

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Orangeburg County

Honorable Robert E. Hood, Circuit Court Judge

LEROY GLOVER, JR.

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000812

APPENDIX

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1 A. When you speak of vehicle now, are you speaking of the
2 vehicle that was at the crime scene?

3 Q. Yes, sir.

4 A. Mr. Michael Carter's vehicle.

5 Q. And you knew that as of the 24th?

6 A. Going into the 24th, yes, sir.

7 Q. All right. When you initially started questioning
8 Leroy Glover, you weren't talking to him about murder, were
9 you?

10 A. I wanted to question him about murder. I had it in
11 my mind, but I didn't start off with questioning him about
12 the murder. But eventually at the end of the thing, I told
13 him why he was -- really was there.

14 Q. Right. But to answer my question, was that a no, you
15 didn't start off questioning him about murder, did you?

16 A. No, I did not start off; however, I was gonna get to
17 that point.

18 Q. You were talking about who burned the trailer; is that
19 fair to say?

20 A. Correct. Yes, sir.

21 Q. All right. And Mr. Glover's not charged today with
22 arson, is he?

23 A. No, not that I think of.

24 Q. All right. And arson is when you burn a building or
25 something illegally against law, right?

1 A. Correct.

2 Q. All right. He's not charged with that?

3 A. No, sir.

4 Q. All right. Did Mr. Glover ever confess to burning the
5 trailer from your video and talking to him?

6 A. Which Mr. Glover?

7 Q. Leroy.

8 A. No, he did not.

9 Q. Okay. Do you have any evidence that Leroy Glover
10 burnt that trailer?

11 A. No, sir.

12 Q. Let's talk about what you can confirm based on what
13 you heard, based on what you investigated and based on what
14 came out in the evidence for this jury. Keisha Mack told
15 you that she got off around 2:30 and was there at 2:45.
16 You heard her testify to that, didn't you?

17 A. Correct. Yes, sir.

18 Q. All right. In the video where you were talking to
19 Mr. Glover, you talked about he had gone to the burned out
20 house to try to get some clothes; is that fair to say?

21 A. Correct. Yes, sir.

22 Q. All right. And so he said the bedroom wasn't burned
23 down?

24 A. I can't recall what part of the house he said was
25 burned.

1 Q. From your investigation, did you ever find any blood
2 in that bedroom that would connect to Michael Carter?

3 A. I didn't work the crime scene, so I can't tell you
4 what was found at the crime scene. We have --

5 Q. Do you -- I'm sorry. Go ahead.

6 A. We had the crime scene -- I forget if it was
7 Lieutenant Carter, the crime scene -- people that came
8 and analyzed the crime scene, but I didn't do none of that.
9 We have people that do that.

10 Q. Okay. Did you learn in your investigation from
11 reading the case file whether or not any blood was found
12 in the bedroom?

13 A. No, sir.

14 Q. Okay. What about the kitchen? From your
15 investigation, did you learn whether or not any blood was
16 connected to Michael Carter from the kitchen where Leroy
17 Glover allegedly lived?

18 A. No, sir.

19 Q. Okay. What about the house? Do you know whether or
20 not -- or sitting here from listening to testimony or from
21 your investigation of the files whether or not any blood
22 from Michael Carter was found at the house?

23 A. Not that I know of. No, sir.

24 Q. All right. Now according to the video, your
25 testimony, Leroy Glover came to you because y'all called

1 him and said come by and see us?

2 A. Called about wanting to speak to him, correct. Yes,
3 sir.

4 Q. All right. And he came willingly?

5 A. Yes, sir.

6 Q. Came voluntarily?

7 A. Correct.

8 Q. Y'all didn't coerce him, did you?

9 A. No, we did not.

10 Q. Okay. And basically he told you he didn't know what
11 happened, why the place was burned; is that correct?

12 A. Correct. Yes, sir.

13 Q. All right. And he gave you a statement, did he not?
14 It was 9-24-2013.

15 A. Correct. Yes, sir.

16 Q. All right. At 4:48. And that statement is -- I guess
17 you've got it in evidence or at least you testified that
18 you had -- he had written that statement, correct?

19 A. Correct.

20 Q. All right.

21 **MR. CURRY:** Your Honor, may I have this marked? I
22 guess it would be Defense 2, but it's Number 1. After
23 showing it to counsel.

24 **THE COURT:** You may.

25 (Defendant 2's Exhibit Number 1 was marked for

1 identification.)

2 **MR. CURRY:** May I approach the witness, Judge?

3 **THE COURT:** You may.

4 BY MR. CURRY:

5 Q. Lieutenant, I hand you what has been previously marked
6 as Defense 2, Number 1, for identification purposes only.

7 Do you recognize what that is?

8 A. It appears to be the last page of the statement.

9 Q. Right. Okay.

10 **MR. CURRY:** Your Honor, I'd ask to move in Defense 2
11 Number 1.

12 **THE COURT:** Any objection?

13 **MR. SORENSON:** A copy of that is already in evidence,
14 but I don't have any objection to it.

15 **THE COURT:** Mr. Culler?

16 **MR. CULLER:** I agree with the Solicitor, Your Honor.

17 **MR. CURRY:** If it is, then I'll use -- I don't want to
18 be duplicitous about it. May I take a moment to look to
19 see if --

20 **THE COURT:** Certainly.

21 **MR. SORENSON:** It should be attached to the last page
22 of the statement.

23 **MR. CURRY:** Okay. Well, then I move to strike that,
24 Judge.

25 BY MR. CURRY:

1 Q. I hand you what's already into evidence as State's
2 Exhibit Number 4. Will you read what that says?

3 A. Exactly what do you want me to read? The last page?

4 Q. That last page.

5 A. I declare the statement above is made freely and
6 voluntarily without promise, hope of reward, leniency or
7 without fear or threat or physical harm by any person. I
8 swear or affirm that this statement is the truth, the whole
9 truth, and nothing but the truth so help me God, signed by
10 Leroy Glover and witnessed by Lori Garrison.

11 Q. Okay. And what date was that?

12 A. There's no date on here.

13 Q. There's no date?

14 A. I'm sorry. Hold on. November {sic} 24, 2013.

15 Q. November 24, 2013?

16 A. Correct.

17 **MR. SORENSON:** November?

18 **THE WITNESS:** September.

19 BY MR. CURRY:

20 Q. A scrivener's error? September?

21 A. September.

22 Q. Is that fair to say?

23 A. Correct. Yes, sir.

24 **MR. CURRY:** Your Honor, may I have this marked as now
25 Defense 2 Number 1?

1 **THE COURT:** Yes, sir.

2 **MR. CURRY:** Your Honor, may I approach the witness?

3 **THE COURT:** Yes, sir.

4 (Defendant 2's Exhibit Number 1 was remarked for
5 identification.)

6 BY MR. CURRY:

7 Q. Lieutenant Shumpert, I hand you what has been
8 previously marked as Defense 2 Exhibit 1. Do you recognize
9 what that is?

10 A. Yes, sir.

11 Q. And what is it?

12 A. Advisement of rights form.

13 Q. Okay. And do you recognize it as being signed by
14 Leroy Glover underneath it?

15 A. Correct.

16 **MR. CURRY:** Judge, I'd ask that it be admitted as
17 Defense 2 Number 1.

18 **THE COURT:** Any objection?

19 **MR. CULLER:** None, Your Honor.

20 **MR. SORENSON:** Negative.

21 (Defendant 2's Exhibit Number 1, a 9/25/13 advisement
22 of rights form for L. Glover, was admitted into evidence.)

23 BY MR. CURRY:

24 Q. Can you tell me what date that's on?

25 A. September 25, 2013.

1 Q. All right. So you had one where you -- he gave a
2 statement on, I guess, September 24th, correct?

3 A. Correct.

4 Q. Then the next day he comes back to you, meets you
5 again, and gives a Miranda waiver on September 25th,
6 correct?

7 A. Correct.

8 Q. All right. He's still coming in on his own? He's not
9 under arrest?

10 A. Correct.

11 Q. Coming in voluntarily, knowingly, without coercion,
12 correct?

13 A. Yes, sir.

14 Q. All right.

15 **MR. CURRY:** (Handing.)

16 **MR. SORENSON:** Okay.

17 **MR. CULLER:** I have no objection.

18 **MR. CURRY:** Your Honor, may I have this marked as
19 Defense Exhibit 2 -- for Defense 2 Exhibit Number 2?

20 **THE COURT:** Yes, sir.

21 (Defendant 2's Exhibit Number 2 was marked for
22 identification.)

23 **MR. CURRY:** I guess it's without objection, so I'd ask
24 it be admitted as Defense 2.

25 **THE COURT:** Any objection?

1 **MR. CULLER:** We said no objection.

2 **MR. SORENSON:** I don't have any objection to it.

3 **MR. CURRY:** Thank you, Judge.

4 (Defendant 2's Exhibit Number 2, a 11/26/13 statement
5 of Leroy Glover, was admitted into evidence.)

6 BY MR. CURRY:

7 Q. Now, Lieutenant Shumpert, we've got one statement on
8 September 24th. We've got him coming in doing Miranda
9 September 25th, okay, and that September 24th statement you
10 already testified to it; did you not? It's already in the
11 State's exhibits?

12 A. Yes, sir.

13 Q. All right. Can you tell me why you wouldn't have put
14 in the November 26th statement that Leroy Glover signed for
15 you, which is now Defense Exhibit --

16 **MR. SORENSON:** I object to that.

17 **THE COURT:** Basis of your objection?

18 **MR. SORENSON:** Because it is not admissible.

19 **MR. CURRY:** It's being admitted now, Judge.

20 **THE COURT:** Please approach so I can see it.

21 **MR. CURRY:** Fine.

22 (Proceedings held at the bench; not reported.)

23 **MR. CURRY:** Your Honor, I'll move on.

24 **MR. SORENSON:** My understanding is that he is --
25 that's being withdrawn?

1 **MR. CURRY:** That's been withdrawn.

2 **THE COURT:** It's a withdrawn exhibit, so Defense 2
3 Number 2 is not in evidence.

4 **MR. CURRY:** Correct.

5 (Defendant 2's Exhibit Number 2, a 11/26/13 statement
6 of Leroy Glover, was withdrawn.)

7 BY MR. CURRY:

8 Q. All right. Let's go on back to your testimony,
9 Lieutenant Shumpert. We've got some testimony from
10 Ms. Mack; is that correct?

11 A. Correct.

12 Q. Do you recall that? Ms. Mack told you that she left
13 and soon after Leroy Glover left that house on Country
14 Colony; is that correct?

15 A. She said he was behind her, correct.

16 Q. All right. So that's confirmed. LaTosha Truewell,
17 you talked to her; did you not?

18 A. I don't -- I'll have to look at the statement. I
19 don't know who spoke with her. I don't remember if I spoke
20 to her or another investigator spoke to her.

21 Q. All right. Do you recall LaTosha Truewell saying that
22 Mr. Glover did drop her off that morning at 10:30?

23 A. Unless she put it in her statement. I'd have to see
24 her statement to see what she said.

25 Q. Okay. All right. In fact, Mr. Glover when starting

1 to be presented with a lot of questions actually said out
2 of frustration "This don't make no sense". Do you recall
3 him saying that on the video?

4 A. No.

5 Q. Okay.

6 A. He probably said it when I walked out the room. I
7 don't recall that.

8 Q. All right. Let's talk about other facts that you can
9 confirm in your investigation. Keisha drove my car to my
10 house. You heard Ms. Mack's testimony and you heard him
11 tell you that on the video. Did you confirm that his car
12 was driven, the Crown Vic, to the house on Country Colony?

13 A. That's what she said and that's what he said.

14 Q. Okay. And you did not present any evidence to show
15 otherwise; have you not?

16 A. Your client said it, so -- I mean, that's what he
17 said. That's what he wrote in his statement, so.

18 Q. Right. And that's what Keisha Mack said as well that
19 corroborated it, didn't she?

20 A. Correct. Correct.

21 Q. Now when you started talking to Ms. Mack, all you
22 wanted to know was where was he when the fire started,
23 isn't it?

24 A. No.

25 Q. What did you want to know?

1 A. I wanted to know -- get -- solicit -- try to get as
2 much information I can or could about the fire and the
3 murdering of Mr. Carter.

4 Q. All right. Okay. And you had no evidence to show
5 that Mr. Leroy Glover murdered Mr. Carter, did you?

6 A. No, that's the beginning stage of the investigation,
7 so I just thought -- found it highly unusual that his
8 vehicle got caught on fire at the same time his rental
9 property got caught on fire by Mr. Glover, so -- so we
10 questioned him.

11 Q. All right. Sometime in your questioning of Mr. Leroy
12 Glover you told him you're in trouble because this is a
13 murder investigation; did you not?

14 A. I don't know if I said that verbatim, but I did say
15 this was very serious and this is a murder investigation.

16 Q. And do you recall his response on the video? No, not
17 me. Oh, my God. I -- I swear before God. You heard his
18 responses when you told him that?

19 A. Yes, sir. I found -- but I also found it very highly
20 unusual because once I told him about the murder
21 investigation most people would be like who are you
22 accusing me of murdering. He never asked me who was
23 supposed to have been murdered, so I found that very
24 unusual.

25 Q. Well, isn't it true you told him that after you gave

1 him the scare -- the scarey tone from where I'm sitting,
2 you in a lot of trouble? Didn't you tell him that? I
3 heard it on the video.

4 A. Oh, yeah, that's true. I did tell him that.

5 Q. All right. After you gave him that scare tactic, you
6 know, what did he say?

7 A. That wasn't a scare tactic. That was a truthful
8 statement.

9 Q. All right. Well, let's talk about what we know about
10 this murder, about Leroy Glover. You know, there's a
11 couple of things we know. We know that Mike Carter was
12 alive at 5:00. We know that going from your investigation,
13 don't we?

14 A. Yes, sir.

15 Q. All right. And we know that David Williams, who's
16 your person to try to place folk, said that he heard a
17 shot at 3:00 on direct testimony and at least put in his
18 statement around 4:00 on his written statement that's in
19 evidence, correct?

20 A. I'd have to see his statement to see exactly what he
21 wrote, but I know he --

22 Q. Okay.

23 **MR. CURRY:** Your Honor, may I approach the witness?

24 **THE COURT:** You may.

25 **BY MR. CURRY:**

1 Q. You know what?

2 A. Excuse me?

3 Q. What did you say you know?

4 A. I said he was very confusing about his times.

5 Q. Would time matter when you're trying to place
6 individuals someplace?

7 A. Well, to me, yes, it would matter, but then you've got
8 to look at the character of Mr. Williams. Did the fire
9 truck come? It came. Did he knock on the door and ask the
10 lady to call the fire department? He did. So all those
11 events did take place, but he just was mistaken about his
12 times.

13 **THE COURT:** Mr. Curry, you're looking for 49?

14 **MR. CURRY:** I am, Judge.

15 **THE COURT:** What's up on the --

16 **MR. CURRY:** Here it is. I've got it, Your Honor.

17 BY MR. CURRY:

18 Q. Okay. The fire truck came. The fire truck came at
19 7:11.

20 A. Yes, it did.

21 Q. Is there a difference between 4:00 seeing a fire
22 burning and 7:11, three hours and eleven minutes later?

23 A. See, once again -- I'm gonna state it again.

24 Mr. Williams stated that he asked someone to call a fire
25 truck. That fire truck came. Mr. Hall Fisher testified

1 to that. He stated that he saw a vehicle leaving. When
2 Mr. Glover called me a couple of days later -- I mean,
3 about a month later when I interviewed him again, he
4 admitted to me to that. So what Mr. Williams was saying
5 was correct. He was just confused about his times.

6 Q. All right. Well, let's try to help to get some
7 clarity.

8 **MR. CURRY:** May I approach the witness?

9 **THE COURT:** You may.

10 BY MR. CURRY:

11 Q. All right. I asked you whether or not Mr. Williams
12 had said that he heard a gunshot around 4:00 and you said
13 you couldn't recall it; is that correct?

14 A. No, that's not correct.

15 Q. Well, what do you recall?

16 A. I said that he said he heard a popping sound.

17 Q. All right. I've got a statement that's State's
18 Exhibit Number 49 and I want you to read where it starts
19 "the rent man" and go through the next line.

20 A. The rent man came to the house around 4:00 PM. I
21 then heard a gunshot. The white truck pulled out the yard
22 fast.

23 Q. Thank you very much. So is it a gunshot or is it a
24 pow now, Lieutenant?

25 A. I don't -- I just don't understand what part you don't

1 understand. I said that he said -- what he said initially,
2 he heard a popping sound. That's what he testified to, but
3 in his statement he said a gunshot.

4 Q. All right. Okay. Has anybody else testified about
5 hearing gunshots?

6 A. None that I can recall. No, sir.

7 Q. All right. So this is the gunshot that we will
8 presume that actually occurred to allegedly kill Mike
9 Carter. Would you say that's what you're asking for, a
10 leap of faith?

11 A. Rephrase that.

12 Q. David Williams is saying that he heard a gunshot
13 around 4:00.

14 A. That's what he said.

15 Q. All right. He's saying the rent man came there before
16 4:00, correct, from your investigation?

17 A. That's what he said. Correct.

18 Q. All right. Okay. But we know now that the rent man
19 couldn't have been there at 4:00 because the rent man was
20 at work. From your investigation we know that, don't we?

21 A. Correct.

22 Q. All right. What about this shot then, this gunshot?
23 That couldn't have happened at 3:00, couldn't it?

24 A. Once again, I said that he was mistaken about his
25 times. I mean, I don't know how many times I can tell you

1 that.

2 Q. All right. When you spoke to Mr. Leroy Glover and
3 he gave you the names of some of the people he had been
4 hanging out with allegedly at that -- another place?

5 A. Correct.

6 Q. He talked to you about B.J. and Bullet and those kinds
7 of people, correct?

8 A. Correct.

9 Q. All right. Did you ever ask him what was the legal
10 names of B.J. or Bullet or any of those other people?

11 A. He didn't know them. And, as a matter of fact, I
12 think I sent a couple of investigators to try to figure
13 out who those individuals were, but they weren't successful
14 because no one could find who -- if those people even
15 exist.

16 Q. All right. Let's talk about Keisha Mack. Keisha gave
17 a statement 9-26-2013; is that correct?

18 A. Correct.

19 Q. All right. And she said that "Then me and him left
20 leaving Jason, his brother, at the house." That's what she
21 told you?

22 A. Let me see the statement. I mean, I can't tell you
23 exactly what word for word she said.

24 **MR. CURRY:** May I approach the witness, Your Honor?

25 **THE COURT:** You may.

1 **THE WITNESS:** Where are you reading at?

2 BY MR. CURRY:

3 Q. Right there. Do you see it?

4 A. Correct. Yes, sir.

5 Q. So what does she say?

6 A. She said then me and him left leaving Jason -- leaving
7 Jason, his brother, at the house.

8 Q. All right. And you have no independent firsthand
9 knowledge to refute that statement by Keisha Mack; is that
10 correct?

11 A. No, sir.

12 Q. Now on the video where you spoke to Mr. Leroy Glover,
13 he denied killing Mike Carter, didn't he?

14 A. He didn't even ask who was dead until I told him and
15 then later on through the interview he said I swear I
16 didn't kill nobody, if that's what I can recall he said.

17 Q. So is the answer is you don't recall him denying --
18 saying I didn't touch Mike Carter, I didn't kill Mike
19 Carter?

20 A. He probably did say that. I think he did say that in
21 the interview.

22 Q. All right. You had a chance to check this Crown Vic
23 that Leroy Glover owns, correct?

24 A. If it was checked, it would have been checked by the
25 forensics team.

1 Q. All right. Do you know from your investigation
2 whether or not the forensics team checked the Crown
3 Victoria allegedly owned by Leroy Glover?

4 A. I would have to confer with one of the investigators
5 to see if that was done.

6 Q. Okay. That car's been held in custody since this
7 time, correct?

8 A. It has.

9 Q. All right. Have y'all since that time, almost two
10 years, checked the car to see if there was any indicia or
11 evidence of a crime committed?

12 A. No, not that I can recall. Someone may have, but I
13 haven't.

14 Q. As second lead or someone that's in the lead position,
15 have you reviewed the file to see whether or not someone
16 else checked?

17 A. No, I did not.

18 **MR. CURRY:** The Court's indulgence.

19 Q. Lieutenant, do you have any real or physical evidence
20 or testimonial evidence that shows that Leroy Glover killed
21 Mike Carter?

22 A. Physical, no, but testimonial, yes, I do believe.

23 Q. Okay. And who testified?

24 A. Well, Ms. Mack stated the fact that he did call the
25 rent man prior to them leaving. The witness testified that

1 he saw Mr. Smoke leave -- Mr. Smoke, he called him, leave
2 the house just after the truck left and came back, then
3 left again, and the house was shortly thereafter on fire.
4 So then you've got to take in the circumstances that the
5 rent man's house is on fire and his vehicle with him in it
6 on Antioch Road, a short distance from the subject's house.
7 I mean, that was a lot of strong evidence, circumstantial
8 evidence, against your client.

9 Q. Circumstantial evidence at best requiring leaps of
10 faith to try to connect the puzzle, right?

11 A. I don't know about leaps of faith to connect the
12 puzzle, that but there was strong evidence against your
13 client.

14 Q. And let's talk about your testimony. You said there
15 was no reason for the rent man to go over to that house on
16 Country Colony. Didn't you say that?

17 A. I did say that.

18 **MR. CURRY:** Your Honor, may I approach the witness?

19 **THE COURT:** Yes, sir.

20 BY MR. CURRY:

21 Q. I'll hand you what has been moved in as State's
22 Exhibit Number 47. Do you recognize that?

23 A. Yes, that's a piece of paper that was found at the
24 crime scene where Mr. Carter's vehicle was.

25 Q. Okay. And you recognize that as a Post-It note,

1 correct?

2 A. It is.

3 Q. All right. And on top of that it has what? There are
4 some names on it.

5 A. Lover, 93, 97; Smith, 260; Selena, 400; Connelly, 370;
6 and Kimbrough, 285.

7 Q. All right. And are you aware that there's testimony
8 that talks about those are the people who were -- owed rent
9 to Mike Carter and those are people that he would go to
10 collect on his calendar?

11 A. Correct. Yes.

12 Q. All right. So wouldn't that be a reason for Mike
13 Carter to go over to Country Colony?

14 A. Well, I thought it was very strange that it was a
15 young lady on the way to the gas station within walking
16 distance of his job that he didn't wait for and hurried up
17 to get over to County Colony that he just passed to go over
18 there to collect the \$90 when she had furthermore rent
19 money to give.

20 Q. That's his right to do, isn't it?

21 A. I thought it was strange.

22 Q. Well, why don't I hand you State's Exhibit Number 13
23 and this is -- do you remember the blotter with the
24 calendar that -- that Ms. Carter testified that that's how
25 he used to track the rent people?

1 A. Ms. Carter, she testified to that? I don't know what
2 she testified to.

3 Q. Well, I submit to you as an officer of the court
4 that's what she identified that to be.

5 A. Okay.

6 Q. On the top of that, what do you see on the 23rd of
7 September, sir?

8 A. FEMA site. Call something. I can't make it out.

9 Q. The square, the 23rd, you don't see it on that?

10 **MR. CURRY:** May I approach the witness, Your Honor?

11 **THE COURT:** Yes, sir.

12 BY MR. CURRY:

13 Q. Do you see names on the 23rd? Do you see that?

14 A. I do.

15 Q. All right. And do you see the name Glover for \$93 on
16 that?

17 A. I do.

18 Q. And you see Smith for \$260, correct?

19 A. I do.

20 Q. You see some other names like Jenkins and it says like
21 what?

22 A. It's scratched out.

23 Q. It's scratched out, but you can barely see it?

24 A. Correct.

25 Q. Okay. And those were the names of people who actually

1 he was gonna collect rent from at that particular time; is
2 that correct?

3 A. I believe so.

4 Q. All right.

5 A. I'm not sure.

6 Q. So you do have a reason for why Mike Carter would have
7 gone over there to the Country Colony where Leroy Glover is
8 and it was to collect rent.

9 A. But you asked me what -- if I thought it was strange
10 and, once again, a young lady was meeting Mr. Carter at the
11 gas station within walking distance about -- during the
12 time he was getting off and neglected to -- just pass her
13 after two phone calls from your client and go over to
14 Country Colony for \$93. Yes, I thought that was highly
15 irregular.

16 Q. Yeah, but you're speculating because you don't know,
17 do you?

18 A. No, I don't.

19 **MR. CURRY:** All right. Thank you very much. Please
20 answer any questions the Solicitor has for you now.

21 **THE COURT:** Any redirect?

22 **MR. SORENSON:** No. Your Honor.

23 **THE COURT:** You may step down, Lieutenant.

24 **THE WITNESS:** Thank you, Your Honor.

25 **THE COURT:** Call your next witness.

1 **MR. SORENSON:** The State calls Captain Scott McDonald.

2 SCOTT McDONALD,

3 having been duly sworn, testified as follows:

4 **THE CLERK:** Thank you. You may have a seat. Please
5 state your name again for the record.

6 **THE WITNESS:** Scott McDonald.

7 **THE CLERK:** Thank you.

8 **THE COURT:** Your witness.

9 **MR. SORENSON:** Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. SORENSON:

12 Q. Captain, if you would, please tell the jury where it
13 is that you're employed.

14 A. I'm employed with the Richland County Sheriff's
15 Department in Columbia.

16 Q. And how long have you been with the Richland County
17 Sheriff's Department?

18 A. Twenty-seven years.

19 Q. And, if you would, tell the jury in what capacity are
20 you currently employed there.

21 A. I'm currently the captain over the major crimes unit
22 and the technical services and intelligence units.

23 Q. Okay. And as part of your training there at the
24 Richland County Sheriff's Department, have you had any
25 kind of additional specialized training with regards to

1 analyzing and interpreting cell phone records?

2 A. Yes, I have.

3 Q. Okay. And, if you would, describe that specialized
4 training that you've had.

5 A. I first became involved in cell phone investigations
6 back in 2001 on a murder I was working back then. For
7 several years there wasn't a lot of training out there,
8 it was relatively new technology, so most of the training
9 was on-the-job and speaking with engineers, technicians,
10 employees of the major carriers, Verizon, Sprint, AT&T,
11 thing like that. Along about 2007 training started to
12 appear for law enforcement once everyone realized how
13 important this stuff was to the prosecution of cases. In
14 May of 2007, I attended a Public Agency Training Counsel
15 class on cell phone investigations where sectors and
16 tracking of cell phones and placement of cell phones in
17 the general area was explained and taught to us and we
18 were taught how to map those locations. From there in
19 2008 there was actually a world conference held in Chicago
20 that I attended where leading authorities from around
21 the world came and spoke on these topics and gave us
22 instruction and training to further our education. Since
23 that time I've attended four to five, maybe six, other
24 training classes over the past few years on similar
25 subjects; the downloading of cell phones, cell phone

1 tracking. Most recently in February of this year I was
2 in Atlanta for an advanced cell phone investigations class
3 put on by Geocell.

4 Q. Have you had occasion then over the last several
5 years kind of since you've gotten more into this sort of
6 training to -- not only with the Richland County Sheriff's
7 Department, but also with other law enforcement agencies
8 around the state, to work on analyzing and interpreting
9 cell phone records?

10 A. I have. I've been certified now nine times in this
11 state as an expert in cell phone investigations in general
12 sessions court.

13 Q. Nine times that you've not only consulted on a case,
14 but ultimately come and testified about your findings?

15 A. That's correct.

16 Q. And been qualified as an expert those nine times?

17 A. That's correct.

18 **MR. SORENSON:** Your Honor, at this time we'd offer
19 Captain McDonald as an expert in the field of cell phone
20 investigation.

21 **THE COURT:** Any voir dire?

22 **MR. CULLER:** We don't have any voir dire or objection,
23 Your Honor.

24 **MR. CURRY:** Judge, I might have some voir dire. May
25 I approach and --

1 **THE COURT:** You may.

2 **MR. CURRY:** May I approach the witness?

3 **THE COURT:** I thought you were gonna voir dire.

4 **MR. CURRY:** Oh, I'm gonna voir dire.

5 **MR. SORENSON:** That's fine.

6 VOIR DIRE EXAMINATION

7 BY MR. CURRY:

8 Q. Captain McDonald, I'm Eduardo Curry. How are you?

9 A. I'm good.

10 Q. I represent Leroy Glover. I wanted to ask what is
11 your educational background?

12 A. I have a B.S. in criminal justice from the University
13 of South Carolina. I attended the Criminal Justice
14 Academy upon my employment with the Richland County
15 Sheriff's County in 2000 -- I'm sorry, in 1988. Since
16 that time I've attended numerous trainings on all aspects
17 of law enforcement; fingerprinting, interrogation,
18 interview, photography, cell phone investigations
19 obviously, supervision classes. A wide variety of topics.

20 Q. Right. So you don't have a master's or a doctorate?

21 A. No, I don't.

22 Q. All right. In terms of writings, what kind of
23 writings have you done about cell phones or tracking,
24 tracing, downloading, roaming, all those? What kind of
25 writings have you done?

1 A. I don't have any publications.

2 Q. No publications?

3 A. No.

4 Q. Well, what kind of panels have you gone to present
5 papers or to do oral presentations in terms of
6 academicians? What kind of universities, what kind of
7 academies, any of those things?

8 A. I haven't presented anything to any academies or
9 universities. Only testified in court.

10 Q. How many times have you been disqualified where you
11 weren't certified as being an expert or were you only
12 offered nine times?

13 A. I've only been offered nine times and been approved
14 all nine times.

15 Q. Of the people who gave you your certification, do you
16 know their technical backgrounds, whether or not they had
17 Ph.D.'s, master's, whether or not they were certified in
18 electrical engineering or whether they were certified in
19 telecommunications, and if they were, tell me who they were
20 and what were their qualifications that they gave to you.

21 A. Rick Mislán, who is a professor at Perdue University,
22 is a Ph.D., certified me in 2008.

23 Q. And what was that in?

24 A. That was in cell phone -- advanced cell phone
25 forensics, the downloading of cell phones.

1 Q. What is downloading of cell phones?

2 A. Downloading is where we hook a machine up to the cell
3 phone and download the contents that are on the cell phone;
4 contacts, text messages, pictures, things of that nature.

5 Q. Okay.

6 A. I've also been certified by the Public Agency Training
7 Council for court testimony and for certification for
8 court. That was in 2012, a class that was held in
9 Columbia, an advanced class. I was also certified then by
10 the instructor.

11 Q. And downloading is just like you go to T-Mobile, you
12 know, who's my carrier, and they can plug up something to
13 your phone and then use a machine and the machine
14 extrapolates the information from the cell phone; is that
15 correct?

16 A. That's correct.

17 Q. You don't do it yourself?

18 A. No.

19 Q. There's no formula you enter, is it?

20 A. No. I plug in the type phone I'm looking at, I plug
21 in what I'm looking for, I hit go and the machine does the
22 rest.

23 Q. All right. Okay. And you're an expert at that?

24 A. Yes.

25 **MR. CURRY:** Okay. Thank you, Your Honor.

1 **THE COURT:** Any objection?

2 **MR. CURRY:** Your Honor, I don't think he qualifies as
3 an expert given his educational background and his lack of
4 training in all the areas that he's listed. Now if he's
5 going for some particular purpose, if he's saying he's an
6 expert in downloading, maybe that's what it is, but, Judge,
7 he listed a lot of things that he can do, but doesn't have
8 any qualifications with regard to no publications, no
9 appearances, no presentations, no academicians that he's
10 actually done any of that. So, Judge, I would say that he
11 doesn't qualify to be an expert given the fact that he just
12 has a bachelor's in criminal justice.

13 **THE COURT:** Solicitor?

14 **MR. SORENSON:** I don't think any of that stuff is
15 required to be found an expert in a particular field.

16 **THE COURT:** I agree. I think Captain McDonald
17 certainly meets the criteria of Rule 702 by his knowledge,
18 skill and experience and training or education and he may
19 give an opinion.

20 **MR. SORENSON:** All right. Thank you, Your Honor.

21 CONTINUED DIRECT EXAMINATION

22 BY MR. SORENSON:

23 Q. Now, Captain McDonald, you've been retained in this
24 case by my office to review some cell phone records; is
25 that correct?

1 A. Yes, I was.

2 Q. And ultimately you were provided with -- bear with me
3 one second -- cell phone records pertaining to three
4 different cell phones kind of covering the time period
5 right around September 23rd of 2013?

6 A. That's correct.

7 Q. Specifically, it was State's Exhibit Number 15, the
8 records for [REDACTED]?

9 MR. CURRY: I'm sorry, Judge. I didn't hear. You
10 said State's 15?

11 MR. SORENSON: Look on the front there. Does it say
12 State's 15 at the bottom?

13 THE WITNESS: Yes.

14 MR. SORENSON: Yes, sir.

15 MR. CURRY: Thank you.

16 THE WITNESS: Yes, I was.

17 BY MR. SORENSON:

18 Q. And then for State's Exhibit Number 16 -- is that 16?

19 A. 16.

20 Q. And what is the number on State's Exhibit Number 16?

21 A. [REDACTED].

22 Q. Okay. And you received those records also?

23 A. I did.

24 Q. And, lastly, as far as cell phone records, State's
25 Exhibit Number 17, the record for [REDACTED]?

1 A. That's correct.

2 Q. Okay. And -- and those would be -- that first,
3 State's Exhibit Number 15, the [REDACTED], it's your
4 understanding from the testimony that would be the number
5 belonging to Leroy Glover back during this time period?

6 A. That's correct.

7 Q. All right. And then the second number I believe is
8 the [REDACTED], that would be the number belonging to the
9 victim, Michael Carter?

10 A. Mr. Carter. That's correct.

11 Q. And then the last one, the [REDACTED], is the number
12 that's been testified that Keisha Mack was using back
13 during that time period that's actually registered also to
14 Leroy Glover?

15 A. That's correct.

16 Q. Okay. And explain just kind of briefly in looking at
17 those records, what -- what were you able to ultimately do
18 in looking at those records?

19 A. I was able to see the communication that occurred on
20 the incident date that I was provided on September 23rd,
21 2013; specifically, in the time period from around 5:00
22 on, to see who was talking to who and to try to place these
23 phones in a physical, geographic location in reference to
24 a crime scene and other incident locations that I was
25 provided.

1 Q. All right. And I just have one other thing I
2 neglected. State's Exhibit Number 18, did you have the
3 records of some text messages that belonged to the phone
4 belonging to Keisha Mack?

5 A. Yes, I did. I also took a look at those and included
6 several of those in my testimony today that were captured.

7 Q. Okay. Now one of the things you had referenced that
8 you were able to do was to look at in trying to pinpoint
9 the location of cell phones when they're -- in this case?

10 A. Yes, I was.

11 Q. Okay. And I'm showing you State's Exhibit Number 14.
12 Is that another document that you were provided?

13 A. Yes, I was provided with -- this is a list of cell
14 phone towers for Allied Wireless, which was the carrier of
15 record for the phones involved in this case. On here you
16 have site names, latitude and longitude location of the
17 actual tower, and that was -- basically you just go to a
18 map and plug in those latitudes and longitudes and place
19 that tower at that location.

20 Q. Okay. And, Captain McDonald, were you able to then
21 prepare kind of a Power Point presentation to kind of help
22 illustrate some of the interworkings between these cell
23 phones and how they have an -- interacted with each other
24 around that timeframe?

25 A. I was.

1 (State's Exhibit Number 51 and 52 were marked for
2 identification.)

3 BY MR. SORENSON:

4 Q. I'm showing you State's Exhibit 51. Is that a disk
5 with that Power Point presentation on it?

6 A. Yes, it is.

7 Q. And then just, if I could also, State's 52, is that
8 then just a printout of the Power Point?

9 A. Yes, it is.

10 MR. SORENSON: All right. Your Honor, at this time
11 we'd offer State's 51 and 52 into evidence.

12 THE COURT: Any objection?

13 MR. CULLER: No objection.

14 MR. CURRY: No objection, Your Honor.

15 THE COURT: They're in.

16 (State's Exhibit Number 51, a Power Point DVD
17 presentation, and State's Exhibit Number 52, a Power Point
18 printout, were admitted into evidence.)

19 MR. SORENSON: May I have him publish the Power Point?

20 THE COURT: Yes, sir.

21 MR. SORENSON: We've got --

22 BAILIFF: Your Honor, we've got a juror --

23 THE COURT: Oh, okay. Ladies and gentlemen, we'll
24 take a brief recess. Just let us know when you're ready.

25 (Whereupon, the jury retires to the jury room at

1 2:52 PM.)

2 MR. CURRY: Are we at ease for a moment?

3 THE COURT: Yes, sir.

4 (Recess taken.)

5 BAILIFF: Come to order, please.

6 THE COURT: Thank you, everyone. You may have a seat.

7 Is everybody ready for the jury?

8 MR. SORENSON: Yes.

9 MR. CULLER: Yes, Your Honor.

10 MR. CURRY: Yes, Your Honor.

11 THE COURT: Bring in our jury.

12 BAILIFF: Thank you, Your Honor.

13 (Whereupon, the jury returns to the courtroom at

14 3:05 PM.)

15 THE COURT: Solicitor, you may proceed.

16 MR. SORENSON: Permission for him to kind of step
17 down?

18 THE COURT: Yes, sir.

19 (Whereupon, the witness steps down from the witness
20 stand.)

21 BY MR. SORENSON:

22 Q. Captain, we've got on the TV the Power Point that you
23 prepared?

24 A. Yes, sir.

25 Q. Okay. If you could kind of go through it with the

1 jury and I may have some questions kind of as we go along
2 here for you.

3 (Whereupon, State's Exhibit Number 51 was played for
4 the Court and jury.)

5 A. There we go. Basically this is how a cell phone
6 works. When your phone is in the on position, it's always
7 searching trying to make contact with the strongest signal
8 in preparation of you making a phone call. So in this
9 instance, where Cellular A is gonna place a call to
10 Cellular B, she dials the number. Immediately it hits off
11 the strongest signal, which is generally gonna be your
12 closest tower. From there that tower transmits to a base
13 station or a switch where it verifies that she's a valid
14 subscriber and the plan she's on, the carrier she's on and
15 that type of thing. From there that switch then begins to
16 search globally the phone that she's calling, Cellular B.
17 Once again, it has to be verified that Cellular B is a
18 valid customer and what carrier they're with, that type
19 thing, and all of this happens in microseconds. So when
20 you hit send and it starts ringing, that's how quick all
21 this is done.

22 Cell phone towers. Configuration. Each cell phone
23 tower -- and you've probably seen these out in the
24 community and wondered what they were. Each cell phone
25 tower, which these are, have three sides. In some of your

1 bigger cities you may have more than that, more sides to
2 it, but in general around here you're gonna have a
3 three-sided configuration. Each side is a 120 degrees
4 making up a 360 degree rotation. And what that means is
5 when you place a call and you're on this side of the tower,
6 say in Sector A over here, you're gonna be hitting on that
7 side of that tower. Or if it's Sector B or Sector C based
8 on your location.

9 These are what they call call detail records that we
10 can obtain from cell phone companies. This is tracking
11 information, billing information, information that they
12 use in their day to day operations to evaluate customer
13 service, loads on operations, things like that to improve
14 service. From this information that we get it leaves a
15 paper trail for us of the locations that phone has been,
16 off what towers that phone was hitting, at the time of the
17 phone call. It also shows who they're communicating with.

18 In this particular instance, this is just an example
19 here, on 3/5/12 at 7:00 PM, the phone is in this general
20 area here around this tower and then you can see it moves
21 up here for the next call at 7:09 PM, so you can kind of
22 show the movement of the phone as well as times.

23 Q. Okay. Did you ultimately, I guess, kind of the first
24 little batch of records here that you've got broken down,
25 are those the records pertaining to Leroy Glover's cell

1 phone?

2 A. They are. When I got the raw records of Leroy
3 Glover's cell phone, I dumped it into some software we
4 have called ASIS, which is the case database we use at the
5 sheriff's department. One of the features is a cell phone
6 package where we're able to dump in the data and it
7 populates for us the date of the call, the beginning of
8 the call, the ending of the call, the number of seconds
9 the call lasted. It also tells us if it's an inbound or
10 outbound call. O is for outbound, N is for inbound. It
11 tells, if it's an outbound call, the originating number,
12 which in this case would be with Glover's phone, and the
13 number he's calling, which would be Ms. Mack's phone. I
14 was provided information as to who the subscribers were and
15 numbers that came up in the investigation. I was able to
16 enter that into the system and when all of these records
17 are dumped in, it automatically populates these names over
18 here as to whose numbers they are.

19 Q. Just looking at like that first call across the top
20 there, so on September 23rd at 14:52, it would be 2:52 in
21 the afternoon; is that correct?

22 A. That is correct.

23 Q. There is a 311 seconds, so a five minute call --

24 A. Correct.

25 Q. -- from Leroy Glover to Keisha Mack; is that correct?

1 A. That is correct. An outbound call from Mr. Glover to
2 Ms. Mack's phone.

3 Q. Okay. So ultimately looking then at those records of
4 Leroy Glover, does it show that late afternoon any phone
5 calls from Leroy Glover's cell phone to the victim in this
6 case Michael Carter's phone?

7 A. It does. The very next line at 15:45, which is
8 3:45 PM. This is military time. At 3:45 there was a
9 seventy-four second call placed from Mr. Glover's phone to
10 Mr. Carter's phone.

11 Q. Okay. And then is there another one also?

12 A. There's another one about an hour later at 16:45,
13 which is 4:45 PM, that's a forty-six second call. It's
14 also an outbound call from Mr. Glover to Mr. Carter's
15 phone.

16 Q. Okay. And then what is the next call that's on there?

17 A. This is where he's checking his voicemail. His number
18 calls his number, so it's checking voicemail.

19 Q. And that call occurs at 4:54 in the afternoon; is that
20 correct?

21 A. That's correct.

22 Q. A five second long call?

23 A. Right.

24 Q. All right. Now from -- was there any phone activity
25 -- so that's him checking his voicemail at 4:54 in the

1 afternoon. When's the next time there's any phone activity
2 as far as either him receiving or placing a phone call
3 after that?

4 A. There's an inbound call from Jason Glover at 18:08,
5 which is 6:08 PM. That was an inbound call that lasted
6 twenty-two seconds.

7 Q. So in that hour and fourteen minutes or so in between,
8 there was no -- no phone call activity on Leroy Glover's
9 phone?

10 A. There was no phone call activity during that time
11 period, no.

12 Q. And ultimately in looking at least on this first page
13 over that next hour plus or so from 6:07 in the evening,
14 how many calls are there either to or from Jason Glover's
15 cell phone during that time period?

16 A. Eight calls on this page.

17 Q. On that page? And go forward and then I'll get you to
18 go back. There's a ninth one at the bottom there, I guess?

19 A. There's one here at 19:21 or 7:21.

20 Q. Go one more page and see if there's --

21 A. There's one right here at 7:24 PM to Jason. Another
22 one to Jason at 7:25. Another one to Jason at 7:30. An
23 outbound call here at 7:40 to Jason. 8:39, an outbound
24 call to Jason. And at 21:19, which is 9:19 PM.

25 Q. Okay. So going back from 6:08 in the evening when

1 that -- that first call after that hour plus break there
2 through, let's say, 7:40, it was about twelve or thirteen
3 calls, somewhere in that range, if we go back and count
4 them?

5 A. Approximately, yes.

6 Q. Either outbound or inbound; either to or from Jason
7 Glover's cell phone to Leroy Glover's cell phone during
8 that time period?

9 A. That's correct.

10 Q. All right. Can you scroll back two pages?

11 A. Sure.

12 Q. And then during that time period, yet again, looking
13 from -- from 6:08 or so there's, I guess, one more down,
14 it's 6:28, there's an inbound call, is that correct, from
15 Ms. Truewell?

16 A. That's correct.

17 Q. All right. And other than that, every other call
18 seems to be either to or from Jason Glover other than those
19 couple outbound calls to the [REDACTED] ?

20 A. That's correct.

21 Q. Okay. To your knowledge, has anybody ever been able
22 to figure out whose number that [REDACTED] number is?

23 A. No, I wasn't provided any information on that number.
24 I checked a couple of my sources and I couldn't find a
25 subscriber for it.

1 Q. Okay. Go on to the next page. And then ultimately
2 at some point of time is there an inbound call from Wesley
3 Jamison?

4 A. Yes, sir. Right here at 7:11 PM.

5 Q. And, in fact, how many -- from that 7:11 through the
6 end of this page at 7:20 in the evening, how many calls are
7 there from Wesley Jamison's phone to Leroy Glover's phone?

8 A. Nine.

9 Q. Okay. And at some point in time during the course of
10 those calls, especially after those first one, two, three,
11 four, five calls from Mr. Jamison at the very top there, is
12 there an outbound call finally, again, from Mr. Glover's
13 phone?

