

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable J. Derham Cole, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TONY LAMETRIUS LEAMON,

APPELLANT

APPELLATE CASE NO 2017-001626

RECORD ON APPEAL

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1 doesn't mean it's not valid. It means it's his opinion.

2 Where is Mr. Yates anyway?

3 MS. PARRISH: He's deceased, Your Honor.

4 THE COURT: Okay. I guess he's not going to be  
5 coming then. But we do have Ms. Kyle, though?

6 MS. PARRISH: We do.

7 THE COURT: Good.

8 MR. ROBINSON: I heard Mr. Yates knock on the door.

9 THE COURT: Do you think he'll get here before  
10 Ms. Kyles?

11 MS. PARRISH: That's possible.

12 THE COURT: All right. Well, I think we've heard  
13 enough about the consistency or inconsistency of the  
14 witness statement.

15 Do you have some other matters you want to address  
16 with this witness?

17 MR. ROBINSON: No, I don't.

18 THE COURT: All right. Bring the jury back in.

19 (WHEREUPON, the jury came into open court at  
20 approximately 3:23 p.m.)

21 THE COURT: Mr. Robinson, do you have any other  
22 questions of this witness?

23 MR. ROBINSON: No more questions, Your Honor.

24 THE COURT: Ms. Parrish?

25 MS. PARRISH: No additional redirect.

1 THE COURT: Okay. You may step down.

2 MS. PARRISH: Your Honor, the State would request to  
3 recall Janetta Kyles.

4 THE COURT: Any objection?

5 MR. ROBINSON: No objection, Judge.

6 THE COURT: All right. Solicitor.

7 (Pause.)

8 MS. PARRISH: Ms. Kyles is in the restroom, Your  
9 Honor.

10 (Pause.)

11 THE CLERK: If you'll you put your left hand on the  
12 Bible and raise your right.

13 WHEREUPON,

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

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MS. PARRISH:

19 Q Ms. Kyles, do you remember testifying yesterday?

20 A Yes.

21 Q Do you remember speaking about how much Tony Leamon  
22 went to the Black and Mild Club?

23 A Yeah.

24 Q Do you or don't you? Based on the look on your face,  
25 I just don't --

1 A No.

2 Q Do you remember saying Tony Leamon had been to the  
3 Black and Mild Club?

4 A Yes.

5 Q How often did Tony Leamon go to the Black and Mild  
6 Club?

7 A Maybe -- maybe once every other week on the weekend.

8 Q Okay. Was that -- would you consider that fairly  
9 often?

10 A I guess so.

11 Q Okay. Is there a reason -- do you know why he liked  
12 to go to the Black and Mild Club?

13 A He had -- you know, he had a lot of people that he  
14 knew.

15 Q Okay.

16 A That he associate with.

17 Q Okay. And did you -- do you remember testifying  
18 yesterday about the things he told you in the hotel room  
19 that you paid for?

20 A I don't have a clear recollection.

21 Q Do you remember me asking you if you told police that  
22 he went into more detail when he was in the room, he was  
23 feeling it, that's when all the liquor was gone?

24 A If that's what was said, yeah.

25 Q Ms. Kyles, did you -- do you recall me asking you or

1       you telling us what he told you in that motel room?

2       A     I don't -- I don't have a clear recollection of it.

3       Q     Do you remember us discussing that he told you -- or  
4       pardon me. Do you remember me asking you whether you told  
5       police, He pretty much just told me about the whole  
6       scenario because he hadn't told me that yet, you know. He  
7       told me what had happened and exactly the details of what  
8       led up to that. Then he told me that he had -- he had to  
9       remove some clothes and he had taken a bath. He said that  
10      he took a bleach bath or something like an alcohol bath.  
11      So he had done this before he came and saw me.

12             Do you remember us talking about that?

13      A     That was a long question. Can you repeat the  
14      question? That was a long question.

15      Q     It was a long question. Do you remember me asking  
16      you whether you told the police that?

17      A     Do I remember you asking me?

18      Q     Whether -- that information I just read out, whether  
19      that was something you told police?

20      A     Yeah, yeah. I remember that.

21      Q     Do you remember us discussing whether Mr. Leamon had  
22      told you he got rid of his clothing before he saw you?

23      A     Yes.

24      Q     Did we discuss whether Mr. Leamon told you what he  
25      did with the gun?

1 A No.

2 Q Okay. Do you know what he -- did he tell you what he  
3 did with the gun?

4 A No.

5 Q Did he tell you whether he got rid of the gun?

6 A I don't know where it is.

7 Q Okay. I know you don't know where it is. Did he  
8 discuss what had happened with the gun with you?

9 MR. ROBINSON: Asked and answered, Your Honor.

10 Objection.

11 THE COURT: I'm not sure if it has been or not, to  
12 tell you the truth.

13 MS. PARRISH: Neither am I, Your Honor.

14 BY MS. PARRISH:

15 Q Did he discuss -- did y'all have conversations about  
16 where the gun was?

17 A No.

18 Q Did he tell you whether he had gotten rid of the gun?

19 A Yeah.

20 Q Okay. What did he say?

21 A That he don't have it.

22 Q He said he didn't have it anymore?

23 A Yeah.

24 MS. PARRISH: Okay. No further questions. Please  
25 answer any questions Mr. Robinson may have.

1 MR. ROBINSON: May it please the Court.

2 CROSS-EXAMINATION

3 BY MR. ROBINSON:

4 Q Ms. Kyles, when the Solicitor asked you a second ago  
5 about Tony and the times he went to the club, and so  
6 forth, you know he went to the club and he had friends at  
7 the club -- or you're talking about like social friends at  
8 the club; correct?

9 A Yeah.

10 Q He would hang out with, and so forth?

11 A Uh-huh.

12 Q So there's really -- that's really the only knowledge  
13 you have of any relationship Tony Leamon has with that  
14 club; correct?

15 A Yeah.

16 Q You know of no other relationship he's got other than  
17 friends that go there with him to drink, and so forth;  
18 correct?

19 A Yeah.

20 Q And regarding the gun we're talking about, other than  
21 him saying he didn't have it anymore, he didn't say  
22 anything else about it, did he?

23 A No, he did not.

24 Q And as far as his clothes go -- now, going back three  
25 years, this was June, which is in the summertime; isn't

1       that correct?

2       A     Yes.

3       Q     It would be hot outside, wouldn't it?

4       A     Yes.

5       Q     And you don't know where he went to change his  
6       clothes before he saw you, do you?

7       A     No.

8       Q     So he could have gone to his momma's house or his  
9       aunt's house to change just to get into something more  
10      comfortable; is that right?

11      A     Yes.

12      Q     Okay. So you don't know whether he left the clothes  
13      at his mom's house, his aunt's house. You don't know?

14      A     No. I have no -- I have no knowledge.

15      Q     And as far as this -- this bath he supposedly took,  
16      you really don't have any idea where he took that?

17      A     No, I don't.

18           MR. ROBINSON: That's all I have.

19           Thank you.

20           MS. PARRISH: One on redirect.

21                       REDIRECT EXAMINATION

22      BY MS. PARRISH:

23      Q     Ms. Kyles, did Mr. Leamon often wear sweat pants in  
24      the summer since it was so hot outside?

25      A     No.

1 MS. PARRISH: No further questions, Your Honor.

2 THE COURT: Step down.

3 MS. PARRISH: Your Honor, the State rests.

4 THE COURT: All right. Ladies and gentlemen, that is  
5 all of the testimony and the evidence to be offered by the  
6 State, at least, in the case in chief. Before we go  
7 further, I've got some matters I need to address with the  
8 lawyers.

9 So I would ask you to, please, go to your jury room.  
10 Do not discuss the case. I'll bring you back shortly.

11 (WHEREUPON, the jury was excused from open court at  
12 approximately 3:35 p.m.)

13 THE COURT: Mr. Robinson, do you have any motions, or  
14 other matters to address before we continue?

15 MOTIONS

16 MR. ROBINSON: Your Honor, at this time, I would make  
17 a motion for a directed verdict for acquittal, Your Honor.  
18 We believe that the State has not produced any evidence  
19 that Mr. Leamon committed this crime. It's just mere  
20 suspicion and presumption that he did this. There's  
21 really no actual evidence or any evidence in this case  
22 that he did this.

23 The witnesses in this case -- there's only one  
24 witness which said anything, which was totally incorrect,  
25 which was Mr. Boyd. Everyone else said they assumed he

1 shot the guy, but they didn't see it. They saw a finger  
2 or gun in his hand or something like that, but they never  
3 saw the shooting take place. So the suspicion is not  
4 really enough in this case to carry it to the jury.

5 Thank you.

6 THE COURT: Ms. Parrish.

7 MS. PARRISH: Your Honor, I completely disagree with  
8 the summary of the evidence presented by the State. I  
9 believe that the State has given, at least, five  
10 eyewitnesses who testified regarding the facts and  
11 circumstances about what happened on June 14th.

12 While none of the witnesses were able to say that  
13 they saw a bullet leaving the gun, they all testified that  
14 it was Mr. Leamon and only Mr. Leamon that was near the  
15 victim. They testified as to how he came and from what  
16 direction he came to surprise the victim and shoot him in  
17 the head.

18 I believe that in the light most favorable to the  
19 State, this is a question for the jury.

20 THE COURT: Any reply?

21 MR. ROBINSON: No reply.

22 THE COURT: Motion for a directed verdict is denied.

23 Mr. Robinson, have you talked to your client about  
24 whether or not he wants to testify during the trial of  
25 this case?

1           MR. ROBINSON: Several times, Your Honor. He has  
2 just asked me for a little more time so he can talk to his  
3 family.

4           THE COURT: How much time does he need?

5           MR. ROBINSON: 10 minutes.

6           THE COURT: All right. We'll take 10 minutes.

7           (WHEREUPON, a break was taken.)

8           THE COURT: All right. Mr. Robinson, what does  
9 Mr. Leamon wish to do about testifying and/or presenting  
10 other evidence?

11          MR. ROBINSON: He wants to -- he has advised me, Your  
12 Honor, after speaking to his family and he's spoken with  
13 me several times over a period of time, he does not wish  
14 to testify.

15          THE COURT: All right. Mr. Leamon, Mr. Robinson just  
16 told me that you and he have had discussions about your  
17 right to testify, as well as not testify. Is that true?

18          DEFENDANT LEAMON: Yes, sir.

19          THE COURT: And do you understand that when you're  
20 charged with a crime, as you are now, you have an absolute  
21 right to remain silent, which means nobody can make you  
22 testify? Nobody can require that you make any statement.  
23 Nobody can require that you answer any questions that  
24 relate to these charges.

25          You have an absolute right to remain silent and to

1       require the State to come into court with sufficient  
2       evidence to establish your guilt to the satisfaction of  
3       this jury beyond a reasonable doubt. . And you never can be  
4       required to assist them in their efforts to convict you by  
5       testifying or answering questions that might tend to prove  
6       your own guilt.

7               At the same time, if you wish to testify or provide  
8       this jury with any additional information, now is the only  
9       opportunity that you will have to do that.

10              Do you understand if you choose to take the witness  
11     stand and testify that you will have to answer not only  
12     your lawyer's questions, but you'll have to answer the  
13     questions asked of you by the Prosecutors, even if the  
14     responses to those questions might tend to prove you  
15     guilty?

16              DEFENDANT LEAMON: Yes, sir.

17              THE COURT: Do you, also, understand that if you  
18     elect not to take the witness and testify, I will instruct  
19     the jury they can't hold that against you? They can't  
20     consider it in any way during their deliberations, or in  
21     their determination as to whether or not your guilt has  
22     been proven beyond a reasonable doubt.

23              DEFENDANT LEAMON: Yes, sir.

24              THE COURT: Have you and Mr. Robinson discussed the  
25     advantages and disadvantages of your testifying, as well

1 as your not testifying?

2 DEFENDANT LEAMON: Yes, sir.

3 THE COURT: And do you appreciate what those  
4 advantages and disadvantages are?

5 DEFENDANT LEAMON: Yes, sir.

6 THE COURT: And have you had time to reflect upon  
7 your decision?

8 DEFENDANT LEAMON: Yes, sir.

9 THE COURT: Have you reached that decision?

10 DEFENDANT LEAMON: Yes, sir.

11 THE COURT: What is your decision?

12 DEFENDANT LEAMON: I will not take the stand.

13 THE COURT: Is that a decision that you've made of  
14 your own free will and accord?

15 DEFENDANT LEAMON: I had the ultimate decision. I  
16 mean, you know, it was a lot of input from my lawyer and  
17 my family. But this final decision is mine.

18 THE COURT: That's right. And my question is, did  
19 you reach that decision of your own free will and accord?

20 DEFENDANT LEAMON: Yes, sir.

21 THE COURT: Did anybody force you into that decision?

22 DEFENDANT LEAMON: No, sir.

23 THE COURT: Has anybody coerced you into that  
24 decision?

25 DEFENDANT LEAMON: No, sir.

1 THE COURT: Has anybody pressured you into that  
2 decision?

3 DEFENDANT LEAMON: No, sir.

4 THE COURT: Has anyone even suggested what decision  
5 you ought to make in that regard?

6 DEFENDANT LEAMON: No, sir.

7 THE COURT: And do you understand that if anyone  
8 suggested a decision to you, that's fine. That's their  
9 view of it. That's their opinion. But they don't get to  
10 make the decision, only you can make that decision.

11 DEFENDANT LEAMON: Yes, sir.

12 THE COURT: Because you are the person that has to  
13 live with the consequences of that decision.

14 DEFENDANT LEAMON: I understand, sir.

15 THE COURT: All right. Do you still stand by your  
16 decision not to testify?

17 DEFENDANT LEAMON: Yes, I do.

18 THE COURT: And you're satisfied with that decision?

19 DEFENDANT LEAMON: Yes, sir.

20 THE COURT: Okay. Do you have any other witnesses  
21 you want Mr. Robinson to call on your behalf?

22 DEFENDANT LEAMON: They didn't -- it didn't pan out.

23 THE COURT: Okay. So you don't have anybody else to  
24 call?

25 DEFENDANT LEAMON: I don't think so.

1 MR. ROBINSON: If I could speak on that point, Your  
2 Honor?

3 THE COURT: Sure..

4 MR. ROBINSON: Your Honor, we had actually -- we had  
5 subpoenaed a Mr. Hall. And -- but he -- I elicited from  
6 the detective, Officer Fortner, and, also, the witnesses  
7 regarding the security that was there that night. That  
8 was the reason we were thinking about him in case  
9 something did come up.

10 The other person would have been --

11 THE COURT: Well, so you've determined you don't  
12 believe Mr. Hall's presence and testimony is necessary?

13 MR. ROBINSON: Yes, sir, Your Honor.

14 THE COURT: And you shared that belief with  
15 Mr. Leamon?

16 MR. ROBINSON: I did, Your Honor.

17 THE COURT: Do you agree with that decision,  
18 Mr. Leamon?

19 DEFENDANT LEAMON: Yes, sir.

20 MR. ROBINSON: And, Your Honor, there was one witness  
21 that we had thought about, that was one of the witnesses  
22 the State had -- it was a 911 call. It was, I believe, a  
23 Carolus Bellinger. I elicited testimony from Officer  
24 Fortner about the unreliability of 911 calling, and so  
25 forth, and the credibility, and so forth. And I think

1 we've resolved that without needing that witness to come.

