

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Eugene C. Griffith, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

GREGORY LAMONT BROOKS,

APPELLANT

APPELLATE CASE NO 2016-002301

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 31-NOVEMBER 3, 2016	1
PORTION OF COURT REPORTER'S INDEX	2
TESTIMONY	
SHANNON DYKES (IN CAMERA)	
Direct Examination by Ms. Patterson	3
Cross-Examination by Ms. Zmroczek	4
RICKENA KNIGHTNER (IN CAMERA)	
Direct Examination by Ms. Patterson	5
Cross-Examination by Ms. Zmroczek	11
FRED MOSS (IN CAMERA)	
Cross-Examination by Ms. Zmroczek	12
OPENING STATEMENT BY MR. BELL	13
OPENING STATEMENT BY MS. ZMROCZEK	19
TESTIMONY	
ALEX MOUNTZOUROS	
Direct Examination by Mr. Bell	22
Cross-Examination by Ms. Zmroczek	30
Redirect Examination by Mr. Bell	37
JAMES HYATT	
Direct Examination by Mr. Bell	38
Cross-Examination by Ms. Zmroczek	49
BENJAMIN BOOTH	
Direct Examination by Mr. Bell	54
KENNETH DANIEL SHEARER	
Direct Examination by Mr. Bell	63
Cross-Examination by Ms. Zmroczek	94
Redirect Examination by Mr. Bell	110
THOMAS LAWSON FINE	
Direct Examination by Ms. Patterson	114

Cross-Examination by Ms. Zmroczek	120
Redirect Examination by Ms. Patterson.....	123
ANDRE BUNCH	
Direct Examination by Mr. Bell.....	125
Cross-Examination by Ms. Zmroczek	144
Redirect Examination by Mr. Bell.....	155
FRED MOSS	
Direct Examination by Ms. Patterson	157
MOTION BY THE DEFENSE FOR MISTRIAL	162
RULING BY THE COURT	164
CURATIVE INSTRUCTION.....	164
TESTIMONY	
FRED MOSS (CONT'D)	
Direct Examination by Ms. Patterson	165
Cross-Examination by Ms. Zmroczek	186
Redirect Examination by Ms. Patterson.....	208
JANICE ROSS	
Direct Examination by Ms. Patterson	211
Cross-Examination by Ms. Zmroczek	216
ROGER GILLAND	
Direct Examination by Ms. Patterson	220
Cross-Examination by Ms. Zmroczek	231
WHITNEY BERRY	
Direct Examination by Mr. Bell.....	233
Cross-Examination by Ms. Zmroczek	243
Redirect Examination by Mr. Bell.....	244
CATHY ETHEREDGE	
Direct Examination by Ms. Patterson	245
Cross-Examination by Ms. Zmroczek	251
Redirect Examination by Ms. Patterson.....	256
MARTY LONGSHORE	
Direct Examination by Ms. Patterson	258
Cross Examination by Ms. Zmroczek.....	261

JOSEPH TRAWICKI	
Direct Examination by Mr. Bell.....	266
Cross-Examination by Ms. Zmroczek	277
BRIAN TRAVIS	
Direct Examination by Mr. Bell.....	281
Cross-Examination by Ms. Zmroczek	292
Redirect Examination by Mr. Bell	294
DENIQUE BANKS	
Direct Examination by Ms. Patterson	295
Cross-Examination by Ms. Zmroczek	308
Redirect Examination by Ms. Patterson.....	314
CHRISTY WARD	
Direct Examination by Mr. Bell.....	316
Cross-Examination by Ms. Zmroczek	322
JESSE LAINTZ	
Direct Examination by Mr. Bell.....	323
Cross-Examination by Ms. Zmroczek	335
SHANNON DYKES	
Direct Examination by Ms. Patterson	338
Cross-Examination by Ms. Zmroczek	349
Redirect Examination	355
RICKENA KNIGHTNER	
Direct Examination by Ms. Patterson	356
Cross-Examination by Ms. Zmroczek	373
STATE'S MOTION TO EXCLUDE VIDEO EVIDENCE.....	386
PROFFERING OF PHOTOGRAPHIC EVIDENCE.....	392
TESTIMONY	
ERIC BROWN	
Direct Examination by Ms. Zmroczek.....	400
Cross-Examination by Mr. Bell	414
JAMES RICHARDSON	
Direct Examination by Ms. Zmroczek.....	419
Cross-Examination by Ms. Patterson.....	424

ARNOLD BANKS	
Direct Examination by Ms. Zmroczek.....	428
Cross-Examination by Ms. Patterson.....	441
Redirect Examination by Ms. Zmroczek.....	446
DAVID DAY	
Direct Examination by Ms. Zmroczek.....	448
MOTION TO PRESENT EVIDENCE OF A REWARD PAYMENT.....	450
RULING BY THE COURT.....	459
TESTIMONY	
JOSIE PAXTON	
Direct Examination by Ms. Zmroczek.....	460
Cross-Examination by Mr. Bell.....	467
Redirect Examination by Ms. Zmroczek.....	469
DEFENSE REQUEST FOR CHARGE OF THIRD PARTY GUILT.....	473
RULING BY THE COURT.....	475
STIPULATION.....	479
DEFENSE RESTS.....	479
CLOSING ARGUMENT BY MS. ZMROCZEK.....	480
CLOSING ARGUMENT BY MS. PATTERSON.....	494
DEFENSE OBJECTION TO INFERENCE OF MALICE CHARGE.....	509
CHARGE ON THE LAW.....	511
OBJECTIONS TO JURY CHARGE.....	527
ADDITIONAL CHARGE ON THE LAW.....	529
JURY QUESTIONS.....	534
VERDICT.....	537
SENTENCING.....	538
DEFENDANT'S EXHIBIT #39 & COURT'S EXHIBIT #8 (METADATA).....	539

DEFENDANT’S EXHIBIT #40 & COURT’S EXHIBIT #9 (METADATA).....540

COURT’S EXHIBIT #10 (JURY NOTE).....541

COURT’S EXHIBIT #11 (JURY NOTE).....542

COURT’S EXHIBIT #12 (JURY NOTE).....543

INDICTMENTS AND SENTENCE SHEETS.....544

CERTIFICATE OF COUNSEL550

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #6-11, #21, #22 (PHOTOS); DEFENDANT’S EXHIBITS #1, #2,
#4-16, #18-19, #22 (PHOTOS); DEFENDANT’S EXHIBITS #30-31 (TEXT MESSAGES);
DEFENDANT’S EXHIBIT #41 & COURT’S EXHIBIT #6 (PHOTO);
DEFENDANT’S EXHIBIT #42 & COURT’S EXHIBIT #7 (PHOTO);
DEFENDANT’S EXHIBITS #43-44 (PHOTOS)**

1 mother of his children. Cover up.