14 A. To Keisha Mack right here at 19:17, 7:17 PM.

15 Q. 7:17 in the evening on the 23rd there's a minute long
16 call basically, fifty-nine seconds --

17 A. Correct.

18 Q. -- to Keisha Mack's phone?

19 A. Correct.

20 Q. All right. And going one more page, are there any
21 additional phone calls to Keisha Mack's phone then that
22 evening from Mr. Glover -- Mr. Leroy Glover?

23 A. Mr. Leroy Glover calls her at 19:28, which is 7:28 PM,
24 a forty-eight second outbound call to her phone.

25 Q. Okay. Then go down a couple more. Then at 7:33?

1 A. At 7:33 PM, a forty-three second outbound call to
2 Keisha's phone, and at 7:38 a twenty-seven second phone
3 call outbound to Keisha's phone.

4 Q. Okay. So four calls in that time period from 7:17
5 through 7:38 in the evening from Leroy Glover to Keisha
6 Mack?

7 A. That's correct.

8 Q. Okay. Go on to the next page. And let me ask you,
9 are there some calls from his phone to Mr. Carter's phone
10 then around 8:00 in the evening?

11 A. Right here at 20:01, 8:01 PM, a thirty-two second
12 phone call to Mr. Carter's phone. Another one at 8:07,
13 a thirty-six second call. Another one at 8:14, a
14 thirty-three second call. Another one at 8:33 PM, a
15 thirty-five second call.

16 Q. Okay. And I think we kind of talked about those and
17 then there's some later calls after 9:00 to Ms. Mack again
18 also right there at the bottom?

19 A. Right. Right here, an outbound.

20 Q. Okay. And did you have an opportunity -- you spoke
21 earlier, Captain McDonald, about being able to then take
22 those records and the cell site locations and plot kind of
23 the location where those phones were located at when these
24 calls were being made?

25 A. That's correct. This particular company doesn't

1 provide sectors, so all I was provided with was towers.
2 So I have a tower here on Joe Jeffords Highway, Tower 1726.
3 I don't know what side of the tower he was on because it
4 wasn't provided by the company. I just know that this was
5 the tower right here and that phone was in this general
6 area around this tower.

7 Q. Okay. And is the [REDACTED] Drive then
8 depicted on that map also?

9 A. Yes. This is the residence of Mr. Leroy Glover.

10 Q. Okay. And would that fall within the area that that
11 tower at 1726 would cover?

12 A. Certainly. Yes, sir.

13 Q. And so what -- in looking back then at those phone
14 calls kind of, and we don't necessarily specifically need
15 to look back at the specific phone calls right now, but
16 were you able to plot out kind of what times his phone was
17 pinging off of that tower in the vicinity of his residence
18 at [REDACTED] Drive?

19 A. Illustrated right here at Tower 1726, his phone is
20 hitting off this tower at 4:54 PM, another call at 6:18 PM,
21 another call at 6:36 PM, 6:37 PM, 6:38 PM, 6:39 PM.

22 Q. And those would be -- when you're plotting those phone
23 calls on there, those would have to be his outbound calls;
24 is that correct?

25 A. With this particular company, it would be his outbound

1 calls, the location.

2 Q. So basically if you looked back at the records, you'd
3 be able to see that those six calls during that time period
4 were the six outbound calls that he placed?

5 A. That's correct.

6 Q. And let me ask you one I don't see on there, and maybe
7 this is my neglecting, but let me just double-check one
8 thing real quick. The 4:45 call to Michael Carter. Let's
9 see. It looks like you started right before that; is that
10 correct?

11 Let me show you on the records and ask you what tower
12 that was pinging off of. I'm showing you State's Exhibit
13 Number 15, which are that [REDACTED] number; is that correct?

14 A. Right.

15 Q. 4:45 in the afternoon on September 23rd, that right
16 there would be that phone call we're talking about to the
17 victim's phone?

18 A. That would be off the same tower, 1726. Right here.

19 Q. In fact, in looking at these records, I mean, he had
20 been -- the prior outbound calls had all been off of that
21 same tower, is that correct, that afternoon?

22 A. That's correct.

23 Q. All right. Now in looking at those records, are you
24 able to ultimately kind of as you're going through, you
25 know, 6:18, 6:36, 6:37, 6:38, 6:39, does there ultimately

1 come a time when he places an outbound call where it
2 appears that he is now moving and his phone is pinging off
3 of another tower besides that one near his residence?

4 A. This one right here, Tower 1751, at 7:06 PM, right
5 here, which is at 210 Hooligan, Tower 1751. It appears
6 that his location has moved from this tower to this tower.

7 Q. That's basically he's heading down highway 301 in the
8 vicinity of I-26? That's correct basically?

9 A. Yes.

10 Q. Okay. So that is a phone call at 7:06 and that would
11 be -- just looking back at -- so it would be at 19:06; is
12 that correct?

13 A. That's correct.

14 Q. Okay. And that would be -- the 19:06, that would be
15 an outbound from his phone to whose phone?

16 A. Jason Glover.

17 Q. Okay. All right. And then does it -- yet again, in
18 looking at these -- continuing to plot the outbound calls
19 of Leroy's phone, does it show -- does it show him
20 continuing to move?

21 A. It does. The next call at 7:17 PM it hits off Tower
22 1717, which is here at 155 Intracoastal Lane, Vance, near
23 Santee. That's the tower here. These are outbound calls
24 he's placing at 7:17, 7:21, 7:24, 7:25, 7:28, 7:30, 7:33,
25 7:38, 7:40 and 7:42.

1 Q. Okay. And that 7:17 one is that first call -- that
2 fifty-nine second call to Keisha Mack?

3 A. That's correct.

4 Q. And he's pinging off a tower in Santee at that time?

5 A. Right here, yes.

6 Q. And ultimately, as you said, those go through 7:42,
7 so that goes all the way down to an outbound call that he
8 places to Wesley Jamison at 7:42?

9 A. That's correct.

10 Q. And obviously that encompasses those other seven or
11 eight outbound calls in between?

12 A. Yes.

13 Q. And then, yet again, looking at the records does his
14 phone appear at some point in time after 7:42 to have moved
15 to another location?

16 A. Back here, 1726 near his home here on Jeffords
17 Highway, at 8:01 PM, 8:07 PM, 8:14 PM, 8:33 PM and 8:39 PM.

18 Q. And that 8:01, 8:07, 8:14 and 8:33, those first four
19 calls on there that he's now pinging off of a tower, yet
20 again, back by his house on Country Colony --

21 A. Right.

22 Q. -- who are those four phone calls placed to?

23 A. Michael Carter's phone.

24 Q. So that would be consistent with him being back at his
25 residence at that point in time?

1 A. Yeah, in this area.

2 Q. And there's right after that at 8:39 a two-minute
3 call placed to Jason Glover. That would be the 8:39 one;
4 is that correct?

5 A. That's correct.

6 Q. Actually there were five placed to Mr. Carter -- or
7 four?

8 A. Four.

9 Q. All right. Is that kind of what you were able to show
10 as far as plotting those?

11 A. As far as Leroy's phone during the time period
12 requested, yes.

13 Q. And just briefly talk about -- I mean, obviously
14 none of this -- it doesn't allow you to put him at a --
15 you know, like a specific location; is that correct?

16 A. Right. I can't pinpoint and say he was here, he was
17 here, he was at his house. All I can tell you is he was
18 somewhere in close proximity to this tower. Probably
19 within a couple of miles of that tower. And towers have
20 different strengths. A tower closer into Orangeburg isn't
21 going to have the same range as a tower out here in a more
22 rural area.

23 Q. Okay. Explain what you mean by that. I mean, which
24 one is gonna have --

25 A. There's more call volume in a populated area obviously

1 than there is a more rural area. These signals from the
2 cell phone companies are aimed kind of in a downward angle
3 in a highly populated area to capture as much of that as
4 possible where in an outlying area like this the signal may
5 go several miles, four, five, six miles, something along
6 those lines. Generally in a metropolitan area like this,
7 they may be as little as a mile, two miles, something like
8 that, maybe even a little bit less depending on the size of
9 the city and the call volume for this particular carrier.

10 Q. So, in other words, closer to like a city like
11 Orangeburg you're gonna -- that radius of that tower is
12 gonna be a lot smaller?

13 A. That's correct.

14 Q. Okay. So, in other words, if the call's out here in
15 Santee, which would be more rural, that conceivably could
16 be a wider radius that that cell tower would cover?

17 A. Exactly. That's exactly right.

18 Q. All right. And then looking at -- and I don't believe
19 we were ever able to get Jason Glover's specific cell phone
20 records, but in looking at Leroy Glover's cell phone
21 records, were you able to do anything as far as plotting
22 any of his -- his calls to Leroy Glover?

23 A. Where Jason was on the same carrier, Allied Wireless,
24 as Leroy, the inbound calls from Jason's phone to Leroy's
25 phone provided the location of Jason's phone. This is

1 going to be contrary to the way most cell phone companies
2 work. It's just something unique to this company. So if
3 they're on the same company, which both of them were on
4 Allied Wireless, his inbound calls to Leroy we've got
5 locations of the towers he was hitting off, which were
6 1717, at these times, 6:07, 6:29, 6:45 and 7:24.

7 Q. Okay. So in looking back basically at Leroy Glover's
8 cell phone records, there was four one calls that he
9 received during that time period from Jason Glover's cell
10 phone?

11 A. That's correct, which allows us to provide the tower
12 where Jason was hitting off at the time.

13 Q. That would be the towers Jason was pinging off of?

14 A. That's correct.

15 Q. All right. And then were you able to -- looking at
16 Michael Carter's cell phone records and, specifically, were
17 you able to -- looking at those, does it kind of show the
18 same -- the same two phone calls from Leroy Glover that we
19 had spoken about earlier?

20 A. Right. You see them reflected on Leroy's phone
21 record. You also see them reflected on Mr. Carter's phone
22 record. At 15:47, 3:47 in the afternoon, he had an inbound
23 -- I'm sorry -- yeah, an inbound call from Leroy Glover
24 for seventy-four seconds; one at 4:46, a forty-six second
25 inbound call from Leroy.

1 Q. 4:45?

2 A. I'm sorry. 4:45. That's correct.

3 Q. And let me ask you, do Michael Carter's records then
4 also reflect, you know, a 263 second call, so I guess a
5 little over -- a four plus minute call at 4:55 in the
6 afternoon to -- or an inbound call from [REDACTED]?

7 A. That's correct.

8 Q. There's been some testimony that was his wife's cell
9 phone. And does that then also reflect at 5:01 in the
10 evening him receiving a phone call from Ms. Eboni Webb?

11 A. It does. Right here. 17:01 inbound from Eboni Webb.

12 Q. Okay. Does it show him placing a call shortly after
13 that back to Ms. Webb?

14 A. At 17:03 he places a thirty second phone call back to
15 Ms. Webb.

16 Q. Okay. And then, lastly, at 7:18, 7:19 and 7:25, three
17 inbound calls from Ms. Webb?

18 A. That's correct.

19 Q. Okay. Let me ask you, if I call your phone and it
20 goes through and your voicemail picks up and either your
21 voicemail's full or I don't leave a voicemail, is it gonna
22 show that call still even though we didn't actually talk
23 with each other?

24 A. Right. That could be voicemail.

25 Q. Okay.

1 A. The last outbound call we have from his phone where
2 we know or where we believe he may have placed that call
3 was at 17:03 hours.

4 Q. So nothing in there that indicates he ever places
5 another call or a call of a significant length that would
6 indicate that he definitely spoke to somebody; is that
7 correct?

8 A. There's never -- no, that's the last outbound call.
9 All the rest are inbound calls.

10 Q. Okay. And were you able to -- you can kind of skip
11 through the next couple of pages, I think. Were you able
12 to then -- specifically that 5:03 call that he placed to
13 Eboni Webb, what tower was he pinging off of?

14 A. He was hitting off tower 1726 right here, which is the
15 same tower that Leroy Glover's phone was on. Like I said,
16 the only information we have on where his phone was hitting
17 off was based on outbound calls. This is the last outbound
18 call we have for this phone at 5:03 PM hitting off of this
19 tower right here.

20 Q. All right. And the last thing, were you able to --
21 you had indicated you had received Ms. Mack's text
22 messages. Were you able to kind of go through them and
23 kind of organize them a little more than they probably are
24 in the records initially?

25 A. Right. This probably looks like a lot of gobbledygook

- 1 for you. I tried to simplify it as much as possible.
2 Obviously this is the date, these are text messages. These
3 are they way we receive them from the phone company. This
4 is how they appear raw. This obviously is [REDACTED].
5 That's Mr. Glover's cell phone. He's texting her, which
6 this is her cell phone number, [REDACTED]. This is the
7 time -- or the date, 9-23-13, at 13:35, which is 1:35 PM.
8 This is some gobbledygook. It doesn't mean anything to us.
9 This is the content of that text message. "What you doing
10 baby".
11 Q. Okay. So he texts her at 1:35 "What you doing baby"?
12 A. Correct.
13 Q. And she responds back?
14 A. She responds back at 13:36, a minute later, "Just got
15 done with them packing slips.. What about you".
16 Q. All right. And then -- let's -- let's kind of jump
17 forward, not a page yet, but on this page, too,
18 specifically at -- on 9:23 at 16:26, so at 4:26 in the
19 afternoon, is there a text message from her to him?
20 A. Yes. It says -- she tells him she's home. It says
21 "I'm home".
22 Q. Okay. 4:26 that afternoon she's texting Leroy Glover
23 saying that she's home; is that correct?
24 A. Right.
25 Q. And there's after that, over the next -- the next two

1 lines on this page, but then on the next page it says text
2 messages, continuing, you can go forward with that.

3 There's kind of a back and forth between them about where
4 she's been and stuff of that nature; is that correct?

5 A. That's correct. "Damn, where you been". She
6 responds, "Getting gas". He responds "Okay".

7 Q. And that ultimately goes down to -- I believe she
8 texts him at -- at the bottom of that page at 4:55 that
9 she's watching TV, what about you, and he texts back
10 thinking about you, my love?

11 A. Right.

12 Q. And then on the next page -- so that is her to him at
13 -- now at 4:57; is that correct?

14 A. Correct. And she's saying "I hope so".

15 Q. And, yet again, a couple of texts back and forth
16 between them over the next couple of minutes; is that
17 correct?

18 A. That's correct.

19 Q. All right. And then at 5:06 she sends him a little
20 bit longer text, is that correct, about to wash and then
21 cook, ya-da-ya; is that correct?

22 A. That's correct.

23 Q. All right. And when is the next time that he responds
24 back to that text of hers at 5:06 in the afternoon?

25 A. 18:18, which is 6:18 PM.

1 Q. So over an hour later?

2 A. Over an hour later.

3 Q. Yet again, kind of consistent with that same gap that
4 we had in the phone records as far as inbound and outbound
5 calls?

6 A. That's correct.

7 Q. All right. Move on to the next page. This would be
8 September 24th, the following day?

9 A. September 24th, the day after the incident.

10 Q. Okay. Are there some text messages back and forth
11 between them that afternoon?

12 A. Leroy texts her phone at 15:33, 3:30 PM, saying "Tell
13 them I was with you".

14 Q. So 3:30 in the afternoon he is texting her saying tell
15 them I was with you?

16 A. Correct.

17 Q. And her response to that was?

18 A. "I told them you was at my house".

19 Q. Okay. And then he responds right after that back?

20 A. "Don't say shit back. Camera".

21 Q. And then about nineteen minutes later at 3:54 he texts
22 her again?

23 A. Yes, stating "My mom say tell them you want a lawyer.
24 Don't say shit else".

25 Q. So that is all that afternoon of September 24th?

1 A. That's correct.

2 Q. Okay. And then there's a couple of texts later on
3 that afternoon back and forth between them; is that
4 correct?

5 A. Right.

6 Q. And then going on to the next page, then on
7 September 25th then, so the following day, are there some
8 texts -- don't worry about the couple at the top, but the
9 initial ones are from Leroy to her; is that correct?

10 A. Yes.

11 Q. About him being back at the police station?

12 A. Right. "They want to talk to me".

13 Q. And does she ultimately send him a text at 3:10 in the
14 afternoon asking him a question?

15 A. "Why they calling me" she wants to know.

16 Q. What is his response back two minutes later?

17 A. "Who call you".

18 Q. All right. And what does she respond back?

19 A. "That man from yesterday".

20 Q. Okay. And what does he ask her?

21 A. "What he say".

22 Q. All right. What does she say?

23 A. "Ask who was at you house when we left there".

24 Q. And then what does he ask her about that?

25 A. "What you told him".

1 Q. And her response?

2 A. "Nobody".

3 Q. Okay. And what does he respond back then at 3:32?

4 A. "Okay. That man crazy".

5 Q. Is that kind of the substance of the text messages
6 that you kind of went through?

7 A. Yes.

8 Q. Okay.

9 **MR. SORENSON:** All right. Thank you, Captain. I
10 believe that's all the questions I have.

11 **THE COURT:** Cross-examination?

12 **MR. CULLER:** I beg your pardon, Your Honor. None.

13 **THE COURT:** Mr. Curry?

14 **MR. CURRY:** Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. CURRY:

17 Q. Captain, you know who I am. I'm Eduardo Curry, right?

18 A. Yes, sir.

19 Q. I've got some questions just for some clarification
20 on this. Back when you were talking about how you
21 extrapolate information from one cell phone to another, if
22 it breaks, do you know how to fix it?

23 A. The phone?

24 Q. Not the phone, but your machine that you take
25 information from?

1 A. No, I'd have to send it off for service.

2 Q. Okay. Send it off for service. All right. You said
3 based on this carrier -- what's the name of the carrier,
4 Allied?

5 A. Allied Wireless.

6 Q. It doesn't tell you what side, does it?

7 A. The information provided to me did not have any sector
8 information.

9 Q. Okay.

10 A. It just provided the towers. Generally we get towers
11 and the sectors.

12 Q. Can you go back to like you were showing the towers?

13 **MR. CURRY:** Your Honor, may I approach?

14 **THE COURT:** You may.

15 BY MR. CURRY:

16 Q. I don't have a clicker or anything, but if you can go
17 back to those maps. Yeah, that's a good map right there.
18 Okay. And you kept doing with your finger because you've
19 already told this jury you can't pinpoint exactly where
20 that phone was, correct?

21 A. Correct.

22 Q. So that means that even if you did a latitude and a
23 longitude and I'm standing in here and I've got a cell
24 phone in my pocket that AT&T, Bell South, Verizon, Allied
25 couldn't tell you that I'm right here in this courtroom

1 here on Docket Street?

2 A. No.

3 Q. All right. Now based on that map right there, do you
4 know where the victim's body allegedly was?

5 A. Where it was found?

6 Q. Yeah, where it was found.

7 A. Roughly in this area right here at the intersection of
8 Antioch and Wactor Road was the information provided to me.

9 Q. All right. And so I can get some clarity, these
10 things that look like stickpins in red are really towers;
11 is that correct?

12 A. That's correct.

13 Q. And those towers have zones of which they service
14 and you so succinctly talked about if it was in like a
15 municipal area it would be one to two miles, but if you
16 got out here in a rural area it could be four or five
17 miles, right?

18 A. Or more.

19 Q. Or more. All right. And so, you know, your testimony
20 here certainly not today is to talk about the nature of the
21 conversations in those phone calls because you don't know
22 that, correct?

23 A. No, we don't have that information.

24 Q. And what you have in the text messages you put up and
25 told this jury about; is that fair to say?

1 A. That's correct.

2 Q. All right. But we do know that if you have a five
3 mile radius or circumference all the way around that cell
4 phone could be around there, but necessarily not near a
5 body; wouldn't that be true to say?

6 A. I can't say that cell phone was near the body.

7 Q. That's right. Okay. All right. And so what you're
8 telling this jury about where this pinging is, and that's a
9 word that we use, does pinging occur just because you ride
10 by with a cell phone or does pinging occur when you get an
11 out -- an incoming call or an outgoing call?

12 A. Actually pinging a phone call is when the company
13 sends a signal to that phone to get a lat and longitude on
14 where that phone is realtime --

15 Q. Right.

16 A. -- current and in the future. We're looking at
17 historical records here.

18 Q. Right.

19 A. So it's not really pinging a phone. These are call
20 detail records historically showing us what towers that
21 phone was hitting off at what times.

22 Q. Exactly. And so if you've got this historical with
23 the phone, you don't have any sort of realtime the phone
24 was moving around and you can kind of -- you know how they
25 do in James Bond, ding-ding-ding-ding, you don't have any

1 of that, do you?

2 A. Not on historical, no.

3 Q. All right.

4 A. However, you do have what appears to be movement from
5 this tower to this tower to this tower, which you could
6 arguably argue was along 301.

7 Q. All right. And you could argue also that Mr. Glover
8 said he was going to Santee so his phone would actually
9 have some kind of -- whatever tower's out there that's
10 within five miles or even longer he would use that tower to
11 make calls; would that be correct?

12 A. That's correct.

13 Q. Okay. All right. Now we don't really know where
14 these cell phones were, do we?

15 A. We know a general area. I can't pinpoint exactly, no.

16 Q. And you certainly don't account for things like if
17 someone else has your phone, right?

18 A. Correct.

19 Q. You don't account for if you lost your phone, correct?

20 A. Right. All I'm going on is the information provided
21 to me by the cell phone company where the phone owned by
22 that individual was.

23 Q. Right. But I'm talking to you, Captain, about what
24 you're not accounting for, okay? Correct?

25 A. Correct.

1 Q. All right. And you're not accounting for -- you're
2 not accounting for if you loaned your phone to somebody and
3 they're using your phone? You're not accounting for that,
4 are you?

5 A. I don't have any of that information. All I have is
6 the information provided by the cell phone company.

7 Q. And when you get those calls, some of those calls look
8 like it was just a call made and not necessarily any
9 conversation based on the brevity of that call; isn't that
10 correct?

11 A. Yes. It's hard to tell.

12 Q. That's exactly right. So you don't know. It's just
13 speculating, correct?

14 A. It could be -- it could be voicemail or it could be a
15 short conversation.

16 Q. That's exactly right. So you don't know. You're just
17 accounting for the amount of numbers of calls they made and
18 not necessarily content or how they were made, correct?

19 A. I know who called who, I know the length of the call.
20 Whether a conversation occurred or a voicemail, I don't
21 know.

22 Q. Are you telling this jury that you know that somebody
23 just because the phone is in their name called someone
24 else? Are you making that assumption?

25 A. I didn't say that.

1 Q. Well, I'm asking you now. Can you say who called you?

2 A. No, I can't.

3 **MR. CURRY:** All right. Thank you.

4 **THE COURT:** Any redirect?

5 **MR. SORENSON:** Just briefly.

6 REDIRECT EXAMINATION

7 BY MR. SORENSON:

8 Q. You can say whose phone called who, right?

9 A. I can say whose phone called whose phone, yes.

10 **MR. CURRY:** But you don't know who that is, do you?

11 **THE COURT:** Mr. Curry, no more. No more. You may
12 step down, Captain. Thank you.

13 **MR. SORENSON:** May he be excused, Your Honor?

14 **THE COURT:** Yes, sir. You may step down.

15 **MR. CULLER:** Without objection, Your Honor.

16 (Witness excused.)

17 **THE COURT:** You may call your next witness.

18 **MR. SORENSON:** Your Honor, at this time the State
19 would rest.

20 **THE COURT:** Ladies and gentlemen of the jury, it's
21 time for us to take a brief recess. If you would please
22 go to your jury room. Although the State has rested,
23 please do not talk about the case amongst yourselves or
24 allow anybody to talk about the case with you.

25 (Whereupon, the jury retires to the jury room at

1 3:41 PM.)

2 **THE COURT:** Any motions from the defense?

3 **MR. CULLER:** Yes, Your Honor.

4 **MR. CURRY:** Yes, Your Honor.

5 **THE COURT:** Mr. Culler?

6 **MR. CULLER:** Thank you, Your Honor. May it please the
7 Court?

8 **THE COURT:** Yes, sir.

9 **MR. CULLER:** On behalf of Jason Glover, we'd move at
10 this time for a directed verdict. We would submit, Your
11 Honor, that the evidence against Mr. Glover, I think the
12 main thing is his confession that under cross-examination
13 of the State's investigator that he didn't really believe.
14 I would submit to you that taking his comments, by which
15 I mean the investigator's comments, into account on the
16 videotape of that alleged confession that that does not
17 rise to the level of evidence that would require Mr. Glover
18 to go forward on this murder and we have that motion.

19 **THE COURT:** Solicitor?

20 **MR. SORENSON:** May it please the Court, Your Honor?

21 **THE COURT:** Yes, sir.

22 **MR. SORENSON:** And obviously as Your Honor is aware,
23 that the burden at this stage is taking everything in the
24 light most favorable to the State. I mean, it would be our
25 position that there is credible evidence to send Jason

1 Glover's case to the jury. There is a witness that has
2 ID'd him as driving the victim's vehicle leaving -- leaving
3 the residence on Country Colony Drive; that same vehicle
4 that ultimately is found, I submit when you look at kind
5 of all the witnesses together and their timeframes probably
6 an hour or so hour, hour and a half later, on fire in
7 Santee with the victim's deceased body in the back seat.
8 Additionally, looking at the phone records, we can place
9 phone records of Mr. Jason Glover in the vicinity of that
10 vehicle in Santee during that time period from 6:00 on.

11 Additionally, as to Mr. Culler's comments with regards
12 to the videotaped confession from December, while -- and
13 ultimately I may agree that I don't think that's the entire
14 truth about what happened, I do think it's evidence of his
15 involvement in this and I think the jury could ultimately
16 find that while that is not the truth about what happened
17 that it does show that his involvement at least under an
18 accomplice liability standpoint that a person would not
19 come and give that statement if they were not involved in
20 some way, shape or form, and I do think that is evidence.

21 And, of course, the jury could ultimately find -- I
22 mean, you know, Lieutenant Shumpert, just because he
23 testified that he didn't believe that, I think it is more
24 that he thought he was covering for his brother and that
25 the two of them were both involved, the jury could still

1 believe basically that that is what happened and -- and
2 convict him, I think, based on that statement if that's
3 ultimately what they were to believe.

4 **THE COURT:** All right. Thank you, Mr. Sorenson.

5 As both parties are aware, the burden of proof deals
6 with the existence or nonexistence of evidence at this time
7 and there is competent evidence tending to prove the charge
8 of murder against the defendant Mr. Jason Glover, so I will
9 respectfully deny your motion, Mr. Culler.

10 **MR. CULLER:** Thank you, Your Honor.

11 **THE COURT:** Mr. Curry?

12 **MR. CURRY:** Yes, Your Honor. May it please the Court?
13 Judge, we move for directed verdict on behalf of Leroy
14 Glover. We think there's a plethora of information, going
15 through all of the witnesses, nothing that connects
16 Mr. Glover to allegedly the loss of life of Mike Carter.
17 Judge, they can't even pinpoint him being near the scene
18 of anything because nobody has ever offered testimony as
19 to where Mike Carter was killed.

20 So the fact that Mr. Glover is at his house, let's
21 look at that. No blood found, no weapons found, no
22 identification of anybody who said that Leroy Glover shot
23 Mike Carter. Judge, when they're talking about even from
24 the pinging and the movement of the phone, no factual
25 identification as to Mr. Glover being in the vicinity of

1 Mr. Carter other than they're using a ping with a mile, two
2 mile, three mile radius. Judge, we've got all the
3 witnesses saying that -- and they confirmed it when I asked
4 Lieutenant Shumpert, tell me, did they see this? Who did
5 they see? They saw Jason. Not even David Williams says
6 that he saw actually Leroy Glover do anything. He said he
7 saw a Crown Vic and we've accounted for why the Crown Vic
8 came and went.

9 Judge, when you're proving murder, you've got to prove
10 there's an unlawful killing. Mr. Glover is not accused of
11 arson and so there is no evidence, no weapons, no blood,
12 no fingerprints, no eye witnesses, nothing, but there is a
13 confession by someone who says his brother -- that look, my
14 brother had nothing to do with it and he wasn't there, and
15 there are a plethora of witnesses who say Mr. Glover came
16 and went, but not in the timeframe of which this murder
17 allegedly occurred. David Williams, the key witness for
18 the prosecution, talks three, he talks four, but even in
19 those times there's somebody there who corroborates and
20 says I didn't see the rent man at 4:00. Keisha Mack says
21 at 4:30 when we left I saw Leroy Glover behind me or
22 somewhere close by and then I saw him on 301.

23 Now, Judge, what we would believe is that in murder
24 the State has to prove each and every element beyond a
25 reasonable doubt. We don't believe there's credible

1 evidence to even place Mr. Glover in the proximity of the
2 murder or actually doing anything that would cause this
3 murder to be, not even the alleged so-called revolver,
4 Judge. And so what I would ask is that in this particular
5 case, and obviously there are two defendants, that you can
6 cut Mr. Glover free; that there's no credible information
7 that one could reasonably conclude by even in a lapse of
8 imagination other than speculation that Mr. Leroy Glover
9 committed murder and caused the loss of life to Mike
10 Carter. I'd ask that you dismiss this case.

11 **THE COURT:** Thank you, Mr. Curry. Solicitor?

12 **MR. SORENSON:** Thank you. May it please the Court?
13 Again, looking at the same standard, we feel in this case
14 there's substantial circumstantial evidence in this case
15 that places -- that the jury can find to convict Leroy
16 Glover. Looking at just kind of very -- starting just from
17 kind of the timeframe standpoint, we have a phone call
18 placed from Leroy Glover's phone, a phone that he basically
19 admits to using later on that evening in calls that he
20 talks about making and receiving, but a phone call at 4:45
21 to the victim, Mr. Carter. We have the victim leaving work
22 at 5:03, 5:04 in the evening with an appointment scheduled
23 for right across the street which would suggest that he was
24 going -- was going somewhere else, I submit to go collect
25 \$93 from Leroy Glover, and that would be the only reason

1 he'd be running over there knowing that somebody else was
2 gonna be waiting on him.

3 Additionally, you have witnesses that put Mr. Carter,
4 Ms. Deborah Jenkins, that puts him passing her at about
5 5:15 on Country Colony and turning into Leroy Glover's
6 trailer. You have then David Williams and Ms. Alice
7 Simpson that puts his vehicle then leaving, you know,
8 somewhere more in the 5:30 or so range based on
9 Ms. Simpson's testimony coming at a high rate of speed out
10 of the driveway with David Williams identifying Jason
11 Glover as driving the vehicle, but also putting the Crown
12 Victoria having left and then returned a short time later
13 back to that residence.

14 And -- and Mr. Curry talked about the timeframe. It
15 is obvious from looking at Mr. Williams that he does not
16 have his times. He maybe indicated he's positive about
17 them, but they're obviously not correct just looking at
18 the time that the fire trucks were called out there, that
19 he is off by several hours and did indicate that he did
20 not have a watch, but that timeframe basically at 5:00 or
21 so -- or 5:30 or so in the evening and then ultimately
22 Mr. Williams saying that when he walked down the street
23 and came back a while later and saw that Crown Vic --
24 Smoke's Crown Victoria leaving. And I think even in his
25 written statement that is in evidence that the jury would

1 have to consider actually says Smoke driving, leaving, and
2 at that point in time sees smoke coming out -- smoke, not
3 the person, but "smoke" smoke coming out of the back and at
4 that point in time seeing that the trailer was on fire and
5 that the fire trucks immediately responded. That would
6 basically be corroborated, that timeframe.

7 Looking at that with the phone records that we just
8 heard about that basically puts his phone pinging up until,
9 you know, the last call at 6:39, he's pinging near his
10 residence and then at 7:06 he is now pinging heading toward
11 Santee, which basically just corroborates exactly what
12 David Williams said he saw, and then ultimately ending up
13 up in Santee for a thirty minute period of time, which kind
14 of goes to further circumstantial evidence when you then
15 look at Keisha Mack. I mean, Keisha Mack has indicated
16 that she got a call from him and then the phone record
17 corroborates that at 7:17 he is pinging off a tower in
18 Santee telling her that his house was on -- that he'd just
19 heard his trailer was on fire and wanting her to come meet
20 him to then drive him back to Santee. And, yet again, says
21 that, you know, he can't tell her where he is yet and she
22 has to get on the road before he tells her where to meet
23 him. I think that is all evidence of him up to something
24 at some point in time, but that's further borne out when he
25 is then brought in the following day and proceeds to tell

1 Lieutenant Shumpert not one time, not two times, not three
2 times, but four times that he was with Keisha Mack that
3 entire evening and it's only once that he is confronted
4 with the fact that Keisha Mack has shown Lieutenant
5 Shumpert her phone that that is not accurate that suddenly
6 that story changes.

7 So, yet again, I think that is evidence of guilty
8 knowledge. That you would come in and the first thing
9 you're gonna do when you're supposedly just there -- you
10 don't know anything about anybody being dead and the first
11 thing you're gonna do when you're questioned just about
12 trying to find out why your trailer burned down is that
13 you're gonna start trying to create an alibi. An alibi
14 that I submit to you he tried to start creating that night
15 before when he drove all the way to Santee probably to
16 check on -- to make sure his brother did what he was
17 supposed to do with the body, but then also to get his car
18 out of there so he could then return back with her to make
19 it look like he had never been anywhere near the trailer.

20 And the text messages just kind of fall right in line
21 with that. I don't know if Your Honor caught it, but you
22 had the video that Lieutenant Shumpert testified started
23 at 3:36 and it starts with the two of them sitting in the
24 room. Well, at 3:30, five minutes before that while the
25 two of them are sitting in the same room he is texting

1 Keisha Mack sitting right in front of her telling her not
2 to say anything because of the camera, but texting her
3 basically to try to have her give him an alibi.

4 And I think all of that, Your Honor, is substantial
5 circumstantial evidence of Leroy Glover's involvement in
6 this. I mean, obviously it's a circumstantial case. I
7 can't tell you and I don't think I'm ever gonna be able to
8 tell anybody which one of those two pulled the trigger, but
9 I submit that there's substantial circumstantial evidence
10 that they were both involved and are both guilty under a
11 theory of accomplice liability.

12 **THE COURT:** Thank you, Solicitor. In regards to
13 Mr. Leroy Glover, although Mr. Williams did have some
14 difficulty remembering his times, the times are
15 corroborated by outside sources which do establish
16 substantial circumstantial evidence tending to prove the
17 charge against the defendant Mr. Leroy Glover, so I will
18 respectfully deny your motion as well.

19 **MR. CURRY:** Thank you, Your Honor.

20 **THE COURT:** All right. For time purposes, are your
21 clients ready to be placed under oath as to whether or not
22 they wish to testify?

23 **MR. CURRY:** Yes, Your Honor.

24 **MR. CULLER:** Yes, Your Honor.

25 **THE COURT:** Would you, gentlemen, please stand.

1 Madam clerk, would you please swear in the defendants.

2 **THE CLERK:** Individually or --

3 **THE COURT:** Individually.

4 **THE CLERK:** Please raise your right hand.

5 (Whereupon, the Defendant Jason Glover was duly sworn
6 by the Clerk of Court.)

7 **THE CLERK:** Thank you. Please raise your right hand.

8 (Whereupon, the Defendant Leroy Glover was duly sworn
9 by the Clerk of Court.)

10 **THE CLERK:** Thank you.

11 **THE COURT:** All right. Mr. Jason Glover and -- y'all
12 please stand -- and Leroy Glover, I'm going to go through
13 some questions with you regarding your right to testify.
14 I will ask you the same thing, so I'll ask you, Mr. Jason
15 Glover, to respond first and then you, Mr. Leroy Glover,
16 then you would then respond, okay? Do you understand?

17 **JASON GLOVER:** Yes, ma'am.

18 **LEROY GLOVER:** Yes, ma'am.

19 **THE COURT:** I'm going to explain to you certain of
20 your rights. If you do not understand anything that I say,
21 please let me know. If you want me to explain anything
22 in more detail, please let me know. Do you understand,
23 Mr. Jason Glover?

24 **JASON GLOVER:** Yes, ma'am.

25 **THE COURT:** Mr. Leroy Glover?

1 **LEROY GLOVER:** Yes, ma'am.

2 **THE COURT:** You've now reached the stage of the
3 trial where you may present your defense. You have the
4 right to claim the protections given to you by the Fifth
5 Amendment of the Constitution of the United States, and
6 this amendment states, in part, that no person shall be
7 compelled in any criminal case to be a witness against
8 himself. This means that you cannot be required to testify
9 in this case. You have the right to testify on your own
10 behalf; however, no one can make you testify. This is a
11 personal right and no one can waive this right except each
12 of you.

13 If you decide to testify, you will be subject to the
14 same rules that govern other witnesses and you may be
15 examined and cross-examined on any relevant issue in this
16 case. In addition, if you have any convictions involving
17 dishonesty or a false statement or for crimes punishable
18 for more than one year and this Court determines that the
19 probative value of admitting this evidence outweighs the
20 prejudicial effect to you, the solicitor will be able to
21 introduce your record and attack your credibility.

22 If you decide to testify, this decision on your part
23 must be made freely, voluntarily and intelligently made
24 with the knowledge of the protections given to you by
25 the Fifth Amendment and regarding your consequences as

1 to whether or not you wish to testify. If you decide not
2 to testify, I will instruct the jurors that they cannot
3 give the fact that you did not testify any consideration
4 whatsoever and that there is absolutely no prejudice to
5 you because you did not testify. It is left entirely up
6 to you whether you wish to testify or not. You may talk
7 to your attorneys, your friends, your family, but the
8 ultimate decision as to whether or not you testify is left
9 to each of you. Do you understand what I've explained to
10 you?

11 **JASON GLOVER:** Yes, ma'am.

12 **LEROY GLOVER:** Yes, ma'am.

13 **THE COURT:** Do you wish to testify, Mr. Jason Glover?

14 **JASON GLOVER:** Yes, ma'am.

15 **THE COURT:** Do you need any more time to talk to your
16 attorneys about that?

17 **JASON GLOVER:** No, ma'am.

18 **THE COURT:** All right, sir. Mr. Leroy Glover, do you
19 wish to testify?

20 **LEROY GLOVER:** I do not.

21 **THE COURT:** All right, sir. Do you need any more time
22 to talk to your attorney about that?

23 **LEROY GLOVER:** No, ma'am.

24 **THE COURT:** All right. Mr. Culler, timing-wise how
25 long do you anticipate your client's testimony to be?

1 **MR. CULLER:** I don't know, Judge. Can we approach?

2 **THE COURT:** Yes, sir.

3 (Proceedings held at the bench; not reported.)

4 **THE COURT:** We'll be at ease for just a few minutes.

5 (Pause in the proceedings.)

6 **BAILIFF:** Come to order, please.

7 **THE COURT:** Thank you, everyone. You may have a seat.

8 Are the parties ready for the jury?

9 **MR. CULLER:** Yes, Your Honor.

10 **MR. CURRY:** Yes, Your Honor.

11 **THE COURT:** All right. Let's have our jury, please.

12 **BAILIFF:** Yes, Your Honor.

13 (Whereupon, the jury returns to the courtroom at
14 4:10 PM.)

15 **THE COURT:** Welcome back, ladies and gentlemen of the
16 jury. Does the defense care to call any witnesses?

17 **MR. CULLER:** Yes, Your Honor.

18 **MR. WALTERS:** May it please the Court? At this time
19 we call Jeremy Bradley.

20 **THE CLERK:** Please place your left hand on the Bible
21 and raise your right hand, please.

22 **THE WITNESS:** Yes, ma'am.

23 JEREMY BRADLEY,

24 having been duly sworn, testified as follows:

25 **THE CLERK:** Thank you. You may have a seat. Please

1 state your name again for the record.

2 **THE WITNESS:** Jeremy Bradley.

3 **THE CLERK:** Thank you.

4 **THE COURT:** Your witness.

5 **MR. WALTERS:** May it please the Court?

6 **THE COURT:** Yes, sir.

7 DIRECT EXAMINATION

8 BY MR. WALTERS:

9 Q. Mr. Bradley, where do you live?

10 A. In Santee.

11 Q. All right. And do you know the Defendant, Mr. Leroy
12 Glover?

13 A. Yes, sir, I do.

14 Q. How do you know Leroy Glover?

15 A. Well, we -- he stay in the same area I stay in.

16 Q. All right. Did you grow up with him?

17 A. Yes, sir.

18 Q. Okay. So you've known him since you were, what, a
19 little kid or something?

20 A. Yes, sir.

21 Q. All right. And you're aware of the fact that his
22 mobile home burned down?

23 A. Yes, sir.

24 Q. All right. Did you have an opportunity to meet with
25 Mr. Leroy Glover the day after his mobile home burned down?

1 A. Yes, sir.

2 Q. What happened? Tell the jury your discussions with
3 Mr. Leroy Glover after his home burned down.

4 A. Well, he called to say -- these are the words he told
5 me. He asked me to do a little favor for him, I need an
6 alibi, and he was like I'll pay you \$50 for you to go to
7 the Orangeburg Fire Department to talk to them and tell
8 them that me and him was together on 176.

9 Q. And what was your reaction when he asked you to state
10 this alibi defense and that he would give you \$50? What
11 was your response?

12 A. No.

13 Q. What did he do after you told him no?

14 A. He left.

15 **MR. WALTERS:** Your Honor, I have no further questions.

16 **THE COURT:** Mr. Curry?

17 **MR. CURRY:** Thank you very much, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. CURRY:

20 Q. Mr. Bradley, good afternoon. I'm Eduardo Curry. I
21 represent Leroy Glover. How are you today?

22 A. I'm doing all right, sir.

23 Q. All right. And where do you presently live?

24 A. In Santee. [REDACTED] Avenue.

25 Q. In Santee. Not only do you know Leroy Glover, but you

1 actually know Jason Glover, don't you?

2 A. Yes, sir.

3 Q. And not only did y'all grow up together, y'all were
4 real good friends; would that be fair to say?

5 A. Yes, sir.

6 Q. Okay. Now y'all are real good friends, aren't you?

7 A. Yes, sir.

8 Q. All right. And you want to help your friend here
9 today?

10 A. I'm up here because I was subpoenaed.

11 Q. Okay. Did you know what you were subpoenaed for?

12 A. Well, they came to -- to talk to me. I was not going
13 -- because I'm on probation --

14 Q. Okay.

15 A. -- so I'm not supposed to be having any contact
16 with him at all, but I was subpoenaed there.

17 Q. When who came to talk to you?

18 A. A private investigator.

19 Q. Okay. And is he -- the private investigator in this
20 room?

21 A. No.

22 Q. Do you know who he worked for?

23 A. I think Mr. Glenn Walters.

24 Q. It was Glenn Walters and them, right?

25 A. Yes, sir.

1 Q. So they sent their private investigator to find you
2 to testify for Jason?

3 A. Yes, sir.

4 Q. Okay.

5 **MR. WALTERS:** Objection, Your Honor. That's a
6 mischaracterization with regards to the question itself.

7 **MR. CURRY:** He answered, Judge, but I'll move on.

8 **THE COURT:** Let's move on.

9 **MR. CURRY:** Okay. Thank you.

10 BY MR. CURRY:

11 Q. Let's talk about your probation. You were really a
12 drug dealer, weren't you?

13 A. No, sir.

14 Q. Okay. All right. Now you got a pro -- you got a
15 charge and you pled guilty and was convicted in 2014 for
16 possession with intent to distribute; did you not?

17 A. Yes, sir.

18 Q. Okay. And what kind of drugs was it?

19 A. Marijuana.

20 Q. Okay. How much?

21 A. It was nothing but four ounces.

22 Q. Okay. Nothing but. Do you know it's illegal in South
23 Carolina to have four ounces of marijuana?

24 **MR. WALTERS:** I'm gonna object, Your Honor. That's
25 beyond the scope of cross. He can ask him about the

1 offense itself, but not delve into the content of the
2 offense and what he was convicted for.

3 **MR. CURRY:** Judge, I'll move on.

4 **THE COURT:** Please do.

5 BY MR. CURRY:

6 Q. Mr. Bradley, where did this conversation allegedly
7 occur?

8 A. At my house.

9 Q. And where's that?

10 A. In Santee.

11 Q. Okay. Do you have a cell phone at your house?

12 A. Yes, I do have a cell phone.

13 Q. Did Mr. Glover have a cell phone?

14 A. During that time, yes, he did.

15 Q. Did he call you before he came?

16 A. Yes, sir.

17 Q. Okay. What time did he call you?

18 A. Right now I don't remember the exact time.

19 Q. Okay. All right. Did you like ever drink with
20 Mr. Glover?

21 A. It just depends on --

22 **MR. SORENSON:** Your Honor, can I just for
23 clarification just -- I don't know which one he's talking
24 about.

25 **THE WITNESS:** Yeah.

1 BY MR. CURRY:

2 Q. Jason Glover.

3 A. Yes, sir.

4 Q. Okay. Do y'all go out together, you and Jason Glover?

5 A. Yes, sir.

6 Q. Did y'all talk about the case, you and Jason Glover?

7 A. No, sir.

8 Q. You mean he never told you about this case?

9 A. I never know anything about it.

10 Q. You didn't know nothing about it?

11 A. No, sir.

12 Q. Okay. Did Leroy Glover tell you about this case?

13 A. No, sir.

14 Q. Know nothing about it?

15 A. Nothing about it.

16 Q. So it's your testimony today he popped out of the
17 clear blue sky and asked you to give an alibi to the fire
18 department?

