

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Laurens County  
Donald B. Hocker, Circuit Court Judge

---

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S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

FABIAN LAMICHAEL GREEN,

APPELLANT

APPELLATE CASE NO 2017-001332

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RECORD ON APPEAL

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1 room with the hammer, and he began to swing. A claw  
2 hammer is what Davian testified to. Swinging it at, at  
3 Edwin, bludgeoning him, crushing his skull again and again  
4 and again. Seven times according to Dr. Ward, calling,  
5 causing depressed skull fractures all over his head from  
6 the back, to the front, to the side, to his jaw. And  
7 where was the blood evidence found. Same place, ladies  
8 and gentlemen. Just where Davian said that it took place.  
9 All right in here. In the living room area, around the  
10 bar, the side of the china cabinet, next to the bar,  
11 including the one that Adrian Hefney said that Edwin, his  
12 likelihood is 38 quadrillion to 1. Now let me ask you  
13 this, is there anything that you saw in this courtroom  
14 from Davian Holman or from Fabian Green that gives you any  
15 doubt as to who is the leader and who is the follower?  
16 Clearly, ladies and gentlemen, Davian Holman is the  
17 follower. He's younger than his cousin, he looks up to  
18 Fabian Green, he considers him a brother. Davian wouldn't  
19 have done what he did without Fabian Green's influence and  
20 direction. I don't know what the Defense is going to  
21 argue. I don't know if they're going to argue that Davian  
22 Holman did it. But do you believe that Davian Holman  
23 acted alone. Why. He said he didn't even know Edwin.  
24 Karina was not his girlfriend. What beef would he have  
25 had with Edman, Edwin? And how did he get the body into

1 the car and to the site on Taylors where Edwin's remains  
2 were burned. He testified that not only does he not have  
3 a license to drive, he doesn't even know how to drive, so  
4 how would he have gotten the car from [REDACTED] Queens Street to  
5 Taylor. You want to believe that Karina Galarza did this  
6 alone? Well, she's been described in testimony as a small  
7 girl. And that would require that you believe that she  
8 actually beat up and killed someone who is described as a  
9 buff young man. Beat him to death with a hammer, rolled  
10 him up in bed clothes, loaded him into a car, and drove  
11 him to the secluded area, then dragged him out of the car  
12 and burned his body. No, but did she stay behind while,  
13 as Davian testified, he and Fabian loaded the body into  
14 the car, took it to Taylor and then did the acts that he  
15 described. Did she stay behind trying to clean up, trying  
16 to get rid of the blood evidence? And that was, yes,  
17 according to Davian. She did, using the strong chemicals  
18 that he talked about, the same chemicals that Adrian  
19 Hefney said will destroy or completely deteriorate DNA,  
20 make it unavailable for, for comparison. But fortunately,  
21 for the investigators, Karina missed a spot and this  
22 droplet of blood is what pretty much categorically proves  
23 Edwin met his end at [REDACTED]. 1 chance in 38 quadrillion that  
24 it's not Edwin's. Ladies and gentlemen, I'm not a betting  
25 man, but if I were, I would take those odds all day every

1/ day. So, if it wasn't Katrina or Karina, excuse me, and  
2 if it wasn't Davian who struck the fatal blows, who is  
3 left. Nobody, by his own admission, other than Fabian  
4 Green. Nobody else is left in the house. So, according  
5 to Davian's testimony, Fabian beats Edwin to death, Fabian  
6 orders Karina to drive the Mustang around behind the back  
7 of the house to where that patio is with the grill and the  
8 trash dumpster. Green then wraps Edwin's body in bed  
9 clothes. He then orders Davian to help carry him out to  
10 the car. According to Davian, they put him in the back  
11 seat where the blood is found. Then he says he and Green  
12 drove to the spot on Taylor right next to the abandoned  
13 trailers, storage sheds, a lot of grass and trees and not  
14 much else. A few trailers a hundred, a couple hundred  
15 yards away, and there Davian says Green got a bucket out  
16 of the trunk of the car, with a knife, with the hammer,  
17 with lighter fluid. He says that he went up to where the  
18 gravel is on that road. He was going to be a lookout. He  
19 waited for Fabian Green there. He saw smoke, he smelled  
20 smoke rising over the area and perhaps the same smoke  
21 that, that Rodney Ginn said he smelled a few days before  
22 the gunshots that he testified to. He testified that he  
23 smelled smoke a few days before. Then Green joined him up  
24 here off the gravel road, back on the paved road and then  
25 they walked that short distance to Mr. and Mrs. Williams

1 house in search of lighter fluid and a place to dump the  
2 contents of the bucket. Now why, again, might you ask  
3 that they were looking for lighter fluid or for alcohol.  
4 Again, the Mustang is still intact. It's still there.  
5 That's what Fabian wanted the lighter fluid for, to finish  
6 the job of destroying the evidence. Instead when they  
7 couldn't find any, they left to go back to the cookout,  
8 for Fabian to create an alibi. But not before dumping the  
9 contents of the bucket in the trash dumpster of the  
10 Williams' neighbor, the same can that was emptied by  
11 sanitation workers just a few hours later. Remember, Mr.  
12 Williams said Monday is their trash pick. This is Sunday  
13 night. Garbage day was Monday and they just left the car  
14 and Edwin's remains to be discovered by Kenny Hill and  
15 colleagues who were down there to cut the grass. And we  
16 determined when the murder took place. Well look at the  
17 State's evidence, especially look at the screen shot that  
18 has the time stamp on it, State's exhibit number 61. What  
19 time is the last message. On the way, Queens Court. ████████  
20 Queens County, Laurens, South Carolina 29360. Okay, come  
21 out. Walk in. And then at 5:32 p.m., never mind, don't  
22 come out, I'm not at home. Again, trying to set up an  
23 alibi. Fabian Green wants you to believe that whoever  
24 Ruby Rina is, it's not Karina Galarza, and it wasn't him  
25 acting in concert with Karina. He wants you to believe

1 that this mythical Ruby Rina contrived to entice Edwin all  
2 the way over to ████████ Queens Court. No, Queens Circle, I'm  
3 sorry, in the late afternoon of Mother's Day. He gives  
4 zero explanation as to why that would be done. He wants  
5 you to believe that he and Karina and Davian left to go to  
6 the cookout, but that Edwin then walks into an unoccupied  
7 house. He wants you to believe that an unknown person,  
8 for reasons unknown, came out and beat Edwin to death in  
9 the living room of ████████ Queens Court, Queens Circle. That  
10 unknown person then substantially cleaned up all of the  
11 evidence, cleaned up from the murder, leaving only a small  
12 amount of blood on the china cabinet, that is  
13 categorically Edwin's. That unknown person then wrapped  
14 Edwin's body up in a comforter, stuffed it into the back  
15 seat of the Mustang, drove it to Taylor, pulled it out and  
16 set it on fire. And then, Fabian Green wants you to  
17 believe that that unknown person then morphed, he split  
18 into two people that look just like Fabian Green and  
19 Davian Holman, to Willie Williams and Olivia Williams.  
20 Ladies and gentlemen, is any of this even remotely  
21 logical, is it remotely possible. I submit that it's not.  
22 And also consider the two witnesses we heard from today.  
23 The witnesses who try to put him at the cookout. They are  
24 relatives. They are trying to convict, to protect him  
25 from being convicted of serious crimes, but they can't

1 even get their times straight, ladies and gentlemen.  
2 Fabian says that they were there at the cookout about  
3 5:40, and his grandmother says oh, he was there about 4:00  
4 o'clock. They are trying to protect their relatives, I  
5 understand that, but don't be deceived. Think also,  
6 ladies and gentlemen, Ms. Green testified that she's  
7 suspicious of law enforcement. Okay. I got that. But  
8 you've got a family member on trial for murder, and you've  
9 got information that might say he wasn't there. Nobody  
10 came and talked to me. Well, did you contact anybody  
11 else? Okay, she doesn't trust law enforcement. A defense  
12 attorney came to her house. Did she ever tell that  
13 defense attorney any information? Law enforcement is not  
14 mind readers. How are they supposed to figure out who to  
15 talk to. They rely on people coming forward with  
16 information. But the first time we ever heard about  
17 Fabian being there at 4:00 o'clock, was when she testified  
18 from this witness stand. She hasn't said anything to  
19 anybody in law enforcement for a year. So, is it remotely  
20 possible or have we got a much less convoluted  
21 explanation. You know there's an old problem solving  
22 principle called Occam's razor. Some of y'all may have  
23 heard of that thing and I probably am going to over  
24 simplify it, but it basically says when there are  
25 competing theories or competing hypotheses, the simplest

1 one is usually the one to go with. Isn't it much more  
2 likely that after their fight on May the 6th, Karina  
3 started texting Ed, Edwin. Look on these Facebook  
4 messages. Maybe to get back at Fabian. I don't know why  
5 she did it. Doesn't really matter here. But we know it  
6 happened. Isn't it much more likely that Fabian Green  
7 found out? Oh, they don't have all that much of a  
8 relationship, I'm just living with. I end up having a  
9 baby with her. Now I don't know if he knew Edwin or not.  
10 He says he didn't. Y'all can make your own conclusions.  
11 Whether he did or not, do you honestly believe that he  
12 wasn't the jealous type. That he wouldn't be angry that  
13 there was an interloper, that he would be angry enough to  
14 kill that interloper. I know this isn't something that  
15 y'all are probably ever acquainted with, you probably  
16 don't even fathom this kind of thinking, it's absolutely  
17 foreign to you. But remember Fabian Green is the author  
18 of this letter, and the segment of which I read in Court  
19 yesterday. This is a crime ladies and gentlemen. I  
20 submit to you the State has proved to you beyond a  
21 reasonable doubt. A few minutes about this letter. I'm  
22 going to wrap up in just a couple. But a few minutes.  
23 Fabian claims that this is a jailhouse fantasy or urban  
24 fiction, whatever he called. Well, I'm a reader too. And  
25 you might've heard the advice that experienced writers

1 commonly give to novice writers. They say write what you  
2 know. I submit to you that Fabian Green knows this crime.  
3 He knows it because he committed it. He's making these  
4 little changes, moving the location from the living room  
5 to the garage, to do as he did on the witness stand  
6 yesterday, oh, y'all should investigate. Three months  
7 after his arrest is when he came up with that ploy trying  
8 to pass that letter to his fellow inmate. But he cannot  
9 deny, ladies and gentlemen, that there is a lot of blood  
10 on the china cabinet, on the floor, in the grout, under  
11 the bar, on the baseboards next to the china cabinet.  
12 Look at these pictures when you're back there in the jury  
13 room. I submit to you that Fabian Green knew about this  
14 crime. It was Edwin's blood, blood that Fabian Green had  
15 shed. He cannot deny that these messages were sent to  
16 Edwin as it was described, believe it or not, in the  
17 letter. He cannot deny that this was a plan between him  
18 and his girl. He cannot deny that the letter described  
19 how he emerged to confront the interloper, that he beat  
20 him and he ultimately out his lights. No, ladies and  
21 gentlemen, Fabian Green has said I'm just trying to make  
22 this jury believe that I'm innocent. That's what he  
23 testified to. The only make believe in this case comes  
24 from Fabian Green. That is the only make believe. He  
25 wants you to believe that he put this letter out to give

1 the impression that he was gangsta, to use his word. He  
2 claims that he wanted to appear tough, to stop bullying  
3 that he never complained about to officials, to anyone, he  
4 never filed a grievance and he claims the supposed  
5 bullying stopped as soon as law enforcement officers or  
6 detention officers intercepted it. The contents were  
7 never revealed to any other inmates, yet he says because  
8 of that letter, the bullying stopped. Yeah, that'll work.  
9 I'm sure that worked. None of his claims hold water. I  
10 like movies. And a lot of movies I see start out with a  
11 little header at the start of the movie, it says based on  
12 a true story, and that's what Fabian Green's letter is.  
13 It's based on a true story because he knew the facts, he  
14 knew them intimately, because it's a true story of a  
15 murder he committed at █████ Queens Circle. It's a true  
16 story of the murder that Davian Holman testified to. The  
17 murder that forensic evidence and scientific and medical  
18 evidence can prove. The aftermath of which Willie and  
19 Olivia Williams could testify to. Ladies and gentlemen,  
20 you recall at the start of the trial that I asked you to  
21 do three things. You've already done one of them  
22 admirably. This has been a difficult trial. A lot of  
23 stuff y'all probably never wanted to hear and I appreciate  
24 your attention and your focus on what's come from this  
25 witness stand. I'm going to ask you to continue to listen

1 very carefully in a few minutes when we get done with  
2 closing arguments, and His Honor instructs you in the law  
3 in this case. And then I'm going to ask you to do that  
4 third thing, use your common sense. The common sense will  
5 tell you ladies and gentlemen, that the State has proved  
6 all the elements of this case. We have proved that there  
7 was an unlawful killing. We have proved that it was  
8 without justification or without an excuse. We have  
9 proved that it was with malice, meanness. We have proven  
10 that it was with malice aforethought. The text messages  
11 luring Edwin to [REDACTED] Queens Circle, and we have shown that  
12 malice was either expressed or implied by the use of a  
13 deadly weapon and crushing Edwin's skull with it. We have  
14 also shown, ladies and gentlemen, that Edwin's corpse was  
15 destroyed, it was burned, you've heard the description.  
16 That is a crime in South Carolina. Ladies and gentlemen,  
17 I submit to you that there is nothing that should leave  
18 you anything but firmly convinced of Fabian Green's guilt  
19 in this case. And we ask that you return a verdict that  
20 reflects that. Thank you very much.

21 THE COURT: Alright. Thank you, Solicitor. Mr.  
22 Shaffer, you ready to make your closing?

23 MR. SHAFFER: Your Honor, may I have about two or  
24 three minutes? I need to setup, and also use the  
25 restroom.

1 THE COURT: Okay. Sure. We'll take a couple minute  
2 break. Ladies and gentlemen, take a few minutes break,  
3 allow Mr. Shaffer an opportunity to setup. Go back to the  
4 jury room and we'll get you back out shortly.

5 (Whereupon, the jury is excused from open court for a  
6 break.)

7 THE COURT: Okay. We'll be in recess for a few  
8 minutes.

9 (Whereupon, a break was taken.)

10 THE COURT: Alright. Let's bring the, Mr. Shaffer,  
11 you ready?

12 MR. SHAFFER: Yes, Your Honor.

13 THE COURT: Okay. Let's bring the jury out.

14 (Whereupon, the jury came into open court at  
15 approximately 12:50 p.m.)

16 THE COURT: Okay. Thank you, Mr. Bolt. Mr. Shaffer,  
17 you ready?

18 MR. SHAFFER: Yes, Your Honor. Probably one of the  
19 first things that I said to you whenever I started opening  
20 statement was that I was scared because I thought that you  
21 might not be able to look past the gruesome scene and the  
22 tragic death of Edwin. My client is also scared. My  
23 client sitting over there, young man, 19 years old or 20  
24 years old now, and he's scared as well. And one thing  
25 that I have to do, is I have to try to console him in some

1 way. Solicitor Mowry said that I did, he didn't know what  
2 I was going to say about what theory of the case I thought  
3 was there and things like that, and the thing is, is that  
4 I guess to some degree, I don't know what happened. Which  
5 I think I was upfront with y'all from the very beginning,  
6 that this case confused me because I don't know what  
7 happened. And my client has testified, he don't know what  
8 happened. Now in a case like this, which is either he did  
9 it or he didn't do it, you're not dealing with matters of  
10 self-defense, you're not dealing with these types of  
11 issue, issues of justification and things like that, that  
12 the Solicitor was talking about. You're dealing with who  
13 did it. We're not disputing that Edwin died, we're not  
14 here disputing that Edwin's body was found in that place  
15 on Taylor Street. What we are disputing is who did it.  
16 We're disputing that my client did this. Now like I said,  
17 I try to comfort my client and unfortunately, in a case  
18 like this, the only comfort I have for him is to say that  
19 by the Constitution, he's entitled to be proven guilty  
20 beyond a reasonable doubt. And that the State has the  
21 burden to present that evidence. Not me, not my client.  
22 Solicitor Mowry said something about Occam's razor and  
23 believe it or not, I actually used to be a student of  
24 Solicitor or Professor Mowry. Took several classes with  
25 him, and the thing is, is that this is not a classroom,

1 this is a courtroom, and this is America. In this  
2 country, it's not what's the most reasonable thing most  
3 likely happened. It's did they prove it beyond a  
4 reasonable doubt. That's a really, a very important  
5 concept in our judicial system. The two concepts of  
6 beyond a reasonable doubt, which is called the burden of  
7 proof, and the concept of the presumption of innocence.  
8 You have to look at this case. My, right now my client is  
9 not guilty. You have to question the State's evidence.  
10 You have to look at it critically. You have to look for  
11 flaws in it. That is your duty, that is your oath, that  
12 is your responsibility as a juror. Now at the beginning  
13 of this case, the Judge said that some people say that  
14 jury duty is the second highest thing that you could do in  
15 public service, next to being in the military, and I agree  
16 with that. You twelve people individually, and as a whole  
17 are going to have to make decisions that'll affect my  
18 client's life. You're going to have to know for sure or  
19 be firmly convinced that my Client is guilty in order to  
20 convict him. And that is a constitutional right, and I,  
21 I, you know, I hate to keep bringing that up, but that's a  
22 constitutional right held by Fabian Green and it's a  
23 constitutional right held by you, I and everyone else in  
24 this court. In other countries, you can be found guilty  
25 because of the, a less standard, a lower standard. Maybe

1 on Occam's razor, I don't know. I'm not a lawyer in  
2 another country, but there are other countries that they  
3 don't require that burden of proof, and that's really the  
4 only reason, the only defense that we as citizens have, as  
5 individuals, against the State and all of its resources.  
6 I talked to you about all the resources of the State. The  
7 State obviously has two lawyers and a full-time  
8 investigator sitting at their table. They got, right now,  
9 I think seven officers in this courtroom. They have, they  
10 can call on the resources of the State Law Enforcement  
11 Division, SLED. They did that in that, this case. Excuse  
12 me, there's eight officers in this courtroom I believe.  
13 Nine. They can call on SLED. They can use special  
14 programs like University of North Texas' DNA profile,  
15 program, that's through the Department of Justice. They  
16 can call up and whim, subpoena in a, a forensic  
17 pathologist. They have a handwriting expert. They have,  
18 as we talked about, two DNA experts, one from SLED and one  
19 from Texas. They have all this ability, and what hope  
20 does a poor kid from the projects have other than those  
21 two things. That they have the burden to show to you that  
22 he's guilty beyond a reasonable doubt and that you have to  
23 presume that he's innocent. Ben Franklin once said, and  
24 he, Ben Franklin said something to the effect of its  
25 better for a hundred guilty people to go free than one

