

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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S.C. SUPREME COURT

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

THE STATE,

RESPONDENT,

V.

MARCUS CHANNING JOHNSON,

APPELLANT

APPELLATE CASE NO 2017-000293

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF PICKENS	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 14-GS-39-0735 & 0736
	)	
Marcus Channing Johnson,	)	
	)	
Defendant.	)	

TRANSCRIPT OF HEARING

The within HEARING in the above-captioned matter was held February 10th, 2017, before The Honorable Eugene Griffith in Courtroom 4 of the Pickens County Courthouse in Pickens, South Carolina; attended by counsel as follows:

APPEARANCES:

Walt Wilkins, Solicitor
 Betty Strom, Deputy Solicitor
 ... Appearing for State of South Carolina

Mark McGuire, Esq.
 John Dejong, Public Defender
 ... Appearing for Defendant

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1 THE COURT: Call the case.

2 CLERK: This is Docket Number 2014-GS-
3 39-00735, the State versus Marcus Channing
4 Johnson, indicted for murder and the
5 possession of a weapon during the commission
6 of a violent crime. Docket Number 2014-GS-
7 39-0736, an indictment for conspiracy.

8 (WHEREUPON DEFENDANT SWORN)

9 THE COURT: Your name is Marcus
10 Channing Johnson?

11 DEFENDANT: Yes, sir.

12 THE COURT: I am going to publish the
13 indictments. The first indictment will be
14 14-GS-39-735 for murder and the possession of
15 a weapon during the commission of a violent
16 crime. It alleges in part that you, while in
17 Pickens County on the 26th day of January,
18 2014, did unlawfully and with malice afore-
19 thought kill one Shane Williams by shooting
20 him with a handgun; this being in violation
21 of provisions 16-3-10. It additionally
22 alleges that you, while in Pickens County on
23 the 26th day of January of '14, did possess or
24 display a handgun during the commission or
25 attempted commission of a violent crime,

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1 particularly the crime of murder; this being
2 in violation of the provisions of 16-23-490.

3 It is my understanding that these
4 indictments have been presented. Do you wish
5 to plead guilty on that indictment? Is that
6 right?

7 DEFENDANT: Yes, sir.

8 THE COURT: Also Indictment 14-GS-39-
9 0736, that indictment alleges conspiracy. It
10 alleges that you, while in Pickens County on
11 the 26th day of January 2014, did combine
12 unlawfully with one Crystal Williams for the
13 purpose of accomplishing an unlawful act,
14 particularly the act of murder; being in
15 violation of the provisions of 16-17-410.
16 It is my understanding that indictment has
17 been presented. Do you wish to plead on it
18 as well?

19 DEFENDANT: Yes, sir.

20 THE COURT: Mr. Johnson, you are
21 represented today by two lawyers.

22 Mr. McGuire, are you going to speak?

23 MR. MCGUIRE: Yes, Your Honor.

24 THE COURT: All right. You were
25 appointed on this case eighteen months ago,

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1 or better?

2 MR. MCGUIRE: Approximately. Yes, sir.

3 THE COURT: All right. Mr. McGuire,
4 you've explained to your client the elements
5 of the three offenses to which he is pleading
6 guilty and his punishment in great detail?

7 MR. MCGUIRE: I have, Your Honor,
8 (affirmative nod).

9 THE COURT: You've examined the
10 discovery provided to you by the State,
11 conducted a thorough investigation on your
12 client's behalf, consulted with the other co-
13 counsel and after having done so, do you have
14 a belief that if he were to go to trial that
15 more probably than not he would be convicted?

16 MR. MCGUIRE: Yes, sir.

17 THE COURT: Considering the discussions
18 that y'all have had, do you believe this plea
19 to be in your client's best interest?

20 MR. MCGUIRE: It is, Your Honor.

21 THE COURT: Mr. Johnson, you have
22 already been placed under oath by our Clerk
23 of Court.

24 DEFENDANT: Yes, sir.

25 THE COURT: I ask you, in the last

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1 twenty-four hours have you taken any alcohol,
2 drugs or any type of medication(s)?

3 DEFENDANT: I took some medication this
4 morning but I don't know if that affects
5 anything or not.

6 THE COURT: What type of medication did
7 you take?

8 DEFENDANT: Blood pressure medicine and
9 ---

10 THE COURT: Prescribed by the nurse or
11 doctor at your local facility?

12 DEFENDANT: Yes, sir.

13 THE COURT: Do you feel okay right now?

14 DEFENDANT: Yes, sir.

15 THE COURT: Are you clear-headed right
16 now?

17 DEFENDANT: Yes.

18 THE COURT: Do you suffer any
19 disabilities which would affect your
20 understanding of why you're here and what
21 you're pleading guilty to?

22 DEFENDANT: No, sir.

23 THE COURT: Now, I've been presented
24 some documents before this plea and it shows,
25 and I believe that Mr. McGuire went over it

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1 with you, but especially an affidavit of
2 plea. I'm going to ask you some similar
3 questions to the ones that are in there.

4 If you were to enter a plea of not
5 guilty, that's more or less asking for a jury
6 trial. When you ask for a jury trial, you
7 place the State with the burden of proving
8 your guilt beyond a reasonable doubt.

9 You understand that in a trial you don't
10 have to prove anything or disprove anything.
11 The State would not be allowed to call you as
12 a witness in their case in chief.

13 The State would have to call witnesses
14 and present evidence for the jury to consider
15 the issue of your guilt or innocence. When
16 they call those witnesses and present
17 evidence, your attorneys are allowed to
18 cross-examine those witnesses; they are
19 allowed to challenge the introduction of
20 evidence against you if there are objections
21 to those.

22 Your attorneys are also allowed to
23 present defenses you may have to these
24 charges. All along, you don't have to
25 testify. You could remain silent at the

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1 counsel table. The State would not be
2 allowed to comment in front of the jury in
3 any way about you not testifying, if you
4 chose not to testify.

5 Now, you'd have an opportunity to testify
6 in your portion of the case, in the defense
7 portion of the case. But you're not required
8 to. That would be your decision with the
9 advice of counsel, of your attorneys.

10 Now, you understand your rights to defend
11 these charges before a jury of your peers?

12 DEFENDANT: Yes, sir.

13 THE COURT: Understanding those rights,
14 is it your decision today to waive those
15 rights and to not defend yourself against
16 these charges that I have just published a
17 moment ago? The three charges? Are you
18 waiving those rights?

19 DEFENDANT: Yes, sir.

20 THE COURT: Now, you have had very
21 competent attorneys giving you advice
22 throughout this process, that I'm aware of
23 because I've been involved and was appointed
24 on the case with -- about two years ago, so
25 I've been involved with some of the status

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1 conferences regarding some of the issues that
2 would have come up during a trial. I'm aware
3 that your attorneys have been working with
4 you, counseling with you.

5 Are you comfortable today waiving your
6 rights to defend yourself at trial after
7 having had sufficient time to speak to your
8 lawyers?

9 DEFENDANT: Yes, sir.

10 THE COURT: And you're waiving those
11 rights to defend yourself at trial freely and
12 voluntarily?

13 DEFENDANT: Yes, sir.

14 THE COURT: All right. Solicitor
15 Wilkins or Ms. Storm?

16 SOLICITOR WILKINS: Your Honor, I am
17 going to do the recitation of facts on behalf
18 of the State.

19 THE COURT: Give me the facts.

20 SOLICITOR WILKINS: Thank you, Your
21 Honor, may it please the Court. As you know,
22 this case was originally a death penalty case
23 and we'd noticed the defendant back in 2014.
24 You were subsequently assigned the case.

25 We are now seeking life imprisonment

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1 against this defendant. That is what our
2 position is going to be, and we're going to
3 be asking you for that.

4 The facts that we would prove at trial,
5 Your Honor, would be that on or around
6 January 26th, 2014, at approximately 3:45 in
7 the morning, in Pickens County, a 911 call
8 was received from a Crystal Williams.
9 Crystal Williams is a codefendant in this
10 case that has previously pled guilty and
11 received a life sentence.

12 At that time on that day in 2014, she
13 advised that her husband got up, went to the
14 living room to put firewood in the wood
15 burning stove in order for the house to be
16 heated for that morning. She heard gunshots
17 and goes into the living room to find him
18 lying on the living room floor.

19 The victim's ten-year-old son also came
20 out after hearing the gunshots and saw his
21 father dying there, laying on the floor.

22 The Pickens County Sheriff's Office began
23 their investigation and it was revealed via
24 phone records that this defendant, Marcus
25 Channing Johnson, and the victim's wife, the

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1 codefendant Crystal Williams, had been
2 talking via text messages. They were using a
3 particular app called Kik (kick), which is a
4 communication app that attempts to destroy
5 the communication after it is received by the
6 recipient. But law enforcement was able to
7 recover a number of those communications
8 between Crystal Williams and Marcus Johnson.

9 It was determined from these
10 communications that Marcus Johnson and
11 Crystal Williams were involved in a personal
12 relationship and that they had been planning
13 this murder of the victim, Shane Williams.

14 Crystal Williams and Marcus Johnson had
15 known each other from junior high school, had
16 reconnected about two to three years before
17 this particular murder.

18 Law enforcement confronted Crystal
19 Williams. She gave a statement and she
20 ultimately confessed to planning the murder
21 along with codefendant, Marcus Johnson. She
22 admitted that she had on several occasions
23 had conversations with him, talking about
24 killing the victim, Shane Williams, and
25 splitting the insurance policies with him.

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1 She stated that the defendant, Marcus
2 Johnson, had sent her several photos of gun,
3 including one which he said that he would
4 use.

5 She stated that after birthday cake for
6 the victim that she and her then husband and
7 ten-year-old son went to the living room to
8 watch TV. Once her son fell asleep, he was
9 told to go to bed. The victim went to bed
10 about 10:30 or 11:00 that night.

11 According to Crystal, Shane went to the
12 bedroom and she began communicating with the
13 Defendant, Marcus Johnson, via that same app,
14 the Kik app, to discuss what time he would
15 come over to the house. Marcus was to notify
16 -- Marcus Johnson was to notify Crystal when
17 he arrived.

18 Once he arrived, Crystal let him into the
19 house. Marcus Johnson was wearing all
20 black, including gloves. She even told them
21 that their child was in the back bedroom
22 asleep. According to her statement, she told
23 the Defendant that she was scared and he
24 responded, "God damn, come on man. Let's
25 go." He told her to go wake Shane up.

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1 Crystal woke Shane up, told him that the
2 firewood -- that the fire stove needed more
3 wood to warm up the house.

4 Shane went out to get the wood and she
5 heard the gunshots. She remembers hearing
6 Shane yell "no", and then remembers hearing
7 one more shot.

8 She goes out to the living room, then
9 calls 911, explaining to 911 that her husband
10 had just been shot.

11 Based on her statement, law enforcement
12 obtained search warrants of the defendant's
13 house. On or about February 5th of 2014,
14 officers of the Pickens County Sheriff's
15 Office went to his house, took him into
16 custody and executed the search warrant.
17 They discovered a Rossi .357 under the
18 mattress in his bedroom. They also recovered
19 boxes of ammunition consistent with those
20 found at the crime scene and during the
21 autopsy.

22 The Defendant, after being advised of his
23 rights, admitted to law enforcement that he
24 was involved in the killing of Shane
25 Williams.

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1 He gave a statement to law enforcement.

2 He told them that he knew Crystal from years
3 ago, in middle school and high school. He
4 had known the victim, Shane Williams, for
5 five to six years.

6 He stated that back in October of 2013,
7 Crystal got in touch with him and they
8 discussed the murder of Shane Williams.
9 According to the Defendant, these discussions
10 started back in October. Crystal Williams
11 advised the Defendant that there was an
12 insurance policy and they would split it
13 fifty-fifty.

14 According to Marcus Johnson she contacted
15 him again, in January 2014, to discuss the
16 murder of Shane Williams.

17 Also there was some sort of relationship
18 going on where she would send him nude
19 pictures, to the Defendant, while this was
20 going on.

21 She again contacted him that Sunday
22 morning, January 26th, 2014, telling him that
23 if he were going to do, "Let's go ahead and
24 do it, hurry up and let's go."

25 They arranged that he would pull up in

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1 the driveway and that she would let him in.
2 She did let him in and they talked briefly in
3 the kitchen. Crystal then went to the
4 bedroom and a few seconds later, Shane came
5 out and went on the porch to get the wood;
6 which was consistent with her statement as
7 well. He put the wood on the fire, then
8 stood up and turned toward the Defendant and
9 he began he began to fire the gun. He said
10 that he emptied the gun as he was walking
11 towards the door of their house.

12 When asked about the gun, he stated that
13 it was the only gun that he had bought, and
14 he'd had for over a year, from a friend.
15 However, we determined that not to be true.
16 On the very day that they were interviewing
17 the Defendant, Marcus Johnson, about the
18 murder, an individual came to the Sheriff's
19 Office asking to speak to someone. He
20 advised Detective Chuck James that several
21 months earlier that Marcus Johnson had posted
22 something on Facebook about wanting to
23 purchase a small caliber handgun. This
24 friend responded that he had some weapons to
25 sell. They had conversations via Facebook in

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1 November of 2013 about buying a .357. On
2 December 31st, the Defendant contacted this
3 individual via Facebook, basically saying
4 'Hey, sorry I didn't get to you on that.
5 Call tomorrow. I need something quiet, like
6 a silencer. You get my drift?' The friend
7 did not respond.

8 Then, again, on January the 4th Marcus
9 Johnson contacted him stating, 'I still want
10 that .357.'

11 Marcus Johnson contacted his friend again
12 on the 10th of January 2014 about the gun.

13 On January 24th, he contacted the friend
14 saying that he had the money.

15 He contacted him again on the 25th where
16 they arranged to meet and do the purchase.
17 They met at approximately 11:00 p.m. on the
18 25th and actually the Defendant did purchase
19 the gun from this individual, just a few
20 hours before he actually shot and killed
21 Shane Williams.

22 The forensic investigation revealed that
23 the victim was shot about five times, shot at
24 five times and he was hit three times: Once
25 on the right side of the abdomen where the

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1 projectile exited the left side of the
2 abdomen.

3 He was also shot in the right shoulder,
4 the projectile traveling downward and
5 recovered in the body.

6 He was also shot in the upper left arm
7 and this exited his arm.

8 Your Honor, just briefly those are the
9 major facts from the State's position. There
10 are a couple of things that I really want to
11 highlight that we'd ask that you take into
12 consideration when determining a sentence:

13 First and foremost, the Defendant was
14 instrumental in this murder. He is the one
15 who made continuous contacts about the
16 purchase of the gun that killed Shane
17 Williams.

18 He'd known Shane Williams for years. He
19 lie in wait as he came out of his bedroom and
20 ambushed him while he was completely helpless
21 and unaware of what was going on, in order to
22 get fifty percent of some insurance proceeds.

23 Now, Crystal Williams has taken
24 responsibility for her actions and she is
25 doing a life sentence in the Department of

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1 Corrections. She is the one who wanted him
2 killed, however she wasn't going to do it
3 herself. But for Marcus Johnson, this murder
4 never would have happened.