19 A. The way he asked me, I didn't know what he was talking
20 about, so I did not do it.

21 Q. Okay. So how did anybody learn that he made this
22 alleged request to you if you never talked about it?

23 A. I just left it alone. I disagreed to do what I was
24 supposed to do and left it alone.

25 Q. I understand that. What I'm asking you is at some

1 point you had to talk to somebody about this. How would
2 they know that y'all talked about it if you didn't talk to
3 nobody and you didn't know if he talked to anybody?

4 A. Like I said, a private investigator was sent to me.

5 Q. Well, how would the private investigator know?

6 A. I don't know.

7 Q. All right. How would Jason know if you didn't talk to
8 Jason?

9 A. I can't say.

10 Q. How would Leroy know if you didn't talk to Leroy about
11 talking to anybody?

12 A. Once again, I cannot say.

13 Q. Okay. So you really don't know about this case, do
14 you?

15 A. No, sir.

16 **MR. CURRY:** Thank you.

17 **THE COURT:** Solicitor?

18 **MR. SORENSON:** Just a couple of questions.

19 CROSS-EXAMINATION

20 BY MR. SORENSON:

21 Q. Mr. Bradley, my name is Don Sorenson. I'm with the
22 solicitor's office. I've just got a couple of questions
23 for you. You indicated on -- I believe when Mr. Curry was
24 just asking you right there that Leroy called you on your
25 cell phone before he came over to talk to you?

1 A. Yes, sir.

2 Q. Okay. What was your cell phone number back then?

3 A. Well, I don't have so many different numbers, so I
4 don't remember which one.

5 Q. Okay. Do you remember -- give me some of them.

6 A. It was like -- I had a 759 number.

7 Q. A 759 number. All right.

8 A. A 496 number, a 664.

9 Q. Okay.

10 A. 857.

11 Q. Okay. Those are all possible prefixes for your cell
12 phone back in -- back in September of 2013?

13 A. Yes, sir.

14 Q. All right. And what time of day was this that he
15 contacted you and then came by -- first of all, that he
16 initially contacted you?

17 A. It had to be late in the afternoon. Late in the
18 afternoon time.

19 Q. Afternoon time. All right. And did he come over
20 right after he called you?

21 A. Yes, sir.

22 Q. And you said you were at your house and what was your
23 address?

24 A. [REDACTED].

25 Q. Spell the address.

1 A. Bonner, B-O-N-N-E-R.

2 Q. Got you. And that's in Santee?

3 A. Yes, sir.

4 Q. All right. And who else -- who else was there when
5 Leroy Glover came by to ask you this?

6 A. During the time my cousins were staying with me.

7 Q. Okay. Were they -- did any of them hear this
8 conversation?

9 A. No, sir.

10 Q. Okay. And was Jason Glover around?

11 A. No, sir.

12 Q. Okay. Did you see Jason Glover at all that day that
13 you recall?

14 A. No, sir.

15 Q. Okay. How about the night before?

16 A. Yes, sir.

17 Q. Okay. And where did you see Jason Glover the night
18 before?

19 A. He came by.

20 Q. Okay. And that would be the night that the trailer
21 burned down?

22 A. I don't know exactly what day that was when that
23 happened.

24 Q. Okay. So he came by though the night before Leroy
25 Glover came and asked you to go to the fire department?

1 A. Yes, sir.

2 Q. Okay. And what -- how did Jason Glover get to your
3 house that night before?

4 A. Well, I wasn't already home. By the time I came back,
5 he was already there.

6 Q. Okay. Do you remember -- do you remember what time of
7 night that was?

8 A. It wasn't at night because earlier that day we were
9 sitting under the carport. I went to the store to get a
10 couple of beers. By the time I came back he was already
11 there.

12 Q. Okay. All right. Let me just ask you this and I
13 guess I probably should have asked you this to start with.
14 Do you have any idea what day this was that Leroy Glover
15 came and -- came and asked you this?

16 A. No, I do not remember the date.

17 Q. Any idea what day of the week it may have been?

18 A. No, sir.

19 Q. Okay. And it's your testimony that you -- that nobody
20 else heard this conversation; is that correct?

21 A. Yes, sir.

22 Q. Okay. And you never told anybody about this
23 conversation afterwards?

24 A. No, sir.

25 Q. Okay. And just out of the blue sometime in the last

1 week or so a private investigator came and talked to you
2 about this?

3 A. Yes, sir.

4 Q. Okay. And when the private investigator came to talk
5 to you, did he seem to know about this conversation already
6 or did he just kind of ask you what you -- I mean, how did
7 that come about?

8 A. Honestly, I didn't talk to him at first because, like
9 I said, once again, I'm on probation so I just didn't have
10 any contact with him.

11 Q. Okay. But when you initially did finally talk to him,
12 just tell the jury how -- I mean, how did that come about?
13 I mean, did he tell you -- I mean, Leroy Glover -- you
14 know, did Leroy Glover ask you to do this?

15 A. Yes, sir.

16 Q. Okay. And you -- you told him yes?

17 A. Yes, sir.

18 Q. Okay. And that would have happened two years ago, is
19 that correct, this conversation with Leroy Glover?

20 A. Yes, sir.

21 Q. Okay.

22 **MR. SORENSON:** I beg the Court's indulgence. Thank
23 you, Mr. Bradley. That's all I have.

24 **THE COURT:** Any redirect?

25 **MR. WALTERS:** None, Your Honor.

1 **THE COURT:** You may step down, sir. Thank you.

2 (Witness excused.)

3 **MR. CULLER:** May Mr. Bradley be excused?

4 **THE COURT:** Any objection?

5 **MR. CURRY:** No objection, Your Honor.

6 **THE COURT:** All right. Mr. Bradley, you're free to
7 go.

8 **THE COURT:** You may call your next witness.

9 **MR. CULLER:** Patrick Thrower, Your Honor.

10 **THE CLERK:** Please place your left hand on the Bible
11 and raise your right hand.

12 PATRICK THROWER,

13 having been duly sworn, testified as follows:

14 **THE COURT:** You may have a seat.

15 **THE CLERK:** Please state your name again for the
16 record.

17 **THE WITNESS:** My name?

18 **THE CLERK:** Yes.

19 **THE WITNESS:** Patrick Thrower.

20 **THE CLERK:** Thank you.

21 **THE COURT:** Your witness.

22 **MR. WALTERS:** May it please the Court? I apologize,
23 Your Honor.

24 DIRECT EXAMINATION

25 BY MR. WALTERS:

1 Q. Sir, would you state your full name for the record?

2 A. Patrick Thrower.

3 Q. All right. And where do you live?

4 A. Santee, South Carolina. [REDACTED]

5 Q. And how are you associated with Leroy Glover and Jason
6 Glover?

7 A. They're my brothers.

8 Q. All right. And in the pecking order of the children,
9 what's the order?

10 A. Excuse me?

11 Q. Are you the oldest, are you the youngest or what?

12 A. Oldest.

13 Q. Excuse me?

14 A. The oldest brother.

15 Q. You're the oldest brother?

16 A. Yeah.

17 Q. Did you have an opportunity to talk to Jason Glover
18 after this particular fire occurred?

19 A. On the 23rd he called me when I was at work.

20 Q. What did he say to you?

21 A. I need a ride.

22 Q. All right. And where did you pick him up?

23 A. I picked him up on Bonner Avenue in Santee, South
24 Carolina.

25 Q. And what did he request? What did he want?

1 A. He wanted me to take him to a hotel room.

2 Q. Okay. And where did you take him, sir?

3 A. I took him to Howard Johnson.

4 Q. Located where, sir? Where is it located, the Howard
5 Johnson?

6 A. Santee, South Carolina.

7 Q. Santee, South Carolina?

8 A. Yeah.

9 Q. All right. And did he check into the hotel there?

10 A. Yeah.

11 Q. All right. And how long did you stay or did you just
12 drop him off?

13 A. He didn't have an ID, so I got the room for him and I
14 left after that. I had to get back to work.

15 Q. Okay. And where are you employed?

16 A. At McDonald's at the time.

17 Q. Okay.

18 **MR. WALTERS:** Your Honor, I have no further questions.

19 **THE COURT:** Mr. Curry?

20 CROSS-EXAMINATION

21 BY MR. CURRY:

22 Q. Mr. Glover, I'm Eduardo Curry representing Leroy
23 Glover, your brother. Where did Jason ask you to pick him
24 up from in terms of needing a ride?

25 A. He used the term Boo Circle.

1 Q. What is Boo Circle?

2 A. That's Bonner Avenue.

3 Q. Bonner. And where is Bonner Avenue located? I'm not
4 from here.

5 A. It's down the road from the convention center in
6 Santee.

7 Q. Okay. Did he tell you how he got to Bonner Avenue?

8 A. No.

9 Q. Did you ask him?

10 A. No.

11 Q. Did he have a suitcase?

12 A. No.

13 Q. A backpack?

14 A. No.

15 Q. Shoes?

16 A. I mean, he had regular clothes on and, you know,
17 nothing was out of the ordinary. I just picked him up.

18 Q. Where from Bonner Avenue? A particular establishment,
19 a house, an apartment? Where?

20 A. He was near his friend Jeremy's house.

21 Q. And what day would that have been?

22 A. It was on the 23rd. I believe that was a Monday.

23 Q. 23rd of September?

24 A. Yes, sir.

25 Q. What time?

1 A. It was late evening. I'm gonna say between 5:30 and
2 6:00 PM.

3 Q. Is that like Bonner Avenue going toward Santee,
4 Bonner Avenue going toward Columbia, Bonner Avenue going
5 -- I mean, I don't know which -- which side of town would
6 it have been?

7 A. The way I took to pick him up, I came from the house,
8 so I came from McDonald's and went down Highway 6, I took
9 the dirt road, Antioch Road, came around and got on Bonner
10 Avenue that way.

11 Q. So it would be Bonner Avenue close to Antioch Road?

12 A. Yes, sir.

13 Q. Okay.

14 **MR. CURRY:** Thank you.

15 **THE COURT:** Mr. Sorenson?

16 **MR. SORENSON:** Thank you. May it please the Court?

17 **THE COURT:** Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. SORENSON:

20 Q. All right. Hey, Mr. Thrower. I just have a few
21 questions for you. Let me start off and make sure that I
22 have what we're talking about. Let me show you State's
23 Exhibit Number 9 and I'll give you a second just to get
24 you kind of oriented to this map here. Here's Old Highway
25 Number 6. That's Midtown Circle. That's where you -- you

1 were living, right, and maybe living now; is that correct?

2 A. Yes, sir.

3 Q. All right. And from what you just told Mr. Curry I
4 got the impression you kind of came down here to Antioch
5 Road; is that correct?

6 A. Yes, sir.

7 Q. And then it looks like this is Bonner Avenue right
8 here, right?

9 A. Uh-huh.

10 Q. Okay. So how far down -- it looks like looking at
11 this aerial map that Bonner kind of goes and then kind of
12 takes a left turn sort of?

13 A. Yes.

14 Q. How far down Bonner -- where does his friend Jeremy
15 live? And it may not be on this map. I don't know. I'm
16 not sure how far --

17 A. This would be Number 6.

18 Q. Yeah, and here's Antioch Road.

19 A. There's Antioch.

20 Q. Yeah, and here's Bonner. So you would take a left
21 onto Bonner, I guess?

22 A. It's somewhere in this area right here.

23 Q. Okay. All right. And you got a call from him that
24 night. You were at work?

25 A. Yes, sir.

1 Q. And you said it was between 5:30 and 6:00 in the
2 evening?

3 A. Yeah, but I'm not sure. I wasn't paying attention to
4 the time.

5 Q. Okay. I mean, could it have been between six and 7:00
6 in the evening?

7 A. Seven -- between six and seven, I was on my way to
8 Orangeburg. I got word my brother's trailer was on fire.

9 Q. Okay. Let me ask you this. When you came down
10 Antioch to go over to Bonner to pick him up, were there any
11 fire trucks or anything out there in that area yet at that
12 point in time?

13 A. No.

14 Q. Okay. Did you see any smoke at that point in time
15 that you noticed anywhere in the woods or anything that
16 caught your attention when you were driving over there?

17 A. No, sir.

18 Q. All right. But he is over there and do you remember
19 what he was wearing? Do you remember what your brother
20 Jason was wearing?

21 A. Shorts. I don't remember the shirt and I didn't pay
22 attention to the shoes.

23 Q. Okay. So you're not sure what color shirt or anything
24 like that?

25 A. No, sir.

1 Q. Okay. And just so I'm sure on the time, so you think
2 it's definitely not 7:00, but it, you know, could be
3 sometime -- could have been after 6:00 though; is that
4 correct?

5 A. Yeah. I know I got to work around 7:10. I did call
6 out, but I was told I'd lose my job if I didn't come back
7 to work, so I know it had to be seven when I returned to
8 work. I left Orangeburg and went directly to work.

9 Q. So you returned from Orangeburg from the -- let's back
10 up then. All right. So you go -- you pick him up and does
11 he just tell you he wants a ride?

12 A. Yeah, between -- around 5:30, six, I dropped him off.
13 I got word my brother's trailer was on fire, I rushed to
14 Orangeburg. I was stopped by a state trooper because I was
15 driving pretty fast.

16 Q. Okay. So between 5:30 and 6:00 or shortly thereafter
17 and Jason said that he wanted a ride to Howard Johnson's,
18 to a motel?

19 A. Yeah.

20 Q. Okay. Did he say why?

21 A. No.

22 Q. Okay. Do you think that was unusual that at 6:00 at
23 night that your brother -- I mean, he lives right around --
24 I mean, your parents' house is right around the corner,
25 right?

1 A. I didn't think it was unusual. I thought he had a
2 girlfriend he was, you know what I'm say, spending the
3 night with or something like that.

4 Q. Okay. All right. And where was he living back then?

5 A. He was living on [REDACTED].

6 Q. Okay. So he was living with you, the same house you
7 were living in?

8 A. Yeah.

9 Q. Okay. So you drop him off and I think you said that
10 you actually had to sign him in and then you went back to
11 work at that point in time?

12 A. No, about, let me see, ten, fifteen minutes after that
13 I got a call saying my brother Leroy's trailer was on fire.

14 Q. Do you remember who called you?

15 A. I'm not exactly sure. I don't remember.

16 Q. Okay. Was it Leroy?

17 A. No, it wasn't him.

18 Q. Was it Jason?

19 A. No, it wasn't him either. It was more like a family
20 friend.

21 Q. Okay. And what time do you think that call was?

22 A. Probably around 6:10.

23 Q. 6:10 in the evening you got a call about a trailer
24 fire?

25 A. Yes, sir.

1 Q. All right. And you said that you ended up driving all
2 the way to Orangeburg?

3 A. Yeah.

4 Q. Okay. And when you got to Orangeburg, what was going
5 on when you got to your brother's trailer?

6 A. There was firefighters out there.

7 Q. Did you see your brother Leroy Glover out there?

8 A. He was out there.

9 Q. Okay. And let me ask you, had you heard from him at
10 all that evening prior to you seeing him out there at the
11 trailer?

12 A. No, no phone calls or anything. No.

13 Q. So the first you saw him about the trailer was seeing
14 him actually out there at the trailer that night when you
15 got there?

16 A. Yeah.

17 Q. Okay. Did you try to call -- when you got the word --
18 let me ask you this. When you got word that your brother's
19 trailer was on fire, did you try calling him?

20 A. I tried to, but I didn't get an answer.

21 Q. Okay. Let me ask you, what -- do you remember what
22 your phone number was back then?

23 A. I'm not sure. I'm gonna say [REDACTED].

24 **MR. SORENSON:** I beg the Court's indulgence one
25 second, Your Honor.

1 **THE COURT:** Yes, sir.

2 BY MR. SORENSON:

3 Q. It wasn't 378-5836?

4 A. No.

5 Q. How about 383-4093?

6 A. No.

7 Q. 387-1721?

8 A. No, not that.

9 Q. 383-4093?

10 A. No.

11 Q. But you said then that you got back to work about 7:00
12 or something to that effect?

13 A. Yes, sir.

14 Q. All right. And -- and your brother -- your brother
15 Jason, other than just saying he needed a ride to Howard
16 Johnson's, never -- never said anything to you about what
17 he was doing out there or anything like that?

18 A. No, sir.

19 Q. Okay. And your -- your brother Leroy, did you talk to
20 him when you got to the trailer?

21 A. I asked him what was wrong, you know, he said his
22 house caught fire. I made sure he was okay and I went back
23 to work.

24 Q. Okay. Did he tell you anything about where he had
25 been that evening or anything of that nature?

1 A. No, sir.

2 **MR. SORENSON:** All right. Thank you, Mr. Thrower.

3 **THE COURT:** Redirect?

4 **MR. CULLER:** Nothing, Your Honor. We'd ask if
5 Mr. Thrower could be excused.

6 **THE COURT:** Any objection?

7 **MR. CURRY:** No objection, Your Honor.

8 **MR. SORENSON:** No objection.

9 **THE COURT:** You're excused, sir. You may go.

10 (Witness excused.)

11 **THE COURT:** You may call your next witness.

12 **MR. WALTERS:** May it please the Court? Your Honor,
13 at this time we call Mr. Ikwon Frazier.

14 **THE CLERK:** Please place your left hand on the Bible
15 and raise your right hand.

16 IKWON FRAZIER,

17 having been duly sworn, testified as follows:

18 **THE CLERK:** Thank you. You may have a seat. Please
19 state your name again for the record.

20 **THE WITNESS:** Ikwon Frazier.

21 **THE CLERK:** I need you to speak up.

22 **THE WITNESS:** Ikwon Frazier.

23 **THE CLERK:** Thank you.

24 DIRECT EXAMINATION

25 BY MR. WALTERS:

1 Q. Mr. Frazier, would you state where you live. What's
2 your address?

3 A. [REDACTED] Drive.

4 Q. All right. And I believe you're the son of
5 Ms. Deborah Jenkins; is that correct?

6 A. Yes, sir.

7 Q. All right. I believe your mother was subpoenaed to
8 testify in this trial; is that right?

9 A. Yes, sir.

10 Q. All right. And as far as the house that's the
11 controversy here, how far do you live away from this house
12 that burned?

13 A. I live right across the street.

14 Q. Speak up, please.

15 A. I live right across the street. Probably like a
16 hundred feet.

17 Q. You're aware there was testimony given in this case by
18 a man named David Williams. Do you know a man named David
19 Williams, sometimes referred to as Buddy Row?

20 A. Yes, I know him from being out in the neighborhood.

21 Q. Excuse me?

22 A. I know him from being out in the neighborhood.

23 Q. All right. And since you know him in the
24 neighborhood, what type of person is he?

25 A. Like he's a crack head.

1 Q. He's a crack head?

2 A. He smoke dope.

3 Q. How do you know that?

4 A. Because he done been to the house -- like the dope
5 house.

6 Q. What dope house?

7 A. On Middle Pen Street.

8 Q. All right. You've seen him there?

9 A. Yes, sir.

10 Q. All right. It's alleged that and he's testified in a
11 statement that you were with him when there was a shot that
12 was fired or a pow or a firecracker or something that went
13 off around 4:00 in that neighborhood across from your
14 house. Were you with him that day?

15 A. No, sir.

16 Q. Are you sure you weren't with him?

17 A. Yes, sir.

18 Q. Is he the kind of individual that you would associate
19 with?

20 A. No, I only had one conversation with him.

21 Q. Okay. And you know this individual?

22 A. Yes, sir.

23 Q. What does he do in the neighbor?

24 A. He goes around cleaning up people's yards.

25 Q. Okay. Has he ever cleaned your yard?

1 A. No.

2 Q. Okay. But you've seen him before?

3 A. Yes.

4 Q. All right. But it's your testimony that you were not
5 with him --

6 A. No, sir.

7 Q. -- on this particular day when he alleges that this
8 occurred?

9 A. No, sir. I was home asleep and I woke up around like
10 5:45, around sometime like that, and that's when I went out
11 the door when I seen the house on fire.

12 Q. All right. But you didn't hear something like a
13 firecracker standing there with him and you believed that
14 somebody had popped or there was a shot of a gun and a
15 truck --

16 A. No.

17 Q. -- drove out of the Country Colony Mobile Home Park?

18 A. No.

19 Q. So as far as Mr. Williams' testimony about you being
20 present, that's incorrect?

21 A. Yes, sir.

22 **MR. WALTERS:** Your Honor, I have no further questions.

23 **THE COURT:** Mr. Curry?

24 CROSS-EXAMINATION

25 BY MR. CURRY:

1 Q. Mr. Frazier, I'm Eduardo Curry and I'm representing
2 Leroy Glover. So in your opinion Mr. David -- move to
3 strike. Have you found David Williams to accurately depict
4 the facts on September 23rd?

5 **MR. SORENSON:** I mean, he wasn't here for David
6 Williams' testimony. I mean --

7 **THE COURT:** Sustained.

8 BY MR. CURRY:

9 Q. Did you hear a gunshot that day, September 23, 2013?

10 A. No, sir. I was home asleep. I didn't even know what
11 was going on until I went out the door and seen everybody
12 like around the house, in front of the house, the house
13 that was on the fire.

14 Q. Were you with David Williams at any time on that day?

15 A. No, sir. I never been around him.

16 Q. So if someone said you were with him, would that be
17 true?

18 A. No.

19 **MR. CURRY:** Thank you.

20 **MR. SORENSON:** Just real briefly.

21 CROSS-EXAMINATION

22 BY MR. SORENSON:

23 Q. Mr. Frazier, just a couple of questions for you. You
24 said you woke up around 5:45?

25 A. Yeah, between 5:45 and six.

1 Q. Okay. And what did you do when you woke up?

2 A. I went out the door to my car.

3 Q. So between 5:45 and 6:00 PM you were outside?

4 A. Yes, sir.

5 Q. Okay. What were you doing outside?

6 A. I was sitting in my car. I went to my car and sat
7 down in my car.

8 Q. What were you doing? Just sitting in your car?

9 A. I was just watching everything that was going on.
10 Everybody was out the door.

11 Q. Got you. So when you went out between 5:45 and
12 6:00 PM, the neighbor's house was on fire?

13 A. Yes.

14 Q. Okay. The fire trucks were there?

15 A. Yes. I went out the door before the fire trucks got
16 there.

17 Q. Okay. So you went out the door between 5:45 and
18 6:00 PM basically when the fire -- you could see the house
19 was on fire --

20 A. Trailer.

21 Q. -- trailer was on fire? And the fire trucks, they
22 show up pretty quick?

23 A. Yes.

24 Q. And you're positive it was about that time? That that
25 would have been between 5:45 and 6:00 PM that night?

1 A. Yes.

2 Q. Okay. Positive about that, right?

3 A. Yes.

4 Q. And did you see David Williams out there that night?

5 A. No.

6 Q. Okay. Were there a lot of people out there?

7 A. Uh-huh.

8 Q. Okay. And your mom -- your mom wasn't home, right?

9 She had left?

10 A. No, she left.

11 Q. Okay. And by the time you got outside -- as you said,
12 you go outside and you're seeing, you know, the fire trucks
13 show up almost right after you get outside from what you're
14 saying?

15 A. Yeah.

16 **MR. SORENSON:** That's all I have.

17 **THE COURT:** Anything further?

18 **MR. CULLER:** I beg your pardon. No, Your Honor.

19 **MR. CURRY:** No, Your Honor.

20 **MR. CULLER:** May he be excused, Your Honor?

21 **THE COURT:** Yes, sir. You may be excused. You may
22 step down.

23 (Witness excused.)

24 **THE COURT:** Would Counsel please approach?

25 (Proceedings held at the bench; not reported.)

1 **THE COURT:** Ladies and gentlemen of the jury, it's
2 been a long day for everyone, so I think it's a good time
3 for us to stop. It's almost 5:00, so I'm going to excuse
4 you for the evening. Again, please remember my instruction
5 to not to discuss this case with anyone or allow anyone to
6 discuss this case with you. That includes amongst
7 yourselves. Also please don't look at any news accounts
8 about the case or talk to anyone or do any independent
9 research about the case. If you would, again, be back in
10 your jury room at 9:20 so we can make sure we have everyone
11 together and ready to go. We'll start testimony right at
12 9:30. Have a nice evening.

13 (Whereupon, the jury was excused for the evening at
14 4:42 PM.)

15 **THE COURT:** We'll be at ease until 9:20.

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

17 **MR. CURRY:** Thank you, Your Honor.

18 **MR. SORENSON:** Thank you, Your Honor.

19 (Whereupon, the proceedings were concluded for
20 September 17, 2015, at 4:42 PM.)

21 **BAILIFF:** All rise. Please.

22 **THE COURT:** Thank you, everyone. You may have a seat.
23 Gentlemen, this morning some issues arose regarding
24 some letters that were examined by the handwriting expert
25 and it's my understanding that an agreement has come to be

1 regarding the admissibility of certain evidence in regards
2 to that. Would you please place that on the record,
3 Mr. Culler.

4 **MR. CULLER:** Yes, Your Honor. May it please the
5 Court? The documents in question we have agreed since
6 there were concerns by Mr. Curry to not use those.
7 Instead, Mr. Dawson, who is the expert, is going to refer
8 to the two confessions; one written by Mr. Leroy Glover,
9 one written by Jason Glover. He's going to use that for
10 comparative purposes and that will be compared, Your Honor,
11 with the document that I believe we have a stipulation on
12 with the solicitor with regard to the fact that it was
13 received by his office through the U.S. mail. I don't know
14 what else you want to say about that.

15 **MR. SORENSON:** I would agree to that stipulation. I'm
16 not sure Mr. Curry is stipulating to that.

17 **MR. CURRY:** Your Honor, in the interest of justice,
18 we would agree to that stipulation that the solicitor got
19 that by U.S. mail and turned it over to us.

20 **THE COURT:** Thank you, Mr. Curry. In regards to the
21 stipulation Mr. Culler just placed on the record regarding
22 the expert analyzing the previous confessions already into
23 evidence, there are no objections from you as I understand
24 that?

25 **MR. CURRY:** No objections. That is correct, Your

1 Honor.

2 **THE COURT:** All right, sir. Thank you. Anything else
3 that needs to be placed on the record before we bring our
4 jury out?

5 **MR. CULLER:** I don't think so, Your Honor.

6 **THE COURT:** All right. Let's have our jury, please.

7 **BAILIFF:** Yes, Your Honor.

8 (Whereupon, the jury enters the courtroom at
9 11:07 AM.)

10 **THE COURT:** Good morning, ladies and gentlemen of
11 the jury. I want to apologize to you for the delay this
12 morning. It's certainty through no fault of anybody.
13 Sometimes things just come up that we must handle. And I
14 certainly thank you for your patience. We are now ready
15 to proceed with the trial of the case.

16 Mr. Culler, you may call your next witness -- or
17 Mr. Walters.

18 **MR. WALTERS:** May it please the Court? Your Honor, at
19 this time we call Mr. Neil Patel.

20 **THE CLERK:** Please place your left hand on the Bible
21 and raise your right hand.

22 NEIL PATEL,
23 having been duly sworn, testified as follows:

24 **THE CLERK:** You may have a seat. And please state
25 your name again for the record.

1 **THE WITNESS:** Neil Patel.

2 **THE COURT:** Your witness.

3 **MR. WALTERS:** May it please the Court?

4 **THE COURT:** Yes, sir.

5 DIRECT EXAMINATION

6 BY MR. WALTERS:

7 Q. Mr. Patel, where do you live, sir?

8 A. Santee, South Carolina.

9 Q. All right. And what is your relationship with the
10 Howard Johnson in Santee?

11 A. I'm a part owner.

12 Q. You're part owner of that hotel?

13 A. Correct.

14 Q. And in your capacity as being the part owner, you keep
15 up with the bookkeeping and things of that nature with
16 regards to the hotel?

17 A. Correct.

18 Q. All right. And I believe we sent you a subpoena with
19 regard to your records on 9-23-2013; is that correct?

20 A. That's correct.

21 Q. And you were open for business that day; is that
22 right?

23 A. Yes.

24 Q. And I believe that we subpoenaed from you a receipt
25 with regards to a patron that purchased the use of a room

1 on that day; is that correct?

2 A. Correct.

3 Q. All right. And was that individual Patrick Thrower?

4 A. That's correct.

5 Q. All right. And how much money did you charge him that
6 day?

7 A. It was 55.49 including tax.

8 Q. Okay. And was that the standard rate just for someone
9 to have a room in the hotel at Howard Johnson on that
10 particular day?

11 A. Yes, sir.

12 Q. All right. And you don't know Mr. Thrower, do you?

13 A. No.

14 Q. You didn't know that he was Jason Glover's brother?

15 A. No.

16 Q. All right. But you rented a hotel room that day to
17 Patrick Thrower?

18 A. Correct.

19 **MR. WALTERS:** Your Honor, I have no further questions.

20 **THE COURT:** Mr. Curry?

21 **MR. CURRY:** No.

22 **MR. WALTERS:** I want to put this in evidence. Your
23 Honor, if I could follow-up just with a simple question.

24 **THE COURT:** Certainly.

25 **BY MR. WALTERS:**

1 Q. This is the receipt that you issued on that particular
2 day?

3 A. Yes.

4 Q. All right. And that's the normal receipt in the
5 course of business that you normally produce for each
6 patron that comes in?

7 A. Correct.

8 Q. And that is an accurate depiction of what was given to
9 Patrick Thrower when he rented that room?

10 A. Correct.

11 **MR. WALTERS:** All right. Your Honor, at this time
12 we'd move into evidence the receipt from the Howard
13 Johnson's.

14 **THE COURT:** Without objection?

15 **MR. CURRY:** No objection.

16 **THE COURT:** Any objection, Solicitor?

17 **MR. SORENSON:** No objection.

18 (Defendant's Exhibit Number 4, a Howard Johnson
19 receipt, was marked and admitted into evidence.)

20 **THE COURT:** Ready, Madam Court Reporter?

21 **THE COURT REPORTER:** Yes.

22 **THE COURT:** You may proceed.

23 **MR. CURRY:** Thank you very much. May it please the
24 Court?

25 **THE COURT:** Yes, sir.

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CROSS-EXAMINATION

BY MR. CURRY:

Q. Mr. Patel, good morning. I'm Eduardo Curry. How are you?

A. Pretty good. Yourself?

Q. All right. You've never met me before; is that correct?

A. That's correct.

Q. All right. Have you ever met this guy before who's here -- right here?

A. No, not that I --

Q. Do you know his name?

A. I do not know his name.

Q. All right. And your receipt that is already previously marked is not to a guy named Leroy Glover; is that correct?

A. No.

Q. All right. Is it to someone named Jason Glover?

A. No.

Q. It just to a guy named Patrick Thrower, correct?

A. Correct.

Q. And you don't know anything about this case, do you?

A. No.

Q. You have no personal knowledge?

A. No.

1 Q. No firsthand knowledge?

2 A. No.

3 **MR. CURRY:** Thank you.

4 **THE COURT:** Any questions?

5 **MR. SORENSON:** Just one real briefly.

6 CROSS-EXAMINATION

7 BY MR. SORENSON:

8 Q. Mr. Patel, just looking at the receipt, I don't see
9 -- and to make sure I'm not missing it, it doesn't say
10 anywhere what time the person checked in, does it?

11 A. Our system keeps it for two weeks. After that we
12 don't have records of what time.

13 Q. Just sometime on Monday, September 23rd of 2013
14 Patrick Thrower -- and, I guess, he would have had to
15 present an ID to check in?

16 A. Correct.

17 Q. But you don't have any firsthand knowledge of who
18 actually stayed in the room that night or anything like
19 that?

20 A. (Shakes head.)

21 **MR. SORENSON:** Thank you, Mr. Patel.

22 **THE COURT:** You may step down, sir. Thank you.

23 (Witness excused.)

24 **THE COURT:** You may call your next witness.

25 **MR. CULLER:** Jason Glover, Your Honor.

1 **THE CLERK:** Please place your left hand on the Bible
2 and raise your right hand.

3 JASON GLOVER,
4 having been duly sworn, testified as follows:

5 **THE CLERK:** Thank you. You may have a seat. Please
6 state your name again for the record.

7 **THE WITNESS:** Jason Glover.

8 **THE COURT:** Your witness.

9 **MR. CULLER:** Jason, you're gonna have to talk a lot
10 louder.

11 **THE WITNESS:** Jason Glover.

12 **THE CLERK:** Thank you.

13 DIRECT EXAMINATION

14 BY MR. CULLER:

15 Q. Jason, how old are you?

16 A. Twenty-five.

17 Q. All right. And where do you live?

18 A. In Santee with my mother.

19 Q. And anybody else live with you?

20 A. My brother Patrick and my sister, Tosha Glover.

21 Q. And what kind of work were you doing at the time this
22 event occurred?

23 A. I was helping several -- well, several different
24 people around the Santee area doing like landscaping work
25 with Steven Douglas and some other people.

1 Q. Okay. All right. And on the date that we've been
2 talking about, the 23rd of September, 2013, did you go to
3 your brother's house that day?

4 A. Yes, sir.

5 Q. And you've got to talk louder.

6 A. Yes, sir.

7 Q. And why did you go over there? How did you over there
8 that day?

9 A. Well, my brother came to pick me up earlier that day
10 and he was driving Keisha's car and we went over there.

11 Q. Keisha?

12 A. Keisha Mack, his girlfriend. Or his ex-girlfriend.

13 Q. And so what did y'all do that day? Did you go back to
14 Orangeburg or what?

15 A. Yes, sir.

16 Q. Okay.

17 A. Well, he came to pick me up earlier that morning from
18 my mother's house.

19 Q. Okay.

20 A. And he was showing me his certificate for welding and
21 he was -- so, we was gonna ride around Orangeburg, go back
22 to Orangeburg, and we just ride around -- stayed in Claflin
23 looking for some girls and stuff like that.

24 Q. Okay. And how long did y'all do that?

25 A. We went I'd say for about forty-five minutes to an

1 hour or so.

2 Q. Okay. And at some point did you go back to his
3 trailer?

4 A. Yes, sir.

5 Q. And let me ask you a question. What were you wearing
6 that day?

7 A. I had some blue shorts and like a button up shirt,
8 like an academic shirt, blue, red and white, and some red
9 Chuck Taylors.

10 Q. I beg your pardon?

11 A. And some red Converse.

12 Q. Okay. And what did Smoke have on that day?

13 A. Blue jeans and a white shirt and some white Air Force
14 Ones.

15 Q. Okay. All right. So you get back to his house and
16 what happens?

17 A. Well --

18 Q. You're still in Keisha's car; is that right?

19 A. Yes, sir.

20 Q. Okay. So what happens?

21 A. Well, we pull up the yard. It was Wes -- well, Wesley
22 was there.

23 Q. His roommate?

24 A. Yes, sir.

25 Q. Okay.

1 A. And we was -- Wesley was getting -- preparing to
2 leave for work, but so before Wes left, me, Wes and Smoke,
3 we was standing out in the yard and me and Wes were smoking
4 a cigarette, so Wes was like he's about to leave and go
5 to work and as he was leaving Keisha was coming in the
6 driveway. So when Keisha came in there, her and my brother
7 they went inside the house and as -- I was sitting on the
8 steps and that's where I stayed for a while. They was in
9 the house for about forty-five minutes at the most.

10 Q. Okay. And then what happened?

11 A. So that's when Keisha came out and she left.

12 Q. In which car?

13 A. In her car.

14 Q. Okay. Leaving what still there? Was Wesley still
15 there?

16 A. No, Wes went to work. She was -- Wes went to work as
17 she was pulling in the driveway.

18 Q. Okay. So whose -- whose car is still there?

19 A. My brother Smoke's.

20 Q. Okay. So y'all were still there. What happens next?

21 A. So that's when all -- after Keisha left, me and my
22 brother we went inside the house and we started playing
23 MBA 2K13.

24 Q. What is MBA 2K13?

25 A. A basketball game for Xbox 360. And I had Oklahoma

1 and he had Miami.

2 Q. Okay.

3 A. So we was playing the game and that's when -- that's
4 when he had called Mr. Michael Carter.

5 Q. Did you know Mr. Carter?

6 A. No, sir. I'd never seen him. Never know anything
7 about him.

8 Q. And what did Smoke say to Mr. Carter? What was the
9 call about?

10 A. Well, his call was about he was supposed to come over
11 there to look at the TV and about the rent.

12 Q. Okay. So what happens after that call? Was it a
13 brief call? Was it a long call?

14 A. It wasn't a long call. So after that me and my
15 brother, we started playing the game, and that's when my
16 brother got another phone call from a female and she was
17 asking him --

18 Q. How did you know it was a female?

19 A. Because I could tell how the conversation was going it
20 was a female.

21 Q. Okay. As a result of that conversation, what did he
22 do?

23 A. He had left.

24 Q. Did he say where he was going?

25 A. Well, he was going -- the female wanted to use his car

1 to go to the laundromat.

2 Q. I beg your pardon?

3 A. She had wanted to use his car to go the laundromat.

4 Q. Okay. So what happens after that?

5 A. That's when -- well, he left and I had the door open.

6 So I was sitting in there and playing on my phone, so

7 that's when -- he wasn't gone no more than like five

8 minutes at the most, so that's when I see that the car had

9 pulled back in the driveway that had let him out at the top

10 of the road, like the top of his driveway, and he came back

11 in and then we started playing the game.

12 Q. So at that point there's no car at the house?

13 A. No, sir.

14 Q. Okay. So you go -- you go back and you're playing the

15 game?

16 A. Yes, sir.

17 Q. And?

18 A. So that's when we start playing the game I'd say for

19 like -- for like an hour and that's when he had called

20 Mr. Carter again and asked him was he -- asked him was he

21 still coming to --

22 Q. Okay. Take your time. Take your time and collect

23 yourself for a minute, all right? Pull it together. If

24 you need this, you've got it right there, all right? Are

25 you okay?

1 All right. So he calls -- there was a second call to
2 his landlord; is that right?

3 A. Yes, sir.

4 Q. Did he call him Mr. Carter or how did you know it was
5 Mr. Carter? Or did you just learn that lately?

6 A. He asked him was -- was he still coming to the house.

7 Q. Okay.

8 A. So we -- so that's when we -- Mr. Carter -- that's
9 when we finished playing the game. After he got off the
10 phone, I could see that -- so we're playing the game and I
11 could see like a reflection like of a car like about to
12 come in the driveway, so I look out the door -- so I look
13 out the blind and I see -- I saw Mr. Carter. Well, I ain't
14 know him at the time. I just told Smoke there's a white
15 man out there in the yard, so he told me that was the
16 landlord.

17 Q. Okay.

18 A. So that's when he told me to let him in and he went
19 down to his room.

20 Q. Let me ask you a question. Did Mr. Carter just walk
21 in? Did he knock on the door?

22 A. Well, I opened the door for him.

23 Q. Okay.

24 A. And when I opened the door for him, I saw that he
25 still had his -- he had left his car running and his door

1 still was open.

2 Q. Okay.

3 A. So when I let him in he asked me for my brother Leroy
4 and I tell him he was down there in the room. So I sit
5 back on the couch and I start playing with the phone and
6 Mr. Carter went down to his room, so that's when -- I say
7 no more than like about three to -- three to five minutes
8 I could hear like their voices rising and stuff like that
9 and that's when I heard a gunshot, so I jump up. So when
10 I jump up, I went down there and I see Mr. Carter, he was
11 laying on the floor, he was bleeding from his head, so
12 that's when --

13 Q. What else did you see?

14 A. My brother -- my brother had a gun in his hand, so
15 that's when my brother -- I asked my brother, I was like,
16 man, what the --

17 Q. We're not gonna use profanity, okay?

18 A. I was like man, what you -- what you done did, man.
19 He was like man, I messed up, man. I messed up, man. The
20 man keep on me about the rent money, man, so I flipped out.
21 So he asked like me to help him and I started --

22 Q. Help him do what?

23 A. Like wrap Mr. Carter's body up and help him get rid of
24 the body.

25 Q. Why did you help him, Jason?

1 A. That's my brother. I love him. So -- and he just --
2 if you could have seen the expression that was on his face.
3 Like a desperate -- like a desperate look he had gave me.

4 Q. So what did you do?

5 A. I helped him wrap Mr. Carter's body up and I went to
6 the back -- I went to the front I meant and he told me to
7 go to the truck and pull the truck to the back, so I pulled
8 the truck to the back and that's when -- that's when we
9 helped -- I helped him move Mr. Carter's body. I grabbed
10 him by his shoulders, my brother grabbed his feet and we
11 put him in the back seat.

12 Q. How did you put him in the car? Where was his head
13 and where were his feet?

14 A. His feet were pointed toward the passenger side.

15 Q. Okay.

16 A. And that's when my brother -- my brother got in the
17 driver's side and I tried to get in the passenger side,
18 but I couldn't get in the passenger side because there
19 was a crate with like some paperwork in it and there were
20 papers on the floor, so I had to sit in the back where
21 Mr. Carter's feet was at, so.

22 Q. How did you sit in the car?

23 A. I sit -- like when we was driving off, I crouched down
24 and leaned over.

25 Q. Why did you do that?

1 A. To try to hide. And that's when my brother was
2 leaving out the yard, he had grabbed a container of gas.

3 Q. Where did that gas come from?

4 A. I know he used to use my baby momma's -- my baby
5 momma's mother's lawnmower sometimes to cut his gas. I'm
6 assuming that's where the gas came from.

7 Q. Where did he put the gas?

8 A. On the passenger side.

9 Q. The seat or on the floor?

10 A. On the floor. So that's when, you know, he drive out
11 of the driveway.

12 Q. Where did you drive, do you know?

13 A. We had to make a right when we come out his driveway
14 and got down to the end of the road and made another right
15 and made a left on 301 like going towards Santee and we
16 went toward Santee. There's a garbage dump like on your
17 left. We turned down the road and when we went down the
18 road, the road would run you to Old Elloree Road and
19 there's like a field section to the right and we -- he
20 pulled over there, he told me to get out the car and he
21 tried to catch the car on fire right there.

22 Q. How? How did he try to do that?

23 A. He put a rag in the gas tank, but as he was about to
24 do it a car ride past and he told me he can't do it here
25 and that's when he pulled out and got on -- went on Old

1 Elloree Road and that's when my brother he pulled over on
2 the side of the road before -- like before you get to the
3 end of that road there's a dirt road -- that runs into a
4 dirt road and he stops -- he stopped the car and he asks
5 me -- he's like man, I need you to do this, man, I need
6 you to go catch the truck on fire and I'm gonna go back to
7 the house and catch the house on fire. And he looked like
8 he was gonna call the girl that had his car, so -- so my
9 brother got out of the car and when I pulled off he still
10 was there, but he was walking -- walking down the road, so
11 that's when -- that was my last time seeing him. So I got
12 in and I drove the car and went down Four Holes Road and
13 went through like the back way through Elloree and went on
14 Antioch Road -- well, not Antioch -- that's not Antioch
15 Road, run to the other road, and then I pulled -- went
16 over there and it was like the field section of Antioch
17 Road. They call it Wachter Drive now, but I ain't know
18 that and drove the car in towards the fence, but the fence
19 -- I had stopped -- like stopped the car and that's when I
20 -- I got out and I said I know I was wrong, I know I was
21 wrong.

22 Q. What did you do, Jason?

23 A. I poured gasoline in the car and I light a piece of
24 paper and I throwed it in the car and almost -- I almost
25 caught myself on fire, too.

1 Q. How so?

2 A. The gas, like it exploded, so that's when I took off
3 -- took off running and I went down through -- through
4 the other path because I used to take that way sometimes
5 walking from -- from my aunt's house. She stay on Ragin
6 Street.

7 Q. How far is that from your house where you live with
8 your mother?

9 A. If you could have keep going straight up the road it
10 will run into a dirt road and it's not that far.

11 Q. Okay. So you're running along and you're going down
12 through the path and what?

13 A. Yeah, I went on -- I went by my homeboy Kendrick's
14 house, there's a railroad track there, and I walked down
15 the railroad all the way to Boo Circle and that's when I
16 called my brother Patrick. I asked Patrick where he was at
17 and stuff like that and made him get me some clothes.

18 Q. And what were you wearing at that time?

19 A. Well, I had on my blue shorts and my Converse and a
20 button like shirt, academic shirt, a red, white and blue
21 shirt.

22 Q. Okay. And then what happened?

23 A. That's when -- as I went -- I got off the railroad
24 track, like there's a little cut before you come over there
25 across the road, and I see in the back -- like in the back

1 of people's yard they had some clothes on the line. Like I
2 had blood on my shirt, so I grabbed a green shirt from off
3 the line and I took my shirt off and I throwed it away like
4 in a little wood section right there and I -- and by then
5 my brother was -- I started walking like towards -- like
6 towards the barbershop up the street from my homeboy
7 Jeremy's house and my brother picked me up.

