir.

15 THE COURT: All right. Bring us the jury, please.

16 (Whereupon, the jury enters the courtroom, and the
17 following is held on the record.)

18 THE COURT: All right. Ladies and gentlemen of the
19 jury, we have now reached a stage in the trial where we need
20 to deal with some additional matters. It's now 4:30 in the
21 afternoon. What we're going to do at this time is allow you
22 all to go home for this evening and we're going to return
23 tomorrow, I'm going to ask that you be back in your jury
24 room tomorrow at 1:00 p.m.

25 Now, the main reason that we are asking you to come

1 back at 1:00 instead of in the morning, it was brought to my
2 attention that there was the death of a Magistrate here in
3 town last week and I've given Court personnel authorization
4 to attend that funeral tomorrow. So I'm going to ask you to
5 be back in your jury room at 1:00 p.m. and we'll try to
6 start promptly at that time and resume this trial.

7 I want to remind you again, and I've said throughout,
8 during this overnight recess and until I instruct you, you
9 are not to discuss this case in any manner with anyone.
10 This includes fellow jurors, your friends and family, people
11 involved in the trial or anyone else. If anyone tries to
12 talk to you about this case, please let me know immediately.
13 Do not read or watch or listen to any newspaper or news
14 reports that may involve discussions about this case.

15 Remember, ladies and gentlemen, to keep an open mind
16 about this case until I instruct you to begin your
17 deliberations. I'm going to let you go at this time for
18 this evening, and I will see you back tomorrow afternoon at
19 1:00 p.m. Thank you very much, ladies and gentlemen.

20 (Whereupon, the jury exits the courtroom, and the
21 following is held on the record.)

22 THE COURT: Anything else from the State before, I
23 guess, we conclude matters, as it specifically relates to
24 this trial for this evening?

25 DEP. SOL. THORNTON: Not for this trial, Judge.

1 THE COURT: All right. Mr. Mathews?

2 MR. MATHEWS: No, sir.

3 THE COURT: All right. We'll stand at ease with
4 regards to this trial. Is there anything else that needs to
5 be done? Mr. Thornton, you have permission to leave at 5:00
6 for the matter that you need to deal with.

7 DEP. SOL. THORNTON: Thank you, Your Honor. Mr.
8 Shelton with my office may need to approach. I think he has
9 a matter, or two small ones, if the Court wants to handle
10 them this afternoon.

11 THE COURT: Okay.

12 DEP. SOL. THORNTON: Your Honor, I believe Mr. Shelton
13 has a matter or two with Mr. Beach. I've asked him to not
14 have any matters with Mr. Mathews.

15 THE COURT: All right.

16 (WHEREUPON, the trial in this case is in recess for the
17 evening. Thereafter, on 9-15-10, the Court reconvenes in
18 the trial of this case.)

19 THE COURT: Before we go any further, Mr. Mathews, if
20 you would bring your client back around. We need to finish
21 and conclude this matter with regard to his right to
22 testify.

23 (WHEREUPON, the defendant, Mr. Sincere Owens, is
24 brought around.)

25 THE COURT: Ma'am, if you would put him under oath,

1 once again.

2 MADAME CLERK: Please raise your right hand.

3 (WHEREUPON, Mr. Sincere Owens is duly sworn.)

4 THE COURT: Mr. Owens you were in here yesterday. You
5 were advised by this Court yesterday of your rights to
6 testify and I gave you overnight to consider whether or not
7 you wish to testify in the trial of your case. I will ask
8 you once again at this time, it is now approximately 2:13,
9 2:14, Wednesday afternoon. I will ask you, have you had an
10 opportunity -- well, did you understand those rights that I
11 explained to you yesterday?

12 MR. OWENS: Yes, sir.

13 THE COURT: Do you have any questions after considering
14 your right overnight? Do you have any questions about your
15 rights?

16 MR. OWENS: No, sir.

17 THE COURT: Have you discussed with your lawyer whether
18 you should or should not testify?

19 MR. OWENS: Yes, sir.

20 THE COURT: And do you wish to talk to your lawyer
21 anymore?

22 MR. OWENS: No, sir.

23 THE COURT: Do you wish to testify in this case?

24 MR. OWENS: No, sir.

25 THE COURT: All right. And that decision is your

1 decision only?

2 MR. OWENS: Yes, sir.

3 THE COURT: All right. Nobody has used any threats,
4 force, pressure, intimidation to make you make that
5 decision?

6 MR. OWENS: No, sir.

7 THE COURT: It's your decision not to testify?

8 MR. OWENS: That's right.

9 THE COURT: Okay. You may be seated. Thank you, Mr.
10 Owens.

11 MR. MATHEWS: Thank you, Your Honor.

12 THE COURT: Therefore, based upon the fact that the
13 defendant is not testifying, and it's also my understanding
14 that there will be no witnesses called by the defense; is
15 that correct?

16 MR. MATHEWS: That's correct, Your Honor. (TO THE
17 AUDIENCE.) And Kelvin Mitchell, if you're here, you can go.

18 THE COURT: Okay. So what we further discussed in
19 chambers, if your client didn't testify or you did not put
20 up any evidence, when the jury comes back in, I will allow
21 you to rest on behalf of the defense, and I will instruct
22 the jury that they have heard all of the testimony and
23 evidence they are going to hear in this case, and I will
24 turn to the State to start with closing arguments and then
25 you will get last argument, Mr. Mathews, since you did not

1 put up any evidence or testimony; you will get final
2 argument and I will then charge the jury on the law, and we
3 did have a charging conference in my chambers before coming
4 out here.

5 And one thing that I failed to mention back in
6 chambers, with regards to the charge to the jury on the law
7 as it pertains to murder. There is case law out there, and
8 I don't have the exact case -- State v. Belcher. It is a
9 2009 case, 385, S.C. 597, which pretty much holds for the
10 proposition that when you're charging a jury on murder on
11 the law as it pertains to murder, we are not, as trial
12 courts, to charge the jury -- at least this is my reading of
13 it. You charge the jury on express and inferred malice, but
14 you do not use that language in the charge about inferred,
15 malice, or the use of a deadly weapon if self defense comes
16 into play and so I have taken that out of the charge
17 specifically relating to the firearm, okay? And I will give
18 you, Mr. Thornton, an opportunity to object to that if you
19 so desire, but I think under State v. Belcher, the law is
20 pretty clear on that.

21 DEP. SOL. THORNTON: The State agrees with you on that,
22 Your Honor. There won't be any objection.

23 THE COURT: Okay. Is there anything else before we
24 bring the jury in, from the State?

25 DEP. SOL. THORNTON: Nothing from the State, Judge.

1 THE COURT: Mr. Mathews, from the defense?

2 MR. MATHEWS: No, sir.

3 THE COURT: All right. Mr. Padgett, other bailiffs, I
4 would ask that no one be allowed to leave the courtroom
5 during closing arguments and during my charge on the law. I
6 don't want anything distracting the jury during this
7 particular part of this trial and so I would ask that no one
8 be allowed to leave during closing arguments or my charge on
9 the law to the jury. If you will bring us the jury, please,
10 sir. Wait, before the jury comes out -- is that door
11 closed? Prior to us coming back in the courtroom, I was
12 advised this morning by the Clerk's office that there was a
13 problem with one of our jurors. Which juror was it? I
14 don't have my list right here.

15 MADAME CLERK: Juror number 101, Rita Manigo.

16 THE COURT: Juror 101, Ms. Rita Manigo, juror number
17 101, Ms. Rita Manigo. She had a particular issue come up at
18 work that she had to specifically be called away to. I have
19 discussed this with the attorneys for the State and the
20 defense in chambers and they have agreed that I am going to
21 excuse her from the remainder of the trial of this case, and
22 we had previously selected two alternate jurors, and I have
23 asked the Clerk here to put the names of the two alternate
24 jurors, and those alternate jurors are Ms. Hazel Wilson and
25 Ms. Wendy Lee. Ms. Hazel Wilson's juror number is 173 and

1 Ms. Wendy Lee's juror number is 91. I have asked that those
2 two names be placed into a bin, the rotating bin that they
3 used to use for purposes of selecting a jury, and I'm going
4 to ask her to select one of those juror's names out of there
5 and whichever one she selects will be the one placed in this
6 jury in place of Ms. Manigo. Okay? Ma'am, if you will go
7 ahead and do that.

8 (CLERK ROTATES BIN WITH NAMES AND PULLS ONE OUT.)

9 MADAME CLERK: Ms. Hazel M. Wilson.

10 THE COURT: All right. Juror number 173, Ms. Hazel
11 Wilson, who was the first alternate juror, will be put in
12 the place of Ms. Rita Manigo. All right. Anything further
13 from the State or the defense before we bring the jury back
14 in?

15 DEP. SOL. THORNTON: Nothing from the State, Judge.

16 THE COURT: From the defense?

17 MR. MATHEWS: Nothing from the defense, Your Honor.

18 THE COURT: All right. Now, sir, please bring us the
19 jury.

20 (WHEREUPON, the jury enters the courtroom and the
21 following is held on the record.)

22 THE COURT: Good afternoon, ladies and gentlemen. I
23 trust that you all had a good evening and I'm sure that you
24 all can recognize that we are missing one of our jurors that
25 we selected here, and that juror is Ms. Rita Manigo. She is

1 not going to be back here today and that's the reason we
2 select alternate jurors, because of things that may come up
3 and she has had something come up that could not be avoided.
4 And so I have excused her from any other proceedings with
5 regards to this case.

6 Having said that, and having said that that's why we
7 select alternate jurors, Ms. Hazel Wilson was the first
8 alternate juror selected for this jury panel and she will
9 take the place of Ms. Rita Manigo. So Ms. Wilson, you will
10 take the place of Ms. Manigo in the deliberations of this
11 case.

12 All right. Mr. Mathews?

13 MR. MATHEWS: Your Honor, the defense rests, Your
14 Honor.

15 THE COURT: Ladies and gentlemen of the jury, you have
16 now heard all of the evidence and testimony that you are
17 going to hear in this case.

18 We are now going to move into closing arguments. The
19 State will go first in their closing arguments, followed by
20 the defense, Mr. Mathews. I will remind you that the
21 arguments of counsel are not evidence, it is not evidence.
22 Mr. Thornton?

23 DEP. SOL. THORNTON: Thank you, Your Honor.

24 THE COURT: Yes, sir.
25

1 CLOSING ARGUMENT

2 BY DEP. SOL. THORNTON:

3 April the 22nd of 2009, Sincere Owens shot and killed
4 Keith Williams. That's an uncontroverted fact; it's
5 undisputed. You know where it happened on Francis Street
6 here in Walterboro. You know when it happened in broad
7 daylight between 3:00 and 4:00 in the afternoon. You know
8 who it involved. You know it was Sincere Owens and Keith
9 Williams. All of that is uncontroverted.

10 The only thing left is what were the circumstances?
11 How did it happen? That's the only question you've got left
12 to answer. Everything else in this case is uncontroverted.
13 So let's talk about the evidence in this case.

14 You know this is the gun that fired this bullet into
15 the back of Keith Williams. You know that resulted in his
16 death. That's what the pathologist came up here and told
17 you. You know that this gun also fired these three shells
18 that were located at the crime scene. Notice the three
19 shells that weren't found all right together. They were
20 three shells spread out over 30 yards and where was one of
21 those shells located? In front of the victim's house.

22 Uncontroverted. We know these things. You know that's
23 the gun that was taken from Shante Glover's glove box. You
24 know that Sincere Owens was the one in the Blazer. She
25 testified that she knew the gun was in there. And out of

1 his own mouth, talking to law enforcement, he puts himself
2 there, puts himself with the gun, and puts himself shooting.
3 Those are all uncontroverted facts without dispute. How did
4 it happen is the only thing we've got left. Let's talk
5 about that.

6 You've got a statement given by Sincere Owens five
7 hours after he's had time to get his statement together.
8 What does he say in his statement -- his verbal statement?
9 We'll talk about the written statement later. What does he
10 say in his verbal statement? He walked to the back of the
11 truck, opened the door, turned around, and the victim was
12 coming at him and he thought he was reaching for something
13 but he didn't know what it was, so he started shooting. And
14 he had gone to pick up the kids, remember, at Ms. Glover's
15 house, which is two houses away. There's no house in
16 between and remember the empty lot, which we will talk about
17 more in a minute.

18 Does that fit with the facts of this case? Does it fit
19 with the physical evidence? Not just what the witnesses
20 tell you, which we will get into in just a second. Does it
21 fit with the physical evidence? Does it fit with the laws
22 of common sense? You remember what I told you when we first
23 came in here? We don't want you to leave your common sense
24 at the door. Does that fit?

25 If he's at Ms. Glover's house, getting the kids, being

1 the angel, apparently, that he's been portrayed to be, doing
2 nothing wrong, why has he got the gun? And if he goes back
3 to the truck and he's standing in the doorway of the truck,
4 how does it, if he doesn't already have the gun on him, is
5 he able to turn around, perceive the threat from Mr.
6 Williams, turn back around, get the gun back out of the
7 glove box, turn back around and then kill the man.

8 If there was any threat from Keith Williams, wouldn't
9 you have been able to see whether it was real or not in that
10 space of time? And if he already had the gun on him, then
11 he went there looking for trouble. If he'd already taken
12 that gun out of the glove box and had it on him, then he's
13 looking for trouble. Either way, he's still responsible.

14 And let's not forget, if that's the way it happened --
15 because remember, the only evidence in this case is his
16 statement as to that he came at him. That's it. And Mr.
17 McCune, who, as you saw, not unusual, I had to make him
18 admit that he was lying about that last part.

19 You know, he got all the way through it right up until,
20 "Well, he wasn't shooting at him. He was shooting in his
21 direction, maybe at the ground." And of course, he admitted
22 then that that wasn't what he told law enforcement or my
23 office. But that's the only evidence about Keith Williams
24 doing anything. And answer this, if Keith Williams is
25 coming at him and making a threatening move or pulling a gun

1 out, there's two real big problems with that. Where's the
2 damn gun, number one. And the other is how did you shoot
3 him the back?

4 Mr. Mathews wants to blame the victim in this case,
5 ladies and gentlemen. Well, he struggled with EMS, so you
6 know, it's his fault that he bled to death. Well, you know,
7 there wasn't much bleeding around the wound so maybe that
8 didn't cause his problem. So what did both of the EMS
9 people tell you and the pathologist tell you? Do you
10 remember that? Keith Williams told EMS that my stomach
11 feels like it's filling up with blood. What did the
12 pathologist tell you when they did the autopsy? Where was
13 the blood? In his stomach and in his pelvis. Well, Keith
14 Williams was arguing with his girlfriend and cussing at her
15 and fussing with her, so it's his fault that he got shot and
16 killed in the back.

17 How many people in this country would still be alive if
18 every time we fussed and cussed at a girlfriend or an ex-
19 girlfriend and we got the death penalty for it an hour
20 later? This is not a situation where Sincere Owens said,
21 "Keith, you really shouldn't do that to your ex-girlfriend.
22 You shouldn't talk to her like that." He killed the man.
23 He put a bullet in his back.