2 THE COURT: All right. So you don't think  
3 Mr. Bellinger's testimony is needed?

4 MR. ROBINSON: No, sir.

5 THE COURT: And you shared that with Mr. Leamon?

6 MR. ROBINSON: I did.

7 THE COURT: Do you agree with that decision,  
8 Mr. Leamon?

9 DEFENDANT LEAMON: Yes, sir.

10 THE COURT: All right. Anything else?

11 MR. ROBINSON: That's it.

12 THE COURT: All right. I'm going to bring the jury  
13 back. We'll excuse them for the evening. And then I'll  
14 discuss potential jury instructions with you.

15 All right. Bring the jury back, please.

16 (WHEREUPON, the jury came into open court at  
17 approximately 4:16 p.m.)

18 THE COURT: All right. Ladies and gentlemen, as you  
19 know, the State has concluded with their presentation of  
20 evidence. And so we'll now proceed with any additional  
21 that might be offered by the Defense.

22 Mr. Robinson, does the Defendant wish to present any  
23 additional testimony or other evidence?

24 MR. ROBINSON: No, sir, Judge.

25 The Defense rests.

1           THE COURT: All right. That is all of the testimony  
2 and all of the evidence to be received in the trial of  
3 this case. And, therefore, as you know, what remains to  
4 be done are the lawyers final summations, after which I'll  
5 instruct you on the law. And then you'll begin with your  
6 deliberations in the case. We don't have enough time this  
7 afternoon to get all that accomplished.

8           So we will resume in the morning at 10:00. At 10:00  
9 in the morning, we'll conclude with the lawyers final  
10 summations, my instruction as to the law, and then your  
11 deliberations.

12           So keep in mind again during the overnight recess  
13 that you're not to discuss the case with anybody. Don't  
14 conduct any research. Don't do any investigation. Do not  
15 permit yourselves to be exposed to any type of media  
16 coverage that might relate to the case or the trial.

17           With that, have a good evening. I'll see you in the  
18 morning at 10:00, 10:00 in the morning.

19           Have a good afternoon.

20           (WHEREUPON, the jury was excused from open court at  
21 approximately 4:17 p.m.)

22           THE COURT: Mr. Robinson, the same grounds for a  
23 motion for a directed verdict?

24           MR. ROBINSON: Same grounds, Judge.

25           THE COURT: Does the State have any additional reply?

1 MS. PARRISH: No, Your Honor.

2 THE COURT: All right. Motion for directed verdict  
3 is denied.

4 The jury instruction requests?

5 MS. PARRISH: Yes, Your Honor.

6 The State has passed up our proposed jury  
7 instructions in this case, Your Honor. And the last three  
8 numbers, nine, 10, and 11 would only be applicable if Your  
9 Honor intended to charge anything less than murder.

10 THE COURT: Do you suggest there's any evidence upon  
11 which to allow the jury to consider any lesser included  
12 offense?

13 MS. PARRISH: I do not, Your Honor. But since it was  
14 mentioned earlier, I wanted to include those.

15 THE COURT: All right. Mr. Robinson, do you have any  
16 instruction requests?

17 MR. ROBINSON: I do.

18 I do believe there has been sufficient evidence  
19 regarding -- regarding voluntary manslaughter as a lesser  
20 included. I think through Janetta Kyles, she stated that  
21 the victim was following him around all night. I think,  
22 at some point, she said something about he was spitting at  
23 him, or doing something like that. I think that would  
24 constitute heat of passion as far as why this took place.

25 So I think voluntary manslaughter is something that

1       could be charged in this case. I've, also, asked for an  
2       eyewitness instruction in this case, and, also, the  
3       Court's instruction on not testifying in this matter.

4             THE COURT: Do you have an eyewitness instruction  
5       you'd like for me to consider?

6             MR. ROBINSON: I would like to be able to give that  
7       to the Court in the morning.

8             THE COURT: All right. Do that.

9             All right. Ms. Parrish, do you want to discuss his  
10       request for a lesser included offense of voluntary  
11       manslaughter?

12            MS. PARRISH: I would, Your Honor.

13            The State does not recall any evidence whatsoever  
14       that would come close to a heat of passion argument.  
15       Ms. Kyles testified that he had been following him around  
16       and, perhaps -- I believe she was vague, as she was  
17       throughout the trial. She said there might have been  
18       something about spitting.

19            But then she, clearly, thinks that it was the third  
20       time that something happened that he pulled out the gun  
21       and shot him. That's not sufficient -- words are not  
22       sufficient to rise to a heat of passion, which the last  
23       three of my cases mention.

24            THE COURT: Well, based upon my consideration of the  
25       evidence, there may be some evidence from which you might

1 be able to argue an inference of heat of passion. There's  
2 no evidence that I can recall that would establish a  
3 sufficient legal provocation. And, therefore, even if  
4 there were heat of passion, if there's no sufficient legal  
5 provocation, it's murder and not manslaughter.

6 So your request for a jury instruction and to allow  
7 the juries consideration of the lesser included offense of  
8 voluntary manslaughter is declined.

9 Anything else?

10 MS. PARRISH: Not in regard to jury instructions,  
11 Your Honor.

12 The State would like to see what the eyewitness  
13 instruction is.

14 THE COURT: Well, you'll see it in the morning when I  
15 see it. Or maybe you'll see it before I will.  
16 Mr. Robinson will give you a copy of it.

17 MR. ROBINSON: It will be redacted, Judge. It will  
18 be redacted.

19 THE COURT: Y'all are going to keep redacting  
20 everything.

21 MS. PARRISH: May it please the Court.

22 Your Honor, this is not in regard to jury  
23 instructions, but I do want to touch on the evidence  
24 before we adjourn for the day.

25 THE COURT: Okay. Go ahead and touch on it.

1 MS. PARRISH: Certainly.

2 So, Your Honor, currently, Mr. Robinson is in  
3 possession of what was previously marked and admitted as  
4 State's Exhibit No. 59. However, I have now created a  
5 redacted version of the entirety of it. So this is only  
6 the 24 minutes and 57 seconds that the jury saw, which I  
7 believe is what Your Honor said you want to go back to the  
8 jury.

9 So I don't know if we should substitute this as  
10 State's Exhibit No. 59, or we should make this State's  
11 Exhibit No. 60 and make what was State's Exhibit No. 59 a  
12 Court's Exhibit. But this is just the 24:57 that the jury  
13 saw.

14 THE COURT: Well, I suggest that we make the last  
15 redacted -- not the very last -- well, let me say it this  
16 way. The redacted version of the video that was shown to  
17 the jury, that will be State's Exhibit No. 59.

18 That was that video?

19 MS. PARRISH: Yes, sir.

20 THE COURT: And then those that were previously  
21 marked as State's Exhibit No. 59 that have been redacted  
22 prior to this redaction will be marked as Court's  
23 Exhibits.

24 MS. PARRISH: This particular one is just the  
25 24 minutes and 50 seconds that the jury saw with nothing

1 after it.

2 THE COURT: That's going to be State's Exhibit No.  
3 59.

4 MS. PARRISH: Okay. Yes, sir, Your Honor.

5 THE COURT: And the others that were State's Exhibit  
6 No. 59 will be Court's Exhibits.

7 MS. PARRISH: Yes, sir, Your Honor.

8 THE COURT: Let's go ahead and get those cleared up  
9 for the benefit of the court reporter.

10 (WHEREUPON, State's Exhibit No. 59 was remarked.)

11 THE COURT: Now, we should have two other redacted  
12 versions, or one?

13 MS. PARRISH: There's one that's already been marked  
14 as a Court's Exhibit that is --

15 THE COURT: Is that the full video?

16 MS. PARRISH: Yes, sir, Your Honor.

17 THE COURT: And then we have one additional redacted?

18 MS. PARRISH: Yes, sir, Your Honor.

19 (WHEREUPON, Court's Exhibit No. 5 was marked for  
20 identification and admitted into evidence.)

21 MS. PARRISH: Your Honor, we spoke briefly in the  
22 hallway, but I want to discuss this on the record.  
23 State's Exhibit Nos. 47, 57, 55, 52, and 50 were all  
24 admitted into evidence without objection. However, upon  
25 closer review --

1 THE COURT: Well, tell me those numbers again.

2 MS. PARRISH: Yes, sir, Your Honor. 47, 57, 55, 52,  
3 and 50. Each of those were admitted into evidence without  
4 objection. However, upon the State's review of them, each  
5 one mentions -- or states, "booking" and then the number  
6 sign. We are concerned that that could be prejudicial to  
7 the Defendant.

8 The State would propose redacting by means of  
9 obliterating the booking and the number symbol out of all  
10 of them. However, since they have already been admitted,  
11 that can only be done with consent of Defense.

12 THE COURT: And what will remain on those exhibits  
13 are the names of the --

14 MS. PARRISH: The names only, Your Honor, yes, sir.

15 THE COURT: Okay.

16 MR. ROBINSON: No objection.

17 THE COURT: Sir?

18 MR. ROBINSON: No objection.

19 THE COURT: Okay. Now, those exhibits then will need  
20 to be made 47, 50, 52, 55, and 57 will be Court's  
21 Exhibits. And then you will substitute 47, 50, 52, 55,  
22 and 57 with the redacted version you just stated?

23 MS. PARRISH: Yes, sir.

24 THE COURT: And Mr. Robinson agrees?

25 MS. PARRISH: Yes, sir. We'll take care of that.

1 THE COURT: Okay. Anything else?

2 MS. PARRISH: Nothing from the State, Your Honor.

3 THE COURT: All right. Court is in recess until  
4 10:00 in the morning.

5 MS. PARRISH: Oh, Your Honor. I apologize. One more  
6 thing.

7 THE COURT: Just a minute. Hold on.

8 MS. PARRISH: Mr. Sester is still downstairs. Since  
9 everyone has rested, I have submitted an order to release  
10 him.

11 THE COURT: Well, I'm sorry. I've already adjourned.

12 MS. PARRISH: Yes, sir.

13 (WHEREUPON, Court's Exhibit Nos. 6, 7, 8, 9, and 10  
14 were marked for identification and admitted into  
15 evidence.)

16 (WHEREUPON, State's Exhibit Nos. 47, 50, 52, 55, and 57  
17 were remarked.)

18 (WHEREUPON, the proceedings were concluded at  
19 approximately 4:27 p.m., to be reconvened on  
20 Thursday, July 20, 2017.)  
21  
22  
23  
24  
25

1                    THURSDAY, JULY 20, 2017

2            THE COURT: Any matters to address before the jury is  
3 brought in?

4            MS. PARRISH: Nothing from the State.

5            MR. ROBINSON: Your Honor, nothing from the Defense,  
6 except I had -- I had gone home yesterday and in trying to  
7 find a charge on eyewitness --

8            THE COURT: I have one.

9            MR. ROBINSON: What?

10           THE COURT: I have one.

11           MR. ROBINSON: Oh, I couldn't find one. Okay.

12           THE COURT: I've got one.

13           MR. ROBINSON: So I would withdraw the request for  
14 eyewitness testimony just to the general credibility.  
15 Just credibility and circumstantial evidence.

16           Thank you.

17           THE COURT: Okay. Anything else?

18           MS. PARRISH: No.

19           THE COURT: All right. Bring the jury in, please.

20           (WHEREUPON, the jury came into open court at  
21 approximately 10:12 a.m.)

22           THE COURT: Good morning, ladies and gentlemen.

23           As you know, when we recessed yesterday, all of the  
24 evidence had been received. And, therefore, what remains  
25 to be done are the lawyers final summations, after which

1 I'll instruct you on the law. And then you can begin with  
2 your deliberations. So, please, give the lawyers your  
3 attention as they give their final summation.

4 Ms. Parrish.

5 MS. PARRISH: May it please the Court.

6 THE COURT: Ms. Sims, there is to be no coming and  
7 going.

8 THE BAILIFF: Yes, sir.

9 CLOSING ARGUMENT

10 MS. PARRISH: Mr. Robinson.

11 Ladies and gentlemen, at the beginning of the trial,  
12 I told you that I was going to give you a brief overview  
13 of what you could expect, what Ms. Hendricks and I had to  
14 prove, what the trial and witnesses would show. I told  
15 you that while the evidence would be overwhelming, you  
16 would be left wondering, ultimately, why Jamal Marion was  
17 dead. I told you there would be no reason for him to have  
18 been murdered in the early morning hours of June 14, 2014.  
19 That the only reason Tony Leamon had to kill him was pure  
20 malice.

21 Ladies and gentlemen, the Judge is about to explain  
22 the law to you. And if anything I say differs from  
23 anything he says, you must listen to the Judge. He is the  
24 voice of the law in this case. He is the voice of the  
25 law. You are the voices of justice and the facts. The 12

1 of you must decide what happened in the early morning  
2 hours of June 14, 2014.

3 To prove Tony Leamon committed the crime of murder,  
4 Ms. Hendricks and I had to prove that he killed Jamal  
5 Marion and that he did so with malice aforethought. You  
6 may have heard the term malice aforethought thrown around  
7 in a television show or a movie. But it is a very real  
8 legal principle.

9 Malice, essentially, means that a killing was  
10 completely unjustified.. That the killing was done with an  
11 evil mind and a complete disregard, disrespect for human  
12 life.

13 Aforethought means that the killer had time to  
14 consider his actions. That does not require careful  
15 planning or preparation. It does not mean lying in wait.  
16 It does not mean an extended period of time where the  
17 decision was made. It means that the killing was done,  
18 but it did not have to be done. There was no heat of  
19 passion. There was no legal provocation. But that the  
20 killing was truly just evil and without any legitimate  
21 reason.

22 As you heard from all of the State's witnesses, there  
23 was no reason for Tony Leamon to kill Jamal Marion. The  
24 very worst thing that was said about him, like I told you  
25 in the beginning, is that he was a little annoying. He

1 was a little aggravating. He was too hyper. That is the  
2 absolute worst thing that anyone has said about him.

3 Even Janetta Kyles, to whom Tony Leamon confessed,  
4 said the only reason Tony could give her was that Jamal  
5 had done a bunch of little things during the night. That  
6 he'd acted -- Jamal was acting like a punk. And that  
7 Tony's response to that was to pull out a gun and shoot  
8 him in the face. That is malice. He could have  
9 decided -- he had time, even a moment, to decide not to  
10 shoot Jamal Marion.

11 You heard from a number of witnesses that Tony came  
12 from around the back, that he was in this area of the club  
13 while Jamal was right here. And in the time it took him  
14 to get to Jamal, he could have decided to punch him in the  
15 face like Darrion and Yasheeki thought he was going to do.  
16 He could have decided to just confront him and yell at  
17 him. He could have decided to walk past him and out of  
18 the club. But he decided to shoot him. That is malice  
19 aforethought.

20 Ms. Hendricks and I have proven that Tony Leamon  
21 murdered Jamal Marion. And we have done so beyond a  
22 reasonable doubt.