8 Q. This is Patrick Thrower?

9 A. Yes, sir.

10 Q. Okay.

11 A. And my brother picked me up and I tell him I need to
12 get a room -- I need him to get a room for me and he went
13 and got the room for me and he left.

14 Q. When you're in the hotel, did you get any phone calls?

15 A. Yes, sir. I tried to call my brother.

16 Q. Which brother?

17 A. My brother Smoke.

18 Q. Okay. Did you reach him?

19 A. No, sir, not at first.

20 Q. All right. At some point did you reach him?

21 A. Yes, sir.

22 Q. What did he say?

23 A. He asked me where I was at. I tell him I was at the
24 room and he told me like why you ain't go home where you
25 could have played it off and stuff like that.

1 Q. So the next morning what do you do, the day after
2 this?

3 A. I get up and I call my brother Patrick again and he
4 took me over to my homeboy Jeremy's house.

5 Q. Jeremy -- what's Jeremy's --

6 A. Jeremy Bradley, the one that was in here yesterday.

7 Q. Okay.

8 A. So I get over there, me and my brother -- well, I --
9 that's how I met Jeremy, so Jeremy was telling me like what
10 your brother got going on and stuff like that.

11 Q. Which brother?

12 A. My brother Smoke got going on and I asked him like
13 what you talking about and he's like man, your brother just
14 now came here asking me for an alibi, I tell him I ain't
15 getting involved in nothing, so -- so later on I just
16 stayed at Jeremy's house chilling throughout that day.

17 Q. All right. Subsequently you got arrested?

18 A. Yes, sir.

19 Q. And --

20 A. I ain't got arrested at first because Investigator
21 Collins and them, they came to my house, and they
22 questioned -- they asked questions about me, but I had
23 already talked to Smoke the day before that and he was
24 telling me like -- man, just tell them this story right
25 here, I'm gonna try to go on 176 and talk to 40 and get an

1 alibi and stuff like that, so when Investigator Collins
2 came to speak with me, that's when I told the story my
3 brother told me and they let me go.

4 Q. Once you were in jail and arrested, did you have any
5 communications with your brother Smoke?

6 A. Yes, sir.

7 Q. What -- what kind of communications? What would he
8 say? What was going on?

9 A. He used to write me letters telling me like -- because
10 at first when we got locked up in September like I ain't --
11 like I ain't never know as far as nothing like involved in
12 the case. I didn't know we were scheduled and supposed to
13 have a preliminary hearing, so my brother -- I never went
14 to my preliminary hearing. My brother went to a
15 preliminary hearing and so he came back and wrote me a
16 letter, so he was like man --

17 Q. What did he say?

18 A. He was like man, I need you to do -- I went to the
19 preliminary hearing and they don't got nothing on me like
20 that, they can't charge me with nothing because they don't
21 got no gun and stuff like that and he was like I need you
22 to contact Investigator Collins and I need you to try do
23 this for me. When I get out at 7:00, I'm gonna get you a
24 lawyer. So I talked to my -- I thought my brother was
25 being truthful with me and stuff like that and so I love my

1 brother --

2 Q. Did you subsequently call Detective Shumpert?

3 A. Yes, sir.

4 Q. And you sat down with him and you gave the
5 statement --

6 A. Yes, sir.

7 Q. -- that we saw on video and you, in fact, wrote the
8 statement?

9 A. Yes, sir.

10 Q. When did I begin to represent you?

11 A. Like around January.

12 Q. Before that time, had you seen the discovery, the
13 evidence, in this case?

14 A. No, sir.

15 Q. And at some point after reviewing it, did you change
16 your mind about your brother?

17 A. Yes, sir. I realized that my brother and his
18 girlfriend they were trying to set me up and putting the
19 blame on me the whole time. He -- he was playing me, man.

20 Q. Jason, tell this jury, had you ever seen Mr. Carter
21 before that day?

22 A. I ain't never seen the man a day in my life. I ain't
23 never heard nothing about this man or nothing.

24 Q. Was there a plan that Smoke told you about you were
25 gonna rob Mr. Carter and take his money?

1 A. No, sir. I was just there waiting to go back to
2 Santee.

3 Q. Why did you do this?

4 A. I was trying to protect my brother.

5 Q. Do you understand the pain you caused?

6 A. Yes, sir.

7 Q. I want to get you to do one more thing that I forgot.

8 **MR. CULLER:** May it please the Court?

9 **THE COURT:** Yes, sir.

10 BY MR. CULLER:

11 Q. I'm gonna have you, if you would, Jason, please draw,
12 not in great detail, this trailer. Can you do that for the
13 jury?

14 A. Yes, sir.

15 Q. Sir?

16 A. Yes, sir.

17 Q. All right. Why don't you get up and I'll give you
18 this red marker and why don't you see what you can do in
19 terms of drawing where the rooms were because nobody knows.
20 Can you do that?

21 A. (Witness complies.)

22 (Whereupon, the witness steps down from the stand.)

23 A. There's three rooms.

24 Q. Okay. The jury needs to be able to see what you're
25 doing. Do you want to use this to point? Okay. You can

1 use your finger.

2 A. This is -- you walk in the house. Here's the front
3 door.

4 Q. All right.

5 A. This is the living room and the kitchen's to the side
6 and the couch I was sitting on and then it's the like the
7 TV and stuff that was over there and it's a hallway on that
8 side.

9 Q. Where does the hallway lead to?

10 A. There's a room when you first get in the hallway and
11 there's another room in the middle and there's the bathroom
12 and my brother's room like facing that way.

13 Q. Where?

14 A. Like facing like towards --

15 Q. At the end of the hall?

16 A. Yes, sir.

17 Q. Okay. Where did you see Mr. Carter's body?

18 A. His body was in the hallway.

19 Q. Was it near the living room or near your brother's
20 room?

21 A. Near my brother's room.

22 Q. Have a seat, Jason.

23 A. (Witness complies.)

24 **MR. CULLER:** Just a moment please, Your Honor.

25 **THE COURT:** Yes, sir.

1 **THE WITNESS:** And I know it ain't got nothing to do, I
2 just want to tell my brother I love him, but this affected
3 my life and I don't want to give up my life for him.

4 BY MR. CULLER:

5 Q. A few more questions, Jason, and then I'm gonna sit
6 down. Here. Do you need some of these? Here you go. Are
7 you all right?

8 A. (Nods head.)

9 Q. All right. So the statement that you gave to
10 Detective Shumpert, was any of that true?

11 A. No, sir.

12 **MR. CULLER:** I don't have anything further. Answer
13 any questions that Mr. Curry or Solicitor Sorenson has.

14 **THE COURT:** Mr. Curry?

15 **MR. CURRY:** Yes, sir. Court's indulgence.

16 CROSS-EXAMINATION

17 BY MR. CURRY:

18 Q. Mr. Glover, good morning.

19 A. How are you doing?

20 Q. Have you and I ever met before?

21 A. No, sir.

22 Q. But you know I'm Eduardo Curry, correct?

23 A. Yes, sir.

24 Q. And you know I represent your brother Leroy Glover; is
25 that correct?

1 A. Yes, sir.

2 Q. Okay. Now approximately two years have gone by since
3 this incident occurred, September 23, 2013, correct?

4 A. Yes, sir.

5 Q. All right. And it's September 18, 2015; is that fair
6 to say?

7 A. Yes, sir.

8 Q. Two years have gone by?

9 A. Yes, sir.

10 Q. All right. Now I want to sort of get some clarity for
11 the jury. Have you ever given anyone the statement that
12 you gave today? Did you give it to law enforcement?

13 A. No, sir.

14 Q. Have you given it to anybody else?

15 A. No, sir.

16 Q. So today is the first day that you publicly made that
17 statement?

18 A. Yes, sir.

19 Q. All right. And you gave two prior statements; would
20 that be fair to say?

21 A. No, I gave one.

22 Q. Okay. All right. Let's count again. On December 2,
23 2013, you gave a video testimony.

24 A. Yes, sir.

25 Q. Yes?

- 1 A. Oh, yeah.
- 2 Q. And then after that you took forty-five minutes and
3 wrote it down?
- 4 A. Yes, sir.
- 5 Q. All right. Did you ever tell anybody that version --
- 6 A. No, sir.
- 7 Q. -- that you told today on that day?
- 8 A. No, sir.
- 9 Q. Okay. Now you were even Mirandized, weren't you?
10 Lieutenant Shumpert did that?
- 11 A. That particular day?
- 12 Q. Yes, sir.
- 13 A. Yeah.
- 14 Q. He did, right? He told you you had a right to remain
15 silent?
- 16 A. Yes, sir.
- 17 Q. Anything you say or do could be used against you in
18 court, you have a right to an attorney?
- 19 A. Yes, sir.
- 20 Q. Do you want to talk to me? Do you want to have your
21 lawyer present? Lieutenant Shumpert asked you that, didn't
22 he?
- 23 A. Yes, sir.
- 24 Q. All right. But you said you wanted to give a
25 statement, didn't you?

1 A. Yes, sir.

2 Q. All right. Now let's sort of get some understanding
3 of the sequence. Did Lieutenant Shumpert come to you and
4 say Jason Glover, give me a statement?

5 A. No, sir.

6 Q. What did you answer?

7 A. No, sir.

8 Q. You called them, didn't you?

9 A. Yes, sir.

10 Q. Said I want to give a statement?

11 A. Yes, sir.

12 Q. When you gave that statement, you didn't tell nobody
13 that you weren't telling the truth, did you?

14 A. No, sir.

15 Q. All right. When you was on the video, you didn't say
16 there's a different version to the facts, did you?

17 A. No, sir.

18 Q. Okay. Because I want to ask you something about that
19 statement. Is that okay?

20 A. Yes, sir. You ask any question you want to.

21 Q. All right. You gave a statement on December 2, 2013,
22 and you said that it was Monday, September 23rd, in the
23 afternoon. Is that true or false?

24 A. Yes, sir.

25 Q. All right. And then you said you was at your brother

1 Leroy's?

2 A. Yes, sir.

3 Q. Is that true or false?

4 A. That's true.

5 Q. Okay. You said my brother and his girlfriend had
6 left?

7 A. Yes, sir.

8 Q. Is that true?

9 A. Yes, sir.

10 Q. Okay. And that you were at the house waiting alone
11 for your girl. Is that true?

12 A. Yes, sir.

13 Q. Okay. And your girl's name Stacy to come pick you up.
14 Was that true?

15 A. Yes, sir.

16 Q. Okay. You said you were taking a while so you decided
17 to make a grilled cheese. Was that true?

18 A. Yes, sir.

19 Q. And you were smoking a blunt. Was that true?

20 A. Yes, sir.

21 Q. You said five minutes later you realized a Jeep was
22 outside the trailer. Was that true?

23 A. Yes, sir.

24 Q. And that the person that came in was a white man. Was
25 that true?

1 A. Yes, sir.

2 Q. You even said you thought he mistaked you for your
3 brother. Was that true?

4 A. Yes, sir.

5 Q. And you said that he came straight walking in the
6 house. Is that true?

7 A. Yes, sir.

8 Q. You said you were in the kitchen, that you and Mike
9 Carter had some words. Was that true?

10 A. Yes, sir. Everything I said in the statement I wrote.

11 Q. All right. And was it true when you wrote it?

12 A. No, sir.

13 Q. It wasn't true?

14 A. No, sir.

15 Q. Well, who would know that it wasn't true?

16 A. I guess me and my brother was the only one there, so.

17 Q. Okay. Your brother wasn't there when you wrote this
18 statement, was he?

19 A. Oh, no, sir.

20 Q. All right. So he wouldn't know what you wrote, would
21 he?

22 A. No, sir.

23 Q. You wrote that statement with Lieutenant Shumpert,
24 didn't you?

25 A. Yes, sir.

1 Q. All right. Did you tell Lieutenant Shumpert when you
2 were writing the statement that it wasn't true?

3 A. No, sir.

4 Q. Now let's get this straight. You weren't high when
5 you wrote the statement?

6 A. Oh, no, sir.

7 Q. Okay. You were not suffering from any mental defect
8 that would cause you not to understand what you're writing,
9 correct?

10 A. No, sir.

11 Q. You've got pretty good handwriting about what you're
12 writing, correct?

13 A. Yes, sir.

14 Q. Did Lieutenant Shumpert force you to give the
15 statement?

16 A. No, sir.

17 Q. You gave it freely, didn't you?

18 A. Yes, sir.

19 Q. You volunteered it, didn't you?

20 A. Yes, sir.

21 Q. You didn't do it with coercion, did you?

22 A. No, sir.

23 Q. You were in sound mind, correct?

24 A. Yes, sir.

25 Q. Okay. And you admitted in your statement that you

1 shot Mike Carter, didn't you?

2 A. Yes, sir.

3 Q. Okay. And then you gave a little detail because you
4 said you put Mr. Carter in the backseat. You said that
5 "on the back sit". It was a misspell, but you meant
6 "seat", didn't you?

7 A. I don't know what you -- I understand what you say.

8 Q. Did you mean seat right there?

9 A. Yes, sir.

10 Q. Okay. Couldn't you have just written what you
11 testified to today?

12 A. See, because -- well, I'm gonna try to make -- I'm
13 gonna try to get it where you can understand it. That's
14 my brother. So me and my brother were in a messed up
15 situation. Like I said, me and my brother ain't never had
16 no father growing up like that, so to me I always looked up
17 to my brother. So my brother -- my brother -- at the time
18 my brother wrote and told me that he told me to say this
19 right here, say the man was leaving a note on the door and
20 that's what I did because, like I said, I ain't never had
21 my motions until I was in jail like sixteen months, so I
22 didn't understand the facts of the case. So my brother
23 told me that, that he got this right here, this was going
24 on, this right here, oh, I'm gonna get out. I didn't have
25 no money, so me thinking at that time I was thinking that's

1 my brother, it's not -- it don't make no sense for my
2 mother to lose two kids at one time, so I wrote it, but the
3 statement wasn't true at the time. He told me or the
4 solicitor -- I went to my preliminary hearing the solicitor
5 said oh, when I go there we're gonna get your charges
6 dropped and all this right here, so that's what I believed.
7 I didn't know that -- I wouldn't know because of me and my
8 brother's relationship I wasn't expecting him to try to
9 lead me in the wrong direction or try to manipulate me to
10 do something for him, but I was wrong and then it come out
11 that he was the whole time.

12 Q. Okay. Now in that December 2nd statement, which was
13 about two months after Mr. Carter lost his life, Lieutenant
14 Shumpert asked you some individual questions after you had
15 given your written statement, correct?

16 A. Yes, sir.

17 Q. And that was also after you had done your video
18 statement, correct?

19 A. Yes, sir.

20 Q. All right. He asked you these kinds of questions.
21 Describe the man you shot.

22 A. Yes, sir.

23 Q. And your answer was a white, older man, right?

24 A. Yes, sir.

25 Q. Why did you say I didn't shoot nobody?

1 A. Because just -- like I just now was saying I was
2 trying to protect my brother and my brother told me to say
3 this, so that's what I said.

4 Q. The question he asked you, did you know he was coming
5 to the house, your answer was what? No?

6 A. Yeah.

7 Q. Okay. He asked you to describe the gun and what did
8 you give up?

9 A. A revolver.

10 Q. Right. He asked did you tell anybody what happened.
11 What did you say?

12 A. No.

13 Q. Okay. Do you realize that you could have taken the
14 information and said hey, this happened and I'm not
15 involved?

16 A. Oh, yes, sir.

17 Q. You could have told that to the police, right?

18 A. Yes, sir.

19 Q. You could have told that to your momma?

20 A. Yes, sir.

21 Q. You could have told that to your brother, Thrower,
22 who came?

23 A. Yes, sir.

24 Q. You could have told that to a varied amount of people,
25 even the solicitor, correct?

1 A. Yes, sir.

2 Q. You didn't do it, did you?

3 A. No, sir.

4 Q. Okay. He asked you how many times did you shoot.
5 What was your reply?

6 A. One shot.

7 Q. Right. How many times have you learned sitting in
8 this courtroom that Mike -- that Mike Carter was shot?

9 A. One time.

10 Q. All right. The one time that you say he was shot,
11 that's the one time he was shot, right?

12 A. Yes, sir.

13 Q. All right. So he asked you why are you telling me
14 this day and what was your reply?

15 A. To protect my brother and then to try to get my
16 brother out of jail; that he had nothing to do about it.

17 Q. All right. Now at that point it seems to me you'd
18 have a conflict, right?

19 A. Yes, sir.

20 Q. You testified today that your brother had something to
21 do with it, correct?

22 A. Yes, sir.

23 Q. All right. But you tell to Lieutenant Shumpert who
24 made it known to you that this is a murder investigation,
25 you made it known to him my brother had what?

1 A. Nothing to do with it.

2 Q. Okay. Now today is jury day, right? We're here in
3 front of a jury?

4 A. Yes, sir.

5 Q. And you're facing a charge?

6 A. Yes, sir.

7 Q. And you don't like facing that charge, do you?

8 A. Sir, what -- what I can make it known to you and
9 everybody else that when I wrote this statement I wrote
10 that statement -- like I said, the statement ain't true and
11 even you and the solicitor and Shumpert, even you could
12 tell, and by -- I'm pretty sure the jury could tell by
13 looking at the video that it's made up because the facts
14 don't even add up in the case as far as stating -- as far
15 as why when they say that Mr. Carter was shot with his own
16 gun did that come out to be true, sir?

17 Q. Okay. So is it your testimony today that Keisha Mack
18 was lying when she said she left you at the house?

19 A. Oh, yes, sir.

20 Q. Okay. Your testimony is that David Williams was lying
21 when he said he saw you --

22 A. Yes, sir.

23 Q. -- driving the truck of Mike Carter, correct?

24 A. Yes, sir. If he would have said he seen me in the
25 back of the truck, he would have been telling the truth

1 because I never drove no truck that day.

2 Q. Okay.

3 A. If he would have saw that -- if he would have say he
4 saw me drive the truck from the front yard to the back
5 yard, that would have been accurate, but I never drove no
6 truck as far as out of the yard.

7 Q. All right. Now you were sitting here when I asked the
8 forensic pathologist if you take a shot to the head that it
9 would lose a lot of blood. You were sitting here, weren't
10 you?

11 A. Oh, yes, sir.

12 Q. All right. And you are aware --

13 A. Yes, sir.

14 Q. -- that no blood of Mike Carter's was found in that
15 house?

16 A. Yes, sir.

17 Q. All right. But you said he was bleeding?

18 A. Yeah. See, it also states that in the -- in the -- as
19 far as in the hearing earlier, it said blood was found at
20 the scene and even Shumpert stated that when he did a swab
21 test it showed -- came back and showed that he had our
22 blood. My brother's blood wasn't found at the scene. My
23 blood wasn't found at the scene and neither Michael
24 Carter's blood was found at the scene.

25 Q. Okay. Now you gave that statement December 2nd and

1 you said that you and Mike Carter had this altercation
2 while in the kitchen, correct?

3 A. Yes, sir.

4 Q. But today --

5 **MR. CURRY:** Your Honor, may I approach the witness?

6 **THE COURT:** Yes, sir.

7 BY MR. CURRY:

8 Q. And this is your drawing right here, right?

9 A. Yes, sir.

10 Q. All right. You say that it didn't happen in the
11 kitchen.

12 A. No, sir.

13 Q. That it happened somewhere else in this trailer.

14 A. Yes, sir.

15 Q. All right. Where?

16 A. As far as me, I couldn't see what actually was going
17 on. The only thing I know that it was, it was down the
18 hallway and that when I jumped up, when I heard the
19 gunshot, Mr. Carter was laying in the hallway, sir.

20 Q. All right. You didn't see your brother pull the
21 trigger, did you?

22 A. Oh, no, sir.

23 Q. Okay.

24 A. But we was the only ones there, so you've got the
25 right to assume that.

1 Q. Okay. Let's talk about what you talked about today.
2 Now you confirmed this, that your brother Leroy was driving
3 Keisha's car, right?

4 A. Yes, sir.

5 Q. A black Altima, correct?

6 A. Yes, sir.

7 Q. And that when Keisha came to the house, she came to
8 the house in the Crown Vic, correct?

9 A. Yes, sir.

10 Q. But you're saying that now you didn't have a white
11 T-shirt, you got a blue -- a blue academic?

12 A. I never had a white T-shirt on that day.

13 Q. Okay.

14 A. I had a blue academic button-up, but most of the shirt
15 was red, it had blue strips in it and white stripes.

16 Q. Okay. Did anybody else see you that day that could
17 confirm that?

18 A. Well, I'm pretty sure that if y'all could go to the
19 car wash or Platinum 301 someone may have saw me because I
20 had a seat out there while the car was being washed.

21 Q. Right. So the other guys were at Platinum 301?

22 A. Yes, sir. And me and my brother.

23 Q. All right. And did you tell Mr. Culler --

24 **MR. CULLER:** I object to that, Your Honor. I think
25 it's burden shifting.

1 **MR. CURRY:** Okay. That's fine, Judge. I'll move on.

2 BY MR. CURRY:

3 Q. Did you tell anybody, the police, to go out to there
4 to Platinum 301 --

5 **MR. CULLER:** I object, Your Honor. It's burden
6 shifting.

7 **MR. CURRY:** I'll move on. I'll move on, Your Honor.

8 **THE COURT:** Okay. Sustained.

9 BY MR. CURRY:

10 Q. You said Keisha left the house?

11 A. Yes, sir.

12 Q. Okay. What was she driving when she left the house?

13 A. She was driving her car.

14 Q. Okay. And where was the Crown Vic?

15 A. It was parked in the yard.

16 Q. And what time was that?

17 A. The only thing I know it was -- when Keisha pulled up
18 to the yard Wes was leaving, so I ain't have -- I wouldn't
19 -- I ain't had no reason to be paying attention to the time
20 because I didn't have nowhere in particular to be.

21 Q. You had a phone, right?

22 A. Yes, sir.

23 Q. You had the time on the phone?

24 A. Yes, sir. I wasn't paying attention to my phone.

25 Q. And you heard testimony Wes said he left between three

1 and 3:30, right?

2 A. Yes, sir. So whatever time Wes left that had to be
3 the time that -- Keisha was pulling in the yard as Wes was
4 leaving.

5 Q. All right. You testified that a car let Leroy out at
6 the top of the road. What car was it?

7 A. It was his car.

8 Q. Okay. The Crown Vic?

9 A. Yes, sir.

10 Q. Who was driving it?

11 A. Only thing I know it was a female.

12 Q. Okay. All right. And at that point there was no car
13 in the yard?

14 A. No, sir.

15 Q. What time was that?

16 A. I'll say it again, like I said before, I had no
17 particular place to be, so I wasn't paying attention to
18 any time.

19 Q. All right. You said you played PlayStation or Game
20 Boy. Which one were you playing?

21 A. Xbox 360.

22 Q. Xbox. You played that for about an hour and then you
23 said a call --

24 A. No, I said we was playing the game. After Keisha
25 left, he received a call from a female stating that --

1 well, I guess the call was about he had to go let the
2 female use his car to go to the laundromat, so that's when
3 he left and I was at the house.

4 Q. All right. By yourself?

5 A. Yes, sir.

6 Q. Okay. And that your brother called Mike Carter to ask
7 if he was still coming to the house?

8 A. Well, at first --

9 Q. The first call.

10 A. The first call was he asked him was he coming -- he
11 asked was he coming over to the house and it was about a
12 TV --

13 Q. Okay.

14 A. -- and rent.

15 Q. TV and rent?

16 A. Yes, sir.

17 Q. And what time was that?

18 A. Then again, like I said, I wasn't paying attention to
19 the time.

20 Q. Okay. Well, what time was it that you said you heard
21 the gunshot then? You don't know that?

22 A. I never said the time.

23 Q. I'm asking you.

24 A. Like I said, I wasn't paying attention to the time,
25 sir.

1 Q. Did you -- you say now Leroy is driving the car based
2 on what you're saying, correct?

3 A. Yes, sir.

4 Q. And Leroy's got a -- what does he have on?

5 A. He had a white T-shirt on.

6 Q. All right. And y'all are in the truck together?

7 A. Yes, sir.

8 Q. All right. And so y'all drive down and y'all end up
9 somewhere at Antioch and Wactor or somewhere down there?

10 A. No, sir.

11 Q. Where did y'all end up?

12 A. We drove down the road. We bust a right when we got
13 out of the driveway and went down there on 301 and there's
14 a garbage dump towards -- going towards Santee on the
15 left-hand side. We went down there. My brother tell me to
16 catch the truck on fire, but a car was coming so that's
17 when he -- we continued -- got back in the Jeep -- the Land
18 Cruiser, then drove down to Old Elloree Road and that's
19 when we pulled on the side of the road and then that's when
20 I started driving the truck and my brother got out of the
21 truck and say he was gonna go back to the house and catch
22 it on fire.

23 Q. Well, how far was the house from where you let him
24 out?

25 A. There's different routes. Well, a closer route would

1 have been to go around -- go back towards AYP Road, Old
2 Elloree, bust a left, then turn right on another road and
3 then you would end up on Old Elloree Road, but the way we
4 went we went a whole different way.

5 Q. Okay. So how far do you think? Two miles?
6 Three miles? Four miles?

7 A. I ain't sure. I'd say about three, four. I ain't
8 sure.

9 Q. Three to four miles and you let him out and you don't
10 know how he got back to the trailer?

11 A. No, I wasn't there. I pulled off, but I can say that
12 he say he was gonna call the girl to come pick him back up.

13 Q. What girl?

14 A. I assume the girl that had his car.

15 Q. You don't know who that is?

16 A. No, sir.

17 Q. And you don't know what time it was?

18 A. No, sir.

19 Q. Was it daylight or dark?

20 A. It was daylight.

21 Q. You called your brother Patrick Thrower. He's your
22 older brother, right?

23 A. Yes, sir.

24 Q. Your testimony today is that you called Patrick to
25 come pick you up and to bring you some clothes?

1 A. Yes, sir.

2 Q. All right. Where was Patrick when you called him?

3 A. He was at work.

4 Q. Okay. All right. And work is McDonald's, right?

5 A. At the time, yes, sir.

6 Q. All right. Would it surprise you to know that Patrick
7 never testified that you asked him to bring you some
8 clothes?

9 **MR. CULLER:** Objection, Your Honor. Pitting the
10 witnesses.

11 **THE COURT:** Sustained.

12 **THE WITNESS:** I asked my brother to bring me some
13 clothes because when he came he brought me a red
14 long-sleeve shirt, my black and red Adidas and black and
15 red plants.

16 Q. So Patrick brought you some clothes?

17 A. Yes, sir.

18 Q. Now your friend Jeremy --

19 A. Yes, sir.

20 Q. -- what's his last name?

21 A. Bradley.

22 Q. That's like your buddy, isn't he?

23 A. Yes, sir.

24 Q. He says y'all drink together and y'all eat together,
25 right?

1 A. Yes, sir. We went to kindergarten together.

2 Q. And went to kindergarten together. That's your boy,
3 correct?

4 A. Yes, sir.

5 Q. All right.

6 A. Well, he knows my brother, too.

7 Q. Yeah. And can you tell me when you say you spoke to
8 him because didn't you say you spoke to nobody?

9 **MR. CULLER:** Objection, Your Honor. Pitting the
10 witnesses.

11 **MR. CURRY:** Judge, he was sitting right here. Your
12 Honor, I'm asking -- I'll rephrase it, Judge.

13 **THE COURT:** Thank you.

14 BY MR. CURRY:

15 Q. You sat here while you heard Mr. Jeremy talk about
16 what he did, correct?

17 A. The next day?

18 Q. Yes.

19 **MR. CULLER:** Objection, Your Honor. I'd object. I
20 think it's pitting --

21 **THE COURT:** Sustained. Mr. Curry.

22 **MR. CURRY:** I'll move on. I'll move on.

23 **THE WITNESS:** I can answer the question.

24 **THE COURT:** No, sir. If I sustain the objection,
25 that means you don't answer the question.

1 BY MR. CURRY:

2 Q. Okay. When did you speak to Jeremy about this
3 incident?

4 A. About the next day.

5 Q. What day would that have been?

6 A. Well, the incident happened on the 23rd. That would
7 be the 24th.

8 Q. So today you're saying nothing that you gave on
9 December 2nd was truthful when you spoke to Lieutenant
10 Shumpert; is that correct?

11 A. I'm not saying that. I'm saying that I didn't
12 actually kill Mr. Carter. I was in a whole separate room
13 when Mr. Carter was shot. I am testifying today that I
14 did -- I'm responsible for burning Mr. Carter's body up,
15 but I did not know anything about this man coming to the
16 house, I did not know this man at all, I did not have no
17 gun in my possession, I didn't kill this man. That's what
18 I'm testifying to, Mr. Curry.

19 Q. And so your December 2, 2013, statement is not
20 accurate, correct?

21 A. It's accurate as far as me saying I burned Mr. Carter
22 up.

23 Q. Okay.

24 A. That's what I did, sir.

25 Q. But you're not charged with burning Mr. Carter up

1 today, are you?

2 A. No, sir.

3 Q. You're charged with murder?

4 A. No, sir.

5 Q. And you've not told anybody about this statement
6 before you tell this to the jury today?

7 A. No, sir.

8 **MR. CURRY:** Thank you.

9 **THE COURT:** Mr. Sorenson?

10 **MR. SORENSON:** Thank you. May it please the Court,
11 Your Honor?

12 **THE COURT:** Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. SORENSON:

15 Q. Mr. Glover, I just have a few questions for you here.
16 Back in September of 2013, the cell phone that you were
17 using that night is [REDACTED]; is that correct?

18 A. Yes, sir.

19 Q. Okay. And let me just kind of -- I want to make sure
20 I've got kind of some of the timeline right now kind of
21 going through your direct testimony and then also talking
22 -- when Mr. Curry was -- was crossing you there. So it's
23 your testimony that that Monday afternoon y'all -- y'all
24 had gotten back -- you and your brother Leroy had gotten
25 back to [REDACTED] Drive --

1 A. Yes, sir.

2 Q. -- that afternoon; is that correct?

3 A. Yes, sir.

4 Q. Wesley was there?

5 A. Yes, sir.

6 Q. Okay. Keisha shows up driving his car, his Crown Vic;
7 is that correct?

8 A. Yes, sir.

9 Q. About the same time that Wesley is getting ready to go
10 to work; is that right?

11 A. Yes, sir.

12 Q. Do you have any reason to doubt that that would have
13 been somewhere between three and 3:30?

14 A. Like I said, I wasn't paying attention to the time,
15 but Wes testified that he had to go to work around that
16 time, so.

17 Q. So no reason to doubt that?

18 A. No, sir.

19 Q. Okay. And your testimony is that Keisha stayed there
20 at the -- at Leroy's residence for about forty-five
21 minutes; is that correct?

22 A. Yes, sir.

23 Q. Okay. And you've heard -- and about how long does it
24 take to drive from -- from your brother's trailer back to
25 the Santee, Holy Hill area?

1 A. Which one? Santee or Holy Hill?

2 Q. Holy Hill. Do you know where Keisha was living back
3 then?

4 A. No, I'd only had met her like a few times.

5 Q. Okay. But you recall the testimony from her text
6 message. She texted your brother that she had gotten home
7 at 4:26 in the afternoon. You heard that yesterday, right?

8 A. Yes, sir.

9 Q. Okay. And would that be about -- about right probably
10 given when she would have left?

11 A. I assume so, sir.

12 Q. Okay. And when she left, you were -- you were there,
13 your brother was there; is that correct?

14 A. Yes, sir.

15 Q. Okay. Now let me ask you, did your brother leave
16 right after she left?

17 A. My brother never left.

18 Q. Okay. All right. And it's your testimony at that
19 point in time -- so after Keisha leaves that your brother
20 places the first call that afternoon to Mr. Carter; is that
21 correct?

22 A. Yes, sir.

23 Q. All right. And you've seen the phone records and
24 they show a phone call from your brother's phone to Michael
25 Carter's phone at 3:45 in the afternoon?

1 A. Yes, sir.

2 Q. And that would, yet again, kind of jive with the whole
3 timeframe; is that correct?

4 A. Yes, sir.

5 Q. All right. And it's your testimony that after -- that
6 that first telephone call then to Mr. Carter is about him
7 coming over and something about a TV and to get some rent;
8 is that correct?

9 A. Yes, sir.

10 Q. And you were there and you heard his end of the
11 conversation?

12 A. I was playing a game, sir.

13 Q. Okay. And it's your testimony then -- let me make
14 sure I get this right. Then at some point in time after
15 that call he gets a call -- your brother gets a call from
16 some girl, you don't know who it is, wanting to go borrow
17 his car to go do laundry?

18 A. Yes, sir.

19 Q. Is that your testimony?

20 A. (Nods head.)

21 Q. Okay. And that's -- and he's on you're his cell
22 phone, right?

23 A. Yes, sir.

24 Q. I mean, he's calling Mr. Carter, calling --

25 A. He has two cell phones, sir.

1 Q. Okay. Well, which phone was he using for that call?

2 A. I have no idea, sir.

3 Q. And you don't know who that girl is?

4 A. No, sir.

5 Q. You have no idea?

6 A. No, sir.

7 Q. Okay. And you said that he ends up leaving. Did he
8 leave in his car?

9 A. Yes, sir.

10 Q. Okay. And how long was he gone?

11 A. I'd say no more than like five minutes.

12 Q. Okay. And it's my understanding that then you look
13 outside and see a female dropping him back off at the end
14 of the driveway?

15 A. No, sir. The door was open, so I saw that.

16 Q. Okay. That's what I'm saying. So you looked out and
17 you saw that?

18 A. Yes, sir.

19 Q. Okay. And you saw a female dropping him off and she
20 was then driving -- whoever that was driving his car?

21 A. Yes, sir.

22 Q. Okay. And he came back in, started playing the game
23 and at that point in time your brother calls Mr. Carter for
24 the second time; is that correct?

25 A. Yes, sir. After we played the game for a while.

1 Q. Okay. And, yet again, you've heard about those phone
2 calls -- the second phone call to Mr. Carter at 4:45 in the
3 afternoon; is that correct?

4 A. I ain't know the time, but --

5 Q. Would that be -- any reason to doubt that time though?

6 A. No, sir.

7 Q. Okay. And about how long was it after that second
8 call that the landlord, Mr. Carter, showed up at your
9 brother's trailer?

10 A. It wasn't long.

11 Q. Okay. Well, define wasn't long. Five minutes,
12 ten minutes, thirty minutes?

13 A. I'd say like fifteen, thirty minutes.

14 Q. And it's your testimony that -- that you see -- do you
15 see actually the vehicle pull up in the yard?

16 A. No, sir, I don't see it.

17 Q. Okay. You look out at some point in time and see an
18 older white male out in the yard though?

19 A. I saw the reflection.

20 Q. Okay. And your brother said that that's the landlord?
21 That's my landlord?

22 A. Yes, sir.

23 Q. Okay. And your testimony was at that point in time he
24 went down the hall to his bedroom; is that correct?

25 A. Yes, sir.

1 Q. Okay. And you actually went and opened the door?

2 A. Yes, sir.

3 Q. Why did he go down to -- why did he go down the
4 hallway?

5 A. I assumed he was going to get the TV.

6 Q. I mean, was there a TV down in his bedroom?

7 A. I ain't know, but that's why -- I just know that's the
8 reason why he told me the landlord was coming over there
9 and the rent.

10 Q. All right. But your brother doesn't come back out
11 into the living room?

12 A. No, sir. By then Mr. Carter is at the door, so he
13 asked where Leroy at and I tell him that down the hallway
14 and so --

15 Q. Okay. All right. And it's your testimony that you
16 heard -- you heard voices rising after a few minutes and
17 then a single gunshot?

18 A. Yes, sir.

19 Q. You go down the hall and you see Mr. Carter lying on
20 the floor in the hallway bleeding from his head; is that
21 correct?

22 A. Yes, sir.

23 Q. All right. And your brother holding a gun?

24 A. Yes, sir.

25 Q. Okay. What kind of gun was that that your brother was

1 holding?

2 A. I only know it's a revolver.

3 Q. Had you seen that gun before?

4 A. No, sir.

5 **MR. SORENSON:** I beg the Court's indulgence one
6 moment. And may I approach the witness, Your Honor?

7 **THE COURT:** You may.

8 BY MR. SORENSON:

9 Q. All right. Mr. Glover, let me show you State's
10 Exhibit Number 2. You've seen that photograph before,
11 right?

12 A. Yes, sir.

13 Q. All right. And that -- that door right there where my
14 finger is, that would be your front door on the diagram; is
15 that correct?

16 A. Yes, sir.

17 Q. Okay. So that leads -- if I were to walk straight up
18 into that door, I'm walking into the living room; is that
19 correct?

20 A. Yes, sir.

21 Q. All right. And -- all right. And this area then over
22 to the right of the photograph, what room is that where my
23 finger is now?

24 A. That's the kitchen, sir.

25 Q. Okay. So that would be the kitchen area over to the

1 right. And the hallway leading to your brother's bedroom
2 is down -- that is heading down this direction where my
3 fingers are now; is that correct?

4 A. Yes, sir.

5 Q. That end of the hallway?

6 A. (Nods head.)

7 Q. And it's your testimony that that is where -- that end
8 of the hallway is where Mr. Carter's body was lying and he
9 was bleeding from his head; is that correct?

10 A. Yes, sir.

11 Q. And your brother was holding a revolver that you say
12 you'd never seen before?

13 A. No, sir.

14 Q. What ever happened to that revolver?

15 A. The only thing I know is when he went to the room to
16 get a blanket when he came out it wasn't in his hand.

17 Q. You never saw it again?

18 A. No, sir.

19 Q. All right. And you didn't throw that out the window
20 on the way to Santee?

21 A. No, sir, I never had the gun in my hand.

22 Q. All right. And you had said earlier that -- that
23 after that that he asked you to help him wrap the body up?

24 A. Yes, sir.

25 Q. How did you do that?

1 A. We put him in a blanket -- or a sheet.

2 Q. Okay. So you were aiding him at that point in time in
3 wrapping Mr. Carter's body up. Was Mr. Carter dead at that
4 point in time?

5 A. He ain't moving. I ain't know if he's breathing or
6 not.

7 Q. All right. Did you check him for a pulse?

8 A. No, sir.

9 Q. You just assumed he was dead at that point in time?

10 A. Yes, sir. I know that -- I know he was shot in the
11 head, so.

12 Q. So you wrap him up with your brother in a blanket and
13 then the two of you lug him -- well, actually I take that
14 back. First you go out and get -- because his vehicle I
15 think you testified was still sitting with the door open
16 and running out in the front yard; is that correct?

17 A. Yes, sir.

18 Q. Okay. So obviously he wasn't planning on staying
19 there for any length of time; is that correct?

20 **MR. CURRY:** Objection, Your Honor. Calls for
21 speculation.

22 **THE COURT:** Rephrase.

23 **MR. SORENSON:** I can argue that later.

24 **BY MR. SORENSON:**

25 Q. But that would be how the vehicle was; is that

1 correct? It was sitting with the engine running with the
2 door open in the front yard; is that correct?

3 A. Yes, sir.

4 Q. All right. So you go out, get in and it's your
5 testimony you pull that vehicle around to the back of --
6 to the back of this trailer; is that correct?

7 A. Yes, sir.

8 Q. And then the two of y'all proceed to then load his
9 body wrapped up in a blanket now in the back of that
10 4Runner or Land Cruiser, I'm sorry; is that correct?

11 A. Yes, sir.

12 Q. All right. And I think you said that your brother
13 grabbed a container of gas at that point in time and then
14 the three of y'all, the two of you and Mr. Michael Carter's
15 dead body, then left that residence?

16 A. No, he didn't grab the gas then.

17 Q. All right.

18 A. We was in the car about to pull out before he stopped
19 for the gas.

20 Q. Before he what?

21 A. He was in the car and he was driving and I was in the
22 back by Mr. Carter's feet when he stopped and grabbed the
23 gas from the side of the trailer.

24 Q. Okay. So the gas was -- as y'all came around from the
25 back, it was on the side over here where my finger is?

1 A. Like sort of -- like sort of further around the back.
2 It still was in the back.

3 Q. I show you State's Exhibit 19. That's the back of the
4 trailer?

5 A. Yes, sir. Like over here.

6 Q. Where?

7 A. (Indicating.)

8 Q. And it's your testimony at that point in time that
9 y'all -- that y'all take off and go down some road kind of
10 heading towards Santee off of Old Elloree Road or something
11 like that and attempt to set the vehicle on fire; is that
12 correct?

13 A. Yes, sir. Well, he attempted to. I didn't attempt at
14 that time. I just got in the vehicle.

15 Q. Okay. And were y'all talking at all when you're
16 driving -- when he's driving?

17 A. Yeah, I'm basically cussing him out. Like what --
18 what the hell have you gotten me into, what you doing shit
19 like that for. I apologize. What have you got me into.

20 Q. All right. And it's your testimony that ultimately
21 after -- some vehicles were coming, so he at that point in
22 time tells you I need you to continue to aid and assist me
23 and go take care of and do something with this truck and
24 Mr. Carter's body; is that correct?

25 A. On Old Elloree Road.

1 Q. And let's make sure -- this is one thing I wasn't
2 quite understanding. So you end up just leaving him
3 basically on the side of the road?

4 A. Yes, sir. I pull out and he was on the phone.

5 Q. Okay. So he was on the phone calling presumably, I
6 guess, the girl that had his car is your testimony?

7 A. He said he was gonna call the girl to come pick him
8 back up.

9 Q. And so you take off and who makes the decision to
10 drive this vehicle all the way to Santee then?

11 A. I made the decision. Well, he asked me to and, like
12 I said, by then I was helping my brother. I know it was
13 wrong. At certain times in certain situations you -- you
14 don't think.

15 Q. You go down off of Antioch Road and I show you
16 State's 41. That's where you drove that vehicle kind of
17 into that wooded area through that gate; is that correct?

18 A. Yes, sir.

19 Q. And let me ask you this. What did you do with the
20 license plate?

21 A. I never took no license plate off.

22 Q. Did your brother take the license plate off?

23 A. I know I never took the license plate off.

24 Q. And it's your testimony that you poured gas. That's
25 the gas, I guess, that y'all had with you; is that correct?

1 A. Yeah, that my brother put in. Well, it was in the
2 container.

3 Q. All right. And poured it in -- where did you pour it
4 in the vehicle?

5 A. I poured it in the front and in the back.

6 Q. Okay. On top of Michael Carter's body?

7 A. Yes, sir.

8 Q. And you lit a piece of paper and you basically said it
9 was almost like it exploded; is that correct?

10 A. Yes, sir. Almost caught me on fire.

11 Q. And then you end up going running and you end up over
12 -- over off of Bonner Avenue at that point in time; is that
13 correct?

14 A. I can show -- I can show you which way I went.

15 Q. Would you agree with me this is the area that the
16 vehicle was? How far do you go? I mean, I guess I'm not
17 really too concerned exactly where you go, but you end
18 up --

19 A. The road -- like this is -- well, I didn't know
20 where --

21 Q. This is Antioch Road right here and heading towards --
22 and then your house -- your parents' house is up -- and
23 your house is up there?

24 A. Well, I went through this way because this is where my
25 aunt used to stay on Ragin Street and you go -- before you

1 run into Old Highway 6, so when I went this way through the
2 woods and end up on this road and there's some railroad
3 tracks through there and I went up there down the railroad
4 track and then I walked the railroad track down to Boo
5 Circle and then my homeboy -- I guess Jeremy was staying
6 there and I cut through the backyard and got the shirt and
7 stuff and that's when I was walking around. Boo Circle is
8 right here and that's when I was walking and my brother
9 picked me up.

10 Q. So it's your testimony that you decided to call at
11 that point in time your brother Patrick?

12 A. Yes, sir.

13 Q. And you had tried to call Leroy before that or after
14 that?

15 A. I think I tried to call him before that.

16 Q. All right. And ultimately I think you -- your
17 testimony is that you asked Patrick -- you told your
18 brother Patrick that you needed him -- you needed a ride
19 to a hotel or a motel and some clothes; is that correct?

20 A. When I first called him, I just asked him to bring me
21 some clothes.

22 Q. Okay. And you know he was at work, right? You know
23 that, right?

24 A. Yes, sir.

25 Q. Okay. All right. And it's your testimony you didn't

1 tell him that you were in any kind of trouble?

2 A. No, sir.

3 Q. Okay. You didn't tell him that you had done something
4 really stupid?

5 A. No, sir.

6 Q. Didn't tell him you had just been involved in
7 murdering somebody?

8 A. No, sir.

9 Q. Okay. But it's your testimony that your brother
10 who's at work then, based on your call at 6:30, 7:00 in the
11 evening, leaves work, goes to your house, I assume, to get
12 clothes?

