

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

Hon. George C. James, Circuit Court Judge

Appellate Case No. 2017-001749

Lamar Dontray Williams, ... Petitioner.

v.

State of South Carolina, ... Respondent.

APPENDIX

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VOL. III

1 A Possibly.

2 Q Then how the heck, ma'am, is he staying with you on
3 the night of October the 17th, six days later? It's
4 two weeks, ma'am, that y'all broke up. How could that
5 be?

6 A We don't have to be together to stay in the same
7 house together.

8 Q But y'all had broken up because your grandmother was
9 coming, and he could not be there, ma'am. That's what you
10 told the jury.

11 A That's not why we had broken up, no, sir.

12 Q That's what you told us on direct, that you told him
13 he had to get out of the house because your grandmother
14 was coming. Now, please, what is it?

15 A No. We had broken up on October the 11th. And we
16 was still working things out. So -- and then -- but I
17 told him he couldn't stay at my house, because my
18 grandmother was coming in on a flight on October the 24th.
19 So he couldn't stay at my house, because I didn't have
20 room for him to stay there. My grandmother was going to
21 sleep in my bed. And I had to sleep on the couch.

22 Q When did you tell him that, ma'am? Let's just get it
23 straight. Let's sort all this out. You broke up on
24 October 11th. Why did y'all break up then? I'm going to
25 ask you one question at a time.

1 Why did you break up then, if it wasn't your
2 grandmother?

3 A Relationship problems.

4 Q What were the problem?

5 A It was different things.

6 Q Tell us all of them.

7 A That, you know, he wasn't coming home on time. He
8 had a curfew with me, generally. And, you know,
9 sometimes, I couldn't get ahold of him. And it was
10 just --

11 Q But you remember getting ahold of him on the night of
12 October 17th, and he was home with you that night?

13 A He had called me on the night of the 17th when he was
14 on his way to my house.

15 Q Who brought him to your house?

16 A A gentleman I only know by the name of Tub.

17 Q Tub?

18 A Uh-huh.

19 Q Is he black or white?

20 A Black.

21 Q Some guy named Tub brought him to your house?

22 A Correct.

23 Q But you cared about him, and you took him in that
24 night?

25 A I did.

1 Q And you're still talking to him on the phone daily
2 now; right?

3 A Correct.

4 Q So, ma'am, tell this jury, do you remember meeting
5 with Christopher Hammett, this investigator, and
6 Investigator Antonio Bailey, who is sitting in the back of
7 the room, on, specifically, February 27th of 2011?

8 A I don't remember the date, but they did come to my
9 house.

10 Q And they talked to you about this murder, didn't
11 they, ma'am, and your friend?

12 A Correct.

13 Q Tell this jury what you told them when you swore he
14 couldn't have done it because he was with you that night.
15 Tell the jury what you told them. What did they say when
16 you told them that?

17 A (There was no response).

18 Q You didn't tell them that, did you, ma'am?

19 A I told them I couldn't remember anything specific
20 about that date.

21 Q So October 20 -- I mean, excuse me. I want to get
22 this right. February 27th of 2011, you couldn't remember
23 about that date; right?

24 A Not at that time.

25 Q But now, in 2012, you remember everything. Is that

1 what you're telling this jury, ma'am?

2 A Well, I have records of, you know, places I went that
3 day. I went through my cell phone, and looked at
4 pictures. I went through my bank records. And I, also,
5 have a receipt from where I went to the bonding office
6 and, you know, certain things --

7 Q Your friend is charged with murder, ma'am. These
8 investigators come to your house. You've got an alibi for
9 him, and you don't even bother to look until February of
10 2012. This is the first time you've told this story
11 publicly, isn't it, ma'am?

12 A Publicly, yes.

13 MR. WESTON: Thank you.

14 Nothing further for this witness.

15 MR. COOKE: I do.

16 May it please the Court.

17 REDIRECT EXAMINATION

18 BY MR. COOKE:

19 Q You mentioned that at the time the officers
20 interviewed you that you really couldn't remember what
21 happened on those dates, or where you were?

22 A Yes.

23 Q Fair enough. All right. How were you able to make
24 that determination?

25 A Through my phone records, pictures in my phone, and a

1 receipt from a bonding office that I went that morning,
2 and my bank records.

3 Q Okay. I want to show you a copy of this receipt.
4 Tell me what that is.

5 A That is a receipt where Lamar Williams paid --

6 MR. WESTON: Your Honor, I'm going to object. This
7 is a new matter that was not gone into on
8 cross-examination.

9 MR. COOKE: He brought it up.

10 MR. WESTON: I didn't bring up anything about the
11 receipt --

12 MR. COOKE: You didn't ask about a receipt --

13 THE COURT: All right. Gentlemen.

14 Mr. Cooke, I'm going to allow it. Go ahead and go
15 forward.

16 MR. COOKE: Thank you.

17 BY MR. COOKE:

18 Q Identify that, please, ma'am.

19 A This is a receipt that was given by the bond office.
20 It says, Lamar Williams paid for himself \$100 on
21 10/18/2010, received by Iesha.

22 Q And that's what helped you refresh your memory when
23 you went through and found this?

24 A That's correct.

25 MR. COOKE: I'd like to mark this.

1 (WHEREUPON, Defendant's Exhibit No. 3 was marked for
2 identification only.)

3 MR. WESTON: Your Honor, I'm going to object to the
4 introduction of this document through this witness. It's
5 a copy. She didn't write it. I don't think she's
6 qualified to introduce that as being authentic, Your
7 Honor. And he can't show it to the jury.

8 THE COURT: Mr. Cooke, come here.

9 MR. COOKE: I'm sorry. I apologize.

10 THE COURT: Let me see what it is.

11 MR. COOKE: Okay.

12 THE COURT: She didn't write it.

13 MR. COOKE: I'll get it in through my next witness.

14 THE COURT: Thank you.

15 BY MR. COOKE:

16 Q So this is the receipt that you received when y'all
17 paid the bond; is that correct?

18 A That's correct.

19 MR. COOKE: I have no further questions.

20 MR. WESTON: Just one question on recross.

21 RECROSS-EXAMINATION

22 BY MR. WESTON:

23 Q You say it's the receipt you received. It's for, I
24 think, \$100?

25 A It is.

1 Q Who paid the bond, you or Face -- you or Lamar
2 Williams?

3 A Lamar Williams.

4 Q So why would they give you the receipt, ma'am?

5 A He gave me the receipt after he paid it. But I took
6 him to the bonding office.

7 Q So when you say you received it, you received it from
8 Lamar Williams?

9 A That's correct.

10 Q Sometime after that?

11 A As soon as he paid it.

12 Q Why would he give it to you, ma'am?

13 A Because I keep records of all of his receipts that he
14 pays.

15 Q But you're not his girlfriend; right?

16 A I am not currently, no.

17 MR. WESTON: Thank you, ma'am.

18 MR. COOKE: Just one other question.

19 FURTHER EXAMINATION

20 BY MR. COOKE:

21 Q I was trying to reserve this for the next witness,
22 but I'll show you an original receipt. Is this the
23 receipt that I showed you a few minutes ago?

24 A That is the receipt.

25 Q Okay. Same date?

1 A It is.

2 Q Received from Iesha at the bonding company?

3 A Correct.

4 MR. COOKE: Would you like to see this, Mr. Weston?

5 MR. WESTON: Well, I don't doubt that's the original.

6 Once again, my objection remains the same. It was not
7 given to her, and she's admitted that. Unless we've
8 got --

9 THE COURT: She can't authenticate. You're going to
10 have to do it through somebody else.

11 MR. COOKE: I'd like to mark this.

12 (WHEREUPON, Defendant's Exhibit No. 4 was marked for
13 identification only.)

14 MR. COOKE: No further questions.

15 THE COURT: Anything further?

16 MR. WESTON: Nothing from the State, Your Honor.

17 MR. COOKE: I'd like to have her released from the
18 subpoena.

19 THE COURT: Any objection to her being released?

20 MR. WESTON: No objection, Your Honor.

21 THE COURT: You are excused.

22 Mr. Cooke, you may call your next witness.

23 MR. COOKE: Iesha, please.

24 (Pause.)

25 MR. COOKE: Judge, excuse me. I object to this

1 conversation being overheard by the jurors there. I think
2 he's speaking a little loud.

3 MR. WESTON: I just asked him whether he wrote the
4 word "name" or "none." And he said it was "none," Your
5 Honor. And I don't think the jury --

6 MR. COOKE: Well, it's loud enough for the jury --

7 THE COURT: Okay. Gentlemen, sit down.

8 THE CLERK: Ms. Scruggs, please come forward to be
9 sworn in.

10 Please place your left hand on the Bible and raise
11 your right.

12 WHEREUPON,

13 IESHA SCRUGGS,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 You may be seated.

17 Please state your name for the record.

18 THE WITNESS: Iesha Scruggs.

19 THE CLERK: Thank you, ma'am.

20 DIRECT EXAMINATION

21 BY MR. COOKE:

22 Q Could you spell your last name?

23 A S-C-R-U-G-G-S.

24 Q Ms. Scruggs, had you ever seen me before today?

25 A No, sir.

1 Q Okay. And were you subpoenaed by Lamar Williams to
2 come to court today?

3 A Yes, sir.

4 Q Can you tell me where you live, please, ma'am?

5 A I live in Laurens.

6 Q Okay. By the way, how far is Laurens from here?

7 A About 30 minutes.

8 Q 30 minutes. Okay. And what do you do over in
9 Laurens?

10 A I work at Reliable Bail Bonding Agency.

11 Q And how long have you been with Reliable?

12 A Since 2006.

13 Q Okay. And do you know Lamar Williams?

14 A Yes, sir.

15 Q Okay. And has he done business with you before?

16 A Yes, sir.

17 Q Okay. Can you tell me if you saw Lamar Williams on
18 October the 18th of 2010?

19 A Yes, sir, I did.

20 Q And how do you know that, Ms. Scruggs?

21 A Because Lamar came in and made a payment. And I was
22 the one that received it. And I wrote him a receipt.

23 Q Okay. Let me show you a copy. Is that the receipt?

24 A Yes, sir.

25 Q Okay. And you wrote that, that's your initials?

1 A Yes, sir.

2 Q Can you tell me the date that was written?

3 A October 18th, 2010.

4 Q And how much was it written for?

5 A \$100.

6 MR. COOKE: I'd like to have this marked.

7 THE COURT REPORTER: I've already marked it.

8 MR. COOKE: Mr. Weston?

9 MR. WESTON: No objection.

10 (WHEREUPON, Defendant's Exhibit No. 4 was admitted into
11 evidence.)

12 BY MR. COOKE:

13 Q Now, do you have any idea what time -- there's no
14 time on the receipt. Do you have any idea what time he
15 came in your office? By the way, did anybody come with
16 him?

17 A Not inside.

18 Q And did you see anybody waiting on him in the car?

19 A I didn't see a car.

20 Q So he came in by himself?

21 A Yes, sir.

22 Q And did he pay you some money himself?

23 A Yes, sir.

24 Q Now, tell me what time -- do you have any way of
25 knowing what time he paid you?

1 A It was between -- after 8:30, but before 10:00. He
2 was the first payment I received for that day. And we
3 open at 8:30.

4 Q And you're the one that usually opens up?

5 A Yes, sir.

6 Q Okay. And you distinctly remember that?

7 A Yes, sir.

8 MR. COOKE: Okay. No further questions.

9 MR. WESTON: Just a couple, Your Honor.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. WESTON:

13 Q Ms. Scruggs, let me be clear. I want to make sure
14 we're all clear. Are you sure there was nobody inside
15 with him that he handed the receipt to as soon as you gave
16 it to him?

17 A He was in the office alone.

18 Q Are you sure there wasn't a woman by the name of
19 Jennifer Burnette [sic] -- this woman right here --

20 MR. WESTON: Could you stand up, please, ma'am.

21 BY MR. WESTON:

22 Q Was this lady here with him?

23 A She did not come in with him, no, sir.

24 Q You're sure of that?

25 A Yes, sir.

1 Q All right. And it could have been as late as 10:00
2 in the morning?

3 A Yes, sir.

4 Q Why 10:00, as opposed to 11:00, or 2:00, or 3:00?
5 I'm just curious.

6 A Because we had a training session on that day. And
7 it started at 10:00. And we didn't have anyone come in
8 after 10:00.

9 MR. WESTON: Thank you, ma'am.

10 I have nothing further.

11 MR. COOKE: Just a quick question on follow-up.

12 REDIRECT EXAMINATION

13 BY MR. COOKE:

14 Q Does Lamar ever come in with anybody else?

15 A Yes, sir.

16 Q Have you seen this lady before?

17 A Yes, sir.

18 Q She's been in there with him to make payments?

19 A Yes, sir.

20 MR. COOKE: Thank you very much.

21 MR. WESTON: Just one question.

22 RECROSS-EXAMINATION

23 BY MR. WESTON:

24 Q But she was not with him that day?

25 A No, sir.

1 MR. WESTON: Thank you.

2 THE COURT: Anything further?

3 MR. WESTON: Nothing from the State, Your Honor.

4 THE COURT: All right. You may step down.

5 MR. COOKE: Judge, I just have a matter probably
6 outside of the presence of the jury, and then maybe a
7 little bit of a break.

8 THE COURT: Sounds good.

9 Ladies and gentlemen of the jury, we're going to take
10 a short break. Return to your jury room. Refresh
11 yourselves. Again, do not discuss this case.

12 MR. COOKE: Can I release this lady from subpoena?

13 MR. WESTON: No objection from the State, Your Honor.

14 THE COURT: Ms. Scruggs, you may be released.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 2:40 p.m.)

17 THE COURT: Yes, Mr. Cooke.

18 MR. COOKE: Your Honor, I would like just maybe 10
19 minutes to talk this over with my client to see whether he
20 wants to take the stand.

21 THE COURT: All right. Let's go ahead -- absolutely.
22 Let's go ahead and take about a 10-minute break.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Mr. Cooke.

25 MR. COOKE: Judge, I have discussed this matter with

1 my client about taking the stand, and not taking the
2 stand. And after an in-depth discussion, he feels like he
3 does not want to take the stand at this time.

4 THE COURT: All right. If you would, please, stand,
5 Mr. Williams.

6 Sir, your attorney has told me that you have
7 discussed with him whether or not to take the stand. Do
8 you want to take the stand, sir?

9 DEFENDANT WILLIAMS: No, ma'am.

10 THE COURT: All right. And is this a decision that
11 you and you alone have made?

12 DEFENDANT WILLIAMS: Yes, ma'am.

13 THE COURT: And you, certainly, understand your Fifth
14 Amendment right to testify, or not to testify; is that
15 correct?

16 DEFENDANT WILLIAMS: Yes, ma'am.

17 THE COURT: All right, sir. You may be seated.
18 Thank you.

19 Now, Mr. Boyd, if you would, sir, raise -- you don't
20 need to raise your right hand. I've already sworn you in,
21 sir.

22 Do you wish to take the stand?

23 DEFENDANT BOYD: No, ma'am.

24 THE COURT: All right, sir. And is this your choice
25 and your own personal choice not to take the stand?

1 DEFENDANT BOYD: Yes, ma'am.

2 THE COURT: All right. And you've made this decision
3 understanding all your Fifth Amendment rights; is that
4 correct, sir?

5 DEFENDANT BOYD: Yes, ma'am.

6 THE COURT: All right. Thank you, Mr. Boyd.

7 You may be seated.

8 MR. WESTON: Your Honor, just one brief matter before
9 you bring the jury in. And with no disrespect intended
10 towards her. Your Honor, the lady in the purple back here
11 appears to be praying, crying. And she's raising her
12 hand. And we just ask that she be admonished not to do
13 that in the presence of the jury. And I don't mean any
14 disrespect to her whatsoever.

15 THE COURT: All right. Thank you.

16 Ma'am, we just can't have anyone moving around.

17 Well, gentlemen, at this venture, do you have any
18 more witnesses?

19 Mr. Cooke?

20 MR. COOKE: No, ma'am. I close.

21 THE COURT: You're going to rest.

22 Mr. Godfrey, you don't have any witnesses to put up?

23 MR. GODFREY: We rest as well, Judge.

24 THE COURT: Gentlemen, are you ready to go ahead and
25 argue and charge this case this afternoon?

1 MR. WESTON: Yes, ma'am, Your Honor.

2 THE COURT: Gentlemen?

3 MR. COOKE: I'm good.

4 MR. GODFREY: That's fine. I did make arrangements.
5 I cancelled for tomorrow morning with the dermatologist.
6 But the question becomes, I guess, at this late hour and
7 we're going to -- how late are we going to stay here
8 tonight?

9 THE COURT: Do you have plans?

10 MR. GODFREY: No.

11 THE COURT: Well, I can tell you we can, certainly,
12 discuss this. They have asked me if I would pull another
13 jury tomorrow as well.

14 How long do each of you plan on arguing, I guess, is
15 my first question?

16 MR. COOKE: Not very long here, Judge.

17 THE COURT: Mr. Weston?

18 MR. WESTON: 15 minutes, tops.

19 THE COURT: 15, 1-5?

20 MR. WESTON: Yes, ma'am.

21 After three days of dealing with me, I know you find
22 that hard to believe, but I will assure you 15 minutes,
23 Your Honor.

24 MR. GODFREY: Probably about the same.

25 THE COURT: Okay. 45 minutes. Well, I need to go

1 through the charge then with you all before -- if we are
2 going to go ahead and argue and charge.

3 I do not know an answer to your question,
4 Mr. Godfrey.

5 I, certainly, can -- we can argue and charge today.
6 I'm roughly guessing it's going to get to the jury
7 4:30ish, or so. I, typically, let them deliberate if they
8 can deliberate and go for a while. And we'll ask them
9 whether or not we need to bring them food or what,
10 specifically, we need to do, or, certainly, we can come
11 back and argue and charge in the morning.

12 MR. COOKE: I --

13 THE COURT: I know Mr. Cooke's preference. He wants
14 to finish today. He's already said that.

15 MR. COOKE: I'm ready to roll.

16 THE COURT: Mr. Weston, do you have a preference?

17 MR. WESTON: Your Honor, we can go ahead and finish
18 it this afternoon.

19 MR. GODFREY: That's fine.

20 THE COURT: All right. Well, let's go through the
21 charge. I think because I'm not, typically, here -- I
22 charge from the standard charge book, just to let y'all
23 know that. I don't think there is anything that's going
24 to be different. If we deviate some, it's to use some of
25 Anderson's.

1 But I charge, obviously, the presumption of
2 innocence, reasonable doubt. And I do the language that,
3 certainly, both the State and the Defense both want. The
4 duties of the jury and trial judge, the jury is the judge
5 of the facts, I'm the judge of the law. I explain to them
6 direct and circumstantial evidence. I do the charge on
7 credibility of witnesses, also, expert witnesses in this
8 case because we did have an expert witness. I do the
9 charge on the idea or the fact that the Defendants did not
10 testify can't even be discussed in the jury room.