24 Does his verbal statement fit with the evidence? No,
25 it doesn't. How do you get three shell casings thirty yards

1 apart if you're standing at the Blazer firing at somebody
2 coming at you? How do you do that? How is that possible?
3 It isn't possible, unless for some reason the laws of
4 physics and gravity cease to apply in Colleton County on
5 April the 22nd of 2009. And keep in mind the most important
6 shell casing is the one in front of the victim's house. So
7 he either started shooting and ran towards the victim
8 shooting or he started shooting him and backed away as he
9 shot him in front of his house. Either way, he ambushed the
10 man. He shot him in the back.

11 You know I'm not sure what Mr. Mathews wants to elicit
12 in this case on behalf of his client. Is this some big
13 conspiracy where some persons unknown hid the gun or took
14 the gun that Mr. Williams supposedly had and took the shell
15 casings and arranged them in such a way prior to, you know,
16 Ms. Rouse, who I've mispronounced her name the whole time
17 I've known her and she never bothered to correct me. Ms.
18 Rows and Mr. Rows, her brother, came out unbeknownst to
19 all these people, is there some masked conspiracy to try to
20 frame Mr. Owens, because he didn't do it? Or is it, well,
21 he did it, but it was an accident. He wasn't really
22 shooting him. He was just shooting in his general
23 direction. Or was it, well, he did it and he did it on
24 purpose, but it was self defense because Mr. Williams was
25 coming at him.

1 None of those, ladies and gentlemen, match with the
2 facts. Not the facts that I want you to see. Not the facts
3 that Mr. Mathews doesn't want you to see, but the facts as
4 they are. The gun, the phantom gun, that Mr. Williams
5 didn't have. Charlene Rows, Kevee Rows, Richard
6 Sheffield, Mr. Campbell, Major Dasen, Sgt. Warren, Det.
7 Edwards, even Mark McCune, and you can talk all or none of
8 his testimony, whatever you want, whatever it's worth to
9 you, how many of those people at the scene, including
10 Charlene and Kevee, who were out the door as Keith Williams
11 fell, saw a gun? How many? Zero. That's because there was
12 no gun. Even in his own statement, Mr. Sincere Jamal Owens,
13 killer of Keith Williams said, "Well, I don't know if he had
14 a gun or not."

15 Now, later in the interview, remember when you saw him
16 writing his statement down? Let's see what his written
17 statement says. "I pulled up to my child mother house, pick
18 up my baby, and they told me the kids were still at the
19 daycare." All right, "I pulled up to my child mother
20 house," and what he's talking about and it's been testified
21 to, is Ms. Glover's house. It's been identified as the
22 house with the railing on it. Okay? "I started walking
23 back to the truck; I started walking back to my baby moma
24 truck when somebody said he was walking from his house on
25 Francis Street toward the truck, reaching, when he pulled

1 out a black gun." So an hour before, he didn't know what he
2 had pulled out, if anything, or what he was reaching for.
3 He didn't even say he pulled anything out. I saw him
4 reaching. Now it's not only is he reaching, he's pulled
5 something out and not only has he pulled something out, but
6 it's a gun. Not only is it a gun, it's a black gun. Every
7 time he tells this story, it gets better.

8 But think about it, in relation to when you're looking
9 at these photographs. "I pulled up to the house, I asked,
10 they tell me the kids are in daycare. I'm walking back to
11 the truck. I turn around and all this happens." Then why
12 in the world are there three shell casings thirty yards
13 apart, including the one in the front of the victim's house?
14 He was either running at the man shooting or he started
15 shooting him in front of his own house, backing away.
16 There's only two ways that that happens; that's it. It's
17 got to be one of those two. He could not physically have
18 stayed at that truck and shot three shots at the man. And
19 if he's running, shooting and running, so you mean to tell
20 me you're shooting and running towards the guy to get away?
21 Again, ladies and gentlemen, common sense. Please don't
22 leave your common sense at the door.

23 The only evidence in this case that relates to Keith
24 Williams doing anything to him, even approach him, is
25 Sincere Owens saying it. And his own statements conflict

1 with one another. Did he have a gun? Did he not have a
2 gun? Was it a white gun or was it a black gun? Even he
3 doesn't know. He can't even keep his story straight in the
4 space of an hour. Here's another thing you might want to
5 consider, if he shot the man to death in the back, somehow
6 miraculously, but was justified, why did he run? And if he
7 took off, well, he was scared, he was nervous, why did he
8 try to get his sister to hold the gun for him?

9 Now, I realize that Mr. Mathews is probably going to
10 get up here and point out to you, yeah, he told law
11 enforcement later on where the gun was, et cetera. You know
12 what, some five or six hours after he's had a chance to get
13 his story straight, yeah. But what did he do right then?
14 Did he stay and deal with law enforcement? Did he go right
15 to law enforcement? No. What did he do? He ran and tried
16 to get rid of the gun. Are those the actions of a person
17 who has done nothing wrong?

18 Ladies and gentlemen of the jury, the judge is going to
19 charge you a number of things, and if I say anything that's
20 different than what the judge says or if Mr. Mathews does,
21 you have to go with what the judge gives you on the law.
22 Okay? He's the final authority on the law as he gives it to
23 you. But he's going to charge you the crime of murder; he's
24 going to charge you the lesser crime of voluntary
25 manslaughter.

1 He's probably going to charge you things about direct
2 testimony, like expert witnesses, and he's also going to
3 charge you about self defense, because that's an issue
4 that's been raised in this case. And he's going to talk to
5 you about four different elements, I believe, in self
6 defense. In order to justify a self-defense charge, there
7 has to be evidence of four elements and it's my burden to
8 disprove beyond a reasonable doubt those elements.

9 Number one, and I'm going to put these in layman terms,
10 is he didn't do anything wrong in bringing about this crime.
11 That's number one. You'd have gotten to have gone into this
12 with clean hands. Well, based on what we've already talked
13 about, ladies and gentlemen, how is that even physically
14 possible?

15 He either had the gun on him when he went there and
16 shot the man as he ran towards him or he walked up to him in
17 front of his house and backed away. Either way, he didn't
18 go there with clean hands.

19 Number two, he had to be in fear. What was he in fear
20 of? There is no gun. No gun was recovered. Nobody seen a
21 gun. Nobody has claimed there was a gun, except, of course,
22 the man who shot another man to death in the back. No other
23 gun. The fear he is supposedly in from the phantom gun that
24 doesn't exist has to also be reasonable. For that, you have
25 to decide.

1 Finally, ladies and gentlemen, that there is no means
2 of escape; that there is no other way for him to have gotten
3 away from it. Again, how does that make any sense? He had
4 to have shot or shot at the victim, Keith Williams in front
5 of his own home. Had to. Shell casings are right there,
6 fired by that gun, the gun that he had, that he admits
7 shooting. You have to look at the evidence as whole.

8 Now, ladies and gentlemen, he either did that, or if
9 you believe his statement, which again, how would you
10 believe that, you know, is completely up to you, of course,
11 but how you can believe that he can stand in one place and
12 have shell casings going 30 yards in a straight line would
13 beyond the State. But let's say you do believe that, then
14 why didn't he get in the truck and go? Somebody just coming
15 at him, why didn't he leave? Because it's his job to
16 retreat if he can, to not cause his harm. It's in the law.

17 The State submits to you there was no gun. There was
18 no confrontation other than the confrontation that Sincere
19 Owens provoked. And if he has any fault in bringing this
20 on, he doesn't get self defense, ladies and gentlemen. If
21 you find that Sincere Owens, after learning about these text
22 messages that were testified to, saying from Mr. Williams,
23 "I'm going to "F" him up or I'm going to do this or I'm
24 going to do that," keep in mind what Shante said. You know,
25 one of the things that she said was real important, what was

1 it? "That's just Show. He'd been doing that ever since
2 we've been together." Any testimony about either Showtime,
3 Keith Williams, the victim in the case, or Sincere Owens
4 killing each other over it before, well, of course not, they
5 were both still alive at the time. "He's been doing that.
6 That's just Show."

7 Sincere Owens had to have shot him or shot at him
8 either in front of Keith Williams' house or as he was
9 approaching. Has to. There's no other way that plays out.
10 There's no other way the evidence fits. If you find that
11 Sincere Owens went there looking for a fight, confronted
12 Keith Williams and shot him, he's guilty of murder; unlawful
13 killing of another with malice aforethought. What's more
14 malicious than shooting a man in the back and running?

15 If you find that they had some argument that you
16 believe there was some confrontation and it rises to the
17 level to make somebody so angry that they lost their mind
18 for a minute, it's called heat of passion. Probably
19 everybody in here has heard that phrase before, the heat of
20 passion. It's manslaughter, and the judge is going to
21 charge you about that. But the only way that Sincere Jamal
22 Owens, back shooter, gets to walk out of this courtroom is
23 if you find that he deserves self defense for shooting an
24 unarmed man in the back. That's the only way he walks out
25 of this courtroom. All I can ask you to do, ladies and

1 gentlemen, is to use that common sense we've talked about,
2 examine the case as a whole, and if you are firmly convinced
3 that he's guilty, then he's guilty, and the State says to
4 you that the correct verdict is either guilty of murder or
5 he's guilty of manslaughter, but he's guilty of one. Thank
6 you.

7 THE COURT: Mr. Mathews?

8 MR. MATHEWS: Thank you, Your Honor.

9 CLOSING ARGUMENT

10 BY MR. MATHEWS:

11 Mr. Foreman, ladies and gentlemen of the jury, this is
12 a case about what was on Jamal Owens's mind, his intent.
13 Mr. Thornton correctly pointed out that some of the facts
14 are not in dispute, but some of them are, and some of them
15 are very seriously in dispute.

16 One of the things that we heard, uncontradicted, from
17 Ms. Glover -- now, pity for Shante. Poor Shante Glover has
18 children by the victim and by the defendant. And sadly,
19 Showtime, Keith Williams was unable or unwilling to pick up
20 his daughter and she asked Sincere, asked Jamal, to go pick
21 up her kids, one of which was his. They stayed at daycare,
22 and after daycare, they went to Annie Mae Glover's house,
23 her grandmother.

24 And Jamal went over there with his friend; he didn't
25 have a driver's license and his friend drove him out there.

1 And as he gets out of the truck, unknown to him, Shante has
2 been approached at work by Keith, earlier in the day,
3 sometime earlier, Keith had sent a text to Shante saying,
4 you know, just nasty things, nasty things. That's a part of
5 who Show was, too. Saying, "If I see your boyfriend, I'm
6 going to "F" him up." This is coming from a guy who Shante
7 said she had seen his gun many times. And Jamal knows he
8 carries a gun, too.

9 Who else knew that he carried a gun? Mr. McCune
10 testified to that, too, and again, you have to pick and
11 choose what you can of him. I don't think probably the
12 State's not vouching for him, even though they put him up,
13 and I think probably you can take from that what you like,
14 but one thing you can take for sure is, yeah, he carried
15 guns up until he had to get rid of them. He says he got rid
16 of them; but did he? Everybody knew that Showtime carried a
17 gun. It's out there. It's part of who -- they got into it
18 ever since Shante stopped going out with Keith and started
19 going out with Sincere, with Jamal. All the time there have
20 been problems. It was an ongoing thing.

21 So what happened then? While Sincere, while Jamal is
22 over at the grandmother's, just within the same timeframe,
23 you have that he, Keith, had shown up to see Shante at work,
24 and he comes in there and he is -- he is angry. He is
25 cussing and yelling at her workplace, he's yelling. And who

1 is in there, too? Sincere's mother is in there. You see
2 that on the videotape, too. And he's cussing; you saw the
3 video. She says, "That's my boy." And he says, "'F' all of
4 y'all." And he leaves out of there angry and tears out.
5 And Shante calls up the grandmother's house and her nephew
6 answers the phone and in that short time of ten minutes or
7 so, it had happened.

8 So consider what Sincere, what Jamal must have seen
9 when he came in there. Here is somebody who has a
10 reputation out there. He carries a gun. He has put the
11 word out, "I'm gonna 'F' this guy up." And he comes out
12 there and he's walking towards him. The car is still
13 running. He gets up and he's walking out there and again,
14 pick and choose what you like, what Mr. McCune said, well,
15 he said, "What? What?" He's sitting back there looking for
16 a fight. He's walking up there. Now, I don't know how much
17 of an overlap you got between what Ms. Rouse saw, but she
18 didn't say anything at all about seeing McCune there. So
19 McCune was there and he saw some things that the other
20 people didn't see.

21 Ms. Rowes said that he was running away from the house,
22 that Keith was running away from Ms. Glover's house. So
23 whatever happened, happened in front of the grandmother's
24 house, not in front of Keith's house. But consider this,
25 he's coming out there, and he is so angry out there, and he

1 is so looking for a fight; Showtime is so looking for a
2 fight, that he can't even calm down when EMT's are there
3 trying to help him. I don't know whether his actions cost
4 him his life. I don't know that. The EMT's said that he
5 was flailing with his arms and his legs and he was very
6 uncooperative. He is still so angry that they can't even
7 treat him. How scary must that have been to see.

8 You see somebody walking out there, just peeled out,
9 putting your name out there like that, how scary must that
10 have been? So you see somebody like that walking toward
11 you, maybe he had a gun, maybe he didn't, I don't know. I
12 know that he had a cell phone. The EMT's didn't see it;
13 they were there too late. Ms. Rows didn't see it. Ms.
14 Rows's brother didn't see it. None of these people saw the
15 cell phone, but Major Dasen told you that he got it from
16 somebody who got it on the scene. So there's stuff going on
17 between the time that any of these witnesses testified.
18 Somebody got the cell phone.

19 Mr. McCune, you heard Sgt. Chris tell you that McCune
20 at some point in between there, he had interviewed him
21 first, and at some time in between there had gone into
22 Keith's house to get some marijuana out, my recollection of
23 what Sgt. Warren said. What else could he have got? Could
24 he have got a gun? He could have. I don't know whether he
25 did or not, but one thing I believe the Judge will charge

1 you is that Mr. Owens, Jamal, had a right to rely on
2 appearances.

3 It's entirely possible that Showtime did have a gun.
4 But even if he didn't, you got that long (indicating with
5 hands) to decide what to do. When you see somebody coming,
6 do you wait for them to pull out their own gun? Do you wait
7 for them to pull it out and start shooting at you before you
8 do something back? Do you wait? He spotted the truck.
9 Shante said the glove box didn't really stick that much,
10 maybe a little bit. It was her gun. He didn't bring it
11 there. It was her gun and her glove box. Jamal didn't
12 bring that gun. It was in there. He knew it was in there.
13 The glove box stayed open. He knew it was in there, but
14 that's not what he went there for. He went there to pick up
15 his daughter. He knows it's in there. He sees Showtime
16 coming. He knows Showtime has put the word out. That's
17 just how Show is; that's just Show. Put the word out, "I'm
18 going to 'F' him up." He carries the gun. You've got that
19 long to decide between whether you're going to live or
20 whether you're going to die. And in that couple of seconds,
21 in that second, in that flash, he grabbed a gun out of the
22 glove box and he fired.