5 Your Honor, he had multiple opportunities
6 and times to walk away from this murder. In
7 October he started looking for a gun, months
8 before this murder. He could have decided
9 not to purchase a gun. He could have decided
10 not to drive over to that house. At least
11 six, seven, eight, nine, ten times he could
12 have withdrawn from this agreement, these
13 conversations, and Shane Williams would still
14 be here today, but for his actions.

15 Your Honor, I ask you to take all that
16 into consideration and take into
17 consideration the fact that we are asking for
18 a life sentence for the Defendant, Marcus
19 Johnson.

20 That's all that we have, Your Honor.

21 THE COURT: All right. Mr. Johnson,
22 the summary of the facts provided by
23 Solicitor Wilkins, are those facts accurate
24 as to your participation in committing these
25 three offenses?

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1 DEFENDANT: Yes, sir.

2 THE COURT: My understanding of the
3 negotiations in this case is that originally
4 the State noticed the death penalty as a
5 potential trial to Mr. Johnson. Is that
6 true, Mr. McGuire?

7 MR. MCGUIRE: That's true.

8 THE COURT: And as a result of these
9 plea negotiations, the plea is straight up
10 to all three charges and the Court imposes
11 whatever sentence, within the range, thirty
12 years to life.

13 MR. MCGUIRE: That's correct.

14 THE COURT: If the Court deems
15 appropriate, the minimum thirty years would
16 be day-for-day and not the eighty-five
17 percent of thirty?

18 MR. MCGUIRE: That's true.

19 THE COURT: Were there any other
20 negotiations other than taking the death
21 penalty off the table?

22 MR. MCGUIRE: No, sir. It's a straight
23 up plea.

24 THE COURT: Mr. Johnson, the same
25 question to you. Were you promised anything

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1 else other than not facing a jury and a
2 potential death penalty to get you to plead
3 guilty?

4 DEFENDANT: No, sir.

5 THE COURT: Have you been threatened or
6 coerced by anyone to get you to plead guilty?

7 DEFENDANT: No, sir.

8 THE COURT: Do you understand -- I'm
9 certain your attorneys have explained to you
10 that the conviction for murder would be a
11 Most Serious conviction?

12 DEFENDANT: Yes, sir.

13 THE COURT: It's called a strike.
14 There are Serious and Most Serious
15 convictions but on accepting the plea of
16 murder you'd have classified on your record a
17 Most Serious conviction. You're facing life
18 today on that plea. If you don't get life
19 and get something else and were ever
20 released, that conviction for a Most Serious
21 could be used against you in the future. Do
22 you understand that?

23 DEFENDANT: Yes, sir.

24 THE COURT: Two Most Serious
25 convictions and the State again could place

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1 you under notice of a life without parole
2 sentence if that were to come to pass. Do
3 you understand?

4 DEFENDANT: Yes, sir.

5 THE COURT: Additionally, by accepting
6 that plea for murder you'll be classified a
7 Violent offender at the Department of
8 Corrections. As a violent offender you are
9 not entitled to the programs that nonviolent
10 offenders are entitled to. Do you understand
11 that?

12 DEFENDANT: Yes, sir.

13 THE COURT: Understanding your
14 classification as a violent offender and the
15 classification of the murder charge being a
16 Most Serious offense, are you still wanting
17 to plead guilty here today?

18 DEFENDANT: Yes, sir.

19 THE COURT: All right. I am going to
20 go to the affidavit of plea. Mr. McGuire,
21 when did y'all fill that out?

22 MR. MCGUIRE: Approximately two weeks
23 ago. I thought that it was dated.

24 THE COURT: Maybe I just didn't see it.

25 MR. MCGUIRE: No, we neglected to date

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1 it. It was approximately two weeks ago. I
2 have the original to be filed with the clerk
3 of court.

4 THE COURT: All right. Mr. Johnson,
5 this affidavit of guilty plea. It appears
6 that I have a copy, or is it an original
7 also?

8 MR. MCGUIRE: You've got a high-quality
9 color copy.

10 THE COURT: Color copy. The original
11 is in your ---

12 MR. MCGUIRE: It's in my hands.

13 THE COURT: This affidavit of plea, Mr.
14 Johnson, has several sections asking similar
15 questions to the ones that I have asked you
16 today about your understanding of your right
17 to defend yourself at trial, your ability to
18 understand what you're doing, the nature of
19 the charges against you, future consequences,
20 and the voluntariness of you being here
21 today, the factual basis that we've heard
22 from the State. It is nine pages and it
23 appears that you initialed each question
24 after answering. Have you had a chance to
25 review that statement that Mr. McGuire has in

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1 his hand?

2 DEFENDANT: Yes, sir.

3 THE COURT: Did he go over that with
4 you?

5 DEFENDANT: Yes, sir.

6 THE COURT: Did you understand what you
7 were doing when you answered those questions
8 some ten days to two weeks ago?

9 DEFENDANT: Yes.

10 THE COURT: Whenever it was.

11 DEFENDANT: Yes.

12 THE COURT: Were you clear-headed that
13 day?

14 DEFENDANT: Yes, sir.

15 THE COURT: On that day were your
16 answers truthful and correct?

17 DEFENDANT: Yes, sir.

18 THE COURT: Did anybody make you sign
19 that document?

20 DEFENDANT: No, sir.

21 THE COURT: Did you sign it freely and
22 voluntarily?

23 DEFENDANT: Yes, sir.

24 THE COURT: Did anyone coerce you or
25 threaten you in any manner whatsoever to get

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1 you to make those answers out of fear?

2 DEFENDANT: No, sir.

3 THE COURT: Do you have an objection to
4 the court accepting that plea affidavit into
5 the record so that it also -- I won't say it
6 duplicates that it has very similar questions
7 to the ones that I have asked you today
8 during this plea. That questionnaire asks
9 very similar questions, goes over the same
10 factual basis. Can we make that part of this
11 record?

12 DEFENDANT: Yes, sir.

13 THE COURT: And when you signed that
14 had you had ample time to speak with all of
15 your attorneys? I think that you've had
16 three. Mr. Dejong and Mr. McGuire have been
17 the two lead guys but I think Mr. Gordsen
18 (phonetic) assisted also.

19 MR. MCGUIRE: That's true, Your Honor.

20 THE COURT: Mr. Gordsen is not ---

21 MR. MCGUIRE: He is not present today.

22 THE COURT: I happen to know Mr.

23 Gordsen because he worked in the circuit in
24 my home counties -- years ago. Anyway, have
25 you had enough time to speak to all of your

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1 lawyers, or any one of them individually, so
2 that you understand what you're doing here
3 today?

4 DEFENDANT: Yes, sir.

5 THE COURT: Are you satisfied that
6 you've understood the advice of counsel that
7 they have given you?

8 DEFENDANT: Yes, sir.

9 THE COURT: Are you satisfied with the
10 advice of counsel that they gave you?

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you need any more time
13 with any of them before we go forward today?

14 DEFENDANT: No.

15 THE COURT: Any questions that they
16 need to answer about anything that I've
17 brought up here today?

18 DEFENDANT: No, sir.

19 THE COURT: Any complaints against the
20 13th Circuit Solicitor's Office or the Pickens
21 County Sheriff's Office?

22 DEFENDANT: No, sir.

23 THE COURT: Law enforcement involved in
24 the investigation or the Solicitor's office
25 in the prosecution of these charges, any

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1 complaints?

2 DEFENDANT: No, sir.

3 THE COURT: Are you pleading guilty to
4 these three offenses -- murder, possession of
5 a weapon during the commission of a violent
6 crime, and conspiracy -- today freely and
7 voluntarily?

8 DEFENDANT: Yes, sir.

9 THE COURT: Are you pleading guilty on
10 those three offenses because you are in fact
11 guilty of committing them?

12 DEFENDANT: Yes, sir.

13 THE COURT: Checking to see if I have
14 forgotten anything.

15 MS. STORM: Judge, I don't know if you
16 go over the right to appeal at this time or
17 at the end.

18 THE COURT: That's good. Let's do that
19 now. That's an excellent suggestion and I
20 should do that.

21 Mr. Johnson, I want to advise you of
22 this, that once I accept the plea, you have a
23 limited number of days during which time you
24 can file a notice of intent to appeal, to
25 appeal any potential matters that you feel

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1 have not been conducted properly or within
2 the rules of the Court. Your days are
3 limited after the court accepts this plea,
4 during which time you can file that notice of
5 intent to appeal. Do you understand that?

6 DEFENDANT: Yes, sir.

7 THE COURT: And it's ten days?

8 MR. MCGUIRE: It is ten days, Your Honor.
9 And just for the record, that information is
10 also contained in the affidavit of plea.

11 THE COURT: Excellent. So you've been
12 advised twice, ten days to two weeks ago and
13 again here today on the record.

14 DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that?

16 DEFENDANT: Yes, sir.

17 THE COURT: Very well. Regarding 14-
18 GS-39-0735 and 0736, I find that Marcus
19 Channing Johnson has made a free, knowingly
20 and intelligent guilty plea to the offenses
21 of murder, possession of a weapon during the
22 commission of a violent crime and conspiracy.
23 He has entered all three of these pleas with
24 the advice of counsel, competent attorneys,
25 with whom -- he has said under oath -- he's

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1 said that he has understood those conver-
2 sations and that they have answered all of
3 his questions. He has stated that he is
4 satisfied with the advice of counsel that
5 they have provided to him.

6 The court also finds that the State has
7 provided an ample factual basis upon which to
8 base these pleas.

9 And Mr. Johnson has been advised of the
10 limited number of days during which he can
11 file a notice of intent to appeal.

12 MS. STORM: Your Honor, one thing just
13 to clarify the record, if I may. I know that
14 it is contained in the indictment, I know it
15 -- by the fact that the Pickens County
16 Sheriff's Office investigated it, but the
17 home actually was in Pickens County. The
18 event did occur in Pickens County. I just
19 wanted to make that clarification as far the
20 factual recitation.

21 THE COURT: And we've had that in the
22 allocution and in the indictments when I
23 published them also. Is there any question
24 about the jurisdiction of Pickens County?

25 MR. MCGUIRE: No, sir.

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1 THE COURT: All right, I want to hear
2 from the victims. I want to hear any
3 witnesses regarding mitigation. Upon hearing
4 those, then I will accept the plea.

5 MR. MCGUIRE: Yes, sir.

6 THE COURT: That is the only thing that
7 I haven't done. I haven't accepted the
8 pleas.

9 MR. MCGUIRE: Your Honor, we have Michael
10 Williams who is here and would like to
11 address the court.

12 MICHAEL WILLIAMS: Your Honor, I am the
13 father of the deceased, Shane Williams. Two
14 years ago, on January the 26th, 2014, our son
15 was taken from us by a selfish act of greed.
16 The date after this was his 38th birthday.

17 Shane was a good Christian man who would
18 not hurt anybody and he was loved by
19 everyone.

20 They did not care that they took his
21 life, nor did they care that they took a
22 father from a young son, left to grow up
23 without the guidance that only a father can
24 give his children.

25 The family of Shane will miss him every

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1 day. It has left a void in our lives that
2 will never be filled.

3 THE COURT: Thank you, Mr. Williams.
4 Anything else, Solicitor?

5 SOLICITOR WILKINS: Nothing from the
6 State at this point, Your Honor.

7 THE COURT: Mr. McGuire?

8 MR. MCGUIRE: Thank you, Your Honor.
9 We have presented the bulk of our information
10 in our sentencing memoranda, which I will
11 file as an exhibit with the Clerk of Court.

12 What I am going to tell you about Marcus
13 and about this case is that -- normally a
14 lawyer gets involved in a case and as you go
15 along investigating the case, you learn more
16 about the case and it begins to make more and
17 more sense. I would have to say that this is
18 probably the only case that I have been
19 involved in that the more that I learn the
20 less and less sense it made.

21 By all accounts in our investigation
22 Shane Williams was a very good man.
23 Everybody has a good word for Mr. Williams.

24 Likewise, everybody that we have talked
25 to about Marcus Johnson always had a good

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1 word for him. Whether it be prior employers.
2 that had great trust in him, people who
3 benefits from many acts of selflessness and
4 kindness from him. He was a person who
5 wanted to be liked and liked people. This
6 act is completely out of character. It was
7 an aberrant act and it truly is not who he
8 is.

9 I would have to say that this is probably
10 the only case that I've been involved in
11 where that has been the course of the
12 investigation, that it makes less and less
13 sense.

14 Marcus is loved by many, many people. I
15 will read a short statement from his mother,
16 Genevieve Johnson. She is here and she
17 didn't want to speak in front of the court,
18 but I want to read her words for her,
19 (reading):

20 "I love my son Marcus. My heart is
21 breaking. I also to say that my heart goes
22 out to the Williams family. I am so sorry
23 for your loss. Our families have known each
24 other for a long time. I never thought
25 anything like this would ever happen. I pray

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1 that God will be with you each and every day.
2 Genevieve Johnson."

3 Several people are here to speak on
4 behalf of Marcus. I think what you're going
5 to hear through their words is the common
6 theme of Marcus being a good and helpful
7 person. You're going to left at the end of
8 this that 'this doesn't make sense.'

9 But what does make sense is the fact that
10 there was a confluence of factors that
11 brought Marcus to this point. And how he got
12 moved to this point still shocks me every day
13 as I've gotten to know Marcus. But we've
14 presented information, neuropsychological
15 testing. I contemplated having Dr. Brawlee
16 (phonetic) here, but it doesn't take a whole
17 lot of expertise to explain the phrase "first
18 percentile." His scores are low.

19 I think Crystal knew that she could take
20 advantage of Marcus. Not just based on that
21 information manifested by the first
22 psychological testing but also sort of his
23 general character of wanting to be liked.
24 Crystal Williams, there is no doubt in my
25 mind, lied to and misled Marcus. When he

1 acted, he acted under misbeliefs. I think
2 she knew that he repeated several grades and
3 was considered a little "slow" in school.

4 Based on our investigation into Crystal
5 and kind of who she was as a person,
6 including a statement from an inmate, there
7 is no doubt in my mind that she had no
8 intention of ever having any kind of
9 relationship with Marcus, though she led him
10 on in that regard. I mean, coming out of
11 Crystal Williams' own mouth was, "That stupid
12 (n-word) fell for it and he's going to go to
13 prison for executing my plan."

14 Marcus could have said no; like Mr.
15 Wilkins said, there is no doubt about that.
16 He didn't, and that surprises me every day.

17 Right now I know that several people
18 would like to address the court. It would
19 probably be appropriate if Kermit, his
20 brother, would speak first.

21 KERMIT JOHNSON: Your Honor, I am
22 Marcus' brother. I understand that ---

23 THE COURT: Just so that I've got in on
24 the record -- my court reporter is trying to
25 make eye contact with you. If she can see

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1 you, she'll be able to hear you better. Tell
2 me name first.