13 A. Yes, sir.

14 Q. And then comes and picks you up to bring you clothes
15 and then take you to a motel to supposedly go see a girl?

16 A. Well, I didn't -- I didn't know what time it was at
17 first, so -- but I didn't know if Patrick was on break or
18 not. The only thing I know is I called my brother and I
19 asked him go past the house and get me some clothes and he
20 came and when he came I asked him can you get me a room
21 because I didn't have no ID, so he got me a room.

22 Q. All right. And you end up talking to -- throughout
23 that evening on multiple occasions to -- to your brother
24 Leroy on the phone; is that correct?

25 A. I didn't say I talked to him.

1 Q. He called you and you called him both, right?

2 A. Well, yes, sir.

3 Q. Okay. And, of course, all of the times that you would
4 have been calling him, you were actually in Santee when all
5 that happened, right?

6 A. Yes, sir.

7 Q. Okay. Because the times when you were in Orangeburg,
8 y'all were together; is that correct?

9 A. Yes, sir.

10 Q. And did you ever end up seeing him that night again?

11 A. No, sir.

12 Q. Okay. Did -- you did just indicate that you talked to
13 him. Did he tell you what he did when he supposedly went
14 back to the trailer?

15 A. No, sir.

16 Q. Okay.

17 A. But I assume that I know.

18 **MR. CURRY:** Objection, Your Honor.

19 **THE COURT:** Sustained.

20 BY MR. SORENSON:

21 Q. You can't assume, but --

22 A. Well, I know later on that -- he told me when we split
23 that he was gonna go back to the house and catch it on fire
24 and then I received phone calls that my brother's house was
25 on fire and stuff like that.

1 Q. Okay. All right. So you learned sometime later on
2 that evening about your brother's house in Orangeburg being
3 on fire?

4 A. Yes, sir.

5 Q. All right. Now the next day you said that your
6 brother -- the same brother Patrick picks you up from the
7 Howard Johnson's?

8 A. Yes, sir.

9 Q. And takes you over to Jeremy's, the guy that testified
10 yesterday; is that correct?

11 A. Yes, sir.

12 Q. All right. And did you ever tell Jeremy what had
13 happened the night before?

14 A. No, sir.

15 Q. Okay. He didn't ask you, I mean, why is your brother
16 trying to get me to give him an alibi?

17 A. No, sir.

18 Q. Okay. He just happened to just tell you that?

19 A. Yeah, he asked me -- he told me -- he was like man,
20 what -- he was like man, what your brother Smoke got going
21 on talking about going to the police station and getting an
22 alibi for him.

23 Q. And it's your testimony at some point in time your
24 brother ends up telling you -- because you're aware of
25 the fact that, you know, initially your name doesn't get

1 brought up in this; is that correct? You're aware of that
2 now, right?

3 A. Yes, sir.

4 Q. But that eventually Keisha tells -- and basically what
5 she tells law enforcement and tells the jury is the truth.
6 I mean, when she leaves your brother's house you're there,
7 right?

8 A. Yes, sir.

9 Q. But your brother told you that, you know, to go in and
10 talk to the police and tell them that you were hanging out
11 on Highway 176, I'm gonna go try to get 40 to give us an
12 alibi?

13 A. Yes, sir.

14 Q. And you get arrested later that week on Friday?

15 A. Yes, sir.

16 Q. And a couple of months later you contact the sheriff's
17 office and you tell them I want to come talk, right? I
18 mean, they don't come to you, right? You contact them?

19 A. Yes, sir.

20 Q. Is the statement back or has he still got it? Never
21 mind. Needless to say, you end up giving -- we've seen --
22 the jury saw yesterday the video statement that you gave to
23 Lieutenant Shumpert; is that correct?

24 A. Yes, sir.

25 Q. And they saw the written statement you gave; is that

1 correct?

2 A. Yes, sir.

3 Q. All right. And it's your testimony today that that is
4 not what happened; is that correct?

5 A. Well, it happened about -- as far as the part where
6 I catch the truck on fire, but as far as me shooting
7 Mr. Carter, like I said before, I ain't -- I ain't never
8 met this man a day in my life. I had no reason to harm
9 this man.

10 Q. And the gun that was involved, it's your testimony
11 that you never -- after seeing your brother holding it in
12 the hallway, you never saw it again; is that correct?

13 A. Yeah. No, sir.

14 **MR. SORENSON:** Bear with me one second. I beg the
15 Court's indulgence one moment, Your Honor.

16 **THE COURT:** Yes, sir.

17 **THE WITNESS:** I still love you, Smoke, though.

18 BY MR. SORENSON:

19 Q. Of course, that statement that you gave to the police
20 back in December of 2013, it's your testimony today that
21 your brother basically told you to do this, right? Is that
22 correct?

23 A. Yes, sir. He told me while I was trying to help him
24 out.

25 Q. Okay. And, of course, in that statement, I mean, you

1 try to, you know, basically say it was an accident that the
2 gun went off; is that correct?

3 A. Yes, sir.

4 Q. You say that, you know, the victim got rude with you,
5 was arguing with you; is that correct?

6 A. Yes, sir.

7 Q. And almost like you were defending yourself because
8 you actually tell them that you got shot; is that correct?

9 A. Yes, sir.

10 **MR. SORENSON:** That's all I have. Thank you.

11 **THE COURT:** Redirect?

12 **MR. CULLER:** One brief thing, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. CULLER:

15 Q. This is a document that I think we've all agreed and
16 stipulated to. I wanted to show it, it's been marked as
17 Defense 1, and ask if you've ever seen that before
18 Saturday?

19 A. No, sir.

20 Q. And did you write that?

21 A. No, sir.

22 Q. Whose handwriting is that?

23 A. It's my brother's handwriting.

24 Q. Which brother?

25 A. My brother Smoke.

1 **MR. CULLER:** I'd like to move this into evidence,
2 Your Honor.

3 **THE COURT:** It will be Defendant's Number 1. Any
4 objection, Mr. Curry?

5 **MR. CURRY:** No, Your Honor.

6 **MR. CULLER:** I think it may be in already. That's all
7 I have.

8 (Defendant's Exhibit Number 1, a 1/3/14 letter, was
9 admitted into evidence.)

10 **THE COURT:** You may step down.

11 (Witness excused.)

12 **THE COURT:** You may call your next witness.

13 **MR. WALTERS:** May it please the Court, Your Honor, at
14 this time we would call Mr. Marvin H. Dawson, Jr.

15 **THE CLERK:** Please place your left hand on the Bible
16 and raise your right hand.

17 MARVIN H. DAWSON, JR.,
18 having been duly sworn, testified as follows:

19 **THE CLERK:** Please have a seat and state your name
20 again for the record.

21 **THE WITNESS:** Marvin H. Dawson, Jr., known also as
22 Mickey Dawson.

23 **THE COURT:** Your witness.

24 **MR. WALTERS:** May it please the Court?

25 **THE COURT:** Yes, sir.

1 DIRECT EXAMINATION

2 BY MR. WALTERS:

3 Q. Mr. Dawson, what's your occupation, your profession?

4 A. Forensic document examiner.

5 Q. And what does that mean?

6 A. I examine documents, authenticity or non-authenticity
7 of handwriting, as well as other issues concerning
8 documents.

9 Q. All right. And what's your educational background?

10 A. I have an undergraduate and graduate degree from the
11 University of South Carolina. I'm a graduate of the FBI
12 National Academy.

13 Q. And where were you employed most of your career?

14 A. South Carolina Law Enforcement Division, known as
15 SLED.

16 Q. Okay. And do you have certifications that you
17 received after you started working for SLED after you
18 graduated from college?

19 A. I attended a two-year internship in documents with
20 the Georgia Bureau of Investigation, the GBI. I started
21 SLED's document laboratory. A few years after that I
22 applied for board certification with the American Board
23 of Forensic Document Examiners. I went through their
24 protocols and I am now Board-certified -- have been
25 Board-certified by the ABFDE.

1 Q. All right. And how many times have you qualified or
2 testified as an expert in the courts of South Carolina,
3 Federal and state court?

4 A. Over four hundred times.

5 Q. Okay. And in this particular case at the present
6 time, have you ever taught what you know about forensic
7 documents? Have you ever worked in an educational capacity
8 as a teacher?

9 A. I've lectured at the Criminal Justice Academy for
10 private organizations interested in training their
11 employees in security matters and documents. I have
12 trained another document examiner who is now the chief
13 examiner for the State Law Enforcement Division.

14 Q. All right. And where do you work currently at this
15 time?

16 A. I retired from the State in 1999 after twenty-seven
17 years with the State Law Enforcement and I started private
18 practice and I am still in private practice known as
19 Dawson Document Laboratory, LLC.

20 **MR. WALTERS:** Your Honor, at this time we'd present
21 Mr. Marvin H. Dawson, Jr., as an expert in the area of
22 forensic document examination. And we would ask that he
23 be deemed an expert in that particular area and certified.

24 **THE COURT:** Any voir dire, Mr. Curry?

25 **MR. CURRY:** No, Your Honor. Thank you.

1 **THE COURT:** Any voir dire?

2 **MR. SORENSON:** No, Your Honor.

3 **THE COURT:** He's so qualified.

4 BY MR. WALTERS:

5 Q. Doctor -- I want to call you doctor, but, Mr. Dawson,
6 first of all, I want the jury to understand what procedure
7 or technique do you put into place when you conduct an
8 examination of documents?

9 A. I'll try to talk through this allergy and I apologize
10 for the voice. When a case comes in, and we're speaking
11 strictly to handwriting now, or handprinting, and it's on
12 a question document, then there are specimen writings and
13 the document examiner looks for individual characteristics
14 of a particular writer. We all start off in early
15 education, first grade, second grade, we have a textbook,
16 copybook, provided by the district board, and we're taught
17 initially in our writing as stick writing. We -- after
18 second or third grade we start connecting that into cursive
19 writing and we continue on through. We normally say a
20 person's handwriting matures, if you would, around late
21 teens or early twenties. Handwriting's unique because we
22 get sloppy. Instead of making a nice round letter, maybe
23 oblong. Instead of having a nice tall upper extender, you
24 may get a slash. A number of things with individual
25 characteristics incorporated in writing. We then ask for

1 specimen writings and specimen writings are writings of a
2 particular individual. In this particular case, I had a
3 one-page question document. I had specimen writings from
4 two individuals. I conducted an examination by accepted
5 protocol and reached an opinion in this case as to who the
6 author most probably was.

7 Q. All right. Well, let's go into the specifics of the
8 documents that you reviewed. I want to refer to, I
9 believe, State's Exhibit Number 6, and this is a document
10 that was drafted by or signed -- the person who signed here
11 his named Jason Glover. Did you review that document?

12 A. Yes, sir. This document was provided to me yesterday.
13 This morning I examined the original of it. I had copies
14 yesterday. So I was provided copies of this document
15 yesterday and examined the original today.

16 Q. All right. And did you have an opportunity to review
17 this document that refers to Defendant's Exhibit Number 1
18 and it's a document signed by Leroy Glover?

19 A. Yes, sir. I examined Exhibit 1 -- State's Exhibit 4
20 in copy form yesterday and last night and examined the
21 original this morning, sir.

22 Q. All right. So you've seen documents that were signed
23 by each of these brothers; is that correct?

24 A. A number of documents, yes, sir.

25 Q. All right. I believe you reviewed the entire Rule 5

1 that we received from the solicitor's office or most of it?

2 A. Yes, sir.

3 Q. All right. In addition to that, there's a document
4 that all the parties have put into evidence that we have
5 before the Court and it's dated January 3rd of 2014 and
6 it's a document signed by Jason Glover, which is alleged to
7 be a confession.

8 A. Yes, sir. I've had a copy of this document in my
9 possession for a couple of days. This is Defendant's 1.
10 I have examined this document for authenticity.

11 Q. All right. And what's the date on that document, sir?

12 A. This document is January the 3rd, 2014.

13 Q. All right. And who is it signed by?

14 A. It has a signature of Jason Glover, sir.

15 Q. All right. And you've reviewed Jason's Glover's
16 writing with regard to State's Exhibit Number 5?

17 A. I have, sir.

18 Q. And you've also reviewed the documents signed by Leroy
19 Glover, which is noticed as Defendant's Exhibit Number 1?

20 A. Yes, sir.

21 Q. All right. So we have both brothers and their
22 writings. That particular document, the signature on it,
23 is it consistent with the writings of Mr. Jason Glover?

24 A. I do not have a number of Jason Glover's signatures.
25 I examined primarily the letter, the printing, the

1 characteristics of the letter. The Glover is -- in the
2 very minimum signatures I have, the Glover in the signature
3 is more consistent with Leroy Glover.

4 Q. All right. So let's make sure we break this down for
5 the jury. Are you saying that document that is signed in
6 the name of Jason Glover the writings on it are consistent
7 with regards to Leroy Glover?

8 A. That is correct, sir.

9 Q. All right. And the document that we have signed by
10 Jason Glover, is this signature and the letters that are
11 used here, is it consistent with that document?

12 A. No, sir. In my opinion Jason Glover did not write
13 anything here. Leroy Glover prepared this -- of the
14 writings of -- submitted to me, I believe Leroy Glover
15 prepared this document.

16 Q. All right. Are you stating to a reasonable degree of
17 certainty as a forensic document examiner that the document
18 you hold in your hand the writing is consistent with Leroy
19 Glover?

20 A. Yes, sir.

21 Q. And it is not consistent with Jason Glover?

22 A. That is correct.

23 **MR. WALTERS:** Your Honor, I have no further questions.

24 **THE COURT:** Mr. Curry?

25 **MR. CURRY:** Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. CURRY:

3 Q. Mr. Dawson, good morning. I guess it's good afternoon
4 now. I'm Eduardo Curry. How are you?

5 A. Fine, sir.

6 Q. Good, good. All right. I just wanted to sort of get
7 something straight. The --

8 **MR. CURRY:** Your Honor, may I approach the witness?

9 **THE COURT:** Yes, sir.

10 BY MR. CURRY:

11 Q. This document that I have here, which is dated
12 January 3, 2014, is a document that happened after the
13 document of December 2, 2013, correct?

14 A. I assume that's correct. I know nothing about this
15 case except who's what.

16 Q. I'm getting there. Let me hand it to you. Can you
17 look at the date of it and what exhibit number --

18 **MR. CURRY:** Your Honor, may I approach?

19 **THE COURT:** Yes, sir.

20 BY MR. CURRY:

21 Q. Can you say to me based on -- this is State's Exhibit
22 Number 6. There's a date up there, correct?

23 A. Yes, sir.

24 Q. And what is that date?

25 A. It appears to be December the 2nd, 2013.

1 Q. And the Defendant's name is what?

2 A. Jason Glover, sir.

3 Q. All right. Thank you. And so the exhibit that we
4 have here, which is dated January 3, 2014, at least
5 occurred chronologically after this exhibit, correct?

6 A. If that --

7 **MR. CULLER:** Your Honor --

8 A. -- if that date is correct on there. I could be done
9 before or after, whatever.

10 Q. Right.

11 A. I just know who wrote it, who didn't write it.

12 Q. Correct.

13 **MR. CULLER:** If you could refer to it by exhibit
14 number.

15 **MR. CURRY:** Okay. I'm sorry. Did I not say a
16 number? I'm sorry. I was referring to -- I guess it was
17 Defendant's Exhibit Number 1 or Court's Exhibit Number 1.

18 **THE WITNESS:** Yes, sir. That's correct, sir.

19 BY MR. CURRY:

20 Q. All right. Now for clarification, you're not here to
21 testify as to the content, correct?

22 A. That's correct, sir.

23 Q. You're not here to testify to the truthfulness,
24 correct?

25 A. My truth, yes.

1 Q. No, the truthfulness of the content.

2 A. No, I know nothing about it.

3 Q. Okay. All right. And you're not here to testify as
4 to whether or not whatever is in the content is even
5 accurate, correct?

6 A. No.

7 Q. All right. And you have no personal or firsthand
8 knowledge about anything that's happened in this case?

9 A. No, I do not.

10 **MR. CURRY:** Thank you very much.

11 **THE COURT:** Mr. Sorenson?

12 **MR. SORENSON:** I have no questions, Your Honor.

13 **THE COURT:** You may step down, sir. Thank you. Oh,
14 I'm sorry.

15 **MR. CULLER:** No, Your Honor. Nothing further. Can
16 Mr. Dawson be excused, Your Honor?

17 **THE COURT:** Any objection?

18 **MR. CURRY:** Without objection, Judge.

19 **THE COURT:** You may be excused, sir. Thank you.

20 **THE WITNESS:** Thank you, Your Honor.

21 (Witness excused.)

22 **MR. CULLER:** The defense rests at this time, Your
23 Honor, for Mr. Jason Glover.

24 **THE COURT:** Mr. Curry, does the defense -- Mr. Jason
25 Glover's defense has rested at this time. Is it your

1 intention to present any testimony on behalf of your client
2 or not?

3 **MR. CURRY:** No, Your Honor. And Defense Number 2
4 rests, Your Honor.

5 **THE COURT:** All right. Thank you.

6 Ladies and gentlemen of the jury the defense has
7 rested each of their cases. I'm going to -- Counsel,
8 please approach.

9 (Proceedings held at the bench; not reported.)

10 **THE COURT:** Ladies and gentlemen of the jury, since
11 all parties have rested their case at this time and it's
12 close to -- it's a quarter till one almost, it's a good
13 time for us to take our lunch break before we return to
14 the court to hear the closing arguments of counsel and
15 the jury instructions on the law before you retire to
16 deliberate the case. I'm going to release you to go take
17 your lunch break. If you will please be back in the jury
18 room a little bit before 2:00 and we'll resume immediately
19 at 2:00 with the closing arguments. Please remember it is
20 still extremely important that you do not discuss this case
21 with anyone. That includes amongst yourselves. Do not
22 discuss any of the details about the case or testimony
23 about the case in any way, shape or form until you are
24 instructed to deliberate on the case. Have a nice lunch
25 and we'll see you at 2:00.

1 (Whereupon, the jury is excused for lunch at.
2 12:42 PM.)

3 **THE COURT:** All right, counsel. We'll have all the
4 jury instructions prepared ahead of time for you to review.
5 Fifteen minutes should give you plenty of time, but I think
6 they're pretty much the standard ones and I've included
7 Mr. Culler's requested accomplice liability one, along with
8 the solicitor's one, so we'll have both of those. After
9 hearing the testimony, I think it is proper to include mere
10 presence to be on the safe side, so I've added that in
11 there.

12 **MR. CULLER:** Thank you, Your Honor.

13 **MR. CURRY:** Thank you, Your Honor.

14 **THE COURT:** I don't think there's anything else other
15 than the standard. If you think of anything, let me know,
16 but please be in my chambers at a quarter till or before
17 and we'll have them ready for you to review in case you
18 want to put anything else on the record.

19 **MR. SORENSON:** Thank you, Your Honor..

20 **MR. CURRY:** Thank you, Your Honor.

21 **MR. SORENSON:** Are you going to hear any motions at
22 this time?

23 **THE COURT:** I'm sorry. Do y'all want to go ahead and
24 do motions?

25 **MR. CULLER:** Sure..

1 **MR. CURRY:** Yes, Your Honor.

2 **MR. WALTERS:** May it please the Court?

3 **THE COURT:** Yes, sir.

4 **MR. WALTERS:** Your Honor, we're now at the conclusion
5 of the trial. I believe under the circumstances that the
6 State has failed to meet their burden in establishing each
7 and every element of the offenses that they have indicted
8 our client for, so under the circumstances we'd make a
9 motion for a directed verdict now that the Court has had an
10 opportunity to hear the State's case and the defense case.
11 Under the circumstances we don't believe those elements
12 have been met and that it would be appropriate under the
13 circumstances to dismiss his charges.

14 **THE COURT:** Thank you, Mr. Walters. Mr. Curry?

15 **MR. CURRY:** Your Honor, I would also join in
16 with Mr. Walters. So that I won't be duplicative, we
17 believe the State has failed in proving the elements
18 necessary for murder with regard to Mr. Leroy Glover and
19 we would ask after having heard the evidence to dismiss it
20 on behalf of Mr. Leroy Glover.

21 **THE COURT:** Thank you. Mr. Sorenson?

22 **MR. SORENSON:** Just real briefly, Your Honor. As to
23 Jason Glover, first of all, I stand on everything that I
24 said yesterday in my arguing his motion after we rested.
25 Now I'd submit there's further evidence against him and his

1 own testimony that basically puts him and this jury can
2 find present, aiding, abetting. I mean, they've heard more
3 that he's done than they heard in our case even, so I think
4 that would clearly meet our burden. And in the same token
5 looking at Leroy Glover, we now have direct evidence that
6 he actually shot and killed the victim. So in the light
7 most favorable to the State I think we're in even a better
8 position than we were yesterday.

9 **THE COURT:** The Court does find that there is the
10 existence of evidence tending to prove the guilt of each of
11 the Defendants and the Court will respectfully deny your
12 motions.

13 **MR. WALTERS:** Thank you, Your Honor.

14 **MR. CURRY:** Thank you, Your Honor.

15 (Whereupon, a luncheon recess was taken.)

16 **BAILIFF:** All rise.

17 **THE COURT:** Thank you, everyone. You may have a seat.

18 The Court has had an opportunity to review the
19 proposed jury charges with all the parties and it's my
20 understanding that all parties have reviewed the proposed
21 jury instructions and have no objections. Is that correct,
22 Solicitor?

23 **MR. SORENSON:** That's correct, Your Honor.

24 **MR. CULLER:** That's correct, Your Honor.

25 **MR. CURRY:** That's correct, Your Honor.

1 **THE COURT:** All right. Anything further before I
2 bring the jury out?

3 **MR. SORENSON:** No, Your Honor.

4 **MR. CULLER:** No, Your Honor.

5 **MR. CURRY:** No, Your Honor.

6 **THE COURT:** Okay. Let's have the jury out, please.

7 **BAILIFF:** Yes, Your Honor.

8 (Whereupon, the jury returns to the courtroom at
9 2:12 PM.)

10 **THE COURT:** Welcome back, ladies and gentlemen of
11 the jury. We're now ready to proceed with the closing
12 arguments of both parties. Solicitor? Please pay close
13 attention.

14 **MR. SORENSON:** Thank you. May it please the Court,
15 Your Honor?

16 **THE COURT:** Yes, sir.

17 **MR. SORENSON:** Thank you. Good afternoon, Madam
18 Forelady, ladies and gentlemen of the jury. I want to
19 start off by thanking you. Not necessarily for your time
20 because I know you really didn't have any choice in the
21 matter when you showed up here Tuesday morning. But more
22 importantly than your time is the attention, the attention
23 you've given this matter over the last several days and the
24 attention that I'm confident you're gonna give us attorneys
25 this afternoon, and most importantly the attention that I'm

1 positive you're gonna give this case back when you get back
2 in the jury room later this afternoon.

3 I'm sure you can imagine this is a serious matter.
4 Serious for the family and friends of Michael Carter. It's
5 a serious and important matter for the family and friends
6 of those two defendants seated over there. So on behalf of
7 the State of South Carolina and the people of Orangeburg
8 County, I want to thank you at this time for your jury
9 service.

10 What I'm gonna do right now is just take just a couple
11 of minutes of your time and just talk real briefly about a
12 couple of legal things that I spoke to you about in my
13 opening because they're gonna help you to kind of keep that
14 stuff in mind as you hear the closing arguments from all
15 three of us. When I'm done doing that, I'm gonna sit down
16 and Mr. Culler is gonna have an opportunity to come before
17 you and give his closing argument on behalf of Jason Glover
18 and Mr. Curry will have a chance to come before you on
19 behalf of Leroy Glover and then I'm gonna have the final
20 say to come back before you and I'll submit to you exactly
21 why I submit the evidence in this case proves both of those
22 men guilty beyond a reasonable doubt.

23 As you were told from the outset, both of the
24 defendants in this case are charged with one count of
25 murder. As I told you in my opening, murder is very

1 simply the unlawful killing of another person with malice
2 aforethought, either express or implied. The unlawful
3 killing of another with malice aforethought. You notice
4 premeditation is not an element. The State doesn't have to
5 prove premeditated murder in South Carolina. What we have
6 to prove is that malice existed in the minds of those
7 defendants at the time that fatal shot was fired. It has
8 to be aforethought. It had to be there for the split
9 second before that shot was fired.

10 So what is malice? Malice is hatred, ill will or
11 hostility towards another person. The intentional doing of
12 a wrongful act without just cause or excuse. This case --
13 ladies and gentlemen, this isn't -- you know, sometimes we
14 have homicides where there's some issue as to whether a
15 murder occurred, whether some lesser offense occurred. In
16 this case, I submit to you there's no doubt that on
17 September 23rd of 2013, Michael Carter was murdered. The
18 question becomes who is responsible, who should be held
19 accountable for that murder.

20 When looking at that, as I told you in my opening, we
21 have something here in South Carolina, and probably in
22 every state in the country basically, called the hand of
23 one is the hand of all. If two or more people get together
24 to commit a crime, the act of one is the act of all.
25 Basically if you -- when you join together with another

1 person for an unlawful purpose, you are responsible for all
2 of the reasonable foreseeable actions of not only yourself
3 obviously, but also the person that you joined together
4 with. In other words, the act of one is the act of all;
5 the hand of one is the hand of all.

6 And in this case what's important in looking at that,
7 and this is kind of the same theory, another term for that
8 is accomplice liability. It's basically the defendants
9 -- as I told you in my opening and as you've heard
10 throughout this case, only one shot was fired. Michael
11 Carter was hit one time in the back of the left head --
12 back on the left side of his head, there are two people
13 charged with murder. And the evidence and the law in South
14 Carolina allows for that to happen, for more than one
15 person to be held accountable for a person's homicide even
16 though one bullet was fired, and that's under this theory
17 of accomplice liability.

18 Basically under that theory, there's two ways a
19 person can be found guilty. Obviously they can actually
20 personally commit the act or they can be present at the
21 scene of the crime and intentionally through a common
22 design either aid, abet or assist. Aid, abet or assist.
23 Abet basically means to encourage or assist a person in
24 committing an unlawful criminal act in the commission of
25 that crime through some overt act. In other words, it

1 can't be just you're sitting there and -- and you don't do
2 some -- some act. In this you're gonna hear acts that they
3 both did after the fact that I submit to you that would
4 convict them, either one of them, ultimately under this
5 theory.

6 Now as I said, I'm about to sit down. I promised you
7 I was gonna be very brief at the outset here. I'm gonna
8 sit down and you're gonna hear from Mr. Culler and then
9 Mr. Curry and I suspect you're going to hear the two of
10 them both get up there and basically start pointing fingers
11 at each other's clients. What I ask of you, ladies and
12 gentlemen, and this is the last thing I asked of you before
13 I sat down in my opening statement, however, keep an open
14 mind. Keep an open mind and give me an opportunity when
15 they're done to come back before you and put those pieces
16 together that I spoke about, the pieces that you've heard
17 from this witness stand, and I submit to you when you do
18 that you will find that the puzzle, the picture, can't get
19 any clearer than the fact that both of those men, Jason
20 Glover and Leroy Glover, are responsible and should be held
21 accountable for Michael Carter's death. Thank you.

22 **THE COURT:** Mr. Culler?

23 **MR. CULLER:** May it please the Court, Your Honor?

24 **THE COURT:** Yes, sir.

25 **MR. CULLER:** This is going to be a closing argument

1 from the State I suspect with a lot of pronouns; they,
2 you've already heard, those, their, and you're also gonna
3 hear aid, abet, assist, but from looking at the law, the
4 hand of one is the hand of all, acting together in
5 committing a crime, what crime was that? Murder. So I
6 can go through a lot of things here. I can go through
7 David Williams and the fact that you had a witness that, I
8 would submit, no one wants him to make a decision for them,
9 the crack head, is their key witness. But we don't really
10 need to worry about that he's a crack head and that they
11 used him as their key witness or they vouched for him
12 because Jason got up and told you what happened. This
13 family suffered a lot, but Jason's the one that told them
14 what happened. He didn't have to do that, but he did.

15 What did he tell you? I went over there. Do you know
16 Mr. Carter? Never seen him. Did you have a plan, were
17 y'all gonna rob Mr. Carter? He was coming to collect rent.
18 Was he bringing money? If you're gonna rob somebody, you
19 need to know they've got money. There was no plan. It's
20 exactly as Jason stated. I was there, we were playing
21 basketball, my brother shot this man. He committed the
22 crime and then, as I said in my opening statement to you at
23 the outset, he helped his brother dispose of Mr. Carter's
24 body. And I suspect the State's going to try to convince
25 you that act, those acts that follow, and they're horrible,

1 are enough to convict Jason of murder. But Jason didn't
2 know what was gonna happen. He had no idea.

3 Now you can exert sympathy, you can be upset, you can
4 acknowledge that this is a fine family, the sheriff has
5 been here most of the trial, the media has been here, it's
6 an important case, but you also swore an oath that you
7 would follow the law as instructed by Judge Murphy and that
8 means you're gonna follow the law and you're going to make
9 the State prove to you beyond a reasonable doubt that
10 Jason participated, knew about, aided, abetted, assisted,
11 whatever words you're gonna hear, in the murder, not what
12 happened afterward because what happens afterward is not
13 who are acting together in committing a crime. The crime
14 afterward is arson, it's a number of things perhaps, but
15 they're on trial for murder. Jason is on trial for murder.
16 One person in this courtroom has a conscious, Jason; one
17 does not, the evil brother Smoke, who choreographed
18 everything.

19 Now let's keep looking at the law because Mr. Sorenson
20 is gonna have a pointer I'm sure when he comes back up
21 here. Personally commit the crime, be present at the
22 scene of the crime, through a common scheme aid, assist in,
23 the commission of that crime. What crime? Murder. Well,
24 I don't like that, Michael. What he did is wrong. We've
25 got to convict him, this is bad. Okay. I'll give you

1 that. That's not the law. The law says through a common
2 scheme aid, abet or assist in the commission of that crime.
3 What crime? Murder. What did Jason do to assist in? If
4 you believe he did, if you believe he went over there with
5 the idea I'm gonna rob Mr. Carter today, I've never met
6 him, I've never seen him, but I'm gonna go over there and
7 kill this guy and help my brother and we're gonna take this
8 guy? I don't know if he's got any money, he's coming to
9 collect rent. Or is he telling you the truth? It's really
10 that simple.

11 I can go on for thirty minutes, which is what the
12 judge has instructed that we should try to hold ourselves
13 to, but there's no point in that because you either believe
14 that Jason testified truthfully -- and I would submit to
15 you it's pretty hard to manufacture those emotions. Sure
16 he's crying. He's getting ready to go to prison. No,
17 he's crying because he hates what he did and he's been
18 manipulated by his evil brother. How do we know that?
19 Well, we know it through the statement that he gave. The
20 solicitor may say well, gosh, he confessed, he told you he
21 did it, but what did the detective say? Detective Shumpert
22 said no, I didn't really believe that. Why not? Because
23 Jason couldn't even get the facts correct. Why? Because
24 he didn't know. His evil brother Smoke knew.

25 What else have we got? Right at the last witness we

1 had was Mickey Dawson. Mickey Dawson used to work for
2 SLED, he's a handwriting analysis guy, and we had him look
3 at a document that by stipulation was admitted into
4 evidence that is allegedly written to the solicitor in
5 this case, Donald Sorenson. And you'll have it to read.
6 I'm not gonna read it all to you, but it says first and
7 foremost, I want to say I'm writing this letter. I've been
8 not pressured or threatened. My name is Jason Glover. I
9 want my brother out. I want to help my brother. I want to
10 help my brother. How many times did he say that in that
11 taped statement? You know, the officer says well, Jason,
12 that's not right, we found Mike Carter's gun. I just know
13 my brother didn't have anything to do with it. Maybe you
14 believe it. The detective didn't believe it. It's part of
15 the same choreographed scheme by this gentleman over here,
16 a/k/a, Smoke, the killer, who very calmly sits there.

17 Smoke led his brother, who's really stupid, down the
18 path to do these things. And if you don't like it and you
19 think it's horrible, I don't disagree with you, but that
20 doesn't make him guilty of murder. He did not with malice
21 aforethought kill Mike Carter. And you may not like it and
22 you may want to punish somebody, but that's not the law.
23 You've got somebody to punish. Smoke. So you can say no,
24 this is bad, we don't like it, we're gonna take both of
25 them, Michael. This is so bad. It's so bad. It is bad,

1 but he's not guilty of murder. Jason is not guilty of
2 murder. Smoke, there's no question about that. The vast
3 majority of the evidence goes after Smoke. His cell phone
4 records. You know, we have a text where Jason is saying,
5 as I believe it was the detective said, we F'd up. He
6 testified to that. We never did see that in any records.
7 They've got cell phone records. The State has an expert.
8 Nothing texted by Jason to anybody. Why? Because he's
9 sitting in his room that his brother Patrick bought him
10 trying to figure out what am I gonna do? What happens the
11 next day? Well, the next day, Smoke, the killer, goes over
12 to see Jeremy Bradley. Now I suspect that the lawyer for
13 Smoke is gonna say he's a drug dealer, you can't believe
14 him. Well, you know, all he said was look man, I didn't
15 know what was going on. This guy showed up, said he --
16 you know, Smoke wanted to get an alibi from me, I told him
17 no way, I'm not doing that. Who told you that? Jason told
18 you that.

19 The State's narrative in this case before he
20 testified, Jason, was circumstantial. They didn't have
21 any direct evidence. One of the things that really
22 puzzled the solicitor is there was no car in the yard when
23 Mr. Carter came because it didn't fit their narrative and
24 nobody really knew that until Jason got up and said you
25 know what happened, while we were playing Xbox some girl

1 called and said I need to use your car to go to the
2 laundry, so there's no car there when Mike Carter shows up.
3 That explains it. Well, it's nice that Jason said that,
4 but he's getting ready to go to prison, Michael. No.
5 Demetra Simpson said that, Deborah Jenkins said that.

6 Remember Deborah Jenkins' son Kwon? The one that the
7 State's key witness before Jason testified, David Williams,
8 who I submit is ridiculous, I was right there with Kwon.
9 What did Kwon say? He's a crack head. I would never be
10 with him. So where does that witness come from? Where is
11 that ID? Because the State has to have that. They've got
12 to have a way to get the grappling hook into Jason. We've
13 got to get them both, man. This is big, we've got to get
14 them both. This is a lot of pressure on us, a lot of
15 media. No, we've got Smoke, we aren't worried about that.
16 We've got to get the next one, too. No. Everything that
17 Jason said -- how long did he testify? How much detail
18 did he give you? He didn't make that stuff up. He's
19 not, frankly, intelligent enough to make it up, but he's
20 intelligent enough to let himself be manipulated by his
21 brother.

22 There's a presumption of innocence. Nobody really
23 believes that, right? But you're not anybody. You're
24 sworn jurors and unless you lied to Her Honor, Judge
25 Murphy, you said we're gonna make the State prove beyond

1 a reasonable doubt that Jason is guilty of murder because
2 when he walks in here he's presumed innocent of that.
3 Plenty of evidence over here on Smoke. No question about
4 that. Do I agree with the solicitor there was a murder?
5 Yeah. Any question about that? Nope. But who did it?
6 And who knew about it? Oh, he helped him afterwards,
7 Michael, he aided and abetted and assisted him and whatever
8 other, you know, synonyms the solicitor can come up with
9 to try to convince you we've got to take him, too. No.
10 No. What he did is wrong, but it's not murder.
11 The Judge is gonna charge you about mere presence.
12 What's that, Michael? What's mere presence? Mere presence
13 is where someone who is merely present at the commission of
14 a crime is not guilty of the crime. If you know about it
15 and you participate and you know he's coming over, get the
16 gun, get behind the door, that's planned, that's a common
17 scheme or plan, but most of the words I suspect we're gonna
18 hear from the State are gonna be all about what they did
19 together, you saw them do all this together, they texted,
20 they called each other, on and on and on, hopefully not
21 thirty minutes. But what it boils down to is this: Did
22 Jason know? Did he have any idea that Michael Carter was
23 coming or that he was gonna be hurt? Where's the evidence
24 of that? He'd never seen the man. He had no relationship
25 with him. It was his misfortune -- well, two misfortunes

1 really. One, that Smoke is his brother, which is a
2 tremendous misfortune regardless of whether we're here or
3 not, and the second misfortune is that he decided when he
4 looked at his brother's face I've got to help him. Does
5 he get a prize for that? No. Does he get condemnation
6 for that? Yes. But is he guilty of murder? And you may
7 not like it, but he's not guilty of murder. Now you said
8 you'd follow the law. You either will or you won't. You
9 either believe Jason did this and he knew or you believe
10 that Smoke against whom there's ample evidence committed
11 this crime and then tried to set his brother up so much so
12 that he wrote the solicitor a letter which you'll have in
13 evidence. It's signed whose name? Jason Glover.

14 Justice in this case is what is required for the
15 family, for this community, but justice is not being moved
16 by sympathy and emotion and just saying they're all bad,
17 man, this is horrible, I've never seen this before, let
18 me go home. It's following the law and holding someone
19 accountable; Smoke, the killer. Thank you.

20 **THE COURT:** Mr. Curry?

21 **MR. CURRY:** Thank you very much, Your Honor. If it
22 pleases the Court?

23 **THE COURT:** Yes, sir.

24 **MR. CURRY:** Prosecution, Mr. Sorenson, Defense
25 Counsel Culler and Walters, ladies and gentlemen of the

1 jury, you already know my name. I'm Eduardo Curry. I
2 want to take this opportunity to at least tell the family
3 of Mike Carter that I'm sorry for your loss. I owe them
4 that. My job is nasty business, but it's necessary
5 business. Your job is nasty business, but it's necessary
6 business. The prosecutor's job is nasty business. They
7 have no friends to reward, no enemies to punish. It's
8 just seeking the truth. And so I want to thank you for
9 listening. Sometimes my voice is loud and I sing at choir
10 every now and then. I guess that's why they put me in the
11 back back over there, but I want you to know that when
12 you're pursuing justice it requires that we all do our job.
13 The Judge is the judge of the law. She's gonna instruct
14 y'all at some point, but you, every one of you, happens to
15 be the judge of the facts.

16 The facts are what comes out in evidence, what comes
17 out on this testimonial stand. The facts are the kinds
18 of things that you will be able to deduce or show by an
19 inference. There are two types of ways that the evidence
20 comes in. It comes in by direct, it comes in by
21 circumstantial, but you have to give what weight you want
22 to give to them. Any weight or no weight at all. That's
23 your job. No one can take that away. I told you earlier.
24 I said that a great president once said there's no greater
25 service that you can give to your country. I submit giving

1 your life is obviously big, but deciding that you will be
2 a sworn juror and uphold the law is a great service. Now
3 I'm gonna tell you something. This is why it is great.
4 Because we have an adversarial system. Just because you're
5 charged does not mean you're guilty. And every defendant
6 has a right at least if they're charged with a felony to
7 come to court and say I demand this one thing. I demand
8 that the State prove each and every element beyond a
9 reasonable doubt. I submit to you you're going to actually
10 hear from the Judge and she's gonna say reasonable doubt.
11 Well, what is it? Is it beyond all doubt? No, no.
12 Reasonable doubt is a doubt that will cause an individual
13 to hesitate to act. And so when you're looking through the
14 facts, if -- do you remember back in the day they used to
15 have Arsenio Hall and things that make you go hum? If
16 you're looking at the facts and you start seeing things
17 that don't fit and make you go hum, I submit those are the
18 reasonable things that should cause you to hesitate to find
19 someone guilty. Who is that person? To find Leroy Glover
20 guilty or for that matter you can find Jason Glover guilty.
21 It's the State's burden. It doesn't shift. Silence of the
22 defendant you'll hear from the judge is golden. You can't
23 consider whether or not somebody testifies or does not.
24 Burden of proof rests squarely on the prosecution.
25 Now I told you some things earlier and I think you

1 remember I talked to you about the presumption of innocence
2 is like a bubble. I said that it remains around the
3 defendant and that the prosecutor has to take a -- stab a
4 knife or something and pierce it and all of it has to
5 leave. If they don't, they're not guilty. I even went
6 even then further and said that the presumption of
7 innocence is like a cloak, like a robe, and I know many of
8 you if you're like me every now and then I like to get in
9 my robe. It's like a robe. It's like this suit, it's like
10 this jacket, and it's on me, and it has to be ripped off by
11 the prosecution. But if I hold onto it and keep it on, I'm
12 innocent.

13 I asked you to do some other things. Remember, we
14 talked about -- just a couple of days ago I talked to you
15 about look at this believability of the witness, the
16 credibility of them. How they said, what they said, when
17 it was said. Ask yourself using your life experiences and
18 your common sense, does this make sense? They may be right
19 in some instances. They're trying to piece together a
20 puzzle and I've tried sometimes in my life, and I know you
21 have in your life experiences, sometimes you're trying to
22 put together a puzzle and, you know, it's fitting good,
23 it's fitting good, it looks like I'm gonna get it done, and
24 then you run into what? Pow. I can't find the piece to
25 fit in and when that occurs, the puzzle is not complete.

1 If the puzzle is not complete, do you put it on your wall
2 and invite your friends to come in? No, you don't. You
3 know what you do? You keep working on the puzzle because
4 you've got to get it completed and if you can't get it
5 complete, then it's not finished. I submit to you the
6 solicitor did not complete their puzzle.

7 Let's talk about it. When you saw the witnesses on
8 this stand and you saw me, you know, there's a litany I do
9 and I want you to know. The prosecutor has to go first.
10 Because why? They have the burden of proof, but it's
11 equally as important that what I ask in cross-examination
12 becomes important. That's evidence. How many noes did
13 you hear about Leroy Glover? Was he here? No. Was he
14 connected? No. Was his fingerprint? No. Did you find
15 any blood in the house? No. Find any blood in the
16 kitchen? No. Did you find -- did anybody find any here?
17 No. Did anybody see him fire a gun? Well, up until today,
18 no. Did anybody see anything that Leroy Glover did that
19 was wrong? No, no, no, no, no. I get you to try to follow
20 things because I want you to understand, you heard it and
21 you have a right, what I say is not evidence, what the
22 solicitor says is not evidence, what Mr. Culler -- Attorney
23 Culler says is not evidence or Attorney Walters. It's what
24 you heard from the witness stand and what was presented.

25 Here it goes. They start trying to get you off key

1 and put out bullets and cartridges and all this other stuff
2 along the line, but when I started asking them questions,
3 what did you find? No, no, no, no, no. None of this stuff
4 actually even deals with Leroy Glover. They start pulling
5 out pictures, things about the car being burnt. I said
6 well, did you find any evidence that Leroy Glover was
7 connected to that? What did you find? No, no, no, no.

8 It started with confessions. I thought those
9 confessions were very, very interesting because Leroy
10 Glover came voluntarily. The police say come, I come,
11 give them this, well, I don't believe you, I don't believe
12 you, and it goes back and forth. That's typical of things
13 that happen, but I can tell you this, Lieutenant Shumpert
14 was talking to Mr. Glover about the fire and halfway
15 through it, here it goes, boy, you in trouble. This is
16 about a murder case. Somebody got killed, Mike Carter.
17 What was the response that you recall from the video? What
18 did he say? Oh, no. My God, no, not me. I didn't touch
19 Mike Carter, I didn't kill Mike Carter. That's not me.
20 You heard it.

21 You heard from Ms. Carter, and it took a lot of energy
22 for her to come up here, and she's got a support group, but
23 she had to walk up here and testify about her husband.
24 There's something she told you that was interesting. You
25 know how the solicitor tried to talk about schemes and

1 luring people? She got up and she was honest even though
2 it's painful. I'm in a thirty-year relationship and I
3 wonder what would happen if my wife or my -- I'm the
4 husband, but if my wife was gone. It's painful. But you
5 know what she says? She says he's got a calendar and on
6 his calendar you see people that owe money and there are
7 people that owe 350 and 400 and then there's the little \$93
8 that Leroy Glover owes. But there was no scheme, no plan,
9 for anybody to come. Mike Carter was gonna come and
10 collect his money. Why? He was gonna come and collect his
11 money from Eboni Webb. Why? Because that's what Mike
12 Carter does. He goes and collects money. Everybody knows
13 him as the rent man.

14 Now there's some mention about mere presence. A lot
15 of times people want to get folks together and get them all
16 together and why? Because they want to say the hand of one
17 is the hand of all. You just don't take that cavalierly.
18 You've got to ask yourself wait a moment. Someone could
19 be there, but if they're not intentionally involved in
20 anything, then they're not an aider or an abetter. I've
21 not heard any testimony other than one person in the entire
22 four days talk about someone being killed and who killed
23 them. Who was that? Jason Glover.