11 In this case, I am, also, going to charge prior
12 inconsistent statements, because there are inconsistent
13 statements by the co-defendants where they had changed a
14 bit. So I'm going to do that charge. I have put in here
15 identification, because that seems to be an issue that
16 someone has raised both as to whether or not Mr. Boyd is
17 Guatto, or even just identification witnesses because some
18 of these men didn't know each other prior. So I think
19 it's appropriate.

20 There have been no statements by these two
21 Defendants; correct?

22 MR. COOKE: Ma'am?

23 THE COURT: There have been no statements by these
24 two Defendants?

25 MR. COOKE: No, ma'am, not that I'm aware of.

1 THE COURT: Okay. I'm going to charge the hand of
2 one is the hand of all. Obviously, that would be the law
3 of this case. I'm going to charge criminal intent, unless
4 someone doesn't want me to. The Defense always wants me
5 to.

6 Do y'all want criminal intent?

7 MR. GODFREY: Please.

8 THE COURT: I just go through and do the different
9 charges. Of course, I'm going to charge murder,
10 kidnapping, attempted armed robbery, burglary in the first
11 degree, conspiracy, and possession of a weapon during the
12 commission of a violent crime. And just my typical go
13 back there and make your decision. It must be a unanimous
14 one.

15 MR. COOKE: How about alibi, Judge? I don't want to
16 interrupt you.

17 THE COURT: I apologize. I did not have alibi in
18 there. So, yes, we need to charge alibi witness. You're
19 absolutely correct.

20 What I'm doing is two separate verdict forms, one for
21 Mr. Boyd and one for Mr. Williams. And I'm just going
22 straight down the charges, murder and kidnapping,
23 attempted armed robbery, just as if straight up and down,
24 guilty or not guilty. And she's going to print those out.

25 And what I will try to do, gentlemen, if we don't

1 take a break after each one of you arguing, what I may do
2 is ask you to come up so you just take a look at the
3 verdict form. She hasn't printed it yet, so she'll be
4 finishing that up while you all are arguing.

5 MR. COOKE: I'm sorry.

6 MR. WESTON: I was going to ask, Your Honor, are you
7 going to do a charge on flight as a --

8 THE COURT: Are you requesting me to?

9 MR. WESTON: Yes, Your Honor.

10 THE COURT: As evidence of guilt?

11 MR. WESTON: Yes, ma'am.

12 THE COURT: Okay.

13 MR. COOKE: I know of no testimony that said he fled
14 anywhere. He just happened to be three or four days later
15 at his mother's home in Lexington, South Carolina. I
16 don't think that proves flight.

17 THE COURT: Where is the evidence of a flight?

18 MR. WESTON: Your Honor, there was testimony by a
19 young lady that he told her to get rid of the gun, packed
20 a bag, and went to Lexington. And she referred to it,
21 packed a suitcase and went to Lexington immediately
22 after -- well, within a few days of the crime after he had
23 heard that his two friends had been arrested.

24 THE COURT: Let me do this. I am going to -- let me
25 re-read the flight charge just to see if I think it's

1 applicable to the facts of this case. Let me look at it.

2 MR. WESTON: Yes, Your Honor.

3 And I would, also, add, Your Honor, there was
4 testimony from Mr. Haltiwanger that he asked him to help
5 him secure getting money so he could go on the run. He
6 was not going to turn himself in. They were going to have
7 to come and get him is what Mr. Haltiwanger testified to.

8 THE COURT: He, actually, had to leave and do the
9 flight. What you're saying is he went to Lexington?

10 MR. WESTON: Yes, ma'am.

11 MR. COOKE: Would it be okay if I looked at your
12 charge on alibi before I argue?

13 THE COURT: Sure. She's going to print -- do you
14 need to take a couple of minutes and see if -- until I get
15 that printed?

16 MR. COOKE: Yes.

17 THE COURT: If you'll make a -- well, let's go ahead
18 and we're going to take a couple of minutes for her to
19 print that.

20 MR. COOKE: Thank you.

21 THE COURT: In the order we're arguing is you
22 presented no evidence, so the order we're arguing is --

23 Yes, Mr. Weston.

24 MR. WESTON: Your Honor, as I understand the law, if
25 either Defendants introduced any evidence, the State gets

1 to go last. And that's what, obviously, happened here.

2 Now, as between the two of them, I don't know and
3 really don't care.

4 THE COURT: Someone needs to look up the case law,
5 because that would be another reason to sever the case;
6 right?

7 MR. COOKE: Correct.

8 THE COURT: Somebody needs to look up the case law.
9 You all are talking me out of charging this afternoon, I
10 can tell you right now.

11 MR. COOKE: I'm sorry.

12 THE COURT: How about this, can I go ahead and read
13 to you -- it's very short -- the alibi charge, if you
14 don't mind?

15 MR. COOKE: Yes, ma'am.

16 THE COURT: If a Defendant has raised the defense of
17 alibi, in order to establish an alibi, it must be shown
18 that the Defendant was at another specified place at the
19 time the crime was committed. And that it was, therefore,
20 impossible for the Defendant to have been at the scene of
21 the crime. Mere denial of presence at the scene of a
22 crime does not constitute an alibi. There is no burden on
23 the Defendant to prove an alibi. The burden is on the
24 State to prove beyond a reasonable doubt that the
25 Defendant was, actually, present at the scene of the crime.

1 and, actually, participated in it and was not somewhere
2 else. In other words, the State has the burden of
3 disproving the Defendant's alibi defense.

4 MR. COOKE: Disprove?

5 THE COURT: Disprove. Okay.

6 MR. WESTON: No objection from the State, Your Honor.

7 THE COURT: So we will put that portion in.

8 MR. WESTON: Yes, ma'am, Your Honor.

9 THE COURT: I am looking at just the outline of
10 flight. And it talks about -- and I can tell you, the
11 case I'm looking at is State v. Brant, which is a 1980
12 case. Although evidence of flight -- evidence of flight
13 is proper as some evidence of some guilty knowledge and
14 intent. And Counsel can argue the inferences from flight
15 to a jury. It's error to charge the jury on the law
16 flight. And then it keeps talking mostly about evidence
17 of flight is admissible if the totality of the
18 circumstances creates an inference that the Defendant knew
19 he was being sought by the authorities.

20 There's another case State v. Pagan where the Court
21 found that the evidence of the defendant's alleged failure
22 to stop for a blue light is inadmissible in a murder trial
23 as evidence of flight or guilty knowledge, because it did
24 not create an inference that the defendant's alleged
25 failure to stop was motivated by his belief that the

1 police officer was seeking him for his pending murder
2 charge.

3 I think the only evidence you have is you say that
4 Mr. Williams told the girlfriend that that's what he was
5 going to do -- or whatever her name was, or whoever she
6 was -- that what he was going to do was leave.

7 Do we have any direct testimony saying he said that
8 as a result of them pursuing him on these charges?

9 I can tell you right now, because of the conflict,
10 I'm not really comfortable charging it.

11 MR. WESTON: That's fine, Your Honor.

12 THE COURT: I think out of an abundance of caution, I
13 just think not charging it is probably the better idea.
14 Although you can, certainly, argue to the jury.

15 MR. WESTON: That's what I was going to say, Your
16 Honor. And that's fine.

17 THE COURT: You've, obviously, pointed out evidence
18 of it, certainly, in, at least, two witnesses. So I think
19 you can argue it all you want, and they can infer that.

20 MR. WESTON: And I will assure the Court that in
21 terms of my argument, it will not suggest that there's any
22 law applicable to that. I will not suggest that in my
23 argument.

24 THE COURT: Also, we need to look as far as -- I just
25 need the order. I'm not really convinced right now that

1 Mr. Godfrey doesn't get the last argument. So give me
2 just a couple of minutes to pull it up and let me see.

3 Okay. Let's take about five minutes. I'm going to
4 go grab my computer and look, too.

5 (WHEREUPON, a break was taken.)

6 THE COURT: I've spoken to the attorneys, and for the
7 rest of you out there, we're going to argue and charge in
8 the morning.

9 Bring the jury on in.

10 And, for the record, Mr. Cooke, you're going to rest
11 for them.

12 And, Mr. Godfrey, you're going to rest for them.

13 And then I'm going to send them home.

14 (WHEREUPON, the jury came into open court at
15 approximately 3:37 p.m.)

16 THE COURT: Welcome back, ladies and gentlemen of the
17 jury.

18 Mr. Cooke.

19 MR. COOKE: Yes, ma'am.

20 THE COURT: Do you want to go ahead and rest for the
21 jury, sir?

22 MR. COOKE: Yes, I do. For the Defense -- that's it
23 for the Defense.

24 THE COURT: Thank you.

25 Mr. Godfrey.

1 MR. GODFREY: May it please the Court.

2 The Defense of Mr. Boyd rests.

3 THE COURT: Thank you, gentlemen.

4 Ladies and gentlemen of the jury, at this time, the
5 Defense has rested their case. What is left, there are
6 some matters of law I need to take up with the attorneys.
7 They need to argue. And I need to give you my charge on
8 the law. I'm going to tell you that all of that takes
9 about two hours. And instead of having you sit here and
10 wait and then send the case to you for your deliberations,
11 which will put us into the evening, I'm going to go ahead
12 and break for the day and let us take care of our matters
13 of law. We are going to be here and start fresh at 9:30
14 in the morning. You're going to hear their arguments.
15 I'm going to charge you. And then we're going to send the
16 case to you for your deliberations.

17 So, respectfully, I need you back here tomorrow
18 morning at 9:30 back in the jury room. And we'll conclude
19 this case. Ladies and gentlemen, again, it's that much
20 more important that I need to caution you that you're not
21 only not to discuss this case with anybody, you're not to
22 do any independent research. The only thing I ask, ladies
23 and gentlemen, is that you go home, get a good night's
24 rest, and come back tomorrow refreshed, and ready to go.
25 And we're going to go ahead and finish up this case.

1 Again, I want to thank you all. You've been
2 wonderful. And we look forward to seeing everybody back
3 tomorrow morning at 9:30.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 3:39 p.m.)

6 MOTIONS

7 THE COURT: Mr. Godfrey.

8 MR. GODFREY: May it please the Court.

9 THE COURT: Yes, sir.

10 MR. GODFREY: I'd like to renew Mr. Boyd's motion of
11 directed verdict for acquittal. Taking the evidence in
12 the light most favorable to the State, we do not believe
13 they have put forth a prima facie case. And we would
14 request a dismissal.

15 THE COURT: Thank you.

16 MR. COOKE: Judge, I'm going to make that same
17 motion. And I think I've got a little more ammunition
18 than that. I think if you even took it in the most
19 favorable to the case -- to the State, my alibi witnesses
20 are most credible, nothing to gain. I mean, they're on
21 the money, the time frame, driving rush hour from
22 Travelers Rest at 8:30 in the morning, which is their
23 testimony as to when all this happened, all the way to
24 Laurens, South Carolina.

25 And the lady who is from Laurens said it took her

1 about 30 minutes to drive over here today. I don't know
2 if it's rush hour or not. I say it's impossible for my
3 client to have gone home, done all that, dressed, gone to
4 his bondsman, took a picture on the 18th on the sofa, and
5 paid his bond lady, who had the receipt. I think it's --
6 the State hasn't done anything to disprove anything
7 they've said. They've put up no -- they've done nothing.

8 I would say that the evidence is overwhelmingly in
9 favor of the Defendant in this case, Judge. And I'd ask
10 for a directed verdict.

11 THE COURT: Mr. Weston.

12 MR. WESTON: Just briefly, Your Honor. With regard
13 to Mr. Boyd, there's been no evidence -- there's been
14 nothing that has changed since the motion that was made at
15 the conclusion of the State's case. At that time, the
16 Court ruled there was sufficient evidence, obviously,
17 based on the fact that there are three co-defendants who
18 identified him as being one of the perpetrators. The
19 State's position would be that that is sufficient to take
20 the case to the jury.

21 THE COURT: Respectfully, I agree. And I'm going to
22 deny his motion for a directed verdict.

23 MR. WESTON: With regard to Mr. Williams, Counsel is
24 misstating the facts. He says 8:30 or 9:00. According to
25 the victims, it happened at 7:30. According to the

1 eyewitness that is the most independent, the bonding lady,
2 it could have been as late as 10:00 in the morning when he
3 came in -- when he paid on this bond, which is a matter of
4 two and a half hours, which is ample time for him to have
5 done that, committed the crime, and been there. So it is
6 not impossible, as he indicated, because you change the
7 time line.

8 With regard to the alibi witnesses, I think the
9 State -- and even on direct, there was some questions
10 about her -- there's definitely questions about her
11 credibility. She admits that she is still talking to the
12 Defendant on a daily basis. So there are issues of bias
13 with regard to her. And her testimony was controverted by
14 their own next witness. Basically, she made her out to be
15 a liar. It didn't require very much for me to prove that
16 she was not even in the building with him as she had just
17 testified to. So there's issues of credibility with
18 regard to the alibi witness, Your Honor. I think it
19 raises a question for a jury.

20 THE COURT: All right. Well, respectfully, I'm going
21 to deny, also, Mr. Williams motion for a directed verdict.
22 I do think taking the evidence in the light most favorable
23 to the State, I think they were able to attack the
24 credibility of the alibi witnesses. Obviously, the burden
25 is on the State to disprove the alibi witnesses, but I

1 think they did, certainly, adequately do that to make it a
2 jury issue. So we're going to send it to the jury.

3 MR. COOKE: Thank you, Judge.

4 THE COURT: Gentlemen, anything else we need to do
5 before tomorrow morning?

6 (WHEREUPON, there was no response.)

7 THE COURT: Good night, y'all. We'll see you at 9:30
8 in the morning.

9 (WHEREUPON, the proceedings were concluded at
10 approximately 3:45 p.m., to be reconvened on
11 Thursday, February 16, 2012.)
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1 THURSDAY, FEBRUARY 16, 2012

2 THE COURT: All right. Gentlemen, there is an issue
3 I need to take up with you. Apparently, we have a juror
4 that was taking some notes. And the bailiffs found it
5 last night back in the jury room.

6 I've looked through it. It's pretty innocuous.
7 Obviously, we haven't given it back to them. I'm going to
8 mark it as an exhibit. I want y'all to take a look at it.
9 It just appears to be a little page, and a couple of
10 notes.

11 Gentlemen, why don't you come take a look.

12 (WHEREUPON, Court's Exhibit No. 1 was marked for
13 identification and admitted into evidence.)

14 (Pause.)

15 THE COURT: Gentlemen, also, will you take a look at
16 the verdict form, Mr. Weston, Mr. Cooke, and Mr. Godfrey,
17 and make sure you're fine with the verdict form?

18 (Pause.)

19 MR. WESTON: The State has no objection to the
20 verdict forms, Your Honor.

21 MR. GODFREY: Mr. Boyd has no objection to the
22 verdict form, Judge.

23 MR. COOKE: None here, Judge.

24 THE COURT: Thank you, gentlemen.

25 Is there anything you want me to do about curing this

1 juror on taking notes? Obviously, I'm not giving it back
2 to him, so we don't need to worry about him relying on
3 them or using them in deliberations. I will speak to
4 them, if you need me to.

5 MR. WESTON: The State doesn't necessarily feel
6 that's necessary, Your Honor.

7 MR. GODFREY: That's not necessary, Judge.

8 MR. COOKE: Nothing here.

9 THE COURT: Thank you.

10 All right. Gentlemen, as far as closings are
11 concerned, obviously, under the Smith case, you get the
12 last argument because one of the Defendants did put up a
13 defense. So you are going to get the last argument, sir.

14 MR. WESTON: Thank you, Your Honor.

15 THE COURT: Who is going to go first for y'all?

16 MR. GODFREY: I will, Your Honor.

17 THE COURT: Anything further?

18 MR. COOKE: Just one thing. We were talking about
19 the charge last night. Did we go over about the
20 Defendants not taking the stand?

21 THE COURT: Yes, sir, absolutely.

22 And you had, also, asked me to put in the alibi
23 charge, which I did, sir.

24 MR. COOKE: Right.

25 THE COURT: Anything else? Any other requests for

1 charge, other than what we discussed yesterday?

2 MR. WESTON: Nothing from the State, Your Honor.

3 MR. COOKE: Nothing here.

4 MR. GODFREY: Nothing, Your Honor.

5 THE COURT: Thank you.

6 Let's bring in the jury.

7 (WHEREUPON, the jury came into open court at
8 approximately 9:39 a.m.)

9 THE COURT: Good morning, ladies and gentlemen of the
10 jury.

11 At this time, you are going to hear the closing
12 arguments from the attorneys. I am going to charge you on
13 the law applicable to this case. And then we're going to
14 send this case to you for your deliberations.

15 Mr. Godfrey.

16 MR. GODFREY: May it please the Court.

17 THE COURT: Yes, sir.

18 CLOSING ARGUMENTS

19 MR. GODFREY: Solicitor, and, Mr. Cooke.

20 Good morning, ladies and gentlemen.

21 As you remember, my name is Bill Godfrey. And I
22 represent Richey Boyd, who's sitting over there with the
23 blue sweater.

24 You know, this is a tragic, horrible case. It's one
25 of the worst cases that you can hear. Justice must be

1 done. In this case, we know that there was no evidence
2 found at the scene itself which ties anyone to this crime.
3 It wasn't because the officers didn't try. Investigator
4 Hammett called out the forensics people. He called out
5 the dog. They worked very hard trying to find evidence at
6 the scene that would give them a clue as to what was going
7 on, or who did it. But there is none of that. What you
8 all have is statements of people, statements of people
9 which have to be considered.

10 Now, I want to ask you to think about this evidence
11 from a very practical viewpoint. I mean, for me, when I
12 think about it in total, it's a mess. You've got stuff
13 all over the place. Let's look at it from a practical
14 viewpoint. The first witness that testified was Mr. Noah
15 Cruell. He was the uncle of Wallace Cruell, who was
16 killed. Obviously, his interest is easily known. He was
17 tied up. He was jerked around. People were in his house.
18 His nephew got killed. His interest is clear. He wants
19 to do everything he can do to help the officers find out
20 who did this so that justice can be done.

21 Now, Mr. Noah Cruell, obviously, has a stuttering
22 problem. We know that from when he testified. He
23 answered the questions of Mr. Weston. Now, what did
24 Mr. Noah Cruell have to say? He told us that Wallace
25 Cruell took his children to school. And that after

1 Wallace Cruell left, then people came through the back
2 door. He says it was three people. That was his
3 testimony, three people. He, also, said that they were
4 wearing masks. And I believe he said that one of them had
5 dreadlocks.

6 Now, when he talked to the officers, he told the
7 officers it was black guys. Well, maybe that was an
8 assumption. You know what? You know for a fact that part
9 of it was wrong because you have, at least, one white
10 fellow who has got up on the stand and said he was there,
11 he did it. But the folks were wearing masks. But the
12 point is, he said it was three people.

