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VOLUME TWO OF TWO

THE STATE OF SOUTH CAROLINA
, In the Court of Appeals

ORIGINAL

APPEAL FROM WILLIAMSBURG COUNTY
William Jeffrey Young, Circuit Court Judge

C.A. No.: 2011-GS-45-00095

The State of South Carolina Respondent

MARC A. PALMER

v.

..... Appellant

APPELLATE CASE NO. 2013-000700

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT #2 (CD)

1 and he's serving his sentence he is paying his debt to
2 society and I'm going to tell you folks, whether Mr. Palmer
3 walks out this courtroom a free man or whether he's
4 sentenced in a cell right next to Maurice Palmer, Maurice
5 Palmer, I mean Maurice Smith is going to serve his time. He
6 doesn't have at this point anything to gain or to lose by
7 saying Marc Palmer was the shooter if he wasn't. Now way
8 back when, when he was out and he was doing his dirt oh he
9 had a lot or reason not to put anything in it. He don't wan
10 the police and he told you. He said listen at that time I
11 know I had my thing going on I know I wasn't try to see the
12 police and I wasn't trying to have the police see me and
13 it's tragic to say but he wasn't the only person out there
14 that night that felt that way. Detrel Matthews felt that
15 way, he felt that way and it's kind of like a lot people
16 just said I don't want to be a part of it and that's part
17 quite frankly that's part of the tragedy in this case as
18 well, but I would submit to you that there is something
19 incredibly liberating about prison and I know that sounds
20 ironic and it doesn't make --- but when you go to prison and
21 you're doing your time. I would submit to you that it kind
22 of allows you to get it off your chest, because he knows
23 what happened that night and he told you it's not just like
24 I'm remembering today that Marc Palmer killed Therris. I
25 knew back then that Marc Palmer killed Therris did I come

1 forward and say yeah Mr. Policeman I saw it I'm an eye
2 witness it was Marc no I didn't do that but it's and please
3 be clear it wasn't that he was uncertain back then he knew
4 back then as he testified to you during this trial. Here is
5 where I think it's so important and why I would submit to
6 you that he is believable. When this shooting happened what
7 did you hear about what the witnesses did. Wesley ran, TT
8 ran so fast he pulled a muscle in his leg, Detrel ran,
9 Deandre ran, everybody ran but interestingly enough Maurice
10 didn't run he actually went towards Therris and he said Ms.
11 Barr, I stood over Therris and I saw him take his last
12 breath. Now Maurice was doing a dangerous activity, drug
13 dealer, I mean that's dangerous. You mean to tell me he sees
14 somebody, if you believe the defense he sees somebody he
15 doesn't know just come out and start shooting somebody in
16 the public and he don't know who it is and he walks toward
17 the victim when that happens no. He walked toward the victim
18 when that happened because he knew that that was Marc
19 Palmer and he knew Palmer wasn't going to hurt him. He knew
20 that Palmer's beef was with Therris and, Palmer saw his beef
21 was with Therris and he wasn't worried about Marc coming
22 back and doing any harm. The other people in that group may
23 not have known that in terms of the shooter's intent was but
24 Maurice Smith did. All this shooting is going on and he
25 walks right up to the victim and he said I saw Marc come,

1 I saw him shoot Therris twice. I saw him walk away then turn
2 around and come right back and shoot him while he was laying
3 in the ground. Now I'm going to tell you about some of the
4 other witnesses. Witnesses recall what they recall. I knew
5 that there would be some inconsistencies in the testimony
6 about some of the witnesses and what they recall. Now ladies
7 and gentlemen you and I could be standing out here on this
8 corner right here, right at the intersection. Somebody can
9 come through the intersection and cause a wreck, somebody
10 run a red light. Now you and me can be seeing this same
11 wreck and I could say that person on Jackson Street ran the
12 red light did you see that and you could be looking at me
13 and see that same wreck and so no no no Ms. Barr the person
14 that was on Main Street was the one that ran the red light.
15 That's not to say that's our intention are they lying but
16 people recall and remember things differently. So when TT
17 gets up here and says that I heard one shot, he's not saying
18 it because he's lying. That's the way he recalls it and
19 that's particularly true when you're talking about a
20 situation where a stressful traumatic event occurs and
21 nothing could be more stressful that seeing somebody
22 murdered. When Wesley gets up there and says I heard two
23 shots, he's not lying he's mistaken about that because
24 that's the way he remembers. Folk clearly there were three
25 shots fired I mean there's not doubt about that. So nobody's

1 intentionally lying or misleading you. Now as it relates to
2 this issue about whether or not the shooter had the mask.
3 Here's what I would tell you about that, to this day TT, Mr.
4 Sabb, is traumatized by that he couldn't bring himself to
5 see the picture of Therris there. When he gave his statement
6 to the police he says he sees the person come towards
7 Therris. Therris walks up to the person, he says he hears
8 a shot and takes off running. Now in terms of this issue
9 about the white mask. What I would suggest to you is that
10 when somebody points a gun at an individual and what we know
11 is that, when Mr. Keels was struck in the stomach he and the
12 shooter were face to face. So the gun is likely held by Mr.
13 Palmer like this against Therris and so when he fires the
14 pistol there's a flash or light that comes from the muzzle
15 of the gun I mean that's just what a gun does. Now Mr.
16 Palmer was wearing glasses at the time. What I would suggest
17 to you was that perhaps with the flash of the muzzle that
18 that created a light that created a reflection on his
19 glasses and I would submit to you that TT probably thought
20 the person had a white mask on, but TT was clearly at least
21 according to his testimony at least 15 yards away from where
22 this happened and he didn't see or hear anything else as he
23 can recall after that point. So I would just tell you that
24 because quite frankly I don't think the defendant would've
25 worn a mask because he wanted people to know that it was

1 him. So everybody in that group of the people he sold drugs
2 to would essentially know don't cross me. I'm not one to be
3 played with I'm not one to messed with. That was the message
4 that he wanted to send clearly and quite frankly if you're
5 coming out at 10:30 at night to shoot somebody you're
6 probably not going to want to stand out with a white mask.
7 Tell you one more thing and I'm going to let you go. All of
8 the evidence was corroborated. We had the defendant's own
9 witness to testify that he wore his hair in a ponytail. We
10 had Wes to talk about the shooter having, he said a little
11 scruffy hair with a ponytail. We had people corroborate the
12 defendant was wearing glasses we had all of those things
13 corroborated in this case. Now here is the thing that
14 worries me. This wasn't a situation where there's some shoot
15 out or some drug deal that goes back or somebody's in a
16 heated argument and it goes bad and the victim is killed
17 something in the heat of passion that's not this. This is
18 just a preplanned premeditated murder and what scares me
19 almost as much as how it happened. Is how clever the
20 defendant was after. The defendant goes, he puts .38 caliber
21 ammunition in his trunk. He has a hoodie and a jacket in his
22 trunk. He knows within a day of the murder police are going
23 to be looking for him. He knows that if he puts a certain
24 hoodie and a certain jacket in his trunk the police isn't
25 going to find that he knows that. He knows that Therriis was

1 killed with a .45 so to throw the police off his trail he
2 puts ammunition of .38 in his trunk and you know sometimes
3 during trials God gives us gifts and for me the gift, the
4 coup gra in this case if you will is when the defendant told
5 you, I knew that the police would be looking for me and I
6 did certain things so that the evidence would not come back
7 to me and every now and then when God gives you this gift.
8 God loops his tongue and let him get out there and say no
9 it wasn't really evidence because Therris wasn't killed with
10 no .38, I said you know what you're right. He said well and
11 then he had to clean it up a little bit. The defendant
12 essentially in this case confessed, he essentially confessed
13 to this crime. Now this entire case the evidence if you will
14 is pieces of puzzle and you all have to put those pieces
15 together to get the complete picture. I quite frankly was
16 very surprised he admitted that he sold dope, I'm sorry.
17 I was very surprised he admitted that he sold drugs to
18 Therris. I was very surprised that he admitted that he had
19 a gun during the altercation with Dominique. I was very
20 surprised because I was relying on his statement I thought
21 he was going to stick to the statement that he admitted that
22 he was in the area. So he tells you he did it, he won't come
23 out and say I'm guilty I did it, but folks if you all put
24 those pieces of that puzzle together you'll get the complete
25 picture. You'll see his confession and all of the evidence

1 in this case folks when you put pieces of that puzzle
2 together and when you look at the entire picture you all
3 will have no doubts, no reasonable doubts in you mind that
4 the defendant in fact committed this crime. He committed a
5 cold blooded, ruthless murder and at some point if we're
6 going to just lie down and surrender our community to this
7 type of street justice then it's time for all of us to hand
8 our hats up. We mine as well go home. Judge Young mine as
9 well retire his robe. I mine as well quit this job and just
10 do only private practice and we mine as well quit blowing
11 our money away destroy that courthouse across the street
12 because we don't need it. If the defendant can come in here
13 and kill somebody in cold blood and walk away with because
14 he had the presence of mind to throw away the evidence. Then
15 we mine as well and we all say that we're done. I employ you
16 all not to do that and I employ you all to return a guilty
17 verdict, thank you.

18 **(Charges by the Court)**

19 The Court: Alright ladies and gentlemen, all of the
20 testimony and other evidence to be presented to you in this
21 trial has now been presented. The attorneys have given you
22 their summations and now is the time where I will charge you
23 the law that is to be applied in this particular case. I
24 remind you ladies and gentlemen that during this trial you
25 and I have certain duties to perform. As a trial judge it

1 is my responsibility to preside over the trial of this case
2 and I also have the duty to rule on the admissibility of the
3 evidence that has been offered in this trial. You are to
4 consider only the competent evidence before you. If there
5 was any testimony ordered stricken from the record in this
6 case during this trial, you must disregard that testimony
7 because you are only to consider the testimony which has
8 been presented from this witness stand and any exhibits
9 which have been made a part of the record or any
10 stipulations of counsel. Now ladies and gentlemen I also
11 have the additional duty to charge you the law that is to
12 be applied in this case. As the presiding judge, I am the
13 sole judge of the law of this case, and it is your duty as
14 jurors to accept and apply the law as I now state it to you.
15 If you already have an idea as to what the law is or what
16 the law ought to be and it does not agree with what I now
17 tell you the law is, you must abandon this idea because you
18 are sworn to accept the law and apply the law exactly as I
19 state it to you. Now ladies and gentlemen in every case
20 tried before a jury, you the jury become the sole and the
21 exclusive judges of the facts in a case. As a trial judge
22 I cannot state, comment, or make any statement to a trial
23 jury about the facts in a case. Since you are the jury, you
24 are the sole judges of the facts in this case and you are
25 not in infer from anything I have said during the progress

1 of this trial in ruling upon the admissibility of evidence,
2 or otherwise, or anything that I say now during the course
3 of these closing instructions, that I have any opinion about
4 the facts of the case. The law simply does not allow me to
5 have an opinion about the facts in this case. This is a
6 matter solely for you, the jury, to determine. As jurors,
7 it is your duty to determine the effect, the value, the
8 weight, and the truth of the evidence during this trial. Now
9 ladies and gentlemen the indictment in this case,
10 indictment No. 2011-GS-45-095, alleges two counts against
11 the defendant, Marc Anthony Palmer. Count one alleges that
12 the defendant, Marc Anthony Palmer, committed murder on or
13 about October 27, 2010. Count two alleges that the
14 defendant, Marc Anthony Palmer, did possess or visibly
15 display a firearm during the commission of a violent crime
16 on or about October 27, 2010. I remind you ladies and
17 gentlemen and I told you earlier the fact that the defendant
18 was arrested, charged, and indicted is not evidence in this
19 case and cannot be considered by you as evidence of guilt,
20 nor does it create an presumption or inference of guilt. The
21 indictment is simply the formal written instrument by which
22 contains this charge and it is the formal document by which
23 this case is brought into this court. Now ladies and
24 gentlemen the defendant has pled not guilty to the
25 indictment, and that plea puts the burden on the state to

1 prove the defendant guilty. A person charged with committing
2 a criminal offense in South Carolina is never required to
3 prove his innocence. I charge you that this is an important
4 rule of law that the defendant in a criminal trial, no
5 matter how serious the charge is, will always be presumed
6 to be innocent of the crime for which the indictment was
7 issued unless guilt has been proven by evidence satisfying
8 you of that guilt beyond a reasonable doubt. The presumption
9 of innocence does not end when you begin your deliberation,
10 but it accompanies the defendant throughout this trial until
11 you reach a verdict of guilt based on evidence satisfying
12 you of that guilt beyond a reasonable doubt. Presumption of
13 innocence is like a robe of righteousness placed about the
14 shoulders of the defendant which remain with the defendant
15 until it has been stripped from that defendant by evidence
16 satisfying you of the defendant's guilt beyond a reasonable
17 doubt. Presumption of innocence is not a mere legal theory.
18 It is not just a legal phrase, but it is a substantial right
19 which every defendant is entitled unless you the jury, are
20 satisfied from the evidence of the defendant's guilt beyond
21 a reasonable doubt. Now ladies and gentlemen there are two
22 types of evidence which are generally presented during a
23 trial - direct evidence and circumstantial evidence. Direct
24 evidence is the testimony of a person who claims to have
25 actual knowledge of a fact, such as an eyewitness. It is

1 evidence which immediately establishes the main fact to be
2 proved. Circumstantial evidence is proof of a chain of facts
3 and circumstances indicating the existence of a fact. It is
4 evidence which immediately establishes collateral facts from
5 which the main fact may be inferred. Circumstantial evidence
6 is based on inference and not on personal knowledge or
7 observation. The law makes absolutely no distinction between
8 the weight or value to be given to either direct or
9 circumstantial evidence, nor is a greater degree of
10 certainty required of circumstantial evidence than of direct
11 evidence. Ladies and gentlemen you should weigh all of the
12 evidence in the case. After weighing all the evidence, if
13 you are not convinced of the guilt of the defendant beyond
14 a reasonable doubt, you must find the defendant not guilty.
15 Ladies and gentlemen necessarily, you must determine the
16 credibility of witnesses who have testified in this case.
17 Credibility simply means believability. It becomes your duty
18 as jurors to analyze and to evaluate the evidence and
19 determine which evidence convinces you of its truth. In
20 determining the believability of witnesses who have testified
21 in this case, you may believe one witness over several
22 witnesses or several witnesses over one witness. You may
23 believe a part of the testimony of a witness and reject the
24 remaining part of the testimony of that same witness. You
25 may believe the testimony of a witness in its entirety or