1 innocent person to suffer. And that's the philosophy  
2 around the time of our Constitution of our founding  
3 fathers, and why we have that Constitutional protection.  
4 I told you at the beginning of this case, that you would  
5 see flaws. Okay. That the State would present evidence,  
6 but there would be flaws to their evidence. And those  
7 flaws are doubt and I'm going to show you a couple of  
8 them, I'm going to highlight a couple of them. The first  
9 one I want to talk to you about is Davian. Davian, I  
10 almost felt bad questioning him. Davian's obviously  
11 impressionable. I don't think that anyone would say he  
12 wasn't. He obviously has problems answering questions. I  
13 don't think anyone would say he wouldn't, doesn't. What I  
14 noticed, and I think I made a couple objections during the  
15 direct examination of him, for leading about this. It  
16 wasn't really leading. It was close to leading, but it  
17 wasn't leading. The Judge made the right rule. But the,  
18 the questions he was asking him were short and very  
19 succinct. Why were they so short? Why did they call for  
20 a one or two sentence answer? Because the Solicitor knew  
21 he could off track because he had prepped him. It's more  
22 than prepping. The Solicitor talked about prepping  
23 witnesses, and how it would be near legal malpractice not  
24 to call a witness to, call a witness to the stand without  
25 knowing what they were going to say. Knowing what they

1 were going to say is one thing, it's another thing to tell  
2 them what to say. It's another thing to woodshed a  
3 witness. Davian got up here and said, and surprisingly,  
4 it was actually Solicitor Mowry's question that actually  
5 got him to say this, is he said the Solicitor told, told  
6 me what to say. He said did I tell you what to say.  
7 Davian said, yes. I submit to you, Davian's in a lot of  
8 trouble, okay. Davian's in a whole lot of trouble and he  
9 knows it. What did Davian say about the charge he was  
10 charged with? Murder. That they said he did it. He also  
11 said murder carries life in prison. Life in prison means  
12 life, it means you come out in a pine box. Davian knows  
13 that. And I submit to you that if you gave me a hour  
14 alone with Davian, and I could threaten that he would go  
15 to prison for the rest of his life, I could probably get  
16 him to say whatever I wanted him to say. And he would  
17 parrot it back. That's his word, parrot back. That's  
18 what he said just a little while ago. Whenever I asked  
19 Davian a question, he'd parrot it back. Davian reminds me  
20 sort of a puppet. I, I don't, I'm for a loss of words of  
21 what, the type of puppet is a doll, ventriloquist dummy.  
22 You know you, the guy talks without moving his lips, holds  
23 the, holds the doll up and the doll talks. He's saying  
24 exactly what the State wants him to say. What they told  
25 him to say. Why, in hopes, not a promise, but hopes that

1 he doesn't get convicted of murder, or that they give him  
2 a plea deal. I feel bad for Davian, I mean, they pulled  
3 him out of court, I mean pulled him out of jail, put him  
4 in a suit, put him up here, prepped him, one, two times,  
5 maybe more, I, I don't even know. I, I don't really think  
6 he's all that reliable, tell me how many times he got  
7 prepped because first he said one, then two. But they put  
8 him up here in a suit, and prepped him. And he gave back  
9 what they wanted to hear until I started asking open ended  
10 questions, simple questions, not the questions to trip  
11 anybody up. Where were you before you went to Karina's  
12 house? Probably took me five minutes to get some sort of  
13 answer that sounded like reality to that. I mean he was  
14 basically answering questions I wasn't even asking, for  
15 about five minutes. The kid is not reliable. His story  
16 isn't even all that reliable. I mean, yeah, the Solicitor  
17 has pointed out that, you know, oh, well, it's exactly  
18 where the blood occurred and all this other stuff and, but  
19 his story's really not all that reliable. He doesn't  
20 mention anything about what's in that letter that they say  
21 is the truth as well. I mean, I guess it's sorta like,  
22 and I don't know if they say it's the truth. I mean, I'm,  
23 like I said, I'm confused. I don't want to put words in  
24 their mouth, but you know, they present you a letter  
25 saying this is, this is a confession. But it's completely

1 different than Davian's story. I'm confused. And in my  
2 mind, confusion is doubt. I'm going to talk to you about  
3 something else. I guess I could tie it in. I'm going to  
4 talk to you about another flaw in their case, the DNA.  
5 Now the State was certainly ready for me to make a  
6 argument about the DNA. From the very beginning, they  
7 started talking about how hot it was and how, the  
8 conditions weren't good, and all this other stuff. You  
9 know, I think that we had probably three witnesses talking  
10 about how hot it was in May of last year, and how DNA  
11 degrades whenever it's hot. They swabbed the steering  
12 wheel and the gear shifter of that Mustang. They found  
13 DNA from it. She admitted that. The DNA examiner from  
14 SLED admitted that they found DNA on that steering wheel  
15 and on that gear shift. But they want to say it's in  
16 brackets or it's parentheses, so we can't interpret that.  
17 I submit to you the reason that they are saying that it's  
18 brackets, and we can't interpret that, is because if you  
19 looked at it, it wouldn't line up with Fabian's, Karina's  
20 or Davian's DNA. Now I'm not a DNA expert, I don't claim  
21 to be. But we talked about graphs with the DNA expert.  
22 Adrian Hefney came in here and started talking about  
23 graphs, and I said, you know, if you have a line, and she  
24 called it analytical threshold, okay. It's a line that  
25 goes across there, and I got like this, I was like, so you

1 have a line that's here, and if the peaks are above it,  
2 you count them. If the peaks are below it, you don't  
3 count them. So, you got a little graph and she sorta  
4 described it. You got a graph and then you got a little  
5 dotted line. And whenever the information comes out of  
6 the machine, I don't know what it's called, I'm not a DNA  
7 expert, but it, I call it the machine, whenever it comes  
8 out of the machine, there's little spikes on it. And  
9 wherever those peaks are, if they're above the line, there  
10 just regular numbers, if they're below the line, they put  
11 them in parentheses. Okay. Now I'm sure that they're  
12 going to get up here, and they're going to say, well, if  
13 the DNA expert can't show that it's, doesn't think it's  
14 reliable for interpretation, then why should Mr. Shaffer  
15 say that it, you should look at it? I'm sure they're  
16 going to say something like that. Ladies and gentlemen,  
17 that little line changes from lab to lab. Depending on  
18 what lab you send it to, that line could be lower or it  
19 could be higher. And if it was lower, and I'm not saying  
20 that it is because I'm not a DNA expert. I don't have the  
21 experience and background to be able to testify to this,  
22 certainly, but you know who certainly is not at a loss for  
23 DNA experts? The State isn't. They had two in here. Two  
24 different labs. If this, if this line would've been  
25 higher or lower, those, those results may have counted,

1 which means maybe those numbers wouldn't of been in little  
2 brackets or little parentheses. If those numbers weren't  
3 in little parentheses, then how does that make any sense  
4 with the State's case. And remember, it is not my burden  
5 to show you this, it's not my burden to get these experts  
6 in here to testify about why that line is lower or higher  
7 or, or what lab says that that would be lower. That's not  
8 my job. I mean, I, I can't fly someone in from out of  
9 State. You think he can, they can. We're not required  
10 to. We're not required to show that. And ladies and  
11 gentlemen, I'd just like to say that if this gives you  
12 cause for concern, that's reasonable doubt. Does it match  
13 any of the three people they say are codefendants in this  
14 case. Doesn't match a one of them. The, well, I don't  
15 know if it was the last person to drive the car, I don't  
16 know, I'm not a DNA expert. But the thing is, is that the  
17 DNA that was swabbed from the wheel and the gear shifter  
18 does not, would not have matched any of the codefendants  
19 if they decided to interpret it. Notice how she said that  
20 if it's below the line, it doesn't mean that it's not  
21 valuable, it just means interpret cautiously. That's the  
22 term she used. Which means you're giving discretion to  
23 somebody to apply some guidelines maybe, I don't, I don't  
24 know, to interpret it. I don't really even know what  
25 that, that term means because she said oh, and sometimes

1 we can interpret it. But they certainly don't want to  
2 interpret it in this case. Why would they want to do  
3 that. Why would they want to show you that somebody had  
4 been driving the car that wasn't one of the codefendants?  
5 I called Ms. Williams because the State didn't. She was  
6 in here when her husband got off the stand. They looked  
7 like they were leaving. I called her, basically so y'all  
8 could find out what she had to say. I did know one thing  
9 about her, I knew that she said that the bucket got thrown  
10 away obviously. But I just wanted to know they didn't  
11 call her. Why they didn't present a complete picture of  
12 this case. The reason that I am confused about this case,  
13 is that they haven't presented a complete picture of it,  
14 and y'all are probably way more confused than I am because  
15 I'm sure y'all, you know, y'all haven't seen, you know,  
16 everything. And you know, y'all haven't had as much time  
17 as I've had with this, but everyone's confused, I'm  
18 confused about this case, and I suspect that y'all are  
19 too. Another flaw. Do you recall the SLED officer who  
20 testified, the one who collected all the evidence at the  
21 crime scene. He testified that there were some SLED arson  
22 investigators who took a soil sample up underneath the, up  
23 underneath the dirt where the body was burnt. SLED arson  
24 investigators taking a soil sample to be analyzed. And he  
25 said that, did they present any analysts. I didn't hear

1 one. There was a big bottle of lighter fluid at the house  
2 apparently. Did they collect it, no. Could anyone even  
3 testify as how much lighter fluid was in there. No. And  
4 they certainly didn't compare it to the soil sample from  
5 SLED. Because if they would have, if it would've been  
6 favorable to them, I assure you they would've brought him  
7 in, they've spared no expense in this case. Another flaw.  
8 Karina Galarza. Karina Galarza did not testify. She was  
9 on the --

10 MR. MOWRY: Your Honor, I object. She has got  
11 charges against her too.

12 THE COURT: Okay.

13 MR. MOWRY: That is commenting on her right to be  
14 silent.

15 THE COURT: Right. Right, I agree. Instruct the  
16 jury to disregard that last statement made by Mr. Shaffer.  
17 Move on please, sir.

18 MR. SHAFFER: The State made a comment about Fabian  
19 being the leader of Davian. Wouldn't it have been nice to  
20 have found out whether or not Karina maybe was the leader  
21 of Davian? That's an unanswered question in my mind, and  
22 I do not know the answer to it. I'm not saying that I do.  
23 I really do not know the answer to it. We talked about  
24 the letter. The letter is here, y'all will get a chance  
25 to read it. The letter makes little to no sense after

1 this first part. This first part, and I'm sure the  
2 Solicitor's going to get up here and talk to me about,  
3 talk to y'all about how I said this made sense, but, so  
4 I'm probably gonna eat my words about saying that. I'm  
5 not saying it's true, I'm saying that this is coherent,  
6 and this stuff is not. I, this stuff doesn't make any  
7 sense. I, I mean, you know, Fabian got up here and tried  
8 to explain it. He didn't seem couched. I mean, I, I  
9 asked him some questions beforehand, but I didn't sit  
10 there and say hey, you need to tell me this, this and  
11 this. I, the letter creates questions because also it  
12 says and I'm following the exact wording of it. My girl  
13 played shit off well by having a big argument on Facebook.  
14 Okay. If there was a big argument on Facebook, that  
15 played this stuff off about them having a argument, if  
16 there was some public discussion on Facebook, don't you  
17 think we would've seen it. Don't you think the State  
18 would have presented it.

19 MR. MOWRY: Your Honor, I hate to interrupt him  
20 again, during his closing argument, but I need to take up  
21 a matter with you.

22 THE COURT: Okay.

23 MR. MOWRY: We could do it at the bar.

24 THE COURT: Okay. Let, let me hear from you up here.

25 (Whereupon, a bench conference was held in the

1 presence of the jury but out of the hearing of the  
2 jury.)

3 THE COURT: You may proceed.

4 MR. SHAFFER: And maybe I didn't make myself clear.  
5 If there was something on Karina Galarza's wall where  
6 everyone could see it, don't you think that they would've  
7 presented that? That's another inconsistency about this  
8 letter. It's also a problem with him talking about his  
9 sister and apparently whoever he's writing it to, was  
10 trying to holla at his sister. He doesn't have a sister.  
11 The only one who's testified he had a sister was Davian.  
12 Mom didn't, I mean grandma didn't testify to that, aunt  
13 didn't testify to that. And I'm not sure if I even asked  
14 his grandmother, but the State didn't ask her. He didn't  
15 testify to that. If there was some evidence of his  
16 sister, obviously they knew this was coming because they,  
17 they asked her, asked him about it. But if there was some  
18 evidence of this sister, don't you think that the State  
19 would've presented that. Just to, you know, sorta dig at  
20 me a little bit. Trying to cut off a little argument I  
21 tried to make. The golf club. Finally, we get to see a  
22 golf club in here. You heard testimony that there  
23 might've been a golf club in the trunk. There was one  
24 sitting on the Solicitor's table during closing argument.  
25 Finally, they bring in a golf club. Obviously, it wasn't

1 the golf club that was used or the hammer that was used or  
2 the tire iron that was used. It wasn't the one, the golf  
3 club that was recovered. Now I asked the, the pathologist  
4 some questions about the golf club and a tire iron because  
5 I didn't know the answer to it. And it seemed improbable  
6 to me because that's my job, is to ask questions whenever  
7 I see something improbable. It's not that I was saying  
8 that he was killed with a golf club. There was a golf  
9 club found in the trunk, which surprised me that they  
10 didn't try to bring that up to y'all. But the reason that  
11 I was asking him the questions, is to find out how sure he  
12 was of that because I don't know the answer to it. And  
13 that's part of the job of the jury as well, is to sit  
14 there and whenever you don't know the answer to something,  
15 question it and think about things. Don't just accept  
16 them the way that they're given to you. Now another flaw  
17 that I see is in the Williams' testimony. What doesn't  
18 make any sense to me in this case, what doesn't compute,  
19 okay, is why, after burning a body with lighter fluid in a  
20 bucket, you would walk around and ask for lighter fluid.  
21 Why would you go ask for lighter fluid after burning the  
22 body. Now I, something that came new to me, which I, I  
23 was rather surprised about, is the Solicitor's argument of  
24 oh, Fabian must've wanted to go back and burn the car.  
25 Nobody testified to that. That, why did he make that

1 story up or that hypothesis up? Because there's a gaping  
2 hole in his case right there with the Williams'. There is  
3 a problem with his case, so he's saying hmm, how do I feel  
4 this in. What can I think of to make this sound right.  
5 Because why would you burn, why would you go ask for  
6 lighter fluid, with lighter fluid in the bucket, when you  
7 already burnt the body. It doesn't make any sense. Even  
8 the Solicitor's story doesn't make a whole lot of since  
9 because there's 18 days before someone was arrested. If  
10 he wanted to burn the, if he wanted to burn the, the, I  
11 mean the car up, why didn't he go back and burn the car  
12 up. They have lighter fluid obviously. There's a picture  
13 of it at their house. It's not like they were missing the  
14 lighter fluid for 18 days. Why. That is doubt. I don't  
15 know why. Now I presented to you, it's up here, Rodney  
16 Keith Ginn and I made a big deal about some, some shell  
17 casings because I thought it was sloppy police work. But  
18 to not sit there and test them. Rodney Keith Ginn,  
19 according to this statement, that's in evidence, that  
20 you'll get to see back there, called 911 on 5/12/2016. He  
21 said I was sitting on a couch in the front of, in my front  
22 yard, and a small car came down Airport Road and stopped  
23 past the church, like in the field where the opening is,  
24 and turned the lights off. I heard a gunshot and seen the  
25 flash from the gun. I got up to come to the house to call

1 911, I was, I was looking out in the front, the front door  
2 and seen the car turn, stop almost in front of the house  
3 for a split second, it took off pretty fast. I could hear  
4 the car go down Taylor Drive. Go down Taylor Drive and  
5 I've seen pictures of Taylor Drive. Taylor Drive's not  
6 that far. It's a short road. So, it went down Taylor  
7 Drive. The car stayed probably five to seven minutes.  
8 When the car came back out, it was going fast and didn't  
9 stop at the stop sign. The car made a right turn and then  
10 made a fast left turn and made another right turn and kept  
11 going. The vehicle was small box style, older model four  
12 door, and was light brown like a tan color. It was two  
13 occupants in the front and two in the back. There's four.  
14 Before I seen this car, I seen a Mustang go down Taylor  
15 Drive. A Mustang go down Taylor Drive and it turned off  
16 Captain Guy making a left. I never seen the Mustang come  
17 out. I heard a bunch of gunshots. I did call 911 when I  
18 first heard the first shot. I made two calls to 911  
19 because it was taking too long for someone to come. The  
20 next morning, my daughter said she seen police cars  
21 shining lights on the trailer and was out, out through the  
22 woods. The car's taillights are square on the tan car.  
23 Okay. This is going to be in evidence. And maybe Mr.  
24 Ginn wasn't the, the greatest story teller up here. You  
25 know, maybe he wasn't the best at answering questions.