13 I would, respectfully, submit to you, ladies and
14 gentlemen, if someone attacks you in your house or if a
15 group of people attack you in your house, you're going to
16 know how many people it was. He said three people. When
17 the officers first started investigating, they were
18 concerned about finding three people. Now, what happened
19 to Mr. Cruell, Noah Cruell, should not have happened. He
20 was attacked in his house by three people.

21 Now, let's take a practical view of what Willie
22 Taylor had to say. Willie Taylor, the first co-defendant
23 that testified, the black client -- or black defendant who
24 had dreadlocks. He's the only one, according to the
25 testimony, that knew Wallace Cruell. If you believe him,

1 there were two people from Greenwood and two people from,
2 basically, the Greenville area.

3 But look at this. This has been pointed out a number
4 of times during the course of the trial, that's
5 Mr. Cruell's house where the incident occurred. There's a
6 lot of woods out here. There's a long driveway, and then
7 it makes a turn. I asked Willie Taylor whose idea this
8 was, who was running the thing. He said, well, we all
9 sort of did it. We all sort of did it. Well, is that
10 right from a practical view? Willie Taylor is the only
11 one that had ever been to that house before.

12 Willie Taylor was a drug supplier for Wallace Cruell.
13 He told you that he had been up there five to six times.
14 He told you that he had sold \$30,000 worth of drugs up
15 there at one time. He knew Wallace Cruell, nobody else
16 did. Everyone went up there for a robbery or money and,
17 apparently, drugs. And we're told that. And they were
18 told they were going to get thousands of dollars. Who
19 knew that? Who's the only one that had any dealing with
20 him? It's Willie Taylor.

21 Now, Willie put in his statement -- or his testimony
22 that he received a phone call from someone named Guatto in
23 Greenwood. And when I asked him about Guatto, he said,
24 well, it was a childhood friend. He had moved away for a
25 while and then came back.

1 Willie Taylor gets a phone call from Guatto. He goes
2 down to see Guatto. And, according to him, Mr. Williams
3 is there. And Guatto wants to find some place where they
4 can go rob. Willie Taylor says, I don't know about that.
5 I don't really know anybody. And, according to him, he
6 leaves and goes back to Greenville. And he gets a couple
7 more phone calls from Guatto and, you know, then he says,
8 well, I might know a place. I haven't met with him for a
9 minute, but I might know a place.

10 And then from that conversation, you have the first
11 trip up to Mr. Cruell's house. And, on that particular
12 trip, Guatto was present. Well, now, on the second trip,
13 Guatto was not present. You know the interesting thing
14 about Guatto is that he was never located. He was never
15 located. That leads you to a couple ideas about that.
16 Does Guatto exist, or is Guatto that good at not being
17 found?

18 Now, the other interesting thing about Willie Taylor,
19 he said he knew my client because my client was a rapper
20 down in Greenwood. And Willie Taylor, when he testified,
21 if you think about what he had to say, he was, apparently,
22 in my view, trying to limit his exposure to what happened.
23 He was contacted about a robbery, give me a name, but he
24 didn't really want to participate. Then he, finally, got —
25 talking. Then they get up there and he's the last one

1 that goes in the house. It looks like he's trying to
2 limit his exposure.

3 Now, as he told you, he has a record. As he told
4 you, he served some time for manslaughter because he ended
5 up killing a close friend of his. He's been down the
6 road. He knows the system. In fact, he probably has a
7 PhD in the system. So what is he really trying to do?
8 When Willie Taylor was arrested, as Deputy Osborne told
9 you, he sent his dog, Mike, up into the attic. And they
10 found marijuana. And they found this gun that's been
11 placed into evidence.

12 What does Willie Taylor have to gain out of this?
13 Does he have anything to gain? He's limiting his
14 exposure. He's pointing the finger at somebody else.
15 He's saying that he wasn't the person that directed how
16 all this took place. I mean, this is up in Travelers Rest
17 with a bunch of forest around it, so much forest, in fact,
18 that the father of Wallace Cruell went hunting that
19 morning, just walked out of his house to go hunting.

20 Now, let's take a practical view of Mr. Scottie
21 Butler. Scottie Butler, in his first statement, he said
22 the first sentence of his first statement is wrong. The
23 first sentence that I asked him about didn't have Guatto's
24 name in it. And when I asked him about that, he said,
25 well, I corrected that when I was asked by the officer.

1 So Guatto did go up the first time. But, from a practical
2 viewpoint, why didn't Scottie Butler have Guatto's name in
3 it the first time he made the statement?

4 Now, Scottie Butler, he's got a lot to gain by
5 testifying. You know what the deal is. I'm not going
6 over that. Y'all have heard it innumerable times. But
7 Scottie Butler was asked about Richey Boyd. And the
8 officers showed him a photo lineup that Richey Boyd was
9 in. Investigator Hammett, I believe, is the one who
10 testified that he could not pick out Richey Boyd. When I
11 asked Scottie Butler about it, he agreed he could not pick
12 out Richey Boyd. He said he didn't know him that well.
13 Well, now, did he or didn't he?

14 You know, if you pick somebody up in Greenwood -- and
15 when he was picked up, apparently, another co-defendant
16 was driving, according to Scottie Butler. You drive from
17 Greenwood to Travelers Rest on one occasion to scope out
18 the place. You drive back from Greenwood -- or Travelers
19 Rest all the way to Greenwood. That's a pretty good trip.
20 There's a lot of opportunity to view Richey Boyd.

21 Then, if you believe his statement, there is another
22 trip from Greenwood to Travelers Rest. And then they get
23 put out into the woods. And then they go back to the car
24 for a while. And then this incident occurs. And then he
25 gets all the way back to Greenwood. Why is it Scottie

1 Butler couldn't pick Richey Boyd out of a photo lineup?
2 He had plenty of opportunity to know what he looked like.
3 He had been with him, at that point in time, several hours
4 on a couple of different days.

5 Now, another interesting thing about this case.
6 There was some talk about a walkie-talkies. They were
7 using a walkie-talkies to talk back and forth. They
8 didn't want to use a cell phone. The walkie-talkies were
9 supposed to be at the motel room. The officers couldn't
10 locate the walkie-talkies. They tried to find the
11 walkie-talkies. They never found them. As a practical
12 matter, were there ever any walkie-talkies?

13 Another thing, Wendy Bridges, who, supposedly, was
14 the girlfriend of Mr. Williams, she ended up taking him to
15 Lexington in the long run to his grandma's house.
16 But, before that, there was testimony that she took him to
17 Wal-Mart, and he put a gun in a McDonald's bag. And he
18 told her to take it over and give it to this one-legged
19 man in this apartment. You know what? We don't have that
20 gun. In fact, we don't have the one-legged man. He was
21 never found. I wonder why that was?

22 When I was talking with Investigator Hammett, I went
23 down a whole list of forensic evidence. And I'll grant
24 you that they have no fingerprints, DNA, hair, fiber,
25 bullets. I understand that. They do have call records.

1 Those call records show phone calls received and made.
2 And I asked Investigator Hammett if Richey Boyd was on any
3 of those call logs. He wasn't, not a one.

4 They, also, took a lab top computer into evidence and
5 had it analyzed. I asked Investigator Hammett if Richey
6 Boyd's name was anywhere on the computer. And, again, the
7 answer was no. From a practical viewpoint, what's going
8 on here? You've got three people who claim they
9 participated. Two of them want to claim they were in the
10 house. One wants to claim he was in the car. That's
11 three people. Noah Cruell testified that three people
12 were in the house, not four, three.

13 Mr. Dornberg, in his testimony, you know, he
14 indicated he didn't have a gun. And then we found out
15 from this fellow, Mr. Williams, from the jail that
16 Mr. Dornberg tells folks at the jail that he did commit
17 the murder. And, of course, what was that all about? Is
18 that just somebody running their mouth, or is that
19 somebody who's talking to people he thinks are his friends
20 at the time? What is that all about?

21 Then there were Mr. Cooke and Mr. Williams, and they
22 presented some alibi witnesses. And I'm going to only
23 talk about one of them, because I'm sure the rest will be
24 talked about a lot. You had a bond lady who was working
25 at her office on the morning of the incident. And there

1 is a receipt here, which is marked as Defendant's Exhibit
2 No. 4, from Lamar Williams showing that he made a \$100
3 payment on October 18th. That's an interesting piece of
4 paper right there, you know.

5 That bonding lady, she doesn't have a dog in this
6 fight. She doesn't have any interest in this fight. She
7 came in here and said what she did. And there's
8 documentation of it.

9 Now, this bonding company is not here in Greenville,
10 as I recall. And I'll let somebody else go into that.
11 She has nothing to gain or to lose by saying she took this
12 \$100 from Lamar Williams. This crime occurred earlier
13 that morning. From a practical standpoint, is it likely
14 that somebody who's involved in a robbery gone bad, which
15 turns into a killing, leaves with everybody, and everybody
16 gets dropped off, and then he has enough responsibility
17 about him to get dressed up and go pay his bondsman \$100?
18 That doesn't make any sense.

19 Three co-defendants testified and want to say, well,
20 we really didn't know each other that well. Scottie and
21 Dornberg did because they're married to sisters. They're
22 real close. They're tight. But we didn't know these
23 other people that well. And, you know, we just agreed to
24 do that. We just decided we'd go do it. From a practical
25 standpoint, does that make any sense to you? Do people

1 who don't know each other decide they're going to go rob
2 some place, especially when the leader of the pack thinks
3 there's thousands of dollars there? Are people who just
4 met and barely know each other going to agree to do
5 anything like that? From a practical standpoint, that's
6 unbelievable.

7 I would submit to you ladies and gentlemen, that what
8 is believable is this, it appears to me that Willie Taylor
9 knew there was a bunch of money up at Wallace Cruell's
10 house. He knew Scottie Butler and he knew Jeffrey
11 Dornberg. And I believe they got together, and they went
12 up there, and they attempted to rob the place. I think
13 it's real interesting that the only one of the statements
14 made and testimony given that said he didn't have a gun
15 was Dornberg when you had Mr. Williams up here saying that
16 Mr. Dornberg is the one who said he killed Wallace Cruell.

17 People with loose associations don't go about trying
18 to rob others for thousands of dollars. What it appears
19 to me is that we have -- and Willie Taylor is a rather
20 successful drug dealer -- or, actually, drug supplier. He
21 sold \$30,000 worth of drugs to Wallace Cruell up at that
22 house. He knew the house. Somebody I would respectfully
23 submit that is dealing in those kinds of pounds of drugs,
24 they're not doing it alone. They have their organization,
25 their own cohorts.

1 Willie Taylor, he has a pedigree in the criminal
2 system. He knows how it works. He killed his best
3 friend -- or close friend. And he gets up here and says
4 he felt sorry for Mr. Cruell, and that wasn't supposed to
5 happen. He was going to rob him. I guess he didn't care
6 about that. But he served time for manslaughter. It
7 appears to me that what's happened here is that Willie
8 Taylor, Scottie Butler, Jeff Dornberg, they got together
9 and said, we've got a problem here. We know if we turn
10 evidence, we're going to end up with a better deal. But
11 we've got to put ourselves away from it as much as we can.
12 We've got to find some people we can throw under a bus.

13 So they find a couple of people they know from
14 Greenwood. Willie Taylor knows Richey Boyd, because he's
15 a rapper. Willie Taylor claims he met Face, or
16 Mr. Williams, through Guatto. Who's Guatto? Where is
17 Guatto? If he's the one that wanted to do the robbery,
18 why wasn't he with them the second time? Where is the
19 one-legged man? People up here are saying things to try
20 to cut their exposure. And that is exactly what's
21 happening.

22 You all have heard how many charges have been
23 dismissed and have heard that, once again, Willie Taylor
24 has pled to voluntary manslaughter. What's going on here?
25 Is it loose associations trying to commit a robbery with

1 people they don't know, supposedly, working together to
2 get thousands of dollars? Or does it make more sense that
3 Willie Taylor, a very successful drug dealer -- I say that
4 because I would consider somebody that sells drugs and
5 gets \$30,000 at one time a pretty successful drug dealer.
6 Does it make more sense that he and his cohorts know where
7 the money is and decide to go get it? And then when it
8 goes wrong, they get together and come up with an idea
9 about how they can cut their exposure. Is Guatto involved
10 in this? Who knows. He was never found.

11 In this case, ladies and gentlemen, justice has to be
12 done. And what is justice? You all have heard the facts
13 of this case. You have seen each and every one of these
14 people testify. You know what they have to gain, and you
15 know what they have to lose. And some things in this case
16 plain flat out make no sense. The biggest thing to me
17 that makes no sense is Scottie Butler can't pick my client
18 out of a photo lineup after being with him on two
19 occasions on long drives from Greenwood to Travelers Rest,
20 and then being in Travelers Rest for a while. It makes no
21 sense.

22 These guys want to say there was no leader. I don't
23 think there's ever anything that's ever been done without
24 a leader saying we need to do it this way, or this is
25 where we need to go. There's always a leader. In this

1 case, who would be the best choice for a leader? Willie
2 Taylor.

3 Ladies and gentlemen, you have to consider all of the
4 evidence. And you can consider the evidence -- the fact
5 that there is no evidence. You can consider what there
6 has been put in, and you can consider what hasn't been put
7 it because it's not available. It is your duty to do
8 justice in this case. The Government here has to prove
9 that my client committed all of these crimes beyond a
10 reasonable doubt.

11 A reasonable doubt is the kind of doubt that would
12 cause a reasonable person to hesitate to act. Look at all
13 of what you heard from a practical viewpoint, and you
14 decide what makes sense. I believe, ladies and gentlemen,
15 that when you do, you will see that Richey Boyd has not
16 been proven guilty beyond a reasonable doubt. But what
17 you have is co-defendants trying to squirm their way out
18 of a bad situation. Justice in this case, we believe, is
19 acquittal.

20 Thank you.

21 MR. COOKE: May it please the Court.

22 THE COURT: Yes, sir.

23 MR. COOKE: Again, I'll introduce myself. My name is
24 Larry Cooke. I've been practicing law in Greenville for
25 over 40 years. And I do represent Lamar Williams. My

1 style is a little bit different from my cohort over here.
2 He's a little more laid back. Sometimes, I get carried
3 away, and some of you may not like that. And I apologize
4 beforehand if I do. But it's just my nature.

5 What I want to do right now is compliment
6 Mr. Godfrey. I thought he did an excellent job summing up
7 the evidence. There are lot of things that I probably am
8 going to miss, because you folks -- you've heard a lot of
9 stuff yourselves. You're going to have a hard time
10 remembering it all. But you do have a lady up here who's
11 taking down everything, and all that testimony will be
12 available to you. So if you need to listen to any of it,
13 then, certainly, you can do that. You have that right.

14 I want to start off just by taking them as they were
15 presented to us, the witnesses. Mr. Cruell's mother was
16 the first lady -- the first witness, I believe, for the
17 State. And Ms. Cruell really didn't know much, other than
18 she saw her brother-in-law coming down from around where
19 the trailer was way back in the woods down to her house.
20 And he was stuttering. And, based on that, she went up to
21 the trailer and found her son dead. I asked Ms. Cruell
22 did she know that her son had been selling drugs out of
23 that house. And she said she didn't know. She said she
24 had no idea he was still selling drugs, that he had been
25 away to prison for doing that. But she had no idea he was

1 still doing that. The children were living there, as you
2 heard, along with the uncle.

3 So, ultimately, Mr. Noah Cruell admitted that he was,
4 also, selling drugs out of that trailer. Mr. Cruell --
5 Noah Cruell said that three people came in. He said
6 gloves and a mask. Twice he told them three people. He
7 did say dreads. So I think he felt like that probably one
8 of them was black, and maybe assumed the rest of them were
9 black.

10 But I think we have found from the testimony here
11 that it was two white guys. They had on masks, and they
12 had on gloves. And one thing we know for sure is they had
13 dreads. And we know Mr. Taylor, who was on that stand,
14 had dreads. He still has dreads. So I don't think
15 Mr. Cruell is mistaken about any of that.

16 Officer Hegger then took the stand. He didn't know
17 much. He said he just tried to preserve the scene for
18 everybody else. Officer Castillo came and he said he
19 transported somebody down to the LEC. He didn't know
20 anything much about the case. Officer Osborne appeared.
21 He had a dog that tracked back to the house, and probably
22 picked up on Noah Cruell's track. I have no idea. So he
23 didn't offer much.

24 Later on in the investigation, as it went along,
25 Officer Osborne did remember using his dog to search

1 Willie Taylor's house. Remember, he was talking about how
2 he got up those attic steps. And that's Willie Taylor
3 that I was telling you about that had the dreads. And
4 I'll talk about that later on.

5 By the way, they did find a gun up in the attic at
6 Willie Taylor's house. That's from Officer Osborne. And
7 I do not remember, and I don't think it was ever offered
8 that the State ever ran any ballistic test on Mr. Taylor's
9 gun to see if it had been fired before.

10 Now, folks, I think that is a very, very important,
11 thing. Why wouldn't they run a ballistic test? They had
12 the gun, but they never did. They never ran any tests, or
13 forensics on the clothing. They never ran -- they've got
14 it all, and they ran no tests. There are no footprints.
15 There are no fingerprints. There's no samples of
16 anything. And Mr. Godfrey was right, there is no
17 evidence, no physical evidence at the crime scene.

18 Dr. Ward got on the stand. And as hard as I tried to
19 prove by his testimony that somebody right-handed had to
20 have shot Mr. Cruell -- by the way, the bullet went in and
21 the bullet came out at that angle. He did everything he
22 was supposed to do. He's a witness for the State. He
23 said, well, it's according to which way the guy was turned
24 and this, that, and the other. It could have been a
25 right-handed guy, it could have been a left-handed guy.

1 Well, the reason I was trying to do that is I think
2 the evidence -- Mr. Cruell is on his stomach. It ain't
3 like he was shot and he fell on his side. He was on his
4 stomach. So he was, obviously, shot in the back. And
5 that trailer, folks -- you can look at the evidence, the
6 pictures. That trailer is close quarters. You've got to
7 be pretty close to do any shooting. And gun powder
8 residue, you can pick it up from any distance. And they
9 have experts. The State has experts that can prove to you --
10 by those powder residues how far away somebody was. And
11 then this gets back to whether it was a right-handed shot
12 or left-handed shot. Mr. Dornberg said he was
13 right-handed. I don't know if you've noticed, but my
14 client writes left-handed --

15 MR. WESTON: Objection, Your Honor. He is -- and I
16 apologize. I hate to interrupt anybody's closing. He's
17 putting in stuff that is not in evidence, Your Honor.

