

VOLUME FOUR OF FOUR

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Kershaw County
G. Thomas Cooper, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER RYAN WHITEHEAD,

APPELLANT

THE STATE,

RESPONDENT,

V.

DERRICK MCDONALD,

APPELLANT

RECORD ON APPEAL

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1 that would continue. But sometimes when the cases
2 are resolved, one side or the other feels very strong
3 emotion, and I understand that. But I'm going to ask
4 you to keep your emotions as best you can under
5 control. So, thank you very much. Bring the jury,
6 please.

7 (Jury in at 4:55 p.m.)

8 **THE COURT:** All right. Madam Forelady, has the
9 jury reached a verdict on the final indictment that
10 was returned?

11 **MADAM FORELADY:** Yes, we have.

12 **THE COURT:** Would you hand it to the bailiff,
13 please.

14 (Forelady complies)

15 **THE COURT:** All right, Madam Clerk. If you'll
16 publish the verdicts, please, in that order.

17 **THE CLERK:** Thank you, Your Honor. Indictment
18 number 2007-GS-28-19, The State of South Carolina,
19 County of Kershaw, vs. Christopher R. Whitehead,
20 indictment for burglary first degree, the verdict:
21 Guilty. Signed by Colleen Beattie.

22 Indictment No. 2007-GS-28-22, The State vs.
23 Christopher Ryan Whitehead, indictment for murder,
24 verdict: Guilty.

25 **MR. WHITEHEAD:** You all know you sentenced me to

1 life without parole for nothing.

2 **THE CLERK:** Signed by Colleen Beattie,
3 Foreperson.

4 Indictment 2007-GS-28-16, The State vs. Derrick
5 McDonald, indictment for burglary first, verdict:
6 Guilty. Signed by Colleen Beattie, Foreperson.

7 Indictment 2007-GS-28-15, The State vs. Derrick
8 McDonald, indictment for murder, the verdict:
9 Guilty. Signed by Colleen Beattie.

10 Indictment number 2007-GS-28-17, The State vs.
11 Robert Cannon, indictment for burglary first degree,
12 verdict: Guilty.

13 Indictment 2007-GS-28-18, The State vs. Robert
14 Cannon, indictment for murder, the verdict: Guilty.
15 Signed by Colleen Beattie, Foreperson.

16 Madam Forelady and Ladies and Gentlemen of the
17 Jury, if these are your verdicts, please signify by
18 raising your right hand.

19 **THE COURT:** All right, Madam Clerk. Poll the
20 jury, please.

21 **THE CLERK:** Thank you, Your Honor. Rose M.
22 Seawright, was this your verdict?

23 **JUROR:** Yes, ma'am.

24 **THE CLERK:** Are these still your verdicts?

25 **JUROR:** Yes.

1 **THE CLERK:** Thank you. Paula H. Wells, were
2 these your verdicts?

3 **JUROR:** (Nods head affirmatively).

4 **THE CLERK:** Are they still your verdicts?

5 **JUROR:** Yes.

6 **THE CLERK:** Thank you. Leah R. LeCroy, were
7 these your verdicts?

8 **JUROR:** Yes, ma'am.

9 **THE CLERK:** Are they still your verdicts?

10 **JUROR:** Yes, ma'am.

11 **THE CLERK:** Thank you. Colleen A. Beattie, were
12 these your verdicts?

13 **JUROR:** Yes.

14 **THE CLERK:** Are they still your verdicts?

15 **JUROR:** Yes.

16 **THE CLERK:** Thank you. Michelle B. Watkins,
17 were these your verdicts?

18 **JUROR:** Yes.

19 **THE CLERK:** Are they still your verdicts?

20 **JUROR:** Yes.

21 **THE CLERK:** Thank you. Claude F. Jones, were
22 these your verdicts?

23 **JUROR:** Yes.

24 **THE CLERK:** Are they still your verdicts?

25 **JUROR:** Yes.

1 **THE CLERK:** Thank you. Sheila t. Brown. Sheila
2 T. Brown.

3 **THE COURT:** No. She was excused.

4 **THE CLERK:** Excuse me. I'm sorry. James A.
5 Givens, were these your verdicts?

6 **JUROR:** Yes, ma'am.

7 **THE CLERK:** Are they still your verdicts?

8 **JUROR:** Yes, ma'am.

9 **THE CLERK:** Thank you. Charles L. Pinkerton,
10 were these your verdicts?

11 **JUROR:** Yes, ma'am.

12 **THE CLERK:** Are they still your verdicts?

13 **JUROR:** Yes, ma'am.

14 **THE CLERK:** Thank you. Michael B. Ware, were
15 these your verdicts?

16 **JUROR:** Yes, ma'am.

17 **THE CLERK:** Are they still your verdicts?

18 **JUROR:** Yes, ma'am.

19 **THE CLERK:** Susan R. Cox, were these your
20 verdicts?

21 **JUROR:** Yes, ma'am.

22 **THE CLERK:** Are they still your verdicts?

23 **JUROR:** Yes, ma'am.

24 **THE CLERK:** Thank you. Lisa A. Laborne, were
25 these your verdicts?

1 **JUROR:** Yes.

2 **THE CLERK:** Are they still your verdicts?

3 **JUROR:** Yes.

4 **THE CLERK:** Thank you. Your Honor, the jury has
5 been polled.

6 **THE COURT:** Okay. Thank you. Any motions?

7 **MR. MEADORS:** Nothing from the State.

8 **MR. WHITLARK:** Your Honor, we'd ask for ten days
9 to file our motions.

10 **THE COURT:** All right. I'll do so. Other
11 defendants?

12 **MR. KENDRICK:** The same request, Your Honor.

13 **MR. RILEY:** The same, Judge.

14 **THE COURT:** All right. Thank you. Your motion
15 is granted.

16 All right, ladies and gentlemen of the jury, I
17 am certain this was a difficult task. When we
18 started over a week ago, it perhaps did not appear at
19 that time that things would be as difficult as they
20 probably were for you in the jury room. I don't know
21 that, but the length of time that you started, you
22 put in two or so hours on Friday and you've been here
23 almost all day today. So I know that you've had
24 serious discussions, difficult discussions. And I
25 know it's difficult to make these kind of decisions.

1 But as I said earlier, these decisions have to
2 be made. They don't have to be made in any
3 particular fashion. They just -- some resolution
4 needs to be made of these matters. So I want to
5 thank you for your diligence and your
6 conscientiousness in going through this process with
7 us. It's been difficult for everybody, and I
8 understand that.

9 New, the remaining portion of this trial will
10 consist of the sentencing of the defendants. Now, we
11 don't have the luxury, as some television shows do,
12 like Law and Order, things like that, of waiting
13 several weeks and waiting and accumulating a lot of
14 data and going through another sentencing procedure.
15 We do it immediately following a trial.

16 And that process will take place in about 15
17 minutes. There is a good bit of paperwork that has
18 to be prepared before that can take place. What I'm
19 getting around to is to tell you that you're welcome
20 to stay for that. You're also free to leave. If you
21 do choose to leave, I'm sure you'll read about it in
22 the paper if you wish to do so. Or you can stay.
23 And I would assume the best place for you to stay is
24 right there in the jury box.