1 Maybe he didn't remember everything from a year ago, but  
2 when is this, 18 days past the, after May 8th, after  
3 Mother's Day, 18 days afterwards. Eighteen days later he  
4 remembered it and he told the cops that and he said he  
5 wouldn't of been lying to the cops then. That's doubt.  
6 Why didn't he say he seen a Mustang go down there and come  
7 back out. He couldn't give a very convincing answer.  
8 They mentioned hey, one of your neighbors has a Mustang.  
9 Well, I don't doubt that, but he didn't say hey, that was  
10 my neighbor's Mustang. Seems like had he said that, he  
11 would've put it in his report. Had he said that, he  
12 would've been affirmative on the stand and said that was  
13 neighbor's Mustang. Why did I call Rodney Ginn. He  
14 didn't really help my case. I called him because of the  
15 fact that it didn't make any sense. It's another hole.  
16 It didn't explain what happened. It's just another  
17 possibility. Also, discussing the Williams, Mr. Williams  
18 testified he saw the bucket get dumped in the trash can,  
19 and he pulled out a, a wallet that was slimy, touched it.  
20 He didn't say he saw a hammer. He didn't say he saw a  
21 knife that Davian said had. He didn't say he saw lighter  
22 fluid. He saw a wallet. If Davian's story is right, then  
23 why wouldn't the hammer be in the trash can, why wouldn't  
24 the lighter fluid be in the trash can, why wouldn't a  
25 knife be in the trash can. It seems like if you're paying

1 attention enough to see a black billfold at night, you'd  
2 be paying attention enough to what's in that trash can to  
3 see a knife, a butcher's knife, which is what Davian said  
4 was in that bucket whenever he dumped it in the trash can.  
5 Davian didn't say anything about a wallet being there.  
6 Doesn't make any sense. I also ask you to look at  
7 Davian's statement to the police whenever he was arrested.  
8 A statement taken after they told him or maybe told him  
9 better get in front of this thing. They certainly told  
10 him he better tell his story so other people wouldn't tell  
11 his story for him. Look in here and look about, anything  
12 about a plan. See if you can find it. See if you can  
13 find anything about a BB gun. See if you can find  
14 anything about, I don't know, anything that he's talking  
15 about. Much of what he said is not in this statement.  
16 Now I'm not saying that, you know, I'm saying that Davian,  
17 you know, was told to talk about the BB gun or told to  
18 talk about the knife. But he, but he certainly was told  
19 what he had to say because he admitted that. Okay. He  
20 had to, testify substantially similar to this version of  
21 the facts. In his mind he had to do that in hopes of  
22 maybe getting a plea deal. Once again, I'm gonna mention  
23 about the burden of proof, and that they have to prove  
24 things beyond a reasonable doubt. Okay, because this is  
25 important. It's their burden, not mine. It's not my

1 burden to come up with why, why, you know, their witness'  
2 stories aren't right. It's their burden. They have to do  
3 that. They have to convince you. It's not me, it's not  
4 him, it's them. That's why they have so much resources  
5 that they can devote the, this case because it's their  
6 burden, not mine. I want y'all to do something for me  
7 when you go back in the, the room. I want you, before you  
8 start deliberating, each and every one of you, to take 60  
9 seconds and think about what the Judge says beyond a  
10 reasonable doubt means, and think about the burden of  
11 proof. And y'all think about that before you deliberate,  
12 and then I want you to take 60 seconds and think about it  
13 before you finally vote and give a verdict in this case.  
14 A verdict in this case is going to be the jury as a whole  
15 verdict, but it's also going to be each and every one of  
16 your verdicts. Juries aren't made up of one person,  
17 they're not putting 12 of y'all here, 14 right now,  
18 they're not put, making y'all sit through this because  
19 it's one person. The reason that there's 12 of you, is  
20 that there's a safeguard. That safeguard is each and  
21 every one of you have to agree. Whether it's good or bad,  
22 each and every one of you personally have to agree on what  
23 the final result in this case is. And it's not easy to  
24 agree to something. I know, but each and every one of you  
25 have to have the courage and have to have the, the will,

1 really, to make sure that whatever verdict you give, is  
2 the verdict that you agree with. I'm not telling you not  
3 to talk to you, to everyone else, I'm not telling you not  
4 to listen to everyone's opinion, I'm saying that each and  
5 every one of you have to be firmly convinced. And this  
6 isn't a democracy, it's not oh well, half of us want this,  
7 but the other half don't, or seven of us want it, give  
8 don't. That's not the way this works. It's not even  
9 eleven of us want this, but one of us don't. It's every  
10 single one of you. I will not have a chance to talk in a  
11 minute, which is really, really scary for me. Okay.  
12 Solicitor's going to have another chance to rebut  
13 everything I say. I'm not going to have a chance to  
14 respond to him because that's the way this system works.  
15 That is terrifying to me. I want, I want you all to  
16 please look critically at everything the State says  
17 because that's how our system works. If you're not  
18 critical for their evidence, and what they, if you just go  
19 along with it because it's Friday afternoon and you want  
20 to go home, that is not how our system works. Our system  
21 has failed if that's the case. I'm going to tell y'all a  
22 very brief story because I know you're tired. It's sort  
23 of a parable. Not any story that I know because it  
24 happened long ago. It's about an elderly black lady and a  
25 little white boy. Elderly black lady was wise and she was

1 basically his caretaker. His parents hired him, her to  
2 take care of him, and the boy was sort of a smart aleck,  
3 he was young, nasty little boy. The woman was a old wise  
4 woman, probably not a whole lot different than Kay Green.  
5 The boy wanted to trick the old wise woman. So, what he  
6 did, he came up with a plan. He said he was going to go  
7 out into the woods and was going to get this little bird.  
8 He was going to take it to the woman, clutched it in his  
9 hand and he was going to say, old woman, what's in my  
10 hands. And assuming that she's old wise woman, she'd know  
11 it's a bird in your hands. Then he'd say old woman, is it  
12 alive or is it dead? And if she said it was alive, he'd  
13 crush it and then say see, it's dead. If she said it was  
14 dead, he'd open his hands and say see, it's alive and let  
15 it fly away. So, he did this and got this little bird,  
16 and he put it in his hands, and he said old woman, what's  
17 in my hands. And the old woman said dear, it's a bird.  
18 And he said old woman, is it alive or is it dead. And she  
19 responded it's in your hands my dear, it's in your hands.  
20 So, I'm going to leave you the case, I'm going to stop  
21 talking, and step down, and leave you Fabian Green because  
22 he's in your hands now. Thank you very much.

23 THE COURT: Thank you, Mr. Shaffer. Solicitor any  
24 brief rebuttal to new matters raised by the defense?

25 MR. MOWRY: Yes, sir. Just a few. Ladies and

1 gentlemen, I know y'all are tired of hearing from us. I  
2 know you want to be turned over to the Judge and I'm going  
3 to do that in just a couple of minutes. But there are a  
4 few matters that Mr. Shaffer brought up that I need to  
5 address with you. He's brought up the penalty for murder  
6 being life. That's the maximum penalty. It's 30 years to  
7 life. That's not your province, that's the Judges. But  
8 there is discretion that can be had in this case. Mr.  
9 Shaffer also talked about the State, the State, the State.  
10 Ladies and gentlemen, all of us are being paid by the  
11 Government. We are, Mr. Shaffer is. He's a court  
12 appointed attorney, he's getting paid by the State, the  
13 Judge is getting paid by the State or the Government,  
14 y'all are, well, the amount you're getting, is coming from  
15 the Government. So, we're all here for the Government in  
16 this case.

17 MR. SHAFFER: Objection, Your Honor.

18 MR. MOWRY: And our whole purpose is to get --

19 THE COURT: Wait. Wait a minute Solicitor. I got an  
20 objection.

21 MR. SHAFFER: I think it's improper to say that I'm  
22 here for the Government, even though it is a court  
23 appointed case, and I am getting paid by the State.

24 THE COURT: Right. You, you --

25 MR. SHAFFER: I'm here for Mr. Green.

1 THE COURT: -- represent Fabian Green. That's  
2 correct.

3 MR. MOWRY: The, the point is ladies and gentlemen,  
4 we're all here to do it right. That's our only purpose in  
5 this case. Now a couple of things, he said that he felt  
6 sorry for Davian. I feel bad for Davian too because he  
7 was lead into the commission of a murder. He was present  
8 when it happened. He helped in the aftermath. He helped  
9 in the destruction of human remains and he was lead into  
10 that activity by somebody that he looked up to, his  
11 cousin, the Defendant, Fabian Green. Now Mr. Shaffer  
12 talked about the testimony from Dr. Ward and from Crystal  
13 Rodriguez and from Adrian Hefney. Dr. Ward of course the  
14 pathologist talking about the cause and manner of death of  
15 Edwin. Ms. Hefney and Ms. Rodriguez, the DNA. The DNA  
16 that identifies Edwin. The DNA that shows his blood in  
17 the car and in █████ Queens Circle. And Mr. Shaffer kept  
18 saying if, if, if, if, on a variety of different matters.  
19 Ladies and gentlemen, y'all might know that little jingle,  
20 if if's and nuts, but's were fruits and nuts, we'd all  
21 have a Merry Christmas. The evidence is what it is. You  
22 can't change it. He wishes he could change it so it  
23 wasn't the likely hood of 1 chance in 38 quadrillion, that  
24 that blood on the china cabinet wasn't Edwin's. 1 chance  
25 in 38 quadrillion.

1 MR. SHAFFER: Your Honor, I did not even address the  
2 blood on the china cabinet. It's outside the scope.

3 MR. MOWRY: He, he went in to great detail on DNA,  
4 Your Honor.

5 THE COURT: DNA. You, you can respond briefly. You  
6 may proceed.

7 MR. MOWRY: And I'm sorry that Dr. Ward was so  
8 definitive about what the murder weapon was. It wasn't a  
9 gun. There was no evidence of any gunshot wounds. There  
10 wasn't any evidence of being beaten with a golf driver or  
11 a lug wrench, it was a carpenter's hammer, a claw hammer  
12 that Davian Holman testified he saw Fabian Green wielding  
13 as he looked through the door from the bedroom. He saw  
14 Fabian beating Edwin with a hammer. He also talked about  
15 the letter that was proven to be from, proven by Gaile  
16 Heath to of been written by Fabian Green. And I'm sorry  
17 that didn't make any sense to him. That was his client.  
18 His client was up here. He had the opportunity yesterday  
19 to go into detail on that letter and make it make sense,  
20 get an explanation. Mr. Shaffer wanted us to apparently  
21 shop around for a DNA lab that would give him the  
22 information that he wanted. I'm sorry we didn't do that.  
23 He talks about the lighter fluid in the house. He  
24 mentioned that. Remember what Davian, how he described it  
25 without ever seeing that picture. He said it was a white

1 bottle with a red cap. That was what he testified to and  
2 there ya go. Let's look at everything that Davian told  
3 us, that was proveable. Davian talks about them texting.  
4 There's text messages. He said that Karina and Fabian  
5 were laughing and giggling while they did that. He says  
6 that, let's see, he says the hammer was the weapon.  
7 That's what Dr. Ward said. He talked about the location  
8 of the, the attack. From his vantage point he could see  
9 out this door, this is where it was, this is where, this  
10 is the bar, this is the china cabinet where the blood was  
11 discovered. He talks about where the body was placed in  
12 the car before it was driven to the Taylors. He said it  
13 was in the back seat. Low and behold, Edwin's blood in,  
14 the back seat of that car. He talked about the Williams  
15 in his statement. That was one way the Williams were  
16 found in the first place, is because Davian mentioned  
17 them. And what do they say, that Fabian and Damian,  
18 David, Davian together, came to their house. Fabian  
19 carrying the bucket he wanted to dump something into the  
20 trash can of the neighbors, is that okay? Sure, dump.  
21 Go and look. It's 10:00 o'clock at night, it's dark. He  
22 just kinda glances in there, and says oh, a wallet. Was  
23 that in the bucket, we don't know, no idea. Did he see a  
24 knife. No. The thing was half full. Did he see a bottle  
25 of lighter fluid? No, he's probably not looking for it.

1 Did he see a hammer? It might be a hit and gone down, who  
2 knows. It's dark, it's 9:00 or 10:00. And then the trash  
3 is picked up the next day. Why did he need more lighter  
4 fluid if he had a bottle, because the bottle's empty. He  
5 needed more to burn the car.

6 MR. SHAFFER: Objection, Your Honor.

7 MR. MOWRY: He didn't have it--

8 MR. SHAFFER: -- that's, that's not in evidence.

9 THE COURT: Wait a minute. I have an objection.

10 MR. SHAFFER: That's facts not in evidence.

11 MR. MOWRY: I'm arguing conclusions that can --

12 MR. SHAFFER: Oh, I, I apologize.

13 MR. MOWRY: That are, that are reasonable.

14 MR. SHAFFER: I thought he was talking about the  
15 other lighter fluid, Your Honor.

16 THE COURT: Right. I'll allow it. You may proceed.

17 MR. MOWRY: Rodney Ginn, we didn't want to waste your  
18 time with him, ladies and gentlemen. He's talking about a  
19 matter four days after the fact. He's got a record for  
20 burglary, for larceny, for theft of cable, he's not  
21 exactly one of the most reliable people I've ever heard of  
22 before. Yet the defense wanted to put him on the witness  
23 stand, okay, that's their prerogative. What did he tell  
24 you? That he heard gunshots. His trailer is in here, the  
25 gunshots were on Airport Road near the church right here.

1 That's where the gunshots were coming from. That's what  
2 he said. Also, this Mustang that went down Taylor Drive.  
3 What did he then say, yeah, there's a guy that lives down  
4 Taylor Drive that has a Mustang. Well no wonder the  
5 Mustang didn't come out, the Mustang had gone home. But  
6 remember what he also said, oh yeah, I remember smelling  
7 smoke a few days before when Edwin's body was being  
8 burned. Ladies and gentlemen, Mr. Shaffer said that  
9 Fabian Green doesn't know what happened. Yes, he does.  
10 Yes, he does. We can tell what happened with independent  
11 evidence, with scientific and forensic evidence. We can  
12 tell through the DNA that murder took place in this house.  
13 The blood evidence, Edwin's blood on the china cabinet.  
14 We can tell that his body was taken and burned in this  
15 site just as Davian told us it was. We can tell that he,  
16 Davian and Fabian were both together looking for more  
17 lighter fluid. There's one other thing ladies and  
18 gentlemen, I wasn't talking about Davian parroting  
19 anything. I was talking about Fabian parroting because  
20 Mr. Shaffer brought up the, the idea of rehearsing and  
21 then Fabian parroted that the next day when he was on the  
22 witness stand. All we asked Davian Holman to do, and he  
23 testified to that, yes, we told him what to say, we told  
24 him to tell the truth, that's what you say. The statement  
25 to the police and his testimony in this courtroom, he said

1 were both the truth. Ladies and gentlemen, reasonable  
2 doubt, I brought that up in my first part of the closing  
3 argument. You're going to hear it from the Judge too.  
4 Firmly convinced. We know where it happened, we know how  
5 this murder happened, we know where the body was burned.  
6 There were only three people that had the opportunity to  
7 do this, Davian Holman, Karina Galarza and Fabian Green.  
8 The other two, their day in court will come. This is his  
9 day. But I submit to you, the State has proven its case  
10 beyond a reasonable doubt. You should be firmly convinced  
11 that Edwin was murdered, that he was bludgeoned to death  
12 with a hammer and the evidence should prove to you firmly  
13 that that man did it. Thank you very much.

14 THE COURT: Thank you Solicitor. Ladies and  
15 gentlemen, what we're going to do, I am going to send you  
16 back to the jury room. We've got lunch orders, so you'll  
17 need to fill out what you want from Palmetto Fine Foods.  
18 And then we'll get you back out, I'll give you the final  
19 charge on the law, and then hopefully by the time we  
20 finish with that, that the lunch will be here soon  
21 thereafter and you can eat lunch. It's up to you whether  
22 or not you want to eat lunch and start your deliberations  
23 or eat lunch first, that's totally your, your decision.  
24 So, go back to the jury room and with Mr. Bolt's help and  
25 possibly the Clerk's help, we'll get the lunch orders

1 THE COURT: Very good, thank you. Let's bring the  
2 jury out, please.

3 (Whereupon, the jury came into open court at  
4 approximately 2:12 p.m.)

5 THE COURT: Madam Forelady and ladies and gentlemen  
6 of the jury, I now will charge you the law applicable to  
7 this case and you must consider the charge as a whole and  
8 not focus on some portions to the exclusion of other  
9 portions. Now, I remind you once again that the  
10 indictments charge the Defendant with two offenses, that  
11 being murder and the other offense being desecration of  
12 human remains. I remind you, the fact that the Defendant  
13 was arrested, charged and indicted in this case is not  
14 evidence in this case and cannot be considered by you as  
15 evidence of guilt in this case, nor does it create any  
16 presumption or inference of guilt. These documents are  
17 simply the formal written instruments which contain the  
18 charges made against the Defendant. They are the formal  
19 documents by which this case is brought into this court.  
20 The indictments in this case are, indictment number  
21 2016-GS-30-1078, charge of murder; 2016-GS-30-1079  
22 charging desecration of human remains. Each indictment  
23 charges a separate and distinct offense. You must decide  
24 each indictment separately on the evidence and the law  
25 applicable to it uninfluenced by your decision as to any

1 other indictment. The Defendant may be convicted or  
2 acquitted on any or all of the offenses charged. You will  
3 be asked to write a separate verdict of guilty or not  
4 guilty for each indictment. And I have a form, Madam  
5 Forelady, that I will show you in just a moment.

6 The Defendant has exercised his constitutional right,  
7 has plead not guilty to these two indictments. And that  
8 plea therefore puts the burden on the State to prove the  
9 Defendant guilty. A person charged with committing a  
10 criminal offense in South Carolina is never required to  
11 prove himself innocent. I charge you that it is an  
12 important rule of the law that the Defendant in a criminal  
13 trial, no matter what the seriousness of the charge or  
14 charges may be, will always be presumed to be innocent of  
15 the crimes for which the indictment was issued unless  
16 guilt has been proven by evidence satisfying you of that  
17 guilt beyond a reasonable doubt. This presumption of  
18 innocence does not end when you begin your deliberations,  
19 but it accompanies the Defendant throughout the trial  
20 unless you reach a verdict of guilt based on evidence  
21 satisfying you of that guilt beyond a reasonable doubt.  
22 This presumption of innocence is like a robe of  
23 righteousness placed about the shoulders of the Defendant  
24 which remains with the Defendant unless it has been  
25 stripped from the Defendant by evidence satisfying you of

1 the Defendant's guilt beyond a reasonable doubt. Now,  
2 Madam Forelady and ladies and gentlemen of the jury, this  
3 presumption of innocence is not merely a legal theory, it  
4 is not a legal phrase that Judges and lawyers use, it is a  
5 substantial right to which every Defendant is entitled  
6 unless you, the jury, are satisfied from the evidence of  
7 the Defendant's guilt beyond a reasonable doubt.

8 Now, concerning reasonable doubt, some of you, maybe,  
9 have served as jurors in civil cases where you were told  
10 that it is only necessary to prove that a fact is more  
11 likely true than not true, such as by the greater weight  
12 or the preponderance of the evidence. However, in  
13 criminal cases, the State's proof must be more powerful  
14 than that. It must be beyond a reasonable doubt. Proof  
15 beyond a reasonable doubt is proof that leaves you firmly  
16 convinced of the Defendant's guilt. Now, there are very  
17 few things in this world that we know with absolute  
18 certainty and in criminal cases the law does not require  
19 proof that overcomes every possible doubt. If based on  
20 your consideration of the evidence, you are firmly  
21 convinced that the Defendant is guilty of the crime or  
22 crimes charged, you must find the Defendant guilty. If on  
23 the other hand, you think there is a real possibility that  
24 the Defendant is not guilty, you must give the Defendant  
25 the benefit of the doubt and find him not guilty.