23 Beyond a reasonable doubt is another legal term that  
24 the Judge will define for you. But, essentially, it means  
25 that we -- after you consider all the information, after

1       you deliberate, after you look at the pictures, if you  
2       want to re-listen to the 911 calls or what you've heard  
3       from any of the witnesses, you want to listen to part of  
4       Janetta's tape, if after all that deliberation, you would  
5       not hesitate to sign your name to a verdict of guilty, and  
6       you are convinced that Tony Leamon killed Jamal Marion.

7               Beyond a reasonable doubt is a high burden. We do  
8       not deny that. But beyond a reasonable doubt does not  
9       require you to go back in time to June 14th, 2014, and  
10      witness these events for yourself. You cannot do that.  
11      The law does not require that from you. But it does  
12      require that Ms. Hendricks and I have proven what happened  
13      beyond a reasonable doubt. That there is no other  
14      reasonable explanation for what happened or how it  
15      happened.

16             So let's talk about reasonable doubt. Let's use a  
17      very real example from this case. Is there any doubt in  
18      your mind that Jamal Marion was killed by a gunshot? Is  
19      there any doubt in your mind that Jamal Marion was shot to  
20      death?

21             There is no gun on this table. Police searched the  
22      area. They used a K9. A gun was never found.

23             The club had security that was patting people down  
24      trying to prevent any weapons from entering. Does that  
25      mean that Jamal Marion was not shot inside the Black and

1 Mild Club? Absolutely not.

2 We have a photograph of a projectile inside Jamal  
3 Marion's head. We have that projectile that was recovered  
4 and tested by a firearms expert. We have his report on  
5 that same bullet. We have photos of an entrance wound, a  
6 bullet wound to the victim's face surrounded by gun powder  
7 residue. Is the fact that we do not have a gun reasonable  
8 doubt that he was shot? Absolutely not. Absolutely not.

9 As jurors, you do not leave your common sense at the  
10 door. You consider all the evidence and everything that  
11 you know from your life experience.

12 Ladies and gentlemen, as sure as you can be that  
13 Jamal Marion was killed by a gunshot wound to the face,  
14 you can be sure that Tony Leamon did it. Think back to  
15 all of the witnesses you've heard from, all of the  
16 witnesses that were present that night or encountered Tony  
17 Leamon soon after.

18 We begin with the first call that 911 receives, the  
19 very first call. That person is asked, Do you know who  
20 did this? And the response is a certain unequivocal Tony  
21 Leamon. There is no doubt in that caller's mind. There  
22 is no, I heard it was Tony Leamon, I think it was Tony  
23 Leamon. The answer is Tony Leamon.

24 That caller then says he saw him take off running.  
25 He took off running towards West Washington Street. He

1 did not, ultimately, want to cooperate. As you heard,  
2 when the 911 caller asked him who he was, he hung up the  
3 phone. But he didn't have to answer if he didn't know.

4 You heard the other two 911 calls. You heard the  
5 other parts of his call. If somebody doesn't know  
6 something, they don't make it up to tell 911.

7 They asked that first caller, How old is the victim?

8 I don't know. I don't know how old he is.

9 They asked the individual, Demetrius Harris, who had  
10 been upstairs, What happened?

11 I don't know.

12 These people are just trying to get help. And so  
13 they only tell what they know. Tony Leamon took off  
14 running towards West Washington. He did it. The victim  
15 is not responding. He is barely breathing. Come help us.

16 You next heard from Darrion Boyd. Darrion Boyd was a  
17 good friend of the victim. They had known each other  
18 since childhood. It was his best friend. He had spoken  
19 to him all that day. And he was going out to help him  
20 celebrate that night.

21 He told you that Jamal Marion was having a great day.  
22 He woke up. He had some unexpected money in his pocket.  
23 He bought some shoes. He had just been offered a  
24 management position at HoneyBaked Ham where he had done  
25 some work in the past. He was moving on from Zaxby's to a

1 management position. He was in a great mood and they were  
2 going to celebrate.

3 They were going to go somewhere else. They were  
4 going to the End Zone. For whatever reason, they end up  
5 at the Black and Mild Club. The Black and Mild Club,  
6 you've heard about it. It's -- I don't know what you  
7 think of as a club, but this is sort of a neighborhood  
8 gathering spot, a bar. And it is sort of a chill,  
9 relaxed, laid back environment. People go there to hang  
10 out with friends they've known. They go out -- they go to  
11 hang out with their family, shoot some pool.

12 Jamal Marion was in too good of a mood to be at the  
13 Black and Mild Club. That is the only thing that he is  
14 guilty of. And it is the only reason we are here today.  
15 We didn't hide the fact. We didn't try to gloss over the  
16 fact that Jamal Marion was hyper that night to the point  
17 that he had aggravated people and security said, Step  
18 outside, calm down a little bit. He hadn't done anything  
19 wrong or he would not have been welcomed back inside 10  
20 minutes, 15 minutes later.

21 Darrion Boyd goes out. He says, Hey, man, calm down.  
22 Just have a good time. And Darrion tells you -- and he is  
23 clearly distraught over the fact that he, initially,  
24 called his girlfriend to come get Jamal. He thought, hey,  
25 maybe it's time for him to end his night.

1           And then he thinks back, you know, no, he's had a  
2 great day. He deserves to celebrate. I'll stay  
3 downstairs and I'll just keep a closer eye on him. He  
4 knew that he had already angered the Defendant. Because  
5 the Defendant had gone upstairs to where Darrion was and  
6 was complaining about it, telling him, you know, go get  
7 your boy.

8           So Darrion stays downstairs and he says, I'm just  
9 going to keep a closer eye on him. I'll watch him. I'll  
10 make sure he's okay. And that's what he was doing.  
11 Darrion is around here. He says Jamal goes to talk to  
12 some people. We know later from witnesses that that was  
13 Enjoli Henderson and Yasheeki Harper who were in this  
14 booth. He says Jamal goes to talk to some people.  
15 They're people he knows. He's fine.

16           What does Darrion tell you what happens next? He  
17 says he's standing right here. He's talking to his  
18 friend. And they see him walk towards the bar with  
19 Yasheeki.

20           He says Jamal is standing a little bit away from the  
21 bar, but at the bar area. He's got both hands in the air.  
22 He's saying, I love you, man. Happy birthday, Rico. It's  
23 Rico's birthday. He's dancing in place. He is facing  
24 Darrion. As you can see, that's exactly where he would  
25 have been doing it. Darrion is facing him.

1           And Darrion sees Tony Leamon bump rush him. Darrion  
2 doesn't try to tell you he knew exactly where Tony Leamon  
3 came from. All he knows is the way Jamal was standing  
4 with his hands in the air, he could not have seen him. He  
5 came from the back around the side. And Darrion thought  
6 he was going to punch him in the face. Darrion even acted  
7 out how he goes forward thinking he's about to break up a  
8 fight. And a gun shot goes off. It wasn't a fist, it was  
9 a gun.

10           He sees Tony Leamon shoot his best friend. Does he  
11 see the bullet leave the gun? Does he try to tell you  
12 that he saw a gun the whole time? No. He's honest. It  
13 happened so fast. And there was no reason for him to  
14 think that Tony Leamon would have a gun or would shoot  
15 Jamal. He'd just been a little bit annoying.

16           So he tells you what he saw. He tells you his  
17 perception. He thought it was a fist, but then he heard  
18 the shot. He runs over. He holds his friend as he falls  
19 to the ground. And he looks up into the face of Tony  
20 Leamon, who is standing over them. He tells you he said,  
21 Why did you have to shoot him, man? Why? He is looking  
22 right at him.

23           Mr. Robinson asked Mr. Boyd a ton of questions about  
24 what he really told police, how he really described what  
25 happened that night, if his testimony was really the same.

1 He told you, at some point, that you were going to hear --  
2 hear this interview. We took a break so you could hear  
3 this interview where Darrion Boyd, clearly, lied and gave  
4 a different story to police. You never heard that tape  
5 because Darrion Boyd didn't change his story. It was  
6 exactly the same. The same story that he said over and  
7 over, the same story that he acted out for you is the same  
8 thing he told police three years ago the same day this  
9 happened.

10 If he had been lying, if his story had changed, if it  
11 wasn't reliable, you would have heard, at least, part of  
12 that tape, like you heard part of the tape of our good  
13 friend, Janetta Kyles.

14 We all suffered through Janetta Kyles taking the  
15 stand. She was uncooperative. She had been dating the  
16 Defendant for six months, although she couldn't recall  
17 that. She couldn't remember how they met, even though his  
18 mother is her across-the-street neighbor. She wanted to  
19 say nothing that would hurt Mr. Leamon. She did not want  
20 to be here. And she even chose to spend the night in  
21 jail, as opposed to coming voluntarily.

22 Unfortunately, her attitude was a little bit --  
23 fortunately for us and fortunately for her, her attitude  
24 was more cooperative when all this first happened and  
25 police first realized she was the girlfriend and might

1       have some information.

2               She spoke to police a week after this event. They  
3       found her. They realized that she was his girlfriend on a  
4       Saturday morning when they were out looking for Tony  
5       Leamon. A warrant was issued that day after they heard  
6       the 911 call, after they had Darrion Boyd's  
7       identification.

8               So it's a week later, they're looking for him. They  
9       find her. And she is able to give police very specific  
10      details about what happened. She was not there. She was  
11      absolutely not an eyewitness to this case. Nobody says  
12      she's there. She did not see what happened. But she knew  
13      that the victim was being annoying. And she knew that  
14      Tony Leamon pulled out a gun and shot him up toward the  
15      nose. That is a very specific detail that only the  
16      coroner, the forensics guy that attended the autopsy, and  
17      Investigator Fortner knew, along with the killer, Tony  
18      Leamon.

19              Tony Leamon knew exactly where he shot him. Nobody  
20      else was able even three years later to tell you exactly  
21      where Jamal was shot. They knew it was the head. Darrion  
22      Boyd said he thought it was the side of the head.  
23      Everybody was so stunned. That wasn't something that even  
24      registered with them. They knew it was a head wound.  
25      They didn't know how or where.

1           Janetta Kyles knew he put it up towards his nose and  
2           fired because Tony Leamon told her that, like Tony Leamon  
3           told her that he -- Jamal was acting like a punk, like  
4           Tony Leamon told her they grew up together. He told her  
5           he got rid of his clothes. He told her he had taken a  
6           bleach or alcohol bath before he came and saw her, which  
7           is like he was naked, except for some blue sweat pants in  
8           the middle of June.

9           And on June 20th, Tony Leamon already knew he was  
10          wanted for murder. He discussed it with her. You heard  
11          that. She knew he was scared. That's understandable.  
12          She said, at one point, you know, I thought he was  
13          suicidal. I was scared for him. You know, he's talking  
14          to his family. He's thinking about turning himself in.  
15          He knew. He knew he was wanted. But what does he do?  
16          Does he come forward? No. He runs. He runs all the way  
17          to Texas.

18          Now, we have a little bit of corroboration on the  
19          timeline. Janetta and Sean, along with the officers, told  
20          you about this pawned iPad. That after Tony began staying  
21          with the Sesters, they picked up Janetta and went to pawn  
22          an iPad that she was holding for Tony. That happened on  
23          June 27, 2014.

24          So two weeks after this event, a week after Janetta  
25          first speaks to police, that's when Janetta goes to join

1 the Sesters and Tony Leamon at their trailer on Avise Dale  
2 Drive. What does Tony Leamon do while at Avise Dale  
3 Drive? He plays cards. He plays games. He doesn't leave  
4 the house. He never sets foot out of that house. He  
5 doesn't ride with them anywhere. He doesn't go anywhere.  
6 He is hiding out with Sean Sester, the heroin addict, and  
7 his wife, and his girlfriend they picked up. He is hiding  
8 out until July 12th.

9 Janetta Kyles had been missing. Her mom doesn't know  
10 where she is. She's fine. She's dropped off at a Burger  
11 King. Johnny Brown goes to make sure that it is, in fact,  
12 her since she's been reported missing. And she tells  
13 police they're headed to Texas. Where is Tony Leamon  
14 found the next day? Texas. Did he have to go with the  
15 Sesters? Absolutely not. He could have gotten out of the  
16 car when they dropped Janetta off.

17 We asked Janetta, Did you want to go to Texas? Could  
18 have you have gone? Oh, no. She knew she wasn't going to  
19 accompany a known wanted man across state lines. She's  
20 not going to be charged like the Sesters were charged.

21 Why did Tony Leamon hide out for three weeks and  
22 leave the State? It's a matter of interpretation. I  
23 submit to you he wanted to get away. He knew he was  
24 wanted for murder. He knew he had shot a man for no  
25 reason in a club full of people. A lot of them were his

1 friends. We know that.

2 But he shot a man. He murdered a man for no reason.  
3 And he knew that people were going to talk. And so he  
4 ran. You can consider that in your assessment of the  
5 evidence. You can consider the fact that he hid out and  
6 fled from police for over a month.

7 So let's talk about this club full of people briefly.  
8 We heard testimony, nobody is denying that this was a busy  
9 place on Friday and Saturday nights. This was a Friday  
10 night. It's not a small establishment. In addition to  
11 this entire downstairs, you heard there's an upstairs.  
12 And there is, also, a back deck patio area. And you heard  
13 from the bartenders that people are in all of these  
14 locations.

15 So let's say -- I think on the outskirts, we had an  
16 estimate of a hundred people. Let's give the benefit of  
17 the doubt to what the Defense said, that it's full. Let's  
18 say half of those people -- even though there's three  
19 places those people could be, half of them are downstairs.  
20 Does that mean that the eyewitnesses couldn't have seen  
21 what happened? No.

22 There's, also, been a lot made about the fact that  
23 this was a club. The walls were painted black. The  
24 windows were blacked out. It was too dark for anyone to  
25 possibly see what happened here. That is simply untrue.

1 It is almost 3:00 in the morning when this happens. We're  
2 not saying that it was bright. We're not saying that all  
3 of the lights were on. We're saying that where this  
4 happened was the best, most well-lit part of this club.  
5 You heard from everyone -- you heard that from everyone.

6 This is the area. There's a bar. There's lights  
7 behind the bar. There's lights around the bar. There's  
8 lights over the pool tables. That makes sense. You need  
9 to see to pour drinks. You need to see to play pool. You  
10 need to see to get to the bathroom.

11 Are we saying it was as bright as this courtroom?  
12 Absolutely not. But you could see what was going on in  
13 there. It was dim. But we're, also, not talking about a  
14 stranger in a back alley.

15 We're talking about Tony Leamon. Tony Leamon, who  
16 was a regular at this establishment, who knew everyone  
17 that testified. Everyone except for Mr. Boyd knew him by  
18 his name or nickname. They had seen him and spoken to him  
19 earlier in the night. They knew him from before. Enjoli,  
20 Yasheeki, and Yolanda went to middle school with him.  
21 These people knew him. They did not have a problem seeing  
22 him and knowing who he was.

23 We've talked about Darrion. He was right here. You  
24 have witnesses from every possible vantage point in this  
25 club. You have not heard from all 50 people that could

1 have been downstairs. You've heard some of them have  
2 died, some of them were uncooperative.

3 You heard from someone here. You heard from Enjoli,  
4 who did not leave her booth. She was looking out over the  
5 whole club. She happened to be looking towards Mr. Marion  
6 because he was walking with her sister to get her a cup of  
7 ice. She is looking at this area. She sees exactly what  
8 happens.