25 Now, I'm going to dismiss you for just a minute

1 to go back to your jury room. And if you wish to
2 come back in at the appropriate time after we get the
3 paperwork done, you're welcome to do that. Or, as I
4 say, you're also free to leave.

5 If you choose to leave, I just want to thank
6 you. It's been -- we've come down the long road
7 together. And it's been difficult and I know
8 difficult for you. These things are never -- things
9 of this import are never simple matters. So if you
10 choose to leave, I want to thank you on behalf of the
11 citizens of Kershaw County. I want to thank you on
12 behalf of these attorneys and litigants and myself,
13 the clerk, everybody that has worked with you over
14 these past six or seven days.

15 The penalties for murder are serious, and I'm
16 sure you all knew that. And it becomes now my
17 responsibility to decide how much of a penalty each
18 of the defendants will receive. They've all -- at
19 this stage they've all been treated by the same by
20 you, and there will be what's called a sentencing
21 procedure, in which case the defendants and their
22 attorneys will be able to argue what we call
23 mitigation as to what their sentences ought to be or
24 ought not to be. And that is my responsibility. It
25 now becomes my responsibility. You've handed it to

1 me, and I will do that.

2 So you are now free to go. Good luck to all of
3 you. If you wish to stay, you're welcome to do so.
4 Do you need to talk to them?

5 **THE CLERK:** If I may just a moment, sir, back
6 there.

7 **THE COURT:** The clerk would like to speak with
8 you for just a minute. And I'll be glad to -- after
9 the sentencing procedure, if you wish to stay, I will
10 be glad to speak with each of you collectively or
11 individually if you have any questions about how this
12 trial transpired.

13 Let me just say also, if any of the -- if
14 anybody wants to talk to you after this case is over,
15 you certainly are welcome to talk to them. You're
16 also welcome not to talk to them. If you would feel
17 uncomfortable talking to either members of the press
18 or any of the attorneys or anything like that, you
19 just tell them you don't care to talk to them. It's
20 something personal to you and you'd rather not talk
21 to them. Or if you feel like you can talk to them,
22 they may ask you some questions.

23 If anybody bothers you about that or persists in
24 trying to question you about that, you let me know or
25 somehow let me know and I will take care of it. You

1 have nothing to apologize for about your decision.
2 It was a hard fought case and it was a difficult case
3 and you made a difficult decision.

4 So I want to say thank you and good luck to all
5 of you. You are now free to retire to the jury room.
6 Ms. McDonald wants to speak with you for just a
7 minute after which you may leave or you may come back
8 into the jury room in about 15 or 20 minutes when we
9 reconvene for the sentencing procedure part of this
10 trial. Thank you very much, ladies and gentlemen.

11 (Jury out at 5:05 p.m.)

12 **THE COURT:** All right, counsel. We'll stand at
13 ease until we have everything in order for
14 sentencing.

15 (Whereupon, a break is taken)

16 **THE COURT:** All right, Solicitor.

17 **MR. MEADORS:** If it please, Your Honor. On
18 behalf of the Sheriff's Department and Josh Zoch and
19 the whole Zoch family, we do want to thank the jury
20 for their verdict in this case and thank them for
21 listening.

22 Judge, we have several family members, just a
23 few family members who would briefly like to briefly
24 address the Court if now would be the time you'd like
25 to do that.

1 **THE COURT:** Well, I'll do it in any order you
2 prefer.

3 **MR. MEADORS:** What do you prefer? I didn't know
4 how Your Honor wanted to --

5 **THE COURT:** I don't have strong feelings one way
6 or the other. I want to hear something about each of
7 the defendants --

8 **MR. MEADORS:** Sure.

9 **THE COURT:** -- prior to sentencing. And I'll be
10 glad -- it might be the appropriate time to hear from
11 the family now.

12 **MR. MEADORS:** Okay. Thank you. Then I'll
13 follow up with some brief comments after that.

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

15 **MR. MEADORS:** Judge, initially is Birgit Zoch.

16 **COURT REPORTER:** I need you to spell your first
17 name for me, please.

18 **MS. BIRGIT ZOCH:** B-I-R-G-I-T. Your Honor, my
19 name is Birgit Zoch. And the first statement I'd
20 like to make is on behalf of Josh's aunt who was here
21 all week and is unable to come here, and she wanted
22 me to read this to you.

23 **MR. MEADORS:** And, Your Honor, the aunt was
24 Jamie Wall Zoch.

25 **MS. BIRGIT ZOCH:** Jeanine.

1 **MR. MEADORS:** Jeanine Zoch who was here.

2 **MS. BIRGIT ZOCH:** May I begin?

3 **THE COURT:** Yes, ma'am.

4 **MS. BIRGIT ZOCH:** "Unfortunately, I cannot be
5 here today to speak about the murder of my nephew. I
6 would like to state that we loved Josh and we remain
7 heartbroken to this day with the void that will never
8 be filled even after a verdict from this court.

9 "Much was said about the word 'hero' this past
10 week. And we wanted to talk about the word 'hero'.
11 A hero is a father that was serving our country in
12 the Army working up to the rank of Sergeant Major,
13 receiving the Purple Heart and retiring after 23
14 years and now teaching teen-agers in high school in
15 Florida. That is a hero, and that was Josh's father.

16 "A hero is also our father who also served his
17 country for 21 years in the Navy and worked 20 years
18 thereafter at Dupont and cared for and loved his
19 grandson. Our father is a hero. And his birthday
20 was May 10th. That's the day he turned 77. And he
21 would have liked to celebrate his 77th birthday with
22 his grandson, Josh.

23 "In closing, as a critical care nurse for 23
24 years, I have seen and cared for patients with
25 traumatic head injuries. It is not pleasant, and it

1 is so painful to me personally to know this is how my
2 nephew died, alone, hemorrhaging and at the hands of
3 these cold-hearted cowards who dare to call
4 themselves heros.

5 "They should hang their heads in shame and
6 remember everyone how they hurt my family, how Josh
7 will never have his 20th birthday, how his family
8 will never be the same, that they took a human life
9 and how they also hurt their own families.

10 "I ask you to keep them away from society
11 forever and a day. Thank you, Mr. Meadors and Ms.
12 McDuffie, Mr. Moak and Ms. Tolkey and all law
13 enforcement officers and court personnel, and to you,
14 Judge Cooper."

15 Now I would like to say a few words on my own
16 behalf. I am Josh's step mom and I loved him. Much
17 was said about him during this trial. Now I want to
18 tell you about my Josh. He was gentle and he was
19 kind. He was funny and he was charming. There
20 wasn't anything he wouldn't do for his loved ones or
21 his friends. He never hurt anyone but himself. And
22 he was smart and full of potential. And now he will
23 never be able to reach it. And we won't be able to
24 share it with him.

25 I looked forward to just seeing him married and

1 having children of his own one day. And we will
2 never be able to hold him again or his grandchildren,
3 our grandchildren. This family has been devastated
4 by this, and we will forever be terrorized by the
5 images in our mind of how he died. So, Your Honor,
6 please keep that in mind when you pass sentence.
7 Thank you.