1           Now, as I told you on Tuesday, when we first started  
2 this case, you and I have had certain duties to perform.  
3 As the trial Judge, it has been my responsibility to  
4 preside over the trial of this case and I also have the  
5 duty to rule on the admissibility of the evidence offered  
6 during this trial. You are to consider only the competent  
7 evidence before you. If there was any testimony ordered  
8 stricken from the record in this case during this trial,  
9 you must disregard that testimony. You are to consider  
10 only the testimony which has been presented from the  
11 witness stand, any exhibits which have been made a part of  
12 the record in this case, and there are numerous ones, and  
13 any stipulations of counsel. Also I have the additional  
14 duty to charge you the law applicable to this case. As  
15 the presiding Judge, I am the sole Judge of the law of  
16 this case, and it is your duty as jurors to accept and to  
17 apply the law as I now State it to you. If you already  
18 have any idea as to what the law is or what the law ought  
19 to be and it does not agree with what I now tell you the  
20 law is, you must abandon your idea because you are sworn  
21 to accept the law and apply the law exactly as I State it  
22 to you. Also, as I told you on Tuesday, that every case  
23 tried in this court before a jury, the jury becomes the  
24 sole and exclusive judge of the facts in the case. A  
25 trial Judge cannot intimate, state, comment on or make any

1 statement to a trial jury about the facts in the case.  
2 Since you, the jury, are the sole judge of the facts in  
3 this case you are not to infer from what I have said  
4 during the progress of this trial in ruling upon the  
5 admissibility of evidence, or otherwise, or anything that  
6 I say now during the course of these instructions to you,  
7 that I have any opinion about the facts in this case. The  
8 law does not allow me to have an opinion about the facts  
9 in this case and therefore I do not have an opinion about  
10 the facts in this case. This is a matter solely for you,  
11 the jury, to determine. As jurors, it is your duty to  
12 determine the effect, value, weight of the evidence  
13 presented during this trial.

14 Now, Madam Forelady and ladies and gentlemen of the  
15 jury, there are typically two types of evidence which are  
16 generally presented during a trial, that being direct  
17 evidence and that being circumstantial evidence. Direct  
18 evidence directly proves the existence of a fact and does  
19 not require deduction. Circumstantial evidence is proof  
20 of a chain of facts and circumstances indicating the  
21 existence of a fact. Crimes may be proven by  
22 circumstantial evidence. The law makes no distinction  
23 between the weight or value to be given to either direct  
24 or circumstantial evidence. However, to the extent the  
25 State relies on circumstantial evidence, all of the

1 circumstances must be consistent with each other and when  
2 taken together point conclusively to the guilt of the  
3 accused beyond a reasonable doubt. If these circumstances  
4 merely portray the Defendant's behavior as suspicious, the  
5 proof has failed. Once again, the State has the burden of  
6 proving the Defendant guilty beyond a reasonable doubt.  
7 That burden rests with the State regardless of whether the  
8 State relies on direct evidence, circumstantial evidence,  
9 or some combination of the two.

10 Necessarily, Madam Forelady and ladies and gentlemen  
11 of the jury, you must determine the credibility of  
12 witnesses who have testified in this case and the evidence  
13 presented. Credibility simply means believability. It  
14 becomes your duty as jurors to analyze and to evaluate the  
15 witnesses and the evidence and determine the credibility  
16 of the witnesses and the evidence. In determining the  
17 credibility of witnesses who have testified in this case,  
18 you may believe one witness over several witnesses or  
19 several witnesses over one witness. You may believe a  
20 part of the testimony of a witness and reject the  
21 remaining part of the testimony of that same witness. You  
22 may believe the testimony of a witness in its entirety or  
23 reject the testimony of a witness in its entirety. You  
24 may consider whether any witness had exhibited to you any  
25 interest, bias, prejudice or other motive in this case.

1 You may also consider the appearance and manner of a  
2 witness while on the witness stand.

3 Now, in order to establish criminal liability,  
4 criminal intent is required. For example, the mental  
5 state required to be proven by the State for a particular  
6 crime might be purpose, intent, knowledge, recklessness,  
7 or criminal negligence. Criminal intent must be proven by  
8 the State beyond a reasonable doubt. Criminal intent is  
9 always a matter that must be determined by the jury from  
10 the circumstances surrounding the situation. There is no  
11 way, however, to prove intent to a mathematical certainty.  
12 There is no way medical science can dissect a person's  
13 brain and determine what the person had in mind. So what  
14 the law says is that criminal intent may be inferred from  
15 the circumstances shown to have existed. This is how you  
16 make a determination of whether or not the element  
17 requiring intent was present. It is not necessary to  
18 establish intent by direct and positive evidence, but  
19 intent may be established by inference in the same way as  
20 any other fact by taking into consideration the acts of  
21 the parties and all of the facts and circumstances of the  
22 case. Criminal intent is defined as a mental state, a  
23 conscious wrongdoing. It is up to you to determine what  
24 the Defendant intended to do based on the circumstances  
25 shown to have existed. Criminal intent can arise from

1 action or a failure to act. It may arise from negligence,  
2 recklessness or an indifference to duty or to consequences  
3 that is considered by the law to be the equivalent of  
4 criminal intent.

5 Now, we have had several witnesses who have been  
6 declared by the Court to be expert witnesses and I  
7 explained to you, early on, and I will explain to you now,  
8 the rules of evidence ordinarily do not permit witnesses  
9 to testify to opinions or conclusions. An exception to  
10 this rule exists for witnesses we call expert witnesses.  
11 A witness who by education and experience has become an  
12 expert in some art, science, profession or calling may  
13 state an opinion as to relevant and material matter in  
14 which the witness claims to be an expert and may also  
15 state the reasons for the opinion. You should consider  
16 any expert opinion received in evidence in this case, and  
17 like any other evidence, give it the weight you think it  
18 deserves. If you decide that the opinion of an expert  
19 witness is not based on sufficient education and  
20 experience, or if you conclude that the reasons given in  
21 support of the opinion are not sound, or that the opinion  
22 is outweighed by other evidence, you may disregard the  
23 expert witness' opinion entirely. An expert witness'  
24 testimony is to be given no greater weight than that of  
25 other witnesses simply because the witness is an expert.

1 Furthermore, you are not required to accept an expert's  
2 opinion even though it is not contradicted.

3 Now, once again the two offenses you are to consider  
4 in this case are murder and desecration of human remains  
5 and I will explain and define for you these two offenses.  
6 First of all murder. The State must prove beyond a  
7 reasonable doubt that the Defendant killed another person  
8 with malice aforethought. Malice is hatred, ill-will or  
9 hostility towards another person. It is the intentional  
10 doing of a wrongful act without just cause or excuse and  
11 with an intent to inflict an injury or under circumstances  
12 that the law will infer an evil intent. Malice  
13 aforethought does not require that malice exists for any  
14 particular time before the act is committed, but malice  
15 must exist in the mind of the Defendant just before and at  
16 the time of the act, when the act is committed.  
17 Therefore, there must be a combination of the previous  
18 evil intent and the act. Malice aforethought may be  
19 expressed or inferred. These terms, expressed and  
20 inferred do not mean different kinds of malice but merely  
21 the manner in which malice may be shown to exist. That is  
22 either by direct evidence or by inference from the facts  
23 and circumstances which are proven. Expressed malice is  
24 shown when a person speaks words which express hatred or  
25 ill will for another or when the person prepared

1     beforehand to do the act which was later accomplished.

2     For example, lying in wait for a person or any other acts

3     of preparation going to show that the deed was within the

4     Defendant's mind would be expressed malice. Malice may be

5     inferred from conduct showing a total disregard for human

6     life. Inferred malice may also arise when the deed is

7     done with a deadly weapon. A deadly weapon is any

8     article, instrument or substance which is likely to cause

9     death or great bodily harm. Whether an instrument has

10    been used as a deadly weapon depends on the facts and

11    circumstances of each case. Ordinary objects may become

12    deadly weapons when the facts show that they have been

13    used to inflict serious bodily harm or death.

14           The second charge, desecration of human remains. The

15    State must prove beyond a reasonable doubt that the

16    Defendant wilfully and knowingly, without proper legal

17    authority, destroyed or damaged the remains of a deceased

18    human being or desecrated human remains. Desecrate means

19    to treat with violent disrespect, to violate.

20           Now, Madam Forelady and ladies and gentlemen of the

21    jury, your verdict must be unanimous among the twelve of

22    you as to each charge. And when you have arrived at a

23    unanimous verdict as to each charge you are to knock on

24    the door, notify the Bailiff who is situated outside of

25    your jury room and let them know that you have reached a

1 verdict. Now, I realize these last roughly fifteen  
2 minutes I have read to you a lot, I have given you a lot  
3 of information. And because it is a lot I will provide  
4 you with a copy of what I have just read to you. Now, I  
5 am going to come down and I am going to show you the  
6 verdict form that you will need to complete which  
7 indicates your unanimous verdict as to each charge. This  
8 top part is just the name of the case and it is broken  
9 down for each charge. It says on indictment and it gives  
10 the indictment number, murder; we, the jury, unanimously  
11 find the Defendant either not guilty or guilty. You will  
12 put your initials on the appropriate line. And you will  
13 do the same thing on the other indictment which charges  
14 the Defendant with desecration of human remains. You will  
15 put your initials on here as a unanimous verdict, either  
16 not guilty or guilty. You will sign it and it has already  
17 been dated for you. Now, let me ask the attorneys, does  
18 the State have any objections or exceptions to the charge  
19 other than what has already been noted?

20 MR. MOWRY: No exceptions, no objections, Your Honor.

21 THE COURT: And from the Defense?

22 MR. SHAFFER: Nothing new, Your Honor.

23 THE COURT: Thank you very much. All right, if we  
24 can have some assistance in getting all of the exhibits  
25 together. I am going to hand these to you, the two

1 alternates will need to remain in the courtroom. So, Mr.  
2 Hair, if you would assist and Officer Turner, in getting  
3 the exhibits together. They will just carry it back for  
4 you, so if you will carry it back with them. So you are  
5 now, go to the jury room and begin your deliberations.  
6 Lunch will be here shortly. Okay.

7 (Whereupon, the jury started deliberations at  
8 approximately 2:30 p.m.)

9 (Whereupon, the two alternates were excused from the  
10 trial of the case.)

11 THE COURT: We will get this eventually on the  
12 record, what we have been talking about in-chambers. I  
13 think since the jury has indicated that they made a  
14 decision on something, whatever that is, I think that even  
15 before I publish it I am going to get it from the jury,  
16 take a look at it, send the jury back and then we will  
17 talk and kind of go from there. Everybody kind of good  
18 with that, that kind of plan of sorts?

19 MR. MOWRY: That is fine, Your Honor.

20 MR. SHAFFER: Yes, sir.

21 THE COURT: You just tell them, the Judge wants to  
22 see you, bring them out.

23 (Whereupon, the jury came into open court at  
24 approximately 6:17 p.m.)

25 THE COURT: Madam Forelady, it is my understanding

1 that, you have indicated that the jury has made a decision  
2 on something. Is that correct, without telling me what  
3 that is, is that correct?

4 MADAM FORELADY: Yes, sir.

5 THE COURT: Is that indicated in writing either on  
6 the verdict form or on some other paper?

7 MADAM FORELADY: Yes, sir.

8 THE COURT: Would you hand the verdict form to me.  
9 Okay. Alright. Alright, what I am going to ask you to do  
10 before we publish this, if you will go back to the jury  
11 room for just a few moments, let me talk with the lawyers  
12 and we will bring you back out to kind of conclude things.  
13 Okay. Just go back to the jury room.

14 (Whereupon, the jury was excused from open court at  
15 approximately 6:20 p.m.)

16 THE COURT: Y'all approach.

17 (Whereupon, a bench conference was held with the  
18 Court and the attorneys.)

19 (Whereupon, a short break was taken.)

20 THE COURT: Okay. For purposes of the record right  
21 now, we are going to bring them out and the verdict will  
22 be published. At that time I am going to have the  
23 courtroom cleared of everybody except the lawyers involved  
24 in the case, the Clerk and my staff, everybody else will  
25 have to leave and I will engage in individual polling.

1 MR. MOWRY: Your Honor, I believe the victim's  
2 family.

3 THE COURT: Everybody goes.

4 MR. MOWRY: Okay.

5 THE COURT: Everybody goes. And I am going to  
6 conduct individual polling with each member of the jury  
7 and inquire, based on discussions we had in-chambers and  
8 then we will go from there. So if you will bring the jury  
9 out and I am going to ask when the jury comes out, Madam  
10 Clerk, if you will publish the verdict. Let me just  
11 explain to everybody that if you believe you cannot  
12 control your emotions when the verdict is published then I  
13 am going to ask that you exit the courtroom at this time.  
14 Because if there is any outward display of any emotion  
15 whatsoever, I am telling you now you will be held in  
16 contempt and sanctioned appropriately.

17 (Whereupon, the jury came into open court at  
18 approximately 6:34 p.m.)

19 THE COURT: Madam Forelady, you can just hand that,  
20 that's the charge, you can just hand that to the bailiff.  
21 Okay, I am going to ask that the Clerk publish the  
22 verdict. Madam Clerk, if you will do that, please.

23 MADAM CLERK: Your Honor, in the case of the State of  
24 South Carolina versus Fabian LaMichael R. Green. On  
25 indictment 2016-GS-30-1078, with the charge of murder; we,

1 the jury, unanimously find the Defendant guilty.

2 On indictment 2016-GS-30-1079, desecration of human  
3 remains. We, the jury, unanimously find the Defendant  
4 guilty. Signed by the Forelady, Ameca Thomas; Laurens,  
5 South Carolina; June 2, 2017.

6 Ladies and gentlemen, if that be your verdict please  
7 indicate by raising your right hands.

8 (Whereupon, all jurors raised their hand.)

9 MADAM CLERK: Thank you.

10 THE COURT: Ladies and gentlemen, what we are going  
11 to do is, I am going to ask you to go back to the jury  
12 room and then we are going to bring you out one at a time,  
13 I have some questions to ask you. But I want to do it  
14 individually. So, you have been extremely patient with us  
15 this entire week and I appreciate that. But we just have  
16 a little bit more to do. So, if you will go back to the  
17 jury room and then we will bring you out one at a time so  
18 I can ask you some questions. So if you will go back to  
19 the jury room.

20 (Whereupon, the jury was excused from open court at  
21 approximately 6:37 p.m.)

22 THE COURT: Okay, I had indicated that security would  
23 leave as well. I want security to remain in here, but  
24 everybody else including bailiffs and family members and  
25 any other spectators that are here, if you will exit the

1 courtroom at this time.

2 (Whereupon, these individuals as indicated by the  
3 Court exited the courtroom.)

4 THE COURT: I am going to have them sworn in but I  
5 will take care of that, I will take care of that. And,  
6 Johnny, he can be just on the other side of the door.

7 (Whereupon, Juror, Ameca Thomas entered the  
8 courtroom.)

9 THE COURT: Ms. Thomas, if you will have a seat, I am  
10 going to swear you in.

11 AMECA THOMAS, being  
12 first duly sworn, testified as follows:

13 THE COURT: Again, I just want to make sure your  
14 guilty verdict on both charges was that and is that still  
15 your verdict in the case?

16 MS. THOMAS: Yes, sir.

17 THE COURT: Okay. Is your verdict based one-hundred  
18 percent on the evidence and testimony and the law  
19 presented at this trial?

20 MS. THOMAS: Yes, sir.

21 THE COURT: Okay. Was your verdict influenced in any  
22 way whatsoever by any communications that you may have had  
23 with any of the bailiffs or any other person outside of  
24 the twelve member jury?

25 MS. THOMAS: No, sir.

1 THE COURT: All right. If you had any  
2 communications, if you had any communications with any of  
3 the bailiffs can you relay to me what those communications  
4 were, if you had any.

5 MS. THOMAS: Did not have any.

6 THE COURT: Okay, alright, okay. Thank you, Ma'am.  
7 I am going to put you in another room, then bring  
8 everybody else, it is still going to be a little bit. I  
9 eventually will bring the whole jury back in before I  
10 release you. If you can assist, Madam Clerk, on that.

11 (Whereupon, Ms. Thomas exited the courtroom.)

12 (Whereupon, Juror, Rachel Hughes entered the  
13 courtroom.)

14 THE COURT: Have a seat and I just need to have you  
15 sworn in and ask you a couple of questions.

16 RACHEL HUGHES, being  
17 first duly sworn, testified as follows:

18 THE COURT: Can you give me your name, please.

19 MS. HUGHES: Rachel Hughes.

20 THE COURT: Ms. Hughes, I just need to ask you again,  
21 the verdict of guilty on both charges, was that and is it  
22 still that, your verdict in this case?

23 MS. HUGHES: Yes, sir.

24 THE COURT: Okay. Was your verdict based one-hundred  
25 percent on the testimony, evidence and the law presented

1 in this case?

2 MS. HUGHES: Yes, sir.

3 THE COURT: Okay. Was your verdict in any way  
4 influenced by any communications that you may have had  
5 with any of the bailiffs in this case or anybody outside  
6 of the twelve member jury?

7 MS. HUGHES: No, sir.

8 THE COURT: Have you had any communications during  
9 this week with any of the bailiffs or any third party  
10 outside of the twelve member jury?

11 MS. HUGHES: No, sir.

12 THE COURT: Alright. Thank you, go to another room,  
13 I will bring the whole group back out after I do this  
14 individually. Okay. Thank you, Ma'am.

15 (Whereupon, Ms. Hughes exited the courtroom.)

16 (Whereupon, Juror, Jacqueline Noffz entered the  
17 courtroom.)

18 THE COURT: Have a seat and I just need to have you  
19 sworn in.

20 JACQUELINE NOFFZ, being  
21 first duly sworn, testified as follows:

22 THE COURT: Give us your name, please.

23 MS. NOFFZ: Jacqueline Noffz.

24 THE COURT: And, Ms. NOffz, your verdict of guilty on  
25 both charges, was that and is that still your verdict in

1 this case?

2 MS. NOFFZ: Yes, sir.

3 THE COURT: Okay. Was your verdict based one-hundred  
4 percent on the testimony, evidence and law presented in  
5 this case?

6 MS. NOFFZ: Yes, sir.

7 THE COURT: Okay. Was your verdict in any way  
8 influenced by any communications that you may have had  
9 with any of the bailiffs or any third party outside of  
10 this twelve person jury?

11 MS. NOFFZ: No, sir.

12 THE COURT: Did you have any communications with any  
13 of the bailiffs or with any third parties outside of the  
14 twelve member jury?

15 MS. NOFFZ: No, sir.

16 THE COURT: Alright. Thank you, Ma'am. She will  
17 tell you where to go.

18 (Whereupon, Ms. Noffz exited the courtroom.)

19 So far my questions in keeping with our conversation?

20 MR. SHAFFER: That's correct, Your Honor.

21 MR. MOWRY: Yes, sir.

22 (Whereupon, Juror, Benjamin Bryson entered the  
23 courtroom.)