3 KERMIT JOHNSON: Kermit Johnson. Your
4 Honor, being Marcus' older brother, I know
5 him to be a good person. I understand that
6 he that he is pleading guilty to murder. I
7 hope that this doesn't define him, it
8 certainly isn't the individual that I grew up
9 with and tried to teach life lessons being
10 his older brother.

11 Marcus has made some great choices and
12 some not-so-great choices throughout his
13 life.

14 I know Marcus is someone who has always
15 tried to help those around him. I remember
16 one time my truck was broke and he stopped
17 what he was doing to diagnose the issue, to
18 help me fix it. The next day while I was at
19 work, he bought the part when he left work
20 and when I got home he was already working on
21 putting my truck back together.

22 He bought a wrecked car once that he was
23 going to fix, but he actually let me have it
24 and helped me fix it. He had a knack for
25 fixing things.

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1 It was always easier for Marcus to learn
2 by watching and observing someone do
3 something. I remember when he fixed my
4 aunt's VCR when I thought it was ready for
5 the dump. He could fix TVs, hook up stereos
6 in cars. He learned his way around cars as a
7 teenager. This knowledge was helpful to
8 several individuals. He would help different
9 people fix their vehicles, that he barely
10 knew sometimes. He would change oil or put
11 on brakes on the vehicles of family members
12 and friends to help them. His friends would
13 come by the house with car issues for him to
14 look at, and he was always willing to lend
15 them a hand.

16 Marcus was a natural operating heavy
17 equipment. He would get jobs with no formal
18 training or real experience other than what
19 he got from our uncle. He drove large
20 articulated trucks out of the quarry pits
21 with bulk materials. He and my uncle graded
22 my driveway and the front part of my property
23 for free when my wife and I built our house.
24 All I did was ask him and he did it.

25 I loved to hear all about the car shows

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1 that he and his friends visited throughout
2 the years, traveling up to Tennessee and
3 other places. He made it his business to
4 always know the latest car and truck trends.

5 School was a place that Marcus didn't do
6 well academically. I believe that he dropped
7 out in the tenth grade. He did try sports
8 and attempted to improve his attitude toward
9 school. He tried his hand at football and
10 was a good player. He even received a letter
11 from Stanley Morgan, a former NFL player.

12 I tried to encourage him by picking him
13 up and bringing him back to college with me
14 for the weekends and on occasions. I did
15 this after school as well. I usually would
16 show him around campus and introduce him to
17 some of my friends, and on Sundays we would
18 go to church together.

19 In our daily lives we struggled with the
20 flesh. The spirit is good and willing,
21 although it constantly wars with the flesh.
22 All our lives are made up of the choices that
23 we make every day. Some individuals make
24 excellent choices, some individuals make
25 terrible choices. I believe that at

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1 different times in our lives that if we get
2 out of the will of God, we end up making
3 fleshly decisions that lead to sin. At some
4 point the Marcus I know, and still know, my
5 brother, the one dancing up a storm at my
6 wedding reception, helping others, working
7 hard, helping himself do better, accomplish-
8 ing his dreams, laughing, got out of the will
9 of God.

10 On behalf of the Blake family and the
11 Johnson family, I am sorry and I apologize.
12 We're sorry and we apologize. There is
13 nothing that we can do to change what has
14 happened, but our families know each other,
15 some of you know me. We love you all and we
16 hope that through time, God Our Savior will
17 use Christ in meaningful healing.

18 MR. MCGUIRE: And Your Honor, the mother
19 of Marcus' child, Ashley Ramey, is here.

20 ASHLEY RAMEY: Your Honor, my name is
21 Ashley Ramey. Marcus and met about thirteen
22 years ago. We have an eight-year-old son
23 together.

24 I met Marcus when I was seventeen. A
25 friend and I had had a flat tire. Marcus was

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1 with a friend. His friend said that he was
2 not getting dirty to change our tire, but
3 Marcus didn't mind changing it or getting
4 dirty while doing so. He gladly changed the
5 tire, and we started talking.

6 Marcus was a great boyfriend. He spoiled
7 me. Then five years into our relationship I
8 found out that I was pregnant. I was very
9 happy. Marcus and I broke up but he saw his
10 son when he could. He worked many hours.

11 Later I found out that I was pregnant
12 again, but it wasn't Marcus' child. Marcus
13 bought that child's diapers up until I was
14 able to go back to work. Even though they
15 were left on my doorstep, that child that did
16 not even belong to him had diapers.

17 He has always loved Malachi, his
18 biological son, and Camden the same. He has
19 given me some great advice to help Malachi
20 and myself to get through this tough time.

21 Marcus is truly a great person. I under-
22 stand that everyone makes mistakes and I am
23 just asking the court to take my feelings
24 under consideration and have some mercy and
25 give Marcus a sentence of something other

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1 than Life. Thank you for your time.

2 I hope the best for Marcus going forward,
3 (emotional). I apologize, I'm sorry. Thank
4 you.

5 MR. MCGUIRE: Your Honor, Marcus' sister-
6 in-law, Hope, who is married to his brother
7 Kermit.

8 HOPE JOHNSON: Your Honor, I am Hope
9 Johnson. I have known Marcus for about
10 fifteen years. During this time I've always
11 known him to a kind, caring, hard-working and
12 fun guy.

13 Whenever I needed help with anything, he
14 was there. If he couldn't do it then, he
15 would get around to it. He was a man of his
16 word.

17 During the first five years I was dating
18 his brother, Kermit, I had a son who was
19 about two or three at the time. Marcus would
20 always play with him every time he saw him;
21 holding him above his head, turning him
22 upside down, playing like he was a child
23 himself.

24 After Kermit and I married, we didn't see
25 Marcus much because of the distance but we

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1 would see him at his mom's or grandmother's
2 house that they called the 'big house.'

3 When Kermit and I decided to build a
4 house in Spartanburg, Marcus was right there
5 helping along the way with grading or
6 whatever else that we needed done. It was
7 clear that he liked being able to help us.
8 He was a huge help. He even came over a
9 couple of times after during holiday dinners
10 and cookouts to be with family.

11 Then one Father's Day Marcus was shot in
12 the leg by a family member's boyfriend on his
13 own property. All he was trying to do was
14 get prepared for work. That's when, I feel
15 like, things went downhill for Marcus. I
16 gave him as much support as I could with
17 handling his affairs afterwards. I tried to
18 help him keep his medications in order, tried
19 to make sure that he was making his follow-up
20 and lab work appointments. I helped him get
21 his medical bills paid through the Victim
22 Advocacy Program by meeting with hospital
23 representations during his hospital stay and
24 filling out all the paperwork. All of that
25 was really overwhelming for Marcus. He

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1 seemed defeated.

2 As time went on, I noticed a change in
3 Marcus. He was not the same happy Marcus.
4 He seemed defeated physically, emotionally
5 and mentally. I think Marcus felt like he
6 was still suffering because of something that
7 he did not do and had no control over. Maybe
8 he even felt alone. I don't know. But what
9 I do know is that he wasn't able to work like
10 he was used to. When he did work, he was in
11 pain because he drove a truck long distances;
12 so he had a lot of time to think.

13 To top it all off, during this time a
14 couple of his good friends had passed away.
15 The Marcus that I knew about five or six
16 years ago would never have done anything like
17 this. I think those series of events made
18 him very vulnerable.

19 THE COURT: Thank you, ma'am.

20 MR. MCGUIRE: Your Honor, one of Marcus'
21 former employers, Mr. Rick Garrington.

22 RICK GARRINGTON: I like to say I'm
23 sorry for your loss.

24 Marcus was a good employee. This is a
25 bad situation for everybody. He's been to my

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1 house numerous times, with my grand-
2 young'uns.

3 It is tough on me to say that he was
4 always there when I needed him. That means a
5 lot for an employer, for someone to have your
6 back when you need drivers. This day and
7 time it's hard to get drivers. He was always
8 there for me.

9 I never noticed a change in Marcus. He
10 was always happy, lucky-go. I was happy to
11 have him.

12 I'm sorry for the situation. Sorry for
13 everyone.

14 MR. MCGUIRE: Your Honor, as you're
15 picking up, Pickens is a small place and a
16 lot of these folks know each other. They
17 live in close proximity with each other and
18 still do business with each other.

19 I mean, I think everybody is at a
20 complete loss as to how somebody could
21 convince this man to do this. But I think
22 I've given you a starting point to figure
23 that out. What is manifested in the neuro-
24 psychological testing and his school records
25 is a start. Then some of the character

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1 traits that Marcus has that you are hearing
2 about, about how he could be duped, be
3 gullible.

4 Also, Your Honor, I understand that the
5 State is asking for the maximum sentence.
6 We're asking for the minimum sentence. I
7 supplied some data from the Department of
8 Corrections to the court, which is verified
9 by affidavit from their employees. If you
10 were cut this sentence in half -- you don't
11 have the ability to do it, but if you were to
12 cut the minimum in half, it's a fifty-fifty
13 proposition that that is a life sentence.
14 Those numbers are shockingly low and they are
15 not widely known, but I would ask that you
16 take that into consideration.

17 I consulted with Mr. Bob Haldonic
18 (phonetic) of Public Defense and he said
19 based on the information that I had, that I
20 just presented to the court, that I had a
21 duty and obligation to object to a sentence
22 exceeding the minimum if that was what was
23 going to be imposed and it's based on a very
24 strong *Atkins* claim, his level of
25 culpability, the neuropsychological data and

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1 the statistics from the Department of
2 Corrections.

3 I know that Marcus does want to say a
4 very few words.

5 DEFENDANT: I'm deeply sorry for the
6 Williams family. I am just sorry for
7 everything that happened and I just hope you
8 will find in your hearts to forgive me.

9 MS. STROM: Your Honor, if I may, I
10 need to address one matter.

11 THE COURT: Yes, ma'am.

12 MS. STROM: I just want it clear for
13 the court and on this record, they have
14 submitted to you information regarding his
15 IQ, his level of functioning. Mr. McGuire
16 and I have spoken about that. I do not want
17 the court to be under the impression that we
18 agreed to do this guilty plea because we
19 agree with their evidence. All right?

20 What I explained to the victim's family
21 was that once that issue is raised then, for
22 lack of a better term, mitigation is going to
23 ongoing.

24 I do not want to give the court the
25 impression that we agree with that

1 assessment. As you have in the information,
2 his IQ is 75. He has a CDL license, doing
3 long-haul trucking; lived by himself; worked.
4 So I just want the court to be clear that we
5 are not conceding that analysis of him or
6 that diagnosis.

7 MR. MCGUIRE: And I agree with that, Your
8 Honor. What we did is provided sort of the
9 underpinning of an *Atkins* claim. Because a
10 plea agreement was reached, we didn't take
11 the further steps to fully litigate that.

12 I mean, I do think we have a very strong
13 *prima facie* case. I understand that the
14 State doesn't agree with it but, uh, -- we
15 never got to the finish line on that but it
16 is a strong *prima facie* case.

17 THE COURT: Anything else the State
18 wants to say?

19 SOLICITOR WILKINS: Your Honor, I can
20 give you prior record as well if you'd like
21 that.

22 THE COURT: Sure, let me hear it.

23 SOLICITOR WILKINS: He has a 1996
24 petit larceny;

25 1998, driving under suspension;

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1 1998, driving under suspension second;
2 2003, assault and battery of an high-and-
3 aggravated nature;
4 2008, simple assault and battery times
5 two.

6 Your Honor, our recommendation of a life
7 sentence is based on two main principles:

8 One, the codefendant has already received
9 a life sentence. So we think it's fair and
10 just that Mr. Johnson receive a life
11 sentence.

12 Number two, an element of murder is
13 malice. His malice started two months,
14 minimum, before this crime occurred. I've
15 never seen a case in my experience of a lie-
16 in-wait definition. This is the seminal lie-
17 in-wait case where he sneaks into a house,
18 hides, waits until the victim is there in a
19 vulnerable position and murders hemorrhage.
20 It doesn't get any more lie-in-wait than
21 that.

22 That's the two main reasons as the basis
23 for our recommendation or request of a life
24 sentence, Your Honor.

25 THE COURT: Anything else, Mr. McGuire?

1 MR. MCGUIRE: Just that the court accept
2 the pleas. And, Your Honor, I filed the
3 original Affidavit of Plea with the clerk,
4 our sentencing memorandum and -- that's all
5 at this time.

6 THE COURT: He has been in custody
7 since February 4, 2013?

8 MR. MCGUIRE: Yes, sir.

9 THE COURT: Is that right?

10 SOLICITOR WILKINS: Yes, sir.

11 THE COURT: I accept the pleas.
12 Considering everything that has been
13 presented to me, -- and I was presented the
14 sentencing memoranda with all attachments
15 yesterday afternoon late and reviewed them
16 last night and this morning. I didn't just
17 peruse them today.

18 MR. MCGUIRE: Yes, sir.

19 THE COURT: I had an opportunity to
20 peruse them at my leisure.

21 MR. MCGUIRE: Yes, sir. We were able to
22 deliver a hard copy to Ms. Strom and Mr.
23 Wilkins yesterday afternoon and sent those to
24 you.

25 THE COURT: On Indictment 13-GS-39-

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1 0735, the charge of Murder, the sentence is
2 that Mr. Marcus shall be confined in the
3 South Carolina Department of Corrections for
4 the remainder of his life. He's earned
5 credit since February 4th, 2014.

6 On the other two, the sentence is five
7 years on each. Those are all to run
8 concurrently with the Life sentence, and it
9 is the one that is controlling.

10 MR. MCGUIRE: If I may pass up to the
11 clerk of court an original copy of our
12 objection to a life sentence based on the
13 facts of the case. As you indicated, it was
14 a part of the sentencing memorandum that
15 you've reviewed. That is the original. I
16 don't think that I have to put the grounds on
17 the record. I've already read them.

18 THE COURT: You have done that, and it
19 is accepted for the record. I hope that this
20 brings closure to everyone.

21 (HEARING CONCLUDED)

22
23
24
25

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STATE OF SOUTH CAROLINA)

) CERTIFICATE

COUNTY OF PICKENS)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the hearing
held in the within action heard on February
10th, 2017 before The Honorable Eugene
Griffith;

I further certify that I am neither kin
nor counsel to any of the parties and have no
interest in the outcome of this action.

Alborak Garrison

Deborah Garrison

Pickens, South Carolina

April 27, 2017

DEATH PENALTY CASE

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF PICKENS THIRTEENTH JUDICIAL CIRCUIT

2017 FEB 10 P 12:00
STATE OF SOUTH CAROLINA,)

Plaintiff,)

V.)

Ind. No.: 2014-GS-39-0735, 0736

MARCUS CHANNING JOHNSON,)

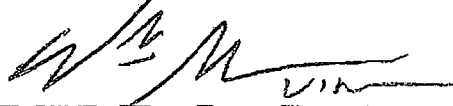
Defendant.)

OBJECTION TO OVERLY LENGTHY OR *DE FACTO* LIFE SENTENCE

Based upon the facts, both individually and cumulatively, presented to the Court in this Sentencing Memorandum, and otherwise, the defendant objects to a sentence exceeding the mandatory minimum sentence of 30 years. This objection is based upon the Eighth Amendment to the United States Constitution and Article 1, Section 15, of the Constitution of South Carolina.