8 **MR. MEADORS:** Your Honor, next is father, Thomas
9 Zoch.

10 **MR. THOMAS ZOCH:** Thomas Zoch. Your Honor, I'd
11 like to start by saying Joshua, he was my first born.
12 My chosen profession took me away from him
13 frequently. I lived a hard life as an infantryman,
14 and that was my choice. Joshua was a casualty of a
15 military brat. I was not always there to give him
16 direction.

17 But he was a good boy and he'd give you the
18 shirt off of his back. He could walk into a room and
19 he would leave that room making a hundred new
20 friends. I'll tell that you Joshua cared about his
21 entire family. He veered off and he went down the
22 wrong road, but he was not a bad person.

23 Over 23 years of my career in the military I've
24 seen a lot of ugly things. And I will tell you most
25 of my career I was a hard individual. And when my

1 dad called me and told me what had happened, it
2 brought me to my knees. I've had to give many
3 speeches. I've had to speak at many of my soldier's
4 memorial services. And I'll tell that you this
5 brought me to my knees. And since this incident 17
6 months ago I have not been able to recover.

7 Joshua has a younger brother who he looked up
8 to. And because of this incident -- Jonathan, he was
9 here for one day of the trial, and I was very proud
10 of him for standing here and listening to all the
11 horrific things that were said about his brother.
12 Yes, he had some drug problems. Yes, he had some run
13 in's with the law. I think at one time he came
14 before you in juvenile court and you gave him a
15 chance. And I appreciate that.

16 And I ask you today to not have any mercy or
17 sympathy for these three individuals who have sat
18 here and attempted to get through this as a --
19 without being guilty. They deserve the max
20 punishment; and I ask you, sir, from the bottom of my
21 heart, please give it to them. Thank you, sir.

22 **THE COURT:** Thank you, Mr. Zoch.

23 **MR. MEADORS:** Your Honor, part of the reason I
24 love this job is getting to work with victims and
25 along with law enforcement helping them through what

1 is usually the most traumatic times in their lives.
2 And this gentleman coming up here now, his wife, John
3 and Helen Zoch, grandmama and granddaddy, I've just
4 gotten to know them maybe too well. But anyway, I've
5 spent a great deal of time with them in preparing for
6 this. They're wonderful people. And Mr. Zoch would
7 like to address Your Honor.

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

9 **MR. JOHN ZOCH:** Your Honor, I'm John Zoch. I'm
10 the grandfather. I don't think my wife can say
11 anything, so I'll speak for both of us. Your Honor,
12 between my son and I, we have about 45 years of
13 military service. I am retired. I'm an ex military
14 man. I'm tough. I believe in tough love.

15 When I appeared in your court last time, I
16 begged you to send my grandson back to me so that we
17 could be and try to be the parents that he did not
18 have at that time. And you released him to us under
19 house arrest, the most difficult four months of my
20 life.

21 Josh was a good kid. There is nothing my wife
22 would not have done for that boy, nor I. But I had
23 to take the hard path a lot of times. I had to turn
24 him away to try to make him understand the path that
25 he was on was wrong. I carry so much guilt in

1 myself. I now have to seek medical help to try to
2 get myself out of ruts. I wake up at night. I have
3 to go to bed by myself because my wife can't sleep.
4 When I wake up at night, she's crying. 17 months
5 worth. We loved that boy. We loved that boy so
6 much.

7 After the crimes were committed, my wife and I
8 had the responsibility of cleaning his house up. I
9 think I mentioned before, I see today here in front
10 of the jury box that carpet where he bled out, the
11 blood on the walls and the ceiling. We felt a
12 responsibility to clean it up ourselves rather than
13 somebody else to come in there. But we couldn't stay
14 in that residence over two hours at a time to see all
15 that blood.

16 Your Honor, I've seen a lot of dead people. I
17 have helped contribute to the death in combat related
18 situations and without, I have never seen as heinous
19 crime that I've seen three people completely smash a
20 body. The only thing I've ever seen it compared
21 would be Auschwitz, the pictures I've seen of that.

22 Your Honor, my wife and I would like to ask that
23 whatever sentence, hopefully life without parole. I
24 sleep with two guns because I'm afraid myself that
25 this could be related to something else. But today I

1 have a sense of relief and I can put the guns back in
2 the safe. Thank you very much, Judge. And God bless
3 you all.

4 **MR. MEADORS:** Judge, before I get to my
5 concluding remarks, I also want to -- Jackie, Melissa
6 and John Davy have been here. I want to thank them
7 for being here and the support they have given their
8 family.

9 I always do this, and I want to do it again now.
10 Special thanks out to Sheriff McCaskill, Captain
11 Thomley, Danny Catoe, Phil Crawford, and all the
12 other law enforcement involved. It's not easy being
13 law enforcement out there, especially today. I want
14 to thank them publicly for the fine work they did on
15 this case, the successful, just thank them for their
16 investigation, Judge. I want to thank you all for
17 the job you did.

18 I also want to thank our staff, Emily, Karen,
19 Leslie, Moak, Ms. McDuffie, everybody involved in
20 helping get this prosecution together.

21 Judge, you know, he almost went to Morris
22 Village that day. Helen almost had him in Morris
23 Village. And he wanted to see his girlfriend one
24 more time. I wish he had gone to Morris Village but
25 he didn't. He did have a drug problem. He was

1 trying to fight it, trying to get help for it, had
2 people that loved him.

3 For whatever reason these three defendants chose
4 to beat him to death that day. And I want to say for
5 the record, in my 21 years of prosecution this is the
6 most -- I've talked with the sheriff and I think
7 they'll agree with me -- the most brutal slaying I've
8 been in involved in my 21 years, Judge, as he was
9 asleep on the couch.

10 Judge, I don't know the layout of hierarchy.
11 Mr. Moak is going to speak in a moment. We do think
12 it was Defendant Whitehead's idea to go over there.
13 We think these other two defendants went with him.
14 But then once they got there, it's the hand of one is
15 the hand all, they all participated. They all
16 participated, McDonald with the bat and then finally
17 Defendant Cannon admitting he did hit him and did
18 kick him after he grabbed his legs and went over
19 there.

20 But if we had to do a chart, if you will, I know
21 Your Honor likes to know, I think Whitehead would be
22 first, McDonald would be a close second, and then it
23 would be Cannon after that.

24 Judge, I went and met with Dr. Sexton for two
25 and a half hours. And I want to thank "Dog", "Dog"

1 Austin who everybody has talked about for what he
2 did. And Lear. We went up there and met with Dr.
3 Sexton who I've been doing cases with for years and
4 my boss has been doing cases for years. And I think
5 he's the finest forensic pathologist that I know of.

6 And we kind of laid the pictures out and went
7 over them and put them in order. And even Dr. Sexton
8 was commenting on the brutality of this. I know when
9 to shut up and let somebody talk. And I think he;
10 not that it needed it, but corroborated to a "t" what
11 happened that night with the blood spatter and where
12 the body went. It was the most powerful testimony
13 from a pathologist I've ever seen. And I think that
14 kind of summed it up. And Josh did kind of speak
15 through Dr. Sexton, and I think that kind of speaks
16 for itself. I think that's all I have. Mr. Moak.