1 reject the testimony of a witness in its entirety. You may
2 consider whether any witness has exhibited to you any
3 interest, bias, prejudice, or other motive in this case. You
4 may also consider the appearance and manner of a witness
5 while on the witness stand. Ladies and gentlemen the rules
6 of evidence ordinarily do not permit witnesses to testify
7 to opinions or conclusions. There's an exception to this
8 rule exists for witnesses we call expert witnesses. A
9 witness who, by education and experience, has become an
10 expert in some art, science, or profession, they may give
11 an opinion as to the subject the witness claims to be an
12 expert in, and may also give the reasons for that opinion.
13 You should consider any expert opinion given by a witness,
14 like any other evidence, and give it the weight you think
15 it deserves. If you decide that an expert witness' opinion
16 is not based on sufficient education and experience, or if
17 you decide that the reasons given in support of the opinion
18 are not sound, or that the opinion is outweighed by other
19 evidence, you may disregard that opinion entirely. An expert
20 witness' testimony is to be given greater weight than that
21 of other witnesses simply because the witness is an expert,
22 and you do not have to accept an expert's opinion, even
23 though it is uncontradicted. Ladies and gentlemen as we've
24 talked about reasonable doubt the question comes up. What
25 is a reasonable doubt in the law? Reasonable doubt is the

1 kind of doubt that would cause a reasonable person to
2 hesitate to act. The State has the burden of proving the
3 defendant guilty beyond a reasonable doubt. Some of you may
4 have served as jurors in civil cases, where you were told
5 that it is only necessary to prove that a fact is more
6 likely true than not true, such as by the greater weight or
7 preponderance of the evidence. In criminal cases however,
8 the State's proof must be more powerful than that. It must
9 be beyond a reasonable doubt. Proof beyond a reasonable
10 doubt is proof that leaves you firmly convinced of the
11 defendant's guilt. There are very few things in this world
12 that we know with absolute certainty, and in criminal cases
13 the law does not require proof that overcomes every possible
14 doubt. If, based on your consideration of the evidence, you
15 are firmly convinced that the defendant is guilty of the
16 crime charged, you must find the defendant guilty. If on the
17 other hand, you think there is a real possibility that the
18 defendant is not guilty, then you must give the defendant
19 the benefit of the doubt and find him not guilty. Ladies and
20 gentlemen an issue in this case is the identification of the
21 defendant as the person who committed the crime charged. The
22 State has the burden of proving identity beyond a reasonable
23 doubt. You must be satisfied beyond a reasonable doubt of
24 the accuracy of the identification of the defendant before
25 you may convict the defendant. Identification testimony is

1 an expression of belief or impression by a witness. You must
2 determine the accuracy of the identification of the
3 defendant. You must consider the believability of each
4 identification witness in the same way as any other witness.
5 You may consider whether the witness had an adequate
6 opportunity to observe the offender at the time of the
7 offense. This will be affected by things like how long or
8 short a time was available, how far or close the witness
9 was, the lighting conditions, and whether the witness had
10 the chance to see or know the person in the past. Once
11 again, I instruct you that the burden of proof on the State
12 extends to every element of the crime charged, and this
13 specifically includes the burden of proving beyond a
14 reasonable doubt the identity of the defendant as the person
15 who committed the crime. If, after examining the testimony,
16 you have a reasonable doubt as to the accuracy of the
17 identification, you must find the defendant not guilty.
18 Ladies and gentlemen the defendant is charged with murder.
19 The State must prove beyond a reasonable doubt that the
20 defendant killed another person with malice aforethought.
21 Malice is hatred, ill-will, or hostility towards another
22 person. It is the intentional doing of a wrongful act
23 without just cause or excuse and with an intent to inflict
24 an injury or under circumstances that the law will infer an
25 evil intent. Malice aforethought does not require that

1 malice exists for any particular time before that act is
2 committed, but malice must exist in the mind of the
3 defendant just before and at the time of the act is
4 committed. Therefore, there must be a combination of the
5 previous evil intent and the act. Malice aforethought may
6 be express or inferred. These terms, "express" and
7 "inferred" do not mean different kinds of malice but merely
8 the manner in which malice may be shown to exist. That is
9 either by direct evidence or by inference from the facts and
10 the circumstances which are proved. Express malice is shown
11 when a person speaks words which express hatred or ill will
12 for another or when the person prepared beforehand to do the
13 act which was later accomplished; for example, lying in wait
14 for a person or any other acts or preparation going to show
15 that the deed was within the defendant's mind would be
16 express malice. Malice may be inferred from conduct showing
17 a total disregard for human life. Inferred malice may be
18 shown to arise when the deed is done with a deadly weapon.
19 A deadly weapon is any article, instrument, or substance
20 which is likely to cause death or great bodily harm. Whether
21 an instrument has been used as a deadly weapon depends upon
22 the facts and circumstances of each case. A pistol or a
23 revolver are examples of instruments which may be deadly
24 weapons. A gun may be a deadly weapon even if it is not
25 operating. Ladies and gentlemen the defendant is also

1 charged with possession of a weapon during the commission
2 of a violent crime. The state must prove beyond a reasonable
3 doubt that the defendant was in possession of a firearm or
4 visibly displayed what appeared to be a firearm during the
5 commission of a violent crime. A firearm means any weapon
6 which will, is designed to, or may be readily converted to
7 expel a projectile. This would include a pistol or revolver.
8 In order to find the defendant guilty of possession a weapon
9 during the commission of a violent crime, you must first
10 find the defendant guilty of either committing a violent
11 crime or attempting to commit a violent crime. Murder is a
12 violent crime. Ladies and gentlemen there are two possible
13 verdicts which you may find in this case on the charge of
14 indictment No. 2011-GS-45-095 count one: Murder. Not guilty
15 or guilty and likewise, there are two possible verdicts
16 which you may find in this case on the charge of indictment
17 count 2: Possession of a firearm during commission of a
18 violent crime. Not guilty or guilty. Ladies and gentlemen
19 there is no significance whatsoever in the order in which
20 I state these possible verdicts; it is simply that one must
21 be state first. Ladies and gentlemen, your verdict must be
22 a unanimous. All twelve of you must agree on the verdict.
23 Your decision must not be based on sympathy, passion,
24 prejudice, emotion or any other consideration not in
25 evidence in this case. Madam forelady, when the jury agrees

1 on the verdict, you will write your verdict on this verdict
2 form as I stated what the verdicts are. You will sign your
3 name and date it and then you will knock on the jury room
4 door to inform the bailiff that you have reached a verdict.
5 At that time, you will be received back her in the
6 courtroom for publication of your verdict. I ask that you
7 in just a moment return to your jury room but please do not
8 begin deliberations until you are told to do so by the clerk
9 or the bailiff to do so. There's some matter that we still
10 need to take here in court. Now ladies and gentlemen I hope
11 you don't mind but I have taken the liberty due to the time
12 of ordering you lunch. Ladies and gentlemen thank you very
13 much and we will instruct you as to when you begin you
14 deliberations.

15 **(Jury excused for deliberation)**

16 The Court: Are there any objections from the State or
17 the defendant concerning the charge given.

18 Ms. Barr: Not from the State.

19 Mr. Ballinger: No sir Your Honor.

20 The Court: Thank you, you all would gather the evidence
21 and I am going to send a copy of the charge that I just read
22 to them, along with the verdict form. Court will be at ease
23 pending the call of the court.

24 **(Jury in)**

25 The Court: Alright madam forelady I understand the

1 jury has reached a verdict.

2 Forelady: Yes we have.

3 The Court: Is it unanimous?

4 Forelady: Yes it is.

5 The Court: Please pass it to Mr. Frasier. Madam clerk
6 please publish the verdict. The defendant will please stand.

7 Clerk: As to indictment No. 2011-GS-45-095 the State
8 of South Carolina vs Marc Anthony Palmer, as to the charge
9 of murder we the jury unanimously find the defendant guilty.
10 As to the charge of possession of a weapon during the
11 commission of a violent crime we the jury unanimously find
12 the defendant guilty. Dated this 14th day of March 2013 by
13 foreperson Mrs. Phoebe Hilton. Ladies and gentlemen of the
14 jury is this your verdict?

15 Jury: Yes.

16 The Court: Please raise your right hand if it's your
17 verdict. Thank you. Is the defense request polling of the
18 jury?

19 Mr. Ballinger: Yes sir.

20 The Court: Please poll the jury.

21 Clerk: Juror number 173, Charles A. Taylor. Is this
22 your verdict?

23 Taylor: Yes ma'am.

24 The Court: Is it still your verdict?

25 Taylor: Yes.

1 Clerk: Juror number 192, Abraham Williams. Is this your
2 verdict?

3 Williams: Yes it is.

4 Clerk: Is this still your verdict?

5 Williams: Yes.

6 Clerk: Juror number 179, Davenick Tisdale. Is this your
7 verdict?

8 Tisdale: Yeah.

9 Clerk: Is this still your verdict?

10 Tisdale: Yes.

11 Clerk: Juror number 87, Christie Hughes. Is this your
12 verdict?

13 Hughes: Yes ma'am.

14 Clerk: Is this still your verdict?

15 Hughes: Yes ma'am.

16 Clerk: Juror number 112, Rachel McFadden. Is this your
17 verdict ma'am?

18 McFadden: Yes ma'am.

19 Clerk: Is this still your verdict?

20 McFadden: Yes ma'am.

21 Clerk: Juror number 39, Mrs. Ever Cooper. Is this your
22 verdict?

23 Cooper: Yes ma'am.

24 Clerk: Is this still your verdict?

25 Cooper: Yes ma'am.

1 Clerk: Juror number 6, Rodney Baxley. Is this your
2 verdict sir?

3 Baxley: Yes.

4 Clerk: Is this still your verdict?

5 Baxley: Yes.

6 Clerk: Juror number 94, Shemeka Kennedy. Is this your
7 verdict?

8 Kennedy: Yes ma'am.

9 Clerk: Is this still your verdict?

10 Kennedy: Yes ma'am.

11 Clerk: Juror number 82, Mrs. Phoebe Hilton. Is this
12 your verdict?

13 Hilton: Yes.

14 Clerk: Is this still your verdict?

15 Hilton: Yes.

16 Clerk: Juror number 160, Lincoln Singletary. Is this
17 your verdict?

18 Singletary: Yes.

19 Clerk: Is this still your verdict?

20 Singletary: Yes.

21 Clerk: Juror number 65, Louis Gamble. Is this your
22 verdict?

23 Gamble: Yes.

24 Clerk: Is this still your verdict?

25 Gamble: Yes ma'am.

1 Clerk: Juror number 84, Anthony Hucks. Is this your
2 verdict sir?

3 Hucks: Yes ma'am.

4 Clerk: Is this still your verdict?

5 Hucks: Yes ma'am.

6 The Court: Alright the jury has been polled, the
7 verdict stands. Ladies and gentlemen of the jury let me take
8 this opportunity to thank you for your work this week. I do
9 understand it's taking time out of your day and it's an
10 inconvenience for you. There's a lot of important things
11 going in Williamsburg county, but I can assure you this,
12 there was nothing more important going on in this county
13 than what you were doing in here. In making sure that fellow
14 citizens got a fair trial and that the victims of this town
15 are protected as well. Ladies and gentlemen as I told you,
16 you were not to speak to anyone about the case. That's now
17 over with, you can speak to anyone you want to for as long
18 as you want to or as little as you want to. So ladies and
19 gentlemen if somebody persist in talking to you about the
20 case and you don't want to talk to them just let one of the
21 bailiffs know and they'll let me know and I'll make sure
22 that stops. Ladies and gentlemen let me remind you this
23 counts as your trial so you don't have to serve as a juror
24 for the next three years and if you can't serve for the next
25 year. Ladies and gentlemen what you had to do is never easy

1 it really isn't. You had to hold and judge a fellow citizen
2 and it's not easy but you had the courage to do it. You know
3 a lot of people try to get out of jury duty, but it is as
4 I said a civic and a patriotic obligation to which
5 Williamsburg County and the State of South Carolina owes a
6 lot to you. You know in this country we're always trying to
7 figure out what makes America great and people have
8 different ideas. In my opinion it's people like you all who
9 left their homes, left their jobs and whatever they were
10 doing and came in here and resolved this situation. I just
11 want to thank you very much now I'm going to give the
12 defense attorney an opportunity to talk to his client some
13 and then I'm going to sentence at 3 o'clock. I'll be
14 sentencing at that point and time. You've been here all the
15 way if you'd like to after I release you come back and sit
16 in the audience and see the sentencing you may do so you're
17 welcome to do that.

18 **(Jury excused for the week)**

19 Mr. Ballinger: Judge we move for a new trial for the
20 reasons set forth at the directed verdict stage. Judge there
21 was a motion for mistrial based on the polygraph reference.
22 Judge our position would be the jury could infer that if
23 that particular witness took a polygraph passed it and was
24 no longer a suspect. That Mr. Palmer did not take the
25 polygraph because he could not pass one and we would proffer

1 that that's improper burden shifting Your Honor. Judge we
2 would renew the motions that were also made in limine. As
3 to the dismissal of the case on the speedy trial motion and
4 renew the motion made in limine to suppress Mr. Palmer's
5 statement. The only other issue before the court at that
6 time was a redaction which the court granted so that's not
7 an issue, but in essences I would move for a new trial for
8 the reasons all ready on the record and the additional
9 reason for the polygraph.

10 The Court: Thank you, Ms. Barr.

11 Ms. Barr: Judge we of course just reiterate the
12 previous arguments made to the court obviously this case
13 boiled down to issue of credibility. The witnesses were
14 thoroughly cross examined by the defense regarding what they
15 saw, what there memory, and any prior statements that were
16 made in connection with the case and it was up to the jury
17 who they believed and how much of what was testified to was
18 believable. Again we believe that there was substantial
19 evidence in record for which this jury could conclude that
20 the defendant was guilty on both counts. The reference made
21 to a polygraph was not in reference to anything with the
22 defendant. It was in reference to a witness.

23 The Court: Actually of that had be redacted out
24 earlier.

25 Ms. Barr: That's absolutely correct Your Honor and we

1 would just simply renew the previous arguments that we made
2 and ask that the post trial motions be denied.

3 The Court: I find that it certainly appeared that he
4 received a fair trial. I am going to deny your motion for
5 a new trial and I don't believe that, by the witness
6 concerning the polygraph and quite frankly I think that was
7 one of your weaknesses that was called at that time. I am
8 going to deny I will sentence the defendant you all can take
9 him back. Have him properly ready I will sentence at 3
10 o'clock.

11 The Court: Alright Ms. Barr.

12 Ms. Barr: Thank you Judge I please the court. Your
13 Honor I wanted to thank the court, thank the members of the
14 jury for their service. Judge this is as you've heard it's
15 been a difficult case. We are glad that we were able to
16 bring this matter to a conclusion the right way, the legal
17 way, the peaceful way. I'm hoping that this will bring some
18 peace and some rest to Therris's mother Evelyn Keels. She
19 is standing next to me on my left. Judge she has a plaque
20 of a picture of her son and she would like to address the
21 court prior to sentencing.