24 So let's talk about him. December 2, 2013, Jason
25 Glover gives a video confession. Gives a written

1 confession. Two years later miraculously he has a new
2 version for us. Why? Ask yourself why. Ask yourself why.
3 You can do that. You're the judge of the facts. Why
4 hasn't he told somebody else about this? Why hasn't he
5 cleared up this matter before? He sat there voluntary,
6 willingly, knowingly, without coercion. He contacted
7 Lieutenant Shumpert. Hey, LT, I want to talk to you. LT
8 didn't go to see him. He said come see me. He got him
9 to talk to him and he says let me give you all of this
10 information. So when I asked him does that mean that
11 Keisha's lying when Keisha says I saw you there at the
12 house and then I left and I looked in my rear view mirror
13 and saw Leroy Glover behind me? Well, yeah, yeah, yeah.
14 She's not telling the truth. Does that mean not telling
15 the truth when David Williams says hey, the truck comes out
16 and I look and I see a guy in a white T-shirt and I pick
17 him out of a lineup and it's you? Well, he's a crack head.
18 How do you want to believe David Williams? Do you want to
19 believe that there was a shot at three or four? Or they
20 want to say he doesn't have a phone or a watch. You give
21 it whatever weight or credibility you want.

22 Now I'm here to tell you -- you heard me talk about
23 how you have to use your common sense and judgment. There
24 was a great philosopher once that talked about what is the
25 splendor of a man. Does the splendor of a man develop when

1 they're in comfort and splendor and wealth? No, no, no,
2 no. The splendor of a person is developed when you're
3 challenged by chaos and controversy. There's a controversy
4 going on.

5 Now you are the judge of the facts. You've heard me
6 challenge every piece of evidence that comes in. Why?
7 Because I want to know the truth just like I want you to
8 know the truth and though murder and loss of life is a
9 nasty business, if they can't prove the case, if they can't
10 complete the puzzle in a way that makes sense, it's okay to
11 find someone not guilty. That's our jury, that's our way,
12 that's our law. But I need you to stand up. I need you to
13 ask yourself what did I hear? What did I see? What was
14 done? You need to ask yourself why would a young man
15 confess once and then put it in writing twice and then come
16 in here today and confess a different kind of way? I need
17 you to ask yourself why did all these people say no, no,
18 no, no, no about Leroy Glover? The prosecution could have
19 gone and found this witness that allegedly picked up
20 Mr. Glover from the house and dropped him off at the head
21 of the road. If Jason Glover --

22 **MR. CULLER:** Objection, Your Honor. I think we're
23 getting into the burden shifting about what could have been
24 done and not what is in evidence.

25 **MR. CURRY:** Judge, I'll move on.

1 **THE COURT:** Sustained.

2 **MR. CURRY:** Unlike Mr. Culler I don't have a story to
3 tell you about what you think occurred. What I have is
4 what came from the witness stand. You heard it. I believe
5 what you've heard is clear that the State failed in their
6 burden --

7 **MR. CULLER:** Objection, Your Honor. That's an
8 improper argument, I believe.

9 **MR. CURRY:** I'll move on, Your Honor. I think what
10 you've heard is clear. After you've looked at all the
11 evidence and thought about it and listened to it, you're
12 going to find that Leroy Glover is not guilty. Not guilty
13 of murder, not guilty of taking the life of Mike Carter and
14 not guilty of doing it with malice aforethought.

15 I thank you for listening to me. I know it's been a
16 long week, but I ask you to do your job and find Leroy not
17 guilty. Thank you.

18 **THE COURT:** Solicitor?

19 **MR. SORENSON:** Thank you, Your Honor.

20 I think you've probably figured it out by now. No one
21 ever told you on Tuesday that this job was gonna be easy
22 when you got picked and you came before us and got picked
23 and sat over here in the box and told you what you were
24 gonna have to do ultimately at the end of the week was
25 gonna be an easy job. I submit to you, ladies and

1 gentlemen, the easy thing to do -- the easy thing to do
2 would be to take a look at this videotaped statement of
3 Jason Glover from December 2, 2013, and this handwritten
4 statement that he gave afterwards, the easy thing to do
5 would be to take a look at those and go case closed. Do
6 what Mr. Curry wants you to do. Jason Glover is guilty,
7 he says Leroy Glover wasn't involved, Leroy Glover is not
8 guilty. The easy thing to do. Of course, the other easy
9 thing to do would be to take a look at what you heard from
10 this witness stand earlier today from Jason Glover and find
11 that he's telling the truth a hundred percent about what
12 happened back on September 23rd, he was just being stupid,
13 didn't know what was going on, and find Leroy Glover guilty
14 of murder and find Jason Glover not guilty. This is the
15 easy path. I submit to you, ladies and gentlemen, that
16 neither one of those -- neither one of those paths would do
17 justice.

18 I want to take a few minutes, and I'm gonna try to be
19 as brief as I can, and go through -- let us go through
20 the evidence that I submit in this case, the overwhelming
21 evidence, that proves both Jason Glover and Leroy Glover's
22 guilt and responsibility in the death of Michael Carter.
23 The overwhelming evidence, ladies and gentlemen, that
24 ultimately is gonna end -- end the games that I submit
25 those two men started playing two years ago. I'm gonna

1 start off and the first kind of thing I want to kind of
2 talk to you a little bit about is the evidence that I
3 submit that not only places the two of them at [REDACTED]
4 [REDACTED] Drive twenty-four months ago, but that proves
5 without a doubt that Michael Carter was killed in that
6 trailer twenty-four months ago there. And the thing to
7 keep in mind the whole time kind of while I'm going through
8 this is, yet again, this accomplice liability, all right?
9 Remember there's two ways that they can be found guilty.
10 Either that they personally committed the crime or they
11 were present aiding, abetting and assisting the other in
12 the commission of that crime. And it's no wonder now when
13 you look -- when you listened to Jason Glover's testimony
14 this morning that suddenly, you know, this all has to
15 happen down the hallway here. He can't have himself be
16 present, he can't have himself be sitting in the same room
17 or standing in the same room as his brother when Michael
18 Carter is shot, so I've got to put him down the hallway.
19 And I'm gonna talk about that a little more with this
20 picture. I submit to you it's something that does not
21 support part of what he told you this morning, all right?

22 Let's look at it. And, as I said, in looking at --
23 looking at how we prove the two of them were there and
24 involved, we've got to start looking at kind of the
25 timeline from September 23rd. What do we know happened

1 that afternoon? All right. At 3:45 and 4:45 from the
2 phone records we know that Leroy Glover called Michael
3 Carter. We know at 5:04 in the afternoon Mike leaves work
4 and he's supposed to be meeting Eboni Webb at 5:15 almost
5 across the street. All right. I submit to you he runs
6 over to go pick up some money. \$93 is what he ended up
7 losing his life for two years ago. Deborah Jenkins sees
8 Mike pulling into [REDACTED] Drive somewhere
9 around 5:15.

10 And I want to talk to you about times. You know,
11 nobody is looking at their watch. You know, we have phone
12 records that put exact times. People aren't looking at
13 their watches to know exactly what time something happened,
14 but about 5:15, and I submit to you he probably could have
15 been over there a couple of minutes before that, but it's
16 probably pretty close. She sees him pulling into Country
17 Colony Drive. And Mr. Curry brought up and made a big deal
18 on cross-examination with her and he had mentioned it
19 briefly this morning about her not seeing that Crown Vic
20 there. Actually, I guess, that was Mr. Culler. I submit
21 to you, ladies and gentlemen, how on Earth would she know
22 whether that Crown Vic was there or not? Why would she be
23 paying any attention to whether her neighbor's car was home
24 at that point in time? She was paying attention to Michael
25 Carter's truck because she thought initially when she saw

1 him coming that he was coming to see her, so that's why
2 she would pay attention and know to tell law enforcement
3 several days later where she saw him go, all right? But
4 that's about 5:15. Between 5:15, 5:30 Alice Simpson --
5 she's come home and gone to pick up her grand kids and sees
6 the neighbor's rent man's truck pull out real fast. And
7 she doesn't pay attention to who's driving. She can't say
8 white male, black male or anything about them or even if it
9 was a male driving, all right? But what else do we hear
10 around the same time?

11 All right. David Williams. You know, they made a big
12 deal and jumped all over David Williams. He's a crack
13 head. How can we believe him? He's not credible. Well,
14 obviously you heard him. He is obviously not the most
15 educated person in the world. What possible reason would
16 David Williams back on September 26, 2013, have to come
17 into the sheriff's office and tell them about this? Tell
18 them about hearing the pow or a gunshot next door and
19 seeing the rent man's truck pull out real fast with a black
20 male driving that he didn't know, was not Leroy Glover,
21 seeing the Crown Vic that he's seen there before pull out
22 and come back and see it pull out again with Smoke driving
23 it and then going around back when he saw -- he thought
24 somebody was cooking out behind the trailer and finding
25 the trailer fully engulfed in flames and he goes to the

1 neighbor and knocks on Alice Simpson's door and tells her
2 to call 9-1-1. You know, Mr. Curry got up and attacked him
3 about his times -- attacked him about his times. There is
4 no question at all that David Williams is mistaken about
5 what time he saw all this stuff happen and the way we know
6 that is because of this. Alice Simpson says between 6:30
7 and 7:00 a guy that she didn't know came knocking on her
8 door and told her, you know, your neighbor's trailer's on
9 fire, you may want to move your car, and call 9-1-1. She
10 says that's between 6:30 and 7:00, but we know it's
11 actually about 7:09 because that's when the alarm goes out
12 to the fire department. And one thing David says is that,
13 you know, right after he went over there the fire trucks
14 arrive and the fire trucks weren't out there at 4:00, they
15 were out there at 7:11. So we know that his times are off
16 by a couple of hours, but ultimately everything else he
17 says, and I'm gonna talk to you about this in a few minutes
18 when we get into the phone records, is corroborated by
19 other evidence. It's corroborated by Alice Simpson and
20 it's corroborated Deborah Jenkins, it's corroborated by the
21 cell phone records.

22 So what do we have? At 7:09 the alarm goes out to the
23 fire department and the trucks are arriving there at 7:11
24 and, lo and behold, five-minutes later clear across the
25 county we've got another fire alarm coming out. Smoke in

1 the woods that turns out to be Mike Carter's Toyota Land
2 Cruiser with him dead in the backseat on fire. That,
3 ladies and gentlemen, proves without any doubt that Mike
4 Carter was killed at that trailer that afternoon, I submit
5 to you, sometime between 5:15 and 5:30 or so in the
6 afternoon. And the thing that further then corroborate
7 that though is the cell phone records.

8 All right. And I'm gonna go through this and pull up
9 some of them in a second. Oh, one other thing when kind of
10 looking at not only where it happened, but how many people
11 had to have been involved. This isn't something where one
12 person did this. It's impossible. These alarm calls prove
13 that. You can't have two people setting two fires -- or
14 one person setting two fires twenty-five, thirty miles
15 apart from each other basically within moments of each
16 other. And ultimately the cell phone records prove that,
17 that there's two people involved in those locations when
18 those fires were set, all right?

19 But the other thing that proves it and Jason Glover
20 actually corroborated this, and I'm gonna talk to you in a
21 little while -- in a few minutes about his testimony this
22 morning, and ultimately it's probably 90 to 95 percent
23 truthful this morning, all right? And the one thing that I
24 was thinking about and I had set to argue up here that he
25 then ultimately ended up admitting that they did was that

1 it took two of them to get Michael Carter's body out into
2 that truck. A six-foot-two, 210-pound man. Somebody two
3 inches taller than me and about twenty pounds heavier than
4 me who was literally dead weight at this point in time.
5 He's been wrapped up in a blanket. We're supposed to
6 believe that one of these men moved him and got him in
7 broad daylight into the backseat of that Toyota Land
8 Cruiser? It proves that two people were involved.

9 Let's look at the cell phone records. As I said
10 earlier, the thing about that, you know, witnesses can
11 have, you know, issues with their memory, witnesses can
12 have biases, prejudices, they can have a stake in the
13 outcome, phone records don't. They're not biased. They
14 don't have a stake in the outcome. In this case, I submit
15 to you they tell us exactly what these two men did back on
16 September 23rd. The first thing, you know, when you're
17 looking back at the timeline at the time is that Leroy
18 Glover's cell phone records tell us when you look at his
19 call log, his call log that says it's got phone calls from
20 Michael Carter at 3:45 and 4:45, checks his voicemail at
21 4:54, and there's not another phone call on his phone until
22 6:07, having over an hour gap there when I submit to you
23 Michael Carter has shown up over there, he's been killed
24 and the two of them have started figuring out what they're
25 gonna do to cover it up.

1 And it's not just the phone records, it's the text
2 messages to him and Keisha Mack, his girlfriend, that
3 basically say the same thing. 9/23 at 5:06 she texts him
4 a long text. You heard her testimony. She testified that
5 it took a while for him to respond back. 6:18, over an
6 hour later, he finally responds back to that text message.
7 I submit to you the two of them had got a whole lot more
8 going on during that hour time period.

9 Let's look at the location of their cell phones, all
10 right? When you look back at the timeframe, you look back
11 at our timeline, at 5:30 or so has got to be about the time
12 that Mike Carter is dead and has been put in that truck
13 and it's now, I submit to you, Jason Glover driving him to
14 Santee, all right? So you've got a little over an hour to
15 an hour and a half in here that day I submit to you that
16 Leroy Glover has stayed behind attempting to clean up that
17 house, to get the blood out -- I'm not gonna talk about
18 where, but I submit to you the living room area, in the
19 meantime, while his brother takes the body to Santee and
20 tries to figure out what to do with it there and the phone
21 records ultimately prove that. When you look at initially
22 Leroy Glover's cell phone where it tracts and you have
23 that voicemail call at 4:54 where is he pinging or in the
24 vicinity of the tower that's right near his residence at
25 6:18, 6:36, 6:37, 6:38, 6:39. Yet again, that same time

1 period, post homicide, he is still within the vicinity of
2 his home and during that time period placing four calls to
3 his brother during that time period. At 7:06, he starts
4 moving, yet again, jiving right in with the timeframe, all
5 right? If you look back at -- between Alice Simpson, the
6 alarm call coming in and David Williams' testimony that
7 that Crown Vic pulls out right before David Williams goes
8 and knocks on Alice Simpson's door and she calls and the
9 fire department comes. A perfect time to put him going
10 from here out on the 301 and heading toward Santee, making
11 a phone call at 7:06, yet again, to his brother Jason
12 Glover hitting off of the tower out by the Interstate. And
13 he keeps on going. By 7:17 he's in Santee and places about
14 ten calls hitting off the tower in Santee in the vicinity
15 of where the body is. I submit to you at this point in
16 time he's out there there's two things -- two things that
17 Leroy Glover is doing. He's going to check on his brother
18 to make sure that he's done something with Michael Carter's
19 body in that vehicle and he's starting to work on his
20 alibi, and we'll talk about that in a minute.

21 But then what else do we know? All right. 7:17.
22 That's the phone call to Keisha Mack. Keisha Mack, when
23 he tells her that my trailer is on fire, I need you to
24 meet me and take me back there. And do you remember her
25 testimony, and the records show it, I believe there's four

1 calls over the next about twenty minutes from him to her
2 where he ultimately ends up telling -- getting her coming
3 to Santee from Holy Hill and then he ultimately tells her
4 -- tells her to meet him at the Food Lion. And then what
5 does she say at that point in time? They head back to the
6 trailer, okay, and I'm gonna talk about why a lot of that
7 makes absolutely no sense in a minute, but they ultimately
8 end up and back at 8:01 he's back over here in vicinity of
9 his trailer. Four calls at that point in time between 8:01
10 and 8:30 to Michael Carter's cell phone. You might say
11 well, that's, you know, kind of unusual. Why on Earth if,
12 you know, he knew Michael Carter was dead he'd be calling
13 his cell phone? Well, we know the answer to that because
14 Keisha told us. Remember she said that when they got back
15 out there and, you know, the fire department and the police
16 were out there and law enforcement told Leroy Glover to
17 try calling your landlord, to try to get ahold of your
18 landlord, and I submit to you that's what he's doing. He
19 knew darn well nobody was gonna answer that phone when he
20 called.

21 All right. That's Leroy. It tracts perfectly.
22 Tracts perfectly with what the witnesses say and I submit
23 to you with him, yet again, being at his home at the time
24 Michael Carter was killed, at his home at the time the
25 trailer was set on fire and then in Santee at 7:17 trying

1 to work on his alibi.

2 How about Jason Glover? We're able to tell from his
3 records -- the record of his calls. He makes four outgoing
4 calls to Jason Glover -- I mean, to Leroy Glover that
5 night; 6:07, 6:29, 6:45 and 7:24. All four of those were
6 pinging off a tower in Santee. Yet again, perfectly
7 consistent time-wise with -- if the homicide takes place
8 at about 5:30, him getting in that vehicle and heading to
9 Santee. If he's doing all the things he testified this
10 morning about, the two of them going off and trying to
11 blame Leroy for initially trying to burn the vehicle and
12 all and then ultimately making it to Santee, he's not there
13 by 6:07. I submit to you what this corroborates is David
14 Williams.

15 Let's look a little bit at Leroy Glover's kind of
16 after actions because these are -- you know, Mr. Curry,
17 you know, he talked to you a few moments ago about -- about
18 Leroy Glover going into the sheriff's office and going
19 voluntarily into the sheriff's office the following day and
20 how he didn't -- you know, he may not have told the same
21 story the whole time he was there. That's -- you know,
22 that's just -- that's just how things happened. Let's look
23 a little more closely at that, all right? Do you remember
24 about the testimony, you know, he showed up about 3:30 or
25 so, somewhere in that range? Well, think about it. The

1 interview starts -- that we have here starts at 3:36.
2 Leroy Glover and Keisha Mack had been in the interview room
3 for a short period of time before that, sitting there
4 waiting for basically Lieutenant Shumpert to able to come
5 in and start talking to them and that video picks up with
6 the two of them still sitting both in there.

7 And Keisha tells us this and ultimately the records
8 tell us this. They're sitting across the table from each
9 other. This is a person that supposedly if you believe
10 Mr. Curry's argument is not involved in Michael Carter's
11 death, I guess wasn't there when Michael Carter was killed,
12 knows nothing about what has happened, not involved in
13 burning his trailer down, is not involved in burning
14 Michael Carter's Land Cruiser or his body, but what is his
15 default when they show up and they're sitting there waiting
16 to have an investigator come talk to them? They said they
17 voluntarily came in, and I have no doubt that he was told
18 just to come in -- to get him in -- to get him to come in
19 and talk about the trailer because that's what he thought
20 Lieutenant Shumpert wanted to talk to him about. What does
21 he do? He texts his girlfriend sitting across the table
22 from her. Tell them I was with you. She texted him back:
23 I told them you was at my house. And his response back
24 sitting in the room and knowing there's a camera sitting up
25 there: Don't say shit back. Camera.

1 Are those the actions on the afternoon of
2 September 24th of 2013, of an innocent man or the man that
3 has something to hide and was involved in a brutal,
4 horrible act the night before? And then he texts her even
5 after now about nineteen minutes later, and this is after
6 Lieutenant Shumpert has already come in and initially asked
7 him to tell me where you were, and I'm gonna go through
8 that in a second, and gives for the first time the story
9 that I was with Keisha the entire time, and they leave the
10 room. And if you remember -- and unfortunately I'm sure,
11 you know, some of this not knowing ahead of time you
12 wouldn't know to pick up on, but he's texting, messing
13 around with his phone the whole time, and he's shooting her
14 a text at that point in time that they're gonna go talk to
15 her where he's now telling her my mom's says tell them you
16 want a lawyer, don't say anything else. Because he's
17 worried that she might not stick to the script that he
18 needs her to stick to at that point in time.

19 But what on that video does he spend the next
20 forty-five minutes doing? Not one time, not two times, not
21 three times. Four separate times Lieutenant Shumpert comes
22 back in that room and gives him the opportunity to tell the
23 truth and what does he do over and over and over again? He
24 lies. I was with her last -- all last evening. I was with
25 her when I found out the trailer was set on fire, just like

1 he hoped she was gonna be telling Lieutenant Shumpert. Lo
2 and behold, he's ultimately confronted by guess what? You
3 know, the gig is up, I'm tired of going back and forth, you
4 know, I've seen her phone, she told me that she picked you
5 up in Santee at Food Lion last night, so I know you're not
6 telling me the truth. He say oh, wait a minute. Oh, okay.
7 Okay. And then suddenly we have this other story.

8 All right. So this other story pops up. That's
9 right, you know, I didn't want to, you know, these drug
10 dealers, I might get in trouble if I tell -- tell anybody
11 that I was with them last night, so that's why I had to --
12 that's why I had to not tell you the truth about this. I
13 was really hanging out over on Highway 176 over here during
14 this time when I got the call from Wesley, my roommate,
15 that the trailer was on fire, okay? Well, that's -- that's
16 well and good, but what -- what does he say he did after
17 that that I submit to you makes absolutely no sense? All
18 right. You're hanging out somewhere and you get a call
19 from your roommate, and you have those records. I mean,
20 Wesley called him over and over and over. Now I'm not sure
21 -- I mean, his demeanor on the stand wasn't -- wasn't the
22 greatest and it's obvious that he's his friend, but that's
23 -- his actions that night were how a person would act if
24 they found out their trailer was on fire and they're about
25 to lose all their stuff, not what Leroy Glover does, all

1 right?

2 Leroy Glover gets the call about -- and finally --
3 finally talks to his roommate and what does he do? All
4 right. He's on Highway 176 supposedly. He doesn't come
5 out to 301 and take a left and go back to his -- head to
6 his trailer, which is what a reasonable person would do if
7 you just found out your home was on fire. Oh, no. I'm
8 gonna go the other direction. I'm gonna go right and go
9 to Santee because I don't want to drive my car back to
10 Orangeburg because my rims are knocking. You know, that
11 hadn't seemed to be a problem at all that day when they
12 were driving around everywhere else, but suddenly it's a
13 problem. Well, what it is, is him starting to think
14 about -- you know, about basically trying to create his
15 alibi. It makes absolutely no sense, but, you know, the
16 reason it doesn't make sense is because we know it's not
17 the truth either. We know he's not hanging out here off of
18 176 when he gets that call that -- about his house on fire.
19 We know based on his phone records that leading up to at
20 least 6:39 he's over here. When he gets that call he's in
21 Santee.

22 It's finally about fifty-three minutes into that that
23 Lieutenant Shumpert kind of drops the bomb so to speak on
24 Leroy. If I remember correctly, he tells him, you know,
25 it's about enough of this, you know. This is -- he tells

1 him this is a murder investigation and, guess what, you're
2 the prime suspect. And what is Leroy's response? Oh, no.
3 Oh, no. What, me? Oh, no, not me. He goes on for almost
4 a full minute doing that. He never once goes who. Who?
5 There's no reason for him to ask that question because in
6 his mind he knows who.

7 Then the last thing I want to talk to you about as far
8 as -- with regards to Leroy, LaTosha Truewell, his other
9 girlfriend, or at least one of his other girlfriends. I
10 guess apparently there may be others out there, too. You
11 know, he actually brings her in, and I'm sure he wasn't
12 expecting her to tell the police this when he, you know,
13 brought her down to the sheriff's office, but, you know --
14 if you remember on the video he brings her up on the 24th
15 and ultimately brings her into the sheriff's office for her
16 to give a statement just to kind of prove that he's telling
17 the truth about some stuff the day before, that he had been
18 with her earlier in the morning. You know, she's not
19 around him after -- after lunchtime, but I'm sure he wasn't
20 expecting her to come in and tell the police oh, yeah,
21 guess what? I saw Leroy with a revolver the day before,
22 that Sunday. Not only that, but when he got done shooting
23 it he went and flushed the shell casings down the toilet
24 and made some comment about I wasn't wearing gloves when I
25 was loading the gun. Does that make sense? Is that -- is

1 that the actions of a person that's not up to no good?

2 Folks, just bear with me a few more minutes. I want
3 to talk to you just very briefly about Jason Glover. You
4 know, his brother tried his darnedest early on to keep him
5 out of it because he was working on his alibi, Keisha Mack.
6 Trying to get to Keisha Mack to make sure she didn't say
7 anything about him, you know, then it all fell apart. It
8 all fell apart. But what does Jason Glover do? You know,
9 they bring him in on September 26th, that Thursday, and he
10 lies. I was hanging out with my brother off of Highway 176
11 and he got the call that his house was on fire. You know,
12 surprise. Where have we heard that before? Right here.
13 Then he gets arrested and fast-forward to December 2, 2013.
14 And I submit to you that there is -- with regards to the
15 actual shooting I submit to you there is no doubt, there's
16 no question that what he told Lieutenant Shumpert back in
17 December of 2013 is not what happened. It's not what
18 happened, but the games were still going on at that point
19 in time between those two right there. Those games that I
20 submit have continued all the way until today. How do we
21 know? How do we know? Well, first of all, before I get
22 into that, let's look at what he does say, all right?
23 Because while he's coming in and confessing to killing
24 Michael Carter he's still, you know, basically as he said
25 on the stand today when he gave that statement, you know,

1 that he was defending himself and he actually supposedly
2 got grazed in the finger by a shot that, I guess, that Mike
3 fired, that they were in a heated argument, so it's not
4 really murder. The gun just went off, so it was an
5 accident. So he's still minimizing things in his own
6 involvement also, but let's look at the way we know that
7 it's not -- it's not what happened. The gun that was used,
8 and, you know, there's a reason -- you know, I hate that we
9 had to put all this stuff in, but it was basically just to
10 show one thing. Mike Carter wasn't killed with his own
11 gun. He was killed with a revolver just like Jason Glover
12 put in that statement because that part was true about
13 there being a revolver, Leroy Glover's revolver.

14 All right. And we know the phone records -- the
15 phone call, we know why Michael Carter went over that day
16 was to meet Leroy Glover. There's no other reason why
17 you'd get a phone call at 4:45 and look to rush over there
18 when you have somebody else to meet unless you knew the
19 person that owed you money was gonna be there. Their cell
20 phone records, yet again, prove that that is it not what
21 happened. The fact that he doesn't talk about the trailer
22 at all burning, how the trailer burned. You know, at one
23 point in time I think maybe when Lieutenant Shumpert was
24 asking he made mention maybe the hot plate, but he never
25 says anything about it and we know it was burned because of

1 the smell of gas. I mean, it's just the facts. When it
2 was caught on fire is just too coincidental, but, see, he
3 can't address that in his statement because he wasn't there
4 when that happened. That was Leroy Glover doing that when
5 Jason Glover was off in Santee burning the body, burning
6 the truck. But the fact of the matter is, ladies and
7 gentlemen, that while -- I told you that statement's not
8 the truth about what happened. What it is evidence of is
9 his involvement because, ladies and gentlemen, I submit to
10 you a person that was not involved in a murder wouldn't
11 come in and admit to killing a person. That makes no
12 sense. But for the fact that he is involved, involved with
13 his older brother, and the two of them are trying to play
14 games on the system, games that I submit to you continue
15 with whoever wrote this letter two months later -- a month
16 later after that, whether it was Jason, Leroy, whoever,
17 shows that he's still playing games.

18 Then the last kind of thing to talk about is the
19 testimony today. You know, Michael Culler in his opening
20 statement, Mr. Culler got up and said that his client is
21 not guilty of murder, but he may be guilty of being stupid.
22 You know, stupid would be, you know, if Keisha Mack had,
23 in fact, lied to the police and said that Leroy was with
24 her that night. You know, that would be stupid. It would
25 also be against the law and might be guilty of being an

1 accessory after the fact. You know, if their brother
2 Patrick knew that something -- that his brother had done
3 something and brought him clothes, checked him into a hotel
4 or got him out of town, you know, that's being stupid. You
5 know, even Jeremy Bradley, the guy they called yesterday,
6 you know, if he had actually attempted to give an alibi to
7 Leroy or Jason Glover, that would be being stupid. You
8 know, if Jason Glover had merely done any of those things,
9 that would be being stupid. You know, if he had lied for
10 his brother after the fact, said that he was with me when
11 he wasn't really with me, you know, that's the part of
12 being stupid. You know, if he gave him a ride away from
13 there. Supposedly, you know, if he took the gun after the
14 fact and went and threw it in the woods, threw it in a
15 pond, which he may have done, that's being stupid. That's
16 also being an accessory after the fact. I submit to you
17 the moments after a man has been shot in the head, who's
18 lying bleeding on the floor -- do you remember Dr. Ross's
19 testimony? You know, he would have been unconscious almost
20 immediately, but not dead for minutes. Don't even bother
21 to check and see whether he's still alive. They're rolling
22 him up in a blanket and taking him and dumping him in the
23 back of his vehicle, driving him across the county, not
24 only dousing his vehicle -- and I guess at this point in
25 time maybe it doesn't matter, it doesn't make much of a

1 difference, but not only dousing this vehicle in gasoline,
2 but dousing Michael Carter's body in gasoline and setting
3 it on fire, ladies and gentlemen, that's way beyond being
4 stupid. He calls it being guilty of being stupid. Ladies
5 and gentlemen, I submit to you I call it being guilty of
6 aiding, abetting and assisting his brother in the murder of
7 Michael Carter.

8 A couple of other things, just kind of what he
9 testified about today, you know, he says -- and part of it
10 is he's got to -- you know, kind of looking at that, you
11 know, trying to distance himself as much as he possibly can
12 from the actual shooting, okay, all the way to the point
13 of putting it happening -- and he drew that, you know, it's
14 somewhere, drew the little trailer diagram, but when I
15 asked him showing the pictures, you know, where does he say
16 that Leroy shot him? Down the hallway in the bedroom. I
17 think you heard the testimony from Dr. Ross that, you know,
18 a head wound, would have bled and he said that there was
19 blood and he said that they -- you know, that's why they
20 were trying to wrap him up in the blankets. If that had
21 happened down at the end of the hallway in the bedroom as
22 opposed to in the living room where he was, where he was
23 present, why on Earth is that the half of the trailer then
24 that Leroy Glover sets on fire? If you're trying to clean
25 up blood from this trailer, why on Earth are you dousing

1 and setting fire to the part of the trailer where the
2 incident didn't occur? That shows that it happened in that
3 living room, I submit to you, where those two men were when
4 Michael Carter walked in and was ambushed when he went in
5 that home shortly after 5:00 two years ago.

6 All right. But what else does he say? Kind of
7 looking at kind of a few of the little inconsistencies
8 where he's trying to, yet again, just kind of minimize that
9 initial kind of involvement, okay? You know, we've got to
10 get Jason's {sic} car out of here, okay? You've got to get
11 Jason's car out of here so that he's -- so I can put him
12 with me and, you know, put him being the one that's
13 initially driving away from the scene, him the one that's
14 initially trying to set fire. So, you know, he talks about
15 -- he talks about this other girl calling and coming and
16 getting to borrow the car. Well, ponder that though.
17 Ponder that though because when you look at the cell phone
18 records of Leroy there's no other phone calls. There's no
19 other phone calls. He gets a phone call -- he calls Keisha
20 Mack at 2:52, which I submit is right when she was getting
21 ready to leave work and come over to him to bring the car
22 back, and the only other calls he makes, he makes one to
23 Michael Carter, at 4:45 one to Michael Carter, and then the
24 incidents happen. There's no calls in here like he's
25 saying there were in between.

1 All right. You know, the testimony, yet again. I
2 took him and he's the one that -- and we went driving
3 somewhere off of Old Elloree Road, wherever that might be,
4 and that Leroy then had to call her -- I assume to come
5 pick him back up, but, yet again, when you look during this
6 whole time period from 6:00, you know, getting all the way
7 well after 7:00 when the fires have been set, you know,
8 the first outbound call there is all the way down here
9 almost at 6:38 and by that point in time, I mean, he's at
10 the trailer with that fire almost set, so he's not calling
11 somebody to pick him up three miles away or so to get him
12 back and then set fire to the trailer. Those are the only
13 numbers we don't know. All the other outgoing calls he
14 makes are to his brother.

15 Then when you look at just a couple of the other
16 witnesses they called, Patrick Thrower, the brother. I
17 mean, I don't know. Basically all that proved was that --
18 that Jason Glover was involved, was what that proved. You
19 know, I can't say it made a whole lot of sense. I mean,
20 you know, his brother said that sure, he was in a pretty
21 difficult position right now to be put in to be called here
22 yesterday, but still the fact is you call your brother from
23 work to come and he comes and brings him clothes and then
24 takes him to a hotel and doesn't think that's out of the
25 ordinary.

1 As I said, the games continue, continue, but it's time
2 ladies and gentlemen, for them to be over. I submit to you
3 the games are over, the lying's over. In a few minutes
4 I'm gonna sit down. Actually it will be less than that,
5 probably about in forty seconds I'm gonna sit down, and
6 Her Honor is gonna have an opportunity at that point in
7 time to charge you on the law in the case and when she's
8 done you're gonna have an opportunity at that point in time
9 to go back into your jury room and begin deliberating.

10 Ladies and gentlemen, I submit to you there's two
11 words -- there's two words that can put an end to these
12 games, two words that can hold the men responsible, the men
13 accountable, the men that killed Michael Carter twenty-four
14 months ago. Those words are Jason Glover, you're guilty of
15 Michael Carter's death, and, Leroy Glover, you're guilty of
16 Michael Carter's death. Thank you.

17 **THE COURT:** Ladies and gentlemen of the jury, it's
18 now time for me to charge you on the law in this case.
19 The indictments in this case charge the defendants with
20 murder. I remind you that the fact that the defendants
21 were arrested, charged and indicted in this case is not
22 evidence in this case and cannot be considered by you as
23 evidence of guilt in this case. Nor does it create any
24 presumption of innocence or guilt or inference of guilt.
25 These documents are simply the formal written instruments

1 which contain the charges made against the defendants in
2 this and they're the formal documents by which the case is
3 brought into this court.

4 I charge you that there are two defendants in this
5 case, each of whom is charged with murder. The case of
6 each defendant and the evidence and the law concerning a
7 defendant should be considered separately and individually.
8 Your verdict does not have to be the same for both
9 defendants. The fact that you may find one defendant
10 guilty or not guilty should not control your verdict as to
11 the other defendant. Where more than one person is charged
12 with a crime, if the evidence warrants it, you may convict
13 one and acquit the other or you may acquit both or you may
14 convict both. It will depend upon your view of the
15 testimony and the evidence. You must take each defendant
16 and consider the evidence as to that defendant and my
17 instructions to you on the law. You will then write a
18 separate verdict of guilty or not guilty for each
19 individual defendant.

20 Each defendant in this case has plead not guilty to
21 each indictment and that plea puts the burden on the State
22 to prove the defendant guilty. A person charged with
23 committing a criminal offense in South Carolina is never
24 required to prove himself innocent. I charge you that
25 it's an important rule of the law that the defendant in a

1 criminal trial not mater what the seriousness of the charge
2 may be will always be presumed innocent of the crime for
3 which the indictment was issued unless guilt has been
4 proven by evidence satisfying of you that guilt beyond a
5 reasonable doubt.

6 This presumption of innocence does not end when you
7 begin your deliberations, but it accompanies the defendant
8 throughout the trial until you reach a verdict of guilt
9 based on evidence satisfying of you of that guilt beyond a
10 reasonable doubt. The presumption of innocence is like a
11 robe of righteousness placed about the shoulders of the
12 defendant which remains with the defendant until it has
13 been stripped from the defendant by evidence that satisfies
14 you of the defendant's guilt beyond a reasonable doubt.
15 The presumption of innocence is not a mere legal theory, it
16 is not just a legal phrase. It is a substantial right to
17 which every defendant is entitled to unless you, the jury,
18 are satisfied from the evidence of the defendant's guilt
19 beyond a reasonable doubt.

20 What is a reasonable doubt in the law? A reasonable
21 doubt is the kind of doubt that would cause a reasonable
22 person to hesitate to act. The State has the burden of
23 proving each defendant guilty beyond a reasonable doubt.
24 Some of you may have served as jurors in civil cases where
25 you were told that it is only necessary to prove that a

1 fact is more likely true than not true, such as by the
2 greater weight or the preponderance of the evidence. In
3 criminal cases, the State's proof must be more powerful
4 than that. It must be beyond a reasonable doubt. Proof
5 beyond a reasonable doubt is proof that leaves you firmly
6 convinced of the defendant's guilt. There are very few
7 things in this world that we know with absolute certainty
8 and in criminal cases the law does not require proof that
9 overcomes every possible doubt. If, based upon your
10 consideration of the evidence, you are firmly convinced
11 that the defendant is guilty of the crime charged, you must
12 find the defendant guilty. If, on the other hand, you
13 think there's a real possibility that the defendant is not
14 guilty, you must give the defendant the benefit of the
15 doubt and find him not guilty.

16 I remind you that during this trial you and I have
17 certain duties to perform. As the trial judge, it's my
18 responsibility to preside over the trial of this case. I
19 also have the duty to rule on the admissibility of evidence
20 offered during this trial. You are to consider only the
21 competent evidence before you. If there is any testimony
22 ordered stricken from the record in this case during this
23 trial, you must disregard that testimony. You are to
24 consider the testimony which is presented from the witness
25 stand, any exhibits which have been made a part of the

1 record in this case and any stipulations of counsel.

2 I have the additional duty to charge you to the law
3 applicable to this case. As the presiding judge, I'm the
4 sole judge of the law in this case and it is your duty as
5 jurors to accept and apply the law as I now state it to
6 you. If you already have any idea as to what the law is or
7 what the law ought to be and it does not agree with what I
8 now tell you the law is, you must abandon this idea because
9 you are sworn to accept the law and apply the law exactly
10 as I state it to you now.

11 In every case tried in this court before a jury, the
12 jury becomes the sole and exclusive judge of the facts in
13 the case. A trial judge cannot intimate, state, comment on
14 or make any statement to a trial jury about the facts in
15 the case. Since you, the jury, are the sole judges of the
16 facts in this case you're not to infer from anything that
17 I have said during the process of this trial or in ruling
18 upon any admissibility of evidence or otherwise or anything
19 that I say now during the course of these instructions to
20 you that I have any opinion about the facts in this case.
21 The law does not allow me to have an opinion about the
22 facts in this case. This matter is the sole -- this is a
23 matter solely for you, the jury, to determine. As jurors
24 it is your duty to determine the effect, value, weight and
25 truth of the evidence which was presented during this

1 trial.

2 There are two types of evidence which are generally
3 presented during a trial; direct evidence and
4 circumstantial evidence. Direct evidence is the testimony
5 of a person who claims to have actual knowledge of a
6 fact, such as an eyewitness. Circumstantial evidence is
7 proof of a chain of facts and circumstances indicating
8 the existence of a fact. Crimes may be proven by
9 circumstantial evidence. The law makes no distinction
10 between the weight or value to be given either to direct
11 or circumstantial evidence. However, to the extent the
12 State relies on circumstantial evidence all of the
13 circumstances must be consistent with each other and when
14 taken together point conclusively to the guilt of the
15 accused beyond a reasonable doubt. If these circumstances
16 merely portray the defendant's behavior suspicious, the
17 proof has failed. The State has the burden of proving the
18 defendant guilty beyond a reasonable doubt. This burden
19 rests with the State regardless of whether the State relies
20 on direct evidence, circumstantial evidence or some
21 combination of the two.

22 Necessarily, you must determine the credibility of
23 witnesses who have testified in this case. Credibility
24 simply means believability. It becomes your duty as jurors
25 to analyze and to evaluate the evidence and to determine

1 which evidence convinces you of its truth. In determining
2 the believability of witnesses who have testified in this
3 case, you may believe one witness over several witnesses
4 or several witnesses over one witness. You may believe a
5 part of the testimony of a witness and reject the remaining
6 part of the testimony of that same witness. You may
7 believe the testimony of a witness in its entirety or you
8 may reject the testimony of the witness in its entirety.
9 You may consider whether the witness has exhibited to you
10 any interest, bias, prejudice or other motive in this case.
11 You may also consider the appearance and the manner of a
12 witness while on the witness stand.

13 The rules of evidence ordinarily do not permit
14 witnesses to testify as to opinions or conclusions. An
15 exception to this rule exists for what we call expert
16 witnesses. A witness who by education and experience
17 has become an expert in some art, science, profession or
18 calling may state an opinion as to any relevant or material
19 matter in which the witness claims to be an expert and may
20 also state the reasons for that opinion. You should
21 consider any expert opinion received in evidence in this
22 case and like any other evidence give it the weight that
23 you think it deserves. If you decide that the opinion
24 of an expert is not based on sufficient education and
25 experience or if you conclude that the reasons given in

1 support of the opinion are not sound or that the opinion
2 is outweighed by other evidence, you may disregard the
3 opinion in its entirety. An expert witness's testimony is
4 to be given no greater weight than the other witnesses
5 simply because the witness is an expert. Further, you're
6 not required to accept an expert's opinion even though it's
7 not contradicted.

8 I instruct you and emphasize that the fact that the
9 defendant, Leroy Glover, did not testify is not a factor
10 to be considered by you in any way in your deliberation
11 and in your consideration on the question of the guilt or
12 the innocence of the defendant. It must not be considered
13 by you in any manner whatsoever. A defendant has a
14 constitutional right to remain silent and the assertion
15 of this right must be -- not be considered by you in your
16 deliberations. I repeat. Under your oath you are to draw
17 no conclusion whatsoever from the fact that the defendant
18 in this case did not testify. The fact that the defendant
19 did not testify should not even be discussed in the jury
20 room. The burden of proof, as I have stated to you, is on
21 the State. The defendant is not required to prove his
22 innocence and the burden of proof remains on the State to
23 prove guilt beyond a reasonable doubt.

24 If a crime is committed by two or more people who are
25 acting together in committing a crime, the act of one is

1 the act of all. A person who joins with another to commit
2 an unlawful act is criminally responsible for everything
3 done by the other person which happens as a probable or
4 natural consequence of the acts done in carrying out the
5 common plan and purpose. For example, two people can be
6 guilty of killing another person when only one of the two
7 had a gun, if there was only one bullet and only one of the
8 two fired the shot that caused the death. If two or more
9 people are together, acting together, assisting each other
10 in committing the offense, the act of one is the act of
11 all. Or, as it's sometimes called, the hand of one is the
12 hand of all.

13 Prior knowledge that a crime is going to be committed
14 without more is not sufficient to make a person guilty of
15 that crime. Mere knowledge that another person is going to
16 commit a crime, even if the defendant is present when the
17 crime is committed, is not sufficient to convict the
18 defendant as a principal. Guilt as a principal is shown
19 by actual or constructive presence at the scene as a result
20 of prior arrangement. Therefore, a finding of a prior
21 arranged plan or common scheme is necessary for a finding
22 of guilt as the principal. The State must prove beyond a
23 reasonable doubt by competent evidence the theory of the
24 hand of one is the hand of all. A principal in a crime is
25 one who either actually commits the crime or who is present

1 aiding, abetting or assisting in committing the crime.
2 When a person does an act in the presence of and with the
3 assistance of another, the act is done by both. Where two
4 or more acting with a common plan or intent are present at
5 the commission of a crime, it does not matter who actually
6 commits the crime, all are guilty. The hand of one is the
7 hand of all. Present at the commission of a crime means
8 to be sufficiently near to aid, abet and assist in the
9 commission of a crime. However, mere presence at the
10 scene of a crime is not sufficient to convict one as a
11 principal on the theory of aiding and abetting.

12 Intent is also a necessary element for there must
13 have been a common design or intent to commit the crime and
14 the crime must have been committed pursuant thereto with
15 the person aiding and abetting by some overt act. Intent
16 means intending the result which actually occurs, not
17 accidentally or involuntarily. Intent may be shown by
18 acts and conduct of the defendant and other circumstances
19 from which you may naturally and reasonably infer intent.
20 The State must prove these elements beyond a reasonable
21 doubt.

22 Under an accomplice liability theory that the hand
23 of one is the hand of all, one who joins with another to
24 accomplish an illegal purpose is liable criminally for
25 everything done by his confederate incidental to the

1 execution of the common design or purpose. A person must
2 personally commit the crime or be present at the scene of
3 a crime and intentionally through some common design aid,
4 abet or assist in the commission of that crime through
5 some overt act to be guilty under a theory of accomplice
6 liability. One is not liable for the acts of an accomplice
7 unless the act is a natural or probable consequence of an
8 agreed plan.

9 An issue in this case is the identification of the
10 defendant as the person who committed the crime charged.
11 The State has the burden of proving identity beyond a
12 reasonable doubt. You must be satisfied beyond a
13 reasonable doubt of the accuracy of the identification
14 of the defendant before you may convict the defendant.
15 Identification testimony is an expression of belief or
16 impression by a witness. You must determine the accuracy
17 of the identification of the defendant. You must consider
18 the believability of each identification witness the same
19 as you would any other witness. You may consider whether
20 the witness had an adequate opportunity to observe the
21 offender at the time of the offense. This would be
22 affected by things like how long or short of a time was
23 available, how far or close the witness was, the lighting
24 conditions and whether the witness had the chance to see or
25 know the person in the past. Once again, I instruct you

1 the you burden of proof is on the State as to every element
2 of the crime charged and it specifically includes the
3 burden of proving beyond a reasonable doubt the identity of
4 the defendant as the person who committed the crime. If
5 after examining the testimony you have a reasonable doubt
6 as to the accuracy of the identification, you must find the
7 defendant not guilty.