17 **MR. MOAK:** Your Honor, as to defendant
18 Whitehead, I filed on February 12th of this year, I
19 believe served it that same day at the pre-trial
20 hearing in Columbia we had before Your Honor a notice
21 of the State's intention to seek a sentence of life
22 without parole on the two indictment numbers that he
23 was convicted of today.

24 The basis for that is his conviction under
25 indictment number 2005-GS-32-2617 for attempted armed

1 robbery in Lexington County. A certified copy of
2 that indictment and a sentencing sheet was attached
3 to what I filed. A copy of both of those were served
4 on Mr. Whitehead and Mr. Riley on February 12th, the
5 same day they were filed, which was ten days previous
6 to the original court date. I believe it's ten days
7 previous to the original court date of February 25th
8 and certainly at least ten days previous to today's
9 court date.

10 **THE COURT:** Let me see that. You didn't tell me
11 that.

12 **MR. MEADORS:** Your Honor, I thought Mr. Moak had
13 told you about it.

14 **THE COURT:** Nobody told me this.

15 **MR. MOAK:** I thought he knew about it. The
16 original is in the clerk's file, Your Honor. So the
17 State is asking for a sentence of life without
18 parole.

19 **MR. MEADORS:** Your Honor, that's been filed and
20 been in the clerk's file for a long time.

21 **THE COURT:** I didn't say it wasn't.

22 **MR. MEADORS:** I apologize. Your Honor, my
23 concluding remarks are, and I'll be through.

24 **THE COURT:** Well, let me look at this.

25 **MR. MEADORS:** Okay.

1 **MR. MOAK:** Your Honor, I mentioned this when we
2 were in your office the week before the trial on that
3 Wednesday when Mr. Meadors was not present.

4 **THE COURT:** This appears to be a sentencing
5 sheet from Lexington County for attempted armed
6 robbery for which he received time served or ninety
7 days plus probation for five years. Is that correct?

8 **MR. MOAK:** I believe that's the basis, that
9 sentence. Yes, your Honor.

10 **THE COURT:** All right.

11 **MR. MEADORS:** Your Honor, my final comments are,
12 I know the age of these gentlemen will be mentioned
13 to Your Honor in mitigation. My final comments would
14 be that Joshua Zoch was too young to die and just did
15 not deserve to die like this. And that's all we'd
16 have. Thank you.

17 **THE COURT:** Well, does anybody else have a
18 record?

19 **MR. MEADORS:** No, sir.

20 **THE COURT:** No records from any of the other
21 defendants?

22 **MR. MOAK:** Convictions, no, Your Honor.

23 **THE COURT:** No convictions of either of the
24 other two defendants.

25 **MR. MOAK:** No, Your Honor.

1 **MR. MEADORS:** No, sir. That's correct, sir.

2 **THE COURT:** All right. Mr. Reuwer or Mr. Riley.

3 **MR. RILEY:** Your Honor, as I read 17-25-45, I
4 don't think the Court has a great deal of discretion.
5 I do want to mention --

6 **THE COURT:** Bring your client around. Well,
7 that's all right. You can stay right there. Stay
8 right there. Go ahead.

9 **MR. RILEY:** I do want to mention just a few
10 things, a few key things. As you know, on Saturday,
11 May the 10th, was Mr. Whitehead's 20th birthday. He
12 and his parents are here with him and have been here
13 throughout the trial. They have two children.
14 Christopher has a sister who was here part of the
15 trial. She is not here today.

16 I want to tell you, Your Honor, that regardless
17 of the heinousness of this crime, it's been a
18 pleasure and a privilege representing this young man.
19 And I've tried to do the very best for him that I
20 possibly can.

21 I think that not only the parents may wish to
22 say a few words to the Court, but I think the
23 defendant would like to also. And I would ask the
24 Court to allow them to do that.

25 **THE COURT:** Yes, sir. I'll be glad to.

1 **MR. RILEY:** I'm sorry, sir?

2 **THE COURT:** You may proceed.

3 **MR. RILEY:** Okay.

4 **MR. WHITEHEAD:** There was a lot of pointing
5 fingers here. And, you know, the sentencing is over.
6 I've been found guilty, and there's nothing I can do
7 about that right now. I do like to say I wish your
8 souls peace for the victim's family. I don't wish no
9 bad on nobody. And I hope that you all pray for my
10 soul to have peace, too.

11 You know, since I've been here, I've given my
12 life to God and I have learned how to show mercy to
13 others when they do wrong to me and I've learned how
14 to turn the other cheek and I've learned how to put
15 my faith in God.

16 Today, on this day, I don't know why I was found
17 guilty. There is a reason. And, you know, I don't
18 know the path or what comes in the future. But like
19 I said, I pray that you all pray for my soul to have
20 a peace as I pray for you all's soul to have peace.
21 I don't wish bad on none of you all. Your son, I
22 knew, not very well. But was a good man. He didn't
23 deserve to die. Just pray for me.

24 **FATHER OF MR. WHITEHEAD:** Your Honor.

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

1 **FATHER OF MR. WHITEHEAD:** I'm Christopher's
2 father. And I do appreciate the diligent efforts of
3 this Court. I know that this was a very difficult
4 week and a half I suppose or a week and a day for all
5 of us. And everyone had a voice up until now. Of
6 course we really didn't have a voice. So I guess
7 this is just the moment that we can address the
8 Court.

9 You know, I love my son. And I know something
10 about serving my country also. I'm a third
11 generation veteran. I served honorably for 21 years.
12 My grandfather served in World War II. My father
13 served in the Army in the Vietnam era. My uncle
14 served in the Navy during the Vietnam era. And, you
15 know, it was my hope that perhaps one day my son
16 would want to follow in the same suit.

17 My deployments and the times I had to be away
18 from home, I have been there for my son and raised
19 him. And I know that's a very difficult thing. I've
20 been married to the same woman for almost 22 years
21 now. So I know a little something about dedication
22 to the family and burdens that every family faces.

23 I hate drugs. I absolutely hate them. And I
24 know the law enforcement officers and the prosecutor
25 and the people that are here deal with this probably

1 every day. I think it steals our youth and I think
2 it robs them of the lives that they could have. But
3 people use them, trade them or are involved around
4 that process.

5 My prayer is help for the Zoch family because I
6 know that they have lost something that cannot be
7 given back. And I wish to take back nothing from
8 that. I really have considered their loss and their
9 pain. The way the structure of the court is set up
10 somehow just feels, when you're on the defendant's
11 side you kind of feel ostracized and as if you're
12 outside of that. Perhaps the family would feel that
13 they were not considered by any of us, and that is
14 simply not true.

15 But I would ask for your mercy and your
16 leniency. I probably have no right to that. But my
17 son is 20 years old. And that doesn't excuse any
18 actions of what the Court has found, but I know that
19 without hope that there really would be no purpose
20 for living.