22 The Court: Yes ma'am.

23 Mrs. Keels: To the Judge, all of the officer, to Ms.
24 Kimberly Barr which done a wonderful job. Mrs. Linda Woods
25 you done a wonderful job. All of the SLED Officers,

1 everyone, this is my son Therris Keels. Who is really -
2 Judge when Therris got killed a part of me went with him,
3 a part of me went with him. It just I've never been the same
4 person since he was killed. I'm going back and forth to a
5 doctor constantly and I hope everyone in this building will
6 keep me in their prayer. Like I said I want to thank each
7 and everyone for everything that you all have done for me
8 on this case. Without this it wouldn't have been what it is.
9 Thank you Ms. Kimberly Barr for a wonderful, thank you Mrs.
10 Linda Woods for a wonderful job. Thank you my family for
11 sticking by me through all of this and to Mrs. Mackavine and
12 all of the police officers and to the jury thank you all for
13 being justice because I needed justice with all of this that
14 I'm going through thank you all.

15 Ms. Barr: Judge if I may also echo the sentiments of
16 Mrs. Keels as it relates to the Williamsburg County
17 Sheriff's Office. This was a case where the facts mandated
18 just good ol' fashion police work. How they were trained in
19 the academy and I was very impressed in terms of the follow
20 up and all of the work that they did, and I also want to
21 extend much gratitude to the Sheriff's Department for their
22 hard work. I believe there may have been one other member
23 of the family who wished to address the court.

24 The Court: Come forward please.

25 Ms. Barr: State your full name and spell your first

1 name.

2 Ms. Sheka: S-H-E-K-A

3 The Court: Yes ma'am.

4 Ms. Sheka: Thank you so much for today, for just being
5 served. My little brother died at a young age, his life was
6 taken away from him at a young age and I just need justice
7 to be, I'm glad it was served today. I appreciate all your
8 hard work, everything everybody has done I appreciate it,
9 thank you.

10 Ms. Barr: Judge that's all we offer.

11 The Court: Mr. Ballinger I'm sure your client would
12 like to come forward.

13 Mr. Ballinger: Thank you Your Honor. Judge obviously
14 this is a little different because you've heard a lot about
15 Mr. Palmer throughout the trial Your Honor. He was born in
16 New York City, came to Lane in South Carolina in 2002. Judge
17 as he stands before you today he's 29 years old. Your Honor
18 is probably aware from the testimony that he has the benefit
19 of some college education he was going to Williamsburg Tech
20 when this occurred and studying to be a mechanic Your Honor.
21 His family has been with him throughout the entire trial
22 supporting him. Your Honor I think the most important thing
23 that I can bring to the Court's attention is his lack of
24 record. He's got one prior conviction for a drug conviction
25 Judge. He's not shown a violent history. He's not shown a

1 violent propensities you know until this incident Your
2 Honor. Based upon that I would submit that hopefully Judge
3 he could be rehabilitated in the Department of Corrections.
4 He obviously has to do 35 years, it's 30 to life as he is
5 aware an additional five for the possession of a weapon. As
6 Your Honor knows a 35 sentence or anything short of life
7 would be day for day. It's not a 85 type sentence certainly
8 not a 65% type thing anytime that the court gives him short
9 of life is going to be absolutely day for day and Judge
10 based on the lack of record and that any sentence will be
11 day for day we just ask the court to show whatever the mercy
12 the court can in hopes of rehabilitating.

13 The Court: Would your client like to say anything or
14 anybody in his family would like to say anything to the
15 Court. Come forward sir please. State your name please sir.

16 Mr. James Palmer: My name is James Palmer. I would like
17 to say I'm hurt because my feelings my son is innocent but
18 the jury came to a decision but in God's eye he's innocent
19 and only he knows and my son know, I know it and my wife
20 know it. We didn't raise a child like that but you all had
21 to do a job. And I say to the mother of the victim I'm sorry
22 what happened but my son did not kill your son but justice
23 will prevail, but I'm afraid the killer's still out there.
24 So I say to Mr. Ballinger you did a beautiful job and God
25 bless for that.

1 The Court: Yes ma'am. Please come forward. Yes ma'am
2 please state your name for the record.

3 Mr. Palmer: Your Honor my name is Mary Ann Palmer I am
4 the mother of Marc Anthony Palmer. Marc is my son, at ten
5 years old Marc was a newspaper carrier and from then he went
6 he was going to school and during his school he got a job
7 with Goodwill. Marc is a lifetime membership with Goodwill
8 and from then on he was in the boy scouts. Marc has not is
9 not a violent person and Marc is a Christian person and so
10 because he was raised up in a Christian home. Marc know who
11 Jesus is, he might of left Jesus for a while but Marc has
12 found Jesus since he has been incarcerated and he know who
13 God is and I'm saying I'm telling you and I'm telling Marc,
14 God's will, will be done and Marc did not kill anyone.
15 That's all I have to say.

16 The Court: Thank you.

17 Mr. Palmer: First off I'd like to say I'm sorry for
18 your loss, I'm sorry for you all loss I really am. I didn't
19 do this. I don't know what else to say I'm sorry for their
20 loss you know but I really didn't have anything to do with
21 this.

22 The Court: Anything further from the defense. Just so
23 I'm sure what his record is. He had just the conviction,
24 marijuana convection Georgia was it.

25 Mr. Ballinger: Nothing further Your Honor thank you.

1 **(Sentencing by Judge Young)**

2 The Court: The defendant and his attorney will stand.
3 You know I listened to the testimony in this case, and it
4 certainly appeared in my opinion based upon the evidence,
5 the jury had a very strong bases for their determination.
6 In every opportunity Mr. Palmer tried to cover his tracks.
7 He tried to do everything, I think he's deceitful, he
8 admitted on the stand the truth isn't in him. This was an
9 extremely cold blooded murder. If it had just been a
10 shooting on the street it would have been horrible, but he
11 intended for him to die. What told me he intended upon him
12 to die is when he went up and put the last bullet in his
13 head. He wasn't going to take a chance that he, that Therris
14 wasn't going to come out of this alive. He made that
15 decision, again he's going to get the benefit that he didn't
16 give Therris. He's going to the benefit of having a jury
17 trial. Had twelve people from the community to listen to him
18 and his, what were patent lies, I don't think that anybody
19 in the room believes what he had to say. Mr. Ballinger I
20 will say this, I think you did as much as you could possibly
21 do as a defense attorney in representing him. I really do
22 I think you did all that you could, but he I could see he
23 was trying to control this thing. Every time something, he
24 told us that he had obsessed about this and he was trying
25 to do everything that he could to cover it up, to get away

1 with it and again he admitted on the stand. I'm sure that
2 .45 caliber pistol that was in his hand before probably in
3 the Black River Swamp some place, it ain't no question in
4 my mind that he disposed of it. Again I do think he tried
5 to out think everybody. He just out thought himself and you
6 can't out think the truth, because the truth will always
7 bring your evil deeds to life. This was a cold blooded
8 murder. The sentencing range is from 30 to life. As cold
9 blooded as this is I see no reason to give him anything less
10 than the maximum sentence allowable by me. On the charge of
11 murder, under indictment 2011-GS-45-095 count one murder
12 the sentence is, that Marc Anthony Palmer that you be
13 incarcerated, be committed to the State Department of
14 Corrections for the balance of your natural life. As to the
15 possession of a weapon I find that you will be sentenced to
16 five years, they are to run consecutive. I hope and I am an
17 earthly Judge, our heavenly Judge will make a resolution of
18 this for your return, but for your days on earth it is my
19 sentence that you be committed to the State Department of
20 Corrections, good luck.

21 Mr. Ballinger: Your Honor one thing just for record
22 keeping purposes. I'm going to review the statue but it's
23 my understanding he gets life then additional five.

24 The Court: I don't think it's going to make any
25 difference.

1 Mr. Ballinger: Right I agree I just want it noted for
2 the record I've objected.

3 The Court: It's concurrent so the five will run
4 concurrent with his life.

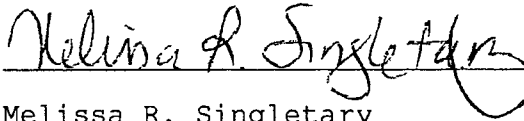
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CERTIFICATE

This is to certify that the transcript in the matter of Marc Palmer vs. State of South Carolina, consisting of Five Hundred Nineteen (519) pages ages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

^{23rd} IN WITNESS WHEREOF I have hereunto set my hand and seal this ~~21st~~ day of August, 2013.



Melissa R. Singletary
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: 3-5-2014

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

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COURT OF GENERAL SESSIONS

Marc Anthony Palmer,
PLAINTIFF,

)
)

TRANSCRIPT OF RECONSIDERATION HEARING

C/A #:2011-GS-45-00095

v.

)

The State of South Carolina
DEFENDANT.

)
)
)

Williamsburg County Courthouse
July 22, 2011

BEFORE:

HONORABLE GEORGE C. JAMES, PRESIDING JUDGE.

APPEARANCES:

Kimberly V. Barr, Esquire
Attorney for State

James Hoffmeyer, Esquire
Attorney for Marc A. Palmer

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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Exhibits

(No Exhibits were marked during this Motion)

1 Ms. Barr: Please the Court Judge. The first matter
2 before you concerns indictment number 2011-GS-45-95, it is
3 the State vs Marc Anthony Palmer. Mr. Palmer has been
4 indicted for the offense of murder and possession of a
5 weapon during the commission of a violent crime. He's being
6 represented by attorney James Hoffmeyer and Your Honor the
7 matters before the court pursuant to the motion on behalf
8 on the defendant for reconsideration of the denial of his
9 bond. At this time I wish to turn the matter over to Mr.
10 Hoffmeyer.

11 The Court: Mr. Hoffmeyer when was he last in front of
12 a Circuit Judge?

13 Mr. Hoffmeyer: Your Honor I am not certain. I was
14 appointed approximately a month and a half ago. I can ask
15 him real quick.

16 Ms. Barr: It was 31st of March.

17 The Court: Alright and that was in front of who?

18 Ms. Barr: Judge King.

19 The Court: And what was his decision then?

20 Ms. Barr: Your Honor the Judge at that time denied the
21 bond. He made a finding that there was no change in the
22 circumstances since the bond hearing of 12/9/2010 and he
23 further made findings regarding the State's requirement to
24 furnish the defendant with discovery, and make a plea offer
25 to him and schedule another hearing.

1 The Court: Has any of that been done, discovery been
2 turned over?

3 Ms. Barr: Yes sir, well we've got I owe Mr. Hoffmeyer
4 some photographs and a disc of the 9-1-1 tape but it's been
5 substantially complied with.

6 The Court: Who was the Judge in December, me?

7 Ms. Barr: Yes sir.

8 The Court: Alright what's the change in conditions
9 Mr. Hoffmeyer?

10 Mr. Hoffmeyer: Well and Your Honor I apologize I
11 don't have the benefit of having been present for the other
12 hearings, but I can tell the Court what I have come to know
13 in terms of my client. First of all, Your Honor, when it
14 comes to ties to this community he is from here,
15 Greeleyville, the Greeleyville area and from here this
16 county and he's not going anywhere. I also can inform the
17 Court that he was in school, going to technical school when
18 this happened. Has the benefit of some college in his
19 background. Also Your Honor today we do have with us his
20 dad who's seated there has his hands up. His mom and a
21 family friend who's behind them. The father is retired from
22 General Motors and she is retired from Blue Cross Blue
23 Shield. Very solid stable people that he would have the
24 opportunity to go and live with under any conditions Your
25 Honor set as ...

HEARING

5

1 The Court: What address would he reside at?

2 Mr. Hoffmeyer: 7052 Seaboard Road, Your Honor.

3 The Court: 7-0-5-2 Seaboard Road?

4 Mr. Palmer: Yes sir.

5 The Court: Who lives there?

6 Mr. Palmer: My mother and father.

7 The Court: That's in what's the, Kingstree?

8 Mr. Palmer: Lane, South Carolina.

9 The Court: Zip code?

10 Mr. Palmer: 29564.

11 The Court: Go ahead Mr. Hoffmeyer.

12 Mr. Hoffmeyer: Your Honor as far as the criminal
13 record of my client that I have seen it's very minimal. A
14 marijuana type conviction, nothing else nothing whatsoever.
15 Judge, obviously we're not here to get into the facts of
16 the case, but at least from what I had seen, there's some
17 questions about what happened out there that evening
18 without a doubt. There's some things that show up on the
19 autopsy that cause some concerns related to what the victim
20 may have been doing that evening. There's some inferences
21 that in fact the witness interviewed by law enforcement had
22 had problems with this victim in the past. There are things
23 that when it comes to the appropriate or at the appropriate
24 time will of course be brought out in court, but based upon
25 those circumstances and of course he's been there eight to

1 nine months now and has a solid place to go, no significant
2 criminal record whatsoever. He also did give law
3 enforcement a statement in essences. He met with them, my
4 client did after this incident on October 29th this incident
5 was October 27th. So that indicates he's not going anywhere.
6 Your Honor based upon those circumstances we respectfully
7 request that Your Honor reconsider the bond issue and grant
8 a reasonable bond with any conditions that would make this
9 court fill comfortable.

10 The Court: Alright, give me some facts Ms. Barr.

11 Ms. Barr: Yes sir, please the court Judge. This
12 incident happened back on October 27, 2010 on C.E. Murray
13 Boulevard, which is located in Greeleyville, the community
14 in Williamsburg County. The victim of the case is a Mr.
15 Therriis Keels, who was shot twice on the street the night
16 that this happened, probably happened somewhere between 10
17 and 11 o'clock. Mr. Keels was shot in the abdomen and in
18 the head. There were a couple of witnesses around who
19 contacted law enforcement to report the victim had been
20 shoot and that the shooter initially shot him in the
21 stomach, he fell to the ground and subject then stood over
22 and shot him in the head. Your Honor he died as a result of
23 his injuries. Judge, essentially I think some of the
24 witnesses in the case were reluctant to come up and give an
25 eye witness identification of the defendant, but it seems

1 pretty clear based on where he was and the description that
2 was given by them that law enforcement has substantial
3 reason to believe that the defendant was the shooter. The
4 defendant gave a statement to the police indicating that he
5 was no where present on C.E. Murray Boulevard or in
6 Greeleyville at the time of the shooting, and law
7 enforcement was able to obtain a copy of a surveillance
8 tape from a local convenience store. It shows the vehicle
9 that he was driving within a mile or two of where the
10 incident happened and around the same time it happened,
11 within two to three minutes after the shooting. So Judge
12 that is the bases of the charge of murder. Mr. Hoffmeyer is
13 correct as it relates to his rap sheet, he had some drug
14 charge back in 2004 in the state of Georgia. So we always
15 had concerns giving those ties to another state.