24 THE COURT: Just have a seat in that first seat and I  
25 need to have you sworn in.

1                   BENJAMIN BRYSON, being  
2 first duly sworn, testified as follows:

3           THE COURT: State your name, please.

4           MR. BRYSON: Benjamin Bryson.

5           THE COURT: Okay, Mr. Bryson, you can put your hand  
6 down. Your verdict on guilty of both charges, was that  
7 and is that still your verdict in this case?

8           MR. BRYSON: Yes, sir.

9           THE COURT: Was your verdict or is your verdict based  
10 one-hundred percent on the testimony, evidence and the law  
11 presented in this case?

12          MR. BRYSON: Yes, sir.

13          THE COURT: Okay. Was your verdict influenced, by  
14 any means, in any communications that you may have had  
15 with any of the bailiffs in this case, or any third party  
16 outside of the twelve person jury?

17          MR. BRYSON: No, sir.

18          THE COURT: Did you have any communications with any  
19 of the bailiffs or with any third party outside of the  
20 twelve person jury?

21          MR. BRYSON: No, sir.

22          THE COURT: Thank you very much, sir. You can go  
23 back, she is going to show you where to go.

24                 (Whereupon, Mr. Bryson exited the courtroom.)

25                 (Whereupon, Juror, Daniel Schrantz entered the

1 courtroom.)

2 THE COURT: Have a seat and I need to have you sworn  
3 in.

4 DANIEL SCHRANTZ, being  
5 first duly sworn, testified as follows:

6 THE COURT: Give me your name, please.

7 MR. SCHRANTZ: Daniel Nicholas Schrantz.

8 THE COURT: Okay. And your verdict of guilty on both  
9 of the charges, was that and is that still your verdict in  
10 this case?

11 MR. SCHRANTZ: Yes, sir.

12 THE COURT: Alright. Was your verdict and is your  
13 verdict based totally, one-hundred percent, on the  
14 testimony, evidence and law presented in this case?

15 MR. SCHRANTZ: Yes, sir.

16 THE COURT: Was your verdict influenced in any manner  
17 whatsoever by any communications with any of the bailiffs  
18 or any third party, not a part of the twelve person jury?

19 MR. SCHRANTZ: No, sir.

20 THE COURT: Have you had any communications with any  
21 of the bailiffs or any third party, not a part of the  
22 twelve person jury?

23 MR. SCHRANTZ: No, sir.

24 THE COURT: Thank you very much, sir. She will show  
25 you where to go.

1 (Whereupon, Mr. Schrantz exited the courtroom.)

2 (Whereupon, Juror, Shannon Byers entered the  
3 courtroom.)

4 THE COURT: Come on in and have a seat and I need to  
5 have you sworn in, Ma'am.

6 SHANNON BYERS, being  
7 first duly sworn, testified as follows:

8 THE COURT: Have a seat. Concerning your verdict of  
9 guilty on both charges, was that and is that still your  
10 verdict in this case?

11 MS. BYERS: Yes, sir.

12 THE COURT: Was your verdict and is your verdict  
13 based one-hundred percent on the evidence, testimony and  
14 law presented in this case?

15 MS. BYERS: Yes, sir.

16 THE COURT: Was your verdict influenced in any manner  
17 whatsoever by any communications with any of the bailiffs  
18 or any third party not a part of the twelve person jury?

19 MS. BYERS: No, sir.

20 THE COURT: Did you have any communications with any  
21 of the bailiffs or any third party, not a part of the  
22 jury?

23 MS. BYERS: No. Not about the case.

24 THE COURT: Tell me, did you have any communications  
25 with the bailiffs?

1 MS. BYERS: Just if we could walk outside.

2 THE COURT: Okay. Anything else other, can we take a  
3 break. I know that there was a break requested today,  
4 this afternoon.

5 MS. BYERS: Right.

6 THE COURT: Any other communications?

7 MS. BYERS: No.

8 THE COURT: Thank you very much, Ma'am.

9 (Whereupon, Ms. Byers exited the courtroom.)

10 (Whereupon, Juror, Velvet Boston entered the  
11 courtroom.)

12 THE COURT: I just need to have you sworn in.

13 VELVET BOSTON, being  
14 first duly sworn, testified as follows:

15 THE COURT: Your verdict of guilty on both charges,  
16 was that and is that still your verdict in this case?

17 MS. BOSTON: Yes.

18 THE COURT: You hesitated, are you sure?

19 MS. BOSTON: Yes.

20 THE COURT: Was and is your verdict based one-hundred  
21 percent on the testimony, evidence and law presented in  
22 this case?

23 MS. BOSTON: Yes.

24 THE COURT: Okay. Was your verdict influenced in any  
25 manner whatsoever by any communications with any of the

1 bailiffs or any third party not connected with the twelve  
2 person jury?

3 MS. BOSTON: No.

4 THE COURT: Did you have any communications with  
5 either any of the bailiffs or with any third party, not a  
6 part of the twelve person jury?

7 MS. BOSTON: No.

8 THE COURT: Thank you, Ma'am. She will show you  
9 where to go.

10 (Whereupon, Ms. Boston exited the courtroom.)

11 (Whereupon, Juror, Stacy Ruff entered the courtroom.)

12 THE COURT: Have a seat right here, Ma'am. Thank  
13 you. I need to have you sworn in.

14 STACY RUFF, being  
15 first duly sworn, testified as follows:

16 THE COURT: Your verdict of guilty in this case on  
17 both charges, was that and is that your verdict in this  
18 case?

19 MS. RUFF: Yes, sir.

20 THE COURT: Was and is your verdict based one-hundred  
21 percent on the testimony, evidence and law presented in  
22 this case?

23 MS. RUFF: Yes, sir.

24 THE COURT: Was your verdict influenced in any manner  
25 whatsoever by any communications with any of the bailiffs

1 or any third party not a part of the jury?

2 MS. RUFF: No, sir.

3 THE COURT: Did you have any communications with any  
4 of the bailiffs or with any third party not a part of the  
5 jury?

6 MS. RUFF: No, sir.

7 THE COURT: Okay, thank you, Ma'am.

8 (Whereupon, Ms. Ruff exited the courtroom.)

9 (Whereupon, Juror, Octavius Wheeler entered the  
10 courtroom.)

11 THE COURT: Have a seat here and I need to swear you  
12 in.

13 OCTAVIUS WHEELER, being  
14 first duly sworn, testified as follows:

15 THE COURT: Your verdict of guilty on both charges in  
16 this case, was that and is that currently your verdict in  
17 this case?

18 MR. WHEELER: Yes, sir.

19 THE COURT: Is that a, yes sir?

20 MR. WHEELER: Yes, sir.

21 THE COURT: Okay. Was and is your verdict based  
22 one-hundred percent on the testimony, evidence and law  
23 presented to you in this case?

24 MR. WHEELER: Yes, sir.

25 THE COURT: Was your verdict influenced by any

1 communications with any bailiffs or any third party not  
2 connected with the jury?

3 MR. WHEELER: No, sir.

4 THE COURT: Did you have any communications with any  
5 of the bailiffs or with any third party not a part of the  
6 jury?

7 MR. WHEELER: No, sir.

8 THE COURT: Okay, thank you, she will show you where  
9 to go. Oh, we need your name for the record.

10 MR. WHEELER: Octavius Wheeler.

11 (Whereupon, Mr. Wheeler exited the courtroom.)

12 (Whereupon, Juror, Garrett Pace entered the  
13 courtroom.)

14 THE COURT: Come on around, sir, and have a seat  
15 right there. I need you to raise your right hand, let me  
16 swear you in, please.

17 GARRETT PACE, being  
18 first duly sworn, testified as follows:

19 THE COURT: Your verdict of guilty on both charges,  
20 was that and is that currently your verdict in this case?

21 MR. GARRETT: Yes, sir.

22 THE COURT: Was and is your verdict based one-hundred  
23 percent on the testimony, evidence and law presented to  
24 you in this case?

25 MR. GARRETT: Yes, sir.

1 THE COURT: Was your verdict influenced in any way,  
2 with any communications with any of the bailiffs or any  
3 third party not connected with the jury in this case?

4 MR. GARRETT: No, sir.

5 THE COURT: Did you have any communications with any  
6 of the bailiffs or with any third party not a part of the  
7 jury in this case?

8 MR. GARRETT: Not on the case, no.

9 THE COURT: Did you have any communications with any  
10 of the bailiffs or any third party?

11 MR. GARRETT: Just in a professional manner, yes.

12 THE COURT: Need to tell me what those communications  
13 were.

14 MR. GARRETT: Just walking in, telling to come in,  
15 come out. Did I talk to them, yes.

16 THE COURT: Anything related to this case?

17 MR. GARRETT: No, sir.

18 THE COURT: All right. And your name?

19 MR. GARRETT: Garrett Pace.

20 THE COURT: Mr. Pace, thank you, she will show you  
21 where to go.

22 (Whereupon, Mr. Pace exited the courtroom.)

23 (Whereupon, Juror, Jocelyn Ellis entered the  
24 courtroom.)

25 THE COURT: I need to swear you in, would your raise

1 your right hand, please, Ma'am.

2 JOCELYN ELLIS, being  
3 first duly sworn, testified as follows:

4 THE COURT: Your name?

5 MS. ELLIS: Jocelyn Ellis.

6 THE COURT: And, Ms. Ellis, your verdict of guilty on  
7 both charges in this case, was that and is that currently  
8 your verdict in this case?

9 MS. ELLIS: Yes, sir.

10 THE COURT: Was and is your verdict based one-hundred  
11 percent on the testimony, evidence and law presented to  
12 you in this case.

13 MS. ELLIS: Yes, sir.

14 THE COURT: Was your verdict influenced in any manner  
15 with any communications with any of the bailiffs and any  
16 third party not a part of the jury in this case?

17 MS. ELLIS: No, sir.

18 THE COURT: Did you have any communications with any  
19 of the bailiffs or with any third party not a part of the  
20 jury in this case?

21 MS. ELLIS: No, sir.

22 THE COURT: Thank you, Ms. Ellis, she will show you  
23 where to go.

24 (Whereupon, Ms. Ellis exited the courtroom.)

25 (Whereupon, Juror, Christopher Vaughn entered the

1 courtroom.)

2 THE COURT: Have a seat, I need to swear you in.

3 CHRISTOPHER VAUGHN, being

4 first duly sworn, testified as follows:

5 THE COURT: And your name again?

6 MR. VAUGHN: Chris Vaughn.

7 THE COURT: And, Mr. Vaughn, your verdict of guilty  
8 on both charges in this case, was that and is that  
9 currently your verdict in this case?

10 MR. VAUGHN: Yes.

11 THE COURT: Was and is your verdict in this case  
12 based one-hundred percent on the testimony, evidence and  
13 law presented to you in this case?

14 MR. VAUGHN: Absolutely.

15 THE COURT: Was your verdict influenced in any  
16 manner, in any way, by any communications with any  
17 bailiffs or any third party not a part of the jury in this  
18 case?

19 MR. VAUGHN: No, Your Honor.

20 THE COURT: Did you have any communications with any  
21 of the bailiffs or with any third party not a part of the  
22 jury in this case?

23 MR. VAUGHN: Absolutely not, Your Honor.

24 THE COURT: Thank you, sir, she will show you where  
25 to go.

1 (Whereupon, Mr. Vaughn exited the courtroom.)

2 THE COURT: I think that is the last one, Madam  
3 Clerk?

4 MADAM CLERK: Yes, sir.

5 THE COURT: Okay. What I am going to do is bring the  
6 jury back out, thank them for their service, give them the  
7 little spill that I give and, but before they come in we  
8 can certainly bring everybody back into the courtroom and  
9 then excuse the jury. And then we can, I can hear any  
10 matters you need to raise, you need to hold up first?

11 MR. SHAFFER: Well, Your Honor, I thought we were  
12 going to question the two bailiffs as well. That is part  
13 of my motion for a mistrial, I would like to question both  
14 of them.

15 THE COURT: Okay, alright, we can do that then.  
16 Which one do you want first?

17 MR. SHAFFER: It doesn't matter, whichever one.

18 THE COURT: Okay.

19 MR. MOWRY: Technically, Your Honor, I think the more  
20 important thing with this is the, is the answers from the  
21 jury.

22 THE COURT: Right. And I agree. I think that is  
23 controlling as far as how they responded to my questions.  
24 However, for there to be a complete record and since we  
25 did have some informal talks with the bailiffs and I will

1 allow some, and I will allow you to conduct some limited  
2 examination of both Mr. Easley and Mr. Bolt, just so we  
3 can have a record even though I have to agree with the  
4 State that I think the answers from the jury are, would be  
5 controlling in this case. But I want to have a complete  
6 record and I don't want to prevent you from not having a  
7 complete record.

8 MR. SHAFFER: Okay, Your Honor.

9 THE COURT: Are you satisfied with you conducting  
10 this?

11 MR. SHAFFER: Yes, Your Honor.

12 MR. MOWRY: Your Honor, if we could, on the motion  
13 for a mistrial, if we could do that also with a cleared  
14 courtroom so that is not--

15 THE COURT: Sure, I don't have a problem with that.  
16 Since we are talking, you know, if, because I typically on  
17 motions for a new trial I give the Defense lawyer, if it  
18 is a guilty verdict, ten days to make any motions for a  
19 new trial. I will be glad to give that time for motion  
20 for a mistrial as well.

21 MR. SHAFFER: And, Your Honor, I actually to do a--

22 THE COURT: Excuse me?

23 MR. SHAFFER: I am happy to do it if the Court would  
24 like me to within ten days. I think I can make it  
25 sufficiently. I already have one realm for a mistrial

1 being the previous juror issue from the first day.

2 THE COURT: Right.

3 MR. SHAFFER: I was also going to move based off of  
4 this. But I, I am happy to do it either way. I am happy  
5 to do it orally or in writing.

6 THE COURT: No, we can do it now. I offer that if  
7 counsel wants some time to get their thoughts together.  
8 But, no, I, we can do it now, we can do mistrial motion  
9 now, new trial motion now. That is not a problem, I just  
10 offer that.

11 MR. SHAFFER: I should be able to do it now, Your  
12 Honor.

13 THE COURT: Okay. Alright, let's, can you bring,  
14 let's just bring Mr. Bolt in and you can examine him and  
15 then we will bring Mr. Easley in. Okay.

16 (Whereupon, Bailiff, Johnny Bolt entered the  
17 courtroom.)

18 THE COURT: Mr. Bolt, I need to have you sworn in and  
19 just put something on the record concerning your  
20 communications with us back in-chambers.

21 JOHNNY BOLT, being  
22 first duly sworn, testified as follows:

23 THE COURT: And I am going to allow, he is going to  
24 conduct just some limited questions, so I am going to  
25 allow Mr. Shaffer to do that.

EXAMINATION BY MR. SHAFFER

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By Mr. Shaffer:

Q Mr. Bolt, during your time as a Bailiff working on this case you said, am I correct in saying that you had some communication with jurors?

A Not really communication, just other than the fact that when we went on break and outside there was concern that they just asked me about, well they didn't really ask me, just kind of came out, one individual kind of brought up something that was involved, why did we have so many, because I could sense there was some fear amongst them, you know, because, and anyway I told them they were for protection, for the Judge, the victims, for the jurors and they didn't have anything to worry about. But they had some, for some reason they had a lot of concerns as far as fear was concerned. And that is when, because I, I had one girl, one juror had asked me, says I want to ask you something. I said, as long as it has nothing to do concerning the trial. Because I have been doing this long enough to know that I am not suppose to communicate about nothing about what the trial or what, you know, goes on and everything. So basically, fear of some things that was noticed in the courtroom as far as some pointing to the jurors going up and down the hall.

Q What do you mean by pointing at jurors going up and

1 down the hall?

2 A Well, one of them, it wasn't me but one of the other  
3 Bailiffs had told me that one of the jurors had, not the  
4 jury, one of the Defendant's member would point at them  
5 going, you know, going up and down the hall. Said, you  
6 know, like that, you know.

7 Q The Defendant's family member?

8 A Yes.

9 Q Do you have any details of which juror this was?

10 A No sir, I don't. Because I am used to pretty much  
11 standing here. And then, of course, they see some things  
12 that is going on in the courtroom as far as, you know,  
13 like they had to take, I think on two different occasions,  
14 had to take a family member, you know, escort them out of  
15 the courtroom, I think making some kind of hand motions or  
16 some kind of something which I didn't even see. I had to  
17 ask later what was going on. Somebody raised their hand  
18 so they took them out.

19 Q Did any, at any point during their deliberations did  
20 they ever mention to you that they may be deadlocked?

21 A No, no. But they just, the Foreman did say, what  
22 happens if we can't reach a, reach a, you know, that, we  
23 can't reach any verdict. And I said, well, the Judge will  
24 give you some details on that if something happens, that  
25 you will need to write him a note and I will have to take

1 it to him.

2 Q Okay. Did you ever tell them anything about an Allen  
3 Charge?

4 A Well, I was familiar and I said, well, he will give  
5 an Allen charge, you know, because I have been doing a  
6 lot, I have seen this and I just mentioned, you know, that  
7 is usually the procedure that they do. And I said, yeah,  
8 he would probably give you an Allen charge. I said, well,  
9 he will just give you a charge and probably want to see  
10 if, see if you can stay later, something or another, of  
11 that nature.

12 Q Okay. Specifically related to the Allen charge, do  
13 you recall the exact words that you said to the juror?

14 A I just mentioned name, Allen charge, and that, that  
15 he may give them an Allen charge if they need.

16 Q And you told them they may have to stay later?

17 A I said once we give them the Allen charge, it is  
18 based on what he told them.

19 Q Okay. And that they would have to go back and stay  
20 later and deliberate?

21 A I didn't, I don't recall saying that.

22 Q What did you say specifically, because you just said  
23 something about, if they gave you, you told them that the  
24 Judge would probably give them an Allen charge?

25 A I mentioned the Allen charge, I did know what that

1 was. I said an Allen charge, he may give you an Allen  
2 charge, you may have to, well I did say, he may ask you to  
3 stay and stay later. I think that is what I said.

4 Q No further questions.

5 THE COURT: Okay. All right, Mr. Bolt, if you will  
6 go on out and ask Mr. Easley to come in, please.

7 (Whereupon, Mr. Bolt exited the courtroom.)

8 (Whereupon, Bailiff, Mike Easley entered the  
9 courtroom.)