23 Now, the pathologist testified that the bullet went up
24 at an angle, he said "a slight angle," but it went up at an
25 angle. You will have a chance to see the bullet back there

1 and it's smashed flat on one side. Now, he said, and God
2 bless him, he said -- and you take it for what it's worth.
3 Some of the experts, there's no point, you don't argue with
4 the GSR expert that said there was no residue on either
5 Keith's hands or on Jamal's. There is no residue on either,
6 but clearly, one of them fired. But you don't argue with
7 that. She has testified hundreds of times. And there is
8 nothing wrong with saying, "I've testified hundreds of
9 times." The firearms expert said, "I've testified
10 approximately 130 times." Approximately 130.

11 Now, God bless him, that pathologist got up there and
12 he said around, I don't know, somewhere between five and ten
13 times. Well, that's a difference of 50 percent or a 100
14 percent, however you look at the difference between five and
15 ten. And if your job is to figure out angles to a degree or
16 two, what's the difference between a 50 degree angle and a
17 100 degree angle? That's the difference that we are talking
18 about.

19 So is it a ricochet? It very well may be, probably is.
20 McCune said that Jamal didn't mean to kill anybody. Jamal
21 said that, too, in his statement. And you want to talk
22 about planning and all that sort of stuff, but you saw the
23 videotape. That wasn't planned. That wasn't planned. He
24 was a very emotional person. Major Dasen said, and you saw
25 that when he found out what happened to Show, he fell to the

1 ground. He did not intend for this to happen. He didn't
2 intend for anybody to be hurt. If you believe that he went
3 there looking for problems, then he probably -- you look at
4 that sudden heat of passion, okay, that's voluntary
5 manslaughter, but he didn't go there looking for anything.

6 And based on what a reasonable person would look at,
7 and what he had to deal with, somebody that is so angry he
8 is trying to fight the people that are trying to help him at
9 the end. I'm not sure what else somebody would do. If he
10 hadn't have done that, for all he knew at the time, it might
11 have been him.

12 I hope you've listened carefully to all the evidence,
13 because that is what counts. And it's about intent. It's
14 about what is reasonable for somebody situated in the
15 position that Mr. Owens was, that Jamal was situated in.
16 That's what matters. And when you do, I think you will find
17 that the State has not proven an intent, certainly not a
18 premeditated intent as murder requires, certainly not.
19 Sudden heat of passion, he didn't intend to kill anybody.
20 He was trying to defend himself. And if that is the case,
21 if that's the case, then he should go about the business of
22 being a daddy again. I hope you consider this carefully,
23 and when you do, I hope you find Sincere Jamal Owens not
24 guilty of anything. Thank you.

25

JURY CHARGE

1
2 THE COURT: Ladies and gentlemen of the jury, it is now
3 my duty as a trial judge under the constitution of this
4 state to charge and instruct you on the laws applicable to
5 this case. It is your duty as jurors to accept and apply
6 the law as I will now state it to you. Furthermore, it is
7 your exclusive duty to decide all of the issues of fact in
8 this case and determine the effect, value and weight and
9 truth of the evidence.

10 Both the State and the defendant have a right to expect
11 that you will carefully consider and evaluate the evidence
12 and apply the law to this case so that at the end, both the
13 State of South Carolina and the defendant will receive a
14 fair and impartial trial. I want you to understand that
15 when I use the word, defendant, I refer to Mr. Sincere Jamal
16 Owens.

17 Furthermore, it's important to understand that the
18 indictments in this case allege two different offenses
19 against the defendant. The charges are murder and
20 possession of a weapon during the commission of a violent
21 crime. To these charges, the defendant has entered a plea
22 of not guilty. This plea of not guilty places the burden of
23 proof on the State to prove the guilt of the defendant to
24 you, the jury, beyond a reasonable doubt.

25 I remind you that the fact that the defendant was

1 arrested, charged, and indicted in this case is not evidence
2 in this case, and cannot be considered by you as evidence of
3 guilt in this case, nor does it created any presumption or
4 inference of guilt. These documents are simply the formal
5 written instruments which contain the charges made against
6 the defendant. They are the final documents by which this
7 case is brought into this court. Each indictment charges a
8 separate and distinct offense. You must decide each
9 indictment separately on the evidence and the law applicable
10 to it uninfluenced by your decision as to any other
11 indictment.

12 The defendant may be convicted or acquitted on any or
13 all of the offenses charged. You will be asked to write a
14 separate verdict of guilty or not guilty for each
15 indictment. But it's vital to understand that the defendant
16 is presumed under the law to be innocent of these charges.

17 It is a fundamental rule of our law that a defendant,
18 irrespective of the seriousness of the charge against him,
19 is always presumed innocent of the crimes for which he is
20 charged unless and until his guilt has been proved by
21 evidence that satisfies you, the jury, beyond a reasonable
22 doubt.

23 The presumption of innocence is not a mere legal theory
24 or a legal phrase. The presumption of innocence is very
25 important and you need to understand that this presumption

1 accompanies the defendant from the time of his arrest and
2 appearance in this court and continues with the defendant
3 even after you retire to the jury room to deliberate.

4 In other words, the defendant receives the benefit of
5 the presumption of innocence until the very end of the trial
6 when you, the jury, will deliberate upon the evidence and
7 decide whether the State has proven guilt beyond a
8 reasonable doubt.

9 Proof beyond a reasonable doubt is proof that leaves
10 you firmly convinced of a defendant's guilt. There are very
11 few things in this world that we know with absolute
12 certainly. So even in criminal cases, the law does not
13 require proof that overcomes every possible doubt.

14 However, if based on your consideration of the
15 evidence, you are firmly convinced that the defendant is
16 guilty of the crime charged, you must find him guilty. If
17 on the other hand, you think there is a real possibility
18 that he is not guilty, you must give him the benefit of the
19 doubt and find him not guilty.

20 Please understand that reasonable doubt may arise from
21 evidence which has been presented in the case or it may
22 arise from a lack of evidence in the case. It is your
23 responsibility to determine whether or not reasonable doubt
24 exists as to the guilt of this defendant.

25 I charge you that the defendant is entitled to every

1 reasonable doubt arising in the whole case or arising in any
2 defense asserted by the defendant. If, upon any issues of
3 fact essential to conviction and a verdict of guilty, you
4 have a reasonable doubt as to how that issue should be
5 resolved, it would be your duty to resolve that reasonable
6 doubt in favor of the defendant.

7 Thus, in summary, it's important to understand that a
8 defendant is not required to prove his innocence. Instead,
9 the State is required by law to prove every essential
10 element of the offenses charged by the defendant by evidence
11 which satisfies you of his guilt beyond a reasonable doubt.
12 Only then can you convict the defendant and find him guilty.

13 Ladies and gentlemen, there are two types of evidence
14 which are generally presented during a trial, direct
15 evidence and circumstantial evidence. Direct evidence is
16 the testimony of a person who claims to have actual
17 knowledge of a fact, such as an eyewitness. It is evidence
18 which immediately establishes the main fact to be proved.
19 Circumstantial evidence is proof of a chain of facts and
20 circumstances indicating the existence of a fact. It is
21 evidence which immediately establishes collateral facts from
22 which the main fact may be inferred.

23 Circumstantial evidence is based on inference and not
24 on personal knowledge or observation. The law makes
25 absolutely no distinction between the weight or value to be

1 given to either direct or circumstantial evidence nor is a
2 greater degree of certainty required of circumstantial
3 evidence than of direct evidence. You should weigh all of
4 the evidence in the case. If, after weighing all of the
5 evidence, you are not convinced of the guilt of the
6 defendant beyond a reasonable doubt, you must find the
7 defendant not guilty.

8 Now, I further instruct you that the fact that the
9 defendant in this trial and in the trial of a criminal case
10 did not testify on his own behalf is not a factor to be
11 considered by you in any way in your deliberations and in
12 your consideration on the question of the guilt or innocence
13 of the defendant.

14 In this regard, the defendant has the constitutional
15 right to remain silent and the exercise of this right must
16 not be considered by you in your deliberations. The fact
17 that the defendant did not testify should not even be
18 discussed in the jury room.

19 The burden of proof, as I have stated to you, is on the
20 State. The defendant has no obligation to prove his
21 innocence. The burden of proof remains with the State to
22 prove the defendant's guilt beyond a reasonable doubt and
23 the fact that a defendant did not testify is not a factor to
24 be considered by you at all. When you consider the whole
25 case, if you have a reasonable doubt as to the guilt or the

1 innocence of a defendant, then he is entitled to that
2 reasonable doubt and would be entitled to a verdict of not
3 guilty.

4 However, if upon considering the whole case, you find
5 the State has proved by evidence which satisfies you of the
6 guilt of the defendant beyond a reasonable doubt, then it
7 would be equally your duty to convict the defendant and find
8 him guilty.

9 Now, during this trial, you and I have had separate
10 duties to perform. As the trial judge, it is my
11 responsibility to preside over this trial and I also have
12 the duty to rule upon the admissibility of the evidence
13 offered during the process of this trial. In that regard,
14 you are to consider only the competent evidence before you
15 and you are to disregard from your mind any testimony
16 ordered stricken from the record of this case during the
17 progress of this trial if there was any. And you are to
18 consider only the testimony which has been presented from
19 this witness stand together with any exhibits admitted into
20 the record of this case and any stipulations of counsel made
21 into the record if there were any.

22 Furthermore, I have the additional duty to charge you
23 on the applicable law of this case and in that regard, I am
24 the sole judge of the law of this case. It is your duty,
25 ladies and gentlemen, to accept and apply the law as I state

1 it to you. If you have any preconceived ideas as to what
2 the law is or what the law ought to be and it does not agree
3 with what I tell you the law is, you are obligated under
4 your oath to abandon these preconceptions because you are
5 sworn to accept the law precisely as I am going to state it
6 to you.

7 In this trial, you are the sole and exclusive judge of
8 the facts and I am the judge of the law. Do not infer that
9 I have any opinions about the facts in this case from
10 anything I have said during the course of this trial in
11 ruling upon the admissibility of evidence or otherwise or
12 from anything that I now say during the course of this
13 charge to you.

14 In this regard, the law simply does not permit me to
15 have an opinion about the facts. As jurors, it is your duty
16 alone to determine the effect, value, weight, and truth of
17 the evidence presented during the course of this trial.

18 In determining what the facts of this case are, you
19 must judge the credibility, which simply means the
20 believability of the witnesses, and the value and the weight
21 to be given to their testimony. You alone must decide the
22 force, effect and truth of the testimony. In making this
23 decision, there are many things you may and should take into
24 consideration, such as the appearance and manner of the
25 witness on the stand. A characteristic often referred to as

1 the demeanor of the witness.

2 Was the witness forthright or hesitant? Was the
3 witness's testimony consistent or did it contain
4 discrepancies? What was the ability of the witness to know
5 the facts about which he or she testified? Did the witness
6 have a cause or reason to be biased and prejudiced in favor
7 of the testimony that he or she gave?

8 Was the testimony of the witness corroborated or made
9 stronger by other testimony in evidence or was it made
10 weaker or impeached by such other testimony in evidence?

11 Ladies and gentlemen, you heard the testimony of
12 expert witnesses. The Rules of Evidence ordinarily do not
13 permit witnesses to testify to opinions or conclusions. An
14 exception to this rule exists for witnesses that we call
15 expert witnesses. A witness, who by education and
16 experience has become an expert in some art, science,
17 profession or calling, may state an opinion as to relevant
18 and material matter in which the witness claims to be an
19 expert and may also state the reasons for the opinion.

20 You should consider any expert opinion received in
21 evidence in this case, and like any other evidence, give it
22 the weight that you think it deserves. If you decide that
23 the opinion of an expert witness is not based on sufficient
24 education and experience, or if you conclude that the
25 reasons given in support of the opinion are not sound or

1 that the opinion is outweighed by other evidence, you may
2 disregard the opinion entirely.

3 An expert witness's testimony is to be given no greater
4 weight than that of other witnesses simply because the
5 witness is an expert. Further, you are not required to
6 accept an expert's opinion even though it is not
7 contradicted. Also, ladies and gentlemen, members of the
8 jury, please understand that the testimony of a police
9 officer is not entitled to more weight than that of any
10 other witness.

11 You are the sole judges of the credibility of a witness
12 and you are not to give more weight to a police officer's
13 testimony solely because he or she is a police officer.
14 Rather, you should judge an officer's testimony by the same
15 standards that you apply to all other witnesses.

16 As jurors, please understand that you have the right to
17 believe a small portion of a witness's testimony and discard
18 the larger, or vice-versa. You may believe all of the
19 witness's testimony or none. You may believe the testimony
20 of a single witness against that of many witnesses or the
21 other way around.

22 Ladies and gentlemen, a statement was alleged to have
23 been made by the defendant and has been admitted into
24 evidence in this case. While the Court has determined that
25 the statement is admissible, I instruct you that you make

1 the ultimate decision of whether or not the defendant made
2 the statement. If the defendant did make the statement, you
3 must determine if the statement was made by the defendant
4 voluntarily and of his own free will. This means that the
5 statement was not caused by pressure, force, fear, threats,
6 coercion or intimidation, or by hope or a promise of
7 leniency or a reward of any kind.

8 In determining whether the statement was voluntary, you
9 should consider both the characteristics of the defendant
10 and the details of the questioning. Some of the factors
11 that you must consider are the age of the defendant, the
12 defendant's education, or lack of education. The
13 defendant's mental ability or capacity. The defendant's IQ
14 or intelligence. The defendant's background and
15 environment. The place and length of detention. The nature
16 of the questioning and the advice, or lack thereof, to the
17 defendant of his constitutional rights, including, but not
18 limited to, the right to remain silent.

19 That any statement could be used against him in a court
20 of law. The right to have a lawyer present. That if he
21 could not afford a lawyer, a lawyer would be appointed to
22 represent him without any cost, and that he could stop
23 making the statement at any time. You must carefully
24 consider all of the surrounding circumstances before you
25 give any weight to an alleged statement.

1 The State has the burden of proving beyond a reasonable
2 doubt that the alleged statement was voluntary. If you
3 determine it was, you may give the statement any further
4 consideration that you deem proper. You must decide what
5 weight, if any, should be given to the alleged statement.
6 If you determine the alleged statement was not a free and
7 voluntary statement of the defendant, you should not
8 consider the statement at all.

9 In exercising your mental processes and attempting to
10 decide the truth, the law simply requires that you exercise
11 your good judgment, your common sense, your sense of logic
12 and reason, and your experiences in life. You then apply
13 these attributes to the evidence and apply the law as I now
14 state it to you, and thus arrive at a verdict.

15 In order to establish criminal liability, criminal
16 intent is required. For example, mental state is required
17 to be proved by the State for a particular crime might be
18 purpose, intent, knowledge, recklessness, or criminal
19 negligence. Criminal intent must be proven by the State
20 beyond a reasonable doubt. Criminal intent is always a
21 matter that must be determined by the jury from the
22 circumstances surrounding the situation.

23 There is no way to prove intent to a mathematical
24 certainty. There is no way medical science can dissect a
25 person's brain and determine what the person had in mind. So

1 the law says that criminal intent may be inferred from the
2 circumstances shown to have existed. This is how you make a
3 determination of whether or not the element requiring intent
4 was present.