Dated this 8th day of February 2017.

Respectfully Submitted,



William Sean McGuire
SCCID Capital Trial Division
1330 Lady Street, Suite 401
Columbia, SC 29201
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SENTENCING MEMORANDUM

State v. Marcus Johnson

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Factual Summary of Case

Crystal Gayle Williams was charged and convicted of murder regarding her successful efforts to convince the defendant, Marcus Johnson, to shoot her husband, Shane Williams. The evidence indicates that Crystal lied to the defendant, Marcus Channing Johnson, and misled to him in order to convince him to shoot her husband, Shane Williams for her.

Crystal is a white female. Marcus is a black male. The two rode the same school bus as children. Marcus had a crush on Crystal, and he tried to talk to her on the bus one day. Crystal told Marcus that her family did not associate with or talk to black people. Understandably, Marcus did not try to talk to Crystal any further after that day.¹

Years passed and Marcus ran into Crystal at a local insurance agency when he went in to pay his auto insurance. As it turned out, Crystal was employed there selling insurance.² Crystal initiated a flirtatious relationship with Marcus. Much of this relationship was conducted over their respective cell phones. The evidence indicates that there was no intimate relationship between Crystal and Marcus; however, Crystal did send Marcus sexually explicit pictures and videos.³

Crystal began to tell Marcus that her husband was mean and treated her in a mean manner. She indicated to Marcus that they could be together one day if only she could be free of

¹ The evidence indicates that Crystal is a racist. Her recorded jail phone calls include references to "niggers" and "niggertown." Further, an inmate who was incarcerated with Crystal stated that Crystal would refer to Marcus as a "nigger" when speaking about him.

² The evidence indicates that Crystal had been stealing from the insurance company. She quit that job the same day an investigator from the SC Insurance Commission was scheduled to interview her. Crystal also tricked Marcus into paying her cell phone bill by telling him that he needed life insurance and that she'd write the policy and pay the premium in exchange for him paying her cell phone bill. There is no evidence of such a life insurance policy.

³ An examination of Crystal's cell phone indicates that she had multiple "sexting" relationships with various men.

her mean husband.⁴ She told Marcus that she had to kill her husband, and she asked Marcus for his help.

Marcus has deficits regarding his intellectual functioning, and it is likely that Crystal selected Marcus to help her carry out her plan to kill her husband based on two factors. First, she was aware that Marcus had feelings for her when he was in junior high school. Second, she was also aware that he repeated multiple grades in elementary school⁵ and she considered Marcus to be stupid or slow.⁶

Crystal provided money to Marcus, and told him to buy a gun. Then she told Marcus to come to her house very late at night. She let him in the house, and told him to hide in the living room. Crystal told Marcus that she would lure her husband into the living room by telling him to put more wood in the wood stove. She instructed Marcus to hide in the dark and to shoot her husband when he came into the room.⁷

Crystal and Marcus were arrested soon after law enforcement inspected Crystal's cell phone. Once arrested, Marcus fully confessed to his participation in the offense.⁸

⁴ It appears, in addition to stealing insurance premiums from her employer, Crystal devised a plan where she would take out a policy on her husband's life, and that she'd receive the benefits of the policy once she engineered the death of her husband. There is no evidence to indicate that Marcus was aware of Crystal's plan to enrich herself in this manner.

⁵ School records indicate that Marcus was a well behaved child in school, but was held back for academic failure. He had to repeat the first and third grades, and he was socially "placed" forward to tenth grade. See Exhibit A, school records/school records summary.

⁶ Before ultimately pleading guilty to her charges, Crystal would brag to other inmates at the Pickens Detention Center about how that "stupid nigger" was going to go to prison for executing her plan to kill her husband. See Exhibit B, redacted statement of fellow inmate.

⁷ See Affidavit of Plea, Exhibit C.

⁸ See Incident Report, page 27, Exhibit D.

Summary of Neurological Testing

Neurological testing performed on October 27, 2015, by Doctor Tora Brawley, Ph.D., revealed significant deficits in intellectual and cognitive functioning.⁹ Mr. Johnson scored at the very bottom on several subtests.

The Repeatable Battery for the Assessment of Neurological Status (RBANS) was administered to Mr. Johnson, and it revealed that Marcus scored at the very bottom on a number of subtests. Regarding his ability to remember prose passages, he was severely impaired and he scored at the very bottom (*1st percentile*). His speed of mental tracking for sustained concentration tasks was severely impaired (*1st percentile*). The Short Category Test revealed that Marcus Johnson's nonverbal abstract reasoning score was severely impaired (*1st percentile*), and his cognitive flexibility score was equally impaired (*1st percentile*). Motor testing revealed severely impaired simple manual speed bilaterally (*1st and 2nd percentile*).

Other subtests also revealed impairments, such as copying a complex figure (*5th percentile*); trail making (*6th percentile*); manual dexterity (*6th percentile*); and delayed recall regarding complex figures (*8th percentile*).

Dr. Brawley also administered the Weschler Adult Intelligence Scale- Fourth Edition (WAIS IV) to Mr. Johnson. His very low scores on the subparts were consistent with his poor performance on the RBANS. His scores were significantly low in multiple areas: General Ability, *3rd percentile*; Perceptual Reasoning, *4th percentile*; and Verbal Comprehension, *5th percentile*. While there are two areas where Marcus Johnson scored in the below-average and average ranges, his overall I.Q. is 75. That score places him in the bottom *5th percentile* regarding a full I.Q. score.

⁹ See Neuropsychological Evaluation Report, Exhibit E.

LIFE EXPECTANCY IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Attached as Exhibit F is data produced by the South Carolina Department of Corrections regarding the age of death of inmates by *natural* causes. This information was produced in response to a Freedom of Information Act request made by defense counsel, and was verified by affidavit by the South Carolina Department of Corrections. The average age of death and the median age of death of inmates held within the South Carolina Department of Corrections are both shockingly low. The mean and median of the age of death of SCDC black male inmates for the years 2009 to 2011 are stated below.

2009 Median = 54 years of age;

Mean = 52.4 years of age

2010 Median = 49 years of age;

Mean = 48.56 years of age

2011 Median = 51 years of age;

Mean = 51.06 years of age

State v. Marcus Johnson

Social History

Prepared by Noel Nickle, MSW, LCSW

Family History:

Marcus Channing Johnson is the only child of his parents, Genevieve Johnson and Randy Bowens. Ms. Johnson was born at home in Pickens County, South Carolina in 1943. She is the 11th of 16 children born to her parents, Ed and Hattie Mae Blake. Both Ms. Johnson's parents worked in the cotton fields, and her mother provided childcare for a local white family. Ms. Johnson's grandmother, whom she never knew, was born into slavery. Ms. Johnson and her surviving 9 siblings have close relationships, and Marcus was at times raised by his maternal aunts and uncles.

Marcus' father, Randy Bowens, was also born and raised in Pickens County. While he and Ms. Johnson were dating, he told her he couldn't have children so she was surprised when she became pregnant. Mr. Bowens did attend Marcus' birth at Easley Hospital on [REDACTED]; however, his contact with Marcus as a child was inconsistent and irregular. Mr. Bowens and Ms. Johnson never married and never shared a home together. She described him as abusive and controlling and said he drank too much. Marcus' older brother Kermit confirmed Mr. Bowens beat his mother. Kermit reported the one and only time Mr. Bowens 'laid a hand' on Kermit resulted in Ms. Johnson's brothers confronting Mr. Bowens. The relationship ended soon thereafter. Mr. Bowens subsequently had little contact with Marcus, his only child. He provided no financial support to Ms. Johnson for Marcus. Despite no question regarding his paternity, Marcus' father's name is not on his birth certificate. Mr. Bowens died several years ago, after many years of poor health.

Marcus has two older half-brothers: Trevis Johnson (DOB [REDACTED]) and Kermit Johnson (DOB [REDACTED]). Ms. Johnson was married to Trevis and Kermit's father for approximately five years before they divorced. Kermit graduated from both high school and college and is employed as an engineer for the water department in Spartanburg. Marcus' oldest brother Trevis was hospitalized when he contracted spinal meningitis at age 16. Trevis suffers from cognitive and personality deficits related to his illness as a teenager. After Trevis was released from the hospital he returned to school, but he soon dropped out. He currently works at a privately-owned farm in an adjoining community.

As a child, Marcus alternately lived with his mother and his maternal aunts and uncles. His extended family was often responsible for his care while his mother worked to support her family. By the time Marcus was 18 years old he lived exclusively with his maternal grandmother, aunts and uncles at the family's 'Big House'. Everyone attended Shoal Creek church, where Marcus sang in the choir as a child and was an usher as a teenager. Everyone at the Big House also shared in the work of both maintaining the family farm and the family business of operating heavy farm machinery for local farmers. Marcus and his family have fond memories of large family gatherings on the lawn in front of the house and enjoying delicious home cooked meals. Marcus also recalled it was important that he follow all the rules of the house, including 'no girls in the house', which is why Marcus moved out at age 32 when he purchased a mobile home in 2010.

Educational History:

Marcus attended McKissick Elementary School for grades Kindergarten through 6th. He attended Easley Junior High, which was known as Gettys Middle at the time, for 7th through 9th grades. He withdrew from Easley High School after the first semester of 10th grade, at age 17. Marcus was retained in both 1st and 3rd grades and 'placed' into 10th grade. His 8th grade school report also has

'placed' crossed out with 'promoted' written instead. Marcus' grades were mostly B's and C's with more failing grades beginning in 8th grade. Achievement test scores indicate very low scores compared to national data. Twice Marcus was administered the "Cognitive Skills Assessment Battery", which is administered to first graders in SC, and he was determined to be 'not ready' to progress. There appears to be no IQ testing results in the record. There are also no references to behavior or discipline issues in Marcus' educational records. Marcus played football in junior high and the first year of high school. This was his only extra-curricular activity at school.

Marcus had exceptionally good attendance with perfect attendance in both years of 3rd grade. However, in 9th grade he missed 20 days. Marcus reported that's when he started skipping school with his friends, especially a friend who had a pink truck.

Even though Marcus was retained two years in elementary school and he had consistently low standardized test performance, he was never identified to receive any supportive or remedial academic services. In response to a request for Exceptional Children's Services records, Pam Quist stated, "No Special Education records on the above named." It is likely that Marcus' promotions, after being retained, in 1st and 3rd grades were 'social promotions' rather than an indication that he had mastered the skills needed for the next grade. Marcus' absence of discipline and behavioral issues may have contributed to teachers overlooking his obstacles to learning and deficits. As a retired special education teacher said after review of Marcus' educational record, "The teachers were just slow pitching him because he wasn't causing any trouble."

Employment History:

Ms. Johnson modeled the ethics of hard work for her children. She quit school and began working at the cannery when she was 14 years old. She has worked all her life and continues working full-time now at the age of 74. Marcus also began working at a young age and, other than when he was shot, he has always had employment, often working several part-time jobs without benefits. Marcus' first job was bagging groceries at Winn Dixie when he was 13 years old. As a teenager, he worked at several grocery stores and did farm work and odd jobs.

After he quit school at age 17 Marcus worked driving a truck at Vulcan Quarry. Marcus was the youngest one to 'drive in the pit'. Marcus liked working there because he got to drive trucks that looked like the Tonka trucks he played with as a child. He worked extra hours, often coming in before his shift. It was dangerous work, but, according to Marcus, he was told exactly how fast to drive and what side of the road to drive on. Marcus worked there for a year until he was fired for 'running over a big rock.'

Marcus' longest standing employment was with Reed's Auto Parts located in Easley. Reed's is a family owned business, and Marcus grew up building and racing go karts with "Junior" Tony Reed. Marcus often worked on the Reed's family farm and did grading work at the junk yard. From 2007-2008 he was employed full-time driving a parts delivery truck. Marcus was a trusted employee at Reeds. Debra Reed, who handles the finances of the business, recalled Marcus was sent to pick up a tractor in North Carolina which cost approximately \$30,000. He delivered the cash to the seller and returned to Reeds with the tractor. Marcus' employment history was so strong with the Reed family that they stated were he released on bond while in jail custody, they would hire him if they had work for him to do.

Marcus drove a tow truck for Buddy's Towing from Feb. 2010 until August 2011. Although that job ended with a conflict with the owner regarding a minor traffic accident, Buddy Phillips and the business manager Debra Goss spoke very highly of Marcus' work ethic. They reported he was always dependable, and he was trustworthy when handling payments from customers to the

company. Marcus' was paid \$400/ week. Child support for his son was directly removed from his weekly check.

Between full-time employment Marcus worked part-time at a variety of jobs, including two different mills and as a forklift driver. He continued to operate heavy farm machinery whenever work was available as well, but Marcus' life-long dream was to work as a full-time long distance truck driver.

That dream became a reality in 2012. Marcus's close friend Brian King taught him how to drive an 18-wheeler truck. Marcus and Brian grew up together, and Brian was a successful long distance trucker for several years before Marcus started driving. Marcus began driving for Tony Hawkins with Ard Trucking Company and 80 Yard Trucking, which is based in Simpsonville. Marcus had a route to the northeast often delivering perishable items such as eggs. Marcus' trucking career had to be put on hold in June 2012 when he suffered a serious gunshot wound to his thigh. He was unable to drive for several months, but he returned to driving as soon as possible, even prior to when it was suggested by his doctor. When he returned to the road, Mr. Hawkins put Marcus in a larger truck so he could more comfortably drive with his injured leg. However, Marcus was plagued by leg pain and had great difficulty continuing the job he had enjoyed before. Marcus stopped driving long distances in approximately April 2013.

Marcus worked for LC Diesel for several months driving an asphalt truck and in September 2013 he secured a part-time job with McConnell Grading. His responsibilities included hauling materials, grading and cleaning the trucks. The work was sporadic and he had no benefits, but he was paid \$12/ hour. Marcus' supervisor was Rick Arrington. Rick met Marcus through Tony Reed. Rick told Tony he was looking for a part-time driver and while Tony was hoping to eventually give Marcus more work, he told Rick he was 'free to get him.' Marcus came to the office to complete an application for Jason, one of the owners at McConnell Grading. Rick said, "At McConnell they aren't prejudice but they just have not had good success with African Americans. But after Marcus met with Jason, Jason told me 'Hire him. I like him.'" Marcus started working the next day.

At the time of Marcus' arrest he had stopped working for McConnell Grading and started employment with Gossett Concrete Pipe. Rick Arrington recommended Marcus to Bo Gossett because it was a full-time job with benefits. Marcus drove a truck for Gossett Pipe for only a couple of weeks. Marcus started out at \$14/ hour with the understanding his pay would be raised to \$17/hr. Marcus was also receiving benefits, including health, dental and contributions to a 401K plan. However, Marcus had decided to quit this job and return to work at Reed's Auto Parts. While Marcus had nothing in writing nor any details as to the pay or benefits of the job at Reed's, out of loyalty to the Reed family he planned to return to Reed's. Marcus was to begin working at Reed's the week he was arrested.