18 THE COURT: Mr. Cooke.

19 MR. COOKE: I apologize. Again, I'm interrupted. I
20 apologize for that.

21 Let's go back to Officer Hammett. Now, Officer
22 Hammett said when he arrived, there were a lot of people
23 there. Mr. Cruell was on his stomach. He said there was
24 absolutely no evidence of anything. He said he turned
25 over Mr. Cruell. He said they found roughly \$90,000 worth

1 of cocaine, and over \$14,000 in cash. They did a phone
2 search on Mr. Cruell's phone records and found nothing.

3 On October the 21st, Scottie called and said he had
4 some information. They talked with him. He signed a
5 statement, by the way, which he later signed another piece
6 of paper indicating that my client had nothing to do with
7 the case. As much as Mr. Weston over here would like to
8 put in his mouth that I, in some way, tricked him into
9 doing that, I know nothing about that. But, some way,
10 Mr. Weston made it look like if you do me, I'll do you
11 type thing. Well, that's, certainly, not the case,
12 because the State had a way of proving that if they wanted
13 to. He, clearly, wrote a statement saying that Lamar
14 Williams had nothing to do with this case.

15 Now, the next witness -- a witness that I called as
16 an alibi witness. The next witness the State interviewed
17 was Jennifer Burnette. Now, they talked to Jennifer
18 Burnette. Because she had called the Greenwood Police
19 Department and Crime Stoppers and said she had information
20 about this case. I subpoenaed her, not the State. I
21 subpoenaed her. She voluntarily called the Greenwood
22 Police Department and Crime Stoppers to tell her [sic]
23 what she knew about it.

24 And what she told them was Jeff Dornberg came to her
25 house shortly after this incident and wanted to talk to

1 her. And he admitted to her, at least, three times in
2 that conversation that he had killed somebody. And he
3 told her, he said, Don't tell anybody. She talked to him
4 the next day and she confronted him. She said, You
5 remember what you told me? She was upset about it,
6 because she was getting ready to call the police. He
7 said, I was just BS'ing.

8 Now, somewhere in the testimony of Officer Hammett
9 was something about a possible video at a Spinx station,
10 which never turned out. I don't know what happened to it
11 or whether they, in fact, stopped at a Spinx station,
12 whoever stopped there.

13 Then Willie Taylor hired an attorney sometime after
14 all of this. After they had found this gun, Willie
15 Taylor, all of a sudden, he's in with the same story as
16 Scottie and Dornberg. Then Wendy was interviewed. She
17 said that she took my client to Lexington, South Carolina,
18 to his grandmother's house.

19 Now, there was something about a gun. And, honestly,
20 I don't know. All we know is she dropped Lamar off at
21 Wal-Mart where his girlfriend worked as a pharmacy
22 assistant. We know that. Anything about a gun, I have
23 not seen any evidence of a gun. You know, this idea of
24 finding a one-legged man -- they had his name, one-legged,
25 you know, over in that community everybody knew who a

1 one-legged man by the name of Glenn was. And that girl
2 said that's who she gave the gun to.

3 Nobody has found this mysterious man, Glenn. It's
4 kind of like the TV program The Fugitive. Everyone is
5 looking for the one-armed man, and they all felt like he
6 never existed. If there's a one-legged man, through all
7 the police officers in Greenwood that know everybody over
8 there in that little town, there ain't no one-legged man.
9 I don't know whether that happened or not.

10 But I do know this, she did take Lamar to his
11 grandmother's house. And he calls his girlfriend --
12 ex-girlfriend. They had broken up. She had no room for
13 him at her house because her grandmother was coming that
14 weekend. So he got Wendy, who worked at a club down
15 there, and she had planned to go down there anyhow. He
16 had Wendy to take him down there to visit his mother.
17 There's no evidence of any flight. They'd like to make
18 you think he was fleeing.

19 Well, hell -- excuse me. If you're fleeing
20 somewhere, you're not fleeing to Lexington, South
21 Carolina. There's no evidence even in her testimony or
22 her statement that indicates he was fleeing anywhere. He
23 asked for a ride down there knowing that she worked down
24 there at a club.

25 So he went down to his grandmother's house. I don't

1 recall Wendy ever mentioning she saw anybody by the name
2 of Haltiwanger. She never said anything about him. And I
3 don't know how that guy comes into play in this thing,
4 except he made a statement that my client admitted to him
5 he shot somebody. Why would my client confess to him that
6 he shot somebody? That doesn't make any sense.

7 Haltiwanger has already given false information.
8 He's already a liar. He's a confessed liar. He's already
9 been convicted or pled twice to giving false information
10 to police officers. And you would expect us to believe
11 that he didn't do it the third time, fourth time. There
12 is no telling how many times. Plus, he's on probation
13 already for the commission of a serious crime.

14 Then we have Kristine Sterling. She's an alibi
15 witness. They're trying to make it look like if you knew
16 all this, why did you not tell us when we came to
17 investigate about this case just a few days after the
18 thing happened? She didn't know where she had been. She
19 didn't know what she was doing. But when they questioned
20 her, she said, I really don't know much about it.

21 When Lamar gets charged with a crime, she starts
22 looking back through her personal effects to try to
23 remember where she was and where Lamar was during the day
24 on the 17th and 18th. She looked through everything she
25 had, including her pictures.

1 And I can tell you right now that I know nothing
2 about cameras. I barely know how to work my cell phone.
3 I don't even know how to take a picture with my cell
4 phone. But I do know and I'm familiar with the fact that
5 when you take a picture with your cell phone or your
6 camera, some of them put the date. It's printed on the
7 back of the picture. I don't know how it's done, or
8 anything about it. I just know that this picture right
9 here indicates it was taken on the 18th of October.

10 This picture really has nothing to do with it. It
11 was taken in December. But I guess it shows the
12 consistency and the fact that she's got one that shows
13 December, got a dog, same dog on Lamar's back. He's lying
14 on the couch, she said, watching TV after they got back
15 from the social security office. Well, that's all that's
16 about. But she did take a picture on the 18th. Of
17 course, I'm sure Mr. Weston is going to say what time was
18 the picture taken? How do we know that that date wasn't
19 rigged, this, that, and the other. I have no idea. All I
20 can tell you is what Ms. Sterling said.

21 Now, Mr. Weston is going to make a big deal out of
22 her testimony. She said she was with Lamar when he went
23 to the bail bonding company in Greenwood that morning. I
24 had a copy of the receipt. I didn't have the original at
25 the time. It was over amongst my souvenirs over there.

1 And Mr. Weston was objecting violently, violently, where
2 is the original? You can't do that.

3 Well, I walked over there and got it, and there it
4 is. There is the receipt crumbled up. It's been in her
5 billfold, pocketbook. I don't know where, but there is
6 the receipt. She's not lying about that. But he's going
7 to say, well, she said she was there when Lamar Williams
8 made the payment. Well, maybe she was. Maybe she sat out
9 in the car. I don't know. But, remember, the lady from
10 the bail bonding company said that she came with him
11 often. Ms. Sterling came with Lamar often to make his
12 payment. So we know she had been there a number of times.

13 But the real interesting thing about this, folks, is
14 this receipt. This lady who has been in the bail bonding
15 business over there has no ax to grind with anybody. She
16 wrote this receipt. She received payment from Lamar
17 Williams in Greenwood, South Carolina, between 8:30 and
18 10:00 that morning.

19 Now, you tell me, you tell me how Lamar Williams
20 could have killed Mr. Cruell up in the upper part of
21 Greenville County at 7:30 in the morning, and by the
22 testimony of the State's own witnesses dropped somebody
23 off on White Horse Road, dropped some other guys off over
24 in Laurens, and then drove Mr. Lamar Williams back to his
25 house, and he was still able to go to the bail bonding

1 company between 8:30 and 10:00 and make a payment. Does
2 that make sense?

3 You cannot drive -- it's my contention that you
4 cannot drive from the upper part of Greenville County in
5 the rush hour in the morning, say, 7:30, a quarter until
6 8:00, drop somebody off on White Horse Road, drop somebody
7 off in Laurens, and then drive all the way to Greenwood
8 and do that in less than an hour and a half, two hours.
9 It seems impossible. And then be dressed to go make a
10 bail bond payment, and then go to the social security
11 office.

12 And then how could you make up a story that the
13 reason we left the social security office is because I had
14 no ID? I mean, you know, you could have just said, well,
15 I went to the social security office. The place was
16 crowded, so I left. But I had no ID. I mean, you can't
17 just make up something like that.

18 You know, I was -- I almost fainted over there when
19 we had Willie Taylor on the stand and I was asking him
20 about what kind of drugs he used, and he said he used
21 marijuana. And I said, Did you buy marijuana from
22 Mr. Cruell? And he said, No, I sold him marijuana. Well,
23 I had no idea when I asked him that question how that was
24 going to blow up into something kind of big. When I asked
25 him how much and he told me how much, I almost fainted.

1 over there. That ain't small potatoes. I mean, that's
2 big time drug dealing. And I guess maybe we might be
3 doing a little police work for the Sheriff's Department,
4 because we know there's some stuff going on up that way.
5 And they probably ought to do a closer investigation on
6 it.

7 But, anyhow, the next person I have a note here on
8 Scottie Butler. Scottie Butler is -- he's one of the
9 three that I believe went to the house. He lined it up.
10 He's the man that -- he's the man who tried to deny that
11 he had written that note down there at the jail for my
12 client. He's the guy who mentioned walkie-talkies, and
13 none was every found. He's the guy who said my client
14 called him on the cell phone, come get us.

15 Folks, as I told you, I don't know anything about
16 cell phones. But one thing I know and I learned this by
17 being in the business I'm in, I don't understand how it's
18 done, but you can check cell phone records. All
19 Mr. Butler had to do was give his cell phone number, and
20 get Mr. Williams cell phone number, and see if that call
21 was made. There's been nothing introduced in this
22 courtroom to show that call was ever made. And those
23 records just don't disappear. Because they had that
24 opportunity to do that right away. They had all that
25 information right away. They did not do it. No cell

1 phone call was ever made.

2 What happened -- and this is my opinion. They went
3 into that house. They parked. They went through the
4 woods and went in that house and attempted to rob
5 Mr. Cruell. He walked in on them. Mr. Dornberg, by his
6 own admission through two different people, shot him. He
7 shot him. He shot him big.

8 Mr. Dornberg later said he didn't support his
9 children. I said, What did you do with your money? He
10 said, For myself. I said, When you were working, did you
11 support your children? No. But he shot this man because
12 he wanted his money. That's why he said he needed to do
13 it. He needed the money. It wasn't for his children. He
14 said it was for me, for me.

15 All of those fellows said they were wearing masks and
16 gloves, all three of them. You know, I think I asked a
17 couple of them -- I don't remember who it was -- would you
18 tell a lie to keep from going to jail for the rest of your
19 life? And both of them said, No. Well, I'll tell you
20 right now, I believe I would. I believe I'd tell a lie to
21 keep from going to jail for the rest of my life. I
22 believe these guys would tell a lie to keep from going to
23 jail for the rest of their lives. And I think they've
24 told a lie. They have made the difference -- with the
25 plea negotiations, the difference of going to jail for

1 life or going to jail, two of them with zero to 30 years,
2 the other one -- I'm sorry, from three to 30 years for
3 manslaughter, the other one is zero to 15 years.

4 The burden you have, folks, is awesome. I wouldn't
5 want to be in your place. My client has tried to prove by
6 way of an alibi and by cross-examination, which I have a
7 right to do, he has tried to prove to you folks that we
8 weren't there. And I think we have. Not only by our own
9 witnesses that I put up at the end, the four people I put
10 up, not only did we prove that we weren't there by those
11 witnesses, but by cross-examination of the State's
12 witnesses. All of this has been proven to you, that we
13 were not there. And the State has the burden of
14 disproving my alibi defense. It's upon -- it's the burden
15 of the State to disprove it. It's a heavy, heavy burden
16 to disprove it.

17 The Judge will charge you that. It takes twelve of
18 you to either convict or find these two gentlemen guilty
19 or not guilty. It has to be a unanimous decision. I know
20 you'll do your duty, which is absolutely the most awesome
21 duty that anybody can dump in your lap. I, myself, have
22 never sat on a jury. But when you wake up in the morning
23 and you look at yourself in the mirror, you say, by
24 George, I did the right thing. And you go on about your
25 day. That's the important thing. You have an opinion.

1 You have a vote. And I ask you to find my client not
2 guilty.

3 And I thank you very much for your time.

4 THE COURT: Thank you.

5 Ladies and gentlemen of the jury, we're going to go
6 ahead and take a very short break before we go ahead and
7 hear from the State, as well as my charge on the law. I
8 need to caution you again, do not discuss this case. It
9 wouldn't be appropriate to do so. We're going to bring
10 you right back in the courtroom.

11 Thank you.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 10:35 a.m.)

14 THE COURT: All right. We're going to break for five
15 minutes, and we'll be back.

16 Thank you.

17 (WHEREUPON, a break was taken.)

18 THE COURT: All right. Is everyone ready?

19 MR. WESTON: Yes, ma'am, Your Honor.

20 THE COURT: Go ahead and bring the jury in.

21 (WHEREUPON, the jury came into open court at
22 approximately 10:43 a.m.)

23 THE COURT: Welcome back, ladies and gentlemen of the
24 jury.

25 Mr. Weston.

1 MR. WESTON: Thank you, Your Honor.

2 May it please the Court.

3 THE COURT: Yes, sir.

4 MR. WESTON: Ladies and gentlemen, you've heard all
5 the evidence. And, in a few moments, the case will be
6 yours to consider. At the conclusion of my remarks, the
7 Judge will give you her instructions on the law. And you
8 should take the law as she gives it to you.

9 I'd like to begin by just talking about a few things
10 that I think she's going to talk about that I'd ask that
11 you consider very, very carefully. Number one, she's
12 going to tell you about reasonable doubt. She's going to
13 tell you a definition for reasonable doubt. I would
14 suggest to you that reasonable doubt is a doubt that would
15 cause a reasonable, prudent -- a reasonably prudent person
16 firm in their convictions to hesitate to act.

17 For instance, the sun is going to come up tomorrow.
18 We don't know that absolutely. But we can say beyond a
19 reasonable doubt that the sun is going to come up
20 tomorrow. Reasonable doubt is not an absolute certainty.
21 Are you sure? That's what I say, are you sure?

22 She's, also, going to tell you about the presumption
23 of innocence, and that the Defendants are presumed
24 innocent. And they sit here innocent at this point in
25 time. She's going to tell you about that your verdict has

1 to be unanimous. She's going to tell you about the fact
2 that the State has the burden of proof.

3 But the two things I want you to really pay close
4 attention to and consider carefully as you are
5 deliberating are, number one, the hand of one is the hand
6 of all. We don't have to prove that either one of these
7 two men, actually, killed Wallace Cruell, Jr. We don't
8 have to prove that either one of these men, actually, took
9 Noah Cruell and took him into another room, and held him
10 there against his will constituting kidnapping. We don't
11 have to prove that either one of these two men, actually,
12 kicked the door in and first came in the room, or that
13 they were even armed with a weapon.

14 The Judge will instruct you that the hand of one is
15 the hand of all. When two or more people confederate or
16 combine to enter into a criminal venture, they are each
17 and every one responsible for all of the likely outcomes
18 of that venture. In this case, an armed burglary into
19 someone's home, it's not unreasonable and unlikely that
20 somebody could get killed. So if you believe that these
21 men participated in the crime that occurred on the morning
22 of October the 18th, 2010, at about 7:20, 7:25 a.m. up in
23 Travelers Rest, South Carolina, then they are guilty of
24 every crime.

25 The second thing I want you to pay close attention

1 to, ladies and gentlemen, is that she is going to instruct
2 you about judging the credibility of the witnesses. She's
3 going to talk about you have the right to judge based on
4 their demeanor, what they say, and using your common sense
5 as the -- applying it to what they say, and determining
6 whether they're telling the truth or not. You can believe
7 all of what somebody is saying, a part of what somebody is
8 saying, or none of what somebody is saying.

9 She's going to talk to you, most importantly, about
10 the credibility and what a witnesses motivation is to lie
11 or tell the truth. And I agree with Counsel -- both
12 Counsel in this case.

13 And I kind of just made a mental note. Between the
14 two of them, they said five different times, what did
15 these three men have to gain? You've got to look at what
16 they had to gain. They were involved in a crime. And
17 there's no question they were involved. They did it. And
18 they kept saying, what did they have to gain? But, ladies
19 and gentlemen, they didn't finish the sentence. Because
20 there's no question they've got something to gain by
21 confessing. They're hoping to get a good deal. There's
22 no doubt about that. That's not even a dispute. And I
23 won't even argue that.

24 But the complete sentence is, what do they have to
25 gain once they admit their guilt in lying on these two?

1 That's the end of the sentence. But neither one of these
2 lawyers said that. And you heard nothing about why these
3 men would lie on these two. And I'm going to come back to
4 that. But those are the two things I'd like for you to
5 consider very carefully when the Judge charges you.

6 And with that backdrop in mind, let's talk about the
7 evidence for a moment and the charges. As I said a moment
8 ago, if you -- well, excuse me. Let me back up. As I
9 said at the outset, I believed that at the conclusion of
10 the trial that three things would be true. Number one,
11 that the crimes that are charged, actually, occurred, that
12 a burglary occurred, that an attempted armed robbery
13 occurred, that a kidnapping occurred, that a murder
14 occurred, and that it was part of -- it was done by a
15 group of people, which formed a conspiracy to commit these
16 crimes.

17 I don't think there's any question that all of those
18 crimes occurred on the morning of October 18th, 2010, at
19 this home up on Valley Road in Travelers Rest, South
20 Carolina. I don't think there's any dispute about that.
21 I don't even -- I think their lawyers even conceded that.
22 The crimes occurred.

23 So the only real question, ladies and gentlemen,
24 would be whether or not these two were involved. Because
25 if you believe that they were, then they are guilty of

1 everything. There won't be any need to discuss, well, did
2 Richey Boyd do this, or did Lamar Williams do that, or did
3 Lamar Williams do this, or did Richey Boyd do that? The
4 hand of one is the hand of all.

5 Now, let's talk about those crimes briefly. We are
6 required -- and, as I told you at the outset, I thought
7 that we would -- we intended to prove, and I believe we
8 have proved, that a burglary in the first degree occurred.

9 Burglary in the first degree is the entering into the
10 dwelling of -- into the residence -- excuse me -- of
11 another without consent with the intent to commit a crime.
12 Most of us think in terms of burglary as somebody did a
13 robbery. It doesn't have to be. If you enter into the
14 residence of another with the intent to commit a crime,
15 that is burglary. Burglary in the first degree is
16 established if you are armed -- if you do that while armed
17 with a deadly weapon.

18 In this case, you've got the testimony of Noah Cruell
19 who said, yeah, two or three of them had guns. You've got
20 the testimony of three of the -- two of the men who went
21 in the home, and the other one was in the car, who said
22 three of us had guns. The door was kicked or forced open.
23 They went in with the intent to commit a robbery, burglary
24 in the first degree. So if you find that these two men
25 were involved in this, then they are guilty of burglary in

1 the first degree.