2 Investigator Dykes also later on his sergeant
3 instructed him to go show the photo lineup to Ms.
4 Knightner. He went to Ms. Knightner. Didn't suggest who
5 she should pick out and she immediately picked out
6 Gregory Brooks. She had no problem picking him out. And
7 they want to say, well, she lied. She lied. She lied.
8 Ms. Knightner didn't know if she wanted to get involved.
9 What does she have to gain? She's known this family for
10 years. It took her a minute to get comfortable enough to
11 tell all she knew. That's understandable. Look at all
12 those people that were there. They knew something.
13 Nobody wants to talk at a shooting. Nobody wants to get
14 involved. That's just the time we live in. So it took
15 her a while. So each time she would tell a little more.
16 She thought it was necessary to call 911 and that she did
17 and, yeah, she gave a fictitious name. But she responded
18 when Investigator Etheredge contacted her. She agreed to
19 meet with her. She gave her a little more information.
20 She saw, hey, this officer is the real deal so let me at
21 least give her my name.

22 She still wanted to help but she just wasn't sure
23 how much she wanted to help yet. But when Investigator
24 Dykes approached her with this lineup, she had no problem
25 picking out Gregory Brooks as the shooter.

1 Now, she said in this picture his hair is shorter
2 but this is him and he fit the description that she
3 initially gave. He fits the description Fred Moss
4 initially gave.. Short guy, shoulder length dreads, small
5 eyes. And Junior or Arnold Banks wanted to say she knew
6 him as Gregory. She said she knew him as Dink. He don't
7 know what she knew. Again, what does she have to lose?
8 Nothing.

9 And Fred Moss. Fred has been friends with Brandon
10 for years. Hanging out with their other friend Andre
11 Bunch. Fred, he has a big personality so I imagine he
12 was in the club trying to talk to a girl and then all of
13 a sudden it just broke loose. Fred said he admitted to
14 being in a verbal altercation but he wasn't going to back
15 down. Brandon came and got him. They went outside.
16 They went up to his car that Brandon had parked up here.
17 What happened? The guys followed them out of the club.
18 Andre Bunch sees it, too, but he had to go pay out his
19 tab. He gets outside. They're already at the top. He
20 is a big guy. He tried to de-escalate the situation by
21 positioning himself in front of them. He didn't want to
22 make matters worse.. He thought things had calmed down.
23 and he headed out for his car.

24 Fred told you what happened. They approached him.
25 What's up? Showed guns. He said he wanted to act big

1 and bad but when he saw that they had the real thing, he
2 hit the ground. You can see these pictures. You can
3 take them to the back. He still has the dirt on his
4 forehead and dirt on his hands. You can tell, yeah, he
5 hit the ground. But he said and he later identified this
6 person as having a gun. But when law enforcement talked
7 to him, he said this was the guy that was with the
8 shooter. That's never changed. That's never changed.

9 Now, he talked about having a gun later but he said
10 his focus was on the shooter. He said that over and over
11 and over again. This was his main concern because all he
12 knew was this was the guy that was backing up firing the
13 shots that killed his best friend. And again, no problem
14 when Sergeant Laintz approached him with this photo
15 lineup. No problem at all picking out these people and
16 specifying their roles on February 2nd, 2014.

17 And going back to this composite, this is not a
18 photograph. What is interesting about this is those
19 small eyes and those shoulder length dreads. But this is
20 no photograph. Rickena Knightner knew exactly who
21 Gregory Brooks was.

22 Now, let's talk about the other "C". The big cover
23 ups. If he wasn't involved in the shooting, why lie
24 about who picked him up? Why lie about what time you
25 left? We have someone from Sprint to testify about the

1 phone records. You see all these outgoing calls between
2 6:00 and 6:53 on a Sunday morning. 13, 14 calls
3 beginning his cover up. And where was these calls made?
4 Here is the Cockpit and he explained to you about these
5 azimuths and I'm not even going to try to act like I
6 know, but I do know in this area these phone calls were
7 made. Let's also talk about that phone.. He just got
8 that phone number. So you feel the need to change it
9 already? Just so happened it's the day after the
10 shooting.

11 And then you get a job at Zaxby's and I think
12 Denique also testified he had other fast food restaurant
13 type jobs that he worked that he had his dreads. But now
14 all of a sudden you get a job at Zaxby's and you want to
15 cut off those dreads you have been growing two and a half
16 years? Apparently everybody in Apple Valley wear them.
17 And when was he gonna cut 'em? When Uncle Junior cut his.

18 You heard from the Zaxby's manager Christy Ward.
19 There's no policy about cutting dreads. You can have
20 them. Just pull your hair back. She said that they
21 hired him on as a cook. But Ms. Zmroczek asked Ms. Banks
22 about him getting shot in the hand and his ability to use
23 a gun and she talked about how she has to help him. But
24 then he was able to work as a cook? I'm sure pulling
25 those fries and chicken out of that grease took both

1 hands., I'm sure helping Denique and her mama move on
2 February 2nd took two hands. I'm sure helping Junior
3 take care of a five year old little girl took both hands.
4 He had use of his hands. And it didn't take much to pull
5 that .22. And Rickena and Fred both said the shooter was
6 using both hands as he was backing up. Don't let that
7 distract you. Again, the cover up started.

8 And Denique, you know, she's still close to the
9 family. Rode up here with them on Monday. She ain't
10 gonna say he told her to say it. She said she knew to
11 say it. They have kids together. I asked her did he
12 tell her what happened. No. Did you ask him? No.
13 Didn't want to know. Now, she knows him as well as most
14 people and she ain't want to know. You know why?
15 Because she already knew. But she didn't quite know how
16 serious it was until law enforcement reminded her. We
17 got you. Just give me a matter of time and we're gonna
18 prove you're lying. So she agrees to have a family
19 meeting and Sergeant Laintz testified this was something
20 he never seen before in all his years of law enforcement.
21 He walked in thinking he was gonna meet with Denique
22 about her statement and the family is there, her family
23 and even Gregory Brooks' mom. Tells them he's gonna find
24 her out. Just give him time. Starts crying. And she
25 says, oh, I'm gonna tell the truth. No. I didn't pick

1 him up. I just picked that time and I just said I picked
2 him up. I just knew to say that. I submit to you she
3 knew to say that because he told her to say that. And
4 they have kids together and she was trying to protect
5 him.

6 Andre Brunch, Fred Moss, very cooperative with law
7 enforcement. She wants to distract you about this
8 holster and this gun but nobody testified about seeing
9 Brandon Ratliff with a gun. Nobody testified about that.
10 Andre said this was his gun. It was in the glove
11 compartment of his car that he drove his friend to the
12 hospital in. It was his. And it's not a .22. It's a
13 nine millimeter. Shell casings don't even match. GSR
14 was taken from Mr. Ratliff, Fred Moss, Andre Bunch. They
15 tested them. There was no gunshot residue present. What
16 was present on their hands was debris, dirt, where they
17 hit the ground when they was trying to help their friend.
18 There's no GSR or gunshot residue on Brandon. Nobody
19 seen him with a gun that night. What happened to it I
20 don't know. I wish I knew. There's a lot of people
21 there. I mean, officers testified about all those people
22 on the scene. We don't know what happened to the gun.
23 But we do know that's Andre Bunch's gun and those are .22
24 shell casings lined up in a linear fashion in the parking
25 lot.