10 THE COURT: Mr. Easley, I just need to have you sworn  
11 in and Mr. Shaffer is going to ask you some questions.

12 MIKE EASLEY, being  
13 first duly sworn, testified as follows:

14 EXAMINATION BY MR. SHAFFER

15 By Mr. Shaffer:

16 Q It is Mr. Easley, correct?

17 A Yes.

18 Q Mr. Easley, did you have any communication with any  
19 juror about this case?

20 A About the case, no sir.

21 Q Okay. Did you have any communication with any of the  
22 jurors about my client's family?

23 A There were questions asked to me by the jury.

24 Q What did they ask you?

25 A They would come to me, when they were coming in in

1 the mornings, one of them said that she felt uncomfortable  
2 in the hallway, that the Green Family had been walking in  
3 front of her and they stopped and turned around and  
4 pointed at her. I had jurors this week ask where the  
5 family was, are we going to be alright when we leave the  
6 building. Other than that that is the gist of everything.

7 Q Did you, did you communicate in any way back with  
8 them about the Green Family?

9 A Just that they would, everything would be alright  
10 because we would make sure that there were no problems.

11 Q Okay. Did you have any communication or do you have  
12 any knowledge about whether or not the jury was  
13 deadlocked?

14 A No, I could not know what their--

15 Q Did anyone ever tell you anything about an Allen  
16 charge coming from the jury?

17 A Coming from the jury, no.

18 Q Okay. What about coming from Mr. Bolt, what did Mr.  
19 Bolt tell you about the Allen charge?

20 A Mr. Bolt never said anything to me personally about  
21 the Allen charge. I know what it is and I know the  
22 purpose of it.

23 Q Okay. And did Mr. Bolt tell you anything about being  
24 deadlocked?

25 A No.

1 Q The jurors being deadlocked?

2 A No.

3 Q No further questions.

4 THE COURT: Thank you, Mr. Easley.

5 (Whereupon, Mr. Easley exited the courtroom.)

6 MR. MOWRY: Quite frankly, Your Honor, I think, as  
7 far as Mr. Easley is concerned, that is exactly what the  
8 Bailiffs are here for. They are here to receive jury  
9 concerns and deal with those.

10 THE COURT: I understand. Let's go ahead and, let's  
11 cut the jury loose, let me bring them in, thank them for  
12 their service and going to cut them loose and then we will  
13 take up your mistrial motion and then if you want to renew  
14 your new trial motion with everybody back in we can do  
15 that. Because I image your new trial motion is just going  
16 to be raising issues that you have already raised anyway.

17 MR. SHAFFER: Yes, Your Honor.

18 MR. MOWRY: Do you want the family in here for this,  
19 Your Honor.

20 THE COURT: Let's go ahead and leave them out so we  
21 don't go back and forth.

22 MR. MOWRY: Alright.

23 (Whereupon, the jury came into open court at  
24 approximately 7:11 p.m.)

25 THE COURT: In about two minutes, ladies and

1 gentlemen, I am going to cut you loose, how about that, is  
2 that good news. Let me just tell you a couple of things.  
3 First of all, the verdict that you reach in this case  
4 matters, doesn't mean anything to me, doesn't matter  
5 whether you find somebody guilty, it doesn't matter if you  
6 find somebody not guilty. What matters to me is that you  
7 perform your jury duty conscientiously, that you take it  
8 seriously, that you work hard and that you follow all of  
9 my instructions and you have done that. And that is what  
10 is important to me. As I told you early on this week and  
11 I think maybe one of the lawyers eluded to it, how high a  
12 responsibility it is to serve on a jury. And we take it  
13 very seriously and I believe you have taken it very  
14 seriously as well. And so I appreciate that. It is a  
15 tough job, I have never personally served on a jury,  
16 naturally I won't ever serve on a jury. But I know that  
17 it is tough just being a part of the judicial process in  
18 the roll that I am. But even though it has been tough and  
19 it has been hard and it has been long hours and now it is  
20 7:15 on a Friday night, I hope that you can say that you  
21 have experienced something, learned something that you  
22 didn't know before. And that even though it is extremely  
23 difficult, very hard to find someone guilty of serious  
24 criminal charges, I hope that you can still say that it  
25 has been a good experience for you in some respect, I am

1 not saying everything would be a good experience but at  
2 least in some respects. And that maybe some time down the  
3 road you would not be adverse to serving on a jury again,  
4 whether it is in the criminal arena or whether it is in  
5 the civil arena. I am going to Greenwood next week and  
6 try a civil case. So, I thank you, I would like to, as  
7 you are exiting, I like to shake the hands of my jury.

8 Madam Forelady, you need to hang around for just a minute  
9 because you have to sign the back of both of the  
10 indictments. So if you will just kind of hang, I tell you  
11 what, if you would go to the, come around and get with Ms.  
12 Lancaster. When you exit, just hang around here because  
13 the Clerk has your checks. Don't make big plans for the  
14 check. We will be engaging in the sentencing phase of  
15 this trial in just a little bit. If you would like to  
16 stay around for that you are more than welcome to, you  
17 certainly don't have to. You are more than welcome to.  
18 If you do they will assist you in coming back around and  
19 sitting in the very back of the courtroom, just let the  
20 deputies know that and they can assist you with that.  
21 Okay. So, just exit and hang around so the Clerk can hand  
22 you your checks.

23 (Whereupon, the jury was excused from open court at  
24 approximately 7:15 p.m.)

25 THE COURT: We still need to keep the courtroom clear

1 and let's go ahead and do the mistrial motion and then we  
2 can maybe take a short little break and finish up  
3 everything else.

4 MR. SHAFFER: Your Honor, obviously in-chambers,  
5 before the jury came back, we were informed about  
6 essentially Mr. Bolt's communication with the jury, the  
7 jurors or a juror, I am not sure how many it was. Your  
8 Honor, I would, I guess I moved in-chambers for a mistrial  
9 based off of that. Your Honor, I think that he is  
10 entitled to, yeah, he is sufficiently entitled to a trial  
11 by a jury that is free of improper influences. I cite to  
12 a case called Holmes versus United States which is a  
13 Fourth Circuit case from 1960. It is 284, F.2d, 716. And  
14 it is a case involving, you know, similar facts, because  
15 it is a little bit different issue. It is whether or not,  
16 basically a court person, someone in the court informed  
17 the jurors of where someone was being housed at, that they  
18 were being housed in pretrial detention somewhere. I very  
19 quickly read it, I haven't read the entire thing but  
20 essentially the Fourth Circuit, that that was, that was a  
21 Constitutional violation. There is some South Carolina  
22 cases that address this issue mainly dealing with things  
23 about asking a question. I think that Mr. Bolt's  
24 questions, I guess his response to their question, you  
25 know, what happens if we can't reach a verdict. Well, the

1 Judge is going to give you an Allen charge and probably  
2 send you back in here a little while later. That, Your  
3 Honor, at that point what you are doing is basically  
4 cutting off the Court's Allen charge. You know, Allen  
5 charges are heavily litigated, you know, there is a lot of  
6 pitfalls that, there is a lot of mistakes that can be made  
7 that will make them unduly coercive, Your Honor. I think  
8 whenever you are telling one of the juror's, hey, you  
9 know, if you tell the Judge you are deadlocked what he is  
10 going to do is basically tell you something else and then  
11 send you back there. I think that is an improper  
12 communication, I think it creates a structural error in  
13 this trial and that is the reason we are moving for a  
14 mistrial based on that.

15 THE COURT: Okay. Solicitor.

16 MR. MOWRY: Your Honor, you painstakingly questioned  
17 each individual juror, all twelve of them. All twelve of  
18 them gave you the same responses. Quite frankly, Your  
19 Honor, it is my belief that we're, we got no problem.  
20 Now, as far as, as far as the Bailiffs are concerned, that  
21 is a completely different matter. But as far as the  
22 jurors are concerned and that is the controlling issue in  
23 this matter. As far as the jurors are concerned they  
24 expressed that no communications were made, no influence  
25 was imposed and therefore the sentence should stand.

1 MR. SHAFFER: A brief rebuttal.

2 THE COURT: Sure.

3 MR. SHAFFER: The State has already actually brought  
4 up a very good point, is that all of the jurors denied any  
5 communication with the Bailiffs. However, Mr. Bolt said  
6 he communicated with them.

7 THE COURT: Right.

8 MR. SHAFFER: That creates even a more troubling  
9 issue, that all twelve jurors, none of them would admit to  
10 it. Jurors have to be honest, I mean that is part of the  
11 problem. But the other issue that I had is that, you  
12 know, we expect the jurors to be honest and dishonesty  
13 withholding information during the Court's questioning  
14 creates another problem in this case. I think based off  
15 of that a mistrial would be appropriate.

16 MR. MOWRY: They were under oath, Your Honor.

17 MR. SHAFFER: Obviously Mr. Bolt was too.

18 THE COURT: Well, here is how I view this. First of  
19 all, certainly the existence of some communication of some  
20 sort with the Bailiffs caused me enough concern to where I  
21 immediately got the lawyers back in-chambers to, not only  
22 to explain to you guys what I understood took place,  
23 number one. And then gave you the opportunity to hear,  
24 informally in-chambers from Mr. Bolt and Mr. Easley.  
25 While it does concern me that Mr. Bolt mentioned Allen

1 charge, while that concerns me and should not ever happen  
2 again, I have to take what the jurors told me that they  
3 were not influenced by any communications. So they did  
4 not perceive, and let me digress for just a moment. How I  
5 understand Mr. Bolt's statement of an Allen charge was  
6 just to the Forelady. I may be wrong, I wasn't back  
7 there, that is my perception. But be that as it may, the  
8 Forelady or anybody else did not perceive that as a  
9 communication or something that would arise to having a  
10 communication. And furthermore they were uninfluenced by  
11 anything outside of the testimony, evidence and law  
12 presented in this case. While again, I don't condone by  
13 any means what was, what was done or said. I don't think  
14 it rises to the level of creating prejudice to the  
15 Defendant or rising to the level that the drastic remedy  
16 of a mistrial should be granted. So I am going to deny  
17 your motion, Mr. Shaffer.

18 Now, what we have left, you want to make a motion for  
19 a new trial but we can certainly bring everybody back in  
20 to have that. And then we will engage in the sentencing  
21 process.

22 MR. SHAFFER: May we make this a Court's exhibit?

23 THE COURT: Yes.

24 (Whereupon, Court's Exhibit 4 was marked for  
25 identification only.)

1 THE COURT: Let me see the lawyers for just a minute.

2 (Whereupon, a bench conference was held with the  
3 Court and the attorneys.)

4 (Whereupon, everyone entered the courtroom at 7:24  
5 p.m.)

6 THE COURT: Okay, Mr. Shaffer, I think you have got,  
7 or at least you are prepared to make a motion for a new  
8 trial?

9 MR. SHAFFER: Your Honor, I am. A lot of it has to  
10 do with first, the discussion between Mr. Bolt and the  
11 juror, which you have already ruled on, the mistrial  
12 motion. I am also asking for a new trial based off of my,  
13 the witness and excuse me, the juror who on the first day  
14 indicated that she actually did know one of the officer's.

15 THE COURT: Ms. Noffz was the juror.

16 MR. SHAFFER: Your Honor, specifically related to  
17 her, I think that her testimony was and she spoke quietly  
18 so perhaps I did not get this correct. But my  
19 understanding of her testimony was that she said that the  
20 reason she didn't say anything is she didn't really think  
21 it would matter because she knew she could be, she  
22 wouldn't be biased. I think that that was essentially  
23 what her testimony to the Court was concerning this. I  
24 think that is misconduct by a juror because of the fact  
25 that it is, you know, obviously it was not a truthful

1 response at that point, it is willful concealment which is  
2 misconduct. Whether or not she is biased or not, it is  
3 sort of a totally different issue. Realistically had I, I  
4 mean if she is not going to be truthful with the Court on  
5 that, if she commits juror misconduct then that is grounds  
6 for a new trial, Your Honor. And I think there are  
7 several cases out there which was discussed earlier to  
8 support that.

9 THE COURT: Alright. Okay, of course I have already  
10 ruled on the issue of Mr. Bolt's discussion with the  
11 Forelady or others on the jury. And, Ms. Noffz, what I  
12 recall her saying was that she knew Robbie Haupfear, I  
13 don't see Robbie in the courtroom.

14 MR. MOWRY: No sir, he left to go to his off duty  
15 job.

16 THE COURT: Okay, that she knew Officer Haupfear just  
17 by virtue of that fact that her child or children attends  
18 the same school as his child or children. And it is kind  
19 of interesting that the Supreme Court has adopted the  
20 qualification that indicates do you have a close personal  
21 or social relationship with any of the potential witnesses  
22 in this case. And I don't remember Officer Haupfear  
23 testifying.

24 MR. MOWRY: Yes sir, he did. He was the first  
25 officer on the scene, it was very brief.

1 THE COURT: That's right, you are right. But I think  
2 my ruling on that was a one time, kind of inadvertent,  
3 unintentional concealment of any information. I feel  
4 comfortable, felt comfortable, feel comfortable now in not  
5 having excused that juror. So on these two grounds for  
6 your new trial, the same as respectfully are denied.  
7 Okay. Are we prepared to go forward on sentencing?

8 MR. MOWRY: Yes, sir.

9 THE COURT: Alright. If the State will come up.  
10 And, Mr. Shaffer, typically the, well on sentencing I  
11 think that probably the State will kind of occupy this  
12 area and the Defense kind of occupies that area. And I  
13 would ask that deputies be located next to Mr. Green.

14 Okay, I will start with the State first. Solicitor,  
15 I will be glad to hear from you or any on your side of the  
16 courtroom concerning sentencing and then I will give the  
17 same opportunity to the Defense.

18 MR. MOWRY: I will tell Your Honor that the Defendant  
19 has no adult convictions.

20 THE COURT: Right.

21 MR. MOWRY: He does have a pending CSC with a minor  
22 in the second degree charge but no other adult, no adult  
23 convictions. I believe the victim's father will address,  
24 would like to address the Court when Your Honor deems  
25 appropriate.

1 sentence. I don't know why I did that in this case but I  
2 started giving it some thought earlier in the week. What  
3 if, in fact, the jury comes back with a guilty verdict on  
4 these charges, what would be an appropriate sentence. I  
5 am very sorry for the family's loss, very sorry for the  
6 fact that, that they didn't have a body that they could  
7 properly bury, that all they had was bones. But, again, I  
8 am emphasizing the fact that, considering your age and  
9 that places heavily in your favor. I would, on the  
10 record, commend the attorneys for your hard work, this was  
11 not an easy case not only to prepare for but also to try  
12 this whole week and I commend all three of the attorneys  
13 for the fine work that you did. And I can assure you, Mr.  
14 Green, that Mr. Shaffer did everything he possibly could  
15 and more to try to advocate for you and for the position  
16 that you were taking. The sentences will run concurrent  
17 with each other. On the desecration charge it will be a  
18 ten year sentence with appropriate credit. On the murder  
19 charge it will be a 45 year sentence. Good luck to you.

20 MR. SHAFFER: Thank you, Your Honor.

21 \*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*  
22  
23  
24  
25

Back



Invitar a Ruby a Messenger

Otw



Don't have no boxers on

Why



This movie got me feeling all types of ways 🍃🍃

Otw

Queens court?



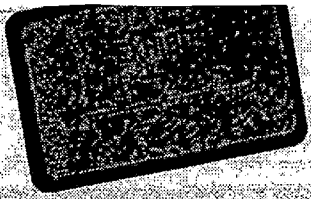
Queens Cir  
Laurens, SC 29360

Ok

Come out



Walk in



Ruby

Idek

Edwin

This week

Ruby

Nah

Edwin

This weekend

Or sooner

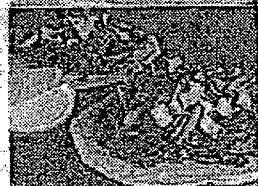
01/29/2016 11:23PM



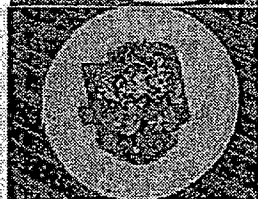
HONDURAS



EL SALVADOR



MEXICO



GUATEMALA



COLOMBIA

05/07/2016 8:41PM



Ruby

Edwin ?

Edwin

Yes



Ruby

Wyd you busy ?

Edwin

Im eating why wassup

Ruby

You got some weed ?

Edwin

Hell nah lol

Ruby

You don't smoke ?

Edwin

Yeah y

Ruby

Damn I'm tryna smoke & chill . I'm bored asf and everybody gone

Ruby

So you wanna chill ?

Nvm you might screenshot

Edwin

Where at n screenshot for what

Ruby

Pinehaven . You know where I stay at

Edwin

Same place?

Ruby

Yeah

Edwin

What we doing

Ruby

It's whatever . Whatever happens happen

Edwin



Ruby



Edwin

Idk if I can tho im tryn to come

Ruby

This the only night but if you can't it's lght

Edwin

Why this the only night?

Ruby

Cause I'm going to GA tomorrow

Edwin

Week day or sun?

Ruby

Imma be down there for a min

Edwin

Damn

Ruby

Well I guess I'm finna just go to sleep then

Edwin

U should of told me earlier man to late now

Ruby

What about tomorrow?

Edwin

What time

Ruby

When my mom leave

Edwin

What time is that

Ruby

Idk she don't work tomorrow so whenever she leave

Edwin

I got a game tomorrow at 1 after that then yeah

Ruby

Okay it will be after 1

Edwin

Ight u cant get a ride to my house now?

Ruby

I can't even get a ride to this party

Edwin

Damn

Cause if u get a ride down here den ill drop u off tomorrow

Ruby

I can't

Edwin

Tomorrow then

Ruby

Yeah

05/08/2016 12:01PM

Ruby

Edwin?

Edwin

No

Ruby

What time your game over? My moms leave around 4

Edwin

Around 4 ill hit u up

05/08/2016 4:10PM

Ruby

Okay

Edwin

She left?

Ruby

Yeah

Edwin

Who at your house

Ruby

Just me

Edwin

Swear

Ruby

Duhhh

Edwin

Where your bf?



Ruby

I been left his bum ass ~ You late asf

Edwin

Lol fr



Ruby

Duhh but movies after ?



Edwin

Im broke



Ruby

Okay

Edwin

Who u been fuckin



Ruby

Nobody wym

Edwin

When was the last time



Ruby

Why?? But 2 weeks when I was last with him

Edwin

W n oh



Ruby

Yeah yeah

Edwin

Wyd



Ruby

Watching a movie

Edwin

With win



Ruby

Myself , it was with julissa before he left

Edwin

Where she go



Ruby

With her dad

Edwin

Oh want me to come?



Ruby

What you think ☐

Edwin

Send me your address right quick



Ruby

Queens Cir

Edwin

Ohay



Ruby

Don't have no boxers on

Edwin

Why



Ruby

This movie got me feeling all types of ways 🍷

Edwin

Ohw 🤔

Queens court?