Marcus often socialized with his employers and ate dinner in their homes. No one, even after Marcus' arrest, expressed reservation in maintaining a friendship with Marcus if he were released from jail custody. They reported Marcus was always respectful, especially of women, and he never raised his voice or showed any sign of violent behavior. Rick Arrington and his wife recalled Marcus read a children's book to their granddaughter and she called him 'a big bear'.

Medical History:

Ms. Johnson reported Marcus' birth was uncomplicated and he had no significant health concerns as a child, beyond the usual ear infections and occasional illnesses. He received routine vaccinations at the local Health Department and pediatric care from Dr. Gibson Shealy, a family

physician in Easley. No birth or childhood medical records are available. As an adult, Marcus did not have a regular physician, and he sought care at local hospital emergency departments. From 9/26/01 until 10/26/13 Marcus was treated at Baptist Easley Hospital on 17 different dates. Presenting complaints varied, ranging from dental pain, back pain and a urinary tract infection. Each time Marcus was treated in the emergency room and was not admitted to the hospital.

On Father's Day, June 17, 2012 Marcus was shot in the right thigh while getting into his 18-wheeler truck. Marcus arrived at the hospital via EMS and was rushed into vascular surgery to repair life-threatening damage to his femoral artery. He received an artery graft and remained hospitalized for a week. Marcus was discharged, using a roller walker, to his home where he continued to receive supportive services from an in-home health care aid for several weeks. For pain management, he was prescribed oral Lortab for a month and a daily injection of Lovenox into his abdomen for a week.

Marcus was shot by Mr. Shaquille Reid-Kay, who was dating Marcus' cousin, Shirea Rose. The incident occurred outside the home of Ms. Rose, which is down the street from Marcus' home. Marcus and Mr. Reid-Kay reportedly had no relationship and the shooting seemed to have been unprovoked. Mr. Reid-Kay was not arrested immediately. He was charged with Attempted Murder and Possession of Firearm During Violent Crime. He was sentenced to 2 years' probation with a 10-year suspended sentence. He had no active prison sentence. Numerous family members and friends reported the devastating impact this had on Marcus' life. Not only was he out of work for several months, but he also suffered the injustice of not having the perpetrator adequately punished. Additionally, Marcus suffered permanent painful nerve damage and sexual dysfunction issues because of his gunshot trauma. Marcus has also reported cognitive issues, including memory problems, since he was shot. Marcus' sister-in-law, Hope Johnson, noted Marcus never seemed the same after he was shot. He seemed depressed. Marcus' medical bills were paid by the crime victim's assistance fund, but he received no other relief.

Since being in jail custody, Marcus has been prescribed several medications to address both physical and mental health conditions, including medication to treat depression and anxiety.

Adaptive Functioning Deficits:

Adaptive behavior is the way people go about their lives day to day. Individuals who have intellectual disabilities have deficits in their ability to perform adaptive behaviors. The American Association on Intellectual and Developmental Disabilities (AAIDD) has identified three skill areas for evaluation when determining adaptive functioning. These adaptive skill areas are conceptual, social and practical. Based on interviews provided by Marcus' friends, employers and family members, as well as Marcus' own self-reports he has deficits in each of these three areas.

Conceptual skills include language and literacy. Marcus' school record clearly indicates his inability to function in the domains of language and literacy as compared to his peers. As a child, Marcus' challenges may not have been as easily noticed; but as he matured, his deficits became more pronounced. His good friend Ashleigh Glenn commented there were times when Marcus would call her repeatedly and she didn't have the energy to talk with him. She noted conversations with him on the phone and in person are hard to follow. She said, "He talks excessively and it's hard for him to stay on one topic." Ashleigh apologized for using the word 'slow' but said she couldn't think of any other word to use. She said this included his ability to manage money and the way he talked.

Marcus' friend Krissie Bryant, stated she firmly believes Marcus has a 'learning disability'. She said his spelling in letters was very bad, and she didn't know why this was the case. She said he

didn't seem to understand the outcome or consequences to his actions. She said these issues for _____ Marcus are not new, and he has been this way all his life.

Social skills include interpersonal skills, self-esteem, social problem solving and the ability to avoid being victimized. Heather Norris has known Marcus since he was 22 years old. In an interview, she repeatedly used the word 'vulnerable' to describe Marcus. She said he has a 'big heart and needs attention'. She added, "He would do anything because he wanted people to like him. He's always wanted girls' affection. He's always wanted a mate." She also said, "Marcus shuts down emotionally and isn't very verbal." She said he was a 'gentleman' and often was 'chivalrous', but he was 'not well-educated and he has a lot of insecurities.' Heather also said Marcus 'didn't read people well'.

Marcus himself recalled multiple times when he's been taken advantage of, such as when he loaned money to someone who never repaid him or when he's tricked out of money. Marcus said, "People like that just fall in contact with me."

Practical skills include activities of daily living, occupational skills, healthcare, travel, transportation, and use of money. There are many references in interviews which illustrate Marcus' deficits in this area of adaptive behavior. Most prominent is Marcus' inability to manage his own finances and make sound financial decisions. This is not to say he was untrustworthy with money. In fact, all his employers interviewed stated Marcus was exceptionally honest with money. However, despite working hard, he was never financially independent. When interviewed, his mother confided she often assisted him financially when he couldn't pay his monthly bills. She helped him finance the purchase of his vehicle. Several friends and employers interviewed noted Marcus often loaned money to others but then didn't seem to have enough for himself. Rick Arrington said, "Marcus could get paid today and not have any money the next day. I never loaned him money but I bought him lunch a lot. He just couldn't manage money." Rick did not have any concerns about Marcus mismanaging office money.

Marcus' friend Katie Bouliek helped Marcus financially even more significantly. When interviewed, Katie said she paid his child support one time as well as his mortgage. This was not hard for her to do because she was making a good salary driving and living with her parents. When she paid his mortgage, it was directly to the lending company. Katie said it wasn't that Marcus was a big spender; she attributed his financial difficulties to recovering financially after he was shot.

Financial issues in general were confusing for Marcus. He didn't like to use a checking account because he found it difficult to keep track of checks he wrote. He preferred a check card or cash. Marcus had trouble keeping up with his wallet and important documents. His mother usually kept his social security card, and he just had a copy. Debra Goss, the business manager at Buddy's Towing, helped Marcus navigate financial issues. When he needed dental work, Ms. Goss phoned the dentist office and worked out a payment plan for Marcus. Payments for the dental work were deducted from his paycheck, and she paid the dentist. Ms. Goss also helped Marcus complete documents to purchase his mobile home. She said, "I helped him fill out his finances for his trailer. He didn't know what steps to take so I walked him through it. I helped him get his approval for the loan with the verification of employment." While Ms. Goss helped Marcus complete paperwork for employment verification for the loan to purchase his mobile home, Marcus completed the details of this transaction with no assistance.

The purchase of his mobile home was the only substantial financial commitment Marcus made without the support of friends or family. Unfortunately, as a result, he made a poor financial

decision. Marcus owned a plot of land (.344 acres) given to him by his family, which he used as collateral for the loan for his home. When he was arrested, the bank foreclosed the loan on his home, and he lost the land. No one knew this until it was too late. Marcus' mother told him he should have listed her or his brothers on the loan so they would have been contacted to make payments. Marcus wanted to make the purchase himself so he could 'surprise' his family.

After Marcus was shot in 2012 his inability to manage his own affairs was also obvious. Hope Johnson, Marcus' sister-in-law, assisted Marcus in filing his medical bills with the victim assistance's fund. She also helped him manage his medications and schedule follow up appointments. She reported these tasks were simply overwhelming for Marcus.

While Marcus appeared to be a successful long distance truck driver, he was significantly dependent on friends and family to perform some of the basic occupational skills necessary for the job. Marcus' mother, his brother Trevis, and his friend Brian King all reported Marcus called them when he was lost out on the road. Sometimes these calls came in the middle of the night. When he worked for McConnell Grading, he called Rick Arrington to ask for directions. Marcus said while he used a GPS, he 'didn't rely on it a lot'. Fellow trucker Katie Bouliek also helped him with his route and directions, especially when he was in New Jersey. She helped Marcus manage his driving log also so his mileage and hours matched legally. He was unable to do this himself.

Marcus has struggled with finding his way since he was very young. When talking about the challenges of getting home from elementary school, he said, "I was bad about missing the bus to go home. I didn't know what bus to ride. The bus driver was Myra Curz' mama. I would walk by her bus and she would say, 'I'm going your way'. In junior high I rode bus 19 and that was with Crystal."

Marcus as a Helper

Marcus is known to his friends in the community by his nickname 'Country' which he says sums up who he really is: somebody who grew up on a farm and likes the simple things in life. Marcus also likes helping people. He especially felt it was his responsibility and duty to help women in need. When Marcus began to drive as a teenager, he drove Ashleigh Glenn home from school. Ashleigh and Marcus never had a romantic relationship. When Ashleigh became pregnant at 19 and the father of her baby was not supportive, Marcus bought Ashleigh maternity clothes. Ashleigh's sons call Marcus 'Uncle' and he is their godfather. Numerous other women offered similar stories of Marcus helping them. Marcus' friend Krissie Bryant recalled when she was in an abusive relationship with her boyfriend; Marcus came to her aid. She said one time Marcus came to pick her up and he had another girl in the car whom he had also rescued from an abusive boyfriend. She said, "He is the only person I can always count on. If I'm stranded anywhere and I call him he will rescue me. Every time I called him he picked me up. He saved my life so many times."

Marcus' most significant intimate relationship was with Ashley Ramey Lyda. Marcus and Ashley have a son, Malachi, who was born [REDACTED]. While their romantic relationship did not last, Marcus continued to be a supportive parent, even when Ashley had a second child with another man. Ashley and Marcus have regular contact to discuss school and other parenting related issues regarding Malachi. Ashley relies on Marcus' support and appreciates his advice as Malachi's father.

February 2014 to the Present

It is Marcus' desire to help others that has helped him maintain his positive focus the last three years he has been in custody at the Pickens County Detention Facility. Despite challenging conditions, including extreme overcrowding, Marcus has never received a disciplinary write up. Marcus takes pride in the fact that detention officers seem to trust him not to act out and look to him as a leader at the facility. Younger men in custody have sought his advice also. Marcus hopes when he is in SC DOC custody he will be able to provide guidance to other men in prison who have made mistakes as well as offering ongoing support and guidance to Malachi.

DEATH PENALTY CASE**STATE OF SOUTH CAROLINA****IN THE COURT OF GENERAL SESSIONS****COUNTY OF PICKENS****THIRTEENTH JUDICIAL CIRCUIT**

STATE OF SOUTH CAROLINA,**Plaintiff,****V.****MARCUS CHANNING JOHNSON,****Defendant.**

Ind. No.: 2014-GS-39-0735, 0736**OBJECTION TO OVERLY LENGTHY OR *DE FACTO* LIFE SENTENCE**

Based upon the facts, both individually and cumulatively, presented to the Court in this Sentencing Memorandum, and otherwise, the defendant objects to a sentence exceeding the mandatory minimum sentence of 30 years. This objection is based upon the Eighth Amendment to the United States Constitution and Article 1, Section 15, of the Constitution of South Carolina.

Dated this 8th day of February 2017.

Respectfully Submitted,

William Sean McGuire
 SCCID Capital Trial Division
 1330 Lady Street, Suite 401
 Columbia, SC 29201
 (803) 734-7818

Work Product – Confidential

SC v. Marcus Johnson

K-12 Record Digest

Prepared by Noel Nickle

CC: Johnson Defense Team

September 24, 2015**Received from:**

Pam Quist, Secretary – Special Services

SDPC Special Services Department

Curtis A. Sidden Administration Building

1348 Griffin Mill Road

Easley, SC 29640

Ph: 864-397-1037

Summary: Includes 6 pages of Pickens County school records as well as request and fax related materials. In a return fax from Pamela Quist she stated, "No Special Education records on the above named. If I can be of any further assistance, please let me know."

Marcus' mother, Genevieve Johnson, is the only guardian listed in the record. The mailing address is listed as [REDACTED].

Marcus attended McKissick Elementary School for grades Kindergarten through 6th. He attended Easley Junior High (known as Gettys Middle at the time) for 7th through 9th grades. He withdrew from Easley High School after the first semester of 10th grade, at age 17. Marcus was retained in both 1st and 3rd grades and 'placed' into 10th grade. Attendance was better than average (perfect attendance in both years of 3rd grade) until 9th grade when he missed 20 days. His grades were mostly B's and C's with more failing grades beginning in 8th grade. Achievement test scores are also included in the record indicating very low scores compared to national data. Both times Marcus was administered the "Cognitive Skills Assessment Battery", which is administered to first graders in SC, he was determined to be 'not ready' to progress. There appears to be no IQ testing results in the record.

Detailed Year by Year:

1983-1984 Kindergarten	McKissick Elementary	Days absent 13 Teacher: J. Shanklin. No comments or grades. Promoted
1984-1985 Grade 1	McKissick Elementary	Days absent: 1 Teacher: Radaka Baker Retained "Needs Improvement" for reading (below grade level) and mathematics (on grade level). Satisfactory for writing (on grade level). Note grading scale is Excellent, Satisfactory, Needs Improvement and Unsatisfactory.