9 You heard from Alisha Taylor, the bartender who is  
10 behind the bar. She's up there helping people, starting  
11 to count her tips. It's the end of the night. She looks  
12 up and she shows you, Tony Leamon is holding a gun out.  
13 She hears the gunshot. He is holding the gun. Jamal is  
14 on the floor. She has a perfect vantage point to see this  
15 happen.

16 You heard from Yasheeki and Eric, who were close  
17 enough to feel the gun powder from the gun. Yasheeki had  
18 a little burn mark on her arm. Eric had one on his. They  
19 were close enough to see without any doubt in their mind  
20 what happened and who did it.

21 And, ladies and gentlemen, why? Why would the 911  
22 caller? Why would Darrion? Why would Alisha? Why would  
23 Enjoli? Why would Yasheeki? Why would all of these  
24 people say Tony Leamon shot Jamal? Because he did. Tony  
25 Leamon murdered Jamal Marion in the early morning hours of

1 June 14, 2014. That is the only reasonable explanation  
2 for what has happened. And that is the only direction the  
3 evidence points you.

4 I thank you for your attention during this long  
5 trial. I ask that you go back to your jury room, you talk  
6 about the witnesses, if you need to. You look at whatever  
7 you need to as far as the pictures go. And I ask that you  
8 deliver a verdict that speaks the truth about what  
9 happened on June 14, 2014, a verdict of guilty on Tony  
10 Leamon.

11 THE COURT: Mr. Robinson.

12 MR. ROBINSON: Thank you, Judge.

13 Ms. Parrish.

14 Good morning again.

15 I want to thank y'all for coming and listening to  
16 this trial, listening to the testimony, and so forth.  
17 This is not a -- it is not an easy job. You kind of just  
18 get thrown into this room. You kind of get all this  
19 information tossed at you, and so forth. It's a rough  
20 job. I don't envy you for doing this.

21 But, as I said, in my opening, y'all have common  
22 sense. Y'all know what you're doing. Y'all have had your  
23 lives, and so forth. But you have a chance here to really  
24 do the right thing.

25 Now, Ms. Parrish talked about evidence, and so forth.

1 This is not a case where there's direct evidence, like  
2 touching, feeling kind of stuff. There really is only a  
3 couple of pieces of physical evidence. This is more of a  
4 circumstantial evidence case. The Judge is going to  
5 describe that for you, and so forth, as far as what that  
6 means in South Carolina.

7 But, as you notice, I don't walk all that great. And  
8 my assistant says that as soon as I leave this podium and  
9 try to get to the exhibits, I kind of walk like Gumby a  
10 little bit. But I'm trying my best.

11 But I want you to look when you go back and  
12 deliberate. I want you to look at -- really, the most  
13 important piece of evidence in this whole case is State's  
14 Exhibit No. 45, which is this. This is the erased DVR  
15 that law enforcement examined. You listened to Hal  
16 Harris, and so forth. This thing was not usable when they  
17 took this from the Black and Mild Club. It had been  
18 erased. And you know what they did? They tested it when  
19 they got there.

20 And the other piece of evidence you need to look at,  
21 physical evidence, is the picture from the DVR. There's a  
22 picture in here. I'm trying to find it. But in the  
23 picture from the DVR -- there is a picture of the cameras  
24 that were in the building. You will see the exhibit back  
25 there.

1           When you go back to the jury room, shuffle through  
2 the pictures and look at the exhibit that has a picture of  
3 what the DVR would have played that was not erased. And  
4 what you're going to find in the upper right-hand corner,  
5 I believe it's probably camera four, you're going to see  
6 the picture of what that camera would have shown if it had  
7 not been erased. And it shows Jamal on the floor where he  
8 was -- where he's laying in the bar area. It's a perfect  
9 picture of the crime scene.

10           But for some reason when the police tried to play it  
11 to go back to -- find it for the night of -- back on June  
12 14, 2014, they couldn't find it. It was gone. It was  
13 erased. You all have cell phones and computers, and so  
14 forth. You know that usually there's a backup, like, you  
15 save it and you go back and look at information and save  
16 it, and so forth. It's, like, stuff you save in files,  
17 and things like that.

18           This was erased. There's nothing. There's no -- the  
19 person who erased this knew what they were doing. You  
20 see, it's very suspicious and it's sinister, I would say  
21 to you, what they did. Because what they did was erase  
22 the moment when this poor man -- this poor young man was  
23 killed. That's what they erased. That's a piece of  
24 physical evidence you need to think about. Why is it that  
25 the camera, this DVR -- because there were eight cameras

1 in the bar.

2 And Ms. Parrish tries to paint this picture of a  
3 deck, a second floor, a first floor, and the crowd was  
4 kind of dispersed, and so forth. Okay. But her own  
5 witness, Officer Fortner, said yesterday they went and  
6 tried to get fingerprints, and so forth, off these cups  
7 that people used when they were drinking. I think they  
8 probably were the cups that you -- the plastic cups that  
9 you see in stores, like, the little things you get at  
10 Publix, or something like that.

11 There were a hundred of these things found not on  
12 the -- not at the deck, not on the second floor, but right  
13 here, right in this area. This is where all the -- this  
14 is where -- all the area where the cups were found, a lot  
15 of cups, a hundred cups. That's a lot of cups, if you  
16 think about it, a lot of cups. It wasn't just like a path  
17 that any of the people had to look at. There was a lot of  
18 people in this bar.

19 And as far as dim goes, I think she just told you  
20 it's not as dim as this room. Of course, it's not. This  
21 is not a bar. This is a courtroom.

22 But you listen to Officer Fortner, it was so dark in  
23 there -- it was so dim that they had to call the fire  
24 department -- he had to call the fire department to get a  
25 light tripod. That's a light that you put down in the

1 room to make sure you can see around, and so forth. So he  
2 did that. So he had lighting at that time.

3 But I would submit that everyone has testified that  
4 there were, at least, 50 to a hundred people at this  
5 place. I think Ms. Parrish just acknowledged there was,  
6 at least, a hundred people, something like that, a large  
7 number of people there. Okay. And we admit that -- we  
8 would submit that it was dim in there, and so forth.

9 But this was -- no question, this was a drinking  
10 establishment. This is a place where people drink. They  
11 smoke. They socialize, and so forth. They just have a  
12 good time, a good time.

13 And over all of it is this DVR that's supposed to  
14 make sure that it keeps tabs on everybody in this place.  
15 Eight cameras. And you're going to look at the -- when  
16 you go back there to the jury room, you're going to see  
17 the pictures of what this camera -- what this DVR had on  
18 it. And it's going to make you think to yourself, you're  
19 going to start thinking. Because, you know, this is all  
20 about common sense and thinking things out, and so forth.

21 You know, no one is asking you to -- to leave your  
22 common sense at the door. It's pretty easy to see. So  
23 just think about this.

24 I'm trying to find this exhibit in here that I'm  
25 looking for. I'm not having much luck. But there is a

1 picture in here of that DVR picture with eight different  
2 pictures in there with a picture that shows the crime  
3 scene. So think about that. That is part of the physical  
4 evidence in this case.

5 Another part of this physical evidence that we have  
6 that the State and the Defense have both stipulated to --  
7 and I think the Judge explained what a stipulation is to  
8 you -- that this young man was not just having fun. He  
9 was -- he had drugs in his system. He had alcohol in his  
10 system. He was wide open pretty much. It's tragic. It  
11 is. This is tragic. This guy was trying to have a good  
12 time, and so forth.

13 But, you know, Tony Leamon didn't murder this guy.  
14 Tony was just there with his -- he had a couple of uncles,  
15 and so forth. He was just hanging out by himself, really,  
16 just talking to people, socializing, and so forth. That's  
17 all he did. That's all he was doing.

18 But -- but just think about this, why in the world  
19 was Tony Leamon brought into this mess? Think about it.  
20 I'm going to tell you in a minute why -- I would submit to  
21 you why he was brought into this whole mess. And I'm  
22 going to let you think about that.

23 But over this whole closing statement I'm giving you  
24 is this whole idea of the sinister -- not a plot, but just  
25 think about the DVR, the erased DVR, the pictures. Just

1 think about that. Why would someone want to erase a DVR  
2 with a picture of the exact place the crime scene was?  
3 Why would that happen?

4 And think to yourself again, who had access to this  
5 DVR? Who was it? You knew that one of the persons behind  
6 that bar that night -- there were three of them, Yolanda,  
7 but she was upstairs. She went upstairs and she came down  
8 the stairway and she heard the shot.

9 There was Nikki Taylor, too. She was behind the bar  
10 as well. But there was a third person behind the bar. He  
11 was the manager. His name was Bernard. Bernard.

12 Think about this, you heard about -- you heard -- it  
13 was, actually, one of their own witnesses -- actually, all  
14 of their witnesses pretty much testified consistent and  
15 the same, that is that they had security that pats people  
16 down before they come in.

17 So think to yourself, how in the world would Tony  
18 Leamon get in this place with a gun? How would he do  
19 that? How would he do that when he was being patted down  
20 for a gun? It wouldn't happen. He would get sent back to  
21 his car. They'd say, get out of here, get back to your  
22 car. You can't come in until you get rid of that gun, or  
23 whatever weapon, whatever thing you've got. That's what  
24 would happen. Who would be able to have a gun in that  
25 establishment?

1 I would submit to you the one person that was behind  
2 that bar with the bartender, and that is Bernard, the  
3 manager in this case. And think to yourself, too, who  
4 would have access to that DVR that would know the code --

5 MS. PARRISH: Objection, Your Honor. This is not in  
6 evidence and is a mischaracterization of what is in  
7 evidence.

8 THE COURT: Be sure you confine your argument to the  
9 facts in evidence.

10 MR. ROBINSON: Yes, sir.

11 But, again, I ask you this question.

12 Let's talk about -- let's talk about what Mr. Fortner  
13 testified to that is consistent with things I brought to  
14 you at the beginning of the trial as far as this victim,  
15 Jamal, what he was doing at the bar. He was pointing his  
16 finger at the bartenders. He was aggravating the  
17 bartenders. I think Nikki Taylor testified to that, and  
18 the shots.

19 Now, let's talk about another thing. Besides the  
20 DVR, the erased DVR, think about this, remember when I had  
21 Yasheeki Harris [sic] to come up here to this -- she,  
22 actually, came to the side. She came to the side. And  
23 she said that she came up to the bar like this to get  
24 something. I think she was trying to get ice with Jamal,  
25 trying to get ice with him. She went to the bar. And

1       you'll see a picture of the bar.

2               She comes to the bar. And then she turns around like  
3 this, and she hears a shot. And where does the shot --  
4 where does she get grazed? She testified she got grazed.  
5 Where does she get grazed? She goes like this. She  
6 pointed right here, right about this side of her arm. It  
7 wasn't the back. It was the side she pointed to.. That's  
8 where she got grazed.

9               How would that bullet -- how would she get grazed if  
10 the bullet did not come from any other place than that  
11 bar? How would that happen? Who would have a gun in this  
12 place?

13              Then we had Mr. Eric Jones come up. And he went up  
14 to the bar. He was getting -- I believe he was getting --  
15 he testified he was getting a cigar, or something like  
16 that. He went up to the bar, got that, came back, and the  
17 shot rang out. And he said he got it in his shoulder,  
18 front shoulder. How would that shot get to him if it  
19 didn't come from the bar?

20              So another thing, think about this. It's a  
21 stipulation that we have, Ms. Parrish and I both signed  
22 off on, regarding the height of these individuals. And  
23 that itself says a lot. Tony stands about 6'4", 6'5".  
24 The victim -- or Jamal, he was 6'2".

25              Think to yourself how in the world -- first of all,

1       how do you get -- how would you get a gun in this place  
2       with, at least, two security guards at the door and one  
3       inside. How would you get a gun in? And then how would a  
4       6'4" guy shoot a -- shoot a smaller guy and the bullet  
5       goes up? Think about that. How would that happen?

6       If there's a shorter -- if there's a five-foot guy  
7       here -- let's say he's 5'5", something like that. How in  
8       the world am I going to shoot him upward? How is that  
9       possible with a handgun? That makes no sense. Besides  
10      the fact that it makes no sense that you can get a gun in  
11      the place. It makes no sense when you think about that.  
12      Again, use your common sense. Use your common sense to  
13      think about that.

14      Think about this whole idea of why in the world is  
15      this DVR, which would show the crime scene, why is that  
16      erased? Who did that?

17      But, you know, I've been preparing for my opening and  
18      closing in this case. I had to sit down and think about  
19      this. But, you know, the main asset that an attorney  
20      has -- a defense attorney has when he comes into the  
21      courtroom -- he or she comes into the courtroom and is  
22      before a jury, the main thing that that attorney has -- I  
23      think they have to do -- because I only get a small window  
24      of opportunity to meet you. I've never met you guys  
25      before. I don't know you, and you don't know me. So I

1 have a very small window that I can establish myself,  
2 establish my credibility with y'all. Okay.

3 So here -- I would submit to you that I have --  
4 because think about what I told you in the beginning, my  
5 story I talked to you about. I told you about the inside  
6 of the Black and Mild, that it was dark, and that the  
7 investigator had to -- had to get a tripod light to get in  
8 there. That's true.

9 I told you in the opening that all of the walls were  
10 painted black. That's true. I told you that there were a  
11 lot of people in the club, that it was crowded. That's  
12 true. The witnesses testified there were between 50 to  
13 200 people. I think we can all agree it's about 100.

14 I told you the air in the club was thick with smoke.  
15 That's what Officer Fortner told you yesterday, yes, when  
16 I went in the club, it was thick with smoke. I told you  
17 at the beginning that there was security at the door  
18 patting people down. There was security at the door  
19 patting people down. I told you there were two lights at  
20 the bar and the pool tables. There were two lights at the  
21 bar and the pool tables. I told you that the victim was  
22 harassing someone. I told you the victim was pointing  
23 finger -- his finger at the bartender. I told you he was  
24 aggravating the bartenders. All true.

25 We can add a third person to the bartender that they

1 testified to, the manager of the club, Bernard, who was  
2 there as well. There was not just two bartenders, another  
3 person was there as well, Bernard. And I told you that  
4 the victim in this case, he had -- he had called the  
5 bar -- a woman at the club -- I didn't say bartender, I  
6 said club, he called her an expletive.

7 We disagree on exactly what happened. We do. I  
8 disagree -- we disagree with the State and they disagree  
9 with us. But I submit to you that we have -- or I have  
10 established credibility.

11 And our position -- the position that we have coming  
12 forward is not only that Tony Leamon is not guilty, our  
13 position is that the State has not proven its case beyond  
14 a reasonable doubt, or any doubt. And the judge is  
15 going -- when you go back there, he's going to talk about  
16 reasonable doubt, considering everything in terms of -- in  
17 terms of the Defendant, in terms of presumption of  
18 innocence, and all that stuff.

19 But, you know, I told you a minute ago why Tony  
20 Leamon was put in this mess. And I would submit to you it  
21 all started with the 911 call. They had a name. But  
22 Officer Fortner yesterday on cross-examination stated  
23 that -- that -- indicated that 911 callers are not the  
24 most reliable. You cannot build a case on a 911 call.  
25 But they did build a case. A person who may not have even

1       seen it, that had no idea what happened. They just got a  
2       name. That's how they built their case.