Ruby

Queens Cir Laurens, SC 29360

Edwin

Ok

Edwin

Come out



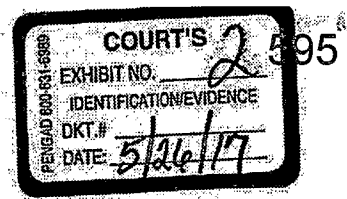
Ruby

Walk in



Ruby

Never mind don't come I'm not at home



Ruby Rina

06/23/2014 11:09PM



Ruby

Cute or nahh?? Cute

Edwin

Hitu more



Ruby

How old are you??

06/24/2014 5:39AM

Edwin

15 wbu

08/25/2014 7:01PM



Ruby

Aye dont you go to ldhs?

Edwin

Yeah y



Ruby

Ive seen you around . You single?

Edwin

Yeah lol i seen u.



Ruby

Ok your cute ☺

Edwin

Lol thanks



Ruby

You got a phone?

Edwin

Yeah 864-872-2962



Ruby

I just texted you .

09/05/2014 5:57PM



Ruby

Aye i cant send or recieve messages no more

Edwin

Y

09/05/2014 7:07PM



Ruby

Lls i violated the 1000 messages i can send in a day what is also known as fraud . They said i cant send/recieve messages until my next bill payment for next month .



Ruby

I can only talk otp . Call me WHENEVER you want .

09/07/2014 10:22AM



Ruby

Could you come over tomorrow?

Edwin

U off yo period?



Ruby

Some'n like that

Edwin

Oh ill see



Ruby

Ill call you & see

09/07/2014 11:28AM



Ruby

Tell yo fuckin cousin to stay df out my inbox!!!

Or whoever that dude is .

Edwin



Ruby

Omfg dude .

Edwin

Block him



Ruby

Thats what im finna do but why df he inboxin me for? You prolly told him .

Edwin

Wtf the nah u tell em to stop but i aint guna tell him shif



Ruby

I aint fuckin inboxin him back . & you prolly did tell him cause he juss sent me another messages sayin what i told you .

Edwin

Man bye



Ruby

You bein complicated dude . Ughh .

09/08/2014 7:43PM



Ruby

Aye you know a man named Nahum?

Edwin

Idk y



Ruby

He told me he knows your mom since she was pregnant with you . He my mom ex & they prolly gettin back together soon .

Edwin

o wrd

He from honduras?

09/09/2014 7:14AM



Ruby

No he's i think its spelled "chilango" . Ion know if he still does but hangs around marvin dad all the time .

Edwin

o wrd



Ruby

Mhm

09/09/2014 4:14PM



Ruby

Aye i think they leave at 7pm .  
Bruh im call you when they leave .

Edwin

What u off yo period?

Ruby

Yes im completly off now

Edwin

Edwin

Ruby

You better come too

Edwin

After i get dnc playin soccer

09/09/2014 6:33PM

Edwin

So wat time?

09/09/2014 8:50PM

Edwin

Better take dem pills

09/10/2014 3:55PM

Ruby

Fuck the pills im go get the shot tomorrow afternoon i juss called earlier

Edwin

Edwin

Ruby

You wanna come over later?

Edwin

Edwin

Ruby

Lls make up yo mind then . Better not be paranoid on that shit

Ruby

& if you do want to then call me . & YOU better bring the rubber cause i aint got anymore .

09/10/2014 5:27PM

Ruby

Or tomorrow idk yet . Cause i might go somewhere

Ruby

You can come now if you want . You know what to bring if yah do . Or call me .

Edwin

Can

09/11/2014 3:52PM



Ruby

So can yah today?



Ruby

I just got back from getting that stupid shot . Arm all numb & hurtin doh .

Edwin

O damn



Ruby

Hell yeah . So its all good & Its gonna make me gain weight too .

Edwin

Word



Ruby

So can yah come over today or nah? Im be gone all weekend .

Edwin

Can



Ruby

Next Wed?

Edwin

Yah



Ruby

Alright . You bring the rubber doh

Edwin

Right



Ruby

My sis said do you got any bro's or sis?

Edwin

Yah y



Ruby

She said what they age . & she said she jw .

Edwin

Bro 13

Ruby

She said do he got a fb .

Edwin

No

Ruby

Damn . She said kik?

Edwin

No

Ruby

She said what he got then?

Edwin

Nah lol she want some dick?

Ruby

She a virgin . & she said she wanna see what he looks like .

See it wouldve been better if yah came today & brought him cause she stayin too .

Edwin

Real

Ruby

Yeah ik . She said can you bring him on Thurs?

09/11/2014 7:30PM

Ruby

You remind me of the song No Flex Done .

Edwin

Ruby

Im high asf right now . Ion even know what i put . My b .

Ruby

You know Justin Anderson?

Edwin

Yeah

Ruby

Im with the mfer right now . He's aggregating asf .

Ruby

Im Gone now

09/12/2014 7:51AM



Ruby

If jUstin ask you stuff bout us tell him not to worry bout it.

09/12/2014 10:36PM



Ruby

Bruh... I gotta ask you some'n .

Edwin

Wait



Ruby

Dude how you feel bout me?

Edwin

Good lol



Ruby

Im fr man . I mean like what yo feelings towards me .

Edwin

Idk



Ruby

Be <sup>id</sup> with me . Cause ion wanna waste my time on someone I cant have .

Edwin

Ok find somebody else



Ruby

See thats why i asked how you feel bout me .

Edwin

Ok find someone else.



Ruby

Ughh that means answer it .

Edwin

Ill find someone else u do too



Ruby

I mean ik you will thats why im tired of waiting . Like dude you juss dont know how i feel bout yah .

Edwin



Ruby

Omfg.. Answer frfr.

Edwin

No



Ruby

Why not? I mean if you aint got NO feelins then shit juss say it.

Edwin

Ok frfr



Ruby

Oh frfr?

Edwin

frfr



Ruby

If yeen had no feelins then why df you kept fwm? Like wtf man i hate guys like that.

Edwin

Ward frfr



Ruby

Nah you have to fuckin know . That shit gets aggregating asf dude . My b for cussin at you but this has me mad asf like on everything .

Edwin

Ok bye



Ruby

Omfg.. Juss answer the question so I can get over this :-

Edwin

frfr kanna



Ruby

Ughh! You shouldve cut me off fully bruh . You let me catch feelins & then you break them . Like df? ♡

Edwin

My b



Ruby

It doesnt even matter man . You had me fooled this whole time smmfh . Aye doh they askin if you playin soccer this year.

Edwin

Who

  
Ruby

Henry & Celeste were juss talm bout it

Edwin

Yeah im playin u wit dem

  
Ruby

They said ok & yeah im stayin the weekend with Celeste

Edwin

Ward

  
Ruby

Mhm .. You playin basketball too? Thats my question

Edwin

Yeah

  
Ruby

Im playin this year too . I think imma make it

Edwin

Lol lol

  
Ruby

Mhm .. Im make varsity .. You gonna make JV ~ ~ ~lls im jk

Edwin

hah

  
Ruby

My high gone . Thats last time i smoke . I quit <sup>100</sup>

09/13/2014 2:21AM



Ruby

Still down fah Wed doh?

09/13/2014 8:30PM

Edwin

Yo

09/14/2014 12:30AM



Ruby

Wassup?

I juss got back to Celeste

Edwin

Nun my b i aint mean to say dat



Ruby

Oh ok . You souldve came man .



Ruby

& i got in trouble too . For callin you in there .

09/14/2014 9:29AM



Ruby

Aye you got a kik?

09/14/2014 9:15PM



Ruby

Omfg Edwin?!! I gotta ask you some'n .

09/14/2014 11:57PM

Edwin

Wii

09/15/2014 7:37AM



Ruby

I forgot man shit .

09/15/2014 7:07PM



Ruby

Aye you still wanna meet my mom? She want you to come over right now .

09/16/2014 7:12AM



Ruby

boiii 🤔

Edwin

Do i care lol?

09/16/2014 4:15PM



Ruby

Irdk & idgaf <sup>100</sup>. Told yah i was impatient

Edwin

U act like i wanted u hell nah 😏



Ruby

Ion really give a fuck bruh <sup>100</sup>

I can any dude at ldhs that i want but chose not to cause of yo ass . But i got all my hoes back 🤔🤔🤔

Get\*

Edwin

U got hoes?



Ruby

Im bisexual so i got boys & girls .

Edwin

Lmao 🤔



Ruby

Whats fuckin funny? 😏

Im surprised yeen know cause i be my ex gf all the time . Not alexia doh.

Edwin

Bye



Ruby

Bye i heard shit bout you anyways that only reason you got <sup>a.20.2</sup>

Edwin

Wif u aint out me off i aint neva talk to yo ass dats y u say u tried to cut me 😏



Ruby

Lls if you say so dude . Your childishh asf & tbh your kinda weird .

09/18/2014 6:58PM



Ruby

Dam i wnted to give yhu bday sex

Edwin

Wtf lol



Ruby

Man my stupid ass sister put that shit . <sup>100</sup>

Edwin

Lessss

 Ruby

Im fr but w/e . She over here laughin now .

Edwin

ight whatever lol

 Ruby

Yeah but i aint even gonna lie i fuckin miss you bruh <sup>100</sup> . Straight like that

Edwin

Miss da dick

 Ruby

I miss you nigga! But you flexin boii .

Edwin

How

 Ruby

Cause I told yah I wanted more & yeen want that . I fuckin misd you bruh .

Miss\*

Edwin

Why cant we just be fuckin buddies

Fuck

 Ruby

But see the thing is I want more then that . We already fucked 2x . & if yah want you can come over today .

 Ruby

 Edwin

on think i can ll see im bout to play soccer

 Ruby

Ael

Alright she get back at 11 toda

Same tomorrow.

09/19/2014 5:10PM

 Ruby

Could you come "maybe" today?

Edwin

Maybe

09/19/2014 6:32PM

Ruby

Can you come or nah?

Ruby

She's already gone .

09/19/2014 8:02PM

Ruby

Well??

Ruby

Tbh- i seen that you disliked my pictures 😂. Your fuckin cute asf but you on that flexin shit . Id cuff yah whenever bruh you juss dont know . & you need to hurry up & come over

Edwin

Lo! I cant come today tomorrow i can.

Ruby

Dang im goin to the hospital tomorrow & then im goin to gville .

Edwin

Damn

Ruby

Uh .. Wednesday good?

Edwin

I mite go

Ruby

Aye but idk bout gville yet . I gotta get back to yah on that & alright well see .

Edwin

Ight let me knw

Ruby

My phone get back on tomorrow but i think im gettin a new number .

Ill text yah 😂

Edwin

Ruby

Yeah .. & you better not be fuckin other hoers while you fuckin with me 😏

Edwin

Lol right i aint fucked nup

Ruby

Better not!! & shit reminds me .. I got cut someone off cause I got yah back 😏😏

Edwin

U act like we bout to dare

Ruby

Ik but shit I aint finna fuck around with 2 guys that fuckin nasty

Edwin

© (ru)

Ruby

But you still the bace doh 😏 😏 😏

Edwin

Wra

Ruby

You better bring the rubber frfr 😏 Ill steal some whenever I go to walmart which is prolly like in 2 weeks 😏

Edwin

I ain't gonna cuz yo shit broke

Ruby

Nah they were juss to small for you thats why they broke 😏😏

Edwin

Lol hell yeah my dick big?

Ruby

Perfect size for me 😏 Ive taken bigger - -but yours perfect 😏

Edwin

Ruby

Lls my pussy good? 😏

Edwin

Yeah had fightng but its str8

Ruby

Ahh you tryin to be funny 😏

Edwin

Im in its kinda loose  
 Just been



Ruby

You the one been bustin it open!!

Edwin

Oh lol



Ruby

Duhh you the only one I been fuckin so ..

Edwin

I hope da only one



Ruby

You are <sup>u</sup> <sup>u</sup> <sup>u</sup> <sup>u</sup> Im stick to you for a WHILE . If yah want ..

Edwin

light bet



Ruby

Yeah & why df you dislike my pictures? Thats childishh

Edwin

I didn't want talkin bout



Ruby

Nah you did cause i remember you liked one of them & when i checked your name wasnt on there anymore . My friend the one noticed it

Edwin

I am kw



Ruby

Oh it doesnt matter anyway . I juss wanted to know why

Edwin

Oh



Ruby

Ok well ill text you tomorrow if my phone get cut on if not ill inbox yah . Bye <sup>u</sup> <sup>u</sup> <sup>u</sup> <sup>u</sup>

Edwin

light

10/01/2014 6:55PM



Ruby

Bruh ... You coming or nah?



Ruby

10/10/2014 12:11PM



Ruby

Bruh... Whatchu tell Celeste?

Edwin

Wait



Ruby

Why df you tell celeste that you ain't want me sitting at your table?

Edwin

Sit somewhere else bruh



Ruby

I can sit there if i want. Ion sit there for you.

Edwin

Sit yo ass somewhere else



Ruby

Brush don't fuckin cuss at me. You can sit somewhere else if you got a problem with it. Cause I sure as hell aint moving. lol

Edwin

Bruh dat's why we always laughin' in itss at you nobody at our table want u sittin' der. So go bekn sit with ur friend



Ruby

Ion give a fuck bruh. & hell nah I moved from that table cause they nasty asf.

Edwin

Wif why u had to come to our table nobody want u der. lol



Ruby

I tried 2 other tables & they the same. & df really? Am I suppose to give a fuck or something? Your childishh asf. Just cause we use to talk don't mean shit. Forget about that.

Edwin

Wif lol aint my fault u wanted to date me so bad. lol move yo ass on.



Ruby

DF? Lls I already did. So let it go.

Edwin

About time bruh.

Ruby

I been moved on since the last time we fucked . I can have any dude I want .

Edwin

Lmao

Ruby

It ain't . I juss don't want NONE of them . I'm gonna get back with Rashaad when he get out.

Edwin

Lmao ght

U act like i care

Ruby

You were the lucky one . Know that

Edwin

I aint never like bein

Ruby

Oh well . You still talked & fucked me . But after we stopped talking I found out about you . Yeen no real man .

Edwin

Womd

Ruby

You think what you doin is nothing . You don't realize what you put girls thru . That shit ain't cool bruh . Sooner or later it'll happen to you . Maybe you'll mature maybe you won't but its gonna get to yah one day .

But your still young asf .

Edwin

@ccc

Ruby

You juss don't get it . Yeen no real man .

10/10/2014 4:00PM

Ruby

& in still gonna sit at your table regardless ~

Edwin

Shh bye

Ruby  
Stop getting mad at stupid shit bruh 😊 But mkay  
Edwin

No ugly ppl allowed at our table lmao

Ruby  
Pssh I aint ugly 😊 I get GoodMorning/GoodNight Gorgeous texts EVERYDAY so  
ion give a fuck whatchu say . But yet you still talked/fucked me 😊😊  
Edwin

Stell nah

Ruby  
😊😊 Childishh ass But w/e dude

10/11/2014 1:22PM

Ruby  
Bruh?  
Edwin

Wat

Ruby  
You told Marvin that we fucked?

Ruby  
Well?

10/11/2014 2:34PM

Edwin  
Man bye stop xum me

10/11/2014 3:34PM

Ruby  
All you couldve said was yes or no gahh damn . But mkay 😊

10/12/2014 7:18PM

Ruby  
Edwin?  
Edwin

Wat bruh

Ruby

Who is Juliano? I think thats how you spell it .

Edwin

Wtf i don't know

Ruby

You sure about that? Nahum told me earlier that that man is grown & that man told him bout everything we did . Supposibly you told him .

Edwin

I don't know who u talkin about man

Ruby

Well im tellin you now that Nahum knows bout it & he told my mom . I tried denyng it but didnt work .

Edwin

Go ide why u tellin me dis

Ruby

Cause Nahum was tellin me that you told grown men about it & he found that shit out in Gville . That you told Juliano every detail . & I juss wanted to know if that shit was tru .

Edwin

Bruh i dont even know who dat is so ide

Ruby

Well I do cause my damn mom kicked me out the house cause of that .

Edwin

Igit dat aint my problem cuz i aint told no body so bye 🙄

Ruby

It dont matter if you did Edwin . I juss wanted to know the truth . Aint no point it lyin bout it . But ok if you say so

10/14/2014 8:30PM

Ruby

Aye?

10/15/2014 4:13PM

Ruby

Why dont you want me sitting at yo table bruh? Gimmie 1 good reason & ill move <sup>100</sup>

Edwin

Ugly ppl

Ruby

Stfu cause I aint even ugly . That aint a reason ..

Edwin

Man juse move damn

Ruby

Nah . Jus lettin you know Ion get jealous ☹ & I dont sit there for you I sit there for Brandon <sup>100</sup> . But if you want me to move im need a reason for why .

Edwin

Wtf now its for brandon lil hoe

Ruby

First of all Brandon is my lil homie so dont be sayin shit - Plus I talk to someone .

Edwin

Maan ion care wif why u tellin me dis

Ruby

Cause you callin me a hoe df hell nah .

Edwin

Everybody knw u r bruh

Ruby

Thats cause of my fuckin past . I keep tellin them I changed

Edwin

Lie

Ruby

That aint no lie . The reason they sayin that is cause of Jonathan & Zay . But shit I aint know so it wasnt my fault . I wish they juss let that go cause I aint like that no more <sup>100</sup>

Edwin

Ight bye

Ruby

Still needa tell me why you dont want me sittin at yo table ☹

Edwin

Bye man if talk to somebody ima tell her u wnt leave me alone

Ruby

You juss startin shit . Ik you talk to her bruh .

Edwin

Ok den leave me alone

Ruby

I was juss askin why yeen want to sit there cause you sneak dissin .  
But mkay bye bruh

10/16/2014 12:22PM



Ruby

You childishh asf bruh . I was gonna leave the stupid table by Monday anyways .

12/21/2015 11:30PM



Ruby

Wtf

Edwin



They accepted your request.



Ruby

I seen a friend request from you then it went away seconds after

Edwin

Lol oh



Ruby

Wow

Edwin

Yeah



Ruby



Edwin

Wyd



Ruby

Laying down . Wyd ?

Edwin

Same



Ruby

Word How's Mr Leopards Class ?

Edwin

Boring asf lol



Ruby

Shit At Least The Semester Over Now  
For Y'all  
Edwin

Yeah where u been

Ruby  
Got Kicked Out . I'm Taking GED Class Now  
Edwin

Oh lol thats wassup

Ruby  
Yeah Yeah ☺  
Edwin

Yeah u still live w/ur mom?