5 It is not necessary to establish intent by direct and
6 positive evidence, but intent may be established by
7 inference in the same way as any other fact, by taking into
8 consideration the acts of the parties and all of the facts
9 and circumstances of the case. Criminal intent is a mental
10 state, a conscious wrongdoing. It is up to you to determine
11 what the defendant intended to do, based upon the
12 circumstances shown to have existed.

13 Criminal intent can arise from action or a failure to
14 act. It may arise from negligence, recklessness, or an
15 indifference to duty or to consequences that has been
16 considered by the law to be the equivalent to criminal
17 intent.

18 When a defendant is charged with murder, the State must
19 prove beyond a reasonable doubt that the defendant killed
20 another with malice aforethought. Malice is hatred, ill-
21 will, or hostility towards another person. It is the
22 intentional doing of a wrongful act without just cause or
23 excuse and with an intent to inflict an injury or under
24 circumstances that would infer an evil intent.

25 Malice aforethought does not require that malice exist

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1 for any particular time before the act is committed, but
2 malice must exist in the mind of the defendant just before
3 and at the time of the act.

4 Therefore, there must be a combination of the previous
5 evil intent and the act. Malice aforethought must be
6 expressed or inferred. These terms, express and inferred,
7 do not mean different kinds of malice, but merely the manner
8 in which malice may be shown to exist. That is either by
9 direct evidence or by inference from the facts and
10 circumstances which are proved.

11 Express malice is shown when a person speaks words
12 which express hatred or ill-will for another, or when a
13 person prepared beforehand to do the act, which was later
14 accomplished. Malice may be inferred from conduct showing a
15 total disregard for human life. If you find, ladies and
16 gentlemen, that the State has failed to prove beyond a
17 reasonable doubt that the defendant committed murder, you
18 may consider whether the State has proved beyond a
19 reasonable doubt that the defendant committed voluntary
20 manslaughter.

21 To prove voluntary manslaughter, the State must prove
22 beyond a reasonable doubt that the defendant took the life
23 of another in the sudden heat of passion based on sufficient
24 legal provocation. Both heat of passion and sufficient
25 legal provocation must be present at the time of the killing

1 to constitute voluntary manslaughter. Sudden heat of
2 passion, may, for a time, affect a person's self control and
3 temporarily disturb a person's reasoning. The sudden heat
4 of passion must be the type that would make an ordinary
5 person unable to coolly reflect on his actions and would
6 produce an uncontrollable impulse to do violence.

7 Sufficient legal provocation must be the type that
8 would make a person of ordinary reason and caution become
9 enraged and to lose control temporarily. The provocation
10 needed for voluntary manslaughter must come from some act of
11 or related to the victim. Words alone, however vulgar or
12 insulting, are not enough to be legal provocation. Where
13 death is caused by the use of a deadly weapon, the words
14 must be accompanied by some overt threatening act, which
15 could have produced the heat of passion. The exercise of a
16 legal right, no matter how offensive it is to another, is
17 never sufficient legal provocation for voluntary
18 manslaughter. If a heat of passion had cooled or if there
19 was enough time between the provocation, if any, and the
20 killing for the passion of a reasonable person to cool, the
21 killing would not be voluntary manslaughter.

22 In deciding whether a reasonable person would have had
23 enough time to cool off, you should consider all the
24 circumstances surrounding the killing. You may consider the
25 nature of the provocation, if any. The defendant's mental

1 and physical state and the circumstances and relationship
2 between the parties.

3 The defendant is also charged with possession of a
4 weapon during the commission of a violent crime. The State
5 must prove beyond a reasonable doubt that the defendant was
6 in possession of a firearm or visibly displayed what
7 appeared to be a firearm during the commission of a violent
8 crime.

9 A firearm means any machine gun, automatic rifle,
10 revolver, pistol, or any weapon, which will as designed to,
11 or may be readily converted to expel a projectile. In order
12 to find the defendant guilty of possession of a weapon
13 during the commission of a violent crime, you must first
14 find the defendant guilty of either committing a violent
15 crime or attempting to commit a violent crime. Murder and
16 voluntary manslaughter are violent crimes.

17 The defendant has raised a defense of self defense.
18 Self defense is a complete defense and if it is established,
19 you must find the defendant not guilty. The State has the
20 burden of disproving self defense by proof beyond a
21 reasonable doubt.

22 If you have a reasonable doubt of a defendant's guilt
23 after considering all of the evidence, including the
24 evidence of self defense, then you must find the defendant
25 not guilty.

1 On the other hand, if you have no reasonable doubt of a
2 defendant's guilt after considering all of the evidence,
3 including the evidence of self defense, then you must find
4 the defendant guilty. The following elements are required
5 to establish self defense.

6 First, the defendant must be without fault in bringing
7 on the difficulty. If the defendant's conduct was the type
8 which was reasonably calculated, reasonably calculated to
9 and did provoke a deadly assault, the defendant would be at
10 fault in bringing on the difficulty and would not be
11 entitled to an acquittal based on self defense.

12 The second element of self defense is that the
13 defendant was actually in imminent danger of death or
14 serious bodily injury or that the defendant actually
15 believed he was in imminent danger of death or serious
16 bodily injury.

17 If the defendant was actually in imminent danger, it
18 must be shown that the circumstances would have warranted a
19 person of ordinary firmness and courage to strike the fatal
20 blow to prevent death or serious bodily injury. If the
21 defendant believed he was in imminent danger of death or
22 serious bodily injury, it must be shown that a reasonably
23 prudent person of ordinary firmness and courage would have
24 had the same belief.

25 In deciding whether the defendant was actually or

1 believed he was in imminent death or serious bodily injury,
2 you should consider all of the facts and circumstances
3 surrounding the crime, including the physical condition and
4 characteristics of the defendant and the victim.

5 The defendant does not have to show that he was
6 actually in danger. It is enough if the defendant believed
7 he was in imminent danger, and a reasonably prudent person
8 of ordinary firmness and courage would have had the same
9 belief.

10 The defendant has the right to act on appearances, even
11 though the defendant's beliefs may have been mistaken. It
12 is for you to decide whether the defendant's fear or
13 immediate danger of death or serious bodily injury was
14 reasonable and would have been felt by an ordinary person in
15 the same situation.

16 Words accompanied by hostile acts may, depending on the
17 circumstances, establish self defense. Evidence of prior
18 difficulty between the defendant and the victim may be
19 considered in deciding whether a threat existed, whether the
20 defendant had a reason to believe that a threat existed, and
21 how serious that threat was.

22 The reputation of the victim as a violent person may be
23 considered in deciding whether there was a need for force,
24 whether the defendant had reason to believe there was a need
25 for force, and whether deadly force was reasonably

1 necessary.

2 Threats made by the victim may be considered in
3 determining whether the defendant was or actually believed
4 he was in imminent danger.

5 The final element of self defense is that the defendant
6 had no other probably way to avoid the danger of death or
7 serious bodily injury than to act as the defendant did in
8 this particular instance.

9 Now, the defendant had no duty to retreat if by doing
10 so the danger of being killed or suffering serious bodily
11 injury would increase. A person cannot be required to make
12 an exact calculation as to the degree or amount of force
13 which may be needed to avoid death or serious bodily harm.

14 Therefore, in self defense, the defendant has the right
15 to use the force needed to avoid death or serious bodily
16 harm. The force used in self defense does not have to be
17 limited to the degree or amount of force used by the victim.
18 The defendant has the right to use so much force as appeared
19 to be necessary for complete self protection in which a
20 person of ordinary reason and firmness would have believed
21 to be needed to prevent death or serious bodily harm.

22 If the defendant is justified in defending himself or
23 others and in firing the first shot, then the defendant is
24 also justified in continuing to shoot until it is apparent
25 that the danger of death or serious bodily injury is

1 completely ended.

2 Now, ladies and gentlemen, I am now drawing near to the
3 end of my charge and I want you to clearly understand that
4 you are not partisans or advocates for the State of South
5 Carolina or this defendant. You do not serve as jurors to
6 reward your friends or punish your enemies. In this regard,
7 you have been selected by both the State and the defendant
8 to be fair and impartial jurors.

9 It is your duty by your joint deliberations to
10 determine the truth in this case, giving to the defendant
11 the benefit of every reasonable doubt on each and every
12 issue, then to the facts which you determine to be true, you
13 should take and apply the law which has been given to you by
14 this Court, and thus arrive at a verdict which speaks the
15 truth in this case.

16 The word verdict, which has a Latin derivative means a
17 true saying. Thus, when you have accomplished these
18 responsibilities, you will have satisfied your oath as
19 jurors. You will have discharged your duty to this Court.

20 Now, Mr. Foreman, I am going to be sending back a
21 verdict form to the jury room. When you, the jury, arrive
22 at a verdict as to the charges in this case, you will write
23 your verdict on the form. If the State has failed to prove
24 the guilt of this defendant beyond a reasonable doubt, your
25 verdict will be two words, not guilty.

1 Likewise, if the State has proved the guilt of the
2 defendant beyond a reasonable doubt, your verdict will be
3 one word, guilty.

4 Mr. Foreman, once a decision has been made, I will ask
5 that you check whichever choice is the verdict of this jury.
6 The verdict that you render in this case, ladies and
7 gentlemen, must be the verdict of each and every juror. It
8 must be your unanimous verdict. All twelve jurors must
9 agree on the verdict which you authorize the foreman to
10 write for the jury.

11 Mr. Foreman and other members of the jury, I want you
12 to further understand that the order in which the choices of
13 the verdict appear on the verdict form are not suggestive of
14 any verdict on the part of this Court.

15 The verdict in this case is to be determined by you,
16 the jury, not the Court. Furthermore, please understand
17 that even though I have given the verdict form to the
18 foreman, it is not his verdict alone, it is the verdict of
19 all twelve of you. And I emphasize again, it must be
20 unanimous.

21 At this time, ladies and gentlemen, I will ask you to
22 retire to the jury room, but do not begin your deliberations
23 until you are told to do so. The law requires that I now
24 consult with the attorneys to make sure that I have not left
25 anything out of these instructions. After I have checked

1 with the attorneys, the bailiff will bring in the items of
2 evidence and instruct you to begin your deliberations.

3 Also, should you have any questions during your
4 deliberations, you must put them in writing and sent them to
5 me by the bailiff. The court bailiff should be immediately
6 outside the jury room for purposes such as this and for
7 security of the jurors. Once you have reached your verdict,
8 please knock on the jury room door and ask the bailiff to
9 advise the Court that you have reached a verdict and we will
10 return you to the courtroom as promptly as possible.

11 Thank you, ladies and gentlemen, you may now retire to
12 the jury room at this time. Please do not begin your
13 deliberations until you are told to do so.

14 (WHEREUPON, the jury exits the courtroom and the
15 following is held on the record.)

16 THE COURT: Any objection to the charge by the State?

17 DEP. SOL. THORNTON: No, sir.

18 THE COURT: By the defense?

19 MR. MATHEWS: No, Your Honor.

20 THE COURT: Is that door closed?

21 BAILIFF: Yes, sir.

22 THE COURT: I started to instruct the jury on this
23 before they left. We can handle it either way y'all want
24 to. I would rather not send the weapon back there. If they
25 want to see the weapon, they can come back out here and look

1 at it. Any objection by the State on that?

2 DEP. SOL. THORNTON: Judge, we can handle that one or
3 two ways. I'm not going to object, either way you want to
4 handle it. My suggestion would be if we send the weapon
5 back, there's only -- the live rounds are in the box so that
6 you could separate out any rounds. The only thing that I
7 would say, and I certainly agree, you should not send back
8 live ammunition with the pistol; but you could send the
9 pistol back and keep the live rounds in here and then there
10 is no danger. It is an important piece of evidence. I'm
11 not going to object based on whatever the Court decides.

12 THE COURT: Mr. Mathews?

13 MR. MATHEWS: I have no objection.

14 THE COURT: Well, I don't mind sending the weapon
15 back. I absolutely don't want any live ammunition going
16 back there, so I'm going to do that. Without objection by
17 the State.

18 Now, the other thing is, I showed you all a verdict
19 form back in chambers and I would just ask that both of
20 y'all come forward. I made a change on here. Come on up
21 here.

22 (Attorneys approach the bench. Sotto voice discussion
23 between the Court and the attorneys concerning the verdict
24 form.)

25 THE COURT: All right. If you all will look at the

1 evidence and let's gather that together and get it back.

2 MR. MATHEWS: And Your Honor, if you would just note my
3 renewed -- at the conclusion of my ---

4 THE COURT: Absolutely.

5 MR. MATHEWS: We would move for a directed verdict,
6 which I assume has been denied.

7 THE COURT: Right. Back in chambers, before we came
8 back out here and brought the jury in, I instructed Mr.
9 Mathews, after he informed me that his client was not going
10 to testify, as a matter of convenience of the parties, I
11 told him that after he rested, we would move directly into
12 closing arguments and that I would allow him after closing
13 arguments and my charge, to renew his motion for directed
14 verdict, which once again, is respectfully denied, Mr.
15 Mathews.

16 MR. MATHEWS: Thank you, Your Honor.

17 DEP. SOL. THORNTON: Your Honor, I don't see any point
18 in sending the videotape back, because they can't play it
19 anyway. If they did want it, we would have to monitor it.
20 So I won't send that back unless Mr. Mathews has an
21 objection. Four and five were not introduced into evidence.

22 MR. MATHEWS: Well, send the videotape back. They have
23 to bring it with them, I guess, when they come back, but it
24 is in evidence, and that way, they can know that it's there
25 if they want to look at it.

1 DEP. SOL. THORNTON: The State has no objection, Your
2 Honor.

3 THE COURT: Okay.

4 DEP. SOL. THORNTON: Your Honor, the State is now
5 satisfied that all the evidence has been collected and is
6 ready to go back to the jury.

7 THE COURT: And I submit the verdict form, without
8 objection by the State or the defense. All right, sir, if
9 you would, pull the alternate out. Her name is Ms. Wendy
10 Lee, and bring her back in here.

11 BAILIFF: Yes, sir.

12 THE COURT: Give that, along with the verdict form, to
13 the jury and tell them that they can begin deliberations.
14 Get that alternate, Ms. Wendy Lee, out of there first,
15 before you tell them to begin.

16 Any other matters at this time, with regards to this
17 case, from the State?

18 DEP. SOL. THORNTON: None from the State, Judge.

19 THE COURT: From the defense?

20 MR. MATHEWS: None from the defense, Your Honor.

21 THE COURT: All right.

22 (2:30 P.M., WHEREUPON, the verdict form, along with the
23 exhibits, are taken back to the jury for deliberation.)

24 THE COURT: We're going to stand at ease for about 15
25 minutes and then we can turn to non-jury matters.

1 (WHEREUPON, a brief recess is taken and non-jury
2 matters are taken care of. Thereafter, the bailiff informs
3 the Court that a verdict has been reached.)

4 THE COURT: All right. We have a verdict. Do we have
5 everybody in the courtroom, from the State?

6 DEP. SOL. THORNTON: Yes, sir.

7 THE COURT: From the defense, everybody in the
8 courtroom?

9 MR. MATHEWS: Yes, sir.

10 THE COURT: All right. Let me go ahead and say this
11 before the jury comes back in. I have been advised that we
12 have a verdict in this case. I know there are a lot of
13 family members of the defendant, as well as family members
14 of the victim in here, as well as defendants in other cases.