3               They -- they didn't get any evidence from the  
4       bartender, the manager. They didn't get anything like  
5       that. You know, they -- Ms. Parrish questioned the  
6       officer about, you know, where is -- where is this  
7       manager? Why couldn't she get him? With all the  
8       resources that the State has, the fact that they have the  
9       subpoena power to get -- to investigate people, to bring  
10      people to court. It's preposterous I would submit to you  
11      that they would not have investigated this person, or  
12      other people involved with this.

13             You know, they make this statement, well, Tony Leamon  
14      ran. There were probably a hundred people that ran out of  
15      that club that night because there were shots fired. But  
16      they stopped their investigation when they got that name.  
17      That's what they did. They got the name and everything in  
18      their investigation was built around that.

19             Because the people that -- four other people that  
20      they have as their witnesses, which are the Enjoli  
21      Henderson, Yasheeki Harper, Yolanda Harper, and Nikki  
22      Harris -- I mean Taylor all had an interest in this. They  
23      all had -- Yolanda and Nikki both worked there. Yasheeki,  
24      she was a sister. They had a financial interest because  
25      of this -- whoever erased this DVR, this DVR and got rid

1 of this evidence. They had a financial interest --

2 MS. PARRISH: Objection, Your Honor. Again, facts  
3 that are --

4 THE COURT: Sustained.

5 MS. PARRISH: -- not in evidence.

6 MR. ROBINSON: And you, also, had the news, the news  
7 people. But all these witnesses that they have, they all  
8 gave odd statements in this case. But you're going to  
9 have a chance to think about all this, the eyewitness  
10 statements that they have, and so forth.

11 But I want to go through their testimony, and so  
12 forth, that they had. You had an opportunity to listen to  
13 different witnesses.

14 With Eric Jones, you listened to him. And we did an  
15 example yesterday where -- and I didn't realize -- I'm  
16 really color blind. But I had said the person in the  
17 orange and it was, actually, yellow. I guess that's where  
18 I'm looking. It was yellow, not orange.

19 But he had Tony in the corner. And Officer Fortner  
20 said it was about 40 feet. And all of a sudden, he had  
21 him run from 40 feet to get right next to him. But, you  
22 know, Eric Jones, actually, helped us. Because Eric Jones  
23 is the one who had a shoulder shot. He said something in  
24 his shoulder -- he was directly in front of the bar. That  
25 was Eric Jones.

1           As far as Yolanda, she really didn't see anything at  
2 all. But she did say something about Tony walking past.  
3 She could see him through a mirror. But you're going to  
4 see an exhibit in there that shows the door, it's a solid  
5 door. There's no window.

6           Yasheeki Harper. They're sitting on this couch over  
7 here. Enjoli -- Enjoli Henderson, she supposedly has --  
8 and remember, Officer Fortner has painted -- he said all  
9 this is in here. She's saying she had a clear shot, a  
10 clear view to see this. Nikki Taylor said that she had  
11 her head down and looked up and she saw Tony, supposedly,  
12 over the guy with a gun, or something, supposedly. But,  
13 again, look at the evidence.

14           Let's talk about Janetta Kyles. Bless her heart. I  
15 mean, I felt really, really bad yesterday for her. She  
16 was brought in in a wheelchair [inaudible] --

17           THE COURT REPORTER: Judge, I can't hear him.

18           THE COURT: Just a minute, Mr. Robinson. The court  
19 reporter is having some difficulty --

20           MR. ROBINSON: I'm sorry.

21           THE COURT: -- in being able to hear you.

22           MR. ROBINSON: Yes, sir.

23           THE COURT: So you are going to have to pick your  
24 voice up, please.

25           MR. ROBINSON: Yes, sir.

1           I submit to you that the police would have debriefed  
2 her extensively. There was, actually, not just one police  
3 officer, there were two. And you had a chance just to  
4 listen to her, listen to how she did, and so forth.

5           I think she would probably say anything to answer yes  
6 to anything that was said to her. I think she would have  
7 said -- if we had asked her a question like, Tony worked  
8 as a janitor that day, she would say, yes, he did. That  
9 Tony had a machine gun, she would say, yes, he did. But  
10 then she comes back and she said oh, no, he didn't. She  
11 had two or three different times she messed her story up.

12           And I would submit to you that she had been filled  
13 with information from the police. Coercion and threats.  
14 It's not just when the officers sit there and look at her  
15 and threaten her. That's not what it is. It's the whole  
16 thing, the whole idea of having the police being able  
17 to -- being able to possibly be arrested, put in jail.  
18 That affects someone's -- the way they think about things.

19           But think about Janetta Kyles, how she testified.  
20 Could you believe what she said? Could you believe that  
21 this poor person that got up there -- and you're -- you're  
22 going to look at the video in a second on this. Could you  
23 believe she was telling the truth? Because, really, what  
24 she told on the stand -- she said she never said anything  
25 like that.

1           As far as -- I think yesterday she came in and she  
2 talked about clothes, him having strings at the bar. She  
3 had no idea. That didn't come from her. That came from  
4 the police. Because they had zeroed in on Tony Leamon  
5 from the start. They didn't look at anybody else. They  
6 didn't look at any person behind the bar. They didn't try  
7 to find out anything about this case.

8           I want to be real specific on this one point she  
9 talked about. She talked about he had strings at this --  
10 at this bar. But I asked her on cross-examination, she  
11 had no idea. She knew Tony went there. He's a social  
12 guy. But there's no evidence that he had any strings or  
13 any sort of anything at this bar.

14           And here's -- here's the whole thing, folks, the  
15 State has the burden of proving their case beyond a  
16 reasonable doubt. We say that Tony Leamon is innocent.  
17 We say that Tony Leamon is not guilty of these charges,  
18 period. We say that the State has not proven their case  
19 beyond a reasonable doubt.

20           Ms. Parrish spent a lot of time on that. But she,  
21 also, forgot to say that every single thing in this case,  
22 every issue in this case has to be -- if you have any sort  
23 of reluctance, or anything like that, you can't assume,  
24 you can't wish it would be a certain way. The facts are  
25 the facts in this case, and you can't make assumptions.

1           You have all this evidence in front of you, but I  
2 would submit to you that the main thing -- the main item  
3 you should look at is that erased DVR and a picture in  
4 there of the crime scene. Ask yourself how -- what  
5 happened?

6           Tony Leamon is one of several children. They are all  
7 giants. I mean, they're just -- they're just big people.  
8 He has a mother who's 6'3", a father 6'11". They're big  
9 people. He's a family guy. He's got two little girls.

10          I told you as far as how he got into this mess. He  
11 went there to have fun with his uncles. He had no  
12 reason -- the witnesses themselves -- there is nothing in  
13 this case that indicates any sort of bad blood between  
14 Jamal and Tony, nothing. There is no indication that they  
15 had fights before this. There's nothing.

16          The witnesses never saw them fight, never saw them  
17 yelling at each other. Nothing. You'd think that they'd  
18 have something where a relative -- or someone come in and  
19 say, well, you know, this is what happened, but nobody.  
20 Nobody can say they ever were mad at each other, or had a  
21 problem with each other.

22          But I want to leave you -- I'm sure you are sick of  
23 listening to me. I appreciate y'all being here. I really  
24 do. As I said in the beginning, it's a hard job.

25          But I want to give you some quotes that I found that

1 I think are perfect. Because when I first got up here in  
2 the opening, I kind of totally blew a quote to you about  
3 something. But the person -- that quote that I talked  
4 about -- the quote is this, It is better that 10 guilty  
5 persons escape than one innocent person be found -- or to  
6 suffer and be found guilty. That was done by someone from  
7 the -- a person named William Black Stone in the 1760s.  
8 And it makes sense today as well.

9 Our second president said that this is -- he said  
10 this better [inaudible], It is more important that  
11 innocence be protected, for guilt and crimes are so  
12 frequent in this world that they cannot all be punished.

13 And then the last quote I would give to you is in the  
14 late '50s, early '60s, Martin Luther King, Jr., who was  
15 sitting in a jail cell down in Alabama for a crime he  
16 didn't commit. And he said -- a quotation, Injustice  
17 anywhere is injustice everywhere.

18 I ask you to -- when you go back to the jury room and  
19 when you leave today to remember these things. Remember  
20 the good that you can do. Remember that you can do  
21 justice here.

22 I ask you -- on behalf of Tony and his family, I ask  
23 you to use all the -- all the -- all the judge is going to  
24 charge you in a second -- to do what's right. And that is  
25 a verdict that speaks the truth, not guilty.

1 Thank you.

2 THE COURT: Mr. Cofield, can you move that chart for  
3 me?

4 Does any juror need a break before I provide you with  
5 the legal instruction?

6 (WHEREUPON, the jurors indicated in the negative.)

7 CHARGE ON THE LAW

8 THE COURT: Ladies and gentlemen, you, of course,  
9 have heard and seen all the evidence in the case. You,  
10 now, have heard the final summations of the lawyers. And,  
11 therefore, it now becomes my duty and obligation to  
12 instruct you on the law that's applicable.

13 You'll then be asked to go back to the jury room to  
14 begin with your deliberations. And through that process,  
15 you'll examine all the evidence. You'll determine the  
16 facts as they relate to the allegations. You'll apply the  
17 law that I will have provided you. And you will determine  
18 whether or not the Defendant has been proven guilty beyond  
19 a reasonable doubt.

20 It is your exclusive prerogative to determine what  
21 the facts are as they relate to the allegations made in  
22 this case. And you do that through your own common sense  
23 examination and evaluation of all the testimony and  
24 evidence received during the course of this trial.

25 And you 12 jurors alone will decide what weight,

1 value, and effect to give any particular testimony or  
2 other evidence in the case. Your sole obligation and duty  
3 is to render a fair and impartial decision based upon the  
4 evidence presented and the law that's applicable as I will  
5 have given it to you.

6 Now, as you know, in this case, the Defendant, Tony  
7 Lametrius Leamon, has been charged with two crimes that  
8 are set forth in the indictment. The indictment is that  
9 document that I referred to prior to and after your  
10 selection as jurors.

11 The indictment charges Mr. Leamon with the crimes of  
12 murder and possession of a weapon during the commission of  
13 a violent crime. The State alleges on June 14, 2014, that  
14 Mr. Leamon did here in Greenville County unlawfully and  
15 with malice aforethought kill one Joseph Jamal Marion by  
16 means of a gunshot wound to the head, and that Joseph  
17 Jamal Marion died as a proximate result of that wound.

18 Mr. Leamon is, also, charged with having possessed a  
19 handgun during the commission of that violent crime, the  
20 violent crime being the murder alleged in count one.

21 As I've told you, the indictment is not evidence in  
22 the case. It doesn't prove anything. It doesn't  
23 establish anything. It will be in the jury room when you  
24 go back to begin with your deliberations. But it's there  
25 for only one sole purpose, and that is to serve as the

1 verdict form.

2 On the back of the indictment, Mr. Foreman, you're  
3 going to see in the lower left-hand corner, you'll see the  
4 word "Verdict." And beneath that, I have myself written  
5 in count one and count two. Count one being the charge of  
6 murder. Count two being the charge of possession of a  
7 firearm during the commission of that violent crime.

8 You'll be rendering separate and distinct verdicts as  
9 to each of those counts. And you'll insert the verdict,  
10 whatever it is, in the space provided for count one and  
11 count two. You'll then sign your name as the Foreperson  
12 and place the appropriate date on it. You are the only  
13 juror that needs to sign the verdict form.

14 But other than serving as the verdict form, the  
15 indictment serves no purpose as far as you jurors are  
16 concerned.

17 Now, as to the allegations contained in the  
18 indictment and as to the charges set forth in the  
19 indictment, the Defendant has entered a plea of not  
20 guilty. As I've told you, that plea of not guilty has  
21 placed upon the State the burden of establishing the  
22 allegations that they have made against the Defendant, the  
23 burden of proving each of the essential elements of the  
24 crimes that they have alleged against the Defendant. And,  
25 therefore, the burden is upon the State to establish the

1 Defendant's guilt to the satisfaction of you 12 jurors  
2 beyond a reasonable doubt before any verdict of guilty  
3 could be returned.

4 The burden is never upon a defendant or a person  
5 accused of a crime to prove that he or she is not guilty,  
6 or to prove that he or she is innocent because, in some  
7 cases, that might not be possible. The burden is always  
8 upon the State, because they make the accusation, they  
9 bring the charge, to establish that person's guilt beyond  
10 a reasonable doubt.

11 You are further instructed that it is a vital,  
12 important, and cardinal rule of law that every defendant  
13 in a criminal trial, no matter how great or serious the  
14 offense might be for which that person stands charged,  
15 that person shall always be presumed innocent of that  
16 charge. And that presumption of innocence remains with  
17 any defendant, as it does with this Defendant, from the  
18 time that he is placed under arrest, and throughout the  
19 course of the criminal process, and even throughout the  
20 course of the actual trial in the case.

21 That presumption of innocence will be with the  
22 Defendant as you go back into your jury room to begin with  
23 your deliberations in this case. And that presumption of  
24 innocence will be with him in that jury room and it will  
25 be with him forever, unless you 12 jurors determine that

1 he's no longer entitled to that presumption of innocence.

2 In other words, after you have carefully considered  
3 all the evidence in the case and you are -- have been able  
4 to determine what the facts are as they relate to the  
5 allegations made against the Defendant, then you apply the  
6 law that I will have provided you to apply to the facts as  
7 you determine them to be.

8 If you 12 jurors unanimously determine that his guilt  
9 has been proven beyond a reasonable doubt, then he would  
10 no longer be entitled to that presumption of innocence.  
11 But it is only if unless and until you are satisfied of  
12 his guilt beyond a reasonable doubt that the presumption  
13 of innocence would no longer be applicable.

14 The State does have the burden of proving the  
15 Defendant's guilt to your satisfaction beyond a reasonable  
16 doubt. That does not mean that the State must prove his  
17 guilt to your satisfaction beyond all doubt or beyond any  
18 possible doubt. But it does require the State to prove  
19 his guilt to your satisfaction beyond a reasonable doubt.

20 And the term reasonable doubt should be given its  
21 plain and ordinary meaning. A reasonable doubt is the  
22 kind of doubt that would cause a reasonable person to  
23 hesitate to act upon the information provided.

24 A defendant in a criminal trial is entitled to any  
25 reasonable doubt that arises from the evidence or lack of

1 evidence in a case. And if upon any factual issue  
2 essential to a finding of a verdict of guilt you have some  
3 reasonable doubt as to how that issue should be resolved,  
4 it would be your duty to resolve that reasonable doubt in  
5 favor of the Defendant.

6 Now, while there are various forms of evidence, such  
7 as testimony, photographs, documents, charts, and other  
8 types of physical exhibits, there are really only two  
9 types of evidence. And either or both of those types of  
10 evidence may be used to prove any fact in issue. But the  
11 two types of evidence are direct evidence and  
12 circumstantial evidence.