16 The Court: How old are you?

17 Mr. Palmer: I'm 27 years old Your Honor.

18 The Court: Anyone from the victim's family present?

19 Ms. Barr: Yes Your Honor this is Mrs. Evelyn Keels, is
20 present. She's the mother of the victim. Mrs. Keels would
21 you come up.

22 The Court: They want to tell me anything?

23 Ms. Barr: Yes sir. Judge it's also my understanding
24 that later on the next day after the murder he went to the
25 state of North Carolina. Ma'am state your full name for the

1 record.

2 Mrs. Keels: Evelyn Keels.

3 The Court: Mrs. Keels this is a hearing today not to
4 determine whether or not Mr. Palmer is guilty or not guilty
5 or going to prison today. It's just to determine whether or
6 not he's entitled to a bond. You have anything you'd like
7 to tell me?

8 Mrs. Keels: Judge I don't think that he should get
9 out. My son is dead, they can see their son I can never see
10 my son. I can't, I just don't feel like, I lost my baby and
11 I don't think he should get out.

12 The Court: Ms. Barr state your position on Mr.
13 Hoffmeyer's motion. At my discretion?

14 Ms. Barr: Yes, sir.

15 The Court: I know the court schedule for next year has
16 not come out. Any wisdom about when the case might be
17 called to trial as far as winter, spring, summer, fall?

18 Ms. Barr: Judge I think probably reasonably at the
19 earliest spring. I know that based on the other cases that
20 we've got scheduled for the remainder of the year it won't
21 be this year.

22 Mr. Hoffmeyer: Your Honor might I raise one issue that
23 my client has mentioned to me on several occasions.
24 Previously a motion for speedy trial was filed in this case
25 by another attorney.

1 The Court: Who was that lawyer I do remember the
2 hearing now that I've heard all of this.

3 Mr. Hoffmeyer: Yes sir I believe Mr. Carraway
4 represented him at that time and my client has asked, one
5 that I renew that and because he has not been tried to date
6 that his case be dismissed on the bases.

7 The Court: Is there a deadline?

8 Mr. Hoffmeyer: There's no order in place that I'm
9 aware.

10 The Court: I understand that but was there a
11 deadline? I didn't set a deadline for the case to be tried
12 by a certain time.

13 Ms. Barr: No sir.

14 The Court: Alright anything else Mr. Hoffmeyer?

15 Mr. Hoffmeyer: No sir not at this time.

16 The Court: Under the circumstances I'm going to set
17 a bond I understand Mrs. Keels angst about that, but my
18 purposes today are not to determine whether or not he is
19 guilty or not guilty. It is to determine rather or not he
20 is a risk of flight or a danger to the community. What are
21 your parents names?

22 Mr. Palmer: Mary and James Palmer.

23 The Court: Alright you must reside with Mary and
24 James Palmer at 7052 Seaboard Road in Lane. Seven nights a
25 week you're not going anywhere else. You're going to lay

1 your head on that pillow every night there. I want that on
2 the bond form. Do you understand that?

3 Mr. Palmer: Yes sir I understand.

4 The Court: You look uncertain about that, what's the
5 problem?

6 Mr. Palmer: I understand.

7 The Court: You're not going to go stay with a cousin.
8 You're not going to stay with an aunt, you're not going to
9 stay with a girlfriend, you're not going to stay with
10 anybody else. Are we clear about that?

11 Mr. Palmer: Yes sir.

12 The Court: One night away from there without Court
13 approval you're going back to jail.

14 Mr. Palmer: Yes sir.

15 The Court: Ms. Barr if there's any hint of it bring
16 it up in front of me and I will put you back in jail.

17 Ms. Barr: Yes sir.

18 The Court: You have a curfew. You can not leave your
19 house until 7:30 in the morning. You got to be back in
20 there by 7:30 at night. How old are you?

21 Mr. Palmer: 27.

22 The Court: So you shouldn't have any problem
23 following a curfew. If you have school or if you have some
24 job that takes you, that calls for different times you must
25 go through your lawyer to ask for that restriction to be

HEARING

11

1 changed, you're going to have a curfew. So you can't just
2 say I'm not I'm going to be getting home every night until
3 eight so I'm just going to go ahead and chance it, because
4 if they catch you out when you're not suppose to be out
5 you're going back to jail. The easy thing to do is pick up
6 the phone call Mr. Hoffmeyer and say, I've got this job my
7 hours are this and the Judge told me I couldn't be out at
8 this time. You better do it on the front end because you
9 will go to jail and you will be standing up here saying I
10 didn't know, I didn't know, I didn't know I though it would
11 be okay. Well it's not okay unless you get a Circuit Judge
12 permission. Is that clear?

13 Mr. Palmer: Yes Your Honor.

14 The Court: No contact with the victim's family. That
15 means in writing, telephone calls, don't go see them, don't
16 get anybody else to do it. Now Mr. Hoffmeyer knows as an
17 attorney how he may go about finding and interviewing
18 witnesses. You leave that up to him. So no contact with the
19 victims family, alright?

20 Mr. Palmer: Yes Your Honor.

21 The Court: You have any reason to be in Greeleyville?

22 Mr. Palmer: No Your Honor.

23 The Court: Alright well then don't go to
24 Greeleyville. Any co-defendants?

25 Ms. Barr: No sir.

HEARING

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The Court: It will be a surety bond Mr. Hoffmeyer 50,000 dollar. Your motions to dismiss the charges are denied.

Mr. Hoffmeyer: Thank you for hearing us Your Honor.

Clerk: On both counts? Both charges, 50,000 all charges?

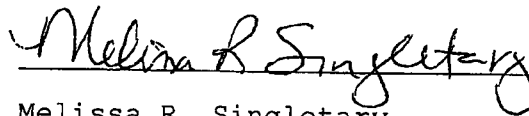
The Court: 50,000 concurrent bond on all charges.

CERTIFICATE

This is to certify that the transcript in the matter of Marc Palmer vs. State of South Carolina, consisting of Twelve (12) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 22nd day of August, 2013.



Melissa R. Singletary
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: 3-5-2014

1 State of South Carolina Court of General Sessions
2 County of Williamsburg

3

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5 State)
6)
7 v.)
8 Marc Anthony Palmer)
9 Defendant.)

Transcript of Record
11-GS-45-095

10

December 15, 2011
Kingstree, South Carolina

11

12

13 B E F O R E:

14 The Honorable R. Ferrell Cothran, Jr., Judge.

15

16 A P P E A R A N C E S:

17 Kimberly V. Barr, Assist. Solicitor
Attorney for the State

18

19 W. James Hoffmeyer, Esquire
Attorney for the Defendant

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Stacy L. Sheppard, RPR
Circuit Court Reporter

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I N D E X

WITNESSES

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(There were no witnesses.)

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E X H I B I T S

NO.DESCRIPTIONID.EVD.

(There were no exhibits.)

1 (The following proceedings were held on
2 December 15, 2011.)

3 **MS. BARR:** Please the Court, Judge.

4 **THE COURT:** Yes, ma'am.

5 **MS. BARR:** The next matter before you concerns
6 indictment 2011-GS-45-95. It's the State versus
7 Marc Anthony Palmer. It is an indictment for
8 murder. Mr. Palmer is here with his lawyer,
9 Mr. James Hoffmeyer.

10 Your Honor, Mr. Hoffmeyer was appointed to
11 represent the defendant and I believe that several
12 months ago he filed a motion to be relieved as
13 counsel. And I'll just turn it over to him at this
14 time.

15 **THE COURT:** Okay.

16 **MR. HOFFMEYER:** Thank you, Your Honor.

17 Your Honor, it's a situation in which my
18 client, quite frankly, doesn't believe the things I
19 tell him. So, thereafter, he starts telling me that
20 I'm misleading him, I'm not filing the motions he
21 requests, then it goes from that to I'm lying to
22 him.

23 There's constant stuff like that coming from
24 him in letters threatening to report me to the
25 Office of Disciplinary Counsel, threatening to write

1 the Supreme Court about me, that I mislead him that
2 -- one letter after another along those lines. And
3 I don't know at what point you kind of get to the
4 point that you feel like if a client's telling you
5 that you're misleading them, that you're lying to
6 them, all those types of things, you feel like you
7 need to bring that issue before the Court. So
8 that's why I filed this motion.

9 **THE COURT:** Okay. How old is this case?

10 **MS. BARR:** October 2010.

11 **MR. HOFFMEYER:** Your Honor, I believe I was
12 appointed some time in June of 2011, some time
13 around -- I know that's when I opened my file.

14 **DEFENDANT:** June 7th.

15 **THE COURT:** And when do you think this case is
16 going to be up for trial?

17 **MS. BARR:** Judge, I think when we had his bond
18 hearing, Judge James asked me that very same
19 question. I told him I thought it would be this
20 spring.

21 **THE COURT:** Okay. Is he -- is there any
22 co-defendants with him?

23 **MS. BARR:** No, sir.

24 **THE COURT:** So this will be an easier case to
25 try.

1 **MR. HOFFMEYER:** Your Honor, I believe that
2 Mr. Carraway, at one point, was involved in this
3 case and was relieved.

4 **THE COURT:** Why was Mr. Carraway relieved?
5 Why were you relieved?

6 **MR. CARRAWAY:** Just the same stuff, just
7 impossible to deal with him, impossible to have a
8 relationship with him. You can't talk to him about
9 anything, just impossible.

10 **MS. BARR:** And, Judge, I also remember
11 attending some of the preliminary hearings in the
12 case. He had also claimed that Mr. Carraway
13 couldn't effectively represent him because, at one
14 point in time, Mr. Carraway represented the victim
15 on a -- in terms of a guilty plea, on a, I think, it
16 was simple possession crack cocaine charge. And he
17 says --

18 **MR. CARRAWAY:** Out of about 25 guilty pleas the
19 victim had over a ten-year period, I happened to
20 stand there with him for one, but still.

21 **THE COURT:** All right. Mr. Palmer, what do you
22 want to tell me?

23 **DEFENDANT:** Okay. Well, first, with the --
24 with Mr. Hoffmeyer's situation, I filed for a speedy
25 trial. And in March -- March 24th of 2011,

1 Mr. Carraway filed for that, which took him four
2 months and four letters to the Supreme Court in
3 order for him to file for that motion. That's why
4 Mr. Carraway is not my attorney.

5 With Mr. Hoffmeyer, I told him that I wanted a
6 speedy trial as soon as possible and I told him to
7 file for a motion to dismiss and to see if he can
8 get me in here for a bond hearing, which he wrote me
9 and he told me that, you know, he could file for a
10 motion to dismiss, but he -- a bond hearing would be
11 a good idea, but he didn't actually file, like, put
12 in the paperwork for a motion to dismiss. He did it
13 when he got into court and I pushed the issue to him
14 to file for a motion to dismiss, and that's when he
15 -- that's when he asked the judge to file for a
16 motion to dismiss.

17 Then we also, we -- he renewed the motion -- he
18 renewed my speedy trial motion. And I asked him to
19 file another motion to dismiss two months later,
20 which would have made six months since I originally
21 filed for a motion for a speedy trial. And when me
22 and Mr. Hoffmeyer met, he explained to me, you know,
23 it's some myth that, you know, a case is supposed to
24 be thrown out within 120 days, you know, if you file
25 for a speedy trial. But it's my United States

1 constitutional right to have a speedy trial or
2 either have this case dismissed.

3 My argument is he didn't want to file for a
4 motion to dismiss after two months after -- after it
5 had been six months because he said he already filed
6 for a motion two months before that. And my whole
7 argument is, you know, if you filed -- if you
8 renewed that motion for a speedy trial, then we
9 should have been next up on the calendar to go to
10 trial. And no one's not -- and it's like he has no
11 enthusiasm about taking me to trial right now at
12 this moment.

13 Like, you just heard them, they -- I renewed my
14 motion for a speedy trial, but they just scheduled
15 somebody in September. When I renewed my motion for
16 a speedy trial in July, they just scheduled somebody
17 in September to go to trial in January. And I'm
18 trying to figure out why haven't I been on the
19 marker to go to trial and I've been -- and I've been
20 waiting a whole year. I've been -- it's been -- to
21 this day, it's been one year and one month, 13
22 months all together.

23 **THE COURT:** I understand that, but you
24 understand that your lawyer has no control over when
25 you're going to get tried. It's up to the

1 Solicitor's office and the court. I mean, that's
2 not necessarily a long delay based on the dockets
3 over here.

4 I mean, Mr. Hoffmeyer is one of the best trial
5 lawyers in the State of South Carolina. And he --
6 the problem is he, you know, you're trying to be the
7 attorney. You need to allow his knowledge, he knows
8 a whole lot more about the procedures than you do.
9 You know, my options, I can relieve him and you end
10 up representing yourself.

11 **MS. BARR:** And, Judge, I can tell you this
12 sounds a lot like the Levern McCrea case. And they
13 were -- I know they were housed in Effingham around
14 the same time. And Mr. McCrea went through three or
15 four very, very competent attorneys because he
16 wanted to be the lawyer. And his letters almost
17 mirror those of Mr. McCrea. And Mr. McCrea ended up
18 having to represent himself because he kept firing
19 all of his other lawyers.

20 **THE COURT:** And you're going to be in the same
21 boat. Is that what you want?

22 **DEFENDANT:** No. I don't want to represent
23 myself, Your Honor, but it's like I filed for a
24 speedy trial and --

25 **THE COURT:** And you're not -- and you

1 understand the motion has been filed and it's before
2 the Court, but your lawyer doesn't have any control
3 over that, she does.

4 **DEFENDANT:** But I'm asking him to push the
5 issue, that's the thing that I'm doing. I'm asking
6 him to push the issue because --

7 **THE COURT:** I understand, but sometimes pushing
8 the issue hurts you and he understands that.
9 Sometimes you get what you ask for, you know, but
10 you, you know, you've got to rely on his knowledge
11 and wisdom. The fact that you're alienating all of
12 your attorneys, you're going to end up representing
13 yourself.

14 **DEFENDANT:** I mean, I wrote Mr. Hoffmeyer and I
15 explained to him that, you know, this is my first
16 time being incarcerated. I've never -- I've only
17 been in jail for simple possession of marijuana,
18 Your Honor. And I told him, you know, I really
19 don't know who to trust.

20 When I met -- when LeGrand Carraway was my
21 attorney, he told me, he came up and told me dead in
22 my face, The eyewitness says that you did it. But
23 then I told him to file for a disclosure, the
24 eyewitness didn't say that. And then the Solicitor
25 came back and no one said that I did it. He stood

1 up before Judge King and said a girl says that it
2 looks like me, but when I got my disclosure back,
3 there was no statement from any such person.