15 I will remind everybody in here that they are to keep
16 their emotions in check regardless of what the verdict is.
17 If you do not feel as though you can keep your emotions in
18 check, now is your time to leave the courtroom. If you do
19 not or if you are unable to keep your emotions in check,
20 this Court can hold you in contempt and send you to jail as
21 well. I want to make that abundantly clear.

22 Two weeks ago in Allendale, I sent somebody to jail for
23 that very reason. This is a courtroom and you are to remain
24 respectful in this courtroom. Keep your emotions in check.
25 So if at any point in time, or right now is your time to

1 leave if you do not feel that you can keep your emotions in
2 check, regardless of what the verdict is. Is the State
3 ready for the jury to come back in?

4 DEP. SOL. THORNTON: Yes, sir.

5 THE COURT: Mr. Mathews?

6 MR. MATHEWS: Yes, sir.

7 THE COURT: All right. Please bring us the jury.

8 (3:05 P.M., WHEREUPON the jury enters the courtroom and
9 the following is held on the record.)

10 THE COURT: Mr. Foreman, has the jury reached a
11 verdict?

12 MR. FOREMAN: Yes, we have.

13 MADAME CLERK: Indictment number 2009-GS-15-0305, 2009-
14 GS-15-0306, the State of South Carolina versus Sincere Jamal
15 Owens, as to the charge of murder: we, the jury,
16 unanimously find the defendant, Sincere Jamal Owens, not
17 guilty.

18 As to the charge of voluntary manslaughter, we, the
19 jury, unanimously find the defendant, Sincere Jamal Owens,
20 guilty.

21 As to the charge of possession of a weapon during the
22 commission or attempt to commit a violent crime, we, the
23 jury, unanimously find the defendant, Sincere Jamal Owens,
24 guilty. Signed by Foreperson, Bruce Manigo. If this is your
25 verdict, please raise your right hand.

1 (ALL TWELVE JURORS RAISE THEIR HANDS.)

2 MADAME CLERK: Thank you, you may put them down.

3 THE COURT: Ladies and gentlemen of the jury, you all
4 have fulfilled your responsibilities as jurors in this case.
5 It is now time for this court to handle the remainder of
6 what will be involved in this case and this is sentencing of
7 the defendant.

8 You are free to stay in the courtroom during this
9 process or you are free to go back to your jury room at this
10 time. I will leave that up to you all on whether or not you
11 want to stay here or whether or not you want to go to your
12 jury room, because I want to speak to each of you before you
13 leave. Mr. Thornton?

14 DEP. SOL. THORNTON: Thank you, Your Honor. Your
15 Honor, it will only take just a moment to get the sentencing
16 sheets in order. We're doing that right now.

17 THE COURT: Mr. Mathews, if you and Mr. Thornton would
18 approach for just a moment.

19 (Bench conference is held out of the hearing of the
20 courtroom.)

21 THE COURT: I suppose by your action, or inaction, you
22 want to stay here for the remainder. Anybody who wants to
23 leave, you may leave.

24 (Jury panel stays in the courtroom.)

25 THE COURT: What's happening now is the sentencing

1 sheets have to be filled out by the State and that is what
2 we are doing right now.

3 DEP. SOL. THORNTON: Your Honor, the State is ready to
4 proceed. May I hand up the sentencing sheets?

5 THE COURT: Yes, sir.

6 DEP. SOL. THORNTON: Sorry for the delay, Judge.

7 THE COURT: Mr. Mathews, if you would bring your client
8 around. Mr. Mathews, I recognize that there are a number of
9 individuals here for your client. I will permit a few of
10 them to come. Any victims that need to say anything?

11 DEP. SOL. THORNTON: Yes, sir, Judge. I have an uncle
12 of the decedent in this case that will speak when the time
13 is appropriate.

14 THE COURT: Mr. Thornton, I'll let you say whatever you
15 want to say and then I'll let any members of the victim's
16 family speak, and then I will turn to Mr. Mathews for
17 anything that he wants to say.

18 DEP. SOL. THORNTON: Thank you, Judge. You obviously
19 have been here throughout the entire trial of this case.
20 You're familiar with the facts. I'm not going to go back
21 into them. I will tell the Court that Mr. Owens has no
22 prior convictions of General Sessions's cases that I can use
23 against him. That being said, Judge, I think that Mr. Owens
24 has gotten all the break, frankly, that he deserves by
25 getting a manslaughter conviction.

1 I'm going to ask, Judge, for the maximum sentence of 30
2 years for manslaughter, consecutive to five years for
3 carrying a gun, and I'll tell you why, Judge. The victim in
4 this case was shot in the back. I don't know how much more
5 cowardly in action you can take than to shoot what is by all
6 accounts an unarmed man in the back in front of his own
7 home.

8 Whether there was some words or disagreement by the
9 parties right before this happened, to the State, it's not
10 relevant, because I just cannot get past the fact that he
11 shot the man in the back, Judge, supposedly while going to
12 pick up his kids.

13 This is the kind of senseless gun violence, Your Honor,
14 that plagues all of our communities. By his own account, he
15 was going to pick up his child and someone else's child and
16 he decides it's a good idea to get into a gun fight right
17 outside the home. The State feels like a 35-year sentence,
18 Your Honor, is appropriate in this case and that is what I
19 would ask the Court for.

20 Your Honor, at this time, I would ask the Court to hear
21 from Mr. Prudencio Mantanona, who is the uncle and at one
22 time the guardian of Mr. Williams.

23 THE COURT: All right. Sir, if you would come forward.
24 You can stand here at the podium, but I would ask that you
25 please state your full name for the record. I cannot

1 pronounce your last name but I would ask that you spell it
2 for this court reporter who is seated to the right here, if
3 you would.

4 MR. MANTANONA: Yes, my name is Prudencio Mario
5 Mantanona. The first name is spelled P-R-U-D-E-N-C-I-O.
6 Second name, T-E-N-R-I-O. Last name, M-A-N-T-A-N-O-N-A.
7 I'm known as "Uncle Larry." I'm Keith's uncle by marriage.
8 I've raised Keith since he was six months old. Until today,
9 by finding this young man guilty, I wanted him to be found
10 guilty of murder to make me feel good, but due to the
11 circumstances of him being a young man and I've lost
12 something really dear to me, and your family has obviously
13 lost something dear to them. I think you've gotten a break,
14 manslaughter. I hope the Judge will give you the max,
15 because you still have life. Keith doesn't have life. I'm
16 not saying he was an angel; you're not an angel. Y'all have
17 children by the same woman.

18 THE COURT: Please direct your attention to me, sir.

19 MR. MANTANONA: I have so much emotion right now. I
20 want to say, so I'm just going to say how I feel, what I
21 feel now. I hope the time that you do spend, that you use
22 that time wisely. Think about what you've done, but think
23 about what you're going to do. Just because you're
24 incarcerated doesn't mean you can't better yourself. There
25 are people out there who love you. But I don't like to

1 bring anyone any harm or any ill will to anyone, but I would
2 hope that you do serve the maximum of the manslaughter,
3 because you will be able to get out.

4 You will be able to go on with your life, and my son,
5 he's gone. One moment of anger, and to make it so bad is
6 that y'all have children by the same woman. These children
7 are going to grow up and say, "Your daddy killed my daddy."
8 So look at it that way, not what you've done, but look at
9 what you can do. I pray and hope I can forgive you one day
10 and hopefully you can understand what you've taken from me
11 and my loved ones and what you've done to your family as
12 well. I guess that's about all I can say.

13 DEP. SOL. THORNTON: That's all from the State, Your
14 Honor.

15 THE COURT: Mr. Mathews?

16 MR. MATHEWS: Your Honor, Your Honor has heard the
17 facts of this particular case. There is more. One of the
18 things that, as I understand how this happened, that Mr.
19 Owens was running away and firing. The State's witness in
20 this case had said he wasn't trying to hit him. It was
21 probably a reckless act and it's hard to argue with the
22 jury's verdict of voluntary manslaughter; it's hard to argue
23 with that. However, it is not a classic case of somebody
24 violently and despicably trying to kill somebody.

25 The State's testimony was that it was not an

1 intentional act. It was clearly a reckless act, but Mr.
2 Owens in the tape interview says he didn't intend to do it.
3 It looks like he didn't intend to do it. He was running
4 away; in terms of the length of the bullets, he was running
5 away and he should have been paying attention, but he
6 wasn't. He was scared. He was scared and he fired a gun
7 and he shouldn't have fired a gun. He shouldn't have had a
8 gun. But that's not what he went there to do.

9 He was afraid of Keith. They had had a long history.
10 Sincere is not a danger to anybody else and he understands
11 that there has to be a punishment; there has to be a
12 penalty. He's already been in jail for 17 months. He has -
13 - the manslaughter statute allows anywhere from three years
14 to thirty. The three years can even be suspended. I'm not
15 suggesting, Your Honor, that that would be appropriate in
16 this case, but the law allows for as little as three years.

17 And Your Honor, in spite of where this happened, the
18 circumstances of this case and the fact that Mr. Owens does
19 not have a prior General Sessions record, I think he's got a
20 simple possession of marijuana and a DUS, and that's all I'm
21 aware of. He's got a 12th grade education. He went to the
22 12th grade and he has a GED.

23 He's got two parents and a sister who love him dearly.
24 They are here with him. He volunteered himself that day.
25 Nobody had to go look for him. He showed up at the

1 Sheriff's Office, the police department. He showed up and
2 he talked to them. He didn't have to do that. He made it a
3 lot easier for the State to prove this case. He came and
4 said, "I have the gun." He admitted that. He admitted that
5 he fired the shots. He made the State's job a whole lot
6 easier because he wanted -- he showed up. Not everybody
7 would have done that. He showed remorse when he found out
8 that Keith had died, even though they were by no means
9 friends, he was consistent, but he didn't intend for any of
10 this to happen. Now, certainly, he could have been
11 concerned about what was going to happen to him, but he has
12 shown remorse also for what happened to Keith. Shante has
13 lost something, too. The mother of his daughter has already
14 lost one, and now might lose the only other man who is in
15 the children's life.

16 Everybody has lost something in this case, Your Honor.
17 He was working for his father. He was working in
18 construction. He's been remorseful from the very beginning.
19 It was a tragic, horrible thing that happened, and Your
20 Honor, we would just ask the Court to consider the
21 cooperation that he did give, the circumstances of this case
22 that don't make him a danger to society, generally, and the
23 fact that he has not been in this Court before, and consider
24 something a lot closer to three than to thirty. Your Honor,
25 would the Court like to hear from his parents?

1 THE COURT: Yes, sir.

2 MR. ANCRUM: Thank you, Your Honor. My name is Mr.
3 Ancrum. I'm the father of Jamal. I started to help raising
4 him when he was 11 years old and I'm really disappointed of
5 the outcome of the case today because this is not who he is.
6 He's always been a respectful young man, worked for me and
7 my father in the company business. Always did anything he
8 was asked to. Has very, very good manners. And like I
9 said, like Mr. Mathews touched on when this all happened, he
10 called me and said he was scared. He was scared for his
11 life. I met with him and we went down there and he turned
12 himself in, because I told him the truth will set you free.
13 I know you were scared. And he was real remorseful from day
14 one until now, but this is not who he is, Your Honor.

15 I mean, I can usually say a lot of things about kids
16 that they really don't mean, but when I was sick and
17 couldn't get around for a whole month, I mean, he dropped
18 everything else he had to do. He would get his little
19 brother dressed; he was very young then, for school. He fed
20 him, put him in the car, and would take him next door to my
21 mom's house, came back and helped me get dressed and
22 escorted me around to work every day, all day, never once
23 complaining. That's the kind of kid he is.

24 I understand the circumstances here and I understand
25 everything that is going on, but I just want to let you

1 know, Your Honor, that he's not a danger to society. What
2 happened was very tragic and I know he is very remorseful,
3 and I will ask you to consider being lenient on your
4 decision, because he is very key part of the kids' life and
5 we really need him to be back with us. That's all. Thank
6 you.

7 MR. MATHEWS: Your Honor, I would also say that his
8 grandmother prays for him every day. They are a praying
9 family. They are a church family. And Grandma, would you
10 like to be heard?

11 MS. KINARD: Good afternoon, Court.

12 THE COURT: Please identify yourself for the record,
13 ma'am.

14 MS. KINARD: Elizabeth Kinard.

15 THE COURT: Thank you, Ms. Kinard.

16 MS. KINARD: I would, first, like to apologize to the
17 family. We both have lost something. We teach our kids, we
18 train them, but when they go out into the world on their
19 own, we are not responsible for their do's and their don'ts.

20 The young fellow, Mr. Keith Williams, was very, very
21 disrespectful to me on many times, but I didn't hold that
22 against him. I continued to love him, because I know he was
23 someone's child. My grandson, Sincere Jamal Owens, I love
24 him dearly. Not a night that I put my head on the pillow
25 that I don't pray for him and all the other young people in

1 the world. I pray for him during the day, I pray for him
2 during the night. I love him very much.

3 Whatever the Court decides, we will have to live with
4 that. He has a daughter that he loves very much. I raised
5 Jamal. So whatever the decision is, we will have to live
6 with it. Most of all, we will continue to pray that God
7 will see us through all of this. Thank you.

8 THE COURT: Thank you, Ms. Kinard.

9 MR. MATHEWS: Your Honor, Jamal's mom; that was his
10 grandmother.

11 MS. YOUMANS: Hello, my name is Tonya Youmans. I'm
12 Sincere's mother.

13 THE COURT: Yes, ma'am.

14 MS. YOUMANS: (VERY EMOTIONAL.) I always believe that
15 my son did not mean to do it; I know he did it. My
16 sympathies go out to the family. I can imagine what they
17 went through, because I also went through it, too. I have a
18 granddaughter that Shante and Sincere had. She is five
19 years old. I also have another granddaughter, and she is
20 four years old. Even though Mia is not Sincere's, but he
21 took care of her. You know, she wanted something, he was
22 there. When she come to me, "Grandma Tonya, I want this,"
23 that same day, both of them would get it.

24 I just ask that you be lenient to my son. I'm not
25 excusing him for what he did, but I also look at the fact

1 that it could have been the other way around. And at the
2 end of the day, we still have the kids to raise with neither
3 father. So I would ask that you would take that into
4 consideration with my son. Thank you.

5 THE COURT: Mr. Mathews, does your client wish to say
6 anything? He's not required to, and I don't want him to say
7 anything that could possibly hurt him with regards to any
8 appeal issues that may be involved.

9 MR. MATHEWS: Just very briefly, Your Honor.

10 MR. OWENS: My name is Sincere Owens, and I just, you
11 know, want to apologize to the family..

12 THE COURT: Anything else from the State?

13 DEP. SOL. THORNTON: No, sir.

14 THE COURT: Mr. Owens, I've sat here over the last day
15 and a half and listened to the testimony in this case and
16 watched the video of your statement, just like this jury
17 did. And I've stood in the shoes of representing
18 individuals such as yourself, just like your lawyer, Mr.
19 Mathews is today, and it was very seldom that I stood in the
20 shoes of such as Mr. Mathews is doing here today that I had
21 a client that had the family support that you have sitting
22 in this courtroom today, and I would hope that after today
23 that they will continue to support you and keep in contact
24 with you and keep up with what is going on with you.