2 Attempted armed robbery. Attempted armed robbery is
3 the attempt to take by force the property of another while
4 armed with a deadly weapon. It's the same facts as I just
5 told you about, ladies and gentlemen. There's no question
6 that there was an attempted armed robbery in this case.
7 These men entered this residence with guns. They said to
8 Noah Cruell, as he testified, Where's the money?--Where's
9 the money? And they put a gun to his head. That is
10 attempted armed robbery.

11 So, therefore, if you find that these two men were
12 involved in this enterprise, then they are guilty of
13 attempted armed robbery. And going back to what I said
14 previously, and what His Honor -- what Her Honor will
15 instruct you, you don't have to show that -- we don't have
16 to prove that each one of them had a gun, or pointed a
17 gun, or said, Where's the money? The hand of one is the
18 hand of all.

19 Kidnapping. We most -- most of us think of
20 kidnapping, and I still do, too, as what we see on TV.
21 You snatch Patty Hearst because here daddy is rich, put
22 her in the trunk of a car and take her off, and write a
23 ransom note. That is kidnapping. But kidnapping is much
24 broader than that. It includes any attempt to limit the
25 movement of -- freedom or movement of another person. In

1 this case -- and His Honor -- Her Honor will give you the
2 specific definition. But, basically, if you hold somebody
3 against their will, that is kidnapping.

4 In this case, based on the testimony of Noah Cruell,
5 as the victim of the kidnapping, and two of the people who
6 were in the room and watched it happen, Willie Taylor and
7 Jeff Dornberg, he was tied up and taken to a room and held
8 there -- kidnapping -- while they ransacked his nephew's
9 house and looked for money. That is kidnapping, ladies
10 and gentlemen. And the Judge will give you the
11 definition. And when you apply the definition, I don't
12 think there will be any question in your mind that a
13 kidnapping occurred that morning.

14 And, once again, if you find that these two men
15 participated in this enterprise, then you have to find
16 them guilty of kidnapping. You don't have to find that
17 each one of them grabbed the cord, each one of them
18 touched Noah Cruell, each one of them helped bind him up,
19 or each one of them held him in the room. If they
20 participated as a group under the hand of one is the hand
21 of all, then they are guilty of kidnapping.

22 Conspiracy. It's not hard. Conspiracy is when two
23 or more people join together to engage in a criminal
24 enterprise, and do some act in furtherance of the
25 conspiracy. In this case, they carried it all the way

1 through to the point of killing somebody. There's no
2 question. You've heard from three people. So there's no
3 question as to two or more. There's no question that they
4 banded together to commit a crime. They sat in a car.
5 They even cased the joint one time before they even,
6 actually, committed the crime. There's no question that
7 this was a conspiracy among, at least, three people. And,
8 once again, if you find that these two people were
9 involved, then they are guilty of conspiracy.

10 Finally, ladies and gentlemen, there's murder. And,
11 of course, being dramatic, I saved that for last. Murder
12 is defined -- and, once again, the Judge will give you the
13 charge, and you take it from her. But I think she's going
14 to tell you it's the killing of another with malice
15 aforethought. And, obviously, someone was killed.
16 Someone was shot.

17 And the Judge will give you the definition of malice.
18 She's going to tell you that malice involves an evil
19 heart, an intent designed to do harm, or to do wrong, to
20 violate that kind of social contract that we as human
21 beings have among each other to live in a community and
22 not harm each other.

23 But, basically, malice just means just being mean,
24 just mean. And if you shoot somebody, if you kick in
25 somebody's door and come in their house to try to rob them.

1 and they happen to try to fight you off and defend their
2 home and you shoot them, that's just mean. And there's no
3 question that the element of malice is satisfied in this
4 case. Remember what I told you, the hand of one is the
5 hand of all.

6 So we don't even have to prove that either one --
7 and, obviously, both of these men did not shoot Wallace
8 Cruell, Jr., only one of them did. We think the evidence
9 is very clear what that man did, Lamar Williams, not only
10 by the testimony, but by his own actions afterwards.

11 But this man, Richey Boyd, is just as guilty under
12 the hand of one is the hand of all. Two of the three
13 co-defendants have pled guilty to voluntary manslaughter,
14 a lesser charge. There's no question. But it's still
15 about the killing of somebody. They've admitted that they
16 were involved in it. And the hand of one is the hand of
17 all. They are guilty of the killing of someone. But if
18 you find that these two men were involved in this
19 enterprise, then they're both guilty of murder.

20 And that brings us now to the testimony and the
21 evidence. Because, as I said, there's three things that I
22 thought you would be sure of at the end of this trial.
23 Number one, that a crime was committed. Number two, that
24 the three men who testified committed that crime. All
25 three of them got on this witness stand and told you that

1 they banded together. They went and cased the joint, at
2 least, two of them a week or so beforehand, or a few days
3 beforehand. And the three of them participated in the
4 burglary, the attempted armed robbery, the kidnapping, and
5 the murder.

6 They all three -- two of them, when they were
7 arrested, Scottie Butler and Willie Jermaine Taylor,
8 separate within a few days of their arrest confessed to
9 the crime. They told Investigator Chris Hammett the
10 almost exact same story, independent of each other as to
11 what happened. They named these two guys and gave their
12 nicknames as two of -- as the other two co-conspirators.

13 Jeff Dornberg later, as a result of plea
14 negotiations, reached an agreement with our office wherein
15 he agreed to plead to voluntary manslaughter, at which
16 point he gave a statement. He gave the exact same
17 statement in terms of the outline of what happened, and
18 what his role was, what the other three -- other four mens
19 roles were. And he, also, named these two guys as the
20 other two perpetrators.

21 And going back to what I said originally, ladies and
22 gentlemen, and what their Counsel didn't mention to you,
23 yeah, they've got a reason to lie. If I did it and I
24 don't want you to -- I don't want to go to jail, I'm going
25 to lie and say I didn't do it, or I'm going to, at least,

1 minimize my involvement. But why would I lie after I
2 admit I did it to bring in two totally innocent people?
3 Why would three separate men do that?

4 As I told you at the outset, ladies and gentlemen,
5 this is a case that was solved from the inside out. It
6 happens often with law enforcement. There's no forensics.
7 There's no fingerprints, because they wore gloves. That's
8 what these guys told you. There was no identification by
9 Noah Cruell. They wore masks over their faces or they --
10 they either had that or had coats pulled over their faces.

11 There's no DNA because they didn't -- Counsel said
12 something about blood spatter. There was no blood
13 spatter. There was just blood -- there was one shot
14 fired. Wallace Cruell fell to the floor. And there was
15 blood that trickled out of his body there after he laid
16 right there. You don't need Horatio from CSI to come and
17 tell you there's not going to be any blood spatter all
18 over the rest of the place. That is what you call a red
19 herring, ladies and gentlemen.

20 Lawyers -- and I'm a lawyer. We're an odd group. We
21 like to just wave flashy, pretty things over here when the
22 real deal is over here. A good example, Mr. Cooke, who
23 I've known and who is a colleague -- has been a colleague
24 of mine, just like Mr. Godfrey, for about 25 or 30 years.
25 But Mr. Cooke stood here and looked y'all in the face and

1 said, That gun, that gun, how come they didn't test fire
2 that gun? Against what?

3 They could fire that gun until they're blue in the
4 face at the laboratory. They could take it to Guantanamo
5 where the CIA does their thing. And they would say, well,
6 okay, we fired it 50 times, what are we comparing it
7 against? Remember, there's no bullet. They could test it
8 and see if it had ever been fired. Of course, it had been
9 fired, last week, last month, last year. What does that
10 prove? That is what you call a red herring, ladies and
11 gentlemen.

12 What would they be testing this gun for if they don't
13 have the bullet to match something to? You fired it 50
14 times, you've got 50 bullets laying in a big water tank
15 where they go. You take them out, and you look at them
16 and you go, okay, you've got 50 bullets. What does this
17 have to do with that location? Because there's nothing to
18 compare it to.

19 I don't even know whether Mr. Cooke saw the same
20 trial we did, some of the stuff he said in his closing.
21 He said, for instance, talking about the murder that took
22 place at 7:30, 7:45. Ladies and gentlemen, remember --
23 and you can play back the testimony if you're not sure,
24 because I may have misunderstood. Like he loves to say,
25 my opinion, my opinion was that Shirlene Cruell said, I

1 looked at my watch. It was 7:25, because I was getting
2 ready to go to my walk -- go on my walk, 7:25 when Noah
3 Cruell came to her door.

4 Noah Cruell who was tied up in a bedroom here, who
5 after the shots were fired -- and you heard the three
6 Defendants testify -- or two of them that were in the
7 house testified, as soon as that shot was fired, they high
8 tailed it out of there. They ran back to the car and
9 left.

10 Noah Cruell then had to free himself from here, run
11 down the path, get here at 7:25, which means that the
12 killing took place three, four, five, 10 minutes before
13 7:25. That puts us back to 7:20 or 7:15. There was
14 plenty of time to get to Laurens by 10:00. I'm going to
15 come back to that.

16 Ladies and gentlemen, as I said, they didn't complete
17 the sentence. What is the motivation for all three of
18 these guys to lie on them? And could -- what are the odds
19 that all three of these guys would name -- not only name
20 the same two co-defendants, first of all, that they would
21 name other co-defendants?

22 If the three of them did it, if they're confessing,
23 if when Willie Taylor was caught and confessed with his
24 lawyer sitting right there and said, I was there, I did
25 it, I understand I'm guilty of the murder. - Even though I

1 didn't shoot the guy, I'm was in -- I'm the one who
2 planned it and said, this is the guy we could rob. Why
3 would he name two other people who didn't have anything to
4 do with it? What would be the point of that? Why would
5 he hate them that much?

6 When Scottie Butler was arrested separate from Willie
7 Taylor -- and both of them testified they didn't even talk
8 to -- once they -- once that happened that morning and --
9 everybody went their separate ways, they didn't talk.
10 They didn't get their story together. And could you
11 imagine the conversation they would have had if they did.
12 Hey, Scottie, this is Willie. Listen, the cops are going
13 to be on us, man. I'll tell you what, who should we come
14 up with to add to this thing? Because I'm going to
15 confess. And I'm going to tell on you. And I'm going to
16 tell on Jeff. What other two guys should we add in to
17 make it -- I guess five is -- we won't get in as much
18 trouble if it's five versus three. What was that
19 conversation like? We're just going to add in two more
20 people.

21 Ladies and gentlemen, they came in. They were
22 caught. The evidence against them was strong. And other
23 people had said they had said stuff to them. And the
24 police confirmed it with them. And they confessed. And
25 they named the other two people that you saw up here, and

1 they just threw them in just because.

2 What are the odds, ladies and gentlemen, that three
3 different people would get caught, admit to their
4 involvement in a crime, and then name not only the same
5 two other people, but use their nicknames? There are
6 eight billion or so people on this planet, about four
7 billion of them are men. I don't know what the odds are
8 that all three of these guys would have named the same
9 two, and used the same two nicknames separately when they
10 talked to the police, but I know those odds are beyond a
11 reasonable doubt.

12 There is no doubt, ladies and gentlemen, that those
13 three men were telling you the truth. Because they told
14 you they did it. They told you what they did. They told
15 you what each persons role was. And they told you that
16 these were the two that were with them. Why would they do
17 that separately? One person -- as I said in my opening,
18 one guy, maybe. I didn't get my cut of the money and,
19 man, they promised me. Scottie Butler, they didn't put
20 any gas in my car like they were supposed to when we left.
21 Okay. He makes up a lie and somehow comes up with these
22 two guys.

23 Willie Taylor gets arrested. Man, I got caught with
24 a gun, and they didn't have no gun. So I'm in worse
25 trouble than them, so I'm going to lie on these two guys

1 who didn't confess and who haven't been arrested. Jeff
2 Dornberg, I don't know what Jeff Dornberg would have said
3 as to why he would put these guys in it.

4 And when you go back in the jury room, try to think
5 of a reason. And if you can think of a good reason, a
6 reasonable reason as to why they would name these two
7 guys, why three different guys would name these two guys
8 by name and by -- and name them by nickname, and put them
9 into a murder situation that they had nothing to do with,
10 then find them not guilty, if you can think of a reason.
11 But you won't be able to, because there is no reason.

12 And they were subject to cross-examination by these
13 lawyers, good lawyers. And they talked about, yeah, you
14 have a reason to lie, you have a reason to lie, you cut a
15 deal. They cut a deal for themselves. But they did not
16 even touch them with regard to why they would lie on these
17 guys.

18 Ladies and gentlemen, the police solved these crimes
19 from the inside out. And that's exactly what happened
20 here. They named Lamar Williams, and they named Richey
21 Boyd. They named "Face," and they named "Solo." It was
22 three different guys, three different times talking to the
23 police.

24 If these guys were innocent, why would the three guys
25 put them in it? Like I said, if y'all can think of a

1 reasonable reason as to why all three of them would have
2 separately done that when they're admitting their own
3 guilt, then find them not guilty and cut them loose. But
4 if you believe that the evidence clearly shows that these
5 two guys were the fourth and fifth guys, then you've got
6 to find them guilty of everything.

7 Let's talk about Lamar Williams, and what he did
8 afterwards. Immediately after -- or within a few days of
9 the crime, Lamar Williams packs a suitcase and moves to
10 Lexington. Once again, the red herring kind of thing, or
11 maybe he was watching a different trial. Mr. Cook said to
12 y'all, well, she said -- that woman said she'd give him a
13 ride down there because she was going down there anyway.
14 I didn't hear her say that. And I may have been wrong.
15 And you can replay the tape.

16 I didn't hear anything -- that she said anything
17 about she was going down there anyway. She said he packed
18 a suitcase and asked her to take him to Lexington. She
19 went to Lexington only at his request. Because he's
20 getting the heck out of town. Because he has heard that
21 his boys have been arrested. He knows Jeff Dornberg and
22 Scottie Butler are in jail. And he knows he's next.

23 So he goes to Lexington. And then, once again,
24 lawyers. And I'm a lawyer, so whatever I say about him is
25 like rubber, it bounces back on me. Mr. Cooke jumbles the

1 going to Lexington with the I was staying with the other
2 girlfriend. And I'm still kind of confused as to which
3 one of these ladies is his girlfriend, but be that as it
4 may.

5 Mr. Cooke -- we're talking about him going to
6 Lexington on the 23rd, 24th of October, four or five days
7 after the incident. The other girlfriend who is just "his
8 friend" says that he was with her on the 17th or 18th.
9 It's two different things. And we're not talking about
10 whether he could have been in Lexington on the 24th or the
11 25th. We're not even arguing it. Of course, he was.
12 We're talking about the 17th and the 18th as the critical
13 times of where he was at the time of this murder.

14 She takes him to Lexington and drops him off at --
15 Mr. Cooke said his grandmother's house, but it wasn't his
16 grandmother's house. It was Neal Haltiwanger's house. He
17 told you that. I don't know what trial he was watching.
18 His grandmother was not there. She had nothing to do with
19 this. He mixes it up, once again, red herring. The
20 grandmother has to do with Kristine Sterling, whose
21 grandmother was coming to visit her, which is why he had
22 to get out of her house. And we're going to come back to
23 that.

24 Wendy Bridges told you, and she told the police
25 originally, that after -- a few days after the murder,

1 this man, Lamar Williams, Face, came to her and said --
2 and had a gun in a McDonald's bag. And she said it was a
3 revolver, the same kind of gun described by the three
4 co-defendants. And he said, Take this. Give it to this
5 man. He's only got one leg. He lives over in Cadillac
6 Apartments. Take it to him, and he'll get rid of it. Why
7 did he do that?

8 Isn't that a coincidence that he now wants to get rid
9 of a gun, a gun just like the type of gun that was used to
10 kill Mr. Cruell? Isn't that a coincidence? And they
11 didn't challenge her about that. There's no question that
12 happened. That man right there told his girlfriend, Take
13 this gun, give it to this man, and he'll get rid of it.
14 Why would he do that, unless it was the gun that was used
15 to kill Mr. Cruell and he's trying to get rid of the
16 evidence.

17 The funny thing about Mr. Williams is that he trusts
18 this woman enough to give her the gun, the evidence to
19 dispose of. So he must have a very close relationship
20 with her. But he tells her, as he's giving her the gun,
21 to hide the gun -- he's like, this is my girl. She's
22 going to look out for me. He has her -- he has the
23 audacity to drop her off -- him off at the Wal-Mart where
24 the other girlfriend works. But remember what she said?
25 He had me pull over on the side. Why did he do that?

1 Because he didn't want the other girl to see another
2 girlfriend dropping him off. He's quite the player, ain't
3 he? But that's what she said.

4 Then we've got Michael Williams, who got up here and
5 admittedly has seven attempted murder charges pending. He
6 says he's an inmate at the detention center. And, out of
7 the goodness of his heart, he's going to come in here and
8 tell you about a statement that Dornberg supposedly made
9 to him in jail.

10 And I asked him, I said something to the effect,
11 Isn't it true, sir, that people in jail, prisoners, or
12 inmates kind of pump themselves up? That's right, I'm
13 bad, I killed a guy. I've got seven attempted murders
14 pending. And if he's talking to me and I'm just getting
15 in jail and I'm in there for writing a bad check and I'm
16 not a jail kind of guy, I might say, hey, I've got a body.
17 That's exactly what he said Dornberg told him, I've got a
18 body, which is jail lingo for I killed somebody. He's
19 puffing, ladies and gentlemen.

20 Jeff Dornberg is in there charged with murder for the
21 death of someone, because the hand of one is the hand of
22 all. So when this guy says, yeah, I've got seven
23 attempted murders, is it surprising that Dornberg might
24 have said, yeah, I've got a body?

25 Assuming it was said, because Mr. -- and I'm sorry, I

1 forget the name -- Mr. Williams admitted that he knows
2 Face. He, apparently, is the only person in the world
3 that doesn't call him Face. He was just steadfast, no, I
4 call him Michael [sic] Williams. I don't call him Face.
5 Of course, he does. They're in jail, you don't use
6 nothing but nicknames in jail.

7 He talked to Mr. Williams before that. He talked to
8 Mr. Williams after that. Now, what he got for his
9 testimony, I'll never know. We'll -- none of us will ever
10 know. But, once again, the bottom line, it doesn't
11 matter. It doesn't matter, ladies and gentlemen. Because
12 the hand of one is the hand of all.

13 Even if you go back there and find that Jeff Dornberg
14 shot Mr. Cruell, if you find that these two guys were
15 there, then they're still guilty. So I'm not suggesting
16 how you should deliberate, and what is important, and
17 what's not important. That's up to y'all. But I would
18 suggest to you, that ain't important.