4 Matter of fact, in my disclosure, the
5 complainant, the complainant says that he didn't
6 know who killed the victim. And then the
7 eyewitness, Akite Sabb {phonetic}, he did a showup
8 at my speedy trial hearing and he said -- and he
9 didn't say that I was the shooter, but yet LeGrand
10 Carraway neglected to take an affidavit from that
11 eyewitness. He should have had an affidavit from
12 him right then and there and I have none of that.

13 And there's no evidence, there's no anything
14 pointing to me. Everything in this case has been an
15 entire lie, everything.

16 **THE COURT:** I understand that and that's why we
17 have trial, but, at this point, you're here because
18 your attorney's -- because you're not listening to
19 his advice, you're threatening him with letters to
20 disciplinary counsel and you're doing everything
21 else. So, I mean, you will ultimately end up
22 representing yourself if you're going to run off
23 every competent attorney that you -- you got to rely
24 on what he's telling you.

25 So you want me to -- you want me to appoint you

1 another attorney?

2 **DEFENDANT:** I mean -- well, that's up to
3 Mr. Hoffmeyer.

4 **THE COURT:** All right. I mean, Mr. Hoffmeyer's
5 position is if he's going to be your attorney,
6 you've got to listen to what he says and you take
7 his advice or you've got to represent yourself and
8 take your own advice. But, you know, if you're not
9 going to do what he recommends for you to do, then
10 I'm going to appoint another attorney because he's
11 got, you know, he needs to be answering letters to
12 the disciplinary counsel and everything else at this
13 point.

14 It's going to take some time for you to get to
15 trial. He has no control over that because the
16 dockets are so full.

17 **DEFENDANT:** Well, I'll keep Mr. Hoffmeyer, but
18 I have another suggestion being that that man, he
19 was scheduled to go to trial in January and he can't
20 go to trial, can they move my trial date up to
21 January?

22 **THE COURT:** I'm not -- I understand your
23 request, but I'm not in control. The Solicitor
24 controls the criminal dockets and they decide what
25 order what goes to trial.

1 Now, I don't know whether -- because they can
2 still try that case in January. I don't know what
3 they're going to call. They got a lot of witnesses
4 to get together, they got a lot of things to do.
5 It's up to them.

6 And you can continue to make speedy trial
7 motions and if they merit, then me or some other
8 judge will set it for trial or release you on bond.
9 But, at this point, all I'm considering is whether
10 to appoint you another attorney. But if you're
11 going to keep Mr. Hoffmeyer, you've got to do what
12 he says and y'all got to get along. If not, I'm
13 going to appoint you another attorney, then if that
14 doesn't work, you'll be representing yourself.

15 **DEFENDANT:** I'll do what he says. Is there any
16 way I can make -- can I speak to Mr. Hoffmeyer
17 before we leave?

18 **THE COURT:** Yeah. You can talk to him a minute
19 and then y'all -- you decide whether you want to
20 represent him.

21 (Pause.)

22 **THE COURT:** You had see Cezar McKnight at one
23 time, too?

24 **DEFENDANT:** He filed a motion to relieve
25 himself because he represented the estate of the

1 victim.

2 **THE COURT:** Okay.

3 (Brief recess.)

4 **MR. HOFFMEYER:** Thank you, Your Honor. I spoke
5 to Mr. Palmer and he keeps raising the same issues.
6 And I've explained to him what I'm not going to do
7 because I don't think any of it has merit. And he
8 tells me that he wants another lawyer, so that's
9 where we are.

10 **THE COURT:** Is that right, Mr. Palmer?

11 **DEFENDANT:** Yes, Your Honor. Basically, I'm
12 asking him to file a motion to dismiss being that
13 it's been four and a half months since he renewed
14 the motion for a speedy trial. And it's been nine
15 months and we haven't heard anything from the
16 Solicitor's office. And I asked him, well, if he
17 won't do that, then at least try and give me a bond
18 reduction because my family -- I don't have any
19 money, my family doesn't have any money. So that's
20 all I was asking for.

21 **THE COURT:** Okay. Well, I'm going to appoint
22 you one more attorney. This is the last one. If
23 this one doesn't work out, you're representing
24 yourself. You understand that?

25 I don't have any idea who the next attorney is

1 going to be, but you're stuck with him, whoever it
2 is. And if you have problems with that attorney and
3 they come back and want to be relieved, you've got
4 to represent yourself. You understand that?

5 **DEFENDANT:** (Defendant nodded head.)

6 **THE COURT:** Okay. I'll relieve Mr. Hoffmeyer.

7 **MS. BARR:** Did he answer that question on the
8 record?

9 **THE COURT:** You understand that?

10 He's nodding his head.

11 **DEFENDANT:** Yes, I understand. As of right
12 now, can I ask for a bond reduction? Can I request
13 the form for a bond reduction?

14 **THE COURT:** Well, I don't have the victims
15 here. You have to request the Solicitor's office to
16 have another -- but once a circuit judge has set
17 bond, I can't change it. What judge set your bond?

18 **DEFENDANT:** Judge James.

19 **THE COURT:** Then you've got to go back before
20 Judge James.

21 **DEFENDANT:** Actually, I asked Judge James and I
22 told him I wanted to go for a bond reduction. And
23 he told me that Judge Young -- he asked -- he said
24 another judge can do it. He actually -- I have a
25 letter from Judge James himself.

1 **THE COURT:** Let me see it.

2 **MR. HOFFMEYER:** Judge, he was initially denied
3 bond, I think maybe -- at least initially, maybe
4 again. I made a motion for bond. He was given a
5 50,000 dollar bond on this murder case by Judge
6 James. I told him I think that's a reasonable bond
7 under these circumstances and I don't know of any
8 change in circumstances.

9 **MS. BARR:** And that was done July 22nd.

10 **THE COURT:** Okay. Let me see that. Has
11 anything changed since then, any circumstances
12 changed that Judge James didn't know about?

13 **DEFENDANT:** New circumstances, no, other than
14 it's been four and a half months since I filed for a
15 speedy trial and there hasn't been any response.

16 **THE COURT:** Then that's not sufficient
17 circumstances to change your bond. So it'll stay at
18 50,000. And that's not an unreasonable bond for the
19 charges, matter of fact, that's low.

20 **DEFENDANT:** I understand that. I just -- I
21 don't have any money and my family doesn't have any
22 money, that was my whole purpose of filing for a
23 speedy trial to begin with.

24 **THE COURT:** I understand that and you filed
25 that motion and it's in the pipeline, but alienating

1 all of your attorneys along the way isn't helping
2 you a bit. It's just causing delays. Now you've
3 created a more delay because now the new attorney
4 has got to get up to speed. You're just creating
5 more and more problems for yourself because you
6 can't get along with your attorneys.


7 **DEFENDANT:** Well, whoever the attorney is, can
8 the Court at least let me know today before I go
9 because I have a copy of my disclosure for him?

10 **THE COURT:** William Barr.

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12 END OF PROCEEDINGS
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3 C E R T I F I C A T E
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6 STATE OF SOUTH CAROLINA7
8 COUNTY OF WILLIAMSBURG
910
11 I, the undersigned, Stacy L. Sheppard, Circuit
12 Court Reporter for the Eleventh Judicial Circuit of
13 the State of South Carolina, do hereby certify that
14 the foregoing is a true, accurate and complete
15 transcript of record of all the proceedings had and
16 the evidence introduced in the hearing of the
17 captioned cause, relative to appeal in the Criminal
18 Court for Williamsburg County, South Carolina, on
19 the 15th of December, 2011.20
21 I do further certify that I am neither of kin,
22 counsel, nor interest to any party hereto.
23
24
25

June 27, 2013

Stacy L. Sheppard, RPR
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

COURT OF COMMON PLEAS

Marc Palmer)

PLAINTIFF,)

v.)

State of South Carolina,)

DEFENDANT.)

TRANSCRIPT OF HEARING
C/A #:2011-GS-45-00095

Williamsburg County Courthouse
July 30, 2012

BEFORE:

HONORABLE WILLIAM JEFFREY YOUNG, PRESIDING JUDGE.

APPEARANCES:

Assistant Solicitor Kimberly Barr
Attorney for The State

William Barr, Esquire
Attorney for Marc Palmer

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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Exhibits

(No Exhibits were marked during this Motion)

1 The Court: Alright Mr. Barr.

2 Mr. Barr: May it please the court Your Honor. Mr.
3 Palmer, pursuant to indictment number 2011-GS-45-095, has
4 been indicted for murder and possession of a weapon during
5 a violent crime, it happened around October 27, 2010. I was
6 appointed on December 15, 2011 to represent him and making
7 me the third his third attorney. On May 24, 2012 he wrote
8 a complaint on me to the Supreme Court Office of
9 Disciplinary Council, complaining of my services and
10 accusing me of certain ethical violations. That being of
11 the case I can no longer represent him in good faith. After
12 the grievance was returned unfounded, but he has
13 subsequently asked that the grievance be reconsidered by
14 the Disciplinary Office. So I could not....

15 The Court: That happens all the time I mean they file
16 grievance. They don't like you and you know listen he
17 doesn't get to choose his attorney. You're the appointed
18 attorney and Ms. Barr I'll hear from you on it.

19 Mr. Barr: I just I'm estranged from him now. I can not
20 represent him in good faith. It would be in his best
21 interest to get another counsel.

22 The Court: Ms. Barr.

23 Ms. Barr: Judge, I believe that Mr. Palmer has been
24 appointed now a total of three different lawyers. I think
25 Mr. Carraway was representing him at one point, he made

1 allegations of being dissatisfied then the Court appointed
2 attorney Jim Hoffmeyer out of Florence. He made complaints
3 about him as being dissatisfied and now we now have a third
4 lawyer whose...

5 The Court: He's gaming the system.

6 Ms. Barr: He's made the same complaints. He's had
7 three very good lawyers appointed to represent him in the
8 case and after a while you just kind of have to wonder, you
9 know, does he want to represent himself. My concern is it's
10 the same situation that we had with Levern McCrae who had
11 gone ...

12 The Court: He represented himself. Do you want to
13 represent yourself?

14 Mr. Palmer: No Your Honor, if I may?

15 The Court: Yes sir.

16 Mr. Palmer: First of all Your Honor this is not the
17 same situation with Legrand Carraway. Legrand Carraway
18 came to me and he basically told me the eye witness in the
19 case was saying that, I shot and killed this guy and that's
20 not what happened. I was begging Legrand Carraway to file
21 for a motion for a speedy trial since December of 2010.
22 Legrand Carraway did not file a motion for a speedy trial,
23 he ignored all my request, he was disrespectful to my
24 mother and my father, he ignored them, and I had no choice
25 but to write the Office of Disciplinary Counsel. Otherwise

1 he would have never filed that motion on March 25, 2011.
2 Now and there's another incident at my speedy trial
3 hearing, which I'm suppose to get that eye witness's
4 statement because the eye witness came to do a show up at
5 my speedy trial hearing and he told Legrand Carraway that
6 I was not the man who shot and killed this young man, but
7 at the same time he did not take this guys statement. I'm
8 suppose to get that. Now, with Hoffmeyer, I'm suppose to
9 get a speedy trial and no one's really giving me a real
10 understanding of how long it takes to get a speedy trial
11 and you know it was basically it was I'm not going to say,
12 you know, it was sort of I guess, I'm not going to say it
13 was sort of my fault with Mr. Hoffmeyer, but with Mr. Barr,
14 oh, it's something totally different now. I don't want to
15 get rid of, relieve Mr. Barr as my attorney. What happened
16 was I wrote Mr. Barr December 15th and I asked him to please
17 file another motion for a speedy trial because I'm trying
18 to get to court as soon as possible. I let him know that
19 I'm innocent and everything and he ignored that request. So
20 I wrote him again on January 22nd and he ignored that
21 request to so I had to write the judge. I wrote Judge James
22 about it and he sent a letter to Judge Cothran and Judge
23 Newman. I seen another attorney when I was in Effingham and
24 I asked her about the speedy trial like, exactly how long
25 is it suppose to take for them to bring you to trial once

HEARING

6

1 I file for a speedy trial and she asked me about my
2 attorney. I told here, well my attorney is not responding
3 to me I haven't heard from him and it's been three months.
4 So she said well give me his name and I'll give him a call
5 and the next day Mr. Barr comes in to see me. Now when Mr.
6 Barr comes in to see me he falls asleep off and on eleven
7 times while I'm trying to plead my innocence to him and I'm
8 telling him you know how the police was doing like certain
9 things that was going on in my case.

10 The Court: I'm not going, all my letting Mr. Barr off
11 and I understand your concern Mr. Barr but letting Mr. Barr
12 off is just going to delay it even longer. So, I mean ...

13 Mr. Barr: Before the Court rules I would ...

14 The Court: Yes sir.

15 Mr. Barr: Judge, well I actually can't represent him
16 now because we have a conflict of interest. He has re-filed
17 another grievance against me.

18 The Court: Well he's doing it just to game the system,
19 you know that.

20 Mr. Barr: Well it's a conflict it presents a conflict
21 of interest. I can't represent him.

22 The Court: I'm going to give him one more chance to
23 get a lawyer. I'm going to relieve you because I think he's
24 wasting everybody's time here. He gets one more shot at it
25 and then you'll represent yourself. Do you understand me?

1 We did that last year when one man kept gaming the system.
2 You get a right to an attorney, you don't get a right to
3 choose your attorney. Do you understand me?

4 Mr. Palmer: Your Honor ...

5 The Court: No sir. I've already relieved him. You'll
6 get another attorney, thank you.

7 Mr. Palmer: I want a speedy trial.

8 The Court: You can get your attorney to move for a
9 speedy trial, but you'll have another attorney.

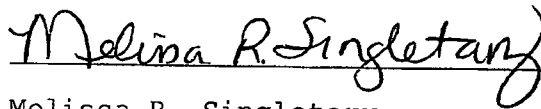
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CERTIFICATE

This is to certify that the transcript in the matter of Marc Palmer vs. State of South Carolina, consisting of Seven (7) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th day of August, 2013.