		Progress level scale: 1= above grade level, 2= on grade level, 3 = below grade level. Standardized testing: Cognitive Skills Assessment Battery (CSAB) (Administered 9/84) Readiness score: 80; Readiness status: not ready. Note: Of the 56,600 first graders tested in August and September 1988, 74.8% were classified as "ready" with a minimum score of 88 out of 117 possible points. http://eric.ed.gov/?id=ED306309 Basic Skills Assessment Program (BSAP) (Administered 5/85) Mathematics: 639; Reading: 710 (?)
1985-1986 Grade 1 (Repeated)	McKissick Elementary	Days absent: no record Teacher: Julian Christi Promoted "Satisfactory" for reading, mathematics and writing. No progress level indicated. Standardized testing: Cognitive Skills Assessment Battery (CSAB) (Administered 9/85) Readiness score: 79; Readiness status: not ready
		Basic Skills Assessment Program (BSAP) (Administered 5/86) Mathematics: 729; Reading: 777
1986-1987 Grade 2	McKissick Elementary	Days absent: 4 ; Tardy: 1 Teacher: Skelton Promoted B in the following subjects: Spelling, Reading (on grade level), Social Studies, Health, Mathematics (on grade level) C in Science Satisfactory in PE Excellent in Art and Music Basic Skills Assessment Program (BSAP)

		(Administered 5/87) Mathematics: 683; Reading: 701
1987-1988 Grade 3	McKissick Elementary	Days absent: 0 Teacher: Fawley Retained C in Reading and Science D in Language, Spelling, Health, and Mathematics. Note no grade in writing. Satisfactory in PE Excellent in Art and Music Basic Skills Assessment Program (BSAP) (Administered 5/88) Mathematics: 622; Reading: 640
1988-1989 Grade 3 (Repeated)	McKissick Elementary	Days absent: 0 Teacher: Jennings Promoted A in Spelling and Writing C in Language, Reading, Science, Health and Mathematics. Satisfactory in PE, Art and Music. Basic Skills Assessment Program (BSAP) (Administered 5/89) Mathematics: 634; Reading: 752
1989-1990 Grade 4	McKissick Elementary	~~Days absent: 5; No tardies~~ Teacher: Mason Promoted B in Spelling C in Health, English and Science D in Mathematics Satisfactory in PE, Art and Music Note: Name of achievement test is not legible CTES U Level F (?) (Administered 3/90) Total Battery: Scaled Score 613; National Stanine 3; National percentile 19 Stanford Achievement Test Series (8th ed) (Administered 4/1/90)

		Complete Battery: Raw Score: 160; Scaled Score: 570; National Percentile: 6; National Stanine: 2; National Curve Equivalent: 17.3 Normative data 1989
1990-1991 Grade 5	McKissick Elementary	Days absent: 2; Tardy: 6 Teacher: Knight Promoted B in Social Studies C in Spelling, English, Health, Compmath D in Reading, Science Satisfactory in PE, Art, Music Stanford Achievement Test Series (8th ed) (Administered 3/23/91) Complete Battery: Raw Score: 195; Scaled Score: 602; National Percentile: 11; National Stanine: 3; National Curve Equivalent: 24.2 Normative data 1989
1991-1992 Grade 6	McKissick Elementary	Days absent: 3; Tardy: 10 Teacher: Fowler Promoted A in Mathcomp B in Science, Health, English C in Readcomp, social studies D in spelling Satisfactory in Art, PE, Music Basic Skills Assessment Program (BSAP) (Administered Spring 1992) Mathematics: 635; Reading: 680; Writing: 3.0; Science 599
1992-1993 Grade 7	Easley Junior High	Days absent: 0; Tardy: 0 5 B's; 4 C's GPA: 2.668; Rank: 207/424 Stanford Achievement Test Series (8th ed) (Administered 3/22/93) 3 R's Total: Raw Score: 107; Scaled Score: 625; National Percentile: 15; National Stanine: 3; National Curve Equivalent: 26.2 Note: complete battery score not listed. Normative data 1989
1993-1994 Grade 8	Easley Junior High	Days absent: 5; Tardy: 0 GPA: 2.889; Rank: 313/414

		A (math?) B's in Careers, Graph, Keying C in Reading D in Com, Er Sci, Health F in Sc Hist, PE Note: Handwritten 'placed' is crossed through with 'promoted' written. Extra curricular: Athletic co-op. Marcus also reportedly played football but this is not listed in his transcript. Basic Skills Assessment Program (BSAP) (Administered Spring 1994) Mathematics: 638; Reading: 633; Writing: 2.0; Science 596
1994-1995 Grade 9	Easley Junior High	Days absent: 20; Tardy: 0 GPA: 2.600; Rank 302/410 'Placed' C in PE and Che (?) D in Eng and RA F in Math and Law Ed Extra curricular: ISS Helper/ Resource Aide and AM Manager (?) Metropolitan Achievement Test (7th ed) (Administered 4/95) Complete battery: Raw score: 85; Scaled Score: 605; National Percentile: 3; National Stanine: 1; National Curve Equivalent: 10.4 Normative data 1993
1995-1996 Grade 10	Easley High School	Only record is handwritten grades of "F" for Careers, PE and Keyboarding.

END

Marcus Johnson
File

000542

SECONDARY SCHOOL JORD, SCHOOL DISTRICT OF PICKENS COUNTY

Accredited by: S.C. STATE DEPARTMENT OF EDUCATION
SOUTHERN ASSOCIATION OF COLLEGES & SCHOOLS

Legal Name _____ S.S. No. _____
Place of Birth _____ Birthdate _____ Sex _____ Race _____
Custodial Parent(s) _____ Address _____
School Names _____ Phone _____

Johnson, Marcus Channin 247412863 (gr7)
Yr Aug 1993-94 6/20/93- 6/1/94
2,000 days absent 0.00 tardies
GPA 2.667 Cr 0.000 Rank 302/410

Johnson, Marcus Channin 247412863 (gr8)
Yr Aug 1994-95 8/10/94- 8/31/95
20,000 days absent 0.00 tardies
GPA 2.667 Cr 0.000 Rank 302/410

Johnson, Marcus Channin 247412863 (gr9)
Yr Aug 1994-95 8/10/94- 8/31/95
20,000 days absent 0.00 tardies
GPA 2.667 Cr 0.000 Rank 302/410

ENG1 -A D 1.000 R A D 0.500
MTHAPP11 F 0.000 PHYS11-G C 1.000
LAW ED-C F 0.000 CHE C 0.500

place of

95-96 Grade IV
Barbara F 0.0
GFI (Jr) F 0.0
Keyboarding F 0.0

Subject	Date	Grade	Unit	Score

Grade Symbols 7-12
A-94-100 C-76-85 F-62 or Below
B-87-93 D-70-75

000543

0 0 0 5 4 4

Name _____

Extra Curricular Activities (List Leadership Roles)

Activity	7	8	9	10	11	12
Academic Team						
Band						
Baseball						
Basketball						
Golf Club						
Cheerleader						
Cross Country						
Debate						
Football						
Golf						
Literary Magazine						
Marching						
March Team						
Newspaper Staff						
Soccer						
Softball						
Student Council						
Tennis						
Track						
Volleyball						
Weightlifting						
Yearbook Staff						
Art Club						
Chess						
Music						
Swimming						
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Yearbook Staff						
Art Club						
Chess						
Music						
Swimming						

ELEMENTARY SCHOOL RECORD, SCHOOL DISTRICT OF PICKENS COUNTY

Legal Name Johnson Marcus Channing Nickname Marcus S.S. No. _____
 Place of Birth Pickens (city) SC (state) Birthdate _____ Sex M Race B Phone 859-5921
 Custodial Parent/Guardian Messmore Johnson (last name) Relationship Mother

See Grade Symbols
 E - Excellent
 S - Satisfactory
 N - Needs Improvement
 U - Unsatisfactory
 One Grade-on Grade
 A - Excellent D - Below Avg.
 B - Good F - Failing
 C - Average

Address (use pencil) _____ Name of School Dr. Kinnick

Kindergarten _____
 Name of School _____
 School Year _____
 Days Present _____ Days Absent _____
 Promoted/Retained (circle) _____
 Signature _____

Johnson, Marcus Channing 247112812 (gr4)
 Tr End 1991-92 8/24/92- 8/2/92
 2.00 days absent 10.00 tardies
 GPA 2.00 Gr 2.000 Rank 1/1

READING B 0.000 EXCELLENCE C 0.000
 WRITING C 0.000 SATISFACTORY B 0.000
 SCIENCE B 0.000 EXCELLENCE C 0.000
 ART S 0.000 EXCELLENCE S 0.000
 PE S 0.000 EXCELLENCE C 0.000

Promoted/Retained signature _____

Johnson, Marcus Channing 247112812 (gr4)
 Tr End 1991-92 8/24/92- 8/2/92
 2.00 days absent 10.00 tardies
 GPA 2.00 Gr 2.000 Rank 1/1

SPEAKING B 0.000 EXCELLENCE B 0.000
 READING C 0.000 SATISFACTORY B 0.000
 SCIENCE B 0.000 SATISFACTORY C 0.000
 HEALTH B 0.000 PE S 0.000
 ART S 0.000 EXCELLENCE S 0.000

Promoted/Retained signature J. Fowler

Promoted/Retained signature _____

Promoted/Retained signature _____

Promoted/Retained signature _____

Promoted/Retained signature _____

Promoted/Retained signature _____

Promoted/Retained signature _____

Name Johnson (last) Marcus (first) Channing (middle) Nickname Marcus (nickname)
Address [REDACTED] - Easley SC Phone No. 889-5972 (use pencil)
Parent or Guardian (underline/initials) Genevieve Johnson (use pencil)
Place of Birth Pickens (county) SC (state) Date of Birth [REDACTED]

Age Y3

YEAR	1934-1935	1935-1936	1936-1937	1937-1938	1938-1939
GRADE LEVEL	K	1	1	2	3
SUBJECT	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.
Language				D	C
Spelling				D	A
Reading	N/3	S	B-2	C	C
Science			C	C	C
Social Studies			B		
Writing	S/2	S			A
Health			B	D	C
Physical Ed. (Participation)			S	S	S
Art Ed. (Participation)			F	F	S
Music Ed. (Participation)			F	F	S
Mathematics	N/2	S	B-2	D	C
Days Present	167	179	176	180	182
Days Absent	13	1	4	0	0
Days Tardy					
Promoted by Retained	Promoted	Retained	Promoted	Retained	Promoted
Teacher	J. Shanklin	Baker	Julian	Smiley	Young (Mrs.)
Name of School	McKissick	McKissick	McKissick	McKissick	McKissick

Name <u>Marcus Johnson</u>										School <u>McKissick</u>										(Use Pencil)																																																											
STANFORD Achievement Test Series, Eighth Edition										SIGNIFICANT NOTES																																																																					
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STUDENT NAME: JOHNSON MARCUS STUDENT ID: 74170111384 TEACHER NAME: BAKER RADAKA W										COGNITIVE SKILLS ASSESSMENT BATTERY FALL ASSIGN: 74017 GRADE 1 READING 701 MATH 622 NEEDS IMPROVEMENT *DM, DE, RE, IN, AL																																																																					
STUDENT NAME: JOHNSON MARCUS STUDENT ID: 74170410685 TEACHER NAME: JULIAN CHRISTI										COGNITIVE SKILLS ASSESSMENT BATTERY FALL ASSIGN: 74017 GRADE 1 READING 701 MATH 622 NEEDS IMPROVEMENT *DM, DE, RE, IN, AL																																																																					

Memorandum - February 8, 2017**Report of Witness Interview Conducted by E. Brenton Sadreameli, Investigator***State of South Carolina v. Marcus Channing Johnson*

To: William S. McGuire

Chief Attorney

Capital Trial Division, SCCID

Subject: [REDACTED], DOB: [REDACTED], SSN: [REDACTED], [REDACTED]

Location: Applebee's Restaurant, Easley, SC

Date of Interview: 6/29/2016, 15:17

Witness: Noel Nickel, Mitigation Investigator

On the above date and time I, Brenton Sadreameli, along with Noel Nickel, Mitigation Investigator, conducted an interview of [REDACTED]. A voluntary statement was also provided by [REDACTED], wherein her experience with Williams was memorialized.

[REDACTED] first met Crystal Gail Williams sometime around the summer of 2014 while they were both detained at the Pickens County Detention Center. Williams and [REDACTED] shared a cell during this time and the two conversed frequently. [REDACTED] described Williams as someone who was manipulative. As an example, [REDACTED] described occasions where she observed Williams pretending to cry to elicit sympathy for her deceased husband (whose death resulted in Williams' detention and being charged with murder) and then when others would leave the room, she would pretend like nothing happened, resuming a carefree appearance and laughing. According to [REDACTED], Crystal Williams frequently displayed outbursts of rage, often during or just after a conversation on the jail's phone. [REDACTED] advised us that she ultimately requested to be moved from Williams' cell due to a concern for her own safety.

[REDACTED] also described many occasions where Crystal Williams made remarks about Marcus Johnson, with whom [REDACTED] was familiar but had never known personally. Williams also used the word "nigger" referring to Marcus Johnson and other African Americans on numerous occasions. [REDACTED] advised that her recollection of Williams' frequent use of this slur was very distinct as she has never been comfortable with the word "nigger" on account of her upbringing and beliefs. In her statement, [REDACTED] wrote: *"I can remember a lot of this because of the 'n' word being used in purdy (sic) much all Crystal W. said because it was almost like it was just natural for her to say that word, and in my growing up it was not allowed at all. So I was shocked of how Crystal W. would just talk like it was natural, her normal language."*(sic)

Within the statement [REDACTED] provided, she included a number of direct quotes attributed to Crystal Williams. The following statements were written in quotation marks by [REDACTED]:

Williams: *"He's a stupid nigger, going to jail for something I did"*Williams: *"[he is] a stupid ass nigger for her(sic) being away from her(sic) son"*Williams: *"he's stupid enough to fall for that bullshit"*Williams: *"He's so damn stupid to fall for that bullshit and I get it, his ass is just so stupid to fall for it but that's a nigger, a stupid nigger"*

According to [REDACTED] all of the above statements were made while Crystal Williams was discussing Marcus Johnson and his alleged involvement in the crime for which both Johnson and Williams had been arrested and charged. [REDACTED] heard these statements on separate occasions in the cell they shared, in the recreation area, and in the showers.

All of the above is true and accurate to the best of my knowledge.

A handwritten signature in black ink, appearing to be 'EBS', followed by a date '2/8/2017' written in a similar style.

E. Brenton Sadreameli
Investigator
Capital Trial Division - SCCID

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF PICKENS

THIRTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

MARCUS CHANNING JOHNSON,

Defendant.

Indictment No.s: 2014-GS-39-735, 36

AFFIDAVIT OF PLEA

A. Swearing of Defendant and Preliminary Questions

1. Mr. Johnson, the court will ask if you wish to plead guilty to the pending charges, *mcs*
of Murder, Conspiracy to Commit Murder, and Possession of a Weapon During
the Commission of a Violent Crime. Do you wish to plead guilty? *yes mcs*

2. Before accepting your guilty plea, there are a number of questions the Court will
ask you to ensure that your entry of this guilty plea is valid. If you do not
understand any of the questions, or at any time wish to consult with your attorney,
you may do so, since it is essential that you understand each question before you
answer.