1 And Dr. Ross testified that the casing lodged in
2 Brandon Ratliff was of a small caliber gun. So it does
3 match the description of the gun found.

4 Nobody is setting Dink up. Dink began an immediate
5 cover up. He didn't have any problems with guns.
6 Denique never said that in her statement to law
7 enforcement. She just said she never seen him with guns
8 around her..

9 Going back to the deadly decisions of the defendant.
10 He made all those decisions. These things are no
11 coincidence. They were cover ups. Cover ups that good
12 law enforcement was able to uncover. Cover ups that just
13 didn't work. And Denique Banks knew the truth. That's
14 why she never asked him any questions. She knew the
15 truth. And, ladies and gentlemen, you know the truth,
16 too. Just review all of the testimony you heard from the
17 stand, look at these pictures, think about what people
18 have to gain, what people have to lose. Rickena
19 Knightner close to the family for years. Nothing to
20 lose. Fred Moss lost his best friend. Someone like a
21 brother. Nothing to lose. Andre Bunch, nothing to lose.
22 Law enforcement, that's their jobs and they jumped on it.
23 And this reward money, you would have a reward out, too,
24 if something happened to your loved one. Nobody is
25 trying to set him up. Yeah, other people had dreads but

1 they had other things about them that just didn't add up.

2 Lie about your whereabouts. First of all, lying
3 about being there. Lying about who picked you up. What
4 time you left. Where did you go. Cutting your dreads.
5 Changing your numbers and then two people identifying him
6 as the shooter. I submit to you you know the truth as
7 well. That truth being that on February 2nd, 2014 the
8 defendant Gregory Brooks committed the crime of murder
9 and possession of a weapon during the commission of a
10 violent crime when he pulled the trigger of a .22 caliber
11 gun and fired it in the parking lot of the Cockpit
12 killing 31 year old Brandon Ratliff. Find him guilty.
13 Thank you.

14 THE COURT: All right. Folks, I'm gonna let y'all
15 step into the jury room, use the restroom, stretch your
16 legs, five to ten minutes. We'll get you back in here
17 and then I'll give you my instructions and then by that
18 time lunch should be here and you can either eat,
19 deliberate, or both. But I want to get the instructions
20 to you before lunch gets here. So just take just a few
21 minutes. As soon as y'all are ready, I'll let the
22 bailiff know and have everybody back in here.

23 (Whereupon, the jury entered the jury room at 12:00
24 p.m.)

25 THE COURT: Ms. Zmroczek, I reread Belcher. I read

1 Belcher that inference of malice with proof or use of a
2 weapon is not proper when self defense is presented to
3 the jury and that's gonna be a question the jury
4 presents. If self defense is not presented to the jury,
5 then use of a weapon is allowable as an inference of
6 malice. That's how I read it. If you want to make a
7 record of that, that's fine.

8 MS. ZMROCZEK: I do, Your Honor. The way that I
9 read it, and I know that they never make things clear for
10 us because they like for us to do this I suppose, but the
11 way that I read it is if there were any mitigating
12 circumstances surrounding the event and so that's why the
13 whole issue of the voluntary and Mr. Ratliff possibly
14 having a gun, there possibly being an argument, that's
15 what I would have considered mitigation and that's why I
16 read it that way.

17 Your Honor, it is not my habit, A, I really do not
18 try to cry in closings. That was not intentional. But,
19 B, it's also not my habit to object during -- It's just
20 -- I hadn't even thought about it because I thought about
21 the mitigation and I didn't realize that it would come up
22 so...

23 THE COURT: And I hope it did not knock Ms.
24 Patterson too much off her pace of the thing, and as a
25 matter of law we discussed it and put it on the record so

1 your objection, if you were going to object and saying a
2 matter of law at the bench probably was a little softer,
3 it's on the record now but I would overrule your
4 objection and say that her closing was proper as I
5 understand the law of an inference of malice under
6 Belcher. Anything else on the record for that?

7 MS. PATTERSON: No, sir. Thank you, Your Honor.

8 MS. ZMROCZEK: And then I know that we probably
9 didn't think about it after I rested, but I know that you
10 - and you did say that my objections were renewed.

11 THE COURT: Yeah. All your objections on the
12 lineup, the Jackson v. Denno, the curative instruction on
13 comments of the gang, your directed verdict, all of those
14 were renewed by my comment there and you are protected on
15 those issues prior to the closing argument so...

16 MS. ZMROCZEK: Thank you. And I left the evidence -
17 I know that I left - I have evidence marked and those
18 were subject to the objections that weren't in but
19 obviously I don't want it sent back but just in the
20 record for later review like the gun pictures and things
21 that you ruled were irrelevant.

22 THE COURT: Yeah. They can come in.

23 MS. ZMROCZEK: They can come into the record but not
24 to the jury.

25 THE COURT: Yes. They would be not admitted

1 evidence.

2 MS. ZMROCZEK: Right. Thank you.

3 THE COURT: Okay. Be right back.

4 (Short break.)

5 THE COURT: All right. Bring the jury in.

6 (Whereupon, the jury entered the courtroom at 12:10
7 p.m.)

8 THE COURT: All right. Mr. Williams, ladies and
9 gentlemen of the jury, it is now time for me to give
10 y'all the instructions and so I'm going to read some of
11 them and I'll tell you some of them. I hope everybody
12 can hear me okay. We're good. Move down here and sit in
13 this chair down here. That puts you closest to me.

14 All right. Mr. Williams, and members of the jury,
15 the State of South Carolina has charged Gregory Lamont
16 Brooks with two crimes. The first is murder. The second
17 is possession of a weapon during the commission of a
18 violent crime. You will of course bear in mind that he's
19 pled not guilty and by that plea has denied all the
20 allegations in the two indictments.

21 And I tell you that Mr. Brooks comes into court
22 clothed with the presumption of innocence. This
23 presumption of innocence continues throughout the case
24 and entitles him to a verdict of not guilty unless and
25 until the State dispels that presumption by evidence

1 satisfying you, the group of jurors, beyond a reasonable
2 doubt that he is guilty of the offenses charged, and the
3 State must have proved each and every element of those
4 two crimes beyond a reasonable doubt. I'll define
5 reasonable doubt here in a few minutes.

6 Now, the same constitution and law which makes you,
7 the jury, the finders of the facts from the evidence, it
8 also allows me or instructs me that I am the sole and
9 only instructor of the law in this case. So you as a
10 group must accept the law as I am instructing it to you
11 here today applied to the evidence which you have
12 received in the court and then reach a unanimous verdict.

13 Now, I tell you that if I should make an error in my
14 instructions on the law, there's another time and another
15 place for that error to be considered and to be
16 corrected. But for our purposes here today you must
17 accept the law as I am giving it to you as it is my
18 understanding the law is handed done by the General
19 Assembly and the Supreme Court that the law that I am
20 instructing to you is the correct law of South Carolina.
21 So additionally I tell you that if you have an
22 understanding of what the law is and that disagrees or is
23 in conflict with the law as I am instructing here today,
24 you must disregard that conflicted law and accept the law
25 as I am instructing it. That was part of your oath early

1 on.