19 Now let's talk about Iesha Scruggs and the bonding
20 company. Ms. Scruggs seemed like she wanted to try to be
21 honest and forthright with you. And she said that she
22 got -- she wrote this receipt on the 18th for \$100 to
23 Lamar Williams and -- as payment on some bonding work they
24 were doing for him.

25 And Mr. Cooke points out -- I'm sorry it may have

1 going to take too long with her, except to say I would
2 suggest to you everything she said after her name was a
3 lie, point blank. Everything she told you after her name
4 was a lie, starting with the fact that she describes
5 herself as just a friend of Lamar Williams, a man who is
6 sleeping in her house on a regular basis with her mother
7 there. And her mother allows one of her friends just to
8 sleep over with her on a regular basis, and not even be
9 her boyfriend.

10 And all she had to do was just admit, yeah, he's my
11 boyfriend. She admitted she talks to him -- yesterday,
12 she admitted she talked to him the day before yesterday,
13 the day before that, the day before that. She talks to
14 him every day. She's talked to him every day for the last
15 two or three weeks getting this story together.

16 Let's talk about her story. And I'm not going to go
17 back through all of it. There are only two things that
18 you need to remember that just -- it's just math, simple
19 elementary math. She testified that on the 11th or 12th,
20 she had a conversation with Lamar Williams. She told him
21 he had to get out because her mother's mother, her
22 grandmother, was coming for two weeks, and there was not
23 enough room in the place.

24 But she then went on to say that on the 17th or 18th,
25 he is sleeping with her that night and that morning so he

1 and can't get any more money after that. So all they made
2 was \$100 that day when they could have made \$200, or \$300,
3 or \$1,000, or \$10,000. They closed up. That's what she
4 wants you to believe.

5 And most important, ladies and gentlemen, and you may
6 or may not have noticed it. As soon as she finished her
7 testimony, she went right back over there and sat right
8 next to that woman, Kristine Sterling. Birds of a
9 feather, ladies and gentlemen. She knew Lamar Williams.
10 She was his bondswoman. I'm not suggesting she lied. I'm
11 suggesting that she conveniently doesn't remember that
12 day. And that it's easy for her just to say, well, yeah,
13 I remember we had some training that morning, so we must
14 have closed for a whole day. Please. That's ridiculous
15 on its face.

16 When was the last time a bank closed for the whole
17 day because they had some training for some people? When
18 was the last time a restaurant closed for the day because
19 they had some training for their people -- for a few --
20 for some of their people? You don't close up your shop
21 when you can -- especially a bonding company. Have you
22 ever seen one that does not say we're open 24 hours a day
23 every day, we're there for you.

24 Finally, ladies and gentlemen, that brings me to
25 Kristine Sterling. She's a piece of work. And I'm not

1 been my friend, Mr. Godfrey, who pointed out, why would
2 somebody who just killed somebody want to go make a bond
3 payment? If you had killed somebody and you thought you
4 might get caught, don't you want to be in good standing
5 with your bondsman? Isn't that one of the people that you
6 want to get -- if you owe your bondsman some money for
7 something else, don't you want to make sure that if I need
8 him, I can call him again?

9 But she said that this happened sometime between 8:30
10 and 10:00, because they were going into training. And
11 I've never worked at a bonding company, ladies and
12 gentlemen. I've seen their commercials on TV, though.
13 I've never seen one that says that we ain't open 24 hours
14 a day every day. But she came in here and told y'all that
15 they closed for the rest of the day. A bonding company,
16 please.

17 And what kind of training do you give a bonds person
18 that's going to take all day? Take the money, make sure
19 they show up for court. What kind of training? She
20 didn't go into that. She didn't tell you about how long
21 it was going to take, or who was going to do this
22 training.

23 Ladies and gentlemen, I would suggest to you that
24 this receipt could have been written any time that day,
25 that no bonding company closes up for training for the day

1 couldn't have committed this murder. 12, 13, 14, 15, 16,
2 17, that's six days. So, evidently, they made some other
3 arrangements for her grandmother. My momma used to tell
4 me, the problem with telling a lie is that you've always
5 got to remember the lie. The truth is always the truth.
6 You can tell it over and over. And it may change as you
7 get older, but, generally, the truth is going to be the
8 truth. But when you start telling lies, you've got to
9 remember the lie you told before.

10 The lie she told was that her grandmother was staying
11 for two weeks. She was coming on the 11th or 12th, and
12 that she told that man to get out. Then, ladies and
13 gentlemen, he couldn't be there on the 17th or 18th like
14 she said he was. That was a lie. And simple math tells
15 you it was a lie. And, once again, the Judge is going to
16 tell you about what witnesses have to -- she's his
17 girlfriend. She talks to him every day now. Everything
18 after her name was a lie.

19 Finally, ladies and gentlemen, let me just say this,
20 and I'm going to sit down, I think. Unlike Mr. Cooke, I
21 know a lot about computers. I don't look like it because
22 I'm old. But I know a lot about computers. And one of
23 the things I do know is what JPG means. JPG means that
24 these pictures were not taken with a regular Polaroid
25 camera. These are computer-generated pictures, a camera

1 that, basically, uploads to a computer.

2 And JPG -- on the back of here -- when y'all take
3 this back there, look at it. On the back of here, this
4 JPG date means that that is either the date that it was
5 uploaded on to a computer -- on to a hard drive or put on
6 to a flash drive. I know that.

7 And even if you don't believe -- so that means,
8 basically, she could put any date she -- she could use any
9 date she wanted, but definitely not on necessarily October
10 the 18th. Oh, what a tangled web we weave when we first
11 practice to deceive. Then you've got -- even if you don't
12 believe that, ladies and gentlemen, if there's nobody on
13 the jury who knows enough -- knows about computers, they
14 can tell you all about that.

15 These are two pictures they put in as an alibi for
16 that man. And I want you to look at these pictures and
17 look at him, and see if you see him in these pictures,
18 anything that looks like him in these pictures. What the
19 heck were they put in for? Do they think y'all are
20 stupid? Do they think, like he said about Noah Cruell,
21 that y'all are dumb. And I would suggest to you, ladies
22 and gentlemen, Noah Cruell is not dumb. He's anything but
23 dumb. He's honest. And he's a victim.

24 But why do they give you these pictures here? And
25 her -- she says, Oh, this is Lamar Williams arm. Eight

1 billion people on the planet, and she wants you to believe
2 this is his arm. This is the same lady who is just his
3 friend, not his girlfriend, even though she's sleeping
4 with him in front of her momma on a regular basis, just a
5 friend.

6 Ladies and gentlemen, I told you at the outset of
7 this trial that I believed that at the conclusion of this
8 trial, three things would be true. Number one, that these
9 crimes were committed. And there's no question they were.
10 Number two, that the three men who got up on this witness
11 stand, swore an oath, and told you what they did after
12 they've pled guilty, which is the same thing they told the
13 police when they arrested -- were arrested, and named
14 these two guys who committed those crimes. And there's no
15 question the three of them did. And, number three, that
16 that man and that man are the other two.

17 Thank you.

18 CHARGE ON THE LAW

19 THE COURT: Thank you, Mr. Weston.

20 Madam Foreperson, and, members of the jury, it is now
21 my duty to charge you on the law in this case. Now, the
22 State has charged the Defendants, Lamar Williams and
23 Richey Boyd, with murder, kidnapping, attempted armed
24 robbery, burglary in the first degree, conspiracy, and
25 possession of a weapon during the commission of a violent

1 crime. I remind you that the fact that a defendant is
2 arrested, charged, and indicted in a case is not evidence
3 in the case, nor does it create any presumption or
4 inference of guilt. These documents are simply the formal
5 written instruments that contain the charges that are made
6 against a defendant. They are the formal documents by
7 which a case is brought into the courtroom.

8 Now, the Defendants have pled not guilty to these
9 indictments. And those pleas put the burden on the State
10 to prove the Defendants guilt beyond a reasonable doubt.
11 A person charged with committing a criminal offense in
12 South Carolina is never required to prove himself
13 innocent. I charge you that it's an important rule of law
14 that a defendant in a criminal trial, no matter what the
15 seriousness of the charge, will always be presumed
16 innocent of the crime for which the indictment was issued,
17 unless guilt has been proven by evidence satisfying you,
18 the jury, of that guilt beyond a reasonable doubt.

19 Now, ladies and gentlemen, the presumption of
20 innocence is not a mere legal theory we use. It's not
21 just a legal phrase. It is a substantial right to which
22 every defendant is entitled, unless you, the jury, are
23 satisfied from the evidence of the defendant's guilt
24 beyond a reasonable doubt.

25 Now, what is a reasonable doubt in the law? A

1 reasonable doubt is the kind of doubt that would cause a
2 reasonable person to hesitate to act.

3 Now, the State has the burden of proving the
4 Defendant guilty beyond a reasonable doubt. Now, ladies
5 and gentlemen, some of you may have served as jurors in
6 civil cases where you were told that it was only necessary
7 to prove that a fact is more likely true than not true,
8 such as by the greater weight of the evidence, or what we
9 call a preponderance of the evidence. In criminal cases,
10 the State's proof must be more powerful than that. It
11 must be beyond a reasonable doubt. Proof beyond a
12 reasonable doubt is proof that leaves you firmly convinced
13 of the Defendant's guilt.

14 Now, ladies and gentlemen, there are very few things
15 in the world that we know with absolute certainty. And,
16 in criminal cases, the law does not require proof that
17 overcomes every possible doubt. If, based on your
18 consideration of the evidence, you are firmly convinced
19 that a Defendant is guilty of the crime charged, you must
20 find him guilty. If, on the other hand, you think there
21 is a real possibility that a Defendant is not guilty, you
22 must give that Defendant the benefit of the doubt and find
23 him not guilty.

24 Now, I remind you that during this trial, you and I
25 have certain duties to perform. As the trial judge, it is

1 my duty to preside over the trial of this case. And I,
2 also, have the duty to rule on the admissibility of the
3 evidence offered during the trial. Ladies and gentlemen,
4 you are to consider only the competent evidence before
5 you. If there was any testimony ordered stricken from the
6 record in this case during the trial, you must disregard
7 that testimony. And you are to consider only the
8 testimony which has been presented from the witness stand,
9 as well as any other exhibits which have been made a part
10 of the record in this case, and any stipulations of
11 Counsel.

12 Ladies and gentlemen, I have the additional duty to
13 charge you the law that's applicable to this case. As the
14 presiding judge, I am the sole judge of the law. And it's
15 your duty as jurors to accept and apply the law as I now
16 state it to you. If you already have any ideas as to what
17 the law is, or what the law ought to be, and it does not
18 agree with what I now tell you the law is, you must
19 abandon that idea. You are sworn to accept the law and
20 apply the law exactly as I state it to you.

21 Ladies and gentlemen, in every case tried in this
22 court before a jury, the jury becomes the sole and
23 exclusive judges of the facts in the case. A trial judge
24 cannot state, intimate, comment on, or make any statement
25 to a jury about the facts in a case. And since you, the

1 jury, are the sole judges of the facts in this case, you
2 are not to infer from what I have said during the progress
3 of this trial in ruling upon the admissibility of
4 evidence, or otherwise, or anything I say now to you
5 during the course of these instructions that I have any
6 opinion about the facts in this case. The law does not
7 allow me to have an opinion about the facts of this case.
8 Again, this matter is solely for you, the jury, to
9 determine.

10 Ladies and gentlemen, in each trial, there are two
11 types of evidence which are, generally, presented, they're
12 called direct evidence and circumstantial evidence.
13 Direct evidence is the testimony of a person who claims to
14 have actual knowledge of a fact, such as an eyewitness.
15 It is evidence which immediately establishes the main fact
16 to be proven.

17 Circumstantial evidence is proof of a chain of facts
18 and circumstances indicating the existence of a fact. It
19 is evidence which immediately establishes collateral facts
20 from which the main fact may or may not be inferred.
21 Circumstantial evidence is based on inference and not on
22 personal knowledge or observation. Ladies and gentlemen,
23 the law makes absolutely no distinction between the weight
24 or value to be given either direct or circumstantial
25 evidence, nor is a greater degree of certainty required of

1 circumstantial evidence than of direct evidence.

2 You should weigh all the evidence in this case. And,
3 after weighing all the evidence, if you are not convinced
4 of the guilt of a defendant beyond a reasonable doubt, you
5 must find that defendant not guilty. On the other hand,
6 after weighing all the evidence in the case, if you are
7 convinced of the guilt of a defendant beyond a reasonable
8 doubt, you must find that defendant guilty.

9 Ladies and gentlemen, necessarily, you must determine
10 the credibility of witnesses who have testified in this
11 case. And credibility simply means believability. It
12 becomes your duty as jurors to analyze and to evaluate the
13 evidence, and determine which evidence convinces you of
14 its truth.

15 Now, in determining the believability of witnesses
16 who have testified during the trial of this case, you may
17 believe one witness over several witnesses, or several
18 witnesses over one witness. You may believe a part of the
19 testimony of a witness, and reject the remaining part of
20 the testimony of that same witness. You may believe the
21 testimony of a witness in its entirety, or reject the
22 testimony of a witness in its entirety. You may, also,
23 consider whether any witness has exhibited to you any
24 interest, any bias, or prejudice, or other motive in this
25 case. And you may, also, consider the appearance and

1 manner of the witness while on the witness stand.

2 Now, ladies and gentlemen, the rules of evidence
3 ordinarily do not permit witnesses to testify to opinions
4 or conclusions. An exception to this rule exists for
5 witnesses we call expert witnesses. A witness who by
6 education or experience has become an expert in some art,
7 science, or profession may give an opinion as to the
8 subject the witness claims to be an expert in, and may,
9 also, give the reasons for their opinion.

10 Ladies and gentlemen, you should consider any expert
11 opinion given by a witness and, like any other evidence,
12 give it the weight you think it deserves. If you decide
13 an expert witnesses testimony is not based on sufficient
14 education and experience, or if you decide that the
15 reasons given in support of the opinion are not sound, or
16 the opinion is outweighed by other evidence in the case,
17 you may disregard the opinion entirely. An expert
18 testimony -- or expert witnesses testimony is to be given
19 no greater weight than that of any other witness simply
20 because the witness is an expert. And you do not have to
21 accept an expert's opinion, even though it is
22 uncontradicted.

23 Now, ladies and gentlemen, I instruct you and
24 emphasize the fact that the Defendants did not testify in
25 this case is not a factor to be considered by you in any

1 way in your deliberations and in your consideration on the
2 question of the guilt or the innocence of the Defendants.
3 It must not be considered by you in any manner whatsoever.
4 A Defendant has the Constitutional right to remain silent.
5 And the assertion of this right must not be considered by
6 you in your deliberations. I repeat, under your oath, you
7 are to draw no conclusion whatsoever from the fact that
8 the Defendants did not testify. The fact that a Defendant
9 does not testify should not even be discussed in the jury
10 room.

11 Again, ladies and gentlemen, the burden of proof, as
12 I stated to you, is on the State. A Defendant is not
13 required to prove his innocence. And the burden of proof
14 remains on the State to prove guilt beyond a reasonable
15 doubt.

16 Now, ladies and gentlemen, there's been evidence
17 presented that witnesses have made prior statements which
18 are not consistent with the witnesses present testimony.
19 You may use this evidence to decide whether to believe the
20 witness. You may, also, use evidence of the earlier
21 contradictory statement to determine the truth of those
22 statements. It is up to you to decide whether to believe
23 the earlier statements or the testimony given at trial.

24 If a witness is shown to have knowingly testified
25 untruthfully concerning any material matter, you may

1 consider this in determining whether to trust the
2 witnesses testimony as to other matters. And you may
3 reject all testimony of that witness, and give all or part
4 of the testimony the weight you think it deserves.

5 Now, ladies and gentlemen of the jury, I remind you
6 that the burden of proof in this trial is on the State.
7 The burden of proof is beyond a reasonable doubt, and it
8 extends to every element of a crime charged. And this,
9 specifically, includes the burden of proving beyond a
10 reasonable doubt the identity of a defendant as a person
11 who committed the crime.

12 Identification testimony is an expression of belief
13 or impression by a witness. You must determine the
14 accuracy of the identification of a defendant. You must
15 consider the believability of each identification witness
16 in the same way as any other witness. You must be
17 satisfied beyond a reasonable doubt of the accuracy of the
18 identification of a Defendant before you may find that
19 Defendant guilty. On the other hand, if after examining
20 the testimony, you have a reasonable doubt as to the
21 accuracy of the identification, you must find that
22 Defendant not guilty.

23 Now, ladies and gentlemen, if a crime is committed by
24 two or more people who are acting together in committing a
25 crime, the act of one is the act of all. A person who

1 joins with another to commit an unlawful act is criminally
2 responsible for everything done by the other person which
3 happens as a probable or natural consequence of the acts
4 done in carrying out the common plan and purpose. If two
5 or more people are acting together assisting each other in
6 committing the offense, the act of one is the act of all,
7 or it is sometimes called the hand of one is the hand of
8 all.

9 Ladies and gentlemen, prior knowledge that a crime is
10 going to be committed without more is not sufficient to
11 make a person guilty of that crime. Mere knowledge that
12 another person is going to commit a crime, even if the
13 Defendant is present when the crime is committed, is not
14 sufficient to convict a Defendant as a principle. Guilt
15 as a principle is shown by actual or constructive presence
16 at the scene as a result of prior arrangement.

17 Therefore, a finding of a prior arranged plan or
18 common scheme is necessary for a finding of guilt as a
19 principle. And the State must prove beyond a reasonable
20 doubt by competent evidence the theory of the hand of one
21 is the hand of all. A principle in a crime is one who
22 either, actually, commits the crime, or who is present
23 aiding, abetting, or assisting in committing the crime.

24 When a person does an act in the presence of and with
25 the assistance of another, the act is done by both. When

1 two or more acting with a common plan or intent are
2 present during the commission of a crime, it does not
3 matter who, actually, commits the crime, all are guilty.
4 Again, the hand of one is the hand of all. Present at the
5 commission of a crime means to be sufficiently near to
6 aid, and abet, and assist in the commission of the crime.
7 However, ladies and gentlemen, mere presence at the scene
8 of a crime is not sufficient to convict one as a principle
9 on the theory of aiding and abetting.

10 Intent is, also, a necessary element. For there must
11 have been a common design or intent to commit the crime,
12 and the crime must have been committed pursuant thereto
13 with a person aiding and abetting by some overt act.

14 Intent means intending the result which, actually, occurs,
15 not accidentally or involuntarily. Intent may be shown by
16 acts and conduct of a Defendant in other circumstances
17 from which you may naturally and reasonably infer intent.
18 Again, ladies and gentlemen, the State must prove these
19 elements beyond a reasonable doubt.

20 Now, in order to establish criminal liability,
21 criminal intent is required. For example, the mental
22 state required to be proven by the State for a particular
23 crime might be purpose, intent, knowledge, recklessness,
24 or criminal negligence. Criminal intent must be proven by
25 the State beyond a reasonable doubt.