Do you understand? *yes mcs*

3. The clerk will administer an oath to you by asking you if you swear or affirm to tell the truth. Will you tell the truth to the Court? yes mcs
4. Do you understand that, having been sworn, your answers to the Court's questions will be subject to the penalties of perjury or of making a false statement if you do not answer truthfully? yes mcs

B. Competence of Defendant to enter plea

1. Mr. Johnson, how old are you? 38 mcs
2. How far did you go in school, and what is the name of the school you last attended? grade 165
3. Do you understand that, in order to plead guilty to the charges, you will appear in court to admit, under oath, that you committed the criminal acts of Murder, Conspiracy to Commit Murder, and Possession of a Weapon During a Crime of Violence, and that you will be sentenced to a term of imprisonment between 30 years and Life without the possibility of parole? yes mcs
4. What was your last job or occupation? Trucking mcs

5. Have you taken any drugs or medication or consumed any alcoholic beverages in the past twenty-four hours or are you now under the influence of any drugs or alcohol? yes, prescriptions yes mcs
6. Have you ever been treated for mental illness or addiction to alcohol or narcotic drugs of any kind? no. Do you understand what is happening today?
will plead guilty and sentence mcs
7. State in your own words what entering a plea of guilty and being sentenced means. to said I did it what the police
said to charges and to be sentence to
no less than 30 years mcs
8. Have you been mistreated in any way by the police, officers at the jail, or anyone in the Solicitor's Office? no mcs

mcs

C. Defendant's Right to Counsel (Attorney Competence)

1. Have you had ample opportunity to discuss your case with Mr. McGuire and Mr. DeLong? yes mcs
2. Are you satisfied with your attorneys' representation? yes mcs
3. Have they done everything you have asked? yes mcs

4. Have they he failed to do anything you have asked them to do? no mls
5. Is there anything that you would like them to do at this time? no mls

D. Defendant's Right to a Trial and the Nature Thereof

1. Do you understand that, under the Constitution of the United States as well as the laws and Constitution of the State of South Carolina, you are entitled to a trial by a jury during which you would have the right to the assistance of counsel for your defense:
- a) On the charges pending in Pickens County contained in the Indictment numbered 2014-GS-39-0735 which alleges the offenses of Murder and Possession of a Weapon During the Commission of a Violent Crime? yes mls
- b) On the charge pending in Pickens County contained in the Indictment numbered 2014-GS-39-0736 alleging the offense of Conspiracy? yes mls
2. Do you understand that, at a trial, you would be presumed to be innocent and the State would be required to prove you guilty of the offenses alleged in the above described Indictments by competent evidence and beyond a reasonable doubt before you could be found guilty, and you would not have to prove that you were innocent? yes mls
3. Murder. Do you understand that, at a trial, the State would have to prove that you unlawfully killed a human being with malice aforethought? yes mls

4. Possession of a Weapon During the Course of a Violent Crime. Do you understand that, at a trial, the state would have to prove that you possessed a firearm during the commission of murder, a violent crime as defined by SC Code section 16-1-60? yes mcs
5. Conspiracy. Do you understand that, at a trial, the state would have to prove you guilty of agreeing and combining with another person to commit an unlawful act, specifically murder? yes mcs
6. Do you understand that, in the course of trial, the witnesses for the state would have to come to court and testify in your presence, and your attorney could cross-examine the witnesses for the state, object to evidence offered by the State, and offer evidence on your behalf? yes mcs
7. Do you also understand that, at a trial, while you would have the right to testify if you chose to do so, you also would have the right not to testify, and no inference or suggestion of guilt could be drawn from the fact that you did not testify? yes mcs
8. Do you understand that, at a trial, you would have the right to the issuance of subpoenas, or compulsory process, to compel the attendance of witnesses to testify in your defense? yes mcs
9. Do you understand that, at trial, Mr. McGuire and Mr. DeJong would have the right to move before the Court to suppress evidence that may have been gathered by law enforcement in violation of your constitutional rights? yes mcs

mcs

10. If you plead guilty and the Court accepts your plea, do you understand that you will waive your right to a trial and the other rights referenced above: that there will be no trial, and the Court will enter a judgment of guilty and sentence you on the basis of your guilty plea? yes mcs
11. If you plead guilty, do you understand that you will also have to waive your right not to incriminate yourself, since the Court may ask you questions about what you did in order to establish that you are guilty as charged, and you will have to acknowledge your guilt? yes mcs
10. Having discussed your rights with you, do you still wish to plead guilty? yes mcs

mcs

E. Nature of Charges and Possible Consequences of Plea

1. Have you received a copy of the indictments, that is, the written charges made against you in this case? yes mcs. Have you discussed with your counsel the charges in the indictments and the case in general? yes mcs.
2. Do you understand the charges? mcs yes
3. Do you understand that the minimum possible penalty for the offense of murder is a sentence of imprisonment of 30 years in the state penitentiary, and that the maximum sentence would be imprisonment for Life without the possibility of parole? yes mcs

4. Do you understand that murder is a violent, most serious offense, and that you would be required to serve each day of your sentence (minus credit for time served awaiting your plea or trial)? yes mcs
5. Do you understand that Possession of a Weapon During the Commission of a Violent Crime carries a sentence of 5 years imprisonment, and that the sentence may run concurrent or consecutive to any other sentence you may receive on the other pending charges? yes mcs
6. Do you understand that the offense of Conspiracy requires that you be fined not more than \$5,000.00 or imprisoned not more than 5 years, and that any term of imprisonment may be ordered to run concurrent or consecutive to any other sentence you may receive? yes mcs

mcs

F. Voluntariness of Plea and Plea Agreement

1. Has anyone threatened you or anyone else or forced you in any way to plead guilty? No mcs

A. The Plea Agreement in this case is that the state will not seek the death penalty, and that Mr. Johnson will plead "straight up" to all of the pending charges, with the state arguing for the maximum sentence allowed by law and Mr. Johnson's attorneys arguing for the minimum sentence allowed by law.

2. Has anyone made any promise, other than the plea agreement, that induced or caused you to plead guilty? no mcs

3. Has anyone made any prediction, prophesy, or promise to you as to what your sentence will be other than the sentencing range contained in your plea agreement? no ~~yes~~ mls

G. Determining Factual Basis for Guilty Plea

1. Did you, as charged, commit the offense of murder in Pickens County? yes mls
2. Did you, as charged, conspire to commit murder in Pickens County? yes mls
3. Did you, as charged, have possession of a firearm during the commission of a violent crime, specifically murder, committed in Pickens County? yes mls
4. State, in your own words, what you did with regard to the allegations of these counts. Cystal gave me money for gun she let me in the house to hide when Shane came out I shot Shane.
5. Do you understand that the solicitor or state case agent will summarize the evidence concerning the facts they would be prepared to prove at trial in order to establish an independent factual basis for the offense? yes mls
6. Do you understand that you will be asked if you agree with the solicitor's summary of what you did, and if you state that you do not agree with those facts the Court will ask you to state the facts with which you disagree? yes mls

yes mls

I have read and I understand the questions presented in this document.

yes mls

I have reviewed the evidence in my case and all possible defenses that I might

employ. It is my desire to enter a guilty plea as outlined in the plea negotiation.

yes m's

I understand that I have a right to appeal the sentence imposed upon me, and it is further my understanding that if I desire to appeal, that I must request my attorney to do so within a limited time period. I understand that my notice of intent to appeal must be filed within ten (10) days of my plea and sentencing.

SM

Marcus C. Johnson
Marcus Channing Johnson

DISCOVERY, 1/22/2016

27

AGENCY I.D. SUPPLEMENTARY INCIDENT REPORT NARRATIVE

CASE NUMBER

NCIC

SC0390000

PICKENS COUNTY SHERIFF'S OFFICE

2014-02376

INQ. ENTD.

SUPP #	INCIDENT DATE	INCIDENT TIME	CASE STATUS	PAGE	1	of	1	PAGES
32	01/26/2014	3:45	A - Active					

SUPPLEMENT TYPE	SUPPLEMENT DATE	SUPPLEMENT TIME	SUPPLEMENTING OFFICER
Interview's of Crystal Williams & Marcus Johnson	02/06/2014	9:20	497 - CHAD BROOKS

On 02/05/2014 I, Capt. Chad Brooks, along with Chief Deputy Creed Hashe interviewed Crystal Gail Williams at the Pickens County Sheriff's Office. During the interview, Mrs. Williams admitted her involvement in the murder of her husband, Shane A. Williams. For details of this interview, refer to the statement of Mrs. Williams and the audio/video recording of the interview.

In the early morning hours of 02/06/2014 we also interviewed Marcus Channing Johnson at the Sheriff's Office. During his interview, Mr. Johnson also admitted his involvement in the murder of Mr. Williams. For details of his interview, refer to the statement of Mr. Johnson and the audio/video recording of the interview.

NARRATIVE



COPY

TORA L. BRAWLEY, PH.D.
CLINICAL PSYCHOLOGY – NEUROPSYCHOLOGY
803-361-1659 803-497-3526 (FAX)

NEUROPSYCHOLOGICAL EVALUATION

Revised 2/7/17

Patient Name: Marcus Johnson

Date of Birth: -----

Date of Evaluation: 10/27/2015

Per the request of his attorneys, an extended clinical interview and neuropsychological test battery were administered to Mr. Marcus Johnson on October 27, to assess his current level of cognition. Effort testing was also conducted to ensure the validity of these results. The evaluation was conducted at the Pickens County Detention Center. The following is a summary of evaluation results.

Mr. Johnson is a 37 year-old, right-handed, black male who is currently reporting difficulties with memory loss. He states that he first noticed problems with his memory loss in 2012 after he was shot in the leg while working as a truck driver. When describing the incident, he reports that he recalls ringing in his ears and his cousin yelling but he couldn't hear what he was saying. He went on to say that he looked down and saw his leg and fell off of the truck. He does not recall anything else until he woke in the hospital. He also does not recall if he struck his head in the fall. He states that he was in the hospital for one week after this injury.

Mr. Johnson reports that he believes his thinking was normal prior to the shooting. Since the shooting he states, "I don't remember a lot of stuff real good". He reveals that he will forget where he is going while driving, forgets what people have told him and has trouble recalling recent events. He also reports decreased concentration and ability to focus.

Mr. Johnson also reports current difficulties with fluctuating weight, decreased energy level, decreased libido, feelings of depression and increased irritability. He additionally states that he is not as talkative as he was in the past. He reports current stressors to include the environment in the Detention Center and his girlfriend leaving him after the shooting. He states, "I feel like I lost all my support".

Prior to his incarceration Mr. Johnson was living alone in Easley, SC. He was born in Pickens County and described his childhood as "simple" and "average". He has never been married and has one son, age seven. He completed the 10th grade, and states that he had to repeat the 3rd grade. He reports to have been an average student and was in regular classes. He reports his most recent occupation to have been a truck driver from 2012-2014. He has also worked as a heavy equipment driver.

Psychiatric history is reportedly negative. Medical history includes the above-mentioned gunshot wound to the leg as well as a head injury in 2006. He was unable to name his current medications but stated he was taking "blood pressure medications, nerve medications and stool softeners". He denies a history of heavy alcohol or drug use.

The following tests were administered to Mr. Johnson:

Wechsler Adult Intelligence Scale- IV (WAIS-IV)
 Wechsler Test of Adult Reading (WTAR)
 Repeatable Battery for the Assessment of Neuropsychological Status (RBANS)
 List Learning
 List Recall
 List Recognition
 Story Memory
 Story Recall
 Figure Copy
 Figure Recall
 Line Orientation
 Picture Naming
 Semantic Fluency
 Verbal Series Attention Test
 Controlled Verbal Fluency Test
 Short Category Test – Booklet Format
 Finger Oscillation
 Grooved Pegboard
 Trail Making Part A and Part B
 Test of Memory Malingering

During this evaluation Mr. Johnson was well groomed, alert, and fully ambulatory. His mood was pleasant and friendly and affect was appropriate to the situation. He exhibited good eye contact, and hearing and vision appeared to be adequate for the purposes of this evaluation. His speech was fluent, coherent and goal oriented and he had adequate vocabulary, phrasing and articulation. His attention span was intact for presentation of tasks and he exhibited intact comprehension of directions. He was cooperative to testing and persisted with little encouragement. Testing conditions were good and these test results are considered to be a valid representation of Mr. Johnson's current level of cognitive functioning.

The Wechsler Adult Intelligence Scale – Fourth Edition (WAIS-IV) revealed Mr. Johnson to have the following index scores:

Verbal Comprehension	76	(5 th percentile)	Borderline
Perceptual Reasoning	73	(4 th percentile)	Borderline
Working Memory	92	(30 th percentile)	Average
Processing Speed	84	(14 th percentile)	Low Average
General Ability	72	(3 rd percentile)	Borderline
Full Scale IQ	75	(5 th percentile)	Borderline

These scores place him overall in the Borderline range of intellectual functioning. The subtest of Digit Span was an area of strength for him and what accounts for the higher score on the Working Memory Index. On a test of oral reading he obtained an estimated premorbid Full Scale IQ of 82.

Additional cognitive testing on the RBANS revealed Mr. Johnson to have deficits in the areas of immediate memory for prose passages (1st percentile), delayed memory for prose passages (1st percentile), copy of a complex figure (5th percentile), and delayed recall of a complex figure (8th percentile).

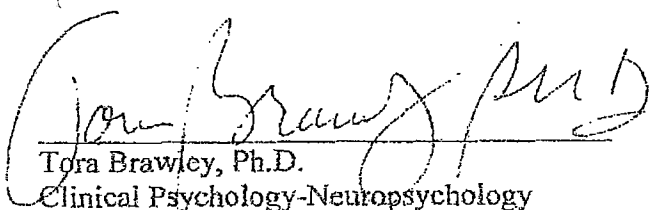
Speed of mental tracking for sustained concentration tasks was severely impaired (1st percentile). On the Short Category Test his nonverbal abstract reasoning and cognitive flexibility were severely impaired (1st percentile for correct responses). Motor testing revealed severely impaired simple manual speed bilaterally (2nd percentile on the right and 1st percentile on the left), and manual dexterity on his dominant right hand was also poor (6th percentile). On Trail Making A his psychomotor speed and visual scanning were borderline (6th percentile), and the same was noted on Trail Making B when set shifts were required (9th percentile).

Formal effort testing was conducted with the Test of Memory Malingering. Performance was completely within normal limits, indicating no evidence of an attempt to exaggerate or malingering cognitive symptoms.

In summary, Mr. Johnson is 37 year-old, male who is currently reporting difficulties with cognition, which he states began in 2012 after he was shot in the leg and fell from his truck. He does not recall if he struck his head in the fall. Testing results from this evaluation reveal that Mr. Johnson is currently performing overall in the Borderline range of intellectual based on his Full Scale IQ of 75. Additional deficits were noted in the areas of verbal memory, visual memory, speed of mental tracking, motor speed, manual dexterity, trail making and visuospatial functioning. He put forth good effort and these results are considered to be an accurate representation of his current functioning.

These results are consistent with the presence of brain organicity and his deficits will have an impact on his ability to fully process and comprehend more complex materials and issues. The use of multiple repetitions was shown to be of benefit in learning new materials.

Thank you for asking me to participate in the evaluation of this patient. Please do not hesitate to contact me should you have further questions.



Tora Brawley, Ph.D.
Clinical Psychology-Neuropsychology



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Capital Trial Division
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

Telephone 803 734 7818
Facsimile 803 734 1068
Email: BMcGuire@scd sc gov
Email: SYoung@scd sc gov
Email: CSecor@scd sc gov
Email: Nhollday@scd sc gov

William S. McGuire, Chief Attorney
S. Boyd Young, Deputy Attorney
Casey Secor, Trial Attorney
Natasha J. Holliday, Paralegal

June 26, 2012

RECEIVED

JUN 29 2012

DIRECTOR

William R. Byars, Jr.
Director, South Carolina Department of Corrections
P.O. 21787
Columbia, SC 29221

RE: Freedom of Information Request

Dear Mr. Byars:

I am writing, pursuant to the Freedom of Information Act, S.C. Code 34-4-10 through 110, to request that you provide me with any and all documents in the possession of the South Carolina Department of Corrections indicating the average or mean age in which male inmates die of natural causes within the custody of the SC Dept. of Corrections. I am requesting the race and age of each male who died while imprisoned and whose manner of death was by natural causes only for the years of 2009, 2010, and 2011.