2 Now, in all criminal prosecutions in every state,
3 the State has the burden of proving the guilt of a
4 defendant accused beyond a reasonable doubt. The defense
5 has no burden whatsoever. As I have told you, a
6 defendant is presumed innocent and according to our
7 constitution the State must prove the elements through
8 the evidence beyond a reasonable doubt before a finding
9 of guilt may occur. If the State fails to meet that high
10 burden, then a verdict of not guilty is the proper
11 verdict.

12 Now, since you are the judges of the facts of this
13 case it is incumbent upon you to evaluate credibility of
14 the witnesses who have testified and the evidence which
15 has been received into the record. As judges of the
16 credibility, which in other words means believability,
17 you must evaluate the credibility of the witnesses who
18 testified.

19 Now, I tell you that there is different ways on
20 passing on credibility. You may use your common sense
21 and your life experiences that you each bring to court in
22 evaluating what is presented to you.

23 Now, in passing upon credibility I will note that
24 you may take into consideration things such as what was
25 the manner and appearance of the witness who testified?

1 How did they act on the witness stand? Were they
2 straightforward or hesitant in answering the questions
3 which were put forth to them? How did a witness come to
4 know the facts to which he or she testified? What was
5 the ability of a witness to recollect the facts to which
6 they testified? Is there some reason one witness would
7 want to give testimony which would help or hurt one side
8 or the other? In other words, was the witness biased or
9 prejudiced toward one side or the other in any way? You
10 can also consider the testimony of a witness was it
11 strengthened or weakened by other testimony or other
12 evidence? You may believe as much or as little of each
13 witness' testimony as you deem appropriate and proper.
14 You may believe the testimony of one witness against that
15 of many or just the opposite.

16 You may believe part of a witness' testimony and
17 disbelieve the rest.

18 The fact that testimony is not controverted does not
19 mean you must accept it as true and undisputed. You as a
20 group are still gauging the credibility of the testimony
21 and evidence which has been presented to you.

22 Now, during this trial we had several witnesses
23 qualified as experts in certain fields of expertise. You
24 may accept the testimony of the witness who, by education
25 and experience was an expert in some art, field or

1 science and those people may state opinions which may be
2 relevant and material to certain matters presented to you
3 during this trial. You may consider any expert's opinion
4 received just like any other evidence. You may give it
5 the weight you deem appropriate that you think it
6 deserves. You also may, if you decide that the opinion
7 is not based upon sufficient education and experience, or
8 if you conclude that the reasons in support of the
9 opinion are not sound, or if the opinion is outweighed by
10 other evidence, you may either accept the opinion or
11 disregard it depending on all the evidence but you may
12 consider the expert's testimony but I tell you you do not
13 have to accept an expert's opinion just because of the
14 fact they were qualified as an expert.

15 Now, as the sole fact finders, I say sole fact
16 finders, the jury is the sole fact finder but you 12,
17 once we pull the alternates out, you must consider the
18 evidence. And I observed you listening closely
19 throughout the trial. I tell you part of your job will
20 be weighing evidence. I tell you that weighing evidence
21 is entirely a mental process. You must weigh the
22 evidence using your good judgment and your common sense.

23 There are two types of evidence generally presented
24 during trial. In this trial there were two types. There
25 is direct evidence and there is also something called

1 circumstantial evidence.

2 Direct evidence is the testimony of a person who
3 claims to have actual knowledge of a certain fact such as
4 an eyewitness. They can claim what they saw, they heard,
5 smelled, that type of thing. Circumstantial evidence on
6 the other hand is proof of a chain of facts and
7 circumstances indicating the existence of another fact.
8 Our law makes no distinction between the weight or value
9 to be given to either direct or circumstantial evidence.
10 There is no greater degree of certainty required of
11 circumstantial evidence over direct evidence. However,
12 to the extent that the State relies upon circumstantial
13 evidence, all of the circumstances must be consistent
14 with one another and when taken together conclusively
15 point to the guilt of the accused beyond a reasonable
16 doubt. If these circumstances merely portray the
17 defendant's behavior as suspicious, then the State's
18 proof has failed. I tell you this: You should weigh all
19 of the evidence whether direct or circumstantial that's
20 been presented to you using your good judgment and common
21 sense and after weighing all of the evidence, if you are
22 not convinced of the guilt of the defendant, Mr. Brooks,
23 beyond a reasonable doubt, then you must find him not
24 guilty.

25 I told you I would define reasonable doubt.

1 Reasonable doubt is simply this: A reasonable doubt is
2 the kind of doubt that would cause a reasonable person to
3 hesitate to act. Reasonable doubt may arise from
4 evidence which is in this case or may arise from a lack
5 or absence of evidence in the case. Proof beyond a
6 reasonable doubt is proof that leaves you firmly
7 convinced of the defendant's guilt. It is a doubt to
8 which you can assign a reason, if assignment can be done
9 reasonably, firmly, and convincing.

10 Now, I charge you further that a defendant such as
11 Mr. Brooks is entitled to every reasonable doubt that may
12 arise in this case and what that means is if you have any
13 doubt about anything, that doubt should be resolved in
14 his favor. I tell you further, the very fact that you
15 have a full and free discussion of the issue of guilt or
16 innocence does not automatically create a reasonable
17 doubt. A reasonable doubt is just as I have defined.
18 You must be firmly convinced of his guilt.

19 Now, another element that's required in each crime
20 that must be proven by the State beyond a reasonable
21 doubt is criminal intent. Criminal intent is always a
22 matter that must be determined by the jury from the
23 circumstances surrounding the situation. There is no way
24 to prove intent to a mathematical certainty. There is no
25 way medical science can dissect a person's brain to

1 determine what a person had in mind, so our law states
2 that criminal intent may be inferred from the
3 circumstances shown to have existed both before and after
4 the fact. This is how you, the jury, must make a
5 determination as to whether or not an element requiring
6 intent was present. Criminal intent is a state of mind
7 that operates jointly with an act or omission in the
8 commission of a crime. Criminal intent is a mental state
9 of conscious wrongdoing so it is up to you, the jury, to
10 determine what the defendant intended to do based upon
11 the circumstances shown to have existed. I tell you that
12 the State must prove criminal intent beyond a reasonable
13 doubt just as it must prove the other elements beyond a
14 reasonable doubt. So each element is required to be
15 proved beyond a reasonable doubt.

16 Now, the specifics of the law in this case,
17 Mr. Brooks is charged with the offense of murder. In
18 order to sustain a conviction for murder the State must
19 prove beyond a reasonable doubt that he killed another
20 person with malice aforethought. Malice is hatred, ill
21 will, or hostility towards another person. It is the
22 intentional doing of a wrongful act without just cause or
23 excuse and with an intent to inflict an injury or under
24 circumstances that the law will infer as an evil intent.
25 Malice aforethought does not require that malice exists

1 for any particular amount of time but just before the act
2 is committed, but the malice must exist in the mind of
3 the defendant just before and at the time the act is
4 committed. Therefore, there must be a combination of the
5 evil intent and the act itself.