1 Criminal intent is always a matter that must be
2 determined by the jury from the circumstances surrounding
3 the situation. There is no way to prove intent to a
4 mathematical certainty. There is no way medical science
5 can dissect a person's brain and determine what the person
6 had in their mind. So the law says that criminal intent
7 may be inferred from the circumstances shown to have
8 existed.

9 Ladies and gentlemen, this is how you make a
10 determination of whether or not the element requiring
11 intent was present. It is not necessarily to establish
12 intent by direct and positive evidence. But intent may be
13 established by inference in the same way as any other fact
14 by taking into consideration the acts of the parties and
15 all of the facts and circumstances of the case, based on
16 evidence introduced during the trial of the case.
17 Criminal intent is a mental state of conscious wrongdoing.
18 It is up to you to determine what a Defendant intended to
19 do, based on the circumstances shown to have existed.

20 Ladies and gentlemen, the indictments in this case
21 allege different offenses against the Defendants, Lamar
22 Williams and Richey Boyd. Those charges are murder,
23 kidnapping, attempted armed robbery, burglary in the first
24 degree, conspiracy, and possession of a weapon while
25 committing a violent crime. Ladies and gentlemen, each

1 charge is a separate and distinct offense.

2 You must decide each charge separately on the
3 evidence and the law that's applicable to it, uninfluenced
4 by your decision as to any other charge with one
5 exception. If you do find the Defendant guilty -- or a
6 Defendant guilty of murder, attempted armed robbery,
7 kidnapping, or burglary in the first degree, then you may,
8 also, find the Defendant guilty of possession of a weapon
9 during the commission of a violent crime.

10 And, Madam Foreperson, and, members of the jury, the
11 verdict form will have further instructions on this. But
12 you'll be asked to write a separate verdict of guilty or
13 not guilty for each charge following the instructions on
14 the verdict form.

15 Now, what I'm going to do is define these offenses
16 for you, ladies and gentlemen. And the first one is
17 murder. To prove murder, the State must prove beyond a
18 reasonable doubt that a Defendant killed another person
19 with malice aforethought. Malice is hatred, ill will, or
20 hostility towards another person. It is the intentional
21 doing of a wrongful act without just cause or excuse, and
22 with an intent to inflict an injury, or under
23 circumstances that the law will infer an evil intent.

24 Malice aforethought does not require that malice
25 exists for any particular time before the act is

1 committed. But malice must exist in the mind of a
2 Defendant just before and at the time the act is
3 committed. Therefore, there must be a combination of the
4 previous evil intent and the act.

5 Ladies and gentlemen, malice aforethought may be
6 expressed or inferred. And these terms do not mean
7 different kinds of malice, but merely the manner in which
8 malice is shown to exist, that is either by direct
9 evidence or by inference from the facts and circumstances
10 which are proven in the case.

11 Expressed malice is shown when a person speaks words
12 which express hatred or ill will for another, or when the
13 person prepared beforehand to do the act which was later
14 accomplished. For example, lying in wait for a person or
15 any other acts of preparation going to show that the deed
16 was within a Defendant's mind would be expressed malice.
17 Malice may be inferred from conduct showing a total
18 disregard for human life.

19 Now, ladies and gentlemen, the Defendant is, also --
20 or the Defendants are, also, charged with kidnapping. And
21 the State must prove beyond a reasonable doubt that a
22 Defendant knowingly and unlawfully seized, confined,
23 inveigled, decoyed, kidnapped, abducted, or carried away
24 another person without authority of law. Ladies and
25 gentlemen, to do a thing unlawfully is to do it willfully.

1 against the law. And knowingly means with knowledge,
2 consciously, not accidentally. And seize means to take
3 hold of suddenly or forcibly. And confine means to limit,
4 restrict, or enclose within bounds, imprison, or shut up,
5 or keep in.

6 Ladies and gentlemen, inveigle means to lure, entice,
7 or lead astray by false representations, promises, or
8 other deceitful means. And decoy means to lure by -- or
9 as if by decoy. Again, a decoy is something to entice a
10 person into a trap. And kidnap is to remove a person
11 against their will by unlawful force or by fraud. And
12 abduct, ladies and gentlemen, means to carry away off
13 secretly, or by force for an illegal purpose. And carry
14 away, of course, means to remove.

15 Ladies and gentlemen, the State does not have to
16 prove that a Defendant did all of these things. Instead,
17 if you find beyond a reasonable doubt that a Defendant did
18 any of these things, you may find that Defendant guilty of
19 kidnapping. Ladies and gentlemen, something done without
20 authority of law is something which the law does not
21 sanction, permit, allow, condone, or provide justification
22 for. And the kidnapping does not have to be for any
23 personal or monetary gain or illegal purpose, but may be
24 for any reason whatsoever.

25 Now, ladies and gentlemen, the Defendants are, also,

1 charged with attempted armed robbery. Now, an attempt is
2 an effort to accomplish a crime which does not succeed.
3 An intent includes a specific intent to do a particular
4 criminal act, along with an act -- falling short of the
5 act that is intended. Now, the State must show more than
6 mere preparation and intent. There must be some overt act
7 committed in the effort to commit. Intent, ladies and
8 gentlemen, means intending the result which, actually,
9 occurs, not accidentally or involuntarily. An intent may
10 be shown by acts and conduct of a Defendant and other
11 circumstances from which he may naturally and reasonably
12 infer intent.

13 Now, ladies and gentlemen, armed robbery is the
14 taking of personal property from the person or presence of
15 another person. And property is in the presence of a
16 person if it is within the person's reach, inspection,
17 observation, or control so that the person could, if not
18 overcome with violence or prevented by fear, keep
19 possession of their property.

20 Now, the State must, also, prove beyond a reasonable
21 doubt that the Defendant carried away the property
22 intending to permanently deprive the owner of the property
23 and to keep the property for the Defendant's own use.
24 Ladies and gentlemen, the slightest removal of the
25 property or the complete possession of the property, even

1 for an instant, by a Defendant is sufficient to show a
2 taking and carrying away of that property. Now, the
3 taking and carrying away of the property must have been
4 done with violence or by putting the owner of the property
5 in fear of violence.

6 Ladies and gentlemen, finally, the State must prove
7 beyond a reasonable doubt that the Defendant was armed
8 with a deadly weapon during the robbery to prove attempted
9 armed robbery. A deadly weapon is any article,
10 instrument, or substance which is likely to cause death or
11 great bodily harm. Now, whether an instrument has been
12 used as a deadly weapon depends on the facts and
13 circumstances of each case.

14 Now, ladies and gentlemen, the Defendants are, also,
15 charged with first degree burglary. And the State must
16 prove beyond a reasonable doubt that a Defendant entered a
17 dwelling without their consent. Now, a dwelling is any
18 building or portion of a building in which a person
19 ordinarily sleeps. A building constructed as a dwelling
20 that has never been occupied cannot be considered a
21 dwelling for purposes of burglary. But a building is a
22 dwelling, even if the residents are temporarily absent
23 from the building.

24 Now, in order to prove that a Defendant entered the
25 dwelling, the State does not have to show the Defendant's

1 entire body entered the dwelling. The smallest entry is
2 sufficient. In addition, the State does not have to prove
3 that force was used to gain entry.

4 Ladies and gentlemen, next, to prove burglary in the
5 first degree, the State must, also, prove beyond a
6 reasonable doubt that the Defendant intended to commit a
7 crime, either a felony or misdemeanor, at the time of the
8 of entry. Now, again, the mere entry into a dwelling
9 without consent is not burglary. If the intent to commit
10 a crime is formed after the entry, it is not burglary.

11 If a Defendant intended, however, to commit a crime
12 at the time of the entry, it is burglary, even if the
13 intent was abandoned after the entry. Now, it does not
14 matter that the intended crime was not completed. Now,
15 ladies and gentlemen, intent, again, may be shown by acts
16 and conduct of a Defendant, and other circumstances from
17 which you may naturally and reasonably infer intent.

18 And, finally, ladies and gentlemen, in this case, the
19 State must prove beyond a reasonable doubt that when
20 entering and while in the dwelling or when fleeing, a
21 Defendant or an accomplice was armed with a deadly weapon.
22 Ladies and gentlemen, again, a deadly weapon is any
23 article, instrument, or substance which is likely to cause
24 death or great bodily injury. Now, whether an instrument
25 has been used as a deadly weapon, again, depends on the

1 facts and circumstances of each case.

2 Now, ladies and gentlemen, the Defendants are, also,
3 charged with conspiracy. The State must prove beyond a
4 reasonable doubt that a Defendant combined with one or
5 more persons for the purpose of committing an unlawful
6 act, or committing a lawful act by unlawful means.

7 Now, ladies and gentlemen, there must be a mutual
8 understanding, agreement, or common intention and plan.
9 Mere passive knowledge of or consent to the criminal
10 conduct of another is not enough to make a person a
11 conspirator. There must be knowledge and participation.
12 Similarly, the mere fact that a Defendant may have
13 associated with another person and discussed common aims
14 and interest does not necessarily establish proof of the
15 existence of a conspiracy, or that a Defendant was
16 involved in a conspiracy.

17 On the other hand, ladies and gentlemen, it's not
18 necessary that the agreement be a formal one, that it,
19 actually, be in writing, or the persons hold a meeting and
20 expressly state the terms of the common plan, or that the
21 agreement be stated in words between them. The agreement
22 of a criminal conspiracy may come into being through an
23 implied mutual understanding, the willful, intentional,
24 and knowing adoption of two or more persons of a common
25 plan is sufficient. Ladies and gentlemen, no overt acts

1 need to be shown to establish a conspiracy. And a
2 conspiracy may be shown by circumstantial evidence, and
3 the conduct of the parties.

4 Ladies and gentlemen, in order to convict a Defendant
5 of conspiracy, the State must prove beyond a reasonable
6 doubt not only that a Defendant knew of the unlawful
7 conduct, but that the Defendant agreed to combine with
8 other persons for the purpose of accomplishing the
9 unlawful conduct.

10 Now, lastly, ladies and gentlemen, the Defendants are
11 charged with possession of a weapon during the commission
12 of a violent crime. Now, the State must prove beyond a
13 reasonable doubt that a Defendant was in possession of a
14 firearm, or visibly displayed what appeared to be a
15 firearm during the commission of a violent crime.

16 Again, a firearm means any machine gun, automatic
17 rifle, revolver, pistol, or any weapon which is designed
18 to or may be readily converted to expel a projectile. In
19 order to find a Defendant guilty of possession of a weapon
20 during the commission of a violent crime, you must, first,
21 find a Defendant guilty of either committing a violent
22 crime, or attempting to commit a violent crime. Ladies
23 and gentlemen, I charge you that the offenses of murder
24 kidnapping, attempted armed robbery, and burglary in the
25 first degree are violent crimes under the law.

1 Now, ladies and gentlemen, a Defendant in this case
2 has raised the defense of alibi. In order to establish an
3 alibi, it must be shown that the Defendant was at another
4 specified place at the time the crime was committed, and
5 it was, therefore, impossible for the Defendant to have
6 been at the scene of the crime.

7 Ladies and gentlemen, mere denial of presence at the
8 scene of a crime does not constitute an alibi. And,
9 ladies and gentlemen, there is no burden on a Defendant to
10 prove an alibi. The burden is on the State to prove
11 beyond a reasonable doubt that the Defendant was,
12 actually, present at the scene of the crime and, actually,
13 participated in it and was not somewhere else. In other
14 words, the State has the burden of disproving the
15 Defendant's alibi defense.

16 Now, Madam Foreperson, and, ladies and gentlemen of
17 the jury, I have now charged you on the law in order to
18 help guide you to a fair and just result in this case.
19 You are the judges of the facts in this case. And so
20 based on your determination of the facts and the law, as
21 I've explained it to you, you will soon begin your
22 deliberations.

23 Ladies and gentlemen of the jury, you have been
24 selected as fair and impartial jurors. You are sworn to
25 fairly and impartially try and determine the facts of this

1 case. And when you comply with the oath that you took, no
2 one can criticize your verdict in this case.

3 Ladies and gentlemen, you are to decide the case
4 based solely on the testimony you've heard from sworn
5 witnesses who have testified, along with the evidence in
6 this case and exhibits presented to you, which you will
7 have in the jury room, and any other stipulations that the
8 attorneys may have entered into, and nothing else.

9 You must decide the issues -- excuse me, you must
10 decide the issues in this proceeding without any bias or
11 prejudice towards either party. Ladies and gentlemen, you
12 cannot be governed by prejudice for or against any person
13 by public opinion, or by any other arbitrary factor. Both
14 the Defendants and the State of South Carolina have the
15 right to expect that each of you will be careful and
16 impartially consider all the evidence in this case, and
17 that you will follow the law as I have instructed you in
18 reaching your verdict in this case.

19 Now, ladies and gentlemen, to that end, my law clerk
20 has prepared verdict forms. One of them states, the State
21 of South Carolina v. Lamar Williams. The second one is
22 the State of South Carolina v. Richey Boyd. Please
23 understand that there is no significance in the order of
24 the verdicts on the verdict form, simply, one verdict has
25 to be written before the other. And, ladies and

1 gentlemen, to that end, there are questions on the verdict
2 form.

3 Madam Foreperson, I need you to answer every question
4 on the verdict form. And to begin, both of them are the
5 same, it says, As to the charge of murder, We, the jury,
6 unanimously find the Defendant, and it says the
7 Defendant's name, and either not guilty or guilty. Then
8 it goes on to ask about the charge of kidnapping, then the
9 charge of attempted armed robbery, the charge of burglary
10 in the first degree, the charge of possession of a weapon
11 during a violent crime, and, also, for the charge of
12 conspiracy.

13 Madam Foreperson, at the end of this verdict form,
14 there's a line for you to sign your name and date it.
15 Madam Foreperson, I want to remind you that the verdict
16 must be unanimous in this case. It must be the verdict of
17 all 12 jurors.

18 So, again, I am going to send you back to the jury
19 room, but for the very last time, I'm going to tell you
20 not to begin your deliberations in this case. There may
21 be something further that the lawyers want me to charge
22 you. If there is, I'm going to bring you back out, and
23 I'm going to charge you further on the law. If, not
24 ladies and gentlemen, I'm going to send these verdict
25 forms into the jury room with you, as well as all the

1 other evidence that has been introduced in this case. And
2 that will be your signal to begin your deliberations.

3 When you have reached a final verdict, Madam
4 Foreperson, if you will, knock on the jury room door. And
5 we'll accept you back into the courtroom to take your
6 verdict.

7 Ladies and gentlemen, I appreciate your patience.
8 And I appreciate your attention. At this time, I'm going
9 to go ahead and excuse you back to your jury room. And,
10 again, do not begin your deliberations until I go ahead
11 and forward these verdict forms to you and the evidence.

12 Madam Foreperson, I will, also, tell you that while
13 we do have someone transcribing the testimony in this
14 case, we do not have written copies of any testimony, nor
15 do we have a written copy that I can give you of my jury
16 charge. If you need to hear any testimony played back,
17 you need to let us know. And what we will do is we'll
18 bring you back in the courtroom, and we can play the
19 audiotape for you so you can hear it.

20 Additionally, ladies and gentlemen, if you wish to
21 hear a portion of testimony, I am required to give you all
22 of that witnesses testimony. So, please, just keep that
23 in mind. Additionally, if you need to be charged again on
24 any portion of the law, let me know and as well, I can
25 bring you back into the courtroom and reread that portion

1 to you.

2 All right. Ladies and gentlemen, again, thank you.

3 I'm going to go ahead and excuse you to the jury
4 room. And we will be with you shortly.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 11:56 a.m.)

7 THE COURT: Any exceptions or additions to the charge
8 from the State?

9 MR. WESTON: No, ma'am, Your Honor.

10 THE COURT: From the Defense?

11 MR. COOKE: None here, Judge.

12 MR. GODFREY: No, Your Honor.

13 THE COURT: All right. Gentlemen, thank you.

14 I'm going to ask that you go through the evidence to
15 make sure it's proper.

16 And you all have agreed that there's no objections to
17 the verdict form. For the record, I'm going to go ahead
18 and give those to Hollie. Let's make sure we've got all
19 of the right evidence going back.

20 (WHEREUPON, the alternate jurors were released.)

21 (WHEREUPON, the proceedings were recessed at
22 approximately 11:58 a.m.)

23 THE COURT: Ladies and gentlemen, it's my
24 understanding that we do have a verdict. For those of you
25 in the gallery, I want to make sure that there is no

1 reaction to whatever the verdict may be. If you don't
2 think you can contain yourself, you need to remove
3 yourself right now. Because if there is any outburst or
4 if there is any noise, I'm going to have to take you into
5 custody. And I, certainly, wouldn't want to have to do
6 that. But I'm giving you your opportunity now to leave,
7 if you think you cannot contain yourself.

8 Thank you.

9 Is the State ready for me to bring the jury in?

10 MR. WESTON: Yes, Your Honor.

11 THE COURT: Is the Defendant ready?

12 MR. GODFREY: Yes, Your Honor.

13 MR. COOKE: Yes.

14 THE COURT: Let's bring the jury in, gentlemen.

15 (WHEREUPON, the jury came into open court at
16 approximately 3:02 p.m.)

17 THE COURT: Madam Foreperson, I understand you've
18 reached a verdict.

19 JUROR #170, KATHERINE ROBIRDS: Yes, ma'am.

20 THE COURT: Will you, please, hand it to the bailiff.

21 Thank you.

22 All right. Do you want to publish the verdict?

23 THE CLERK: Yes.

24 THE COURT: If you would.

25 If the Defendants will rise, gentlemen.

VERDICT

THE CLERK: Your Honor, this is case number 2011-GS-23-2011, 2013, 2012, 2010, 2014, the State v. Lamar Williams. As to the charge of murder, we, the jury, unanimously find the Defendant, Lamar Williams, guilty.

As to the charge of kidnapping, we, the jury, unanimously find the Defendant, Lamar Williams, guilty.

As to the charge of attempted armed robbery, we, the jury, unanimously find the Defendant, Lamar Williams, guilty.

As to the charge of burglary first degree, we, the jury, unanimously find the Defendant, Lamar Williams, guilty.

As to the charge of possession with a weapon -- possession of a weapon during a violent crime, we, the jury, unanimously find the Defendant, Lamar Williams, guilty.

As to the charge of conspiracy, we, the jury, unanimously find the Defendant, Lamar Williams, guilty.

I certify that this is a unanimous decision of the jury, signed the Foreperson, Katherine Robirds.

If this is your verdict, please, raise your right hand.

(WHEREUPON, all jurors raised their right hand.)

THE COURT: Thank you.