21 In the Bible one of the greatest apostles was
22 Paul. He was a murderer. Even God found mercy upon
23 him and made him one of the greatest apostles. I
24 certainly do not profess that that is my son. But
25 what I am saying is that given no opportunity, given

1 life without parole, given no opportunity to do
2 something positive with your life or look forward to
3 something, what hope does any man have?

4 My words are just simple words. I hope I'm not
5 perceived as trying to persuade the Court in any way
6 other than just ask for mercy on my son's life. Give
7 him the opportunity to make amends if that's the way
8 you would like to perceive it. I do love him and I
9 will always love him. And I know the Zoch family
10 loved Josh very much. All parents should love and
11 care, be concerned for the welfare of their children.
12 And I ask for your leniency even though I know that
13 it's been asked that there be no leniency. Thank
14 you, Your Honor.

15 **MOTHER OF MR. WHITEHEAD:** Hi, Your Honor. My
16 name is Radonna Whitehead. I'm Chris' mom. I'm
17 going to do my best to not ramble.

18 **THE COURT:** That's all right.

19 **MOTHER OF MR. WHITEHEAD:** Bear with me if I do.

20 **THE COURT:** Take your time, ma'am.

21 **MOTHER OF MR. WHITEHEAD:** Okay. Today is
22 probably one of the saddest, you know, moments that a
23 mother can have. I can feel for the family of the
24 deceased quite greatly. As our family before
25 Christopher became arrested for this charge, we in

1 turn went through a similar event. But we were on
2 the other side of the coin with our daughter who was
3 attacked by a young man.

4 So I can -- we can completely, 100 percent all
5 of us sympathize with what the family has gone
6 through. But just like in that case, we had to
7 sit -- we had to sit and listen to things. And we've
8 listened to a lot this week. I can -- I can take the
9 jury's -- what the jury found. That's the way the
10 system is set up, too. And with anybody we have to
11 go through those same things.

12 As his mom and listening to those things, I
13 don't agree with what was found. I believe as
14 Christopher stood here and said that he is innocent,
15 and I hope that one day these officers will find the
16 person that is truly guilty of this crime.

17 But regardless of that fact, right now we're
18 looking at my son's -- what you plan on sentencing my
19 son. Now, I know that the solicitor brought up a
20 charge that Christopher recently had. Okay. I hope
21 that you can look at that. And I don't understand
22 the legal matters and what you have to do as far as
23 that, but I also know that that is what you have in
24 front of you, is just a piece of paper. You weren't
25 there. You didn't know that once again Christopher

1 was with some friends, had no idea that another
2 person, another person is the one who had the weapon.
3 He is the one who held up other friends in the car.
4 But once again, the law says by the hand of one, the
5 other, however it's said.

6 And Christopher in being young and just wanting
7 to get things done had no idea of the consequences of
8 his going ahead to make a plea at the age of just
9 turning 17 without his parents present. So,
10 therefore, that charge in our eyes was something that
11 had he been given the right to counsel or been given
12 because of his age may not have been there. But
13 that's something that is there.

14 Christopher had done very well for a long time.
15 He got his G.E.D. It was probably the proudest
16 moment that we could have ever had. He has struggled
17 throughout all of his school with school and with
18 that, and we were excited and pleased that this
19 happened. He had had plans on going to school and
20 continuing. We had even talked on when he finishes
21 probation on him entering the military.

22 Now, I know that the family has already asked
23 that you not give him any consideration as far as
24 lessening his time. But from what I understood, one
25 of the one things that the criminal system says is

1 that you're supposed to try to -- try to find a way.
2 A young man at 20, to put him away for the rest of
3 his life is just to me the worst thing, I mean, that
4 you could do. You're asking citizens to pay for
5 someone to be in a facility for the rest of their
6 life when they have the family and they have the
7 intelligence to eventually be a productive citizen.

8 And Christopher has done -- he has found the
9 Lord. And whether or not that's something that comes
10 up in all trials or whatnot, I don't know. But I
11 know that through the pastor at the jail and through
12 soul searching that Christopher has decided that he
13 wants the chance to be of service to the Lord.

14 And I only hope and can beg of you to give him
15 that chance and to also -- he is my child and he's my
16 husband's child. Please don't take that away from
17 us. Thank you.

18 **THE COURT:** All right. Thank you, Mr. and Ms.
19 Whitehead. Anything further?

20 **MR. REUWER:** No, sir.

21 **THE COURT:** As to Mr. McDonald.

22 **MR. WHITLARK:** Yes, Your Honor. May it please
23 the Court. Your Honor, first of all, I will say this
24 about this whole situation here. This drug cancer
25 that covers our whole society has now harmed an

1 entire roomful of people in a terrible, terrible way.

2 And I know that my client, Mr. McDonald, he is
3 very sorry for the loss that the Zochs have suffered
4 here. And we would say that we just hope that God
5 would help them with the grief they're enduring right
6 now and that somehow over time that their hearts will
7 be healed from the pain of the loss they've suffered.

8 I will say on behalf of Mr. McDonald that
9 regardless of the sentence this Court gives, he is
10 determined, Your Honor, to have a productive and
11 positive outlook on life.

12 Mr. McDonald was in the ROTC in high school when
13 this occurred. He was in the band. And he was a
14 regular participant in the Harvest Hope Food Bank and
15 serving Thanksgiving dinners at the Oliver Gospel
16 Mission. The reason I mention this to you, Your
17 Honor, is because it's a true reflection of the
18 character of this young man. That's why it's so
19 shocking and surprising to even have him in this
20 circumstance.

21 He comes from a good family. I've gotten to
22 know his mother and his brother and his father. And
23 they are good people. They are all horrified by the
24 loss that has been suffered by the Zochs. And again,
25 Mr. McDonald wishes to speak to them if they'll hear

1 his words. But I would ask the Court to keep in mind
2 that this young man is 18 years old. And -- 19 years
3 old. I'm sorry. And when this occurred he was a
4 senior in high school, Your Honor, wanting to go into
5 the Air Force, wanting to be somebody who contributed
6 to society and was a productive participant in our
7 society.

8 Again, Your Honor, it's not an excuse to say
9 that drugs are the catalyst for this entire event.
10 But there's no escape from it, Your Honor. Drugs are
11 the cause of this thing. They're the cause of the
12 motivation to go places, caused them to be in the
13 situation they were all in.

14 And this entire Sonic, I'll call it the Sonic
15 ring of people, were all involved in drugs. And look
16 where it's got us, Your Honor. Standing before you
17 with a ruined, a deceased young man and the lives of
18 three or more ruined. And again, Your Honor, it's
19 not a crutch. But Mr. McDonald is a good young man
20 despite what the jury has found here.

21 And I'd ask the Court to consider showing some
22 sort of hope for him to be a participant in our
23 society some day. To throw his life away and to lock
24 him away forever is not what we actually believe in.
25 We believe in trying to correct people, make them do

1 the right thing. And he was well on his way, Your
2 Honor.

3 Horrible mistake, horrible results and the
4 broken hearts of their family. It's hard to be
5 objective about it. But, Your Honor, Mr. McDonald
6 can be a good member of society. He has shown that
7 through his life. And I would ask the Court to
8 please consider giving him a chance sometime after he
9 has paid his debt to the Zochs and to society to join
10 again our American Society.