6 Malice aforethought may either be express or
7 inferred. The term "express" and "inferred" doesn't mean
8 the same thing and they don't mean there's different
9 kinds of malice but merely the manner in which the malice
10 may be shown to have existed. That is either by direct
11 evidence or by an inference from the facts and
12 circumstances which have been proven to your satisfaction
13 beyond a reasonable doubt. Express malice is shown when
14 a person speaks words which express hatred or ill will
15 towards another person or when a person prepares
16 beforehand to do an act which was later accomplished; for
17 example, lying in wait for a person or other acts of
18 preparation going to show that the deed was within the
19 defendant's mind would be an example of express malice.

20 Malice also may be inferred from conduct showing a
21 total disregard of human life. Inferred malice may also
22 rise when a deed is done by use of a deadly weapon. I
23 defined for you a deadly weapon is any article or
24 instrument which is likely to cause death or great bodily
25 harm. Whether an instrument has been used as a deadly

1 weapon depends upon the facts and circumstances of each
2 case. I tell you a gun or a knife or a weapon such as
3 that is an example of a deadly weapon.

4 I also tell you that if the State has failed to
5 prove beyond a reasonable doubt that the defendant
6 committed murder -- Let me go back to that. The State
7 must prove beyond a reasonable doubt all of the elements
8 of murder in order to sustain a conviction and that must
9 be done by beyond a reasonable doubt. But if you find
10 that the State did not prove murder beyond a reasonable
11 doubt, you may also then consider whether the State has
12 proved beyond a reasonable doubt that Mr. Brooks
13 committed the offense of voluntary manslaughter.

14 So included within the offense of murder is this
15 lesser offense of voluntary manslaughter. In order to
16 sustain a conviction for that offense the State must
17 prove beyond a reasonable doubt that Mr. Brooks took the
18 life of another in the sudden heat of passion based upon
19 sufficient legal provocation. Both heat of passion and
20 sufficient legal provocation must be present at the time
21 of the killing to constitute voluntary manslaughter.

22 Sudden heat of passion may, for a time, affect a
23 person's self-control and temporarily disturb that
24 person's reason. The sudden heat of passion but must be
25 the type that would make an ordinary person unable to

1 coolly reflect on his actions and producing an
2 uncontrollable impulse to do violence.

3 Sufficient legal provocation must be the type that
4 would make an ordinary person of ordinary reason and
5 caution become enraged and lose control temporarily. The
6 provocation needed for voluntary manslaughter must come
7 from some act or related to the victim.

8 Now, I tell you also that words alone no matter how
9 vulgar or insulting are not enough to support sufficient
10 legal provocation. When death is caused by use of a
11 deadly weapon, the words must be accompanied by some
12 overt, threatening act which could have produced this
13 heat of passion.

14 The exercise of a legal right, no matter how
15 offensive it is to another, is never sufficient legal
16 provocation for the offense of voluntary manslaughter.

17 I tell you that if the heat of passion had cooled,
18 or if there was enough time between the provocation, if
19 any, and the killing for the passion of a reasonable
20 person to cool, then the killing would not be voluntary
21 manslaughter. In deciding whether a reasonable person
22 would have had enough time to cool off, you should
23 consider all of the circumstances surrounding the
24 killing. You may consider the nature of the provocation,
25 if any, and the defendant's mental and physical state;

1 and the circumstances and relationships among all of the
2 parties.

3 Now, I also tell that you the defendant, Mr. Brooks,
4 is charged with the offense of possession of a weapon
5 during the commission of, or attempt to commit, a violent
6 crime. In order to sustain a conviction for that crime
7 the State must prove the defendant was in possession of a
8 firearm or visibly displayed what appeared to be a
9 firearm during the commission of a violent crime.

10 A firearm is defined as a machine gun, automatic
11 rifle, revolver, pistol, or any instrument which is
12 designed to expel a projectile.

13 In order to find the defendant guilty of possession
14 of a weapon in the commission of a violent crime, you
15 must first find him guilty of either committing a violent
16 crime or attempting to commit a violent crime. I tell
17 you that under code section 16-1 subsection 60, I
18 believe, that murder and voluntary manslaughter are
19 defined as violent crimes under our laws.

20 Now, lastly, I note for you and I know you have all
21 seen this, but Mr. Brooks has the constitutional right to
22 remain silent. It's a constitutional right afforded to
23 anyone and everyone accused of any crimes. I instruct
24 and emphasize to you that the fact that he chose to not
25 testify is a factor not to be considered by you in any

1 way during your deliberations. So the question of his
2 guilt or innocence of him must be determined by the
3 evidence presented to you. The very fact that he chose
4 to exercise his constitutional right to remain silent and
5 his assertion of this right must not be considered by you
6 in any way. You are to draw no conclusions whatsoever
7 from the fact that he chose to not testify and the very
8 fact that he chose to not testify should not even be
9 discussed in the jury room. As I stated to you, it is
10 required and incumbent because the State has the burden
11 of proving guilt beyond a reasonable doubt that the State
12 prove that and so the burden remains on the State to
13 prove that. It is not required that the defendant prove
14 his innocence.

15 Now, Mr. Williams, and members of the jury, as y'all
16 begin to retire to the jury room to begin your
17 deliberations, I hope each of you will be mindful of the
18 importance of your duty and responsibility here. You're
19 not required or called to serve as jurors very often.
20 You and I are both acting for the community and the
21 state.

22 It has been my job to make sure that this trial was
23 conducted fairly and within the laws of South Carolina
24 and that everyone was afforded fair rights. It is your
25 responsibility to make certain that your verdict is fair.

1 We are required to make certain that everybody receives
2 fair and impartial justice. You have got no enemies to
3 punish, no friends to reward. I'm not allowed to even
4 have an opinion as to the facts of this case so please
5 don't take anything I did or any rulings I made or
6 comments I made to the attorneys that I have an opinion
7 because our laws don't allow me to do that. I have the
8 job to apply the law as I know it and instruct you on the
9 law as I have. It is your job to make determinations of
10 fact as a group of 12 and it's not incumbent on me to
11 tell you how you should do your job. It's incumbent on
12 me to not tell you how to do your job and to instruct you
13 to do your job and make certain the verdict you reach is
14 fair and just for everyone concerned, and I'm certain
15 y'all will do that.

16 Now, I get to talk with the lawyers. When I send
17 you to the jury room, I get to talk to the lawyers to
18 make certain my instructions were consistent with our
19 prior discussions. They can make comments and say,
20 Judge, you glossed over this aspect of the law or that
21 aspect. Would you give additional instructions to that
22 end and I can decide whether or not I believe my
23 instructions were complete and sufficient. They get to
24 make comments momentarily on the record before you begin
25 your deliberations. So when I excuse you, you can't

1 begin your deliberations. What I can tell you is that
2 when the evidence is brought to you and the verdict form
3 will be on top of it, that's when you begin your
4 deliberations. Once you start, I want to pull the
5 alternates out. I'm certain they will go to lunch. But
6 the alternates won't be in the jury room. I'm gonna ask
7 they hang around in case there is a need for them so I'm
8 gonna keep them out here, let them eat their lunch or
9 maybe in another room back here.