1 THE CLERK: In regards to 2011-GS-23-6381, 6382,
2 6383, 6384, 6385, the State of South Carolina v. Richey
3 Boyd.

4 As to the charge of murder, we, the jury, unanimously
5 find the Defendant, Richey Boyd, guilty.

6 As to the charge of kidnapping, we, the jury,
7 unanimously find the Defendant, Richey Boyd, guilty.

8 As to the charge of attempted armed robbery, we, the
9 jury, unanimously find the Defendant, Richey Boyd, guilty.

10 As to the charge of burglary first degree, we, the
11 jury, unanimously find the Defendant, Richey Boyd, guilty.

12 As to the charge of possession of a weapon during a
13 violent crime, we, the jury, unanimously find the
14 Defendant, Richey Boyd, guilty.

15 As to the charge of conspiracy, we, the jury,
16 unanimously find the Defendant, Richey Boyd, guilty.

17 I certify that this is a unanimous decision of the
18 jury, signed the Foreperson, Katherine Robirds.

19 If this is your verdict, please, raise your right
20 hand.

21 (WHEREUPON, all jurors raised their right hand.)

22 THE CLERK: Thank you.

23 THE COURT: Thank you.

24 Gentlemen, would you like the jury individually
25 polled?

1 MR. GODFREY: No, Your Honor.

2 THE COURT: Mr. Cooke?

3 MR. COOKE: No.

4 THE COURT: All right. You may be seated, gentlemen.

5 Is there anything further required of this jury from
6 the State?

7 MR. WESTON: Nothing from the State, Your Honor.

8 THE COURT: From the Defense?

9 MR. COOKE: Nothing, Your Honor.

10 THE COURT: Ladies and gentlemen of the jury, I want
11 to thank you.

12 These cases are hard. And I'll be the first to admit
13 that. I probably have tried as many as probably most
14 judges that have been on the bench in this amount of time.
15 It's very difficult to sit in judgment. It's very
16 difficult when the charges are this serious. And we
17 appreciate that. I know y'all worked hard this week. I
18 know you deliberated well. And no one has any right, nor
19 will they ever criticize your verdict. You have done
20 exactly what you were asked to come here to do. And we
21 send you away with our thanks.

22 I want you to know that this not only resolved these
23 two cases, but, additionally, at the beginning of the
24 week, we had a number of cases on the trial roster, so you
25 helped us resolve those cases. Additionally, we could

1 never try all the cases that we have in front of us. We
2 have to dispose of them by other means, either by guilty
3 pleas or some other diversion methods. The point being,
4 ladies and gentlemen, without having jurors willing to sit
5 as a jury, we could never get those pleas, and we could
6 never enter into those types of agreements.

7 So, again, I want to thank you. You have, certainly,
8 earned your exemption for the next three years. And I am
9 going to go ahead and excuse you today.

10 Ladies and gentlemen, I will tell you that, at this
11 point, you are permitted to discuss this case, if you
12 choose to. Sometimes an attorney or, possibly, a witness
13 may want to ask you what you thought about certain
14 testimony. They are allowed to do that. But, of course,
15 ladies and gentlemen, you are not required to talk with
16 anyone about this case, if you don't choose to. If
17 someone should contact you and ask you about your
18 deliberations, or what you thought and you do not wish to
19 speak with them, politely say, no, thank you and hang up
20 or walk away. If anyone persists, you call up to the
21 Clerk's Office, give us the name of who it is and I will
22 take care of them.

23 All right. Again, ladies and gentlemen, thank you.

24 We are going to go ahead and excuse you.

25 And you're going to escort them back out; is that

1 correct, sir?

2 THE BAILIFF: Yes.

3 (WHEREUPON, the jury was excused from the courtroom
4 at approximately 3:08 p.m.)

5 THE COURT: All right. Well, let's go ahead and
6 proceed?

7 Y'all are ready for sentencing?

8 MR. WESTON: Your Honor, we were looking -- we're
9 trying to locate the criminal record sheets for the
10 Defendants. And we should have them in just a moment.

11 THE COURT: Thank you, sir.

12 MR. GODFREY: Well, while we're waiting, Your Honor,
13 may I got ahead and make a motion?

14 THE COURT: Absolutely, sir.

15 MOTIONS

16 MR. GODFREY: Judge, at this time, we'd make a motion
17 for a new trial, and move to set the verdict aside. This
18 motion is based on previous motions and objections in the
19 trial so far, and the fact that the evidence does not
20 support the verdicts.

21 THE COURT: Thank you, sir.

22 Mr. Cooke.

23 MR. COOKE: On behalf of my client, Lamar Williams, I
24 would, also, make that same motion, Your Honor. We feel
25 like the State has not met their burden of proof in the

1 matter. And we, respectfully, disagree with the verdict
2 of the jury.

3 THE COURT: All right. Well, thank you, gentlemen.

4 Respectfully, I am going to deny your motions.
5 Certainly, there was ample evidence from which this jury
6 could find both of these gentleman guilty, and they did,
7 in fact. And I think there was overwhelming evidence in
8 this case. I don't think there were any errors of law
9 made. And I respectfully deny your motions.

10 MR. WESTON: We have one, Your Honor. And we should
11 have the other in just a moment.

12 THE COURT: Okay.

13 (Pause.)

14 MR. WESTON: The State is ready to proceed.

15 THE COURT: All right, sir. I'll let you go ahead
16 and give me -- are we going to start with Mr. Williams, or
17 where do you want to start?

18 MR. WESTON: That will be fine, Your Honor.

19 THE COURT: We'll start with Mr. Williams. Why don't
20 you give me his prior record.

21 MR. WESTON: With regard to Mr. Williams, Your Honor,
22 2002, armed robbery, burglary second degree, grand
23 larceny, and petit larceny.

24 THE COURT: What was the sentence on that?

25 MR. WESTON: These were juvenile justice sentences,

1 Your Honor, so they don't -- until his 21st birthday.

2 THE COURT: Okay.

3 MR. WESTON: 2005, unlawful carrying of a weapon;
4 2005 -- in addition, in 2005, either manufacturing and/or
5 distribution of crack. And that's the extent of his
6 record, Your Honor.

7 THE COURT: Thank you.

8 Mr. Cooke, why don't you tell me a little bit about
9 your client.

10 MR. COOKE: Well, of course, the first part of that
11 record, he was a juvenile.

12 THE COURT: Not to be considered in any way, nor
13 would I.

14 MR. COOKE: He's an awfully young man. We still feel
15 like that -- and he feels like that the jury should have
16 found him not guilty. I know there are a number of ways
17 to look at this case. I know there could have been some
18 opportunities there. I might could have bolstered the
19 alibi witnesses a little bit. But, quite frankly, I
20 thought they came across as being very honest and very
21 forthright.

22 But, anyhow, my client is a young man. He's 25. And
23 he has no children that I'm aware of. He lives over in
24 the Greenwood area. All of his folks are here. They're
25 all good people. They're here to stand behind him. And

1 we would ask Your Honor to give him the opportunity to go
2 to the Department of Corrections and not take away the
3 chance to get out one of these days and be a responsible
4 person.

5 THE COURT: Mr. Williams, anything you want to tell
6 me, sir?

7 DEFENDANT WILLIAMS: Your Honor, I graduated high
8 school with a diploma, college, a couple jobs I did, you
9 know. I mean, I did some things. I'm a criminal, but I'm
10 a white collar criminal. This is not my style. I'll
11 accept whatever from the Court.

12 THE COURT: All right. Why don't you go ahead and
13 tell me about Mr. Boyd.

14 MR. WESTON: Yes, ma'am, Your Honor.

15 With regard to Mr. Boyd, he's got a 2005 conviction
16 for driving under suspension; 2007, criminal domestic
17 violence; 2010, two counts of possession with intent to
18 distribute or manufacture cocaine -- I'm sorry, Your
19 Honor. Yes, ma'am, that's -- I'm sorry, two counts of
20 possession with intent to distribute or manufacture
21 cocaine.

22 THE COURT: Mr. Godfrey, what would you like to tell
23 me about Mr. Boyd?

24 MR. GODFREY: May it please the Court.

25 Judge, my client is 35 years of age. He lives at [REDACTED]

1 Leaman Street in Cross Hill with his mother. His mother
2 is Carol Ann Boyd Hill. He hasn't had any contact with
3 his father in some time. He doesn't have any brothers,
4 but he does have one sister, who, also, stays with his
5 mother. My client is a graduate of Clinton High School in
6 1995. And, prior to his arrest, he had been attending
7 Piedmont Tech taking business management courses in
8 Greenwood. He had been employed in the industrial
9 industry.

10 Judge, he does have three girls. They are -- three
11 daughters. They are ages 13, nine, and seven. They
12 reside with their mother. My client does not have any
13 physical or mental problems. He's never served in the
14 military.

15 Judge, he's 35 years old. And his record, although
16 he has something of a record, it is not substantial. We
17 would, respectfully, request the Court's mercy.

18 MR. WESTON: Your Honor, if you would, bear with me
19 for one moment, we have them here. I just need to make
20 sure I've signed them all.

21 Your Honor, while I'm doing that, I would just advise
22 the Court that there are two members of the victim's
23 family who would like to be heard at the appropriate time.

24 THE COURT: Thank you, sir.

25 (Pause.)

1 THE COURT: All right. Mr. Weston, I am happy to
2 hear from the victim's family at this time.

3 MR. WESTON: Your Honor, first, there are two people
4 that would like to be heard, Your Honor, and that is
5 Ms. Shirlene Cruell, mother of the victim, and Ms. Angela
6 Brown afterwards, the victim's wife.

7 THE COURT: Yes, sir.

8 MR. WESTON: I'm sorry. It's Angela Jones. I
9 apologize. It's been a long four days. I apologize, Your
10 Honor.

11 THE COURT: That's all right.

12 Yes, Ms. Cruell.

13 MS. SHIRLENE CRUELL: Your Honor, a precious stone
14 has been taken away from us. And we won't ever get to see
15 him until we are in heaven with him. We miss him. And we
16 wish he were here, but he isn't. Where is the
17 justification for that? There's no reason.

18 It took me 10 months to get this child into this
19 world so he could live. It took five minutes to destroy
20 him, because of something he didn't have. And because of
21 people who felt that they could do something that was wrong.

22 We all make choices in this world. They had a choice
23 not to go. They had a choice not to break in. They had a
24 choice to not even be there. But they chose to go. And
25 the consequences are that my husband will never touch his

1 son again, his daughter will never touch him again. His
2 boys will never touch their daddy again. All of his
3 family will never touch him again. He's gone and he will
4 not return. His sister and his nephew will never get to
5 touch him again. We are without that gem. We are without
6 our son. This whole family, who loved that boy.

7 He made mistakes, Judge. We all are sinners in this
8 world. And we all have to pay for our sins. Well, my son
9 has paid for his. And we are here. They are still here.
10 They can see their families. They can touch them. They
11 can get those hugs and kisses that I'll never get again.
12 It's hard to deal with not being able to have that gem in
13 my life ever again.

14 Through my cancer, he was here to pick me up and
15 carry me. When I had to go through my surgeries, he was
16 here. He's not here anymore. And no matter what I have
17 to go through, I know my son is okay. He's with God. And
18 we're going to go one day to meet with him. They're still
19 here. They're still here.

20 And by the grace of God, we are going to make it.
21 I'm going to, eventually, get some sleep one day with all
22 that I saw there in that house, and I had to visualize my
23 son's flesh on that floor. I can't get it out of my head,
24 Judge. I had to try to get him over and see, and I saw
25 what they did.

1 I haven't slept in over a year hardly. I can't
2 sleep. I get up. I cannot rest. I have to live with
3 this for the rest of my life, what they did. And I pray
4 one day I can -- I want to sleep one day all night. I
5 want to be able to sleep all night and rest. I haven't
6 been able to in over a year since I found him. I see him
7 every day, Judge.

8 I don't mean to prolong anything, but I can't get
9 that vision out of my head. What do I do? One day
10 somebody can tell me what I can do to remove this from me
11 so I can sleep, so I can rest.

12 I know he's all right. He's with God. I have no
13 problem with that. What they left me with is my problem,
14 and I can't deal with it. No medicine I can take -- being
15 a cancer survivor I can't take stuff. I cannot. I have
16 to deal with it every day. Can anybody help me to deal
17 with that? I can't. So what do I do? How do I survive?
18 I'm sorry. I'm sorry.

19 THE COURT: Ms. Cruell, I just pray that God gives
20 you some peace, and that you will find some peace. And,
21 as you said, you know, your son is all right now because
22 God has him. So I hope that you get that same grace and
23 peace.

24 MS. SHIRLENE CRUELL: Thank you.

25 THE COURT: Ms. Jones, would you like to say something?

1 (WHEREUPON, there was no response.)

2 THE COURT: Yes, ma'am.

3 MS. ALICIA CRUELL: I'm Alicia Cruell. And this
4 victim was my father.

5 I have two younger brothers, and we're all left
6 without him. And they have made him seem like an awful
7 person, because he did make mistakes. And that does not
8 change how he was to us, the man he was to our family. He
9 would give you the shirt off his back, if he had to.

10 I was 17 years old. And I got called out of class to
11 be told that my father was shot and killed in his own
12 home. I saw my two brothers, one, at the time, who was
13 12, full of rage, I mean, if someone touched his coffin.
14 I have a six-year-old brother who didn't know what
15 happened. He just saw his dad drop him off at school.

16 And we all find out at school that we will never see
17 him breathing again, and we will never hug him, or get a
18 kiss on the cheek from him because they took him. They
19 killed him. There's no justification for that by any
20 means.

21 And I wish I could show them mercy. I wish it were
22 okay, but it's not. Maybe one day God above will show us
23 what it's like to give, but I hope that comes. And I
24 can't wait to see him again. I just want you to know he
25 was a great father, and I would not ask for anyone else.

1 THE COURT: Thank you.

2 Yes, ma'am. Your name?

3 THE VICTIM'S SISTER: Yes.

4 Thank you, Your Honor for allowing me to speak.

5 Wallace Cruell, Jr., I'm his sister. Wallace Cruell,
6 of course, is still in my heart and, of course, was a
7 great man. And like my mother stated, he made his
8 mistakes. He had his demons. But that does not justify
9 killing him, not at all. Like his daughter said, he was a
10 good man and would give the shirt off his back. He would
11 help anyone that would ask him.

12 A year before he was killed and taken from us, he
13 gave me a birthday party, him and my parents. And that
14 same day, which was just a memorable day for me, my son
15 was baptized. My brother was there, and I didn't know it.
16 He was sitting at the back of the church. When I looked
17 back in the audience to see who was there, he was there.
18 And I was shocked, because it was so good to see him in
19 church.

20 Like I said, I know my brother had his faults, but,
21 again, that does not justify taking his life. I am so
22 grateful that I had him for 36 years. And, in my heart,
23 the relationship I had with my brother, those were the
24 best 36 years of my life. So I pray that we can continue
25 on like we should. Because I know that's what Jay would

1 want. And that's how I referred to him is Jay. I'm so
2 glad that I can't hate, because it will not bring my
3 brother back.

4 So, again, I know he's in a safe place. And that's
5 what I dwell on, I really do.

6 Thank you.

7 THE COURT: Thank you.

8 MR. WESTON: Nothing further from the State, Your
9 Honor.

10 THE COURT: Anything further from the Defense?

11 Mr. Williams, is there anything you'd like to say,
12 sir?

13 DEFENDANT WILLIAMS: No, Your Honor.

14 THE COURT: Would anyone like to speak on behalf of
15 his family?

16 (WHEREUPON, there was no response.)

17 SENTENCE

18 THE COURT: As to Lamar Dontray Williams, on the
19 indictment for murder, the sentence of this Court is you
20 be committed to the Department of Corrections for a period
21 of life.

22 On the charge of burglary first degree, the sentence
23 of this Court is that you be committed to the Department
24 of Corrections for a period of life.

25 On the charge of possession of a weapon during the

1 commission of a violent crime, the sentence of this Court
2 is you be committed to the Department of Corrections for a
3 period of five years.

4 On indictment number 2011-2012 for kidnapping --
5 excuse me, I'm sorry, for attempted armed robbery, the
6 sentence of this Court is you be committed to the
7 Department of Corrections for a period of 20 years.

8 On the charge of kidnapping, 2011-2013, the sentence
9 of this Court is you be committed to the Department of
10 Corrections for a period of 30 years.

11 On indictment 2011-2014, for conspiracy, the sentence
12 of this Court is you be committed to the Department of
13 Corrections for a period of five years.

14 Good luck to you, Mr. Williams.

15 DEFENDANT WILLIAMS: Yes, ma'am.

16 MR. COOKE: Judge, on behalf of -- I told him I'd put
17 this on the record, that I would file an appeal for him.

18 THE COURT: Thank you, Mr. Cooke.

19 MR. COOKE: And I told him -- and that the defense
20 people in Columbia would work with him on any transcripts.
21 And I wouldn't be involved in that process.

22 THE COURT: Exactly.

23 Thank you.

24 THE COURT: Anything else y'all want to tell me in
25 reference to Mr. Boyd?

1 MR. GODFREY: No, Your Honor.

2 THE COURT: Mr. Boyd, is there anything you'd like to
3 tell me, sir?

4 DEFENDANT BOYD: No, ma'am.

5 THE COURT: On indictment 2011-6381 for murder, the
6 sentence of this Court is you be committed to the
7 Department of Corrections for a period of 30 years.

8 On indictment 2011-6382 for kidnapping, the sentence
9 of this Court is you be committed to the Department of
10 Corrections for a period of 30 years.

11 On 2011-6383 for burglary in the first degree, the
12 sentence of this Court is you be committed to the
13 Department of Corrections for a period of 30 years.

14 On indictment 2011-6384 for attempted armed robbery,
15 the sentence of this Court is you be committed to the
16 Department of Corrections for a period of 20 years.

17 On indictment 2011-6385 for conspiracy, the sentence
18 of this Court is you be committed to the Department of
19 Corrections for a period of five years.

20 On indictment 2011-6381 for possession of a weapon
21 during the commission of a violent crime, the sentence of
22 this Court is you be committed to the Department of
23 Corrections for a period of five years.

24 Good luck to you, Mr. Boyd.

25 *****END OF TRANSCRIPT OF RECORD*****

CERTIFICATE OF REPORTER

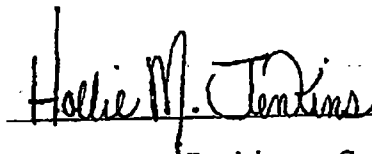
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 13th, 14th, 15th, and 16th days of February, 2012.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 6, 2012



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

JAN 30 2018

Hon. George C. James, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-001749

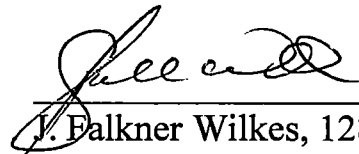
Lamar Dontray Williams, ... Petitioner.

v.

State of South Carolina, ... Respondent.

CERTIFICATE

I certify that the Appendix has been redacted in compliance with the
Supreme Court's Order on personal identifiers, financial information and private
data.


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