Ruby  
Yeah Why Lol ?  
Edwin

kw lol

Ruby  
Aha . If You Say So  
Edwin

Lol yeah ☺

Ruby  
Mhmm  
Edwin

U got a bf don't you?

Ruby  
We Broke Up  
Edwin

Oh why lol

Ruby  
He Got Anger Problems . I Ain't Putting Up With That Stupid Shit  
Edwin

Lol damn

Ruby  
Yeah . How You Been Tho ?  
Edwin

Shit good wbu?

Ruby

Same Lol

Edwin

Oh cool lol havent talked in a long time

Ruby

Right I Wonder Why

Edwin

Lol me to

Ruby

Ahh It Was Your Fault

Edwin

How lol

Ruby

Attitude

Edwin

Wavin?

Ruby

You Had Em

Edwin

Nahh

Ruby

Liess

Edwin

You told ppl that we were fuckin told you to keep it on the low

Loo

lol

Ruby

I Didn't Tell Nobody You Did All That

Edwin

I amnt tell nobody if

Ruby

Well Neither Did I

Edwin

It is better to keep it on the low

Ruby

Mmm

Edwin

What lol?

Ruby

Ruby

Nothing

Edwin

Ohh

Ruby

Ruby

Yeahhh

Edwin



Ruby

Ruby

Mhmm . Other Than That , How's Life ?

Edwin

Great lol wbu

Ruby

Ruby

Same I Guess

Edwin

Lol yeah u l/ righ?

Ruby

Ruby

Yeah . You To Ain't It ?

Edwin

Yeah

Ruby

Ruby

Thought So

Edwin

Yeah lets chill Thursday

Ruby

Ruby

Uhh What We Go Do ?

Edwin

lck

Ruby

Ruby

My Definition Of Chill Probably Different From Yours Tho

Edwin

Lol whats yours

Ruby

Basically Just Hanging Out Sum

Edwin

Oh lol

Ruby

What's Your Number Id Rather Text

Edwin

864-872-2962

Ruby

Bet

Edwin

Yeah

12/22/2015 11:53PM

Edwin

Yo

They accepted your request.

Ruby

Yea Whatsup Bruh

12/23/2015 7:14AM

Ruby

Edwin ?

12/23/2015 9:49AM

Edwin

Wassup

Ruby

What You Had Inboxed Me Yesterday For ?

Edwin

Forum i was bored lol

Ruby

Oh Okay . I Was Wondering Cause You Didn't Respond Back

Edwin

Yeah i fell asleep lol

Ruby

Oh Word

Edwin

Yeah lol wyc

Ruby

Shit Cleaning My House

Edwin

Oh you still down to chill?

Ruby

I Guess Lol

Edwin

Lol what day

Ruby

I'll Let You Know Wassup

Edwin

Lol ok

Ready

Ruby

Talkin Bout You Or Me ?

Edwin

Me lol

Ruby

Oh I Think I'm Getting Sick Tho

Edwin

I'll be ok

Ruby

That's What You Think

Edwin

Lol you prego

Ruby

Nah

Edwin

Lol oh

Ruby

Yeah ☺

Edwin

Lol condom or nah

Ruby

Doesn't Matter . As Long As You Don't Got Shit ☹

Edwin

I dont n you on birth control

Ruby

Yeah

Edwin

Oh ok we good then

Ruby

Yeah , You Wanna Nut In Me Or Something ? ☺

Edwin

Lol i dont like pull in out

Ruby

Wtf Edwin ? ☹

Edwin

Lol what?

Ruby

Just Tryna Get A Baby Ain't It ? ☹ Birth Control Only 97% Effective

Edwin

Nah i am tryna get no baby lol

Ruby

Is That So ?

Edwin

Yeah

Ruby

Hmmm

Edwin

When last time you had it

Ruby

Last Month . But I Got Irregular Periods So I Won't Get Pregnant Anyways If I Even Tried . . Not For 6 Months At Least

Edwin

Oh ok we good then lol

Ruby

Of Course 🤔

Edwin

Year lol 😂

Ruby

Send Me A Picture Of You Lemme See What I'm Working With 🤔

Edwin

Pic of what?

Ruby

Full Body Of You

Edwin

U should already know cause we fucked 2 times

Ruby

So ? Shit Maybe You Done Got Fatter Or Sum 🤔

Edwin

Same size lol

Lol

A contact changed the chat colors.

Ruby

Blahhh I Just Wanted A Picture Tbr 🤔

Edwin



Ruby

Blahhh 🤔

Edwin

You gonna see lol

Ruby

Word ? But Aye We Needa Go Eat Somewhere Too Or Sum ☐

Edwin

Hell yeah we are

Ruby

Where We Gonna Go ? 🤔

Edwin

Where u want go

Ruby

Somewhere Nice ☺

Edwin

Like?

Ruby

We Dining In Right ?

Edwin

I guess

Ruby

Can We At Greenville ?

Edwin

If we have time yeah

Ruby

Wym If We Have Time ?

Edwin

You hasna go before we fuck or after

Ruby

Before

Edwin

Ok ok

Ruby

We'll Have Time ?

Edwin

Yeahh

Ruby

Word Okay ☺

Edwin

Yeah ☺

Its right?

Ruby

Should Be ☺ & Shit I Wanna See A ☺ Pic

Edwin

Im in greenville now

Ruby

You Don't Got One Saved In Your Phone ?

Edwin

Send me one first

Ruby

I Sent You One The Other Day Edwin

Edwin

That ain't you

Ruby

Yes Tf It Was .. You Could Tell By Looking At My Fingers

Edwin

Send a whole body one n I'll believe you

Ruby

Hell Nah You Might Expose Me

Or Show Somebody

Edwin

Hell nah bro

Ruby

Shit Idk That - Might Be A Set Up

Edwin

Hell nah I'll never do that

Ruby

Idk . You'll See In Person Fuck Allat

Edwin

ight lol

Ruby

But You Know I Got A Tattoo Right ? That's Why I Said Idk

Edwin

Where

Ruby

From My Perspective , On My Right Thigh

Edwin

Oh what you got

Ruby



Edwin



Ruby

Nothing what you mean Bruh

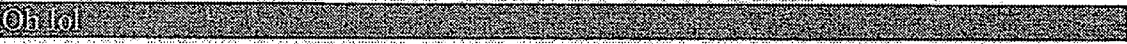
Edwin



Ruby

Wrong person

Edwin



12/23/2015 9:49PM



Ruby

Tbh ? You Know Wassup

Edwin



3 3



Ruby

Wanna Chill Tomorrow Instead ?

Edwin

Yeah im down



Ruby

Like Around Night Time Tho

Edwin

Ok just let me know

12/24/2015 1:11AM



Aww

Edwin

Im cute



Ruby

Same Little Fat Face

Edwin

Lo! always been cute



Ruby

Righhhht

Edwin

Lol yess

Ruby

Wyd

Edwin

Chillin with friends wbu

Ruby

Word & Shit Playing The Xbox

Edwin

Oh w/0 me

Ruby

Apparently So

Edwin

We will tomorrow

Ruby

How

Edwin

Play nss

Ruby

Okay

12/24/2015 5:02PM

Edwin

Hey

Ruby

Wassuppp ?

Edwin

Wyd

Ruby

Blow Drying My Hair

Edwin

Oh wassup wit later

Ruby

Imma Have To See Cause We Going To A Christmas Dinner Unless You Wanna Pick Me Up From There ? It's In Watts Mill

Edwin

Yeah its str 8

Ruby

Okay, You Know Where Suleyma Stay At ?

Edwin

Yeah i think

Ruby

Well It's At Her House . I Can Meet You Somewhere Tho Like At The Top Of The Street

Edwin

Ight ill let you know later

Ruby

Okay

Edwin



12/24/2015 8:11PM

Ruby

Aye ?

Edwin

Yo

Ruby

You still down ?

Edwin

Yeah but im in greenville playin pool

Ruby

Damn how long you go take ?

Edwin

ill be why

Ruby

Cause it gotta be before 10

Edwin

Damn fr

Ruby

Yeah I'm On Probation

Ruby

It's Straight Then . We Ainn Got Too

Edwin

Tomorrow fr

Ruby

Imma be with my family . It's Christmas

Edwin

At night

Ruby

Alright we'll see

Edwin

Yeah cause i know

Ruby

Yeah

12/26/2015 8:49PM

Ruby

Hey

Edwin

Hey

Ruby

Wyd ?

Edwin

Layin down wbn

Ruby

Same

Edwin

W/ome

Ruby

Looks Like It

Edwin



Ruby

lol What Happened To Yesterday ?

Edwin

lol i dkn snap me that pussy

Ruby

I deleted it

Edwin

Make one

Ruby

I don't have enough storage

Edwin

Whatever

Ruby

I'm Fr. I can't even take pictures no more

Edwin

Damn ok

Ruby

Yeah

Edwin



12/27/2015 11:16PM

Ruby

Hey

Edwin

Hey

Ruby

Wyd

Edwin

Watchin a movie wbu

Ruby

Word Fuck All That We Needa Get Right

Edwin

Wym lol

Ruby

Like us get right

Edwin

Like my shit lawkey

01/02/2016 7:55PM



Ruby

Hey

Edwin

Hey



Ruby

What It Do ?

Edwin

What



Ruby

Wyd ?

Edwin

At the mall wbu



Ruby

Shit bored asf

Edwin

Damn lol where yo bor



Ruby

Who ?

Edwin

I know



Ruby

Oh idk

Edwin

Ohhh



Ruby

Blahhh

Edwin

Lol got it



Ruby

Whose ?

Edwin

I know

Ruby

His or Yours ?

Edwin

ffs

Ruby

Why you asking ?

Edwin

W

Ruby

What ?

Edwin

Nahhh

Ruby

Why the face ?

Edwin

I wanted it

Ruby

You can still get it

Edwin

Get it

Ruby

Shit you down ?

Edwin

Hell yeah

Ruby

Bet. You still down for going to eat too ?

Ruby

Wya ?

Edwin

WA but im comin bck tomorrow

Ruby

Damnnn

Edwin

Why?

Ruby

Was gonna ask you to come scoop me

Edwin

Damn fr

Ruby

Yeah

Edwin

Porque

Ruby

Speaking that Spanish for once

Edwin

That wasn't for you

Lol

But ill see when

Ruby

I realized that & ugh Wym?

Edwin

Like another day when i get the car maybe tues or wed

Ruby

Okay

Edwin



Ruby

Wyd?

Edwin

Just got home wbu

Ruby

Laying down

Edwin

Iwana come

Ruby

Well come on then

Edwin

Oh fr

Ruby

Yeah

Edwin

Let me get a pic

Ruby

I don't do those

Edwin



Ruby



01/03/2016 10:03PM



Ruby

Hey

Edwin

Hey



Ruby

Wyd?

Edwin

Just got home wbu



Ruby

Just laid down

Edwin

Oh wkd



Ruby

Yeah yeah

Edwin

Wyd today



Ruby

Shit

Edwin

Damn lol

Ruby

What about you ?

Edwin

Drive all day

Ruby

Word

Edwin

Yeah

Ruby

Wyd Next Weekend ?

Edwin

Idk why?

Ruby

Wanna chill ?

Edwin

Hell yeah

Ruby

Don't BS

Edwin

In his

Ruby

Word . Me too

01/06/2016 5:32PM

Ruby

Hey

Edwin

Hey

Ruby

Wyd ?

Edwin

Layin down wbu

Ruby

At school bored Asf

Edwin

School?



Ruby  
Piedmont Tech  
Edwin

Oh my



Ruby  
Yeah  
Edwin



01/18/2016 3:19PM



Ruby  
Edwin  
Edwin

Yo



Ruby  
Julissa Said Y'all Went To My Moms Yesterday ?  
Edwin

Yeah lol man my dad had to give your mom something



Ruby  
Oh Word  
Edwin

Yeah where were u at



Ruby  
I'm Over Here Now  
Edwin

Oh who der



Ruby  
I Was With My Homegirl Nyasia . She Stay Down The Street & Just Me & Julissa  
Edwin

Oh i would come



Ruby  
Would ?  
Edwin

?  
I can

Ruby

Who With You ?

Edwin

Nobody

Yes or no

Ruby

I might have to go with you

Edwin

Why

Lets do it at your house

Right quick

Ruby

Shit Julissa here

Edwin

So

Ruby

She gone tell

Edwin

Tell her not to

Ruby

She will even if I do

Edwin

Beg her

Ruby

Suppose he pull up

Edwin

Yuh

Ruby

What if he pull up

Edwin

Who

Ruby

Who you think ?

Edwin

With nvm then

Ruby

Exactly , im edgy on that anyway

Edwin

If you come with me where can we go?

Ruby

We can't go to yours ?

Edwin

My sisters here

Ruby

Damn

Edwin

Windows ain't even tinted to just stop some where

Ruby

where ?

Edwin

Nothing just tell em not to go to ur house

Ruby

Hell that'll make him speed his ass over here

Edwin

Damn lol

Ruby

You don't know anywhere ? Like places nobody be at or something

Edwin

Yeah bout to take a shower right quick

Ruby

Okay

Edwin

Send me ur address

Ruby

We can't now . My mom pulled up

Edwin

Was

Ruby

Exactly & we Boutta go somewhere

Edwin

01/23/2016 8:46PM

Edwin

Hey



Ruby

You missed a call from a contact.

✓ January 23, 2016 8:47 pm

Call Back

Ruby

That what I thought your pussy ass

01/25/2016 8:14PM



Ruby

Tbh ? You Cute

Edwin

Who called me the other day lol



Ruby

Who You Think ?

Edwin

Why u give the fore



Ruby

He Took It Out My Hand When He Heard It Go Off

Edwin

Single now am i?



Ruby

Hell Yeah

Edwin

Lets chill then



Ruby

I'm In Clinton

Edwin

Not today when you guna be home

**WITNESSES**

Bryant Cheek  
Laurens County Sheriff

**THE STATE OF SOUTH CAROLINA**

COUNTY OF LAURENS

**COURT OF GENERAL SESSIONS**

July Term, 2016

Indictment # 16GS30- 1077

**WARRANT NUMBER**

2016A3010100470

**THE STATE**

vs.

Fabian Lamichael R. Green

True Bill

Louis Clark

Foreman of the Grand Jury

Date: 7/22/16

**INDICTMENT FOR**

**Desecration of Human Remains**  
§16-17-0600

CDR: 0471

**VERDICT**

Guilty

Omeca Thomas

Foreman

**THE STATE OF SOUTH CAROLINA**

**INDICTMENT FOR**

**COUNTY OF LAURENS**

**Desecration of Human Remains  
§16-17-0600**

At a Court of General Sessions, convened on the 22nd day of July, 2016, the Grand Jurors of Laurens County present upon their oath:

That Fabian Lamichael R. Green did, on or about May 8, 2016, in Laurens County, willfully, unlawfully and knowingly, and without proper legal authority, the said defendant did destroy or damage the remains of a deceased human being; to wit: that the said defendant and others did burn the body of Edwin Diaz Chirino, in violation of Section 16-17-600 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 cases made and provided.**

  
Deputy Solicitor

642

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Laurens
STATE VS. Fabian Lamichael R. Green
AKA:
Race: AFRICAN AME Sex: M Age: 20
DOB: SS#:
Address:
City, State, Zip: Laurens, SC 29360
DL#: SID#:

INDICTMENT/CASE#: 16GS30-1077
A/W#: 2016A3010100470
Date of Offense: 5/8/2016
S.C. Code § : 16-17-0600
CDR Code #: 0471

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Graves / Destruction, desecration or removal of human remains

CONVICTED OF or PLEADS

in violation of § 16-17-0600 of the S.C. Code of Laws, bearing CDR Code # 0471
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Mowry, O. Warren 4124 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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: 16-65-30-1078
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. 371 Days Credit

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

PTUP days/hours Public Service Employment

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75. TOTAL \$128.75

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
prmts. of \$ beginning
\$ paid to Public Defender Fund.
Other:

Clerk of Court/ Deputy Clerk Lynn W. Lancaster
Court Reporter: Jay Holstrom
SCCA/217 (07/2016)

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge [Signature]
Judge Code: 2167
Sentence Date: 6/2/17

**WITNESSES**

Bryant Cheek  
Laurens County Sheriff

**WARRANT NUMBER**

2016A3010100471

Wesley Bill  
Levin Clark  
Foreman of the Grand Jury  
Date: 7/23/16

**VERDICT**

Guilty  
Amos Thomas  
Foreman

**THE STATE OF SOUTH CAROLINA**

COUNTY OF LAURENS

**COURT OF GENERAL SESSIONS**

July Term, 2016

Indictment # 16GS30- 1078

**THE STATE**

vs.

Fabian Lamichael R. Green

**INDICTMENT FOR**

**Murder**  
**§16-03-0010**  
CDR: 0116

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

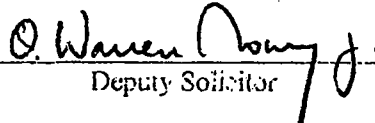
COUNTY OF LAURENS

Murder  
§16-03-0010

At a Court of General Sessions, convened on the 22nd day of July, 2016, the Grand Jurors of Laurens County present upon their oath:

That Fabian Lamichael R. Green did, on or about May 8, 2016, in Laurens County, willfully, feloniously, and with malice aforethought kill one Edwin Diaz- Chirinos by means of beating him with a hammer, and that the said Edwin Diaz- Chirinos did die in Laurens County as a proximate result thereof on or about May 8, 2016, in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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

  
Deputy Solicitor

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Laurens )  
STATE VS. )

INDICTMENT/CASE#: 16GS30-1078

Fabian Lamichael R. Green )

A/W#: 2016A3010100471

AKA: \_\_\_\_\_ )

Date of Offense: 5/8/2016

Race: AFRICAN AME Sex: M Age: 20 )

S.C. Code § : 16-03-0010

DOB: [REDACTED] SS#: [REDACTED] )

CDR Code #: 0116

Address: [REDACTED] )

City, State, Zip: Laurens, SC 29360 )

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_ )

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

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

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(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: O. Warren 4124 Defendant Attorney for Defendant SC Bar# \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 45 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: 16-65-30-1077  
 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. 371 Days Credit

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 \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment

Recipient: PD App Fee 40.-

*Fine:		\$	
§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100</u>
§ 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	\$	<u>25</u>
§ 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)		\$	<u>4.95</u>

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: \_\_\_\_\_

TOTAL \$ 169.95

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.

Clerk of Court/ Deputy Clerk Lynn W. Lancaster  
Court Reporter: Joy Holston  
SCCA/217 (07/2016)

Presiding Judge [Signature]  
Judge Code: 2167  
Sentence Date: 6/2/17

## 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 16th day of July, 2018.