13 Direct evidence is the testimony of a person who  
14 testifies from actual knowledge of that fact. It is the  
15 testimony of a person who has perceived the existence of  
16 some fact by means of his or her senses. And then they  
17 come into court and testify as to what they have  
18 previously seen, or heard, or felt, for that matter.  
19 Direct evidence proves the existence of a fact directly  
20 and does not require any deduction or inference in order  
21 to establish that fact.

22 Circumstantial evidence, on the other hand, is the  
23 proof of some other fact or set of facts, which taken  
24 either singly or collective may prove the existence of a  
25 fact in question as a necessary consequence. That is

1 through a deduction or inference.

2 And an inference simply being a deduction of fact  
3 that may logically and reasonably be drawn from the proof  
4 of some other fact or set of facts. It is a fact not  
5 proven by the direct testimony of a witness based upon  
6 their personal perception. But it is a conclusion which  
7 might reasonably be drawn from the proof of other facts.

8 In other words, you may infer that a particular event  
9 occurred or that a particular fact exists based upon the  
10 proof of sufficient factual circumstances which would  
11 reasonably warrant your arriving at that particular  
12 conclusion. The commission of a crime and any particular  
13 element necessary to prove a crime may be proven by direct  
14 evidence, or by circumstantial evidence, or by a  
15 combination of both direct evidence and circumstantial  
16 evidence.

17 The law makes no distinction between the weight or  
18 the value to be given to direct evidence or to  
19 circumstantial evidence. However, to the extent that the  
20 State relies upon circumstantial evidence in order to  
21 establish the commission of a crime or any element of it,  
22 all of the circumstances proven must be consistent with  
23 each other and when taken together point conclusively to  
24 the guilt of the accused beyond a reasonable doubt. If  
25 these circumstances merely portray the Defendant's

1 behavior as suspicious, then that proof is insufficient  
2 and it fails.

3 The burden rests with the State, regardless of  
4 whether the State relies upon direct evidence, or  
5 circumstantial evidence, or some combination of both of  
6 those two types of evidence to prove the Defendant guilty  
7 beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that leaves  
9 you firmly convinced of the Defendant's guilt. There are  
10 very few things in the world that we know with absolute  
11 certainty. And in criminal cases, the law does not  
12 require proof that overcomes every possible doubt.

13 If, based upon your consideration of the evidence in  
14 the case, you are firmly convinced that the Defendant is  
15 guilty of a crime with which he stands charged, then you  
16 must find the Defendant guilty of that crime. If, on the  
17 other hand, you think there is a real possibility that the  
18 Defendant is not guilty of a crime with which he is  
19 charged, then you must give him the benefit of that doubt  
20 and return a verdict of not guilty.

21 Now, as I told you, you are the sole judges of the  
22 facts in this case. And you are, therefore, necessarily  
23 the sole judges of the credibility. That is, the  
24 believability of each witness that has testified during  
25 the course of the trial. You 12 jurors alone will decide

1        what weight, value, and effect to give any particular  
2        witness' testimony, or even portions of that testimony.  
3        But there are several factors which you should consider in  
4        arriving at your evaluation as to a particular witness'  
5        credibility and believability. And I'm going to list  
6        those factors for you.

7                You should consider the demeanor of the witness.  
8        That is, how the witness appeared to you as the witness  
9        testified from the witness stand. Was the witness  
10       straightforward in responding to questions, or was the  
11       witness hesitant or evasive in responding to questions  
12       that were asked of that witness? Simply put, did the  
13       witness appear to you to be telling the truth and to have  
14       knowledge of the facts to which that witness has  
15       testified?

16               You should, also, consider whether or not the  
17       testimony of a witness is consistent, or is it  
18       inconsistent with that witness' testimony provided here in  
19       court, or consistent or inconsistent with other statements  
20       made by that same witness, whether they be in court or  
21       outside of court. And you should, also, consider whether  
22       or not the testimony of a witness is consistent, or is it  
23       inconsistent with other witnesses testimony, or other  
24       evidence received during the course of the trial.

25               You should, also, consider how the witness came to

1 know the facts to which that witness has testified. In  
2 other words, what was that particular witness' opportunity  
3 and ability to perceive the existence of those facts to  
4 which they've testified by having previously used his or  
5 her senses? And then what is that witness' ability to be  
6 able to come into court and to accurately recollect to you  
7 as to what they have previously perceived?

8 You should, also, consider any bias, or prejudice, or  
9 interest that a witness might have with regard to a case.  
10 In other words, if you find some reason a particular  
11 witness would testify one way or the other to help or hurt  
12 one side or the other. And you may consider any interest  
13 that a witness might have in the outcome of the case if  
14 you determine that the witness does have such an interest  
15 and you find that that interest would bear upon that  
16 particular witness' credibility.

17 You as the fact finders and you as the judges of the  
18 credibility of each of the witnesses who have testified  
19 during this trial are permitted to believe as much or as  
20 little as to what a witness has testified to as you deem  
21 is appropriate. And, therefore, you may believe  
22 everything a witness testified to, you may choose to  
23 believe none of it. You may believe some portion of a  
24 witness' testimony, and reject some other portion of that  
25 same witness' testimony. In a given case, you could

1 believe one witness as opposed to several, or several as  
2 opposed to one.

3 But whatever your good judgment and common sense  
4 tells you is the most believable and credible evidence is  
5 the evidence you should accept. And you should reject any  
6 testimony or other evidence that you find not to be  
7 credible or believable. Again, your sole objective is to  
8 simply render a fair and impartial decision based upon the  
9 evidence presented and the law that's applicable as I will  
10 have given it to you.

11 Now, the same law that provides you are the judges of  
12 the facts, also, provides that I am the judge of the law.  
13 And that simply means nobody is going to tell you how to  
14 arrive at your determination of fact in this case. As I  
15 told you, you do that through the exercise of good  
16 judgment and common sense conscientiously applied to the  
17 testimony and the evidence received during the course of  
18 the trial.

19 You must, however, under your oath as a juror, accept  
20 the law as I provide it to you as being the law that you  
21 are to apply in the case. In other words, you're never to  
22 concern yourself with what you thought the law was before  
23 you came to serve as a juror this week, or what you think  
24 the law ought to be. Under your oath, as a juror, you  
25 must accept the law as I provide it to you as being the

1 law that you are to apply in the case. And then you  
2 simply take that law and you apply it to the facts that  
3 you 12 jurors determine those facts to be in order to  
4 arrive at your decision in the case.

5 Now, as you know, in this case, the Defendant has  
6 been accused and charged with the crimes of murder and  
7 possession of a weapon during the commission of a violent  
8 crime. The crimes of murder and possession of a weapon  
9 during the commission of a violent crime are statutory  
10 offenses. That just means that those crimes are contained  
11 in these blue volumes.

12 The legislature meets in session every year from  
13 January till June. And during the course of those  
14 sessions, they pass a number of laws, and rules, and  
15 regulations that govern our conduct in a variety of ways.  
16 And some of those laws that are passed are criminal  
17 penalty statutes. And that just means that the  
18 legislature defines the conduct that constitutes a crime.  
19 They criminalize it. In other words, they provide a  
20 penalty for anybody found to have violated the statute or  
21 committed that crime.

22 But, please, understand that you are never to be  
23 concerned with any punishment or penalty that might be  
24 imposed as a result of your decision in the case. Your  
25 sole obligation and duty is to determine whether or not

1 the Defendant has been proven guilty of a violation of a  
2 particular statute or proven guilty of the commission of a  
3 crime. And you do that without any regard being given to  
4 any consequence of your decision by way of punishment or  
5 penalty.

6 Murder is a statutory offense. And that is set forth  
7 in 16-3-10 of the Code of Laws of South Carolina. And  
8 that section provides that murder is the killing of any  
9 person with malice aforethought either expressed or  
10 implied. Murder is the killing of any person with malice  
11 aforethought either expressed or implied.

12 In order for you to find the Defendant guilty of the  
13 crime of murder, in this case, it would be necessary that  
14 the evidence in this case has established to your  
15 satisfaction beyond a reasonable doubt that the Defendant,  
16 Tony Lametrius Leamon, did commit some act or acts which  
17 proximately caused the death of the decedent, Joseph Jamal  
18 Marion, and that that killing was done with malice  
19 aforethought.

20 Malice aforethought is an essential element of the  
21 crime of murder. So what is it? Well, malice, as an  
22 essential element of the crime of murder, is a state of  
23 mind connoting an ill will and having the intent to do  
24 harm.

25 Intent refers to the state of mind of a person which

1 directs his actions towards a specific object or goal. An  
2 intent would include those consequences which represent  
3 the very purpose for which an act is done, as well as  
4 those consequences which are known to be substantially  
5 certain to result, whether, actually, intended or not.

6 Malice is a technical term importing wickedness and  
7 excluding just cause or legal excuse. It is something  
8 which springs from depravity from a heart devoid of social  
9 duty and fatally bent on mischief. It is a state of mind  
10 indicating an extreme disregard for, or an extreme  
11 indifference to human life. Malice may be, likewise,  
12 defined as a state of mind which indicates a formed  
13 purpose and design to do a wrongful act under  
14 circumstances that exclude any legal right to do it.

15 Now, the words expressed or implied malice do not  
16 mean different kinds of malice, but merely the manner in  
17 which malice may be been shown to have existed. That is  
18 to say, malice proven by either direct evidence or  
19 circumstantial evidence from which malice may be  
20 reasonably inferred or implied.

21 Malice may be expressed as where there is an  
22 expressed threat to kill, or a lying in wait, or where the  
23 circumstances show directly that an intent to kill was  
24 entertained by the killer. Malice may be inferred, though  
25 no expressed intent to kill is proven by direct evidence

1 where the facts and circumstances which have been proven  
2 by the evidence in this case satisfy you beyond a  
3 reasonable doubt that malice was present in the mind of  
4 the killer at the time that any killing took place.

5 The existence of malice may be inferred from acts,  
6 declarations, and conduct of the killer, as well as from  
7 any other circumstance shown to have existed at the time  
8 of the event from which you might reasonably infer the  
9 existence of malice. As often, the state of a person's  
10 mind can only be proven by circumstantial evidence.

11 Malice as an essential element of the crime of murder  
12 does not necessarily require proof of an ill will or  
13 hatred toward the particular individual who is killed.  
14 Nor does it necessarily require proof of an actual or  
15 specific intent to take human life. But, rather, it means  
16 a state of mind accompanying conduct signifying a general  
17 malignant recklessness and extreme disregard for or an  
18 extreme indifference to human life.

19 So even if the facts proven are sufficient to give  
20 rise to an inference of malice, such an inference is  
21 simply an evidentiary fact to be taken into consideration  
22 by you 12 jurors, along with all the other evidence in  
23 this case. And you shall give such inferences any weight  
24 that you determine they should receive, if any. The State  
25 is required to prove malice just as it must prove any

1 other essential element of the crime charged. And it is  
2 for you 12 jurors to determine whether or not the evidence  
3 in this case establishes malice beyond a reasonable doubt.

4 It's, also, essential that there exist not only  
5 malice, but that it be malice aforethought. In other  
6 words, the law requires -- or excuse me, the law does not  
7 require that malice must exist for any appreciable length  
8 of time before the commission of an act proximately  
9 causing a fatal result. In fact, it may be conceived at  
10 the very moment that the fatal act is committed. It is  
11 sufficient in the law, so long as the State does prove  
12 beyond a reasonable doubt both the existence of malice and  
13 the commission of an act or acts by the Defendant which  
14 proximately caused the fatal result.

15 Now, you must determine whether or not malice  
16 aforethought existed based upon your consideration of all  
17 the evidence introduced in the trial of this case and any  
18 reasonable inferences that might be drawn from that  
19 evidence.

20 While the State must prove beyond a reasonable doubt  
21 that a killing did occur accompanied by the element of  
22 malice aforethought, in order to prove and to establish  
23 the crime of murder, it is not necessary that the State  
24 prove any motive for the killing.

25 Motive is not an essential element of the crime of

1 murder which must be proven, although there may be  
2 evidence relating to such a fact introduced during the  
3 trial of the case.

4 Not only must the State prove beyond a reasonable  
5 doubt each of the essential elements of the crime before  
6 the Defendant may be found guilty of that particular  
7 crime, but the State must, also, prove beyond a reasonable  
8 doubt that it was this Defendant who committed the crime  
9 and not someone else.

10 In this case, the State must not only prove that the  
11 crime of murder has been committed by someone, but they  
12 must, also, prove that it was this Defendant who has  
13 committed the crime of murder beyond a reasonable doubt,  
14 and not somebody else.

15 If, after careful consideration of all of the  
16 evidence relating to the issue of the identification of  
17 the Defendant as the perpetrator of any crime proven to  
18 have been committed by someone, should you have a  
19 reasonable doubt as to the accuracy of the identification  
20 of the Defendant as the perpetrator of that crime, then  
21 you must resolve that reasonable doubt in his favor and  
22 return a verdict of not guilty.

23 In this case, as you know, in count two of the  
24 indictment, the Defendant is charged with possession of a  
25 firearm during the commission of a violent crime. Section

1 16-23-490 of the Code of Laws of South Carolina provides  
2 that it shall be unlawful to possess a firearm during the  
3 commission of a violent crime. It shall be unlawful to  
4 possess a firearm during the commission of a violent  
5 crime.

6 And Section 16-1-60 of the Code of Laws provides that  
7 the crime of murder is classified as a violent crime under  
8 the law of this state.

9 So in order to be found guilty of a violation of this  
10 particular section of law, it would be necessary that the  
11 evidence in this case has established to your satisfaction  
12 beyond a reasonable doubt that the Defendant, Tony  
13 Lametrius Leamon, did commit the crime of murder. And  
14 that during the commission of that crime, he did possess a  
15 firearm. And a firearm includes a handgun, pistol, rifle,  
16 or any other type of weapon firing a projectile.

17 Now, Mr. Foreman, ladies and gentlemen of the jury, I  
18 emphasize to you the fact that where a defendant does not  
19 testify during the course of a trial, or does not call any  
20 witness, or produce any evidence, that's not a fact that  
21 may be considered by you in any way during your  
22 deliberations, or in your determination as to whether or  
23 not his guilt has been proven beyond a reasonable doubt.  
24 And you may not allow such a fact to weigh in the  
25 slightest degree against a defendant.

1           As I've told you, the burden is always upon the State  
2 because they brought the accusation, they made the charge  
3 against the Defendant, to establish his guilt to your  
4 satisfaction beyond a reasonable doubt.

5           The burden is never upon a defendant or a person  
6 accused of a crime to prove that they are not guilty, or  
7 to prove that they are innocent because, in some cases,  
8 that might not be possible. And, therefore, you may not  
9 draw any inference nor reach any conclusion from the fact  
10 that the Defendant does not testify during the trial. Nor  
11 may that fact be considered by you in any way, nor may it  
12 even be discussed by you while you are engaged in your  
13 deliberations in the case.

14           Now, ladies and gentlemen, I am not in any way  
15 concerned with what your decisions are. But, as I told  
16 you previously, your verdicts have to be unanimous. All  
17 12 of you must be in agreement.

18           Mr. Foreman, as I've already told you, you're going  
19 to have the indictment in the jury room. It's on the back  
20 of the indictment that you'll indicate the juries  
21 unanimous decision.