10 I tell you this, I have given you some lengthy
11 instructions on the law. If there are any questions
12 about the elements of murder or voluntary manslaughter,
13 the definition of reasonable doubt, whatever the question
14 may be, write it down, hand it to Mr. Mills and he'll
15 give it to me. I'll discuss it with the attorneys and
16 we'll figure a way to either give you more instructions,
17 perhaps send you something in writing back, different
18 ways I can handle that. If you need to see the videos,
19 there's a computer in here that has very little - it's
20 kind of a courtroom computer. We can send it back there
21 and let y'all see it in the jury room. If you need to
22 hear testimony of any witness, Mr. LeBlanc made a
23 recording of the testimony and he can retrieve it but it
24 takes him a moment to cue it up so to speak so if you let
25 me know, we would like to hear the testimony of, and

1 describe whoever it was or whether it be a State's
2 witness or whatever and we'll try to cue it up for you.

3 When you do that, that's a good time to take a
4 break. We would like to hear the testimony of someone.
5 That's a real good time for y'all to take a break.

6 Now, once y'all start your deliberations, y'all are
7 in charge of when you take breaks and how long you work.
8 You don't have to ask the bailiff, can we have a break?
9 You get one. But the rule is this: If you need a break
10 and somebody wants to step in the bathroom or step
11 outside or whatever, you stop deliberating. Then wait
12 until everybody gets back together and then start back.
13 So you are on your time now, okay? So once you start,
14 y'all can work for an hour, take a break, step outside,
15 stretch your legs, come right back in, it's up to y'all.
16 You just have to let Mr. Mills know y'all are gonna take
17 a break. I will be somewhere in here, in the courtroom
18 or back there in my chambers nearby. So if you have a
19 question, write it down. You need further instructions,
20 let me know what it is. You want to hear testimony, tell
21 me what you want to hear. If you need a break, just tell
22 him and take a break. Aside from that y'all are working
23 on y'all's time. So I want everybody in the jury room
24 including my alternates and once we start deliberations,
25 I'll pull the alternates out and keep them in here, okay?

1 All right. Y'all step into the jury room.

2 (Whereupon, the jury entered the jury room at 12:35
3 p.m.)

4 THE COURT: All right. Any exceptions or additions
5 to the instructions?

6 MS. PATTERSON: Your Honor, we just have one on the
7 criminal intent. With regard to the conscious
8 wrongdoing, it's just my fear with all the discussion
9 about there being drinking and intoxication and things
10 like that that they're going to say that because someone
11 was intoxicated, they didn't have any conscious
12 wrongdoing.

13 THE COURT: Okay. That's my standard intent charge.
14 I have done it not in every case but when I do criminal
15 intent, that's the intent I give. This one. So I
16 understand but I think it's done every time just about.

17 MS. PATTERSON: Okay. I just want them to know
18 voluntary intoxication is no defense.

19 THE COURT: All right. I'll note that for the
20 record but I'm gonna leave it alone, okay? Ms. Zmroczek?

21 MS. ZMROCZEK: Thank you. All I need to do is make
22 sure that I renewed my Belcher position. I understand
23 what your ruling is. And you understand what my reading
24 of it is but I needed to renew that. But also, and I may
25 have missed this because, Judge, I try to pay attention.

1 but I didn't take my medication this morning. I think
2 that you covered the multiple charges, that they have to
3 consider each one separately, but then, and I'm sure you
4 must have told them their verdict must be unanimous.

5 THE COURT: Oh, yeah. Several times. I told them
6 early and late.

7 MS. ZMROCZEK: And then the last thing, Your Honor,
8 was I know that a lot of them were taking notes and I
9 thought you were going to address that on how they should
10 rely on their notes in the jury room, but I don't know
11 that we did that. I saw some taking notes during the
12 charge, too, and so I just thought if maybe we could
13 address just the notes part.

14 THE COURT: I agree with that. I did not put the
15 note taking in there. That was my omission. That was
16 not intentional but I like to give the note taking
17 instruction. It's very similar to the one I normally
18 give. Tell you what. Y'all inventory -- I want the
19 court's exhibit, whichever one that you numbered but
20 didn't get in, I want those pulled out.

21 MS. ZMROCZEK: I tried to keep pulling them out but
22 I'm gonna keep pulling them out to make sure. We had
23 that happen in Richland and they sent it back, evidence
24 that wasn't supposed to be.

25 THE COURT: Yeah. I don't want that to happen. All

1 right. Bring in the jury while they're doing that. They
2 can do that while they're in here. Y'all won't take but
3 one second.

4 (Whereupon, the jury entered the courtroom at 12:40
5 p.m.)

6 THE COURT: This won't take a second or a minute. I
7 did forget something. Don't tell anybody, but I told
8 everybody it was Jacob's fault but it was my fault. I
9 should know better. The notes that y'all have been
10 taking, I told y'all I would tell you about your notes
11 and how you can use them. All right. Not everybody took
12 notes. I told you it was optional and you can do it but
13 you didn't have to. It's your decision.

14 Now, here's the thing. Y'all as a group were taking
15 in the testimony, evidence and what not. Your notes are
16 your notes. The fact that, I'm going to point to this
17 one, didn't take notes and she listens does not make her
18 memory less than a note takers. A note taker's notes
19 don't trump a person that just listens memory of what
20 they heard, okay? Everybody heard and listened to each
21 part, but notes don't trump a person who doesn't have
22 notes. Y'all have to resolve this and have a unanimous
23 verdict no matter if it's written in somebody's notes or
24 not because some people write copious notes, some people
25 write occasional notes, some people didn't take notes.

1 It's all fine. But y'all need to resolve the question of
2 fact unanimously regardless of who took notes and who
3 just listened. Some people listen, watching the body
4 mannerisms and the way a person acted or whatever. It's
5 all collectively a jury decision. So if y'all get
6 something, and I remember the testimony being 1, 2, 3 and
7 somebody else says it's 2, 4, 6, y'all got to resolve
8 that. The notes don't resolve it. That's part of your
9 discussion. Your notes are for you. Your notes are for
10 you. And your notes are for you, all right?

11 So notes don't trump non notes. Nor do non notes
12 trump notes, all right? Now, y'all can pick someone to
13 grade notes. That's up to y'all. All right. They're
14 inventorying and making certain the evidence that we
15 admitted is all properly sitting here and as soon as we
16 get that we'll hand you the verdict form and let y'all
17 start deliberations. Ms. Frick, did you tell me lunch
18 was here?

19 THE CLERK: Yes, sir. It sure is.

20 THE COURT: So y'all go back and get your lunch and
21 we'll bring all this to you in a second and y'all can
22 start working when you're ready, okay?

23 (Whereupon, the jury entered the jury room at 12:45
24 p.m. and had lunch.)

25 (Whereupon, the verdict form and exhibits were sent

1 into the jury room and deliberations started at 1:10
2 p.m.)

3 * * * * *

4 (Questions sent out by the jury.)

5 THE COURT: All right. I went outside and walked
6 around a little bit after that awful plea. It had
7 nothing to do with this case. Those facts were bad.
8 Anyway, I walked around outside and got some fresh air.
9 I decided what I'm gonna do is kind of a combination of
10 what y'all suggested. I think voluntary intoxication
11 ought to be charged. I decided that downstairs. I
12 didn't realize y'all were gonna - one suggested it, one
13 objected to it I'm told.