25 One of the things that I teach my children, or try to

1 teach my children day in and day out is that life is about
2 choices and consequences, choices and consequences, and
3 every choice that we make in this life is a consequence.
4 Whether that consequence is a small consequence or a great
5 consequence, this community has made the headlines of many a
6 times over the last year about the violence going on in this
7 community.

8 Me, nor any judge takes pleasure in sentencing
9 individuals, because myself, personally, I hate to see young
10 people such as yourself make the bad choices that you've
11 made, or the bad choice you made on this particular day and
12 have to suffer such severe consequences. And no matter how
13 bad the situation may appear at the time, it can always be
14 worse; it can always be worse.

15 How you deal with those consequences, you can deal with
16 them from a positive standpoint or you can take the negative
17 from it and deal with it. You are fortunate to have the
18 family that you have here supporting you. You are fortunate
19 to have your grandmother here that's prayed for you, and who
20 is praying for you on a day in and day out basis, and I hope
21 she will continue to do that.

22 I can assure you that I don't take pleasure in sending
23 anybody to the Department of Corrections, but having said
24 that, each of us face obstacles and difficulties in our
25 life; each of us do. And a lot of times the difficulties

1 and problems we face in life we can stand in front of a
2 mirror and look at what caused those problems and
3 difficulties.

4 On Indictment Number 2009-GS-15-305, the State v.
5 Sincere Jamal Owens, as to voluntary manslaughter, the
6 defendant is hereby committed to the State Department of
7 Corrections for a period of 27 years.

8 On the Indictment Number 2009-GS-15-306, the State v.
9 Sincere Jamal Owens, as to possession of a weapon, the
10 defendant is hereby committed to the State Department of
11 Corrections for a period of five years. That five years is
12 to run consecutive to the 27 years. Good luck to you, Mr.
13 Owens.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

CERTIFICATE

I, REBECCA H. HILL, Official Court Reporter for the Judicial Department of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had in the trial of the captioned case, in the Court of General Sessions for Colleton County, South Carolina, on the 13th - 15th day of September 2010.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 13, 2013

Rebecca H. Hill
Rebecca H. Hill,
Official Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF COLLETON) CASE NO.: 2009-GS-15-305, 306

THE STATE OF SOUTH CAROLINA,)
)
)

v.)

TRANSCRIPT OF RECORD

SINCERE JAMAL OWENS,)
)
)

DEFENDANT.)
)

MAY 29th, 2012

COLLETON COUNTY COURTHOUSE, SOUTH CAROLINA
 BEFORE THE HONORABLE D. CRAIG BROWN, JUDGE.

APPEARANCES:

DEP. SOL. SEAN P. THORNTON, ESQUIRE
 FOURTEENTH CIRCUIT SOLICITOR'S OFFICE
 POST OFFICE BOX 1725
 WALTERBORO, SOUTH CAROLINA 29488
 Attorney for the State of South Carolina

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 Attorney for the Defendant

Rebecca H. Hill
 Official Court Reporter

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1 THE COURT: We're on the record with regards to State
2 v. Sincere Owens. This is defendant's motion for
3 reconsideration. I want to go ahead and put on the record
4 that these clerk's files were placed earlier on the bench
5 today and when I opened the file to review it prior to this
6 hearing, noticed that there was a letter in the file dated
7 September 14 of 2011, August 31 of 2011, from the law firm
8 of Howe and Wyndham.

9 The letter is from a Jesse Goode who works in that
10 office; who is an associate in that office. The firm of
11 Howe and Wyndham is Donald Howe and Robert Wyndham. Robert
12 Wyndham is my brother in law. He is married to my sister.
13 He is married to my sister. Mr. David Michel is actually
14 here today handling this matter for Mr. Sincere Owens.

15 Prior to me taking the bench, I talked to Mr. Thornton,
16 who is here on behalf of the Solicitor's Office, as well as
17 Mr. Michel, back in chambers to advise them of me seeing
18 these letters in the file and asked them to consult their
19 respective clients as the rule permits, simply to advise
20 them whether or not they had any objection whatsoever to me
21 hearing this matter.

22 Mr. Thornton, I will, first, look to you for a response
23 after having put you on notice of this in chambers a few
24 minutes ago, giving you an opportunity to speak with your
25 client, the victim's family, in this case with regards to

1 whether or not there was any objection to me hearing this
2 matter. That was to be done outside of my presence, which
3 was done, by both parties. I'll give you an opportunity at
4 this time, Mr. Thornton, to put anything on the record that
5 you so desire whether or not the State wishes for me to
6 recuse myself from this matter.

7 DEP. SOL. THORNTON: Thank you, Judge. I talked to the
8 victim's family and they share the same opinion that I do,
9 Judge. The State has no objection to you hearing this
10 matter. We believe you to be fair and impartial and would
11 ask you to continue as judge. Thank you.

12 THE COURT: Thank you, Mr. Thornton. Mr. Michel, I
13 will now turn it over to you, sir.

14 MR. MICHEL: That is my client's intention, also. With
15 respect to what the State has said, we believe you to be
16 fair and impartial to this matter.

17 THE COURT: Having put both parties on notice, giving
18 them an opportunity to consult with their clients, after
19 neither party has expresses a desire for me to recuse
20 myself, I will, therefore, hear this matter. I just note
21 for the record that Mr. Michele was not even working in that
22 office when Mr. Howe and Mr. Wyndham or Mr. Goode -- it's my
23 understanding that Mr. Michel has a separate practice, a
24 private practice, of his own; is that right?

25 MR. MICHEL: Yes, Your Honor. And I've known Sincere's

1 father prior to his representation.

2 THE COURT: You've known who?

3 MR. MICHEL: The defendant's father who is here.

4 THE COURT: Okay..

5 MR. MICHEL: And I knew him prior to this
6 representation.

7 THE COURT: Okay. Anything else from the State? This
8 is the defense's motion, so I'm going to let them go first,
9 unless the State has anything further.

10 DEP. SOL. THORNTON: I have nothing, Judge. I was
11 going to call the case for you and turn it over to the
12 defendants.

13 THE COURT: All right. Go ahead and do that, sir.

14 DEP. SOL. THORNTON: Thank you, Judge. Your Honor, may
15 it please the Court? For the purposes of the record, this
16 is 2009-GS-15-305 and 306, charging Sincere Owens -- Judge,
17 305 is the offense of murder; 306 is the offense of
18 possession of a weapon during the commission of a violent
19 crime. Mr. Owens was tried in front of Your Honor and he
20 was resolved by the jury with a guilty verdict on September
21 the 15th of 2010, and he was found guilty of voluntary
22 manslaughter and possession of a weapon during the
23 commission of a violent crime.

24 As the Court has already indicated, David Michel is
25 here on his behalf and is a member of the Charleston County

1 Bar, and this is their motion to reconsider, which the State
2 concedes was properly filed by Mr. Owens's then attorney,
3 David Mathews. Thank you, Your Honor

4 THE COURT: Thank you, Mr. Thornton. Mr. Michel, I'll
5 be happy to hear from you, sir.

6 MR. MICHEL: Thank you, Your Honor. May it please the
7 Court? I'm David Michel, on behalf of Mr. Owens. Just to
8 clean up the record and make sure, this motion was filed
9 September 23rd of 2010. It was filed by Mr. David Mathews
10 of the public defenders' office.

11 As the State said, Your Honor, this case was tried
12 before you on September 13th through the 15th of 2010. Mr.
13 Owens was originally arrested on April 22nd, 2009, Your
14 Honor. He is currently housed at Lieber Correctional
15 Institute. He is serving a 27-year sentence for voluntary
16 manslaughter, with a five-year sentence of possession of a
17 weapon during the commission of a violent crime that you
18 sentenced him consecutively to 27 years, Your Honor.

19 Very briefly, Your Honor, Mr. Owens is 24 years old.
20 He is currently seeking his GED. He had already done a
21 little bit of that work prior to this incident, but he's
22 doing that through the correctional institution right now.
23 At the time of this incident, Your Honor, a very brief
24 background. I know you heard the case, so I'll be very
25 brief.

1 At the time of this incident, Mr. Owens had a child
2 from the union of he and Shante Glover, and I have submitted
3 a letter that I showed to the State prior from Ms. Glover,
4 for your review. It's a very simple one-page letter, and
5 they had no objection to me handing it up.

6 At the time of this incident, Mr. Owens and Ms. Glover
7 had a child together. The victim subsequently had a child
8 with Ms. Glover, also. So two daughters from Ms. Glover;
9 one with Mr. Owens and then one subsequently with Mr.
10 William's child.

11 This incident involved Mr. Owens going to pick up these
12 two daughters, an altercation occurred -- again, I don't
13 want to retry the facts. I know you're aware of them.
14 There was a shooting in which Mr. Williams ultimately died
15 hours later after the shooting. He was shot in the back,
16 near the rear buttocks.

17 Your Honor, again, this case was tried before you. The
18 jury came back and found a verdict of voluntary manslaughter
19 and possession of the weapon. In regards to sentencing,
20 Your Honor, I would just point out a few things here today
21 as far as argument.

22 Most importantly to begin with is the statement that
23 was originally taken from Ms. Glover within close proximity
24 of the incident. At that time, she did inform the deputy
25 sheriff that Mr. Owens had her vehicle and Mr. Owens was

1 going to pick up her two daughters, and that Mr. Owens and
2 her had received alleged threats. I don't want to try the
3 case; that's not before you, but I do at least want to set a
4 background that those threats allegedly came from Mr.
5 Williams.

6 Having said that, Your Honor, I think what's important
7 is during that same report, when Mr. Owens is informed that
8 Mr. Williams subsequently died, in the report it clearly
9 says, "He fell to the floor and started crying
10 uncontrollably and had to be helped up by family members."
11 He learned this while he was in custody with the sheriff's
12 department.

13 At the time he was convicted, Your Honor, you may or
14 may not recall, there had been a couple of other incidences
15 in the Walterboro/Colleton County area that were more gang
16 related, and those incidents did involve guns and they did
17 involve violence, and there was death as a result thereof.

18 At the time of this sentencing, Your Honor, there was a
19 lot of public outcry for the Court to take notice and for a
20 better term that we use, to send a message, if you will.
21 And I'm not saying the Court did that, it just was public
22 opinion at that time. At that time, Your Honor, he was
23 sentenced to 27 years on a 30-year charge. Clearly, this
24 was not a gang related crime. Clearly, this was a case
25 where the jury did find him guilty of voluntary

1 manslaughter, but having said that, Your Honor, it's clearly
2 a case of Mr. Owens having an extreme amount of remorse and
3 regret. I told him because of his emotion here today, he
4 will not be speaking with you, but he would tell you that he
5 felt awful at that time and still feels awful about it. The
6 jury has spoken and that he could not have any remorse for
7 this situation.

8 Again, I think it distinguishes itself with what was
9 going on in the community at the time here. This is not a
10 case of malice, evil in the heart. That's not the reaction
11 of somebody that has that when they find out someone who's
12 now passed away. That's not the normal reaction when it's
13 gang related or malice, and I think that's a very important
14 distinction, Your Honor.

15 Also, I would like to point out to you, Your Honor, at
16 the time of this incident, he was sentenced consecutively on
17 the gun charge. I would point out to you that at the time
18 the law allowed for both consecutive or concurrent sentence.
19 We believe that unlike Federal Court, this is a case that
20 should allow and should call for a concurrent sentence based
21 upon the severity and the length of the sentence imposed,
22 and we would respectfully request that in two parts: one,
23 that you reconsider your sentence on the manslaughter
24 charge, voluntary manslaughter.

25 Again, it's a 27-year sentence out of thirty. It's a

1 case where he showed extreme remorse. Also, Your Honor,
2 we'd ask that you consider running concurrent the gun
3 charge, the five-year sentence there. We understand it is a
4 five-year mandatory sentence, but we would respectfully
5 request that you consider running that concurrent.

6 Here with him today in Court, Your Honor, and they're
7 not going to speak. Again, I told him this is just a
8 sentencing motion here today. We're not here to retry the
9 case, but I do want you to know that his mother is here.
10 His father is here. His grandmother is here. I don't know
11 if you want them to put their names on the record or not.

12 THE COURT: I will allow that. And your client can be
13 seated. There is no need for him to stand while you're
14 arguing.

15 MR. MICHEL: Okay. State your full name.

16 MS. OWENS: Tonya Owens.

17 MR. MICHEL: And you are?

18 MR. OWENS: His mother.

19 THE COURT: Thank you, Ms. Owens.

20 MS. KINARD: His grandmother, Elizabeth Kinard.

21 THE COURT: Thank you, Ms. Kinard.

22 MR. OWENS: I'm his father, Owens. (Could not hear
23 name.)

24 THE COURT: Thank you, sir. Thank y'all for being
25 here. Anything else at this time, Mr. Michel?

1 MR. MICHEL: No, Your Honor.

2 THE COURT: Okay. Thank you. Mr. Thornton, be happy
3 to hear from you at this time.

4 DEP. SOL. THORNTON: Thank you, Judge. I'll be brief.
5 Your Honor, with all due respect to Mr. Michele, whether
6 this is gang-related or not, dead is dead. And the victim
7 in this case, Mr. Williams, is dead and Sincere Owens killed
8 him, period. Mr. Owens got all the break he needed to get.
9 Frankly, more break than he deserved. And the jury didn't
10 find him guilty of murder; they found him guilty of
11 manslaughter.

12 The victim in this case was shot from behind in front
13 of his own house while retrieving his mail. So the State's
14 position is that Mr. Owens got more of a break than he
15 deserved and should have gotten a murder conviction, but the
16 jury has spoken and the State always respects a jury's
17 decision. I think that your sentence was reasonable. You
18 could have given him 35, but you didn't; you gave him 32.

19 Respectfully, Your Honor, I would ask that you deny
20 this motion. If you do think about reconsidering it,
21 frankly, I would ask that you reconsider it the other
22 direction and give him 35, because he deserves every day of
23 it. Your Honor, the victim in this case has family members
24 that drove all the way up from Georgia and Florida today to
25 be here. One of them would like to speak, if Your Honor

1 would allow it, Mr. Terrell Carter, who is the brother of
2 the victim in this case. The State has nothing further,
3 Your Honor, other than that.

4 THE COURT: Mr. Carter, please state your full name for
5 the record. I'll be happy to hear from you.

6 MR. OWENS: My name is Terrell Carter. I am the sole
7 sibling of Keith Williams. Keith's not coming back. While
8 I do feel for his family and the fact that they have to go
9 through this, they may get a chance to see their son one
10 day. My brother is not coming back. He was a father. He
11 was somebody's son. He was my brother. He doesn't get to
12 be a father anymore and there are tons of children running
13 around here whose fathers don't want anything to do with
14 them. My brother was active as a father. As you can see,
15 he was going to pick up his daughter and my brother's
16 daughter from my brother, so obviously, he was someone who
17 was doing something and trying to be productive with his
18 life.