22           There are two counts. Separate verdicts will be  
23 rendered for each of those separate counts. The verdict  
24 forms are guilty or not guilty.

25           So whatever that decision is, put it in the space

1 provided, sign your name as the Foreperson, and place the  
2 appropriate date. Today is the 20th. Once you've reached  
3 your decision, knock on the jury room door and tell the  
4 bailiff that you've reached those decisions. And we'll  
5 bring you back to receive your verdict.

6 After you have reached a decision, you've completed  
7 the verdict form, and you've notified the bailiff that  
8 you've reached unanimous decisions, you may permit the  
9 bailiff to take possession of the evidence. But do not  
10 give the bailiff the verdict form.

11 Mr. Foreman, you'll maintain possession of the  
12 verdict form. And I'll receive this form from you after  
13 you and your fellow jurors return to the courtroom for us  
14 to receive your decisions.

15 Now, during deliberations, there may come a time  
16 where you have some question about the evidence in the  
17 case, or some testimony of a witness, all or some portion  
18 of it. Please understand that no additional evidence can  
19 be received now that you're getting ready to go back to  
20 begin your deliberations. Don't ask me if you can have  
21 something that has not been introduced into evidence,  
22 because you can't have it, even if it does exist. Simply  
23 put, you're not permitted to receive any additional  
24 evidence now that the evidence in the trial is closed.

25 If you have a question about a witnesses testimony

1 and you believe that that question can be answered by  
2 having that witnesses testimony replayed in its entirety  
3 or only some portion of it, if that's all that's needed,  
4 we can bring you back into the courtroom to have that  
5 testimony reheard by the jury. I don't have transcripts  
6 of witnesses testimony, so I can't send those back. But  
7 if you desire to have a witnesses testimony reheard, we  
8 can bring you back into the courtroom to have that  
9 testimony replayed.

10 If at any time you have a question about the law  
11 that's applicable, I am always permitted to answer those  
12 questions. And so if you have a question about the law,  
13 you need me to give you a re-instruction, you need to  
14 be -- need for me to give you an explanation or  
15 clarification of some point that I've already provided,  
16 then I'm happy to provide you with that re-instruction,  
17 explanation, or clarification.

18 So, Mr. Foreman, if at any time you need to direct  
19 some question or comment to me, if you'll write it on a  
20 piece of paper, give it to the bailiff. The bailiff will  
21 give that to me, and I'll respond accordingly.

22 I don't know if we have any smokers on the jury. But  
23 if we do, you can smoke during deliberations, but you  
24 cannot smoke in the courthouse. You have to go outside  
25 for that purpose. So if anybody wants to smoke, let the

1       bailiff know, he'll take those outside.

2               But you are instructed that should any juror be  
3       absent from the jury room for any authorized purpose, the  
4       deliberations have to stop. And then they only resume  
5       when all 12 jurors are present so that all may participate  
6       in those deliberations.

7               I don't have any idea, nor do you how long your  
8       deliberations will take. Because that will depend upon  
9       your discussions, and your review of the evidence, and the  
10      conversations and discussions among yourselves, and then,  
11      ultimately, reaching that decision. But I will tell you  
12      that it's close to lunchtime, perhaps.

13              So I'll tell you that when you do go back to begin  
14      deliberations, it takes about an hour to have lunch  
15      ordered, prepared and brought to the courthouse for your  
16      benefit. So you'll be eating here at the courthouse. So  
17      when you go back to begin deliberations, just keep in mind  
18      that it will take about an hour to have your lunch  
19      prepared.

20              So at whatever point you deem it appropriate, if you  
21      do, to have lunch, keep in mind, it takes an hour. And  
22      just let us know if you'd like to have lunch ordered and  
23      we'll make those arrangements.

24              I'm hopeful that that covered everything. But if it  
25      didn't, I'm sure one of these lawyers will remind me that

1 I neglected to provide you with some information that,  
2 perhaps, I should have. And if that's the case, I'll  
3 bring you back and I'll provide you with that additional  
4 information.

5 If I do not need to bring you back for any additional  
6 instructions, then I'll simply send word by way of the  
7 bailiff that you may begin with your deliberations. And  
8 in that event, he'll bring to the jury room all the  
9 exhibits which have been introduced during the trial.

10 And to you, Mr. Foreman, he'll, also, bring the  
11 indictment, which will serve as the verdict form.

12 Now, there are some DVDs or disks, whatever you call  
13 those, that have been introduced. And so you'll be  
14 provided with something that you can play those on should  
15 you need to. If for some reason, you can't figure out  
16 the -- how to use it, I'll try to find an eight-year-old  
17 to come in here and fix it for you. I can't help you with  
18 it. But I've got children and grandchildren that can do  
19 that for me. So we'll find somebody to do it for you if  
20 you can't do it.

21 All right. Please -- except for the alternate juror,  
22 I'll ask you to stay with me.

23 I'll ask the 12 primary jurors to, please, retire to  
24 your jury room. But do not begin deliberations until I  
25 send word to do so.

1 (WHEREUPON, the jury was excused from open court at  
2 approximately 11:50 a.m.)

3 THE COURT: Mr. Edmond, as you know, since you're an  
4 alternate juror, you're not permitted to participate in  
5 jury deliberations because if the -- there are 12 who are  
6 able to do that. So that's going to conclude your service  
7 for the trial of the case.

8 But I want to ask you to remain with me simply  
9 because during deliberations something could happen to one  
10 of these jurors. And if it were to happen, then you would  
11 take that person's place. So you're going to be asked to  
12 stay. You'll be taken to a separate room not with the  
13 other jurors. You're not permitted to talk with anybody  
14 about the case.

15 When -- at any time that the jury needs to be brought  
16 back into the courtroom, you'll be brought back into the  
17 courtroom with them. And if the jury makes the decision  
18 to order lunch, then we'll, also, order lunch for you,  
19 too. Okay.

20 So I'll ask you to, please, go with the bailiff to a  
21 separate jury room. And we'll be in touch with you all  
22 along. Okay.

23 (WHEREUPON, Juror #53, Christopher Edmond, exited  
24 the courtroom.)

25 THE COURT: Are there any exceptions taken to the

1 instruction, or requests for additions to the instruction  
2 by the State?

3 MS. PARRISH: No, Your Honor.

4 THE COURT: By the Defendant?

5 MR. ROBINSON: No, Your Honor.

6 THE COURT: All right. Let me ask you all to verify  
7 all the exhibits, please, before they go back.

8 And do you have a clean computer, or something for  
9 them to play the disk on?

10 MS. PARRISH: No, Your Honor. All we have is the  
11 Solicitor's Office computer. Typically, we play them in  
12 here. I can --

13 THE COURT: Well, no. They're in evidence now. They  
14 get to look at them privately. They don't have to come in  
15 here to look at the evidence.

16 MS. PARRISH: Okay. I mean, we can disconnect --

17 THE COURT: What's on the computer?

18 MS. PARRISH: I believe we need passwords for  
19 everything that's sensitive. They should be able to just  
20 pop it in and play.

21 THE COURT: And they won't be able to access anything  
22 else?

23 MS. PARRISH: I'm looking at it. And, no, they can't  
24 without a password.

25 THE COURT: Mr. Robinson, are you satisfied?

1 MR. ROBINSON: I am.

2 THE COURT: Okay.

3 MS. PARRISH: They can access the -- no. They  
4 can't -- well, they can access the internet. I can turn  
5 the Wi-Fi off, Your Honor.

6 THE COURT: They can access the internet without a  
7 password?

8 MS. PARRISH: Yes, sir.

9 THE COURT: Well, take the Wi-Fi off and disconnect  
10 from the server or whatever allows you to go to the  
11 Internet.

12 MS. PARRISH: Your Honor, I believe I have made this  
13 so they cannot access the internet. I guess I would have  
14 them instructed not to attempt to and not to re-enable  
15 Wi-Fi.

16 Do you want us to bring the laptop back to them in  
17 case they want it?

18 THE COURT: Give it to the bailiff.

19 MS. PARRISH: Okay.

20 THE COURT: This thing doesn't have a battery in it?

21 MS. PARRISH: It does.

22 MS. HENDRICKS: Probably not a very good one.

23 (Pause.)

24 THE COURT: All the exhibits are accounted for?

25 MS. PARRISH: I beg your pardon.

1 THE COURT: All the exhibits are accounted for?

2 MS. PARRISH: Yes, sir, Your Honor.

3 MR. ROBINSON: Yes, sir, Judge.

4 THE COURT: All right. Send them back and tell the  
5 jury to begin deliberations and notify us when they  
6 conclude.

7 THE BAILIFF: Yes, sir.

8 THE COURT: We'll be at ease while the jury is  
9 deliberating.

10 (WHEREUPON, the proceedings were recessed at  
11 approximately 11:59 a.m.)

12 THE COURT: I'm told the jury has reached a decision.  
13 Are we ready to receive them?

14 MS. PARRISH: Yes, Your Honor.

15 MR. ROBINSON: Yes, Judge.

16 THE COURT: All right. Bring them in, please.

17 (WHEREUPON, the jury came into open court at  
18 approximately 3:56 p.m.)

19 THE COURT: I need Mr. Edmond, too. I need the  
20 alternate juror, too.

21 THE BAILIFF: He's the alternate.

22 THE COURT: Oh, he's already back?

23 THE BAILIFF: Yes, sir.

24 THE COURT: Where is he? Oh, there he is. Good.

25 Mr. Foreman, I'm told that you and your fellow jurors

1 have reached a unanimous decision; is that true?

2 JUROR #140, THOMAS PERRY: Yes, we have.

3 THE COURT: If you'll, please, hand that verdict form  
4 up by way of the bailiff.

5 You may publish the verdict.

6 VERDICT

7 THE CLERK: In State v. Tony Lametrius Leamon,  
8 2014-GS-23-7832, the verdict on count one is guilty, and  
9 count two is guilty.

10 If this is your verdict, so say you all by raising  
11 your right hand.

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

13 THE COURT: Does the Defendant wish to have the jury  
14 polled?

15 MR. ROBINSON: No, sir, Judge.

16 THE COURT: All right. Are there any other matters  
17 to be addressed with the jury present?

18 MS. PARRISH: No, Your Honor.

19 MR. ROBINSON: No, Your Honor.

20 THE COURT: All right. Thank you, ladies and  
21 gentlemen, for your participation as jurors this week and,  
22 of course, for your actual participation in the trial of  
23 the case.

24 I do hope that this experience has been an  
25 educational and beneficial experience for you. And I do

1 sincerely hope that it has not posed too much of a  
2 hardship or inconvenience on you.

3 This is the last case this week that's going to  
4 require your participation. So when you're excused now,  
5 you won't need to call back or come back.

6 Do they need to go back down to the assembly room?

7 THE CLERK: No. I think they already have their  
8 excuses.

9 THE COURT: All right. Well, now that you're  
10 excused, you will not need to report back or come back any  
11 further.

12 If you have any questions about your pay voucher or  
13 employer statement, discuss it with the bailiff and he'll  
14 assist you with that.

15 Okay. Thank you again for your participation.

16 (WHEREUPON, the jury was excused from open court at  
17 approximately 3:58 p.m.)

18 THE COURT: Are there any other matters that need to  
19 be addressed prior to the imposition of sentence?

20 MS. PARRISH: Your Honor, the Defendant does have a  
21 fairly significant prior record the State would like the  
22 Court to be aware of.

23 THE COURT: All right. Please let me know.

24 MS. PARRISH: Your Honor, 2001, unlawful carrying of  
25 a pistol; 2002, resisting arrest, assault and battery;

1 2004, unlawful carrying of a pistol, grand larceny,  
2 receiving stolen goods; 2006, a probation violation; 2007,  
3 criminal domestic violence; 2008, criminal domestic  
4 violence; 2009, criminal domestic violence high and  
5 aggravated nature, violation of protection order, DUI,  
6 violation of probation; and 2013, possession of a firearm  
7 by a convicted felon.

8 THE COURT: All right. Anything else on behalf of  
9 the State?

10 MS. PARRISH: Your Honor, the State would just ask  
11 that you impose the maximum sentence in this case. It was  
12 a clear disregard for the life of Jamal Marion. And we  
13 ask that you impose a sentence that fits the crime.

14 The victim's mother is present. I don't believe she  
15 wants to address the Court. But she has been here the  
16 whole time. She is now the caretaker for Mr. Marion's  
17 son, who is now 11 years old, I believe.

18 THE COURT: Would you like to tell me anything,  
19 ma'am?

20 THE VICTIM'S MOTHER: Thank you.

21 No.

22 THE COURT: Okay. Good luck to you, ma'am.

23 All right. Mr. Robinson, anything on behalf of the  
24 Defendant?

25 MR. ROBINSON: Not at this time, Your Honor. I would

1 speak in regards to sentencing.

2 THE COURT: Well, that's what I'm talking about.

3 MR. ROBINSON: May it please the Court.

4 THE COURT: Yes, sir. Let me ask you this. You've  
5 heard the State's recitation of his extensive previous  
6 criminal history?

7 MR. ROBINSON: I have.

8 THE COURT: Does he agree with her recitation of that  
9 history?

10 (Pause.)

11 MR. ROBINSON: Your Honor, some of the charges --  
12 what he's telling me is some of the charges he went to  
13 trial for in 2007 and 2009, he was found not guilty of.

14 THE COURT: Do you have his criminal history, ma'am?

15 MS. PARRISH: I do have his criminal history. And I  
16 have certified convictions, Your Honor.

17 THE COURT: Okay. Let me look at them.

18 MS. PARRISH: The convictions are in my office. I do  
19 believe I have his NCIC in here.

20 THE COURT: Well, are -- each one of those  
21 convictions that you stated to the Court, do you have a  
22 certified copy of that conviction?

23 MS. PARRISH: I did for everything except the grand  
24 larceny from 2004. And I did not get certified  
25 convictions for the DUI's, because I would not have been

1       able to use those --

2           THE COURT: Everything else, you have certified  
3 convictions for?

4           MS. PARRISH: Everything else, I do, Your Honor.

5           THE COURT: All right. Let me see that list then,  
6 please.

7           Where is it -- oh, I'm sorry.

8           All right. Mr. Leamon, listen to me. The State  
9 claims that you have a previous conviction for resisting  
10 arrest and assault and battery.

11          Is that true or false?

12          DEFENDANT LEAMON: True.

13          THE COURT: 2002?

14          DEFENDANT LEAMON: That's true.

15          THE COURT: 2001, they have a conviction for unlawful  
16 carrying of a pistol.

17          Is that true?

18          DEFENDANT LEAMON: Yes, sir. It was in a car.

19          THE COURT: Well, were you convicted of unlawfully  
20 carrying it?

21          DEFENDANT LEAMON: I took a year of probation for it.

22          THE COURT: Well, did you plead guilty to it?

23          DEFENDANT LEAMON: Yes, sir.

24          THE COURT: Okay. 2004, unlawful carrying of a  
25 pistol?

1           DEFENDANT LEAMON: Yes, sir.

2           THE COURT: Grand larceny?

3           DEFENDANT LEAMON: Yes, sir.

4           THE COURT: Receiving stolen goods?

5           DEFENDANT LEAMON: Yes, sir.

6           THE COURT: 2006, you, apparently, had been on  
7 probation and you had a probation violation?

8           DEFENDANT LEAMON: Yes, sir.

9           THE COURT: What was the violation?

10          DEFENDANT LEAMON: I failed a drug -- smoking weed.  
11 I failed a drug test. And I was behind on the money.

12          THE COURT: Was some portion revoked, or all of it?

13          DEFENDANT LEAMON: It was -- yeah. I did seven  
14 months and two weeks -- it was a year probation. I did  
15 seven months and two weeks off of it.