14 MS. ZMROCZEK: That's correct, Your Honor.

15 THE COURT: I would like to bring the jury in and
16 say, look, you can consider all of the evidence in there,
17 your questions are, you know, consider the evidence
18 that's been presented to you either through testimony and
19 exhibits. Here's my entire charge as well. I have asked
20 about intoxication. Here is the law in South Carolina as
21 to voluntary intoxication. Hand it to Mr. Williams, ask
22 him if they have any further questions and then continue
23 deliberations. That's kind of my inclination.

24 MS. PATTERSON: That's fine with the State, Your
25 Honor.

1 MS. ZMROCZEK: Your Honor, and I understand that
2 that's what you intend to do. Just for the record I
3 would object just at this point to a charge of voluntary
4 intoxication. I know that they requested it prior.

5 THE COURT: Well, the State, I wasn't going to get
6 into it. Two of the three questions involved
7 intoxication and I think I have got to respond to it with
8 this is the law. I think I do because I was kind of on
9 the fence. I didn't want to confuse them. They have
10 asked the question that I wouldn't say that I anticipated
11 it but now that they have asked it, they have asked it
12 twice, I want to respond to it here is the law and kind
13 of clear that up for them or at least give them something
14 to work with. So do you see this is from the charge
15 book. This is the one that's off of my computer I
16 printed out. This is fine?

17 MS. ZMROCZEK: Okay. May I see it again, Your
18 Honor?

19 THE COURT: Sure.

20 MS. ZMROCZEK: I understand that's wording directly
21 from the charge book. But what my concern is, Your
22 Honor, is that there wasn't testimony presented of
23 specifically of Mr. Brooks' intoxication so that's what
24 my concern is. Do you see what I'm saying? And I
25 understand, I understand what their questions were, but

1 when I go back and - and I forget things often, but
2 I went back while he told me, you know, what they wanted
3 to ask and I was flipping through and flipping through
4 and there really wasn't testimony on the level or how
5 intoxicated Mr. Brooks was. So that's what my concern
6 is, is that it's a question on - or it's kind of a
7 comment on the facts saying, okay, well, yeah, he was
8 voluntarily intoxicated but there's really no facts in
9 evidence that's been presented that he was, or how
10 intoxicated he was or anything. And so -- Now, there was
11 about other witnesses but not about him so that's my
12 concern.

13 MS. PATTERSON: Your Honor, she specifically asked
14 two of her witnesses was everybody intoxicated and they
15 replied in the affirmative. They said they were and I
16 think even one of her witnesses talked about Gregory
17 Brooks even going to the bar getting him something to
18 drink. So, I mean, she put it out there for her
19 witnesses and they testified that everybody was
20 intoxicated. She even showed videos to even back that
21 up.

22 THE COURT: I think the consumption of alcohol,
23 there's not much reason to go to a nightclub after
24 midnight other than to socialize and whatever that
25 entails, whether it be dancing, talking, smoking,

1 drinking, whatever that entails and there was testimony
2 from every witness that was in there that they were doing
3 what entails going to a nightclub late at night. I think
4 it's fair game. It's a question of fact. The fact that
5 nobody said, well, I spoke to Mr. Brooks and that he
6 looked very intoxicated to me. No. That wasn't
7 testified to, but there's enough for the jury to consider
8 what was going on based upon the totality of the
9 testimony and the evidence. So that's what I'm going to
10 instruct. You're protected on the record though.

11 MS. ZMROCZEK: Thank you.

12 THE COURT: We're gonna bring them in here to answer
13 the questions and give them instructions and it will be
14 very brief.

15 (Whereupon, the jury entered the courtroom at 3:30
16 p.m.)

17 THE COURT: Mr. Williams, I'm going to send your
18 questions back with you but we're gonna mark them but we
19 need them. These are Court's exhibits now because y'all
20 wrote them and we need them because it's us kind of
21 communicating and so the purpose of making a good record,
22 they are part of the record so don't fold them up or wad
23 them up. I'll give them back to you. You've got very
24 nice handwriting. You do.

25 All right. Here's the thing. I'm going to give you

1 my entire instructions that I read to you and y'all can
2 peruse it and it defined the term malice and different
3 things but also I'm going to include with it an
4 instruction on voluntary intoxication.

5 Now, y'all got all the testimony and evidence that
6 y'all heard and the evidence which was on the table to
7 consider that issue. But voluntary intoxication says
8 that insanity caused by the use of drugs or alcohol may
9 be a defense if the insanity is permanent and destroys
10 the defendant's ability to know right from wrong.
11 However, when voluntary intoxication has not produced
12 permanent insanity, it is not a defense to a crime. A
13 person who voluntarily becomes intoxicated is just as
14 responsible for the acts committed while intoxicated as
15 when the person is not intoxicated.

16 That's going to be attached with my paper clip to
17 the end. Now, those are two of three questions. And
18 your third one was are we allowed to convict someone for
19 possession of a weapon. The State has accused him via
20 the indictment of possession of a weapon while committing
21 a violent crime. The violent crime was the murder or
22 voluntary manslaughter that they have got to prove. They
23 have got to prove both those beyond a reasonable doubt.
24 All the elements. And what they presented to you is the
25 testimony and the evidence that they presented to you and

1 that's what you get to consider, okay? All right. I'll
2 hand them to you and head back.

3 (Whereupon, the jury entered the jury room to
4 continue their deliberations at 3:33 p.m.)

5 (Whereupon, Court's Exhibits #1 through #12, and
6 #10A marked for identification.)

7 (Whereupon, verdict reached at 3:37 p.m.)

8 THE COURT: All right. Folks, I'm told that the
9 jury has reached a verdict. In any event, the jury has
10 worked very hard. They have listened very attentively
11 all week. The alternates have been very gracious and
12 stayed and waited with us back in the back. I don't want
13 -- This is a tragedy either way. I don't want anybody
14 showing emotion good or bad, bad or good whichever side
15 you're on, whoever you're hopeful for. I don't want to
16 insult this jury. They have done their job. Whatever
17 the verdict is is their verdict and I don't want them to
18 feel uncomfortable in knowing that 12 people have reached
19 a unanimous verdict so I caution everybody in the gallery
20 to withhold any emotional outbursts. If you can't, it's
21 a good time to leave right now. Because if you do, you
22 show outbursts, we'll deal with that as it comes. But
23 bring in the jury please.

24 (Whereupon, the jury entered the courtroom at 3:40
25 p.m.)

1 THE COURT: Mr. Williams, have y'all reached a
2 verdict?

3 MONROE WILLIAMS: Yes, Your Honor. We have.

4 THE COURT: Was your verdict unanimous?

5 MONROE WILLIAMS: Yes, sir. It was.

6 THE COURT: Please hand it to Mr. Mills.

7 (Verdict form handed to the bailiff and then handed
8 to the Court.)