11 And now he wishes to speak, Your Honor, if you
12 would allow that. And his mother.

13 **MR. MCDONALD:** Your Honor, ladies and gentlemen
14 of the courtroom, especially the Zoch family, I would
15 like to say that this is the craziest thing I've ever
16 seen in my life in the 19 years that I've been
17 living. I've been through some hard things in my
18 life, but I've never seen or never experienced
19 anything like this before. I can honestly say that I
20 am innocent of this crime.

21 And I can honestly say that even though I am
22 found guilty by a jury of my peers on these two
23 charges, every day I spend in the Department of
24 Corrections I will find out who really did this. I
25 know I was framed. I can't prove that, but I will

1 prove that if I get a chance to come of this. I can
2 honestly say that my father works at the South
3 Carolina Department of Corrections. I've been there
4 before. I've seen the outcome of things, of bad
5 mistakes. This is not a subject of a bad mistake.
6 This is a subject of me, like I said before, being
7 framed. I maintain my innocence.

8 And, yes, I was in the ROTC. Yes, I did have 18
9 days 'til I graduated. Yes, I was going to be in the
10 Air Force to become what some people call a hero. I
11 have been to the Harvest Hope Food Bank. I have been
12 to Salvation Army, served dinner at Thanksgiving. I
13 didn't do these things just because I wanted to flash
14 them in front of you in front of the courtroom, Your
15 Honor. I did it out of the kindness of my heart.

16 I didn't have any charges back then. I've never
17 had any convictions of anything. Yeah, I may have
18 got into a couple of school disciplinary problems,
19 but that was in high school, Your Honor.

20 I just ask you, please, to just have some mercy
21 on my soul, Lord. Because if I'm not mistaken, if
22 the book of Romans in the Bible says that even though
23 evil is done to you, you should not do evil for evil
24 but do good for evil. And it's like putting burning
25 ashes on your enemy's head. And I'm not going to sit

1 here and downgrade these officers of Kershaw County,
2 investigators. I'm just going to say that they did
3 their job. Whether if it was the right way or the
4 wrong way, they did their job.

5 But like I said to the Zoch family, I'm sorry
6 for your loss, specifically the Zoch family, and I
7 will try to find out who really did this every day I
8 spend at the South Carolina Department of
9 Corrections. Thank you.

10 **MR. WHITLARK:** This is Ms. Josie McDonald, Your
11 Honor, the defendant's mother.

12 **MR. MCDONALD'S MOTHER:** Your Honor, first of
13 all, I would like to say my heart goes out to the
14 Zoch family. It's hard, very hard. I can't even
15 imagine what they're going through right now. I know
16 what it feels like to lose a family member. But each
17 death is different. We have had family members who
18 were murdered. And they're cold cases. And they
19 will be because of the timeframe as to when they
20 happened.

21 I have always taught my children to respect the
22 judicial system and law enforcement. Since third
23 grade when I was a home parent, my son has had a love
24 for law enforcement. Right now my youngest child who
25 is not here is afraid of them. And I don't want that

1 to be, not at all.

2 When Derrick was in third grade, as I stated, I
3 was a home parent, I organized a literacy program for
4 his classroom. One of the distinguished guests to
5 come and read a book to him was Mr. Giese because I
6 respected him. And I respect his department and I
7 know he goes by the books. I realize it's the job of
8 the solicitor to make sure that a case is done, to
9 make sure that it's won. But we need to know that we
10 need to make sure that the right person is arrested,
11 because if they're not, then that person is out there
12 to hurt someone else.

13 When you're dealing with someone's life, you
14 can't just rush through a process. Everything, every
15 evidence, maybe I've watched too much CSI, but
16 everything needs to be introduced to the jury. I
17 would not want to make a decision based upon
18 something being taken out and something being put in.

19 No disrespect. This family needs to know what
20 happened to their grandson. They need to know. My
21 best friend died. Her son is still a cold case in
22 Richland County. She went through a very hard time
23 because she never found out who the perpetrators
24 were. She never found out. Her husband is still
25 living. He never found out.

1 Derrick's dad, as he stated, is a correctional
2 officer. He is a former Marine. He served his
3 country. My father did. My mother did. There are
4 several people in our family who were in law
5 enforcement, the military who served their country.
6 Some of them even sat on the bench which I teach my
7 children is to be highly respected.

8 As Mr. Whitlark said, this thing with the drugs,
9 I've heard these children -- and I call them
10 children. I don't care if 18 makes you an adult, if
11 my mother were still living, she'd still be calling
12 me a child. These children sit up here and admit to
13 using drugs. That's what killed this young man, a
14 drug dealer, drugs. And like he said, it's ruining
15 our society. They sat up there and admitted to this
16 without even blinking an eye.

17 But yet still these people can walk out of a
18 courtroom with a slap on the wrist, and they're
19 murdering our children, whether it be with a pipe,
20 whether it be whoever they rob, they steal; they do
21 whatever in order to get it.

22 I'm not a perfect parent. None of us in here
23 are. If there was a book out there that we could
24 pick up and say this is the instructions, this is
25 going to make your child a judge, this is going to

1 make your child a state representative, a president,
2 we would buy every copy of it. But there's not. I
3 did the best that I could as a mother.

4 I believe in my son. I believe in his
5 innocence. And I know that he did not kill Mr. Zoch.
6 I know that in my heart. And, Your Honor, I ask that
7 the Court show mercy to my child. And I ask that
8 this case not be closed. These people who were
9 brought up, who they felt were suspects, they're not
10 going to stop.

11 **THE COURT:** Thank you, Ms. McDonald.

12 **MR. MCDONALD'S MOTHER:** Thank you.

13 **MR. WHITLARK:** Thank you, Your Honor.

14 **MR. JA'NARD MCDONALD:** Ja'nard Nivek McDonald.

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

16 **MR. JA'NARD MCDONALD:** I am the defendant's
17 brother. I myself, I really don't believe he is
18 guilty of this crime. I have many reasons for that,
19 many personal reasons, you know; because we have had
20 a lot of family members on my father's side of the
21 family that are now still on crack cocaine. We had a
22 friend that we lost because of this what they call a
23 crack game. And if anybody was trying to stop that,
24 my brother would not try to stand in their way. I
25 know that for a fact.

1 I myself had a bad past myself. And, luckily,
2 it had never gotten this far. And since I stopped
3 whatever I was doing, I've been trying to better
4 myself. I've been trying to better other people. My
5 brother will tell you I've spoken to him. I've
6 actually spoken to Rob, you know, while he's been
7 locked up and everything like that.

8 And, I mean, my brother was a geek before all of
9 this happened. You know, he was on orchestra. He
10 played Pokemon, had books a million, you know. He
11 read books all the time, things like that. So I
12 don't know how it got from reading books and stuff
13 like that to being accused of murder. None of it
14 makes sense to me. None of it really makes sense to
15 me.

16 But, you know, to Zoch, to the Zoch family, you
17 know, I want to say that what Joshua was doing as far
18 as working with Richland County, he was doing the
19 right thing, but I don't believe that Richland County
20 was protecting him the right way.