16          THE COURT: Okay. 2007, they say you were convicted  
17 of criminal domestic violence and malicious injury to  
18 personal property.

19                Is that true?

20          DEFENDANT LEAMON: Yes, sir.

21          THE COURT: 2009, they say you were convicted of  
22 criminal domestic violence of a high and aggravated  
23 nature, and violation of order of protection.

24                Is that true?

25          DEFENDANT LEAMON: That's what I went to trial for.

1 THE COURT: All right. For criminal domestic  
2 violence of a high and aggravated nature?

3 DEFENDANT LEAMON: Yes, sir. And it was --

4 THE COURT: And you say you weren't found guilty of  
5 that?

6 DEFENDANT LEAMON: No, sir. It was two more charges  
7 with it, too.

8 THE COURT: Well, I see you have a violation of order  
9 of protection and driving under the influence for that  
10 same year. You were not convicted of criminal domestic  
11 violence of a high and aggravated nature?

12 DEFENDANT LEAMON: No, sir.

13 THE COURT: All right. Get that for me.

14 MS. PARRISH: Yes, sir.

15 And, Your Honor, the Prosecutor is in the courtroom  
16 from that conviction.

17 MR. RYAN HOLLOWAY: Your Honor, he was, actually,  
18 convicted of CDVHAN in 2009. I tried him for CDVHAN in  
19 2011 and he was found not guilty.

20 THE COURT: All right. So 2009, he was convicted?

21 MR. RYAN HOLLOWAY: Yes, sir.

22 THE COURT: 2011, he was found not guilty?

23 MR. RYAN HOLLOWAY: Yes, sir.

24 THE COURT: Well, that's not on here. 2011 is not on  
25 here.

1 Do you know the Prosecutor's name?

2 THE COURT REPORTER: Yes, sir.

3 DEFENDANT LEAMON: I was just mixed up.

4 THE COURT: Okay. Then I have -- 2013, I have you  
5 were convicted of possession of a firearm by a convicted  
6 felon.

7 Is that true?

8 DEFENDANT LEAMON: Yes, sir.

9 THE COURT: All right. Mr. Robinson.

10 MR. ROBINSON: May it please the Court, Your Honor.

11 We'd ask for the minimum sentence in this case. He  
12 does have two children.

13 He's been in jail for a long time now. We'd ask for  
14 the minimum sentence in this matter. 20 months to -- this  
15 is just a tragic situation. But we believe that the  
16 minimum sentence is appropriate punishment in this case.

17 THE COURT: All right. Mr. Leamon, do you have  
18 anything you'd like to add to what your lawyer has told  
19 me?

20 DEFENDANT LEAMON: I just -- I don't know. I plan on  
21 trying to come for a new trial, sir. I mean, I was there,  
22 but I'm not the shooter. I've did some stuff in my life,  
23 but this is not one of them.

24 THE COURT: Well, you heard the evidence that the  
25 State presented. If you had been sitting on the jury,

1        what would your decision have been?

2                DEFENDANT LEAMON: By going with -- with the  
3 parameters that you set for reasonable doubt by Eric Jones  
4 and Yasheeki Harper saying that they got grazed by the  
5 bullet, if I'm in front of them -- if I'm standing where  
6 you are and I'm supposed to be the shooter and they're  
7 where I am and their arm got grazed, the bullet had to  
8 come from between them in order to graze them, Your Honor.

9                THE COURT: Okay. Well, I didn't understand that.  
10 They testified that they had been grazed by a bullet?

11                DEFENDANT LEAMON: That's what they said.

12                THE COURT: They did?

13                DEFENDANT LEAMON: Yes, sir.

14                THE COURT: Okay. Well, I'm sure the transcript will  
15 reflect whatever it is they said.

16                                SENTENCING

17                THE COURT: All right. On indictment 2014-7832, an  
18 indictment for murder and possession of a firearm during  
19 the commission of a violent crime, as to count one on the  
20 charge of murder, wherein you have been found guilty by  
21 the jury for that offense, the sentence of the Court is  
22 you, Tony Lametrius Leamon, be confined to the South  
23 Carolina Department of Corrections for the period of your  
24 natural life.

25                As to count two, possession of a weapon during the

1 commission of a violent crime, five years.

2 (WHEREUPON, there was a disruption in the courtroom.)

3 THE COURT: Have a seat, please. Have a seat.

4 As to count two, possession of a firearm during the  
5 commission of a violent crime, ordinarily, it's a  
6 five-year sentence. That sentence is not imposed pursuant  
7 to 16-23-490, as a life sentence was imposed on count one  
8 for the violent crime of murder.

9 Mr. Leamon, you have a right to appeal the verdict of  
10 the jury and the sentence of the Court. You must file any  
11 notice of your intention to appeal those decisions within  
12 10 days of today's date.

13 DEFENDANT LEAMON: I will do that.

14 THE COURT: Okay. Mr. Robinson, will assist you with  
15 that.

16 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*  
17  
18  
19  
20  
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22  
23  
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25

CERTIFICATE OF REPORTER

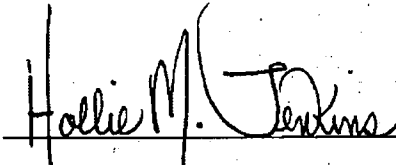
STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 17th, 18th, 19th, and 20th days of July, 2017.

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

February 20, 2018

A handwritten signature in cursive script, reading "Hollie M. Jenkins", is written over a horizontal line.

Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

7/17/17 46

12

AFFIDAVIT OF PHOTOGRAPH IDENTIFICATION

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

DATE:

06-14-14

LOCATION:

LEC 4 MCGEE ST G'VILLE, SC 29601

TIME:

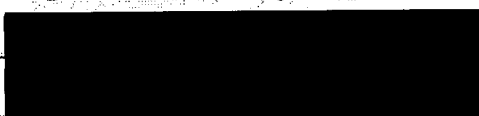
1354

I, DARRION SHAMAR BOYD <sup>02-06-79</sup> HAVE VIEWED A GROUP OF 6 PHOTOGRAPHS THIS 14DAY OF JUNE, 2014 FROM WHICH I HAVE POSITIVELY IDENTIFIED PHOTOGRAPH# 2 DISPLAYED TO ME BY M.E. FORTNER OF THE GREENVILLECOUNTY SHERIFF'S OFFICE AS THE PERSON WHO CAME UP FROM BEHIND TAMARAND SHOOT HIM ONE TIME IN THE HEAD,

SIGNATURE:

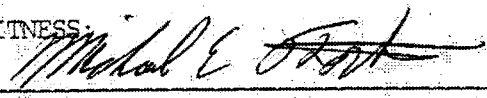


ADDRESS:



PHONE: (H)

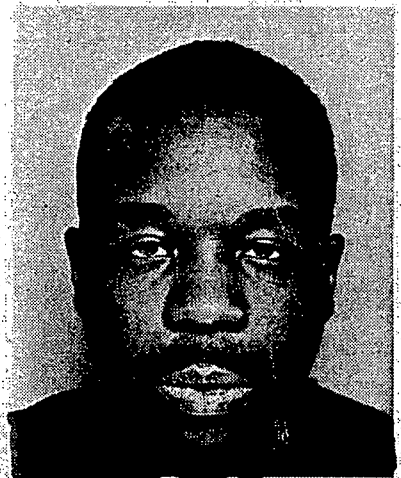
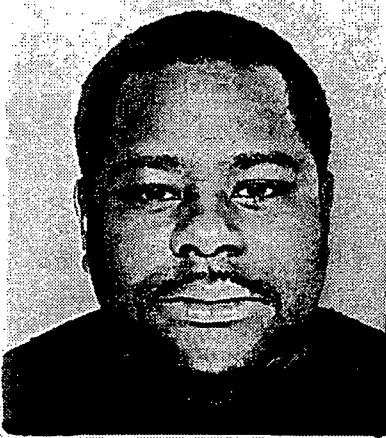
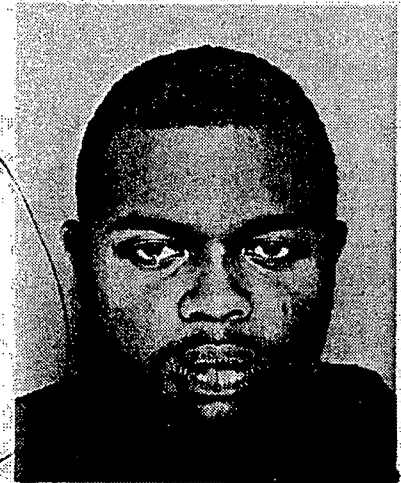
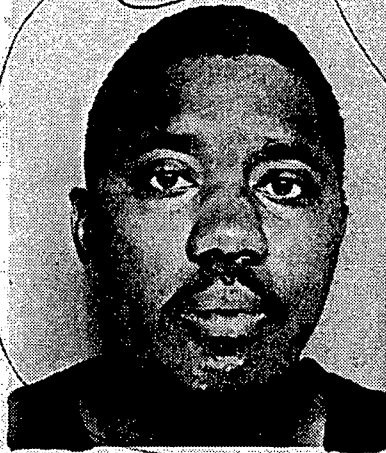
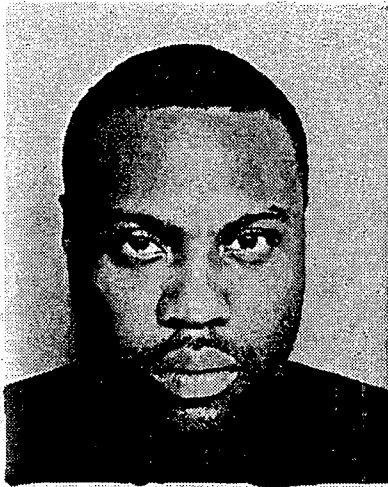
WITNESS:



SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES \_\_\_\_\_



Printed: Saturday, June 14, 2014 12:59 PM

STATE'S  
EXHIBIT

11/11/14 48 2

007032

000

WITNESSES

Michael Fortner

Greenville County Sheriffs Office

7/25/2014

ARREST WARRANT NUMBER

2014A2330205457 and 2014A2330205458

ACTION OF GRAND JURY

TRUE BILL

Wayne Shephardson

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

count I: GUILTY

count II: GUILTY

Foreperson of Petit Jury

Date: 7/20/17

DOCKET NO. 2014-GS-23-

LAB

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS  
December

2015  
TERM 2014

THE STATE

vs.

TONY LAMETRIUS LEAMON

Indictment for

0116 and 0549

MURDER

and

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-0010 and 16-23-0490

ENTERED  
ACCT.

FILED

AUG 29 2014

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

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

At a Court of General Sessions, convened on

**DEC 15 2015**

the Grand Jurors of Greenville

County present upon their oath:

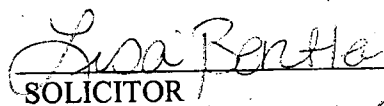
**COUNT I - MURDER**

That TONY LAMETRIUS LEAMON did in Greenville County, on or about the 14th day of June, 2014, unlawfully and with malice aforethought kill JOSEPH JAMAL MARION by means of gunshot wound to the head, and that JOSEPH JAMAL MARION died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

**COUNT II - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

That TONY LAMETRIUS LEAMON did in Greenville County, on or about the 14th day of June, 2014, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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

  
SOLICITOR

BAR # 77787

## STATE OF SOUTH CAROLINA

602  
COUNTY OF  
STATE

Greenville

VS.

Tony Lametrius Leamon

AKA:

Race: BLACK Sex: M Age: 33

DOB: [REDACTED]-1984 SS#: [REDACTED]

Address: [REDACTED] W. Washington St

City, State, Zip: Greenville, SC 29601

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was  
TO: Weapons / Poss. Weapon During Violent Cr

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2307832

A/W#: 2014A2330205458

Date of Offense: 6/14/2014

S.C. Code §: 16-23-0490

CDR Code #: 0549

## SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490

of the S.C. Code of Laws, bearing CDR Code # 0549

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

ARREST

Parrish, Lisa Bentley

77787

SC Bar#

Defendant

ROBINSON, SCOTT

65351

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of \_\_\_\_\_ 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 (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 \$ \_\_\_\_\_

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

§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

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

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

§ 14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§ 50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ \_\_\_\_\_

3% to County (if paid in installments) \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

PTUP

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

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: *no sentence imposed pursuant  
to 16-23-490. a life sentence  
was imposed for murder*☐ Appointed PD or appointed other counsel,  
Proviso 61.6 requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Presiding Judge

Judge Code: 2053

Sentence Date: 7/20/14

Clerk of Court/ Deputy Clerk

Court Reporter: *Decker*

SCCA/217 (07/2016)

## STATE OF SOUTH CAROLINA

## IN THE COURT OF GENERAL SESSIONS

603

COUNTY OF Greenville  
STATE VS.  
Tony Lametrius Leamon

AKA: \_\_\_\_\_  
Race: BLACK Sex: M Age: 33  
DOB: 1984 SS#: [REDACTED]  
Address: W. Washington St  
City, State, Zip: Greenville, SC 29601  
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 (gs)

INDICTMENT/CASE#: 2014GS2307832A/W#: 2014A2330205457Date of Offense: 6/14/2014S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

## SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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

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

ATTEST: Lisa Parrish 77787 Defendant ROBINSON, SCOTT 65351  
Parrish, Lisa Bentley SC Bar# \_\_\_\_\_

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ 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 (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   |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   |
| § 56-5-2995 (DUI Assessment)           | \$12    |
| § 56-1-286 (DUI Breath Test)           | \$25    |
| Proviso 61.6 (Public Def/Probation)    | \$500   |
| § 14-1-212 (Law Enforce. Funding)      | \$25    |
| § 14-1-213 (Drug Court Surcharge)      | \$150   |
| § 50-21-114(BUI Breath Test Fee)       | \$50    |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea |
| 3% to County (if paid in installments) | \$ 3.75 |

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Paul S. Williams  
Court Reporter: J. [REDACTED]  
SCCA/217 (07/2016)

PTUP \_\_\_\_\_

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

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

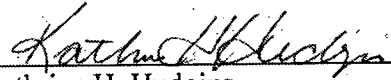
☐ Appointed PD or appointed other counsel,  
Proviso 61.6 requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Presiding Judge [Signature]  
Judge Code: 2057  
Sentence Date: 7/20/17

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

  
Kathrine H. Hudgins  
Appellate Defender

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

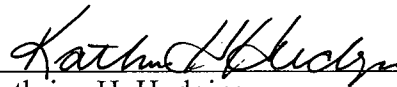
ATTORNEY FOR APPELLANT

This 28th day of August, 2018.

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Kathrine H. Hudgins  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 28th day of August, 2018.

**RECEIVED**  
AUG 28 2018  
SC Court of Appeals