19 Now, the simple fact still remains, Your Honor, that he
20 was shot in the back. You can't -- he wasn't -- there's no
21 conflict there. He decided, after hearing those words, to
22 go and do whatever he did. He didn't call the authorities.
23 He chose to be a vigilante. I think he's okay where he is
24 at and I don't think he should have any -- any of his time
25 taken away, and I agree with the State that he should be

1 given more, if any. Thank you.

2 THE COURT: Anything else, Mr. Thornton?

3 DEP. SOL. THORNTON: Nothing from the State, Your
4 Honor. Thank you, sir.

5 THE COURT: Mr. Michel, anything further?

6 MR. MICHEL: Nothing further, Your Honor.

7 THE COURT: All right. I'm going to take this matter
8 under advisement. I want to think about it. I want to go
9 back and look at the file and I want to go back and look at
10 my notes from this trial. I will let you know something by
11 the end of the week.

12 DEP. SOL. THORNTON: Yes, sir. Thank you, Your Honor.

13 MR. MICHEL: Thank you, Your Honor.

14 THE COURT: Mr. Carter, thank you for being here today,
15 sir. One more thing, Mr. Thornton, let me ask you this.
16 This is a letter that you passed up to me that Mr. Michele
17 was referring to.

18 DEP. SOL. THORNTON: Yes, sir. Mr. Michele was kind
19 enough to show that to me ahead of time. The State has no
20 objection to Your Honor reviewing it.

21 THE COURT: All right. It was brought to me by my
22 clerk and I have not looked at it because I wanted to make
23 sure you had seen it first.

24 DEP. SOL. THORNTON: Yes, sir.

25 THE COURT: Let me rephrase that. I looked at it, but

1 I didn't read it.

2 DEP. SOL. THORNTON: No objection, Your Honor.

3 (Brief pause as The Court reviews letter.)

4 THE COURT: I'm going to make a copy of this. I would
5 ask that I take a copy of it with me. Do you want the
6 original back, Mr. Michele?

7 MR. MICHEL: No, sir, Your Honor.

8 THE COURT: Then I'm going to give it to the court
9 reporter as a Court's Exhibit.

10 (Whereupon, Court's Exhibit Number One, letter from
11 Shante Glover, is received into evidence.)

12 MR. MICHEL: Thank you.

13 DEP. SOL. THORNTON: Thank you, Judge.

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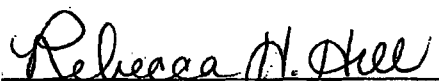
STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

CERTIFICATE

I, REBECCA H. HILL, Official Court Reporter for the Judicial Department of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had in the hearing of the captioned case, in the Court of General Sessions for Beaufort County, South Carolina, on the 29th day of May 2012.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

November 25, 2013


Rebecca H. Hill,
Official Court Reporter

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EXHIBITS

None.

1 **DEPUTY SOLICITOR THORNTON:** This is the State of
2 South Carolina versus Sincere Owens, 2009-GS-15-305 and
3 306. Mr. Owens was convicted on September the 15th, 2010.

4 He was, I believe, originally charged with murder and
5 possession of weapon during the commission of a violent
6 crime. He was convicted of manslaughter, voluntary
7 manslaughter, and possession of a weapon during the
8 commission of a violent crime.

9 He was sentenced by the Honorable Craig Brown, Your
10 Honor, on September the 15th, 2010. He received
11 twenty-seven years for the manslaughter, consecutive to
12 five years on the possession of a weapon during the
13 commission of a violent crime, for a total of thirty-two
14 years.

15 Subsequent to that, Your Honor, Mr. -- I believe it
16 was Mr. Mathews who actually was his trial counsel, on his
17 behalf submitted a motion for resentencing or to
18 reconsider the sentence, and unfortunately it's just that
19 we've been through two or three lawyers now. Mr. Michel
20 has gotten it, and he has tried diligently to go ahead and
21 get this matter scheduled. We scheduled it in front of
22 Judge Brown, who felt he needed to recuse himself, and now
23 Your Honor has it, and we would ask the matter to be
24 heard.

25 As a housekeeping matter, I've inquired of Mr.

1 Michel, and he indicates that his client has consented to
2 Mr. Michel waiving his appearance. I'd ask that be put on
3 the record.

4 I also, Judge -- the victims -- the family in this
5 case provided me with two letters. I have shown them to
6 Mr. Michel. I'd ask to pass them up to the Court and be
7 considered part of this hearing.

8 **THE COURT:** Hold on one second.

9 Any objection to my reviewing these letters? Do you
10 have copies?

11 **MR. MICHEL:** Yes, Your Honor. I've seen them. I
12 have no objection. And, Your Honor, ---

13 **THE COURT:** Do you want to mark them as an exhibit?

14 **DEPUTY SOLICITOR THORNTON:** No, Your Honor. I'm just
15 going to hand them up to the Court for the Court to read.

16 **THE COURT:** Very well.

17 Yes, sir?

18 **MR. MICHEL:** We'd also stipulate, Your Honor, we
19 heard this matter back in May of this year. The victim's
20 family members were here, and if Mr. Thornton wants to
21 paraphrase anything that they said at that time, I have no
22 objection also since they couldn't be here today.

23 **THE COURT:** Very well.

24 Is that correct, Mr. Thornton?

25 **DEPUTY SOLICITOR THORNTON:** It is, Your Honor.

1 **THE COURT:** All right. Now, I notice -- before you
2 hand me anything, Mr. Michel, you're here, but I don't
3 see, obviously, Mr. Owens. So the Court has some concern
4 about that. Are you waiving Mr. Owens' appearance?

5 **MR. MICHEL:** Yes, I am, Your Honor.

6 **THE COURT:** Do you have his consent to do so?

7 **MR. MICHEL:** Yes, Your Honor. Let the record reflect
8 that I met with him both at Lieber Correctional Institute
9 and in May. May 29th of this year, we had a hearing here.
10 He was present. He did not speak. Both times I met with
11 him, he did agree to waive his presence in the future if
12 it became necessary.

13 **THE COURT:** Very well. When you said he had a
14 hearing, was there a hearing on this motion with Judge
15 Brown?

16 **MR. MICHEL:** There was, Your Honor.

17 **THE COURT:** I see. All right.

18 **MR. MICHEL:** And he did not ---

19 **THE COURT:** Before he recused himself.

20 **MR. MICHEL:** Yes, and he did not speak at that time.

21 **THE COURT:** In my file, which I have in front of me,
22 the clerk's file, Mr. Thornton was correct; the Motion to
23 Reconsider the sentence was filed by David Mathews on Mr.
24 Owens' behalf on September the 23rd of 2010.

25 Then Mr. Owens retained Jesse Cook as counsel, who

1 was ultimately replaced by you, Mr. Michel. And Judge
2 Brown heard oral arguments on May 29th, 2012, took the
3 matter under advisement, and it resulted in a July 2012
4 order recusing himself and assigning this to me.

5 I'm Chief Administrative Judge for Colleton, and so
6 it would have been assigned to me, obviously, regardless.
7 But I understand that Mr. Thornton represented the State
8 at the trial and it is your motion.

9 Let me have the exhibits. I understand from Mr.
10 Michel that he has authority from his client to waive the
11 defendant's appearance, and I'll take a look at your
12 exhibits, and then I'll hear from you, Mr. Michel.

13 **MR. MICHEL:** Thank you, Your Honor.

14 **THE COURT:** Let the record reflect, Ronda, that I
15 have reviewed the letter dated November 8th, 2012, from
16 Carol A. Patterson, who is the aunt of the deceased
17 victim, Keith Williams. And I am also reviewing a letter
18 that is undated from Terrell, T-E-R-R-E-L-L, Carter, who
19 is the elder brother of the victim, Keith Williams.

20 All right. Let the record reflect that I have now
21 reviewed both of the letters handed to me by the
22 Solicitor, which I understand from Mr. Michel he has
23 copies or has reviewed, without objection.

24 Mr. Michel, I'm happy to hear from you at this time.
25 It's a motion on behalf of the defendant to reconsider the

1 sentence.

2 **MR. MICHEL:** Thank you, Your Honor. May it please
3 the Court?

4 First of all, if it's okay with you, I was just going
5 to get the family to stand. This is Sincere Owens'
6 mother, and the rest of the family is just here to
7 support. They're not going to be speaking today.
8 Sincere's mother does not wish to address the Court but
9 does want you to know that she supports him fully, and
10 that's why we're here today.

11 **THE COURT:** I understand.

12 **MR. MICHEL:** You know, as a mother, I just think it's
13 too hard for her to say anything, and I appreciate her
14 being here. She just wants you to know that ---

15 **THE COURT:** I have no doubt about her feelings for
16 her son, Mr. Michel.

17 **MR. MICHEL:** Thank you.

18 Your Honor, very briefly, this is a Motion to
19 Reconsider. It's just a bare -- we're not going to rehash
20 the background of the trial. I'm not going to do that.
21 I'll give you very briefly some facts of the case, since
22 you did not hear it, just very briefly.

23 Mr. Owens did file a Motion to Reconsider through his
24 trial attorney at the time. He was originally arrested on
25 April 22nd, 2009. There was a trial before Judge Jones,

1 which -- excuse me, Judge Brown between September 17th --
2 14th through the 15th, and that was in 2010.

3 As the solicitor told you, he was sentenced to
4 twenty-seven years on the manslaughter and five years
5 consecutively on possession of a weapon during a violent
6 crime. He's currently at Lieber, and his max-out date is
7 2037.

8 Just very briefly about some background, Your Honor;
9 Mr. Owens is currently twenty-five years old. He's
10 currently working on his GED at Lieber.

11 At the time of this incident, again, I'm going to go
12 very briefly through the facts, at the time of this
13 incident, Mr. Owens had a child from the union of he and
14 Ms. Glover. They had a daughter together.

15 After the birth of this child, Ms. Glover then met
16 Mr. Williams, the victim in this case. They then, from
17 their union, had an additional daughter.

18 At the time, both the young girls -- they were both
19 having custody of these children together, Mr. Owens and
20 Ms. Glover and Mr. Williams. Having said that, there were
21 some text messages and phonecalls back and forth between
22 Ms. Glover, the mother of both daughters, and Mr. Williams
23 the day of the incident. And I'm not going to get into
24 the facts of those, unless you want me to, Your Honor, but
25 basically there were some threats or innuendos in those

1 messages and the phonecalls to Ms. Glover that she had
2 relayed to Mr. Owens.

3 Mr. Owens was asked by Ms. Glover on the day of the
4 incident to go pick up not only his child, his daughter,
5 but the daughter of the union that was from Ms. Glover and
6 Mr. Williams. That's when this incident occurred. The
7 shooting did occur.

8 Later that day when Mr. Owens was being interviewed
9 by the police after the shooting, he was then informed
10 that Mr. Williams had died from the shooting. And the
11 point I want to make to Your Honor that, again, it's so
12 clear that this was not related to what Judge Brown had
13 originally said in sentencing, Mr. Owens fell to the
14 ground and was crying uncontrollably when he learned that
15 Mr. Williams had actually passed away from the shooting.

16 At the sentencing, Your Honor, Judge Brown brought up
17 the fact that -- that in the headlines were gang related
18 shootings and that these type of incidents needed to cease
19 and that he needed to send a message to the community.

20 What I'm asking you today is to reconsider, just
21 based on the facts alone of this case, not what is
22 happening in the community. It was not gang related. It
23 was clearly an issue between this -- just Mr. Sincere
24 Owens and Mr. Williams.

25 My client, immediately without knowing anything else,

1 he hadn't been charged yet, he had been interviewed only,
2 began crying uncontrollably when he found out that Mr.
3 Williams had died. Clearly, this was not a vengeance type
4 thing.

5 Having said that, Your Honor, he was also sentenced
6 to five years consecutive on the weapon charge. As you
7 know, in federal court, that charge is automatically
8 consecutive. In state court, it is not.

9 Based upon those two factors, number one, that Judge
10 Brown indicated that his sentence was based upon not only
11 the facts of this case, but also what was out in the
12 community or send a message in the community, number one.
13 And number two, we would ask for leniency regarding that
14 charge regarding the weapon, to run concurrent versus
15 consecutive, Your Honor. We believe that both of those
16 would be appropriate based upon the circumstances, the
17 fact that the jury did find him guilty of manslaughter
18 versus murder.

19 Again, Your Honor, I do have authority from my client
20 for him not to be here today. He was here in May. He is
21 very remorseful, obviously, from the time that he heard
22 the news about Mr. Williams until his hearing.

23 His family is here in support of him. Again, his
24 mother does not wish to address the Court, Your Honor.

25 I don't want to go into the facts anymore, unless you

1 want me to. I'm happy to, but those are the two main
2 issues for the Motion to Reconsider.

3 **THE COURT:** You want me to understand that this was
4 not a crime of vengeance. Now, you haven't mentioned his
5 prior record.

6 **MR. MICHEL:** Oh, I'm sorry, Your Honor.

7 **THE COURT:** I'm sure I'm going to hear it from the
8 solicitor, but I'm going to need to know a little bit
9 about his prior record, and I'm also going to need to know
10 what you understand the circumstances that gave rise to
11 this incident ---

12 **MR. MICHEL:** Yes, Your Honor.

13 **THE COURT:** --- to me, since you want to tell me what
14 it's not, but you haven't told me how you want to
15 characterize it, because I am certain Mr. Thornton is
16 going to characterize it for me.

17 **MR. MICHEL:** Absolutely, Your Honor. It is my
18 understanding -- because Mr. Thornton announced the case,
19 I kind of skipped a couple of my notes. It's my
20 understanding he has no prior record of significance. I
21 think he does have some minor issues, and I know he will
22 tell you about them.

23 **THE COURT:** He has no record of violence.

24 **MR. MICHEL:** Not to my knowledge. I could be wrong
25 about that, but I'm sure Mr. Thornton will address that.

1 **THE COURT:** All right. Anything else, Mr. Michel?

2 **MR. MICHEL:** That's all, Your Honor.

3 **THE COURT:** Thank you.

4 **MR. MICHEL:** Thank you.

5 **THE COURT:** Mr. Thornton?

6 **DEPUTY SOLICITOR THORNTON:** Your Honor, his prior
7 record -- Mr. Owens' prior record is relatively minor.
8 He's got a public disorderly conduct. He's got a simple
9 assault and battery, and he has a couple violations of
10 city ordinances, and he has an arrest but no conviction
11 from a drug offense, but nothing -- nothing of this
12 magnitude.

13 Your Honor, a couple things I would point out. One,
14 at the prior hearing in front of Judge Brown to reconsider
15 this, the victim's family, the people that wrote you the
16 letters that the Court has already indicated you've read,
17 ---

18 **THE COURT:** Yes, sir.

19 **DEPUTY SOLICITOR THORNTON:** --- they were here. They
20 wished to be here today, but there is a lot of illness in
21 their family right now, and they were unable to be here,
22 but I did not want the Court to think that -- certainly
23 they care, and they were here at the prior hearing. They
24 were here through the entire trial before.