21 I knew your son. I knew your grandson in high
22 school. I didn't really agree with all the things
23 that he did, but that doesn't say that he should die.
24 And I am really sorry for what happened to him. I'm
25 really sorry for what you all go through. Because I

1 know what you're going through. I have lost a lot of
2 family and friends throughout my life also.

3 I'm not going to beg for any mercy for my
4 brother because in my eyes he was already found
5 guilty before he even walked in this courtroom.
6 That's all I have to say. Thank you, Your Honor.

7 **THE COURT:** All right. Thank you.

8 **MR. WHITLARK:** Thank you, Your Honor.

9 **THE COURT:** As to Mr. Cannon.

10 **MR. KENDRICK:** Thank you, Your Honor. Your
11 Honor, I've obviously stood in the courtroom a lot of
12 times and I've been in courtrooms with you before.
13 And I don't know that there is a more difficult time
14 in fashioning a sentence than there is today. And
15 this is one of those tragic situations where no
16 matter what happens we're still all left with a loss,
17 and that can't be changed.

18 I think that when we're looking at sentencing,
19 Your Honor, we look at the strict justice that is
20 demanded whenever we're in a situation like this but
21 we also look for mercy. And I think that's been an
22 overriding concern of the sentencing as long as it's
23 been in place.

24 My client at the time this occurred was 17 years
25 old. He had absolutely no criminal record or

1 involvement with the police. You know, he has come
2 into this court and pled not guilty. I've explained
3 to him, you know, at this juncture, Your Honor, that
4 it's not appropriate to address that. We respect
5 what the jury has done here and ask Your Honor for
6 mercy.

7 I think that the murder statute has a built in
8 element of strict justice, Your Honor, that doesn't
9 leave you with discretion on that part. Even a very
10 minimal sentence is extremely high. For a young man
11 of my client's age, if you give him the lowest
12 sentence you can give him, he will be far older than
13 most of us in this courtroom when he gets out.

14 Your Honor, I think that that's the sentence
15 that he deserves today, because there is no doubt
16 this was a bad situation for all involved. It's a
17 situation where we don't necessarily get anything
18 positive out of. But I ask Your Honor to look --
19 that there is a -- we always want some retribution
20 for a situation like this. And I don't doubt that.
21 And I don't -- I understand it.

22 But, Your Honor, the murder statute of South
23 Carolina has a built in element of retribution that
24 he will have to spend the time day for day and it
25 will be a very long time. So I would say that that

1 minimum sentence on the statute is appropriate
2 because it's far, far from a minimal sentence.

3 Your Honor, I believe my client would like to
4 address you as well as his father and also his mother
5 and his stepmother here. Before I go on, Your Honor,
6 I would like to tell you that last September when the
7 Court put me on this case, I have spent a long time
8 with Mr. Cannon. You know, my job brings me into
9 contact with all kinds of people. And he has always
10 been respectful to me. He's always been very
11 involved in what was going on, very intelligent about
12 it.

13 Again, it's a tragic situation, Your Honor, but
14 I am, in represent the hundreds and hundreds of
15 people that I represent in this court and a lot of
16 other courts, Mr. Cannon is not the normal person I
17 see. He does not have that cold blooded element that
18 I think, you know, you would expect. I think he is a
19 good kid who regardless of what happened has fallen
20 into a very bad situation. I'd ask you to take that
21 into account in sentencing.

22 **MR. CANNON:** At this point in time I just want
23 to pay my respects to the victim's family and ask
24 that they understand that I had nothing to do with
25 this and ask that they just pray for me so I can make

1 it through these years.

2 At this time I would like to say I knew Josh. I
3 met him through Sonic. And he was a good kid. He
4 never gave anybody a hard time. Me and Josh got into
5 one conflict due to Melissa Davy. And Ms. Pat can
6 testify that we handled that respectfully as young
7 men and we never looked back with that. That is all
8 I have to say, Your Honor.

9 **MR. MUNNERLYN:** Your Honor, Mario Munnerlyn.
10 I'm the stepfather of Robert Cannon. And first of
11 all, given that God is first in our lives, I want to
12 explain condolences to the family because I've been
13 on both sides of the fence. Just in Georgetown
14 County within the last four years I've had two first
15 cousins brutally murdered, one by her fiance. He
16 shot her in the back of the head as she laid over her
17 daughter. That happened two and a half years ago.
18 And I also had another cousin who was murdered and
19 his body was chopped up and found in potato salad in
20 Andrews, a section of Georgetown County, South
21 Carolina.

22 And also on October the 16th of 2007, my wife
23 and I, we lost triplets during delivery. So my heart
24 goes out to you all because we've lost children also.
25 So, I mean, I can't sit here and point fingers. Just

1 like I said, we all have to give an account to God at
2 the end of the day. I want God to put mercy on your
3 family; I want God to put mercy on our family. And I
4 just pray that we all can forgive each other, we all
5 can learn from this, we all can move on.

6 To Your Honor, I would like to ask that you give
7 leniency on my son. Because I myself, I mean, I
8 graduated from South Carolina State with a degree in
9 political science, prelaw with a minor in criminal
10 justice. So I do understand the law. And I
11 understand if you do the crime you do the time.

12 But I just ask that you find it in your heart,
13 you find it in the family's heart to please forgive
14 him, forgive all of us, because we've all sinned.
15 We've all fallen short.

16 And just like I said again, I want to say I
17 apologize to all of you. Everyone that has done
18 their jobs, you do what you have to do. I can't
19 knock that. I can't judge that. I don't have any
20 pail to put anyone in. So we can't just be judged
21 just because of one incident. And everyone deserves
22 a second chance.

23 The same way I know you wish Josh would come
24 back, I wish for your sake also. I wish my triplets
25 could come back. I had to see them be burnt. I have

1 their ashes on my mantel. Those are the only
2 children I had by birth. Granted, this is my
3 stepson, and I don't believe in the word "step"
4 because I believe if you accept the calf, you accept
5 the cattle.

6 But our heart goes out also because we've been
7 there also. And I just wanted to just say that. And
8 just to God be the Glory and God bless you all.

9 **MS. DAVIS:** My name is Veronica Davis. And I do
10 apologize, Your Honor. Robert is my middle child. I
11 sat back there when Mr. Whitehead and his wife was
12 talking, and I watched Investigator Catoe, and he
13 made faces. When Mr. McDonald spoke, he made faces.
14 But these are our children, too, Your Honor.

15 To the Zoch family, I know how it feels to lose
16 a child. I carried triplets for nine months, and the
17 day they were born they were taken. So I know how it
18 feels to lose a child.

19 Your Honor, I pray and ask that you have mercy
20 on my child. Robert has never been in trouble, don't
21 have a record, don't now how all this even came
22 about. I was even told I don't even need a lawyer.
23 But I would pray that you have mercy on him. When it
24 happened he was 17 and now he is 19 years old. Allow
25 him, oh, Jesus, to be a man and to get a wife and

1 have children and be able to teach them.