Melissa R. Singletary
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: 3-5-2014

M-685318

STATE OF SOUTH CAROLINA

County/ Municipality of
Williamsburg

THE STATE 1009564
against

Marc Anthony Palmer

Address Lane, SC 29564-

Phone _____ SSN _____
Sex M Race _____ Height _____ Weight _____
DL State SC DL # _____
DOB: _____ Agency ORI #: SC0450000
Prosecuting Agency: Williamsburg County Sheriff
Prosecuting Officer: V Staggars - 0044
Offense: Murder / Murder

Offense Code 0116
Code/Ordinance Sec: 16-03-0010, 0020

This warrant is **CERTIFIED FOR SERVICE** in the
 County/ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge _____
Date _____

RETURN

A copy of this arrest warrant was delivered to
defendant 11-15-10
on _____

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
125 W. Main Street
Kingstree, SC 29556

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Williamsburg)

AFFIDAVIT

ORIGINAL

Form Approved by
S C Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant V Staggars who
being duly sworn deposes and says that defendant Marc Anthony Palmer
did within this county and state on or about 10/27/2010
State of South Carolina (or ordinance of County/ Municipality of Williamsburg)
in the following particulars

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above
the crime set forth and that probable cause is based on the following facts

On 10-27-10 in the vicinity of 123 C. E. Murray Blvd, Greeleyville, SC, which is within the jurisdiction of Williamsburg County,
the defendant, Marc Palmer did, with malice aforethought fatally injure the 30 year old victim by shooting him several times about
his upper torso and head area Through further investigation, it was disclosed that the defendant and the victim has been engaged in
verbal and physical altercation for approximately one month That on the day that the noted incident occurred, the victim and
defendant argued and as a result, the defendant did leave the immediate area and did return and did lie in wait on C E Murray
Blvd, until which time the defendant walked out into the roadway.

SEE ATTACHMENT

Signature of Affiant Vincent Staggars

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Williamsburg)

Affiant's Address 126 South Jackson Street
Kingstree, SC 29556-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY.

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 10/27/2010 defendant Marc Anthony Palmer
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Williamsburg) as set forth below

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me)
on 11/10/2010)
[Signature] (L.S.))
Signature of Issuing Judge)
Delores Franklin Williams)
Judge Code 5992)

Judge's Address Post Office Box 673
Kingstree, SC 29556

Judge's Telephone (843)355-9565 x 277

Issuing Court. Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

CERTIFIED TRUE COPY
 Sharon W. Staggars
 SHARON W. STAGGARS
 CLERK OF COURT
 WILLIAMSBURG COUNTY

KINGSTREE, S.C.
 10 DEC - 3 PM 3:50
 572

The defendant then began walking towards the victim whereas the victim asked the defendant if he was armed and upon doing so, the defendant then discharged one shot from a handgun and within moments, discharged another shot and upon standing over the victim, did discharge another shot, directly into the body of the victim. An autopsy was performed at the Medical University of SC and it was determined that the victim deceased as a result of the gunshot wounds to his body. All against the peace and dignity of the State of SC and the SC Code of Laws.

A CERTIFIED TRUE COPY

Carolyn E. Williams

CAROLYN E. WILLIAMS
CLERK OF COURT
WILLIAMSBURG, COUNTY

10 DEC -3 PM 3:54
CAROLYN E. WILLIAMS
CLERK OF COURT
KINGS TREE, S.C.

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
MURDER AND POSSESSION OF A WEAPON
DURING VIOLENT CRIME

At a Court of General Sessions, convened on May 5, 2011 the Grand Jurors of
WILLIAMSBURG County present upon their oath:

COUNT ONE - MURDER

That **MARC ANTHONY PALMER** did in Williamsburg County on or about October 27, 2010, feloniously, wilfully and with malice aforethought, kill one **Therris Keels** by means of shooting the victim, and that the said **Therris Keels** died as a proximate result thereof, in violation of Section 16-03-0010, South Carolina Code of Laws (1976), as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING VIOLENT CRIME

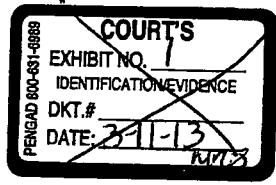
That **MARC ANTHONY PALMER** did in Williamsburg County on or about October 27, 2010, possess or visibly display a firearm during the commission or attempted commission of a violent crime, in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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

CERTIFIED TRUE COPY
Sharon W. Staggars
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

Solicitor

Edward A. Finney III



MIRANDA RIGHTS

PLACE: Williamsburg 3rd DATE: 10/29/10 TIME: 4:40pm

BEFORE WE ASK YOU QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

- You have the right to remain silent.
- Anything you say can be used in court as evidence against you.
- You are entitled to talk to a lawyer now and have him present now or at any time during questioning.
- If you cannot afford an attorney, one will be appointed for you without cost.
- If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.
- Do you understand these rights?
- Do you wish to talk to us at this time?

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to talk now without a lawyer present. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: Mr. [Signature]

Witness: [Signature]

Witness: [Signature]

1 Inves. Creech I want to give you your rights. Anything you say
2 can and will be used against in a court of law as
3 evidence against you. You have the right to talk
4 to a lawyer now and have him present with you
5 now and at anytime during questioning. If you
6 cannot afford an attorney, one will be appointed
7 for you without any cost to you. If you decide to
8 answer the questions now without a lawyer
9 present, you will still have the right to stop
10 answering questions at anytime. You also have
11 the right to stop answering questions at anytime
12 until you talk to lawyer. Do you understand that?

13 Marc Palmer Yes, sir.

14 (From this point forward questions will be posed
15 by Investigator Mark Creech, and answers will be given by Marc
16 Palmer, unless otherwise noted.)

17 Q Do you wish to talk to us?

18 A I wish to talk to you, but I need for you to call
19 Charles Barr too.

20 Q You want him here?

21 A I want him to come, yes.

22 Q Before you talk with us?

23 A I'll talk to you.

24 Q That's what I'm asking

25 A Okav. w ⁵⁷⁶ to you want to know?

1 Q Are you willing to talk to us?

2 A Yes.

3 Q Do you understand your rights and do you
4 understand what your rights are, and you want to
5 talk to us? You want to talk to us without a
6 lawyer present?

7 A Yes.

8 Q You understand and know what you're doing, and
9 we haven't promised you anything or threatened
10 you in anyway.

11 A No.

12 Q And no pressure or coercion of any kind has been
13 used against you by anyone?

14 A No.

15 Q Sign right there

16 A (Witness complies)

17 Q We are investigating the murder of Therris Keels.
18 That's what this is about. He got shot Wednesday
19 night. Your name has been thrown up in it as the
20 person who did it

21 A No, I didn't.

22 Q But he threatened you the other day.

23 A Well, no.

24 Q But he threatened you?

25 A No, not rea 577

1 Q Tell me about that.

2 A Well, Therris threatened to rob me Then he said I
3 don't want you, I want a big man.

4 Q Who is a big man?

5 A I don't know He said you ain't got enough for
6 me. I didn't respond to him or anything. I left, I
7 didn't bother him and you can ask because me
8 and his brother are friends so I left Therris alone
9 When I see him I stay clear of him

10 Q Most people do, right?

11 A Yeah and so that was that. After he said that I
12 went to school.

13 Q Tell me when this happened?

14 A This happened earlier that day around maybe 2:30
15 or 3:00.

16 Q This was on Wednesday, the 27th?

17 A Yes.

18 Q Is that right, the 27th?

19 A Yes.

20 Q Where were you at?

21 A We were in this little hole where everybody
22 drinks and plays cards called the Bullpen.

23 Q The Bullpen?

24 A Yes, sir.

25 O

- 1 A Yeah in Greeleyville.
- 2 Q Who was there?
- 3 A A whole bunch of people.
- 4 Q And Therris was there?
- 5 A Yes
- 6 Q Tell me about this argument?
- 7 A It wasn't really an argument. I was sitting down,
8 and he just started talking and started going off. I
9 guess he was on one of his little kicks, and he
10 started going off, and I didn't say anything.
- 11 Q What was he saying to you?
- 12 A He was like you know I'm going to rob you,
13 right?
- 14 Q You're not going to rob me?
- 15 A No, he told me, you know I'm going to rob you
16 He said you know I did rob somebody the other
17 night. He said I'm going to rob you I didn't
18 really know what to think or say or do, and I just
19 told him no, that's not going to happen and I left.
- 20 Q So you said no, that's not going to happen and
21 you left.
- 22 A Not the exact words, but I said that's not going to
23 happen. You're not going to rob me. I don't even
24 have anything for you to rob. Then he said okay.
25 It wasn't an : 579 ent really We just went back

1 and forth, and he said I don't really want you.
2 Then I was like well, I don't want no problems
3 with you. That's what I told him, I said I don't
4 want no problems with you I ain't got no
5 problems with you. After that I left. After awhile I
6 went to school and went to class.

7 Q Where do you go to school?

8 A Williamsburg Tech.

9 Q What time did you go?

10 A It's at 6:00.

11 Q What time did you finish?

12 A 7:45

13 Q Then where did you go?

14 A I rode around Kingstree for a little bit and then I
15 went home and then I went home to Greeleyville.

16 Q What time did you go to Greeleyville?

17 A I'm not too sure. It had to be around 10:00
18 o'clock Then I went to the shop.

19 Q What are you calling the shop, the club?

20 A Yeah, a little club out there.

21 Q What were you wearing?

22 A I had on these white shoes, these gray pants and a
23 white T-shirt.

24 Q Did you have on a jacket?

1 Q

You had on those exact pants.

2 A

These exact pants.

3 Q

Did you have on a skull cap?

4 A

I had on a skull cap.

5 Q

So you stayed at the club until what time?

6 A

I just went in there and got a cigarette. I

7

remember I came back, and I remember I lost my

8

phone, and I was looking for my phone. Then

9

after that I left. I was going to the beach, but I

10

ended up in Andrews riding around.

11 Q

Tell me did you see Therris at the club?

12 A

Yeah

13 Q

What happened?

14 A

Nothing, we didn't have any words. He didn't

15

look at me funny or anything. I didn't look at him

16

funny or anything. I just stayed clear away from

17

him, and that was that.

18 Q

And y'all didn't have any words?

19 A

No, we didn't have any words.

20 Q

What time did you leave?

21 A

I wasn't in there long. I was in there five or ten

22

minutes.

23 Q

You don't know what time it was?

24 A

No, I don't know the time. I know that I had

1 out of school early and I still ended up coming out
2 around 10:00 o'clock.

3 Q So you stayed in the club about ten minutes and
4 left?

5 A Yes, sir.

6 Q And you went to Andrews?

7 A At first I stopped at Blakely.

8 Q Blakely?

9 A Yeah, I rode there.

10 Q Who was with you?

11 A I was by myself. Then I went on to Andrews. I
12 rode a little bit and I ran out of gas, and on the
13 way back right before I got to Marion Church
14 Road, I sat on the side of the road a little while
15 and said I've got to go get some gas

16 Q When did that happen?

17 A That was that same night.

18 Q So you went to Blakely and Andrews and you ran
19 out of gas?

20 A Yeah, coming back home I was right outside of
21 Lanes.

22 Q That's where you live?

23 A Yes, sir.

24 Q Who put y~~our~~ gas in the car?

- 1 Q Does he have a name?
- 2 A Smoke.
- 3 Q That's his name?
- 4 A Yeah, you know that's how people call themselves.
- 5
- 6 Q Did you find your phone?
- 7 A No.
- 8 Q Were did you lose your phone at?
- 9 A I don't know.
- 10 Q Did you have it before you went to the club?
- 11 A Yeah.
- 12 Q Did you lose it at the club?
- 13 A Yeah, I think so.
- 14 Q So how did you call somebody to come bring the gas?
- 15
- 16 A I have two phones. I had my other phone.
- 17 Q So you've got another phone?
- 18 A Yeah, the phone I have now.
- 19 Q So you called a guy at the club to come bring you the gas?
- 20
- 21 A Yeah
- 22 Q What's his real name?
- 23 A I don't know
- 24 Q And he brought you some gas?
- 25 A Yeah I'm tr⁵⁸³ to figure out why am I have

1 accused.

2 Q People are saying that you did this.

3 A I didn't do it.

4 Q People were saying you were out at the club, and
5 that you shot Therris

6 A Nobody can say that because I didn't I wasn't
7 even there, I wasn't around

8 Q You had already gone by the time the shooting
9 happened? Is that what you're saying?

10 A I heard about it. I heard about the shooting when
11 I got back home.

12 Q What time did you get back home?

13 A I didn't go home I got back to Lanes it must have
14 been around 3:00 o'clock.

15 Q In the morning?

16 A Yes. They told me or I heard that Therris got shot.

17 Q Who told you that?

18 A My cousin.

19 Q Who?

20 A My cousin Octaves Canty. He told me that
21 Therris Keels got shot

22 Q That Therris Kennedy got shot?

23 A Therris Keels.

24 Q Say again?

1 had robbed Mike. I don't even know that dude
2 like that. It was just a coincidence because I seen
3 the dude right before he must have robbed him. It
4 was crazy and he must have robbed him like soon
5 as I left or something. This was before he got
6 shot, and then the next day it was like how did my
7 name get dragged in it.

8 Q Yeah, why are people dragging your name in it?

9 A Because of what he said.

10 Q About robbing you?

11 A Yes, about doing something to me.

12 Q He said he was going to rob you or do something
13 to you?

14 A He said he had a shotgun, a 12 gauge, and 32
15 clips. I'm not lying he was actually saying all
16 this.

17 Q At the club?

18 A No, it wasn't at the club. At the club he didn't say
19 anything to me. We didn't even have any words.

20 Q This was 3 30 Wednesday afternoon in the
21 Bullpen?

22 A Yes, sir. That's when he was saying you know I
23 could rob you.

24 Q And he was making comments about having guns,

1 A Yeah.

2 Q Were there other people that heard that?

3 A Yeah.

4 Q Are they thinking that you came back and robbed
5 him and killed him, is that what they think?

6 A Yeah but he didn't rob me I don't even have
7 money like that. That is the crazy part. I didn't
8 do anything to that man.

9 QUESTIONS BY INVESTIGATOR McFADDEN:

10 Q Do you know Roger Williams?

11 A Yeah.

12 Q Did Roger rob you?

13 A Roger didn't rob me.

14 Q Are you sure?

15 A No, he didn't. When did Roger rob me?

16 Q Yeah, Roger robbed you?

17 A Roger did not rob me. Roger never robbed me

18 Q Have you had a conflict with Roger?

19 A No, it wasn't even a conflict. One time me and

20 Therris got into it. Therris was mad at me,

21 because I told him not to follow me one time He

22 was following me I was at a friend's house and I

23 was like don't follow me, and he just went ahead

24 and followed me anyway so I turned around and I

1 thing that Roger ever said to me was get the "F"
2 out of my face or I'll beat your ass, but he ain't
3 never robbed me He never put his hands on me or
4 nothing like that

5 Q Was Roger in the Bullpen that day?

6 A No.

7 QUESTIONS BY INVESTIGATOR CREECH.

8 Q (Inaudible)

9 A I didn't do anything

10 Q And why do you think they are throwing your
11 name out there?

12 A Because of the comments that Therris had made
13 about the robbing.

14 Q Was he just fool?

15 A Yeah, he was fool Y'all know he's fool, you can
16 look at this wrap sheet He was fool in the head

17 Q How about Trel Matthews and Freddie Chandler
18 did you see them out there that night?

19 A I seen Freddie.

20 Q They saw your clothing What were they doing?

21 A They were just chillin' and having drinks. I left, I
22 left them

23 Q You got in your car and you left?

24 A Yes, sir

1 A

My Dodge Neon. Everybody saw me. I drove right in front of the club.