8 Mere presence at the scene is not sufficient to prove
9 someone guilty of a crime. A defendant's presence where a
10 crime is being committed or mere association with a person
11 who commits a crime does not make a person an accomplice
12 or an aider or abetter of the person committing the crime.
13 The burden is on the State to prove every element of the
14 crime charged. If you find after reviewing all of the
15 evidence that the State has proved that the defendant was
16 only present at the scene of a crime and that they have not
17 proved beyond a reasonable doubt any other participation
18 in the crime, then you must find the defendant not guilty.
19 The law is that proof of -- at the scene of the crime is
20 not sufficient to find someone guilty.

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

1 beyond a reasonable doubt. Criminal intent is always a
2 matter that must be determined by the jury from the
3 circumstances surrounding the situation. There's no way
4 to prove intent to a mathematical certainty. There's no
5 way medical science can dissect a person's brain and
6 determine what the person had in mind, so the law says that
7 criminal intent may be inferred from the circumstances to
8 have shown to have existed. This is how you make a
9 determination of whether or not the element requiring
10 intent was present. It is not necessary to establish
11 intent by direct and positive evidence, but intent may be
12 established by inference in the same way any other fact by
13 taking into consideration the acts of the parties and all
14 of the facts and circumstances of the case. Criminal
15 intent is a mental state, a conscious wrongdoing. It is up
16 to you to determine what the defendant intended to do based
17 upon the circumstances shown to have existed. Criminal
18 intent can arise from an action or a failure to act. It
19 may arise from the negligence, recklessness or indifference
20 to duty or to the consequences that is considered by law to
21 be the equivalent of criminal intent.

22 There has been evidence presented that a witness has
23 made prior statements which are not consistent with the
24 witness's present testimony. You may use this evidence in
25 deciding whether to believe the witness. You may also use

1 evidence of the earlier contradictory statements to
2 determine the truth of those statements. It is up to you
3 to decide whether to believe the earlier statements or the
4 testimony given at trial. If a witness is shown to have
5 knowingly testified untruthfully concerning any material
6 matter, you may consider this in determining whether to
7 trust the witness's testimony as to other matters. You
8 may reject all testimony of that witness or give a part of
9 the testimony the weight that you think it deserves. A
10 statement made by the defendant has been admitted into
11 evidence in this case. While the Court has determined
12 that the statement is admissible, I instruct you that you
13 make the ultimate decision as to whether the statement
14 was made by the defendant voluntarily and of his own free
15 will. This means that the statement was not caused by
16 pressure, force, fear, threats, coercion or intimidation
17 or by hope of a promise of leniency or a reward of any
18 kind. In determining whether the statement was voluntary,
19 you should consider both the characteristics of the
20 defendant and the details of the questioning. Some of
21 the factors that you must consider are the age of the
22 defendant, the defendant's education, or lack of education,
23 the defendant's mental ability or capacity, the defendant's
24 IQ or intelligence, the defendant's background and
25 environment, the place and length of the detention, the

1 nature of the questioning and the advice or lack thereof
2 to the defendant of his constitutional rights, including
3 but not limited to, the right to remain silent, that any
4 statement could be used against him in a court of law,
5 the right to have a lawyer present, that if he could not
6 afford a lawyer, a lawyer would be appointed to represent
7 him without any cost, and that he could stop making the
8 statement at any time. You must carefully consider all of
9 the surrounding circumstances before you give any weight to
10 an alleged statement. The State has the burden of proving
11 beyond a reasonable doubt that the statement was voluntary.
12 If you determine that it was, you may give the statement
13 any further consideration that you deem is proper. You
14 must decide what weight, if any, should given to the
15 statement. If you determine that the statement was not
16 the free and voluntary statement of the Defendant, you
17 should not consider the statement at all.

18 Each defendant is charged with murder. The State must
19 prove beyond a reasonable doubt that the defendant killed
20 another person with malice aforethought. Malice is hatred,
21 ill will or hostility towards another person. It is the
22 intentional doing of a wrongful act without just cause or
23 excuse and with an intent to inflict an injury under
24 circumstances that the law will infer an evil intent.
25 Malice aforethought does not require that malice exist for

1 any particular time before the act is committed, but malice
2 must exist in the mind of the defendant just before and at
3 the time the act is committed. Therefore, there must be a
4 combination of the previous evil intent and the act.
5 Malice aforethought may be express or inferred. These
6 terms, express and inferred, do not mean different kinds of
7 malice, but merely the manner in which malice may be shown
8 to exist; that it's either by direct evidence or by
9 inference from the facts and circumstances which are
10 proved. Express malice is shown when a person speaks words
11 which express hatred or ill will for another or when the
12 person prepared beforehand to do the act which was later
13 accomplished. For example, lying in wait for a person or
14 any other acts of preparation going to show that the deed
15 was within the defendant's mind would be express malice.
16 Malice may be inferred from conduct showing a total
17 disregard for human life. Inferred malice may also arise
18 when the deed is done with a deadly weapon.

19 A deadly weapon is any article, instrument or
20 substance which likely caused the death or great bodily
21 harm. Whether an instrument has been used as a deadly
22 weapon depends on the facts and circumstances of each case.
23 The following examples are instruments which may be deadly
24 weapons. A pistol, a shotgun, a rifle, a dirk, a dagger,
25 a knife, a slingshot, metal knuckles, a razor, gasoline, a

1 fire bomb or Molotov cocktail and lighter fluid. A gun
2 may be a deadly even if it's not operating.

3 Ladies and gentlemen, there are several possible
4 verdicts in this case. Madam Forelady, you will have the
5 verdict forms back in the jury room with you. As to each
6 defendant there's a separate verdict form. This one states
7 the State versus Leroy Glover, Jr., and it states as to
8 the charge of murder, we, the jury, unanimously find the
9 defendant, and then you circle the appropriate verdict,
10 either guilty or not guilty. You must then sign it and it
11 has the date on the -- on the verdict form. The next one
12 states the State versus Jason Glover, and the same content
13 is included here. We, the jury, unanimously find the
14 defendant, and you circle the appropriate verdict, either
15 not guilty or guilty, and sign that. You will also have
16 the indictments back in the jury room with you. If you
17 will see on the front of the indictment it has a portion
18 right here where it says verdict. Please write the
19 appropriate verdict on the front of the indictment and
20 sign and date as foreperson of the jury.

21 Ladies and gentlemen, I'm gonna ask you to return to
22 your jury room in just one second and for the last time
23 I'm gonna tell you please do not deliberate until you get
24 the exhibits and the verdict forms back in the jury room
25 and the bailiff instructs you that you can begin your

1 deliberations. And we'll separate the two alternates,
2 please.

3 (Whereupon, the jury retires to the jury room at
4 3:50 PM.)

5 **THE COURT:** Any exceptions or objections to the charge
6 from the State or from the defense?

7 **MR. SORENSON:** No, Your Honor.

8 **MR. CULLER:** None, Your Honor.

9 **MR. CURRY:** None, Your Honor.

10 **THE COURT:** All right. I have the verdict forms here
11 along with indictments. If you would just please get
12 together and make sure we have all the correct exhibits to
13 go back.

14 (Recess taken.)

15 (Whereupon, the evidence, the verdict forms and
16 indictments were given to the jury at 3:57 PM.)

17 **THE COURT:** Solicitor, I'm going to bring the jury
18 back out in a second, so get everybody in place.

19 The jury has a question. I'm going to bring them back
20 out and answer their question.

21 **MR. CURRY:** Mr. Culler's right here. I was trying to
22 get the defendant. There seems to be an issue with him.
23 I'm sorry.

24 **THE COURT:** That's all right. We'll wait for him.

25 (Court's Exhibit Number 3 was marked for

1 identification.)

2 **THE COURT:** We have a question from the jury and the
3 question states: What is the definition of malice? And
4 it's signed by the forelady. I've marked it as Court's
5 Exhibit Number 3. I thought the best way to handle it is
6 just to read the murder charge as it contains the entire
7 malice definition. That way we don't leave out any portion
8 of the actual charge. Any objection from the State or from
9 the defense?

10 **MR. SORENSON:** None from the State, Your Honor.

11 **MR. CULLER:** I don't think so, Your Honor.

12 **MR. CURRY:** No, Your Honor.

13 **THE COURT:** Let's have our jury, please.

14 **BAILIFF:** Yes, Your Honor.

15 (Whereupon, the jury returns to the courtroom at
16 4:30 PM.)

17 **THE COURT:** Madam Forelady, I've received your
18 question regarding what is the question of malice. What
19 I'm going to do is I'm gonna charge you again on the
20 definition of murder, which in it contains the definition
21 of malice, so that you have the entire charge on what
22 murder is with the definition contained of malice.

23 The defendants are charged with murder. The State
24 must prove beyond a reasonable doubt that the defendant
25 killed another person with malice aforethought. Malice is

1 hatred, ill will or hostility towards another person. It
2 is the intentional doing of a wrongful act without just
3 cause or excuse and with an intent to inflict an injury or
4 under circumstances that the law will infer evil intent.
5 Malice aforethought does not require that malice exist for
6 any particular time before an act is committed, but malice
7 must exist in the mind of the defendant just before and at
8 the time the act is committed. Therefore, there must be a
9 combination of the previous evil intent and the act.

10 Malice aforethought may be express and inferred.
11 These terms, express and inferred, do not mean different
12 kinds of malice, but merely the manner in which malice may
13 be shown to exist; that is either by direct evidence or
14 by inference from the facts and circumstances which are
15 proved. Express malice is shown when a person speaks words
16 which express hatred or ill will for another or when the
17 person prepared beforehand to do the act which was later
18 accomplished. For example, lying in wait for a person or
19 any other acts of preparation going to show that the deed
20 was within the defendant's mind would be express malice.
21 Malice may be inferred from conduct showing a total
22 disregard for human life. Inferred malice may also arise
23 when the deed is done with a deadly weapon.

24 A deadly weapon is any article, instrument or
25 substance which is likely to cause death or great bodily

1 harm. Whether an instrument has been used as a deadly
2 weapon depends on the facts and circumstances of each case.
3 The following are examples of instruments which may be used
4 as deadly weapons. A pistol, a shotgun, a rifle, a dirk,
5 a dagger, a knife, a slingshot, metal knuckles, a razor,
6 gasoline, a fire bomb or Molotov cocktail and lighter
7 fluid. A gun may be a deadly weapon even if it is not
8 operating.

9 Ladies and gentlemen, that is the definition of
10 murder, which includes the definition of malice. Does that
11 answer your question, Madam Forelady?

12 **THE FOREPERSON:** Yes.

13 **THE COURT:** All right. Thank you. You may return to
14 your deliberations.

15 (Whereupon, the jury retires to the jury room at
16 4:32 PM.)

17 **THE COURT:** Any exceptions or objections from the
18 State or from the defense?

19 **MR. SORENSON:** None from the State, Your Honor.

20 **MR. CULLER:** None from us.

21 **MR. CURRY:** None, Your Honor.

22 **THE COURT:** All right. We'll be at ease.

23 (Recess taken.)

24 **BAILIFF:** Order, please.

25 **THE COURT:** Thank you, everyone. You may have a seat.

1 It's my understanding that we have a verdict. Is everyone
2 ready to receive the jury?

3 **MR. SORENSON:** Yes, Your Honor.

4 **MR. CULLER:** Yes, Your Honor.

5 **MR. WALTERS:** Yes, Your Honor.

6 **MR. CURRY:** Yes, Your Honor.

7 **THE COURT:** Bring in the jury, please.

8 **BAILIFF:** Yes, Your Honor.

9 (Whereupon, the jury returns to the courtroom at
10 4:54 PM.)

11 **THE COURT:** Madam Forelady, has the jury reached a
12 verdict?

13 **THE FOREPERSON:** Yes, we have.

14 **THE COURT:** Would you please hand it --

15 **BAILIFF:** Your Honor, may I approach?

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

17 **THE COURT:** Madam Clerk, if you'd please publish the
18 verdict.

19 **THE CLERK:** One at a time?

20 **THE COURT:** Yes, please.

21 **THE CLERK:** I bring the Court's attention to the
22 State versus Leroy Glover, Jr., Indictment Number
23 2013-GS-38-1624, as to the charge of murder, we, the jury,
24 unanimously find the Defendant guilty. And this is signed
25 today, September the 18th, by Madam Forelady, Vicki L.

1 Wright.

2 I also bring the Court's attention to the State of --
3 the State versus Jason Glover in reference to Indictment
4 Number 2013-GS-38-1622, that's a charge of murder. We, the
5 jury, unanimously find the Defendant not guilty. It is
6 signed September 18, 2015, by Madam Forelady, Vicki L.
7 Wright.

8 **THE COURT:** Would you please pole the jury.

9 **THE CLERK:** As I call your name, please stand. Jesse
10 Personett, is this your verdict?

11 **JUROR:** Yes, ma'am.

12 **THE CLERK:** Is it still your verdict?

13 **JUROR:** Ma'am?

14 **THE CLERK:** Is it still your verdict?

15 **JUROR:** Yes, ma'am.

16 **THE CLERK:** Okay. You may have a seat.
17 Patsy Bozard, is this your verdict?

18 **JUROR:** Yes, ma'am.

19 **THE CLERK:** Is it still your verdict?

20 **JUROR:** Yes, ma'am.

21 **THE CLERK:** Thank you.

22 Paulus Jumper, is this your verdict?

23 **JUROR:** Yes, ma'am.

24 **THE CLERK:** Is it still your verdict?

25 **JUROR:** Yes, ma'am.

1 **THE CLERK:** Thank you.

2 Theresa Smith, is this your verdict?

3 **JUROR:** Yes.

4 **THE CLERK:** Is it still your verdict?

5 **JUROR:** Yes.

6 **THE CLERK:** Thank you.

7 Angela Terry, is this your verdict?

8 **JUROR:** It is.

9 **THE CLERK:** Is it still your verdict?

10 **JUROR:** Yes, ma'am.

11 **THE CLERK:** Thank you.

12 Deasia Holden, is this your verdict?

13 **JUROR:** Yes, ma'am.

14 **THE CLERK:** Is it still your verdict?

15 **JUROR:** Yes, ma'am.

16 **THE CLERK:** Thank you.

17 Jennifer Halls-Jones, is this your verdict?

18 **JUROR:** Yes.

19 **THE CLERK:** Is it still your verdict?

20 **JUROR:** Yes.

21 **THE CLERK:** Thank you.

22 April Pam, is this your verdict?

23 **JUROR:** Yes.

24 **THE CLERK:** Is it still your verdict?

25 **JUROR:** Yes.

1 **THE CLERK:** Thank you.

2 Janice Fields, is this your verdict?

3 **JUROR:** Yes.

4 **THE CLERK:** Is it still your verdict?

5 **JUROR:** Yes.

6 **THE CLERK:** Thank you.

7 Patricia Ryant, is this your verdict?

8 **JUROR:** Yes.

9 **THE CLERK:** Is it still your verdict?

10 **JUROR:** Yes.

11 **THE CLERK:** Thank you.

12 Kimberly Herman, is this your verdict?

13 **JUROR:** Yes, ma'am.

14 **THE CLERK:** Is it still your verdict?

15 **JUROR:** Yes, ma'am.

16 **THE COURT:** Thank you. Vicki Wright, is this your
17 verdict?

18 **JUROR:** Yes.

19 **THE CLERK:** Is it still your verdict?

20 **JUROR:** Yes.

21 **THE CLERK:** Thank you.

22 **THE COURT:** Thank you, Madam Clerk.

23 Ladies and gentlemen of the jury, if you would please
24 return to your jury room. I'll be in there in just a
25 moment to release you.

1 (Whereupon, the jury retires to the jury room at
2 4:57 PM.)

3 **THE COURT:** Solicitor, will you please prepare the
4 appropriate sentencing sheet.

5 **MR. SORENSON:** Yes, ma'am.

6 **THE COURT:** We'll be at ease for a minute.

7 (Pause in the proceedings.)

8 **THE COURT:** Mr. Culler and Mr. Walters, in regard to
9 your client, Mr. Jason Glover, does he have any other
10 charges pending or anything else that would prevent his
11 release?

12 **MR. CULLER:** I think there are some other charges
13 pending, Your Honor.

14 **THE COURT:** And just for the record, the jury did
15 want to be present for the sentencing of Mr. Leroy Glover,
16 so once everybody's ready, please let me know and we'll
17 proceed with that.

18 **MR. CULLER:** Your Honor, may it please the Court?
19 Should we move?

20 **THE COURT:** Yes, please.

21 **MR. CULLER:** Thank you, Your Honor.

22 **MR. WALTERS:** Thank you, Your Honor.

23 **MR. SORENSON:** May I approach?

24 **THE COURT:** Yes, sir.

25 Mr. Curry, if you and your client would like to come

1 to this table.

2 **MR. CURRY:** Your Honor, just as a matter of procedure,
3 while he's moving, I'd like to renew my motion for judgment
4 notwithstanding the verdict just saying that the evidence
5 was inconsistent.

6 **THE COURT:** Yes, sir. And certainly given -- for the
7 same reasons as previously stated on the record, your
8 motion is respectfully denied.

9 **MR. CURRY:** Thank you, Your Honor.

10 **THE COURT:** Anything further before we begin,
11 Solicitor?

12 **MR. SORENSON:** I beg the Court's indulgence one
13 second, Your Honor. I'm trying to find his rap sheet.

14 **THE COURT:** Yes, sir.

15 **MR. SORENSON:** May it please the Court, Your Honor?

16 **THE COURT:** I believe the jury wanted to come in. Are
17 you ready?

18 **MR. SORENSON:** Okay. We're ready, yes, ma'am.

19 **THE COURT:** If you will go ahead and bring them in.

20 **BAILIFF:** Yes, Your Honor.

21 (Whereupon, the jury returns to the courtroom at
22 5:03 PM.)

23 **THE COURT:** Mr. Glover, if you'd please stand.

24 You may proceed, Solicitor.

25 **MR. SORENSON:** Thank you, Your Honor. First off, as

1 to Leroy Glover's prior record, he's got 2006 convictions
2 for two counts for burglary second degree violent, one
3 count of grand larceny, one count of receiving stolen goods
4 and resisting arrest. Additionally, from 2013, a petit
5 larceny conviction.

6 I do believe, Your Honor, obviously you've seen
7 numerous people here all week and I do believe Michael
8 Carter's daughter, Courtney, and his son, Michael, would
9 like to address the Court, if you would hear from them at
10 this time?

11 **THE COURT:** Certainly. I'll be happy to hear from
12 them.

13 **MR. SORENSON:** And his sister, Rachel, also would.

14 **THE COURT:** Of course.

15 **COURTNEY CARTER:** Your Honor, my name is Courtney
16 Carter. I'm Mike Carter's daughter. On September 23,
17 2013, the most unimaginable act of violence took my daddy
18 away from me and so many who loved him. I miss him every
19 day. This unnecessary event has changed all of our lives.

20 Mike Carter, my daddy, loved his children, his
21 grandchildren, his family and friends. When he walked into
22 the room, everyone -- he had a presence. Just everyone
23 knew he had a presence. Birthdays and holidays have always
24 been special to my dad and all of us. This past Monday,
25 September 14th, was my thirty-second birthday. Instead of

1 celebrating it, I was in this courtroom preparing for a
2 week of hearing horrific things that lead up to my daddy's
3 death. Special occasions and holidays that we used to
4 spend together now include visits to the cemetery where I
5 tell him how much I love him and miss him. When I get
6 married, my dream as a little girl for my dad to walk me
7 down the aisle will never be. My brother, Michael, and I
8 lost our daddy and our best friend. Michael's children
9 Graham and Emily Grace have memories of their Pops, but
10 they'll have no more. And any children that I may have
11 will never know firsthand what a caring and generous person
12 my daddy was.

13 My daddy was a hard worker. At the time of his murder
14 he was simply doing his job. He provided a place for one
15 of these defendants to live and in turn for this lost his
16 life. As his daughter who misses him every day having this
17 space in my heart that will never be filled, I'm asking
18 that the defendant be punished to the full extent of the
19 law. Please do nothing less than grant life in prison
20 without the possibility of parole.

21 **RACHEL CARTER:** Your Honor, my name is Rachel, and I
22 was my brother Mike's only sister. He was the youngest of
23 three natural and one-half brother. We were very close
24 even though I chose not to reside in Orangeburg in my
25 adult life. Everything that his daughter just said I can

1 reiterate on. It is him. He was kind, he was generous, he
2 provided a lot of homes in this whole community, this whole
3 county, for a lot of people that couldn't get them any
4 other way and he worked with them if they couldn't pay it.
5 He had so few people in all those twenty, thirty, forty
6 years that he did this he let -- he worked with them. Most
7 of the people in this community called him Mr. Mike and
8 they knew he had a waiting list to let him put them in a
9 home.

10 As far as our family goes, he was the type of person
11 in our family that had a fabulous personality. He loved
12 children, children loved him. When I became unable to
13 work, he assisted me generously and when his life was taken
14 we all lost something great. I lost the last of my whole
15 brothers and I lost somebody that loved me and I loved him.
16 She's right about his grandchildren that never get to see
17 him and he loved them. He loved people and he loved
18 helping people out, too, and now he's not here to help
19 anybody or provide a home and all I'm asking you is that
20 you give him the fullest extent that you can and God have
21 mercy on their souls. Thank you.

22 **WENDY CARTER:** Mike was my husband. I can barely even
23 tell you the pain that I've felt every day. Being in this
24 courtroom people kept saying are you okay, are you okay? I
25 just said I'm not thinking about anything I haven't thought

1 about every day for two years. I barely left my house for
2 the first year because of the pain of just losing him and
3 what happened to him and that they would take him and --
4 just take his life for a little bit of money and then not
5 only take his life, but what they did to his body by
6 deciding to burn his body. We never saw him. We couldn't
7 have a funeral with him, but we had to bury a body bag
8 weeks later after the coroner had him. We had not even a
9 piece, nothing, just nothing there to even touch him or
10 look at him again one more time. All of us are never going
11 to be the same people we were. My life will never be the
12 same and Michael's life is -- and this man does not deserve
13 to have another life.

14 He's taken not just his life, he's taken all our lives
15 and hurt so many people. My grandchildren. I've got a
16 grand baby on the way that will never know him. It's just
17 not justice that he should have a life or ever have a child
18 that he could enjoy when he's taken so much. I -- there's
19 just not words and I just ask you that you would give him
20 life and he should not be able to hurt anybody once again
21 or do this to anybody else again ever.

22 **THE COURT:** Thank you, ma'am.

23 **MIKE CARTER:** I know you hear this many times, but,
24 of course, like they said about my father he was someone's
25 child. His parents were still alive. He had fortunately

1 or unfortunately many wives with many children and they had
2 grandchildren which will never see our pops, Mike Carter,
3 again. He took care of his community. He rented, was a
4 landlord, he loaned money to his renters. When they had no
5 money to pay the electricity bill, he would loan back their
6 money. That night in that mobile home something awful
7 happened to him and his life was taken and he'll no longer
8 be with us ever again. And all that I ask is you repay
9 this family by sending this gentleman to have life where
10 he'll never be able to have his family again. Thank you.

11 **THE COURT:** Anything further, Solicitor?

12 **MR. SORENSON:** Just -- Your Honor, just on behalf
13 of the State we would respectfully kind of echo those
14 sentiments. I mean, obviously this is a horrific crime and
15 the aftermath of it and then just -- just his actions after
16 that. I mean, it's literally just -- I mean, he's played
17 games and obviously this jury believed that those games
18 involved, you know, him, you know, manipulating his brother
19 also after the fact. I mean, he has obviously never shown
20 an ounce of remorse in two years and we would respectfully
21 ask Your Honor to give him life in prison.

22 **THE COURT:** Mr. Curry?

23 **MR. CURRY:** Thank you very much, Your Honor. If it
24 please the Court, I've represented Mr. Glover in this
25 particular instance and obviously, you know, when you're

1 looking for mitigation, Judge, you're looking at a
2 composite whole. We've sat here obviously all week and
3 listened to all the testimony and although we respect our
4 system, we respectfully disagree with the fact of the
5 verdict of which the jury has actually issued.

6 Judge, given those factors we believe that there are
7 -- and they do it even in Federal court, and you know I
8 do Federal criminal law, that you can put together a
9 combination of conditions that still sends a message to
10 the community that this activity is not accepted, but,
11 however, gives an opportunity, maybe in a rehabilitative
12 state, that maybe something less than life. I think that
13 the range goes from thirty to life and so, Your Honor, I
14 would respectfully ask that this young man -- he's young at
15 twenty-seven years of age and life certainly would stretch
16 for an inordinate period given his life expectancy and,
17 Judge, I would ask that you punish him by giving a period
18 somewhere between thirty years and the life sentence,
19 Judge, and I think that an appropriate one would be around
20 forty years, Your Honor, which would put him, if he's
21 twenty-seven, around sixty-seven, Judge.

22 **THE COURT:** Anything further?

23 **MR. CURRY:** Nothing further, Judge.

24 **THE COURT:** Well, first, to the Carter family,
25 certainly I empathize with your loss and nothing I can do

1 can ever put you back to have your husband and your father
2 and your friend back. He obviously was a great man. He
3 has a lot of support here from the community and that has
4 been shown throughout the comments by everyone here.

5 Mr. Glover, there is really nothing I can say to you
6 that would fix what you've done or explain what you've done
7 to this family, to this man, to this community. There's no
8 excuse. And I think the family's right. I think there is
9 a message to be sent to the community and the message is
10 that this will not be tolerated.

11 On Indictment 2013-GS-38-1624, you are hereby
12 committed to the State Department of Corrections for a
13 period of life.

14 We'll be at ease.

15 **MR. SORENSON:** Thank you, Your Honor.

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

17 **THE COURT:** Court's adjourned.

18 (Whereupon, the proceedings were concluded for
19 September 18, 2016, at 5:14 PM.)
20
21
22
23
24
25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned case in Circuit Court from September 14th-18th, 2015.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

August 15, 2016

s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

WITNESSES

Thomas Collins

Orangeburg County Sheriff

2013008880

ARREST WARRANT NUMBER

2013A3810701058

Arrested: September 27, 2013

ACTION OF GRAND JURY
TRUE BILL

[Signature]
Date **NOV 20 2013**

Foreperson of Grand Jury
Date: November 20, 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS38-1624

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

December 2, 2013 TERM

THE STATE
vs.

Leroy Glover Jr

Indictment for

MURDER

ATTEST: TRUE COPY

Wingja B. Clark
CLERK OF COURT

ORANGEBURG COUNTY, SOUTH CAROLINA

SC Code: 16-3-10

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

770

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2013 NOV 20 AM 10:13
FILED FOR RECORD
WINNIE B. CLARK
CLERK OF COURT
ORANGEBURG, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

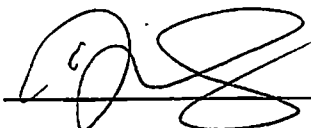
INDICTMENT
2013GS38-1624

At a Court of General Sessions, convened on December 2, 2013 the Grand Jurors of Orangeburg County present upon their oath:

MURDER

That in Orangeburg County on or about September 23, 2013, with malice aforethought, the defendant, Leroy Glover Jr did kill one Richard M. Carter, Sr. by means of shooting the victim with a handgun. The victim did die as a proximate result thereof. This offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

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


Donald N. Sorenson, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg
STATE VS.
Leroy Glover Jr

AKA: _____
Race: BLACK Sex: M Age: 27
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: Santee, SC 29142-8895
DL#: [REDACTED] SID#: _____

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

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS38-1624
A/W#: 2013A3810701058
Date of Offense: 9/23/2013
S.C. Code § : 16-3-10
CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

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

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

ATTEST: 9512 [Signature] 62991
Shrenson, Donald N. SC Bar# [REDACTED] Defendant [Signature] Attorney for Defendant SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 1 1/2 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:

☐ 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.

☐ 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 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____
§ 14-1-206 (Assessments 107.5 %) \$ _____
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§ 56-5-2995 (DUI Assessment) \$12 \$ _____
§ 56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso 47.9 (Public Def/Prob) \$500 \$ _____
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 28.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____
§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

PTUP [Signature] Wynya B. Clark
_____ days/weeks Public Service Employment

ORANGEBURG COUNTY, SOUTH CAROLINA

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk V. Green
Court Reporter: Stacy Johnson
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2164
Sentence Date: 9/13/13

FORM 5

STATE OF SOUTH CAROLINA

County of OrangeburgLeecy Glover Jr

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2016-CP-38-00110

FILED FOR RECORD
WINNIE B. CLARK
2016 JUN 25 PM 1:12
CLERK OF COURT
ORANGEBURG, SC

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention L.C.I. 990 W. Sackley Hwy Bishopville, SC 29010
2. Name and location of Court which imposed sentence Orangeburg Clerk of Court P.D. Drenner 9200, SC 29116
3. Name(s) of co-defendant(s) (if any) Jason Glover
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed: 13-65-38-1624

(a)

(b)

ATTEST: TRUE COPY

Winnia B. Clark

CLERK OF COURT

ORANGEBURG COUNTY, SOUTH CAROLINA

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 9/18/2015 Life Sentence
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. N/A
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Applicant Requested Counsel to file a direct Appeal
- (b) Counsel was ineffective for failing to file a requested direct Appeal

FILED
2016 JUL 25 10 14 AM
CLERK OF DISTRICT COURT
OKLAHOMA, SO

(c) Present to Federal P. 59(b) All Facts should be preserved for review

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective Assistance of Trial Counsel

(b) Prosecutorial Misconduct

(c) Constitutional Violations 6th 10th 12th and 14th

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) Trial Counsel failed to file a Request Direct Appeal

(b) Failed to investigate and preserve favorable evidence

(c) Prosecutors prepared fraudulent indictments and statements

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:

i. Retrial, Resentencing, and no other relief this

ii. Court says F.T.

iii. _____

iv. _____

- (b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? Eduardo Curry
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Eduardo Curry 6518-D Dorchester Road
North Charleston SC 29418
 ii. _____
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. At pre trial and trial, and he failed to file my requested direct appeal.
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

Re-trial, Re-sentence, or any other relief this court see-
fit.

20. Are you now under sentence from any other court that you have not challenged?

N/A

FILED FOR RECORD
JAN 20 2016
CLERK OF COURT
OF AMERICA
JAN 20 2016

STATE OF SOUTH CAROLINA)

VERIFICATION

County of _____)

I, Leroy H. H., being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Leroy H. H.

SWORN to and subscribed before me this 19th
day of Jan, 2016.

Dorinda Pringle (L.S.)
Notary Public

My Commission Expires: 9/21/2023

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

1. Lawrence A. ..., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding and give security thereof.

Greg Lee
Applicant

SWORN or affirmed to and subscribed before me this
19th day of Jan. 2016.

Darlene Pringle
Notary Public

My Commission Expires: 9/27/2023

FILED 705 RECORD
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COURT OF APPEALS

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

Leroy Glover, Jr., #314746,

2016-CP-38-00110

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

In response to the post-conviction relief application filed on January 26, 2016, Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Orangeburg County Clerk of Court's orders of commitment. Applicant was indicted by the December 2013 term of the Orangeburg County Grand Jury for one count of murder (2013-GS-38-1624.) Eduardo Curry, Esquire, represented him. On September 14-18, 2015, Applicant proceeded to a jury trial, at the conclusion of which he was found guilty as indicted. The Honorable Maite Murphy sentenced Applicant to life imprisonment. The sentence was without negotiations or recommendations. Applicant did not appeal his conviction or sentence.

II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Trial Counsel"
 - a. "Trial Counsel failed to file a request direct appeal" (sic)
2. "Prosecutorial Misconduct"
 - a. "Failed to investigate and research favorable evidence"
3. "Constitutional Violations 6th, 10th, 12th and 14th"
 - a. "Prosecutor's procured fraudulent indictments and statements"

For the purpose of this Return, Respondent attaches herewith the Clerk of Court records, the South Carolina Department of Corrections' records, and the jury trial transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials. Respondent reserves the right to amend its return upon the receipt of other relevant records.

III.

Applicant claims ineffective assistance of counsel in his application. Respondent contends Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117,

386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is Applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989).

V.

Respondent construes Applicant's third claim as an allegation of infringement upon the Applicant's constitutional rights. However, Applicant does not explain with any specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction

Procedure Act requires Applicant to "specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50 (1985).

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). This allegation is so vague that it is impossible for the State to respond. Since Applicant has not made the minimum *prima facie* showing, the Court should dismiss this ground for failure to comply with the Uniform Post-Conviction Procedure Act.

VI.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

VII.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VIII.

WHEREFORE, the Respondent requests that an evidentiary hearing be held solely for the purpose of determining whether the Applicant's trial counsel was ineffective.

Respectfully submitted,

ALAN WILSON

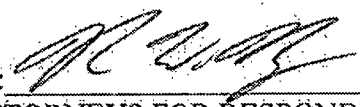
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JOHANNA C. VALENZUELA
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RUSTON NEELY
SC Bar #100192
Assistant Attorney General

By:


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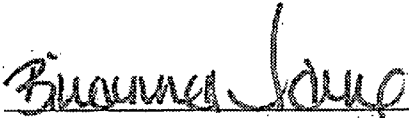
Jan. 11, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG	)	
	)	2016-CP-38-00110
LEROY GLOVER, JR., #314746,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Jonathan D. Waller, Esquire
 Giese Law Firm
 1315 Blanding Street
 Columbia, SC 29201

DATED this 11th day of January, 2017.


 Brianna Arnone, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF ORANGEBURG) CASE NO.: 2016-CP-38-00110

LEROY GLOVER, JR.,)
)
 APPLICANT(S),)
)
 v.) TRANSCRIPT OF RECORD
)
 THE STATE,)
)
 RESPONDENT(S).)

ORIGINAL

Tuesday, May 23, 2017

COMMENCING AT:
 Dorchester County Courthouse
 St. George, South Carolina
 Before The Honorable Robert E. Hood, Judge

APPEARANCES:

For the Applicant:
 Jonathan D. Waller, Esquire, Esquire
 Waller Law Group, LLC
 1116 Blanding Street, Suite 2B
 Columbia, SC 29201

For the State:
 Ruston W. Neely, Esquire
 Assistant Attorney General
 S.C. Attorney General's Office
 205 E. Main Street
 Lexington, SC 29072

Heather R. Landry, CVR
 Official State Reporter

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11 APPLICANT'S EXHIBITS

12 (No exhibits offered.)

13

14 STATE'S EXHIBITS

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1 (The proceeding commenced at 10:13 a.m.)

2 THE COURT: We're on the record in 2016-CP-38-110.
3 This is Leroy Glover, Jr. against the State of South
4 Carolina. Mr. Neely is present representing the State.
5 Mr. Waller is present representing the Applicant. And are
6 you Leroy Glover, Jr.?

7 APPLICANT: Yes, sir.

8 THE COURT: How you doing? Where did you come in from?

9 APPLICANT: Bishopville.

10 THE COURT: Bishopville from Lee County?

11 APPLICANT: Yes, sir.

12 THE COURT: Or Lee Correctional?

13 APPLICANT: (Nonverbal response.)

14 THE COURT: All right. Okay. You ready to go forward
15 with the PCR today?

16 APPLICANT: Yes, sir.

17 THE COURT: Okay, great. You want to start us off,
18 Mr. Neely, then we'll get going.

19 MR. NEELY: Thank you, Your Honor. As you said, this
20 is the case of Leroy Glover, Jr. versus State of South
21 Carolina. Applicant was indicted the December 2013 term by
22 the Orangeburg County Grand Jury for one count of murder.
23 He was represented by Eduardo Curry at trial. The trial
24 took place December 14th through the 18th, 2015. At the
25 conclusion of the jury trial, Applicant was found guilty as

Direct Examination of Mr. Glover by Mr. Waller

1 indicted and sentenced to life in prison by the Honorable
2 Judge Murphy. The sentence was a negotiated recommendation.
3 He was tried with his brother Jason Glover. Applicant did
4 not have a full appeal after conclusion of the sentence.

5 THE COURT: All right, Mr. Waller, you ready to go
6 forward?

7 MR. WALLER: Yes, Your Honor.

8 THE COURT: Okay. You may call your first witness.

9 MR. WALLER: We'll call Leroy Glover, Jr.

10 THE COURT: All right. Come on up, Mr. Glover.

11 (Whereupon, the witness, LEROY GLOVER, JR., was duly
12 sworn.)

13 MR. WALLER: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. WALLER:

16 Q. Good morning, Mr. Glover. How are you today?

17 A. Good morning.

18 Q. Mr. Glover, I want to kind of jump right in. You were
19 arrested and charged with one count of murder. Is that
20 right?

21 A. Yes, sir.

22 Q. And you weren't charged with anything else. Is that
23 right?

24 A. Yes. I was charged with arson and possession of a
25 weapon during a violent crime.

1 Q. Okay. But you weren't tried for any of those. Is that
2 correct?

3 A. No, they were dropped during the trial.

4 Q. Okay. How did Mr. Curry come to be your attorney?

5 A. Well, I met him through a family pastor. He
6 recommended me to him.

7 Q. Okay. About how long -- was he appointed to represent
8 you or did you retain him?

9 A. Well, I retained him.

10 Q. Okay. About how long after you were arrested did you
11 retain Mr. Curry?

12 A. Have to been about a year.

13 Q. Okay. Did you have an attorney before that?

14 A. Yes. I can't remember, though, who I had before that.
15 It was a public defender, though.

16 Q. Okay. And once you retained Mr. Curry, did that public
17 defender have anything more to do with your case?

18 A. No, sir.

19 Q. Okay. You testified that it was about a year after you
20 were arrested you retained Mr. Curry?

21 A. Yes, sir.

22 Q. About how long was that before you went to trial, if
23 you recall?

24 A. About that same year.

25 Q. About a year also?

Direct Examination of Mr. Glover by Mr. Waller

- 1 A. Uh-huh.
- 2 Q. Okay. How many times did you meet with Mr. Curry?
- 3 A. About four times.
- 4 Q. Okay. What did y'all talk about when you met?
- 5 A. Well, mostly we talked about me trying to pay him. I
- 6 really wanted my car to get out to sell it so I could try to
- 7 pay him. We talked about some of the witness things.
- 8 Basically that was it.
- 9 Q. Okay. And we'll get back to some of the witnesses in a
- 10 minute. About how long did you meet with him each of the
- 11 four times?
- 12 A. Well, 15, probably 20 minutes.
- 13 Q. Okay. And were you -- you were locked up during this
- 14 time. You didn't make bond. Is that right?
- 15 A. I never made bond.
- 16 Q. Okay. And so he came to the detention center and met
- 17 with you?
- 18 A. Yes, sir.
- 19 Q. Okay. Did y'all ever discuss hiring an investigator?
- 20 A. No, sir.
- 21 Q. Okay. Did y'all discuss some of the evidence the State
- 22 had against you? Not witness statements, how about some of
- 23 the cell phone records. Did y'all discuss that?
- 24 A. Yes, we did. We talked about it, but he just discussed
- 25 on it about the text messages and everything about that.

1 Q. Okay. What did y'all talk about?

2 A. Well, we discussed about what the text messages said
3 and about where my cell phone was pinging off the tower or
4 whatever.

5 Q. Okay. Did you understand your conversations about the
6 cell phone towers?

7 A. Well, understand that it was just -- he was saying I
8 was pinging off a tower. I didn't understand it so much as
9 where it was leading to dealing with me or the case.

10 Q. Okay. Did you ask Mr. Curry about that?

11 A. I can't remember him saying anything about it because
12 we never went into details about it.

13 Q. Okay. So what was your understanding after meeting
14 with Mr. Curry about the State's evidence from the cell
15 phone towers and how they were gonna use it against you?

16 A. I mean, we not even talked about that.

17 Q. Okay. Your brother was charged and tried with you. Is
18 that right?

19 A. Yes, sir.

20 Q. Okay. And your brother had given several statements to
21 law enforcement?

22 A. Yes, sir.

23 Q. Okay. Did y'all talk about your brother's statements?

24 A. No, because during that time, I figured they weren't
25 gonna let me out anyway.

Direct Examination of Mr. Glover by Mr. Waller

1 Q. Did y'all talk about your statement? Statements,
2 excuse me. I know you gave multiple statements. Is that
3 right?

4 A. Yes, sir. I can't actually say -- I'm not going to say
5 because I don't actually remember.

6 Q. Okay. What did you provide to Mr. Curry as far as
7 information that he might've used to help you in your
8 defense? Did you give him any names of people to talk to or
9 anything like that?

10 A. Yes, sir.

11 Q. Okay. Do you know if he talked to those people?

12 A. No, sir.

13 Q. Okay. Who did you tell him?

14 A. Well, I told him some friends' names that he wrote down
15 when he first came to see me.

16 Q. Okay. Let me back up because I didn't ask the next
17 question. Do you not know if he talked to those people, or
18 you know that he didn't talk to those people?

19 A. I never knew.

20 Q. You don't know?

21 A. Yeah, I don't know.

22 Q. Okay. And going back, who did you tell him to talk to
23 or ask him to talk to?

24 A. Well, I had some friends who I was with during that
25 day, and I gave him the names of them. But nobody never --

1 didn't even try to speak to them or anything.

2 Q. Okay. and it wasn't -- strike that.

3 When you and Mr. Curry met, did y'all talk about the
4 other witnesses? Not your brother and not your girlfriend,
5 but any of the other witnesses who may or may not have seen
6 things that day?

7 A. Yes, we did.

8 Q. Okay. Did y'all talk about David Williams?

9 A. Yes, sir.

10 Q. Okay. What did y'all talk about David Williams?

11 A. Well, unfortunately, we just talked about his statement
12 and how he didn't compare up with times and that. And we
13 talked about, basically, how he was saying that he seen came
14 to house afterwards. And he already had picked out,
15 basically, my codefendant in a photo lineup. We talked
16 about that. And dealing with him, that's basically it.

17 Q. Okay. At your trial, your brother's attorneys
18 introduced a letter that was sent to the solicitor's office
19 that they had an expert witness testify was written by you?

20 A. Yes, sir.

21 Q. Okay. Did you and Mr. Curry have an opportunity to
22 discuss that letter?

23 A. No, sir.

24 Q. Okay. When did you find out about that letter?

25 A. Whenever they presented it at trial.

Direct Examination of Mr. Glover by Mr. Waller

- 1 Q. Okay. Did you and Mr. Curry have a chance to talk
2 about it, you know, during breaks at the trial, or was the
3 first time you heard it when the jury was sitting here?
- 4 A. Well, the first time I ever knew he was bringing it out
5 was when I was in court during trial.
- 6 Q. Okay.
- 7 A. And then when we went on break, I guess they talked
8 about it. And then we just basically talked really during
9 trial to try to get things like that.
- 10 Q. Okay. Let me ask you this: When you were -- when
11 court was over for the day or at lunch, you were still in
12 custody. Is that right?
- 13 A. Yes, sir.
- 14 Q. Okay. So you were taken either to the holding cell or
15 back to the detention center over night?
- 16 A. Yes, sir.
- 17 Q. Did you and Mr. Curry meet during any of those times?
- 18 A. No, sir.
- 19 Q. Okay. So y'all did not have a chance to discuss the
20 letter? You didn't have an opportunity to?
- 21 A. No, sir.
- 22 Q. Okay. Did y'all ever discuss hiring a handwriting
23 expert?
- 24 A. No, sir.
- 25 Q. Okay. Were you aware that your brother's attorneys

1 were gonna say that the letter was written by you?

2 A. No, sir. I didn't figure it out until it was -- during
3 trial, basically.

4 Q. Okay. And their allegation was that it was written by
5 you, but it was signed with his name. Is that right?

6 A. Yes, sir.

7 Q. Okay. When that letter first came into evidence, did
8 you ask Mr. Curry anything about it?

9 A. I really thought because -- he objected to it, I think,
10 so. And they was trying to get it in or something like
11 that. I know he did object to it.

12 Q. Okay. Once you were ultimately convicted and
13 sentenced, did you and Mr. Curry have a chance to talk about
14 anything else?

15 A. No, sir.

16 Q. Okay. Have you seen him since that day?

17 A. No, sir.

18 Q. Okay. Did you ask him to file an appeal on your
19 behalf?

20 A. Yes, sir.

21 Q. Okay. Do you know if he did?

22 A. All I was told from the newspaper and my family member
23 was that one was gonna be done. But I waited and it was
24 never done. So I just followed proper protocol.

25 Q. Have you ever received anything from the Court of

Direct Examination of Mr. Glover by Mr. Waller

1 Appeals?

2 A. No, sir.

3 Q. Okay. Were you ever contacted by an attorney from
4 appellate defense?

5 A. No, sir.

6 Q. Did you ever try to hire your own appellate attorney?

7 A. Yes, sir.

8 Q. Okay. When did you try to do that?

9 A. Well, I tried as soon as I got into the Department of
10 Corrections at Kirkland, and I was actually placed at Lee
11 County. My family members tried to hire one for me but
12 couldn't come up with the funds to do it.

13 Q. Do you know about how long after your trial ended that
14 would've been?

15 A. Well, me going through Kirkland, I say approximately
16 five, six months.

17 Q. Okay. Did you ever get an order from the Court of
18 Appeals about your appeal, either granting it or dismissing
19 it or anything?