25 Judge, the thing that bothers me most about this

1 case, and I think Mr. Michel, for the most part, has
2 accurately reflected some of the facts in the case. What
3 gave the State pause in this case and why we -- I'm going
4 to argue against any reduction in sentence is that it was,
5 in essence, a revenge killing. That's my perspective.

6 There were text messages sent. There was an
7 argument, and they were less than pleasant text messages
8 sent from the victim in the case to Ms. Glover, who has a
9 child in common with both the defendant and the victim.

10 The problem is that the victim was shot in front of
11 his home. The State -- the evidence as the State
12 presented it, and as the State believes is that while
13 dropping the kids off or going to pick the children up
14 nearby that the defendant, Mr. Owens, then drove by the
15 home of the victim in the case, Mr. Williams, until he saw
16 him at his mailbox and then opened fire on him.

17 There were multiple shots fired. Mr. -- Mr.
18 Williams, the victim, was actually shot from behind. The
19 bullet entered his backside and he bled out, basically,
20 Judge, as he crawled behind his house.

21 **THE COURT:** Yet the jury did not believe that this
22 was murder. You indicted him for murder.

23 **DEPUTY SOLICITOR THORNTON:** Yes, sir.

24 **THE COURT:** And the jury found him guilty of
25 voluntary manslaughter.

1 **DEPUTY SOLICITOR THORNTON:** And I have a feeling it
2 had to do with the text messages between the two, and they
3 just didn't feel like it was a sufficient cooling off
4 period. It's my guess. Obviously, I don't know for sure.
5 I wasn't in the room with them, Judge, but -- but they
6 found him guilty of manslaughter.

7 You know, Judge, he could have gotten thirty-five
8 years. He got thirty-two. I think it's a reasonable
9 sentence, and I'd ask the Court to consider not reducing
10 it. That's all I've got, Judge.

11 **THE COURT:** Anything in reply, Mr. Michel?

12 **MR. MICHEL:** Just very briefly, Your Honor, and I
13 know we're not going to go back and forth on the facts,
14 but I'll just read one sentence from Ms. Glover's
15 interview at the time of this incident when she was
16 interviewed by the police. She did tell the police that
17 Mr. Williams had sent a text saying, referring to Mr.
18 Owens: I will -- I will beat your ass, and you better
19 believe -- or you better let him know as soon as I see
20 him, which I won't because he hides from everyone, I'm
21 going to -- and he uses an expletive, him up.

22 And I just, again, to reiterate without going into
23 the facts, I think that is why this incident occurred.

24 **THE COURT:** Mr. Michel, I clearly understand that
25 Judge Brown, before he recused himself, heard this case

1 and I clearly understand that the jury gave your client
2 the benefit of convicting him of a lesser included
3 offense. And you are correct, in federal court -- it's
4 interesting that you say that, Mr. Michel, because Judge
5 Norton's clerk is sitting right over here in my jury box,
6 and it is true that in federal court possession of a
7 weapon during the commission of a crime is mandatory
8 consecutive sentence, but that is also a decision in state
9 court that is within the judge's discretion.

10 **MR. MICHEL:** Yes, Your Honor.

11 **THE COURT:** Just as the parameters of the sentence
12 are; thirty years for voluntary manslaughter, five years
13 for possession of a weapon. The solicitor is absolutely
14 correct in telling this Court that Judge Brown's sentence
15 was within the parameters established by the legislature
16 in the statute for the offenses for which he was
17 convicted.

18 You asked me to reconsider the sentence, or actually
19 Mr. Mathews did, because you thought the sentence was too
20 harsh under the circumstances that you've outlined, that
21 it was not a vengeful killing. And although a successor
22 judge, such as myself, that's why I asked you to give me a
23 little bit of your understanding of what occurred, as well
24 as the solicitor, since I was not the trial judge, has the
25 absolute right to proceed under these circumstances where

1 a judge recuses himself.

2 My concern here is that the sentence was proper under
3 the statute. And while I recognize, Mr. Michel, that
4 you've done everything that a lawyer could do to try to
5 benefit your client, I don't know that you've given this
6 Court a reason to disturb the judge's finding where the
7 judge has sentenced, and I'll give you a perfect example.
8 If we used escape in South Carolina, it would be analogous
9 to what you've used in your analogy to federal court,
10 because obviously, it's supposed to be consecutive. If
11 the judge gave -- if Judge Brown had given a concurrent
12 sentence and you asked me, where he recused himself to
13 review it, I could find a legal reason to disturb his
14 findings.

15 Here, I listened carefully to you, and I know his
16 family cares very much about Mr. Owens. They wouldn't be
17 here if they didn't. Conversely, I realize from, even
18 though they are not present in the courtroom, that the
19 family of Mr. Williams cares very much about him.

20 I find no legal reason to disturb the discretion of
21 the trial judge, and your Motion for Reconsideration is
22 respectfully denied.

23 **MR. MICHEL:** Thank you, Your Honor.

24 **THE COURT:** Thank you very much for being well
25 prepared on behalf of your client. I am very appreciative

1 of that.

2 I will enter an order. Since the sentence sheet is
3 not going to be changed, I assume neither one of you have
4 any need that I fill out an amended sentence sheet.

5 **DEPUTY SOLICITOR THORNTON:** No objection, Your Honor.

6 **THE COURT:** Is an order sufficient, a form order from
7 the clerk, sufficient for both of you, in light of my
8 ruling placed on the record?

9 Solicitor?

10 **DEPUTY SOLICITOR THORNTON:** It is from the State,
11 sir.

12 **THE COURT:** Mr. Michel, how about you?

13 **MR. MICHEL:** Yes, Your Honor.

14 **THE COURT:** All right. If you would, Madam Clerk,
15 would you prepare me a form order and hand it to my law
16 clerk? This will be 2009-GS-15-0305, 2009-GS-15-0306,
17 both entitled State of South Carolina versus Sincere J:
18 Owens, O-W-E-N-S. One is for -- one of those indictments,
19 and I don't know which is which, because I don't have them
20 -- well, I could look them up, but I'll give you back your
21 file. One is for murder and one is for -- my law clerk
22 has put a table of contents in your file, Madam Clerk, and
23 I know you will appreciate that.

24 Thank you very much, Camden.

25 Just hand that up, and I'll write on it and you just

1 give me the caption.

2 Thank you, Mr. Michel. You are excused from the
3 courtroom, and I appreciate your thoroughness.

4 Deputy Solicitor Thornton, if you have no other
5 matters, you also are excused from the courtroom, and I
6 thank you for your preparation as well.

7 **DEPUTY SOLICITOR THORNTON:** Thank you, Judge.

8 **(END OF REQUESTED TRANSCRIPT OF RECORD.)**

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

I, Ronda T. Cummings, Official Court Reporter for the
Judicial Department of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Colleton County, South Carolina, on the 13th day of
November, 2012.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

November 1, 2013



Ronda T. Cummings, CVR-M
Official Court Reporter

WITNESSES

C. Warren, WPD

Bridge

ARREST WARRANT NUMBER

15-02238

April 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Melina W. Kinard

Foreperson of Grand Jury

Date: *6-25-09*

INDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2009-GS-15-0305

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

June Term 2009

THE STATE

vs.

Sincere Jamal Owens

Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020

CDR Code: 0116

COLLETON COUNTY
GENERAL SESSIONS COURT

2009 JUN 26 AM 8:13

Don J. Smith

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

INDICTMENT

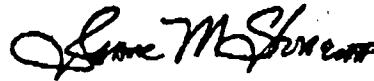
2009-GS-15-0305

At a Court of General Sessions, convened on June 25, 2009, the Grand Jurors of Colleton County present upon their oath:

Murder / Murder

That in Colleton County on or about April 22, 2009, with malice aforethought, Sincere Jamal Owens did kill and murder Keith Williams by means of shooting the victim with a handgun, and that Keith Williams did die in Colleton County as a proximate result thereof on April 22, 2009; in violation of Section 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.



Isaac M. Stone, III, Solicitor

2009 JUN 25 10:13

WITNESSES

C. Warren, WPD

Bridge ✓

ARREST WARRANT NUMBER

1862239

April 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Melina M. Kinard

Foreperson of Grand Jury
re: 6-25-09

VERDICT

Guilty

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2009-GS-15-0306

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

June Term 2009

THE STATE

vs.

Sincere Jamal Owens

Indictment for

Weapons / Poss. weapon during violent crime,
if not also sentenced to life without parole or
death

SC Code: 16-23-0490
CDR Code: 0549

COLLETON COUNTY
GENERAL SESSIONS COURT

2009 JUN 26 AM 8:13

C. Warren

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

INDICTMENT

2009-GS-15-0306

At a Court of General Sessions, convened on June 25, 2009, the Grand Jurors of Colleton County present upon their oath:

Weapons / Poss. weapon during violent crime, if not also sentenced to life
without parole or death

That in Colleton County, South Carolina, on or about April 22, 2009, the Defendant, Sincere Jamal Owens, did possess a handgun or visibly display what appeared to be a handgun during the commission, or attempted commission, of murder, a violent crime. 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.



Isaac M. Stone, III, Solicitor

STATE OF SOUTH CAROLINA

up to 30 years

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Colleton
STATE VS.

Sincere Jamal Owens

AKA

Race: Sex: M Age: 34

DOB: SS#: 14

Address: 14

City, State, Zip:

DL#: ID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Voluntary Manslaughter

in violation of § 16-3-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Career Criminal, Western

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 27 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. 511 days☐ 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 ☐ Det. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 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 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(B)(1) (Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

§ 44-53-450(C) (Conditional Discharge) \$350 \$

1% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/Deputy Clerk Patricia C. Grant

Court Reporter: Rebecca Hill

CCA/217 (06/2010)

INDICTMENT/CASE#: 2009-bS-15-305

AW#: 1862238

Date of Offense: 4/22/2009

S.C. Code §: 16-3-10

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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.

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 27 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. 511 days☐ 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 ☐ Det. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

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§ 44-53-450(C) (Conditional Discharge) \$350 \$

1% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/Deputy Clerk Patricia C. Grant

Court Reporter: Rebecca Hill

CCA/217 (06/2010)

Presiding Judge

Judge Code: 2065

Sentence Date: 7-15-10

STATE OF SOUTH CAROLINA

COUNTY OF
STATEColleton
VS.

AKA:

Race:

Sex:

Age:

DOB:

Address:

City, State, Zip:

DL#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Possession of a weapon during the Commission of a Violent Crimein 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:

Career Criminal, Western

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. 511 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$5(X)	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</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 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
1% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-65-15-0306A/W#: I-862239Date of Offense: 4/22/2009S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code:

Sentence Date:

P. C. Taylor
2160
7-15-10

WALTERBORO POLICE DEPARTMENT
STATEMENT OF MIRANDA RIGHTS



OCA # 0900779

WARNING

My name is SGT WARREN. I am an officer of the Walterboro Police Department. I am going to explain your Miranda Rights as listed below. Please indicate that you understand each of these rights by placing your initials in the provided spaces.

1. You have the right to remain silent. SW
(Initials)
2. Anything you say can and will be used against you in a court of law. SW
(Initials)
3. You have the right to talk to a lawyer and have one present with you while you are being questioned. SW
(Initials)
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. SW
(Initials)
5. You can decide at any time to exercise these rights and not answer any questions or make any statements. SW
(Initials)

WAIVER OF RIGHTS

Having understood these rights, and having these rights in mind, do you wish to make a statement now? If so, please indicate your wish to talk to us with your signature.

SW

(Signature)

Witnessed by:

[Signature]

Officer

Walterboro Police Department

Date: 9/23, 2009 Time: 1850

Other Witness

(not required)

Date: _____, 20____ Time: _____

Walterboro Public Safety
VOLUNTARY STATEMENT

0700119

DATE 4/22/07 PLACE _____ TIME STARTED 1915 P.M.

I The undersigned SHUCRE JAMAAL OWENS, am _____ years of age, having been born on 6/2/97, at _____

I now live at _____

I have been duly warned and advised by SGT WARREN, a person who has identified him

WALTERBORO POLICE OFFICER

I declare that the following voluntary statement is made to the aforesaid person of my own free will without promise of hope of reward without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person persons whomsoever.

I pulled up to my child mother house pick up
my BABY but they told me the kids were still
at the Day care, so I started walking back to My
BABY mother truck when somebody said look he
was walking from his house on Francis Street
towards the truck reaching when he pulled out a
black gun and started ^{glared} told me to run I started
ran I didn't know were I was shooting at I didn't
know what he could have did to me I just ran and
shot. show time was the me with the gun.

END OF STATEMENT

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 1937 P.M. on the 22 day of APRIL 2007

Witness Christopher R. W.

Witness _____

Shucré Jamaal Owens

Signature of Person Giving Voluntary Statement

STATE'S
EXHIBIT

10

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

Sgt. Christopher Warren
Walterboro Police Department
P.O. Box 709
Walterboro, SC 29488

FIREARMS DEPARTMENT

June 26, 2009
SLED LAB: L09-05214
Your Case No: 0900779
Incident Date: 04/22/2009
[V] Keith Williams
[S] Sincere Owens

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

ITEMS OF EVIDENCE:

- Item 1 One Steyr Mannlicher 9mm Luger caliber pistol, Model M9-A1, serial number 052884.
- Item 2 One magazine.
- Items 3-11 Nine unfired 9mm Luger caliber cartridges (CBC headstamps).

Note: The SLED inventory sheet indicated that ten unfired cartridges were submitted (Items 3 - 12) with the Item 2 magazine. Since only nine unfired cartridges were received, there was no Item 12 cartridge.

- Items 13-14 Two unfired 9mm Luger caliber cartridges (CBC headstamps).
- Items 15-17 Three fired 9mm Luger caliber cartridge cases (CBC headstamps).
- Item 19 One fired bullet.

RESULTS:

Item 1 was examined; test fired with the Item 2 magazine, and found to be in working order. The Item 3 - 11, 13, and 14 cartridges were the correct caliber for use in the Item 1 pistol.

Test bullets and cartridge cases fired by the Item 1 pistol were microscopically compared to the Item 15 - 17 cartridge cases and the Item 19 bullet. It was concluded from these comparisons that Items 15 - 17 and 19 were fired by the Item 1 pistol.



Test specimens from Item 1 were submitted for entry into the Integrated Ballistics Identification System (IBIS). Should any "hits" be developed against these entries, you will be notified. Please retain Item 1 for a minimum of two years in order to maintain its availability for any future comparisons that may be dictated by IBIS activity.



SLED LAB No. L09-05214

June 26, 2009

Page 2 of 2



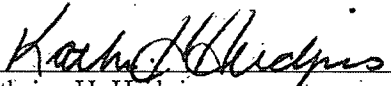
Kenneth H. Whitler
Forensic Scientist



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."

January 27, 2014


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

ORIGINAL
ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Colleton County

D. Craig Brown, Circuit Court Judge

RECEIVED
JAN 27 2014
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

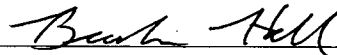
SINCERE JAMAL OWENS,

APPELLANT

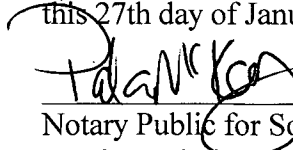
APPELLATE CASE NO. 2012-213550

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 27th day of January, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 27th day of January, 2014.


(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.