2 Q

You parked where?

3 A

I pulled across the street from the club.

4 Q

You parked at the Masonic Lodge?

5 A

No.

6 Q

Where did you park?

7 A

Right across the street from Mrs. Walker's home.

8 Q

And you've got people who saw you come there and you've got people who saw you leave, is that right?

9 A

Yes, sir.

10 Q

And you went straight out that way?

11 A

Yes, sir.

12 Q

You made the comment about your cousin making a comment about Therris being killed, that he supposedly robbed a guy named Mike. Who is that?

13 A

My cousin just said Therris got killed, and I was like what, and he was like yeah. He said he thinks Mike did it, and he said Therris robbed Mike the other night

14 Q

Mike Montgomery?

15 A

I don't know his last name. He's got that little car lot thing in I : ⁵⁸⁸ I don't know him like that

16

- 1 That was that about that
- 2 Q You don't know why these people are saying look
3 at you, you're the man?
- 4 A No
- 5 Q But you think it's because of the fool talk that
6 Therri was talking that afternoon about robbing
7 you?
- 8 A Yeah, that has to be it
- 9 Q You could say the same thing because you know
10 his family is looking for you?
- 11 A Yeah, his family is looking for me
- 12 Q Is that why you've been sneaking around?
- 13 A Yeah, I have to go get me a machete or
14 something I ain't lying those people are crazy
- 15 Q You don't have a gun?
- 16 A No, sir
- 17 Q You promise?
- 18 A I promise you
- 19 Q No gun
- 20 A No
- 21 Q I'm looking at your wrap sheet and you don't
22 have any violent crimes. The only thing you've
23 got is drug distribution, right.
- 24 A I know marijuana.

- 1 A But not distribution
- 2 Q Possession then?
- 3 A Yeah
- 4 Q Were you in Georgia?
- 5 A Yes, sir
- 6 Q That's been years ago, right?
- 7 A Yes, sir.
- 8 Q Your story is you saw Therris at the club and you
9 left there to go there about 10:00 o'clock
- 10 A Yes.
- 11 Q And you stayed about 10 minutes.
- 12 A Yes.
- 13 Q And you left?
- 14 A Yes.
- 15 Q You went to Blakely, and then you went to
16 Andrews and came back. What were you doing
17 for three or four hours in Andrews?
- 18 A I was just riding around to see if I could some
19 girls. I had just gotten my car, and that's what I
20 do. I've been walking for awhile, and that's what
21 I do now. I've got my car and I ride
- 22 Q Well, we want to find out who did this and your
23 name has been brought up in it. You need to help
24 us clear you⁵⁹⁰ use we need to be able to go

1 ain't that guy You know what I'm saying, we
2 can clear you

3 A I know you need to go back and tell these people

4 Q We don't want you having any problems with the
5 family either

6 A I know, I can't go anywhere because I'm caught
7 up in this mess.

8 Q Did you know the police were looking for you?

9 A Yeah.

10 Q Why didn't you come in?

11 A Well, they said before you go and talk to
12 anybody, you need to talk to somebody. I've been
13 trying to contact him, and you can see on the cell
14 phone his phone number

15 Q I'm going to tell you something, and I'm going to
16 just as I can I'm not trying to bullshit you, or I'm
17 not trying to trick you, we want to find out who
18 did this because we want to make a good case

19 Yeah, and we know that Therris was aggravating
20 as hell Everybody has told me that but he didn't
21 deserve to die We have already cleared Mike,

22 that's what we did yesterday I talked to Mike,
23 and we have already cleared Mike Mike did
24 everything he could because he knew his name

25 was thrown out ⁵⁹¹ and he wanted to do what

1 he could to clear himself. He cooperated and he
2 cleared himself as far as we're concerned, and
3 we're going to tell the family, and we want you to
4 do the same thing. We want you to help us find
5 who did it because we want to find out the truth.
6 You know what I'm saying, I'm not like that. I
7 don't want to charge anybody with anything they
8 didn't do. Do you smoke dope a little bit?

9 A I don't smoke no dope. Do I look like a dope
10 head?

11 Q No, man, I'm just asking.

12 A I might smoke a little weed every now and then,
13 but I don't smoke no dope.

14 Q We want you to help clear yourself. We want you
15 to cooperate and help clear yourself.

16 QUESTIONS BY INVESTIGATOR McFADDEN:

17 Q Would it be fair for me to say that you have a very
18 unique car as far as color, so it would be hard for
19 people to mistake that color car?

20 A (No response)

21 Q I need you to answer that question.

22 A I don't know. I don't know any of this stuff.

23 Q So what's the chance somebody is going to
24 mistake that color car speeding off at about the
25 same time tl 592 y got shot?

1 A (No response)

2 Q I need you to answer that question

3 A I don't know.

4 Q Since you have gotten that car have you seen
5 another Neon that color in this area?

6 A No.

7 Q So it would be fair to say that color car nine times
8 out of ten is going to be yours, yes or no?

9 A I don't know. I can't tell you that. All I can tell
10 you is I was no where near there.

11 Q And you say you were in Andrews for 3 plus
12 hours?

13 A Yeah. No, not no three something hours. I was
14 riding around some of every place.

15 Q But you were riding around for three hours?

16 A Yeah.

17 Q About the time frame that Therris got shot?

18 A I don't know about all that. I don't know when he
19 got shot.

20 QUESTIONS BY INVESTIGATOR CREECH

21 Q I'm putting it on the table in front of you, and I'm
22 just asking. We've got people saying yeah, you
23 were here. Yeah, you were at the club, yeah, you
24 were on C. E. Murray Boulevard in that funny
25 colored Neon

1 A C E. Murray Boulevard?

2 Q Yep, C E. Murray Boulevard, hauling ass down
3 the road.

4 A C E Murray Boulevard

5 Q This same strip?

6 A No, I was not I was not

7 Q You were there earlier?

8 A Yeah, earlier I guarantee I was not on C E.
9 Murray Boulevard when Therris was shot.

10 QUESTIONS BY INVESTIGATOR McFADDEN

11 Q During that time do you have anybody that can
12 say that Marc was here?

13 QUESTIONS BY INVESTIGATOR CREECH:

14 Q Do you have an alibi?

15 A No.

16 Q You don't have an alibi, and nobody can say I
17 know he left the club, because he left the club
18 with me or when he left the club I was with him
19 or I saw him at a certain time?

20 A No

21 QUESTIONS BY INVESTIGATOR McFADDEN:

22 Q Agent Creech has probably asked you this
23 question, what did you say you were wearing that
24 night?

25 A White shoes, 1 594 pants, and a white T-shirt

Q These pants, gray shoes a white T-shirt That's not what everybody is saying you were wearing.

A Really, really. Y'all just need to look I wasn't at the bar, because everybody has to be lying.

QUESTIONS BY INVESTIGATOR LAIL:

Q What did you say, I missed that. What street did you say you were parked on?

A I was parked right there on that same street they were talking about, C. E. Murray Boulevard

QUESTIONS BY INVESTIGATOR CREECH:

Q Across from the fish market?

A Yeah.

QUESTIONS BY INVESTIGATOR McFADDEN:

Q In somebody's yard?

A No, right there on the side.

Q Right there on the side.

A Yeah, right there on the side.

QUESTIONS BY INVESTIGATOR LAIL:

Q And you got the shop and then the woods, and that little road where the mechanic shop is, the truck place?

A No. It was across the street from the fish market. I was right in front of the fish market on the same street on the side.

Q Where did you stop to get gas 595

1 A Where did I stop to get gas?

2 Q Was it right up here at the hospital?

3 A Yeah.

4 QUESTIONS BY AGENT CREECH :

5 Q How much gas did you put in the car?

6 A \$12.00.

7 Q And you ran all that out?

8 A Yeah.

9 Q You were doing some riding, weren't you?

10 A Yeah

11 QUESTIONS BY INVESTIGATOR LAIL.

12 Q Did you pay for it by cash or how?

13 A Yeah, cash

14 QUESTIONS BY AGENT CREECH

15 Q And that was when you got out of school at 7.45?

16 A Yeah.

17 Q Did you stop anywhere in Andrews that maybe
18 we could look at a video and see what time you
19 were there?

20 A No.

21 Q We're trying to help you buddy.

22 A No, sir.

23 Q Do you know of any store that you may have
24 gone in to get something to drink or something to
25 eat to prove that yo 596 e over there?

A No, I stopped in Blakely and I swung by Harry's, and I didn't see anybody I knew so I just kept on going.

QUESTIONS BY INVESTIGATOR LAIL:

Did you in Harry's?

No, I didn't go in Harry's.

QUESTIONS BY McFADDEN:

So you went to Andrews and rode around?

Yes.

And you didn't stop at any stores or anything over there?

No, there wasn't any stores open

QUESTIONS BY AGENT CREECH:

Were you looking for women?

Yeah.

QUESTION BY INVESTIGATOR LAIL

What's your mom's phone number?

I have no idea.

What's your phone number?

382-8653.

And your cell number?

Oh, yeah, that's her number. My phone number is

356-6882.

QUESTIONS BY AGENT CREECH:

And you lost it?

Yeah That is one is 356-4622

And you lost it?

I lost it. I lose cell phones

What company is that cell phone with?

Verizon.

Will you take a polygraph?

A polygraph? Why do I have to take a polygraph?

To clear yourself.

Hopefully I have cleared myself This is what's going on, you're telling me I didn't have on what I had on, and now you're talking about a polygraph. I believe I need to talk to Charles Barr.

Okay.

Call Charles Barr.

I'm just telling you if you want to try to help clear yourself, that's one way to do it. I don't know if you're telling me the truth or not That would be one way to clear yourself

Charles Barr, sir.

So you don't have anything else to say?

No, sir. You asked me to talk to you and now you want to put me in a polygraph test Y'all are telling me I didn't have on what I had on when I clearly had on what I had on and ev 598 ody saw

what I had on

I just want a polygraph to see if your story is straight. You don't have no alibi, and nobody to say that they saw you.

No, I don't have no alibi.

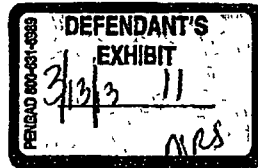
You ain't got no alibi or anything?

No, I want to talk to Charles Barr.

That ends this statement.



Marc Anthony Palmer



Williamsburg Co Alex Chatman Complex RANDOM STRIKE SHEET

JUDGE NAME :

TRIAL TYPE : Criminal

PANEL ID : 2011GS4500095

COURTROOM 3RD

DESCRIPTION : State vs Marc Palmer

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Mack, Lurenzia D	99	B	F	()	(*)	()	
2 Davis, Mickie W	46	W	F	()	(*)	()	
3 Hughes, Cheryl C	86	B	F	(*)	()	()	
4 Duke, Rachael O	51	W	F	()	()	()	
5 Tisdale, Brian C	178	W	M	()	(*)	()	
6 Barr, Jamman	3	B	M	()	()	()	Seated (1)
7 Frazier, George L	61	B	M	()	()	()	Seated (2)
8 Ciszewski, Joanne S	27	B	F	()	()	()	Seated (3)
9 McGill, Donell A	113	B	M	()	()	()	Seated (4)
10 Coker, Connie L	31	W	F	()	(*)	()	
11 Love, Terry H	97	W	M	()	(*)	()	
12 Salters, Christopher D	150	B	M	()	()	()	Seated (5)
13 Huggins, Jacquelyn M	85	W	F	()	()	()	Seated (6)
14 Owens, Jimmy E	136	W	M	()	(*)	()	
15 Britt, Leslie F	12	B	F	()	()	()	Seated (7)
16 White, Benjamin A	189	B	M	(*)	()	()	Seated
17 Taylor, Charles A	173	W	M	()	(*)	()	
18 Williams, Abraham	192	B	M	()	()	()	Seated (8)
19 Tisdale, Davenick I	179	B	M	()	()	()	Seated (9)
20 Edwards, Anthony B	55	B	M	(*)	()	()	
21 Belding, Lonnie M	7	W	M	()	(*)	()	Seated
22 Hughes, Christie A	87	W	F	()	()	()	Seated (10)
23 Mcfadden, Rachel A	112	B	F	()	()	()	Seated (11)
24 Davis, Latesha M	45	B	F	()	(*)	()	

**Williamsburg Co Alex Chatman Complex
RANDOM STRIKE SHEET**

JUDGE NAME :

TRIAL TYPE : Criminal

PANEL ID : 2011GS4500095

COURTROOM 3RD

DESCRIPTION : State vs Marc Palmer

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Williams, Rhonda A	194	B	F	(*)	()	()	
26 McCormick, Ann M	104	B	F	(*)	()	()	
27 Cooper, Ever J	39	B	F	()	()	()	Seated (12)
28 Baxley, Glenn D	5	W	M	()	(*)	()	
29 Baxley, Rodney A	6	W	M	()	()	()	Not Seated (13)
30 Coker, Chancely C	29	W	F	()	(*)	()	
31 Kennedy, Shemeka D	94	B	F	()	()	()	Not Seated (14)
32 Hilton, Phoebe A	82	B	F	()	()	()	
33 Singletary, Lincoln J	160	B	M	()	()	()	
34 June, Robert L	90	B	M	()	()	()	
35 Graham, Africa B	72	B	F	()	()	()	
36 Gamble, Louis S	65	B	M	()	()	()	
37 Cumbee, Rodger C	43	B	M	()	()	()	
38 Brown, Willie F	16	B	M	()	()	()	
39 Hucks, Anthony W Jr.	84	W	M	()	()	()	
40 Fulton, Angela B	62	B	F	()	()	()	

Total Number of Jurors:

40

** END OF REPORT **

Williamsburg Co Alex Chatman Complex RANDOM STRIKE SHEET

JUDGE NAME :

TRIAL TYPE : Criminal

PANEL ID : 2011GS4500095

COURTROOM 3RD

DESCRIPTION : State vs Marc Palmer

Sorted by: Random Nbr

Trial

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16 White, Benjamin A	189	B	M	()	()	()	
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20 Edwards, Anthony B	55	B	M	(X)	()	()	
21 Belding, Lonnie M	7	W	M	()	(X)	()	
22 Hughes, Christie A	87	W	F	()	()	()	Seated (11)
23 Mcfadden, Rachel A	112	B	F	()	()	()	Seated (10)
24 Davis, Latesha M	45	B	F	()	()	()	

**Williamsburg Co Alex Chatman Complex
RANDOM STRIKE SHEET**

JUDGE NAME :

TRIAL TYPE : Criminal

PANEL ID : 2011GS4500095

COURTROOM 3RD

DESCRIPTION : State vs Marc Palmer

Sorted by: Random Nbr

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NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
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29 Baxley, Rodney A	6	W	M	()	()	()	Seated (8)
30 Coker, Chancely C	29	W	F	()	(*)	()	
31 Kennedy, Shemeka D	94	B	F	()	()	()	Seated (7)
32 Hilton, Phoebe A	82	B	F	()	()	()	Seated (6)
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34 June, Robert L	90	B	M	(*)	()	()	
35 Graham, Africa B	72	B	F	()	()	()	Seated (4)
36 Gamble, Louis S	65	B	M	()	()	()	Seated (3)
37 Cumbee, Rodger C	43	B	M	()	()	()	Seated (2)
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39 Hucks, Anthony W Jr.	84	W	M	()	()	()	Seated (1)
40 Fulton, Angela B	62	B	F	()	(*)	()	

Total Number of Jurors:

40

** END OF REPORT **

*Call list from bottom up,
Due to Batsun motion*



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE (803) 734-1080
FAX (803) 734-1499

June 1, 2011

The Honorable Carolyn F. Williams
Clerk of Court
125 W. Main Street
Kingstree, SC 29556

Dear Ms. Williams:

This will acknowledge receipt of a letter from Mr. Palmer dated May 29, 2011. Since he is expressing concerns about matters pending in the circuit court in Williamsburg County, we are forwarding you a copy of Mr. Palmer's May 29 letter for any assistance you may be able to give him.