20 A. No, sir.

21 Q. Mr. Glover, I've asked you all the questions that I
22 have. Is there anything you think I've left out or the
23 Court needs to be aware of, of Mr. Curry's representation of
24 you?

25 A. Well, the only thing I can say is that I think he

1 probably represented me well. It was just -- I just felt
2 that the courts wasn't responding to him in a proper manner
3 to prepare him for my trial, which is a murder case. It's
4 serious in South Carolina. I felt that he was writing
5 letters to the courts for a Brady motion and bond hearings,
6 and they never responded. Even when we filed for a fast and
7 speedy trial motion, no one responded.

8 MR. WALLER: I have no further questions. Please
9 answer any questions Mr. Neely has.

10 CROSS-EXAMINATION

11 BY MR. NEELY:

12 Q. Mr. Glover, how you doing today?

13 A. I'm doing okay.

14 MR. NEELY: Your Honor, may I approach the witness?

15 THE COURT: Yes, sir.

16 Q. I'm about to show you something, comes from the file of
17 your attorney, Mr. Curry. I'm just gonna ask you, do you
18 recognize this statement?

19 A. Uh-huh.

20 Q. Is that your signature?

21 A. Yes, sir.

22 Q. And what does that say?

23 A. I tell him he did a wonderful job at trial.

24 Q. Okay. And that basically goes along with what you just
25 said today?

1 A. Yes, sir.

2 THE COURT: What did you say?

3 THE WITNESS: I said he did a wonderful job at trial.

4 THE COURT: Oh, okay.

5 A. That is my signature at the bottom.

6 Q. Okay. And that is your statement?

7 A. Yes.

8 Q. Then and today?

9 A. Yes, sir.

10 MR. NEELY: Your Honor, I'd like to admit this as
11 State's Exhibit No. 1.

12 MR. WALLER: No objection, Your Honor.

13 THE COURT: Admitted without objection.

14 (State's Exhibit No. 1 was received into evidence.)

15 BY MR. NEELY:

16 Q. And, Mr. Glover, if I'm hearing you right, your main
17 problem with what happened at trial was that you didn't feel
18 like the Court was responding in your favor to the motions
19 your attorney was making?

20 A. No. What I'm saying that I wasn't -- at my trial
21 because I feel like it was not fair, and I feel that every
22 person is entitled to go through the proper channels and
23 steps when you're dealing with getting a life sentence from
24 the courts. And I feel that probably I think a direct
25 appeal would be the proper thing to do when an attorney of

1 his years and experience. When someone get a life sentence,
2 I mean, I figure the proper channels would be to file a
3 direct appeal.

4 Q. Okay. But at the end your trial, you did know that you
5 could file an appeal, correct?

6 A. Well, yes. And I did inform Mr. Curry that I wanted
7 one.

8 Q. Okay. And you did know at the end of your trial that
9 you had not retained Mr. Curry to handle your direct appeal,
10 correct?

11 A. No, I did not.

12 Q. Whenever you hired Mr. Curry, do you remember signing a
13 contract with Mr. Curry?

14 A. Yes, sir.

15 Q. Did you read over that contract?

16 A. Well, I didn't read over it at first because I didn't
17 have the funds to even really have him at first.

18 Q. Okay. But whenever you ended up actually hiring him,
19 you had to sign that contract?

20 A. Yes, sir.

21 Q. And you read over it then?

22 A. I read it. I was just so happy to have an attorney, I
23 think I just signed and was paying him.

24 Q. And I'm just gonna show you again, this is just from
25 Mr. Curry's file. Do you recognize this?

1 A. Well, I'm guessing it's the agreement that I hired him
2 with.

3 Q. That's right. And is that your signature at the
4 bottom?

5 A. Yes, sir.

6 Q. Okay. And in this employment agreement, it does note
7 that he's not gonna handle your appeal, doesn't it?

8 A. Well, unfortunately, I never read that part.

9 Q. Okay. But it is in this employment agreement?

10 A. From what I'm reading, yes.

11 Q. Okay.

12 MR. NEELY: Your Honor, the State would introduce as
13 Exhibit No. 2.

14 MR. WALLER: No objection, Your Honor.

15 THE COURT: Admitted without objection.

16 (State's Exhibit No. 2 was received into evidence.)

17 BY MR. NEELY:

18 Q. Have you ever been charged with criminal charges
19 before?

20 A. Yes, sir.

21 Q. And have you ever appealed any other criminal charges?

22 A. No, I pled guilty to those charges.

23 Q. Okay. Do you recall your other attorneys telling you
24 about your right to appeal those charges even when you pled
25 guilty?

1 A. With all do respect, sir, I was 15, 16 years old.

2 Q. Okay. If you don't remember, that's perfectly fine.

3 A. I can't remember that long.

4 Q. So what you're saying today is that you are okay with
5 Mr. Curry's representation, but you want a direct appeal?

6 A. What I'm saying is I have a life sentence. He
7 represented me. I have a life sentence right now. Today, I
8 want my same chance that every other person gets. I want a
9 direct appeal. I informed him that I do want one. He never
10 informed that he's not gonna do it. At the time, the
11 Democrat paper says an appeal will be filed, but it was
12 never done.

13 Q. Okay. And just kind of moving past that issue now. In
14 your conversations with Mr. Curry, what did you tell him
15 about your case?

16 A. Well, I informed him of things that was going around
17 it, my Rule 5 or what was going on.

18 Q. I'm sorry. Let me clarify that question. Did you give
19 Mr. Curry an alibi? Did you tell him where you were?

20 A. I told Mr. Curry some names and -- I mean, I told the
21 investigator about it. No one never came talked to me about
22 it. He never talked to me about anymore.

23 Q. Okay.

24 MR. NEELY: I don't have any further questions, Your
25 Honor.

Redirect Examination of Mr. Glover by Mr. Waller

1 MR. WALLER: Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. WALLER:

4 Q. Mr. Glover, are you an attorney?

5 A. No, sir.

6 Q. Did you ever go to law school, start law school?

7 A. No, sir.

8 Q. So this note that's been marked as Plaintiff's [sic]
9 Exhibit No. 1 where it says Mr. Curry has done a wonderful
10 job this, you wouldn't know if that's accurate or not?

11 A. No, sir.

12 Q. Okay.

13 MR. WALLER: No further questions.

14 MR. NEELY: Nothing in response, Your Honor.

15 THE COURT: All right, thank you. You can step down.
16 Call your next witness.

17 MR. WALLER: Call Eduardo Curry.

18 THE COURT: All right. Please come forward and be
19 sworn, Mr. Curry.

20 (Whereupon, the witness, EDUARDO KELVIN CURRY, was duly
21 sworn.)

22 DIRECT EXAMINATION

23 BY MR. WALLER:

24 Q. Good morning, Mr. Curry. How are you today?

25 A. Good morning. I've very well, actually.

1 Q. Mr. Curry, how did you come to represent Mr. Glover?

2 A. I think some neutral people had referred him to me and
3 we were able to meet.

4 Q. Okay. Do you recall approximately how long before this
5 trial you were retained?

6 A. Probably over a year when we had signed the initial
7 retainer for approximately \$10,000 of which he paid. He had
8 some money of 2200, and that was this . . .

9 Q. Okay. Mr. Curry, his brother testified. Is that
10 correct? His brother gave multiple statements?

11 A. That's correct.

12 Q. When did you become aware of the issue of the letter
13 that was received by the solicitor's office?

14 A. It was probably during the trial. We had file Brady
15 motions and had received all the discovery that the State
16 had provided for us. There are some issue as to whether or
17 not Mr. Glover was gonna testify or his brother was gonna
18 testify as well. And then there were multiple statements
19 given by Mr. Glover, multiple statements by his brother as
20 well as video statements. We had conflicts. And so then
21 the letter allegedly had popped up somewhere during the
22 trial.

23 Q. Okay. And his brother had given statements essentially
24 confessing and absolving Leroy Glover. Is that correct?

25 A. Originally, yes.

Direct Examination of Mr. Curry by Mr. Waller

1 Q. The State had obviously -- Mr. Jason Glover contended
2 that that was not a valid confession. Is that right?

3 A. There was some issue with regard to it exactly, and
4 then the letter had come up. And then I discussed that
5 letter with Mr. Glover who --

6 THE WITNESS: And, Judge, I just wanted to make sure --
7 and now he has alleged that I was ineffective that I can
8 divulge information that he told me with regard to the
9 letter.

10 THE COURT: Sir?

11 THE WITNESS: Your Honor, may I be allowed to divulge
12 information --

13 THE COURT: Sure. This is a post-conviction relief
14 action.

15 THE WITNESS: Thank you.

16 A. Mr. Glover admitted to me that when we had consultation
17 outside of the hearing of the Court, in the holding
18 facilities at the jail, certainly at the counsel's table,
19 that he and written the letter himself as a diversionary
20 tactic in order to create an issue for his brother. And his
21 brother had gone on with the charade for a while and then
22 broke down and said, you know, this is not what happened.
23 But Mr. Glover admitted to me that he had in fact written
24 the letter.

25 Q. Okay. Mr. Curry, when Mr. Mellard -- when Jason

1 Glover's attorney attempted to introduce the letter, you
2 initially objected?

3 A. As I recall, and the transcript reflects I did object
4 to the letter.

5 Q. It was Mike Culler (ph), I apologize. Mr. Culler
6 informed the Court that he was in a strange situation
7 because he didn't think he could get it admitted because no
8 one could authenticate the letter. It just showed up at the
9 solicitor's office. Days later, witnesses later, you then
10 stipulate or agree with the solicitor's stipulation and have
11 no objection to it being admitted into evidence. What was
12 the trial strategy behind not objecting to the letter when
13 it was actually introduced?

14 A. Well, at some point in the trial strategy, Mr. Glover
15 and I had to figure out, you know, as we were going forward,
16 me being his lawyer and him certainly agreeing/disagreeing
17 with it, that either he was gonna believe that the letter
18 existed and say it's not his handwriting, he's not the
19 author of it. Or we allow the letter to go in to show that
20 there is some conflict with regard to the statements and the
21 versions of the fact and there were multiple conflicts in
22 which this letter presented itself as one.

23 Q. Okay. And just so Judge Hood understands, what's your
24 understanding of how the letter was produced to you? How it
25 was received?

Direct Examination of Mr. Curry by Mr. Waller

1 A. If I recall, the letter wasn't given to me directly,
2 initially. I think it may have appeared some kind of way
3 the solicitor's office as some kind of confession and then
4 worked its way backwards. We had filed Brady motions, which
5 is our standard practice. And so, I believe that Brady
6 motion or Brady requests requires ongoing discovery with
7 regard to it. And so as it appeared with regard to it, then
8 we were able to attack it. But it's my understanding that
9 was a letter that somehow had appeared. I don't know how.
10 I wasn't the receiver. It never came to me directly,
11 through a Brady motion, official Brady motion, but the trial
12 then . . .

13 Q. Okay. And I believe the testimony -- this isn't a
14 question. I believe the testimony was produced the Friday
15 before the trial --

16 A. Correct. Somewhere thereabouts.

17 Q. Mr. Curry, if that's your understanding of how you
18 received it, what was your understanding of how it was going
19 to be authenticated to be admitted into evidence?

20 A. Well, I objected to that. And, you know, the question
21 was going to be well, who is the author of this letter? On
22 the record, like I said, no one knew. But off the record,
23 obviously, Mr. Glover had admitted to me as things started
24 to unfold that he had written a letter, but I objected to it
25 out of an abundance of caution. And certainly, at the end

1 of the day, it was a situation where I actually thought that
2 our strategy, trial strategy, had worked. And that absent,
3 Jason Glover testified against his brother, it would've
4 appeared that Jason would have been the primary, and so
5 suspect, and that Leroy would have been acquitted.

6 Q. Okay. Mr. Curry, do you have a copy of the transcript
7 from the trial?

8 A. They provided it for me. May I go get it?

9 Q. Well, let me bring you one.

10 MR. WALLER: And Your Honor, I'm looking at page 607.

11 THE COURT: All right.

12 Q. Mr. Curry, if I could get you to turn to page 607. You
13 have previously objected to the letter. And 607 and
14 continuing on to 608, you then do not object and actually
15 stipulate that the letter was received by the solicitor's
16 office and you don't have any objection to it. What was the
17 trial strategy behind that decision?

18 A. You want me to -- my client on the record had agreed to
19 say that it is not his handwriting and they will -- it's my
20 understanding that the stipulation would have been only for
21 the comparative purposes and not for the admission that's
22 being sent. And here on 10, line 10, it says he's gonna use
23 that for comparative purposes that will be compared, Your
24 Honor, with a document, I believe we have a stipulation on
25 with the solicitor with regard to the fact that it was

1 received by its office through US mail. I don't know what
2 else you want me to say about it. So the stipulation wasn't
3 as to the truthfulness or the veracity of the letter. It
4 was about how the letter came and whether or not he was
5 gonna use it as a comparison. We objected to it coming in
6 totally, but they had an expert that would have to deal with
7 whether or not the letter was certainly written or not
8 written by Leroy or not written by Jason. But that was the
9 stipulation that came in as to how the letter came to them
10 and not necessarily as to the truthfulness or veracity or to
11 the authentication of the letter.

12 Q. Okay. Mr. Curry, if I could get you to turn to page
13 676.

14 A. Six?

15 Q. 76.

16 A. 76.

17 Q. Yes, sir.

18 A. I have it right here.

19 Q. And at the very top of that page, Mr. Culler moves
20 Defendant's Exhibit 1 into evidence without objection from
21 you?

22 A. Yes.

23 Q. Okay. You had previously objected to the letter. What
24 was the trial strategy to not objecting to it at that point?

25 A. Well, at that point, we had questioned the letter. I

1 thought the letter itself may have been in for the
2 authentication not for the truthfulness or veracity. That
3 would be for the jury who are the triers of the fact. And
4 so, my objection would be duly noted. We talked about how
5 it was gonna come in regard to that but not the
6 truthfulness, or the authentication of it would've been
7 something that the jury would have to make that
8 determination.

9 Q. Okay, thank you. There were some -- I will switch
10 gears a little bit and talk about some of the cell phone
11 records of, I think, multiple phones in Mr. Leroy Glover's
12 name and then also Jason Glover's. Were you provided a copy
13 of those records that were pulled by law enforcement?

14 A. Yes. I was given a copy of the records and the
15 schematic zones and that stuff along the lines.

16 Q. Okay. One thing I wanted to ask you about, the State
17 called an expert on cell phone tower -- or locating cell
18 phone through pinging off the towers. Is that correct?

19 A. I think so.

20 Q. Okay. Did you ever consider hiring your own expert?

21 A. No, not necessarily. Let me tell you why. This
22 pending technology that was used, it wasn't -- you could not
23 actually pinpoint with accuracy whether or not Mr. Glover or
24 whomever was in possession of the cell phones would actually
25 be there. And so, in the interest of trial strategy, it

1 allowed us to use the expert provided by the State because
2 in evidence, he was not saying with a degree of certainty
3 that Mr. Glover was there, if you look at my
4 cross-examination. He admitted to that, okay. He can only
5 talk about how the technology worked regardless of who would
6 be there. And so the pinging situation showed areas by
7 which you would go past towers, and as you did, one tower
8 would release it, another would go there. And what they
9 were arguing by circumstantial evidence would be the issue
10 of if a tower was pinging, and the pinging was close to an
11 area where either defendant said he was or was not or where
12 an alleged body was found or was not found, then they were
13 asking a jury -- and we're talking just strategy -- to make
14 the leap of faith to say that Mr. Glover would've been in
15 the vicinity around a particular time. But that wasn't
16 something that the witness could testify to, and I got him
17 to admit to that.

18 And so hiring another expert to get a different version
19 of that wasn't going to be necessary because this person
20 couldn't prove to a reasonable degree of whatever certainty
21 or by a reasonable doubt that Mr. Glover would've been in
22 that area. And having him to testify to that was as good as
23 providing our own expert who would've said the same thing.

24 Q. Okay. The actual records themselves, I believe it was
25 testified to at the trial that it was Allied Wireless was

1 the carrier. Do you recall that?

2 A. I don't recall the specificity.

3 Q. Okay. Do you recall that the gentleman that put the
4 actual records into evidence as a business record worked for
5 AT&T?

6 A. I don't recall, but I challenged is my -- I think that
7 I would have challenged the truthfulness or veracity of
8 their testimony with regard what had gone. I'm not sure the
9 business relationship between Allied or AT&T. But that's
10 who introduced it -- from the transcript, that's who
11 introduced it from the transcript.

12 Q. Okay. And finally, Mr. Curry, I want to ask you about
13 the appeal. When Mr. Glover was convicted, did you make any
14 post-trial motions?

15 A. As I recall, I thought I made a post-trial motion,
16 motion notwithstanding the verdict. In addition, I think
17 that I made at the close of the government's, the
18 solicitor's case, I renewed my motions, which were denied.
19 At the close of the case, I renewed my motions. And I think
20 I recall that I had, without Mr. Glover's input and without
21 Mr. Glover's request, I think around the 21st, that I had
22 filed a notice of intent to appeal. And how we did that is
23 I prepared it, filed it at the local circuit. I sent a copy
24 of it, as I recall, to Don Sorenson and then believe that I
25 sent a copy of it up to the Court of Appeals along with a

1 motion to be relieved of counsel in addition, as I recall.

2 I sent a copy of it to Mr. Glover as well, and that would've
3 been around, somewhere around the 21st or so of September,
4 as I recall.

5 Q. Okay. Do you recall how you would've filed -- your
6 office is in Charleston?

7 A. That's correct.

8 Q. Okay. Would you have mailed it or would somebody had
9 driven it up?

10 A. I'm not sure. Just based on, you know, my recollection
11 a couple of years ago, I could have had a paralegal or an
12 assistant would have taken it, filed a stamped copy in
13 general sessions in Orangeburg, served or sent something to
14 Don Sorenson who was the prosecutor with the First Circuit,
15 and then would have sent a copy of that stamped copy of. At
16 least that is our standard practice and procedure.

17 Q. Did you ever receive anything back from the Court of
18 Appeals either a stamped copy of your notice of intent to
19 appeal or your motion to be relieved?

20 A. I don't recall. I tried to go through whatever files
21 that I had. The file was closed. Normally, it's our
22 procedure, we try to box things up together. I didn't have
23 a copy of it that I found. But as per our practice, I did
24 find a copy of the initial notice of intent to appeal that
25 was stamped. I provided it to the assistant attorney

1 general today. I couldn't call out whether or not there was
2 an additional return or filing from someone else.

3 Q. Okay. The one you were just speaking of was the one
4 from Orangeburg County?

5 A. That is correct.

6 MR. WALLER: Beg the Court's indulgence, please.

7 (Brief pause.) No further questions. Please answer
8 any questions Mr. Neely may have.

9 CROSS-EXAMINATION

10 BY MR. NEELY:

11 Q. Good morning, Mr. Curry.

12 A. Good morning.

13 Q. Mr. Waller asked you a bunch of questions about the
14 letter that came into evidence. What were the contents of
15 that letter?

16 A. Contents of that letter gave a different version of the
17 facts as it occurred. As you know, some of the factors had
18 to deal with the landlord that Mr. Glover and Jason Glover
19 had have been involved with. And it's my understanding that
20 the landlord had gone by the house to collect the rent, and
21 there had been a tumultuous and violent fight that I knew
22 outside of the official records that my client had relayed
23 to me. And as a result, the letter was an alleged
24 confession, allegedly, supposedly written by Jason saying
25 I'm responsible for killing the landlord and disposing of

1 his body. And then at the trial, obviously, the letter came
2 out, and Jason recanted his statement, broke down crying and
3 said, you know, my brother killed him and I was there. And
4 they broke him up and took him somewhere else.

5 Q. Okay. So the letter contained, allegedly, Leroy
6 brother's confession?

7 A. Correct. Saying that he was responsible and he had
8 killed the landlord. When in reality the letter Leroy had
9 written -- had written a letter and then confessed to me or
10 at least told me in attorney-client that he had written the
11 letter actually.

12 Q. Okay. During your conversations with Leroy, did he
13 tell you anything else about the alleged events of the day?

14 A. Sure. He had told me about how they had to roll up the
15 body and how they put it in the car and how he had actually
16 gotten into the back seat and was laying by the body while
17 his brother was driving. And, you know, he told me where
18 they had put the body and what they had done with regard to
19 it and how they were trying to stage it so that it later
20 appeared that he wasn't there.

21 Q. And did he -- did Leroy tell you whether it was himself
22 or his brother that fired the weapon?

23 A. At the end of the day, I learned that it was actually
24 Leroy that fired the weapon.

25 Q. Okay. Who did you learn that from?

1 A. Leroy himself.

2 Q. And during your closing argument, as part of your
3 argument, you argued that the facts were confusing and that
4 there wasn't proof beyond a reasonable doubt that Leroy
5 committed the murder and used the letter as part of that
6 argument. Is that correct?

7 A. That is correct. In addition, I also, to every witness
8 that gave testimony, I vigorously attacked the witness's
9 credibility, truthfulness and veracity, and then tried to
10 show the jury in closing arguments each of the witnesses
11 that were there and what they said and how their testimony
12 conflicted with the facts.

13 It is important for me to note this, that I sat down
14 and covered with Mr. Glover every witness that was provided
15 by the government or the solicitor's office, anything that
16 it has. I have with me, just so that you would know, what
17 we did is in the file. If we were given witness statement
18 or particular evidence for different kinds of things, we set
19 up an individual file so that I can make sure, knowing how
20 serious the murder issue was, covering witnesses that were
21 there. And so I pick and refute what Mr. Glover had said
22 about me coming in only four times and only staying 15
23 minutes a piece. That's wrong. It's not right. I gave, I
24 believe, Mr. Glover every opportunity, whether he paid me a
25 million dollars or one dollar to make sure that I vigorously

1 looked at the evidence with him and looked at the witness
2 statements with him and compared different things with him.

3 For example, we even looked at things like the burned
4 backpack of the structure and burned furniture and the
5 kitchen area because there were some question even as to
6 where the landlord was actually killed versus where he
7 actually was laid and how it was done. I wanted him to have
8 every opportunity because my job, as I see it as a defense
9 lawyer, is to assure that he gets a fair trial. The trier
10 of fact and the trier of law deals with the evidence. And
11 so I painfully disagree that Mr. Glover would say that I was
12 not thorough in helping him present his case properly to the
13 jury. I disagree with that.

14 Q. And as part of your representation for Mr. Glover, did
15 you explain to him whenever he hired you that you were not
16 taking his appeal, that you were not responsible for his
17 appeal?

18 A. Yes. Per my practice, I read the contract to
19 Mr. Glover, all right. And there was a question because
20 when we talked about everything from the \$10,000, he was
21 like I don't have it, but I have a car. I was like, I'm not
22 in the business of taking cars. If you want to hire me, you
23 get that paid. We read everything, and per my standard
24 practice, I had him sign it and I initialed it as where it
25 says for the firm, and it was clear that it did not -- this

1 being did not include the taking of an appeal. And
2 Mr. Glover is a very bright young man. And he and I went
3 over that contract together.

4 Q. Did you ever explain to Mr. Glover his right to an
5 appeal and what he needed to do?

6 A. Yes. In fact -- and I have here, and I was just
7 looking, you took the first page where Mr. Glover has said I
8 did a good job. But I have here where I have a note,
9 9/18/15, that's a part of my note strategy. And this is
10 part of my notebook where it says, "File notice of intent."
11 Remember final five, I filed a motion of judgment
12 notwithstanding the verdict. It was denied. I have this if
13 you want a copy of it. I discussed that with Mr. Glover as
14 we talked about trial strategies and things that we'd do,
15 that I would do. I did that then. I thought that we had
16 perfected his appeal. If something from the Court did not
17 come back, it was my intention to send it. I filed it.
18 From there, I don't know what happened.

19 Q. Okay. And you mentioned while testifying to Mr. Waller
20 that you have a notice of appeal you handed me?

21 A. Yes.

22 Q. Is this the notice of appeal and motion to be relieved
23 as counsel?

24 A. Yes. This is my signature. It says, "Leroy Glover
25 appeals the order of the Honorable Maite Murphy dated

Cross-Examination of Mr. Curry by Mr. Neely

34

1 September 18, 2015." The appellate received oral notice of
2 the denial of motion for a new trial, September 18, 2015,
3 dated September 21, 2015, and signed by me. It also says
4 that the other counsel record Don Sorenson, Assistant
5 Solicitor, and is time stamped September 21, 2015, at 2:50.
6 And it appears it's in the -- at Orangeburg in the First
7 Circuit. That's my signature.

8 MR. NEELY: Your Honor, the State would like to admit
9 this as Exhibit No. 3 into?

10 MR. WALLER: No objection, Your Honor. It should be
11 part of the record already, I believe.

12 MR. NEELY: I'm not sure if it is or not.

13 THE COURT: Let's mark it. Admitted.

14 (State's Exhibit No. 3 was received into evidence.)

15 BY MR. NEELY:

16 Q. And just going back to the letter briefly, was it your
17 opinion at trial without -- looking in hindsight, that the
18 letter helped your case?

19 A. Yes. Based on our --

20 MR. WALLER: Your Honor, I'm gonna object to
21 speculation. I mean, he has no way of knowing whether it
22 helped his case or not.

23 THE COURT: Just rephrase your question. I understand
24 where you're going, just rephrase.

25 BY MR. NEELY:

1 Q. At trial, was it your trial strategy to use the letter
2 to defend Mr. Leroy Glover?

3 A. Yes. If the jury would believe that that was a
4 confession by Mr. Jason Glover then, in my mind, it would've
5 helped ascertain who would then the person that should be
6 found culpable in the murder of the landlord.

7 Q. And I think as you said to Mr. Waller, at minimum, it
8 called into confusion who was pointing the finger at who?

9 A. That's correct.

10 Q. And just briefly going over, you don't believe you need
11 to hire an expert because you believed that you obtained all
12 the testimony from the state's expert that you needed?

13 A. That's correct. I believe that that expert factually
14 testified that he could not through a reasonable degree
15 ascertain that Mr. Glover would've been there at the scene
16 where the body and the burned-out car or that area was. He
17 could only talk about the vicinities. And it appeared that
18 the place where the body and the burned-out car was would
19 not have been right at the tower. Because the tower gave
20 zones of vicinities and not necessarily a pinpoint location.

21 Q. And it's your understanding and belief that any expert
22 you hire would basically be able to testify just to same
23 thing?

24 A. That's correct.

25 MR. NEELY: That's all the questions I have, Your

Redirect Examination of Mr. Curry by Mr. Waller

1 Honor.

2 MR. WALLER: Just briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. WALLER:

5 Q. Mr. Curry, you testified that you used the letter in
6 your closing argument?

7 A. Well, I think I testified that by using in terms of
8 inference. I don't know if I used the actual exhibit. But
9 when you talked about who would be there, and part of that
10 letter is about a confession from his brother saying I'm the
11 one, not Leroy. And so, when a trier of fact is looking at
12 it, it's up to them to make the judgment as to the
13 truthfulness and veracity of it. My job is to try to see
14 there are facts that can contradict each other, and
15 therefore, create a reasonable doubt.

16 Q. Okay. Earlier you testified that Mr. Leroy Glover told
17 you that he wrote the letter. Is that right?

18 A. Well, originally, how I testified is that Leroy told me
19 outside of there. But the letter had been presented
20 originally as Jason had written the letter, okay. But later
21 it came out with a handwriting exemplar that Leroy had
22 written the letter. I didn't make that public. What we're
23 talking about today --

24 Q. Sure.

25 A. -- is, what we're talking about this letter, how does

1 it come, what it is, that was the problematic. And who is
2 the author of the letter and why is the letter a different
3 confession from the videos, from the multiple letters that
4 had been written. So that's all it was with regard to that.

5 Q. Right, and I understand what you're saying. I
6 understand that you were aware, not that anybody else, the
7 jury was aware that Leroy Glover had told you that he wrote
8 it. But Jason Glover presented an expert who testified that
9 Leroy Glover wrote it. Is that correct?

10 A. That he was potentially the author of it. I guess that
11 would be correct. Because that was his reasoning for being
12 there using the handwriting exemplars in regard to it.

13 Q. Okay. And he testified that Jason Glover was not the
14 author, but that Leroy Glover was the author?

15 A. That was his intent.

16 Q. Well, my question to you, again, is what was -- would
17 that expert had been able to testify to that unless you had
18 not objected to the letter coming in or stipulating that it
19 be used?

20 A. Well, what we stipulated, as I understood it, is that
21 how the letter came to. I objected as to the authentication
22 of the letter. And in fact, if you look at that area that
23 you pointed out to, I think Jason's lawyer said, oh, I
24 believe it's already in, you see. And so, there may be some
25 contention that the letter was in notwithstanding the

Redirect Examination of Mr. Curry by Mr. Waller

1 stipulation of how it came to them. I objected to the
2 letter initially itself, as I recall. You know, the
3 transcript speaks for itself, I'm sure.

4 Q. And I just want to clarify one thing regarding the
5 appeal. And I understand, your fee agreement does not
6 include services for handling the appeal. But your
7 testimony is not -- and again, I'm just clarifying that you
8 weren't going to file an appeal, because you tried to do
9 that. Is that right?

10 A. Well, our standard practice is in a case where someone
11 has been convicted is to, whether I hear from them or not, I
12 try to at least start the perfection of the appeal process.
13 And I thought that we had done that, like I said. What I
14 have is what I have. I don't have any other correspondence
15 with regard to where that had -- or the Court got back to
16 it. But I do know based on what I have, it was filed in the
17 First Circuit, Orangeburg County.

18 Q. Thank you, Mr. Curry. I appreciate it.

19 MR. WALLER: No further questions.

20 MR. NEELY: Nothing in redirect.

21 THE COURT: All right. Have a good day.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Next witness?

24 MR. WALLER: Nothing further from the Applicant, Your
25 Honor.

1 THE COURT: All right. Does the State wish to call any
2 witnesses?

3 MR. NEELY: The State has no witnesses, Your Honor.

4 THE COURT: All right. Y'all want to make some closing
5 summations?

6 MR. WALLER: Your Honor, just briefly. I would ask the
7 Court to take a look at sections regarding the transcript
8 about the letter in question. It's codefendant's Exhibit 1,
9 pages 478 through 482, pages 607 to 608, and then page 676.
10 Your Honor, we would just contend that the letter would not
11 have been admissible. That once it became admissible, their
12 expert was able to testify to it, that it was written by
13 Mr. Leroy Glover not Mr. Jason Glover. And also by not
14 objecting to it at the end, it was not preserved for
15 appellate review.

16 Your Honor, in turning to the appeal, Mr. Curry
17 obviously tried to file an appeal in Orangeburg County.
18 It's my understanding there's no record of it being filed in
19 the Court of Appeals as Rule 262 of the Appellate Court
20 rules requires. Certainly, things can happen with the mail,
21 and I understand that. Mr. Glover has never had his one
22 bite of the apple so to speak, his full bite. I would ask
23 the Court to grant him a belated appeal from his trial as
24 well.

25 THE COURT: All right. Mr. Neely.

1 MR. NEELY: Your Honor, first off, I don't think that
2 -- the letter was obviously detrimental to Leroy Glover. It
3 was a written confession on its face by Jason Glover, his
4 codefendant. And that was basically the entire question of
5 the case is who -- or was it both of them. I think that the
6 letter could've been taken by a jury to be a confession.
7 They could have ignored or disagreed with the testimony of
8 the expert. I don't think that it's necessarily, again,
9 detrimental. And I certainly don't think that it was the
10 key piece of evidence that linked Leroy Glover to the crime.

11 The State had cell phone towers that put Leroy Glover
12 at the murder location where the body was. Mr. Curry
13 testified that it can only do generalities, but combining
14 that with the fact that they had witnesses testify that
15 Leroy Glover was attempting and failing to get people to
16 give him a fake alibi. They had cell phone records from
17 text messages saying that he basically attempting to cover
18 the fact up that he was there. I think the evidence pointed
19 very specifically to Leroy Glover throughout the case. I
20 don't think that the letter was a key piece of evidence or a
21 final piece of evidence. So I don't that it was prejudicial
22 even if that was a mistake. And I think that was a mistake
23 in hindsight as opposed to a mistake that you could predict.
24 Obviously, in a trial where your client is found guilty,
25 there's things that you would do different, and there's

1 things your client wish you would do different. But there's
2 no way you can know that at the trial itself. And I think
3 that Mr. Curry did his best. And use it as argument the
4 things that make sense, things were confusing, this was just
5 another piece of confusing evidence where nobody is sure who
6 did it. And it's not just the letter. There was also
7 statements that Jason Glover made to law enforcement
8 confessing to the crime. So it wasn't his only confession.
9 He confessed to the crime and then recanted his confession.
10 So this is just one more piece of did he confess, recant,
11 then reconfess. And that's just something for the jury to
12 consider, something Mr. Curry could have used to cause
13 confusion to the jury and not be able to find Mr. Glover was
14 guilty beyond a reasonable doubt.

15 The testimony is that Mr. Curry tried to perfect an
16 appeal, and it appears that Mr. Curry failed to perfect an
17 appeal. I'm not sure how I can argue that that shouldn't
18 have been done. It does appear that his client knew about
19 his right to appeal, and should've known that Mr. Curry was
20 gonna represent him on appeal. However, the notice of
21 appeal should still have been perfected for indigent defense
22 to take over. So I don't see how this court could deny him
23 his State v. White claim and direct appeal.

24 THE COURT: Okay.

25 MR. NEELY: I don't think there's a good legal argument

1 against it.

2 THE COURT: Okay. I'll let y'all know by the end of
3 the week. Thank you very much.

4 MR. NEELY: Thanks, Your Honor.

5 MR. WALLER: Thank you.

6 (The proceeding concluded at 11:16 a.m.)

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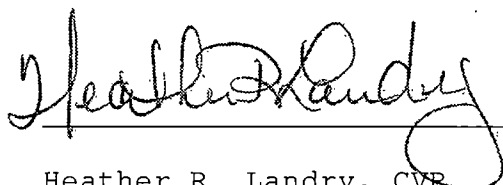
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STATE OF SOUTH CAROLINA)
) CERTIFICATE OF REPORTER
COUNTY OF CHARLESTON)

I, HEATHER R. LANDRY, then Official Court Reporter for the Judicial Department of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had in the hearing of the captioned case, in the Court of Common Pleas for Orangeburg County, South Carolina, on the 23rd day(s) of May 2017.

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

August 12, 2019



Heather R. Landry, CVR
Official Court Reporter

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

Maite' Murphy, Circuit Court Judge

FILED FOR RECORD
WINNIE L. CLARK
CLERK OF COURT
ORANGEBURG, SC

2017 MAY 31 PM 3:41

Case No.: 2013A1020121585;
2013A10201661; 662; 668; 669; 674; & 675

Leroy Glover Appellant

vs.

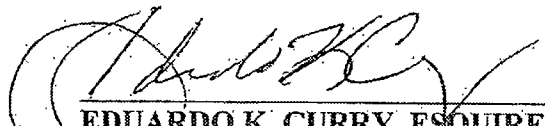
State of South Carolina Respondent

2015 SEP 21 P 2:50

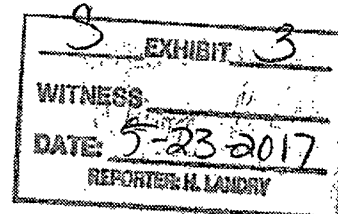
NOTICE OF APPEAL

Leroy Glover appeals the order of the Honorable Maite' Murphy dated September 18, 2015. Appellant received oral notice of a denial of a motion for a new trial on September 18, 2015.

Dated September 21, 2015


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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

Maite' Murphy, Circuit Court Judge

Case No.: 2013A1020121585;
2013A10201661; 662; 668; 669; 674; & 675

Leroy Glover Appellant

vs.

State of South Carolina Respondent

NOTICE OF APPEAL

Leroy Glover appeals the order of the Honorable Maite' Murphy dated September 18, 2015. Appellant received oral notice of a denial of a motion for a new trial on September 18, 2015.

LEROY GLOVER
APPELLANT

Other Counsel of Record:
DONALD SORENSON, ASSISTANT SOLICITOR
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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Leroy Glover, Jr., #314746,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

2016-CP-38-0110

ORDER OF DISMISSAL AND
GRANTING WHITE CLAIM

This Court convened an evidentiary hearing into the matter on May 25, 2017, at the Dorchester County Courthouse. Applicant was present at the hearing and represented by Jonathan Waller, Esquire. Ruston W. Neely, Esquire, of the South Carolina Attorney General's Office, represented Applicant.

Applicant's trial counsel, Eduardo Curry (Counsel), Esquire, and Applicant were present and testified. This Court also had the opportunity to listen to their testimony and rule on their credibility. This Court had before it a copy of the trial transcript, the records of the Orangeburg County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter. This Court finds as follows:

I. PROCEDURAL HISTORY

Applicant was indicted by the December 2013 term of the Orangeburg County Grand Jury for one count of murder (2013-GS-38-1624.) On September 14-18, 2015, Applicant proceeded to a joint jury trial with his codefendant, at the conclusion of which he was found guilty as indicted. The Honorable Maite Murphy sentenced Applicant to life imprisonment. Applicant did not appeal his conviction or sentence.

II. ALLEGATIONS

Applicant alleged the following grounds in his application:

1. Ineffective Assistance of Trial Counsel
 - a. Trial Counsel failed to investigate and research favorable evidence.
 - b. Trial Counsel failed to preserve his objection to the alleged codefendant's confession.
 - c. Trial Counsel failed to properly perfect the notice of appeal.

III. SUMMARY OF FACTS

Applicant followed the victim into a trailer where he shot and killed the victim, who owed Applicant \$93. Afterwards, Applicant and his codefendant took the body and hid it in the woods. Law enforcement used cell phone location data from Applicant's phone to find the victim's body. Jeremy Bradley testified Applicant approached him after law enforcement began their murder investigation and asked him to provide a false alibi. The State also presented a video of Applicant, from a security camera outside a law enforcement officer's office, instructing a friend to give him an alibi and lie to law enforcement. David Williams testified he heard a gunshot and then saw a black male pull away quickly from the scene. Williams identified Applicant's codefendant out of a photo lineup as the driver. Applicant's codefendant introduced defense ex. 1 (letter), a statement allegedly signed by Applicant's codefendant. The letter, signed with Applicant's codefendant's name, purported to confess to the murder. However, an expert witness specializing in handwriting identification testified the letter appeared to be written by Applicant, not Applicant's codefendant. Applicant's codefendant testified Applicant shot the victim.

IV. SUMMARY OF TESTIMONY

Applicant admitted Counsel did a wonderful job at trial. Applicant stated he thought that during the trial and still believed it. Applicant claimed he spoke with Counsel 4 times for 15-20

minutes. He said he never spoke with Counsel about the statements given to law enforcement or the cell phone tower location data evidence. He claimed he gave Counsel names of potential alibi witnesses, but they were never spoken to. He claimed Counsel never discussed hiring a handwriting expert. He asked Counsel to file an appeal, but an appeal was never filed. He didn't read the employment contract with Counsel that specifically stated Counsel was not representing him on appeal.

Counsel testified the codefendant's letter was not provided by the State prior to trial. Applicant admitted to Counsel he had written the letter in order to divert law enforcement's attention. Counsel said he spoke with Applicant more than 4 times for much longer than 15-20 minutes. He went over all the evidence, testimony, and incident scene with Applicant. Applicant told him he and his brother rolled the body up in a carpet and that they staged the body's position. Applicant also told Counsel he fired the bullet that ended the victim's life. Counsel testified he filed a notice of appeal on Applicant's behalf and spoke with Applicant about an appeal.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). "When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. "There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making

all significant decisions in the case.” Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007). An applicant must overcome this presumption to receive relief. State v. Cherry, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). Judicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second guess counsel’s assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude a particular act or omission of counsel was unreasonable. Strickland, 466 U.S. at 689. “[E]very effort be made to eliminate the distorting effects of hindsight” and to evaluate counsel’s decisions at the time they were made. Strickland, 466 U.S. at 689. Accordingly, courts must be wary of second-guessing counsel’s tactics. Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

This Court finds that Applicant has failed to satisfy his burden to prove that Counsel’s actions in trial were deficient. Applicant also failed to prove he was prejudiced by Counsel’s alleged deficiencies. This Court finds Counsel properly prepared for Applicant’s trial. This Court finds Counsel elucidated valid trial strategies in defending Applicant and preparing for trial. This Court finds Counsel rendered adequate assistance and exercised professional judgment in his decisions at trial. However, this Court also finds Counsel failed to properly perfect Applicant’s appeal. Therefore, this Court dismisses Applicant’s claims of ineffective assistance of Counsel during trial, but grants Applicant’s request to petition the South Carolina Supreme Court for belated review of his appellate issues. This Court’s reasoning follows:

Ineffective Assistance of Counsel

In evaluating allegations of ineffective assistance of counsel, the court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove counsel’s performance was deficient. Id. Under this prong, the court measures an attorney’s

performance by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 1989. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, Counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "[E]very effort be made to eliminate the distorting effects of hindsight" and to evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689. Accordingly, courts must be wary of second-guessing counsel's tactics. Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 1992.

1. Failure to investigate.

Applicant failed to show how further investigation by Counsel would have benefited Applicant at trial. Applicant asserts Counsel should have investigated further. This allegation is based purely on speculation. Applicant did not prove what Counsel would have found if he had hired an investigator or initiated further investigation. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. 668. "The applicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice." State v. Glover, 318 S.C. 496, 498--

499, 458 S.E.2d 538, 540. "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998).

Accordingly, this Court finds Applicant failed to prove Counsel failed to properly investigate. This Court also finds Applicant failed to prove he was prejudiced by Counsel's lack of investigation such that there was a reasonable probability the result of the trial would have been different. Accordingly, this Court denies and dismisses this allegation.

2. Trial counsel failed to preserve his objection to the alleged codefendant's confession.

Counsel was not deficient because he properly preserved his objection to the introduction of the alleged confession of Applicant's codefendant. Tr. 480-482. Counsel also had the trial court note his objection for the record. Tr. 482, l. 17. Applicant argued Counsel's later statement rescinded his objection. "[W]e would agree to that stipulation that the solicitor got that by U.S. mail and turned it over to us." Tr. 607, 18-19. This Court disagrees and believes Counsel properly preserved his objection for appellate review. Counsel stipulated only that the letter was received by the solicitor's office, a fact he did not challenge during his objection. Tr. 481, l. 15-17. During his objection, Counsel challenged the letter based on its lack of foundation and the impossibility of determining the statement's author. Tr. 481. This Court finds Counsel's stipulation did not rescind his timely objection. Accordingly, Counsel was not deficient for failing to preserve his objection because the objection was preserved.

Further, this Court finds the letter's exclusion would not have changed the result of the trial. The State's evidence against Applicant, without the letter, proved his guilt beyond a reasonable doubt. This Court finds there is not a reasonable probability the jury would have decided Applicant's case differently without the letter.

Accordingly, this Court finds Applicant failed to prove Counsel was deficient for failing to preserve his objection. This Court also finds Applicant has failed to prove he was prejudiced such that there was a reasonable probability the result of the trial would have been different. Accordingly, this Court denies and dismisses this allegation.

3. Trial counsel failed to properly perfect the notice of appeal.

A White claim alleges that an applicant desired an appeal of his conviction or sentence and did not receive appellate review due to a failure of his counsel. White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). Pursuant to White, a PCR judge must determine whether the applicant freely and voluntarily waived his appellate rights. If a post-conviction relief judge affirmatively finds that the right to a direct appeal was not knowingly and intelligently waived, the applicant may petition for a writ of certiorari. See Davis v. State, 288 S.C. 290, 291, 342 S.E.2d 60 (1986). Applicant argued he is entitled to a belated appeal pursuant to White.

This Court finds Applicant did not knowingly and voluntarily waive his right to a direct appeal. Trial counsel must ensure a criminal defendant is made fully aware of his appeal rights. White, 263 S.C. at 118, 208 S.E.2d at 39. In the absence of a waiver by the defendant, counsel must initiate an appeal. White, 263 S.C. at 118, 208 S.E.2d at 39. Here, the evidence indicates Applicant desired an appeal. Counsel attempted to file a notice of appeal, but the notice of appeal failed to reach the clerk of court. Therefore, the Court affirmatively finds Applicant requested and was denied an opportunity to seek appellate review. Accordingly, the Court hereby grants Applicant's request for a direct appeal of his conviction pursuant to White v. State.

VI. CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application.

Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes Applicant must file and serve a notice of appeal within thirty 30 days from receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 1991, Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1g, SCRCP, provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence; and
3. Applicant shall be entitled to seek review of his direct appeal issues.

AND IT IS SO ORDERED this 13 day of Nov, 2017.

Re Hood

ROBERT E. HOOD
Presiding Judge
1st Judicial Circuit

To/mbin

, South Carolina