9 THE COURT: All right. It appears to conform with
10 the verdict form. You may publish the verdict, Madam
11 Clerk.

12 THE CLERK: Indictment 2015-GS-32-1347 and 1349,
13 the matter of the State versus Gregory Lamont Brooks. We
14 the jury find as follows. Charge of murder, defendant
15 guilty. Possession of a weapon during a violent crime,
16 defendant guilty. And it's so signed by the foreperson
17 November 3rd, 2016. Mr. Foreman, ladies and gentlemen of
18 the jury, if this is your verdicts please indicate each
19 of you by raising your right hand.

20 (All jurors hands raised.)

21 THE CLERK: All hands raised, Your Honor.

22 THE COURT: All right. Ms. Zmroczek, anything
23 additional for the jury?

24 MS. ZMROCZEK: Yes, Your Honor. We would like them
25 individually polled please.

1 been struggling with in your life. He was not a bad
2 person. He was a good person. He was the kind of person
3 that would help elderly people get into a restaurant
4 before he would go in or help a friend if he needed
5 something. He would actually give you the shirt off his
6 back. So you would have liked him. He could have talked
7 to you about some things and I'm sorry that you didn't
8 give him that chance on February 2nd.

9 THE COURT: All right. What's the possession of a
10 weapon?

11 MS. PATTERSON: Zero to five years but in this
12 situation it can be run concurrent.

13 THE COURT: All right. Considering everything I
14 have heard, the sentence is 35 years and five years
15 running concurrently. I hope this brings closure for
16 everybody so everybody can begin to heal. He gets credit
17 for the days he's been held from April 23rd, 2014.

18 MS. ZMROCZEK: Thank you, Your Honor.

19 MS. PATTERSON: Thank you, Your Honor.

20 MR. BELL: Thank you, Judge.

21 WHEREUPON THE TRIAL CONCLUDED AT 5:00 P.M.

22

23

24

25

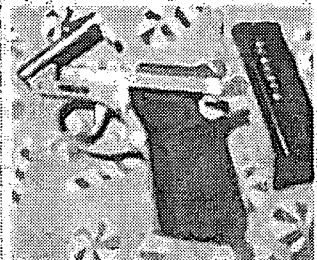
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EXHIBIT
 COURT 12#8
 11-3-16

DEFENDANT'S
 EXHIBIT
 #39 11-2-16

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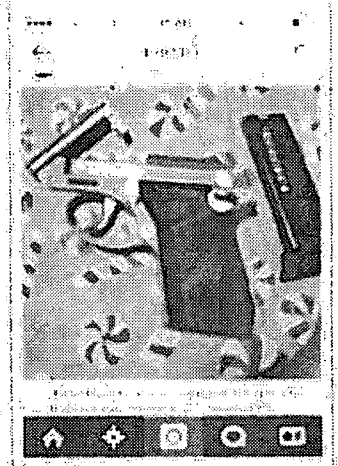


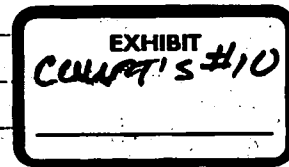
EXHIBIT
COWLEY'S #9
11-3-16

DEFENDANT'S
EXHIBIT
#40 11-2-16

① In regards to malice,

how do we consider inebriation/
intoxication w/ respect to
the state of mind?

Monroe Williams



② Are we able to consider
inebriation/intoxication if
we were not presented explicit
evidence indicating that
Gregory Brooks was under the
influence?

Monica Williams

EXHIBIT
Court's #11

③ Are we allowed to convict
someone of possession of a
deadly weapon without a
weapon?

Manuel W. ~~Stam~~

EXHIBIT
Court #12

WITNESSES

Lexington County Sheriffs Department

Sandra K. Black

Law Enforcement Case #: 14001846

RWP

ARREST WARRANT NUMBER

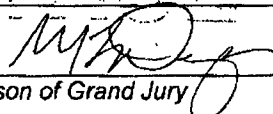
2014A3210200663

ACTION OF GRAND JURY

TELETYPE

Foreperson of Grand Jury

Date:



6/11/15

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015GS3201347

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Gregory Lamont Brooks

CDR #: 0549

Indictment for

**POSSESSION OF WEAPON DURING
COMMISSION OF A VIOLENT CRIME**

§ 16-23-0490

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
POSSESSION OF WEAPON DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That **Gregory Lamont Brooks** did in Lexington County, South Carolina on or about February 2, 2014 knowingly and willfully possess a firearm or display what appeared to be a firearm during the commission of a violent crime or attempted to commit a violent crime, to wit: Murder, such weapon described as a .22 caliber handgun in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Gregory Lamont Brooks)
 AKA: _____)
 Race: Black Sex: M Age: 23)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3201347
 A/W#: 2014A3210200663
 Date of Offense: 2/2/2014
 S.C. Code § : 16-23-0490
 CDR Code #: 0549

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or Lowd Act)

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

ATTEST: _____ 159169 _____ 7193
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 2015 GS 32 1349 Concurrent
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State
 Department of Corrections. Since April 23, 2014
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$

TOTAL \$125
 Clerk of Court/ Deputy Clerk Beth Carrigy
 Court Reporter: S. Lablanc
 SCCA217 (07/2016)

Appointed PD or appointed other counsel,
 § Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.
 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: 1-3-16

A TRUE COPY
 Lex. Co. C.C.P., G.S. & E.C.

WITNESSES

Lexington County Sheriffs Department

Sandra K. Black

Law Enforcement Case #: 14001846

RWP

ARREST WARRANT NUMBER

2014A3210200662

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:



6/11/15

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS3201349

**The State of South Carolina
County of Lexington**

COURT OF GENERAL SESSIONS

JUNE TERM 2015

**THE STATE
vs.**

Gregory Lamont Brooks

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
MURDER
§ 16-03-0010

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That **Gregory Lamont Brooks** did in Lexington County on or about February 2, 2014, willfully, feloniously, and with malice aforethought, either express or implied, shoot the victim, Brandon Ratliff and the victim died as a proximate result thereof, in violation of §16-3-10, Code of Laws of South Carolina, 1976, as amended.

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Gregory Lamont Brooks)
 AKA: _____)
 Race: Black Sex: M Age: 23)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)
 *CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3201349
 A/W#: 2014A3210200662
 Date of Offense: 2/2/2014
 S.C. Code § : 16-03-0010
 CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

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

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

ATTEST: _____ 15916 _____ 77193
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 35 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 15 GS 32-1347 Concurrent
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Since April 23, 2014

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred | Def. Waives Hearing | Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
 Payment Terms: _____ Obtain GLD
 Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/P Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (DUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$

TOTAL \$125

Clerk of Court/ Deputy Clerk Beth Carrig
 Court Reporter: S. Sablana
 SCCA/217 (07/2016)

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,
 §Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

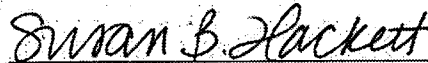
Presiding Judge J. Off
 Judge Code: 2154
 Sentence Date: 11-3-16

TRUE COPY
 Lex. Co. C.C.P., G.S. & P.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 9th day of May, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 9th day of May, 2018.

RECEIVED
MAY 09 2018
SC Court of Appeals