Very truly yours,

CLERK

/bs

Enclosure

CC: Mr. Marc Anthony Palmer

CERTIFIED TRUE COPY

SHARON W. STAGGERS
CLERK OF COURT

WILLIAMSBURG COUNTY

Dear Supreme Court of South Carolina

S.C. SUPREME COURT

My name is Marc Anthony Palmer of criminal charging document no. M-685318. I had problems with my public defender William Le Grand Carraway and upon an investigation by the Office Of Disciplinary Counsel (File Number: 11-DE-0079) it was discovered that he had represented the victim in my case before. After that discovery I had appeared in front of a Circuit Court Judge Friday May 20, 2011 to request another attorney. The Judge granted my request but it's been over a week and I have not heard from anyone yet. There is also another issue, I filed for a Speedy Trial on March 24, 2011 and I have not received a court date yet either. I was trying to file for a Speedy Trial since December 12, 2010 but public defender William LeGrand Carraway refused to listen to the instructions I gave to my family telling him to file for a Speedy Trial, refused to come see me, and ignored my letters telling him to file for a Speedy Trial and Disclosure. It was only after numerous letters I wrote to the Office Of Disciplinary Counsel that he finally came to see me on February 25, 2011. On that day I instructed him to file a motion for a Speedy Trial and Disclosure. It took him almost a month and another letter to the Office Of Disciplinary Counsel to file those motions which was March 22-24, 2011. I was denied bond and even if I was given a bond my family can't afford it plus, I have received death threats from the victim's family and my name, face, and address was pub⁶⁰⁶lized in the newspaper, which is

Trial so I can find somewhere else to live. I am aware that it is my constitutional right to a Speedy Trial and Williamsburg County would have to try my case within 120 days or dismiss the indictment. Now July 21, 2011 will be 120 days from me filing for a Speedy Trial and I have not received a trial date yet nor do I have another attorney. I need an attorney to handle certain legal matters that I cannot. I also need to go to trial or Williamsburg County needs to release me. I am writing in hope that the Supreme Court can help me with these matters.

Sincerely,

Marc Palmer 5/29/11

Marc A. Palmer

Williamsburg County Detention Center

207 S. Jackson St.

Kingstree, SC 29556

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT
WARRANT NO.:M685318

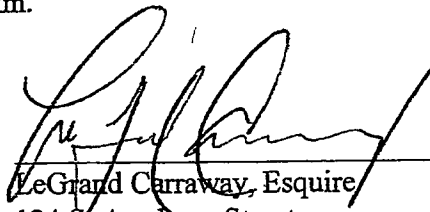
THE STATE,)
)
Plaintiff,)
)
vs.)
)
MARC PALMER,)
)
Defendant.)

MOTION FOR SPEEDY TRIAL

FILED
11 MAR 24 AM 9:07
CAROLYN WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

NOTICE IS HEREBY GIVEN that the undersigned attorney for the above named Defendant, MARC PALMER, does hereby assert that the Defendant is being denied his right to a speedy trial pursuant to both the United States Constitution and the South Carolina Constitution.

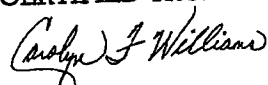
AND FURTHER the Defendant hereby demands an immediate trial or the dismissal of any related indictment which may be pending against him.



LeGrand Carraway, Esquire
124 S. Academy Street
P. O. Box 819
Kingtree, SC 29556
843/ 355-7222 Phone
843/ 354-3206 Fax
carrawaylaw@ftc-i.net
Attorney for the Defendant

Kingtree, South Carolina

March 24th, 2011

A CERTIFIED TRUE COPY

CAROLYN F. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY

Man Adams

June 13, 2011

William F. Williams

100 Main Street

Williamsburg, VA

23185

Williamsburg, VA

100 Main Street

Williamsburg, VA

A CERTIFIED TRUE COPY

Sharon W. Staggars

SHARON W. STAGGERS

CLERK OF COURT

WILLIAMSBURG COUNTY

Re: State of Virginia vs. [Name]

Case No. [Number]

Dear Mr. Williams:

FILED
12 JUN 18 PM 3:10
GAYLE N. F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

My name is Marc Adams. I have not been
communicating in regards of my case being taken
for a specific trial date. I have had an attorney
that was supposed to bring my case to trial, but there were
some delays in bringing my case to trial. I have recently filed
a motion for a new trial date on March 23, 2011, and it has
been over a month since I received a response, and the
motion has not been heard nor have I received a trial date. It is
my 6th time in court and I am very stressed and I want to go to
trial immediately.

Marc Adams

Marc Anthony Palmer
Florence County District Attorney
6714 Friendship Rd.
Eff. no. 00002940

Jul 1, 2011

William B. Stagg
Clerk of Court
125 W. Main St.
Williamsburg, SC 29156

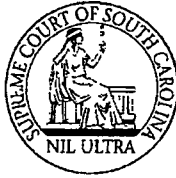
Re: State of South Carolina v. Marc Anthony Palmer
Docket No. 2011-65-45-001

Dear William B. Stagg:

Per your letter dated 6/27/11, I, My attorney, William B. Stagg, filed a motion to relieve me of the court in this case. Can the court please schedule a hearing on this motion as possible? I have also filed a specification and have asked the court to schedule a hearing immediately upon receipt of the motion and me and My attorney. These matters can be taken care of during Session on 7/1/11.

CERTIFIED TRUE COPY
Sharon W. Stagg
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

Marc Anthony Palmer



The Supreme Court of South Carolina

DANIEL E SHEAROUSE
CLERK OF COURT

BRENDA F SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE (803) 734-1080
FAX (803) 734-1499

August 28, 2012

The Honorable Carolyn F. Williams
Clerk of Court
125 West Main Street,
Kingstree, SC 29556

RE: *The State v. Marc Anthony Palmer*, 2011-GS-45-00095 (Murder)

Dear Ms. Williams:

Enclosed is correspondence received from Mr. Palmer. Since he is concerned about unresolved motions that have been filed in your court and the fact that he has apparently not been appointed substitute counsel after his counsel was relieved, I am forwarding his letter to your office.

Sincerely,

Daniel E. Shearouse

Enclosure

cc: Solicitor Ernest A. Finney III (with copy of enclosure)
Third Judicial Circuit
141 N. Main St.
Sumter, South Carolina 29150

Mr. Marc Anthony Palmer
Florence County Detention Center
6719 Friendfield Road
Effingham, SC 29541

1 CERTIFIED TRUE COPY
Sharon W. Staggars
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

FILED
12 AUG 31 AM 11:50
CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

Marc Anthony Palmer
Florence County Detention Center
6719 Friendfield Rd
Effingham, SC 29541

RECEIVED
AUG 27 2012
S.C. SUPREME COURT

To: The Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

Re: State of South Carolina v. Marc Anthony Palmer
Docket No. 2011-GS-45-95

FILED
12 AUG 31 AM 11:50
CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

Dear Supreme Court of South Carolina,

I am writing you in regards to the way my case is being handled in the 3rd Judicial Circuit in Williamsburg County. On March 26, 2012 attorney William Barr filed a new motion for a speedy trial and this motion was never heard. On June 26, 2012 Mr. Barr filed a motion to relieve himself as counsel due to me writing a grievance to the Supreme Court Office of Disciplinary Counsel about his conduct. On July 30, 2012 Mr. Barr's motion to be relieved as counsel was heard and Mr. Barr was relieved as counsel, even though I objected and acknowledged the fact that I wanted a speedy trial. I contacted the Williamsburg County clerks office to find out who my new attorney was, but I was not appointed one yet. Being that I originally filed a motion for a speedy trial on March 24, 2011, attorney W. James Hoffmeyer renew that motion in court on July 22, 2011, and Mr. Barr filed this recent motion on March 26, 2012, and the solicitor never put

motion for dismissal with prejudice to solicitor Kimberly V. Barr and to the clerk of court. I also sent along a letter to the clerk of court requesting to file my motion since I currently don't have an attorney. I have not received a correspondence from the clerks office or the solicitor's office. I have not received notice of a new attorney, nor have I received a trial date. Now according to 28 U.S.C. § 2253 if my constitutional right is violated my indictment is to be dismissed. I have been begging to go to trial, but I am steady being ignored. If the court had not appointed me an attorney my pro se motion should still be heard. The 3rd Judicial Court is not handling my case properly and I need help. Its clear that the State does not want to bring my case to trial, but there is nothing more I can do. Please assist me in any way you can.

Sincerely,

Marc A. Palmer

Marc A. Palmer

Florence County Detention Center

6719 Friendfield Road

Effingham, SC 29541

STATE OF SOUTH CAROLINA)
)
 COUNTY OF WILLIAMSBURG)
)
 State of South Carolina,)
 Plaintiff,)
)
 v.)
)
 Marc Anthony Palmer,)
 Defendant.)
 _____)

IN THE COURT OF GENERAL SESSIONS
 THIRD JUDICIAL CIRCUIT
 2011-GS-45-95 (M685318)
 ORDER TO BE RELIEVED AS COUNSEL

COLIN F. WILLIAMS
 CLERK OF COURT
 WINDSTREE, S.C.

12 AUG 31 AM 11:50

FILED

This matter came before me on July 30, 2012 pursuant a Notice of Motion and Motion to be Relieved as Counsel for the Defendant filed by William J. Barr/Barr Law LLC on June 26, 2012. On December 15, 2011 William J. Barr/Barr Law LLC was appointed to represent Defendant for his charges of Murder and Possession of a Weapon During Violent Crime. The Defendant has a pending grievance against William J. Barr with the Supreme Court Office of Disciplinary Counsel. This results in a conflict of interest between the Defendant and William J. Barr/Barr Law LLC necessitating relieving William J. Barr/Barr Law LLC of representation of the Defendant. Accordingly, Attorney William J. Barr/Barr Law LLC is relieved as Defendant's counsel for these offenses. William J. Barr/Barr Law LLC is the third attorney that has been relieved from representing Defendant due to various allegations by the Defendant. Consequently, I find that in the event any other appointed attorney is removed on behalf of the Defendant's dissatisfaction, he shall represent himself in this matter.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that William J. Barr/Barr Law LLC is hereby relieved as the Defendant's counsel on the indicted charges and any other removal of an appointed attorney for the Defendant shall result in self representation.

Marc Anthony Palmer
Florence County Detention Center
6719 Friendfield Rd
Effingham, SC 29541

RECEIVED

AUG 27 2012

S.C. SUPREME COURT

To: Carolyn F. Williams
Clerk of Court
Williamsburg County Courthouse
125 W. Main St.
Kingstree, SC 29556

Re: State of South Carolina v. Marc Anthony Palmer
Docket No. 2011-GS-45-95

On September 30, 2012 I was supposed to be appointed another attorney. As of right now I have still not been appointed another attorney. Since I do not have an attorney at the moment, please file this pro se motion for me. Also please notify me when I have been appointed an attorney and provide me with their name and contact information.

Sincerely,

Marc A. Palmer
Marc A. Palmer

FILED
12 AUG 31 AM 11:50
CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

State of South Carolina
County of Williamsburg

In The Court Of General Sessions
Third Judicial Circuit

RECEIVED

The State,
Plaintiff,

Case No. 2011-GS-45-95 AUG 27 2012

Warrant No. M-685518 S.C. SUPREME COURT

vs.

Motion For Dismissal With Prejudice
Pursuant to Strunk v. United States, 412 U.S.
434 (1973) and Barker v. Wingo, 407 U.S. 514,
522 (1972)

Marc Anthony Palmer,
Defendant.

NOTICE IS HEREBY GIVEN that the above-named Defendant, MARC ANTHONY PALMER, does hereby assert that the Defendant is being denied his right to a speedy trial pursuant to the Sixth Amendment of the United States Constitution.

AND FURTHER the Defendant hereby demands the dismissal of any related indictment which may be pending against him with prejudice pursuant to United States Supreme Court cases Strunk v. United States, 412 U.S. 434 (1973), and Barker v. Wingo, 407 U.S. 514, 522 (1972).

Marc A. Palmer

Marc A. Palmer

Florence County Detention Center
6719 Friendfield Road
Effingham, SC 29541
Pro Se Defendant

CAROLINE F. WILLIAMS
CLERK OF COURT
KINGS TREE, S.C.
12 AUG 31 AM 11:51

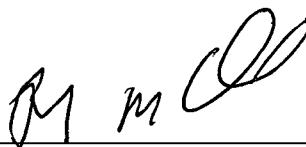
FILED

**THIS PAGE INTENTIONALLY
LEFT BLANK**

CERTIFICATE OF COUNSEL FOR APPELLANT

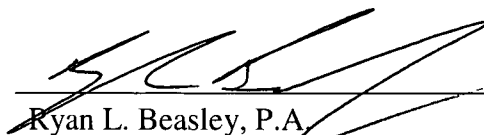
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 4th, 2014



Robert M. Dudek
Chief Appellate Defender

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



Ryan L. Beasley, P.A.
650 E. Washington Street
Greenville, SC 29601
(864) 679-7777

RECEIVED

NOV 04 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

DO NOTAL

Appeal from Williamsburg County

William Jeffrey Young, Circuit Court Judge

RECEIVED

NOV 04 2014

THE STATE,

RESPONDENT

SC Court of Appeals

V.

MARC PALMER

APPELLANT

APPELLATE CASE NO. 2013-000700

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 4th day of November, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 4th day of November, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.