The release of this information from your agency will not reveal the identities of any inmates, is not a premature release of information to be used in a prospective law enforcement action, will not disclose investigatory techniques, and will not endanger the life, health, or property of any person.

As you know, the FOIA allows you to reduce or waive search and/or copying fees when release of the requested information would be "in the public interest." At a minimum, the FOIA mandates: "The records must be furnished at the lowest possible cost to the person requesting the records." S.C. Code 30-4-30. If the fees will exceed \$50.00, please inform me of the charge before you fill this request.

Thank you for your assistance. Please do not hesitate to contact me if you have any questions regarding this matter or if I can provide you with any additional information.

Sincerely,

Bill McGuire

BM/hjh

Bill S. McGuire

From: Dayne Haile [Haile.Dayne@doc.sc.gov]
 Sent: Monday, July 02, 2012 4:36 PM
 To: Bill S. McGuire
 Subject: FOIA Request



MaleDeathsbyNat DOC.PDF (41 KB)
 uralCauses2009T...

Please see attached in response to your FOIA request. Thanks.

N. Dayne Haile
 South Carolina Department of Corrections Office of General Counsel Post Office Box 21787
 4444 Broad River Road
 Columbia, South Carolina 29210
 (803)896-2380 (Office)
 (803)896-1766 (Fax)

-----Original Message-----

From: Trevis Shealy
 Sent: Monday, July 02, 2012 4:33 PM
 To: Dayne Haile
 Cc: Lisa Marcum
 Subject: FW: FOIA Request

-----Original Message-----

From: Charles Bradberry
 Sent: Monday, July 02, 2012 2:44 PM
 To: Trevis Shealy
 Cc: Lisa Marcum; Erin Ferencik; Deanne Williams
 Subject: RE: FOIA Request

I think the attached is all he is asking for.

-----Original Message-----

From: Trevis Shealy
 Sent: Monday, July 02, 2012 9:49 AM
 To: Charles Bradberry
 Cc: Lisa Marcum
 Subject: FW: FOIA Request

-----Original Message-----

From: Dayne Haile
 Sent: Monday, July 02, 2012 8:46 AM
 To: Trevis Shealy
 Cc: Lisa Marcum
 Subject: FW: FOIA Request

Trevis, please see attached. I think that RIM can answer all of the questions for Mr. McGuire. Mr. Tatarsky said we would not waive the fee. Please let me know if there is anything you cannot answer and if you will be unable to answer within FOIA time requirements. Thanks.

N. Dayne Haile
 South Carolina Department of Corrections Office of General Counsel Post

Office Box 21787
 4444 Broad River Road
 Columbia, South Carolina 29210
 (803) 896-2380 (Office)
 (803) 896-1766 (Fax)

-----Original Message-----

From: David Tatarsky
 Sent: Monday, July 02, 2012 8:15 AM
 To: Dayne Haile
 Subject: FW: FOIA Request

No.

David M. Tatarsky
 General Counsel
 S.C. Dept. of Corrections
 P.O. Box 21787
 Columbia, SC 29221-1787

803.896.8508 (Office)
 803.896.1766 (Fax)

-----Original Message-----

From: Dayne Haile
 Sent: Friday, June 29, 2012 4:37 PM
 To: David Tatarsky
 Subject: FOIA Request

Do you want to waive the fee?

N. Dayne Haile
 South Carolina Department of Corrections Office of General Counsel Post
 Office Box 21787
 4444 Broad River Road
 Columbia, South Carolina 29210
 (803) 896-2380 (Office)
 (803) 896-1766 (Fax)

-----Original Message-----

From: DoNotReply@doc.state.sc.us [mailto:DoNotReply@doc.state.sc.us]
 Sent: Friday, June 29, 2012 4:21 PM
 To: Dayne Haile
 Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: HQ/Legal (NAMEP) 896-8508
 Device Name: XRX0000AAF34D63

For more information on Xerox products and solutions, please visit
<http://www.xerox.com>

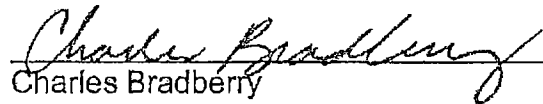
AFFIDAVIT OF CHARLES BRADBERRY

APPEARED before, me the undersigned authority for administering oaths, Charles Bradberry, employed by the South Carolina Department of Corrections (SCDC) who upon being duly sworn, swears and states as follows:

The Office of General Counsel received a Freedom of Information Act request from attorney Bill McGuire demanding the race and age of any and all male inmates of the South Carolina Department of Corrections who died of natural causes for the years of 2009, 2010, 2011. The requested information is kept by the South Carolina Department of Corrections in the normal course of business and operations. Dayne Haile, SCDC FOIA Coordinator provided the requested information to Bill McGuire via email on July 2, 2012. The statistical data provided was the information entered into SCDC's automated system and was provided pursuant to the Freedom of Information Act.

Bill McGuire's office requested an affidavit verifying the data; therefore, I, Charles Bradberry, reviewed the data. During my review, I determined that some elements contained errors. A spreadsheet of the changes is attached as Exhibit A to this affidavit. All other information in response to the data request is true and correct.

FURTHER AFFIANT SAYETH NOT.


Charles Bradberry

DATED this the 21 day of October, 2013.

SWORN to subscribed before me, this 21 day of October, 2013.


NOTARY PUBLIC

My Commission Expires: 9-18-2018

Exhibit A
South Carolina Department of Corrections
Death by Natural Causes For Males
CY 2009 – CY 2011

Year of Death	Age at Death	Gender	Race
2009	20	M	B
2009	22	M	B
2009	27	M	B
2009	28	M	B
2009	46	M	B
2009	49	M	B
2009	50	M	B
2009	51	M	B
2009	51	M	B
2009	53	M	B
2009	55	M	B
2009	58	M	B
2009	58	M	B
2009	60	M	B
2009	61	M	B
2009	62	M	B
2009	63	M	B
2009	64	M	B
2009	81	M	B
2009	89	M	B
2009	31	M	W
2009	34	M	W
2009	40	M	W
2009	43	M	W
2009	43	M	W
2009	45	M	W
2009	50	M	W
2009	51	M	W
2009	52	M	W
2009	53	M	W
2009	54	M	W
2009	54	M	W
2009	55	M	W
2009	56	M	W
2009	57	M	W

Year of Death	Age at Death	Gender	Race
2009	58	M	W
2009	59	M	W
2009	59	M	W
2009	59	M	W
2009	66	M	W
2009	68	M	W
2009	70	M	W
2009	77	M	W
2009	80	M	W
2010	28	M	B
2010	29	M	B
2010	34	M	B
2010	35	M	B
2010	43	M	B
2010	46	M	B
2010	47	M	B
2010	47	M	B
2010	47	M	B
2010	47	M	B
2010	48	M	B
2010	49	M	B
2010	49	M	B
2010	50	M	B
2010	50	M	B
2010	51	M	B
2010	51	M	B
2010	52	M	B
2010	53	M	B
2010	54	M	B
2010	55	M	B
2010	56	M	B
2010	61	M	B
2010	63	M	B
2010	69	M	B
2010	70	M	I
2010	50	M	O
2010	27	M	W
2010	31	M	W
2010	33	M	W

Year of Death	Age at Death	Gender	Race
2010	37	M	W
2010	39	M	W
2010	41	M	W
2010	47	M	W
2010	47	M	W
2010	48	M	W
2010	50	M	W
2010	50	M	W
2010	51	M	W
2010	51	M	W
2010	51	M	W
2010	52	M	W
2010	53	M	W
2010	54	M	W
2010	55	M	W
2010	57	M	W
2010	57	M	W
2010	58	M	W
2010	60	M	W
2010	60	M	W
2010	60	M	W
2010	62	M	W
2010	62	M	W
2010	64	M	W
2010	67	M	W
2010	67	M	W
2010	73	M	W
2010	73	M	W
2010	82	M	W
2011	25	M	B
2011	29	M	B
2011	31	M	B
2011	33	M	B
2011	39	M	B
2011	42	M	B
2011	45	M	B
2011	45	M	B
2011	47	M	B
2011	48	M	B

Year of Death	Age at Death	Gender	Race
2011	49	M	B
2011	50	M	B
2011	50	M	B
2011	51	M	B
2011	51	M	B
2011	51	M	B
2011	53	M	B
2011	53	M	B
2011	53	M	B
2011	53	M	B
2011	54	M	B
2011	55	M	B
2011	56	M	B
2011	57	M	B
2011	61	M	B
2011	62	M	B
2011	64	M	B
2011	64	M	B
2011	64	M	B
2011	68	M	B
2011	80	M	B
2011	23	M	W
2011	39	M	W
2011	42	M	W
2011	44	M	W
2011	45	M	W
2011	46	M	W
2011	51	M	W
2011	54	M	W
2011	55	M	W
2011	61	M	W
2011	64	M	W
2011	65	M	W
2011	65	M	W
2011	66	M	W
2011	67	M	W
2011	69	M	W
2011	71	M	W
2011	79	M	W

WITNESSES

Jan Kelley

Pickens County Sheriff's Office

2/6/2014

ARREST WARRANT NUMBER

2014A3910300075, 2014A3910300079

Date _____

ACTION OF GRAND JURY

TRUE BILL

Date _____

APR 15 2014

Christopher D. Byers
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date: _____

OS

DOCKET NO. 2014-GS-39- ^{BCS} 0735

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 15 2014

TERM 2014

THE STATE

vs.

MARCUS CHANNING JOHNSON

Indictment for

0116, 0549

**MURDER AND POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME**

VIOLATION §16-03-0010 and §16-23-0490

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)

INDICTMENT FOR
 MURDER AND POSSESSION OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **APR 15 2014** the Grand Jurors of Pickens

County present upon their oath:

COUNT ONE

MURDER

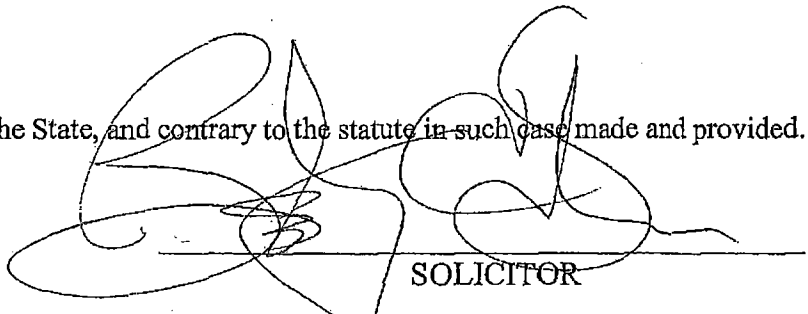
That MARCUS CHANNING JOHNSON did in Pickens County, on or about the 26th day of January, 2014, unlawfully and with malice aforethought kill SHANE WILLIAMS by means of shooting him with a handgun, and that SHANE WILLIAMS died as a proximate result thereof. This is in violation of §16-03-0010 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That MARCUS CHANNING JOHNSON did in Pickens County, on or about the 26th day of January, 2014, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-0490 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

100
STATE OF SOUTH CAROLINA

COUNTY OF Pickens
STATE VS.
Marcus Channing Johnson

AKA:
Race: BLACK Sex: M Age: 38
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: Easley, SC 29640-7835
DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Murder (gs)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 15305 Marcus Channing Johnson 01620
SC Bar# Defendant DEJONG, JOHN W. SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ ~~County Detention Center~~,
for a determinate term of life ~~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: 14 GS 39-736
☒ 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 Feb 4, 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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 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) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: Deborah Garrison

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GSS00075 RECEIVED
A/W#: 2014A3910300075
Date of Offense: 1/26/2014
S.C. Code § : 16-03-0010, 0020 FEB 17 2017
CDR Code #: 0116 SC Court of Appeals

SENTENCE SHEET 3D-life

☐ CONVICTED OF or ☒ PLEADS

PTUP

 days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ 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 [Signature]

Judge Code: 2 1 5 4

Sentence Date: 2 / 10 / 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 101

COUNTY OF Pickens
 STATE VS.
Marcus Channing Johnson

AKA:

Race: BLACK Sex: M Age: 38DOB: 08-27-1978 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Easley, SC 29640-7835DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Weapons / Poss. Weapon During Violent Cr

INDICTMENT/CASE#: 2014GS3900735A/W#: 2014A3910300079Date of Offense: 1/26/2014S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

0-5y

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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

ATTEST:

[Signature]
Strom, Betty15305
SC Bar#[Signature]
DefendantJohn W. DeJoy
PRO SE9999 01/20
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: 14 GS 39-736

☒ 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 Feb 4 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 GED ☐☐ Set by SCDPPPS

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: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 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)	\$	\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter: Deborah Harrison

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2 1 5 4Sentence Date: 2/10/2017

WITNESSES

Jan Kelley

Pickens County Sheriff's Office

2/6/2014

ARREST WARRANT NUMBER

2014A3910300078

ACTION OF GRAND JURY

TRUE BILL

Date

APR 15 2014

Christopher D. Byers
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-0736
BCS

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 15 2014

TERM 2014

THE STATE

vs.

MARCUS CHANNING JOHNSON

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
CONSPIRACY

At a Court of General Sessions, convened on

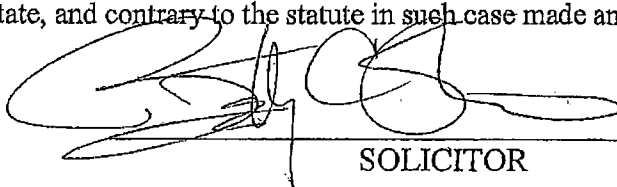
APR 15 2014

the Grand Jurors of Pickens

County present upon their oath:

That MARCUS CHANNING JOHNSON did in Pickens County, on or about the 26th day of January, 2014, willfully and unlawfully combine with CRYSTAL WILLIAMS for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: Murder. This is in violation of §16-17-0410 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

104
STATE OF SOUTH CAROLINA

COUNTY OF Pickens
STATE VS.
Marcus Channing Johnson

AKA:
Race: BLACK Sex: M Age: 38
DOB: 07-07-1978 SS#: 917-11-6813
Address: [REDACTED]
City, State, Zip: Easley, SC 29640-7835
DL#: 0075875 SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Conspiracy, (gs)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 14 GS 39-736
A/W#: 2014A3910300078
Date of Offense: 1/26/2014
S.C. Code §: 16-17-0410
CDR Code #: 0049

SENTENCE SHEET 0-51

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 15305 Marcus Channing Johnson John W DeJoy 9998
Steno, Betty SC Bar# Defendant PRO SE 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: 14 GS 39 735
☒ 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 Feb. 4 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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 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) \$ 3.75

TOTAL \$ 128.75

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol-testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ 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. [Signature]

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (07/2016)

Presiding Judge [Signature]

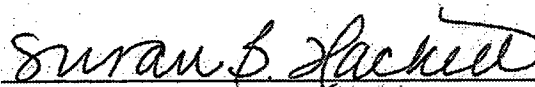
Judge Code: 2 1 5 4

Sentence Date: 2/10/2017

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 2nd day of March, 2018.