2 I wouldn't wish this on my worstest (sic) enemy.
3 And I know there are obviously people who don't like
4 me, but I wouldn't wish this on anybody. As Mr. Zoch
5 said that he have trouble sleeping, I have Lupus and
6 I have aneurysm. And I've been here all week long.
7 And when I leave here, Your Honor, my head hurts so
8 bad, it feels like somebody is hitting me in the head
9 with a hammer. Don't take my child. Again I say to
10 the Zoch family I am deeply sorry. Just have mercy
11 on him. That's all I have to say.

12 **MR. CANNON, SR.:** Good afternoon, Your Honor.

13 **THE COURT:** Good afternoon, sir.

14 **MR. CANNON, SR.:** To the victim's family --

15 **COURT REPORTER:** I'm sorry. I need his name.

16 **MR. CANNON, SR.:** -- the Zochs, my name is
17 Robert Cannon. This is my son.

18 **THE COURT:** This is Robert Cannon.

19 **MR. CANNON, SR.:** And at the time this happened,
20 he was only 17 years old. I heard about it about
21 three days afterwards. And when I faced my son and
22 talked to him, I looked him in the eyes like I always
23 do and talked to him. He said, "Daddy, I did not do
24 this."

25 All I am here to do is say, all I want to do is

1 show my condolences to the Zoch family. I understand
2 their pain. I can't tell them exactly what's going
3 on in their hearts, what's going on in their minds,
4 but I know they are hurting. I know they are, to
5 lose a son.

6 At this moment the only thing I can ask you,
7 Your Honor, is to have mercy on my son. He is a good
8 boy. He doesn't deserve life in jail. Neither of
9 these boys does for a mistake that they could have
10 made or could not make. I don't know this. None of
11 us in this courtroom know this in our hearts, know
12 this to be the truth.

13 Court started on Monday, on Tuesday last week.
14 On that -- on Monday. I'm sorry -- on that Tuesday I
15 was supposed to be at jury in Federal Court. And I
16 actually had to talk to the staff of George Hardwell
17 to let them know I could not be a juror in their
18 courtroom.

19 I've had a lot of pain, a lot of discomfort, and
20 there is no way that I could try to judge somebody
21 else's life considering my situation. All I just
22 want to ask the Court, to be merciful. This boy
23 deserves a break in life. I haven't been there for
24 him all the time, as you can see. But I'm asking
25 you, I'm pleading with you, please give my son a

1 chance.

2 **THE COURT:** Thank you, Mr. Cannon.

3 **MR. KENDRICK:** That is all we have to say, Your
4 Honor. Thank you.

5 (Pause)

6 **THE COURT:** All right. Mr. Whitehead, in light
7 of some of the comments that have been made here
8 today, just to assure myself, I have gone to the
9 statutes of the state of South Carolina with regard
10 to the life without parole statute and I have
11 double-checked it; that is Section 17-25-45 which
12 provides that a person must be sentenced to a term of
13 life without the possibility of parole if that person
14 has one or more prior convictions --

15 (Defendant Whitehead falls to the floor)

16 **MOTHER OF MR. WHITEHEAD:** Get him a doctor. My
17 goodness. If you don't mind.

18 **DEPUTY:** Sit down, ma'am. Sit down, ma'am.
19 Ma'am, please sit down.

20 **MOTHER OF MR. WHITEHEAD:** He has seizures.

21 **THE COURT:** Does he have medication?

22 **MOTHER OF MR. WHITEHEAD:** He hasn't had a
23 seizure in a long time, but he's had them. And as
24 much stress as he's under, please watch him for that.
25 He has seizures. And as much stress as he's under

1 right now --

2 **THE COURT:** Medication?

3 **MOTHER OF MR. WHITEHEAD:** Medication hasn't been
4 needed because he hasn't had one in a long time.

5 **UNKNOWN PERSON:** Get him into an elevated state,
6 about two and a half inches.

7 **MOTHER OF MR. WHITEHEAD:** Excuse me, Your Honor.
8 I've taken care of his seizures before. Is there any
9 way that I can look at him? I don't see a medical
10 person.

11 (Off the record)

12 (Pause)

13 **THE COURT:** Mr. Reuwer, you ready to continue?
14 Mr. Riley? Mr. Reuwer?

15 **MR. RILEY:** I believe so, Your Honor.

16 **THE COURT:** All right. Well, I wanted to
17 explain that the statutes, the laws passed by the
18 Legislature do not allow me any variation from the
19 sentences that are mandated by that statute. The
20 State has provided a certified copy of an attempted
21 armed robbery that the defendant, Whitehead, pled
22 guilty to in 2005. That statute is a qualifying
23 statute for the life without parole statute.

24 And as much as I would feel differently or might
25 feel differently in terms of sentencing Mr.

1 Whitehead, I have no choice. If I violate the law,
2 if the solicitor violates the law, then there are --
3 the system falls apart. My responsibility is to
4 follow the law as it's written by the Legislature.

5 Therefore, on indictment 2007-GS-28-00022,
6 Christopher Whitehead, indictment for murder, the
7 sentence of the Court is you be committed to the
8 State Department of Corrections for the remainder of
9 your life without parole.

10 On indictment number 2007-GS-28-00019, the
11 offense of burglary in the first degree, the sentence
12 of the Court you is be committed to the State
13 Department of Corrections for the remainder of your
14 life without parole. Both sentences are to run
15 concurrent.

16 As to Mr. McDonald and Mr. Cannon, I feel that
17 both of these defendants should be treated in a
18 similar fashion, both of whom have -- both
19 individuals have denied being a part of these most
20 serious crimes, but the jury has found both of them
21 guilty. And despite their protestations, I must look
22 at this as a guilty plea. I am not the fact finder
23 in this case. The jury was.

24 These are unfortunate circumstances. I mean,
25 they're not unfortunate. They're tragic with regard

1 to all four of the families that are involved in this
2 case. I probably would agree with someone who said
3 that drugs are one of the -- it's been true for a
4 long time -- but one of the most serious blights on
5 this society. None of us are safe from the ravages
6 of the drug culture.

7 However, be that as it may, each of you, Mr.
8 Cannon and Mr. McDonald, are responsible for your own
9 acts, and all acts are the result of choices and
10 those choices bring about consequences. But I do
11 feel in this case that just possibly one or both of
12 you may have something worth saving. And I hope you
13 do. And, frankly, I hope everybody in this room
14 does, for the sake of humanity.

15 Therefore, the sentences as to both are as
16 follows: On indictment number 2007-GS-28-00016,
17 Derrick McDonald, charged with burglary in the first
18 degree; and 2007-GS-28-00017, Robert Cannon, the
19 charge of burglary in the first degree, the sentence
20 of the Court is you be committed to the State
21 Department of Corrections for 35 years.

22 As to indictment number 2007-GS-28-00015,
23 Derrick McDonald, indictment for murder; and
24 2007-GS-28-00018, Robert Cannon, indictment for
25 murder, the sentence of the Court as to each is that

1 you be committed to the State Department of
2 Corrections for a period of 35 years. All sentences
3 are to run concurrent. Anything further?

4 **MR. KENDRICK:** No, Your Honor.

5 **MR. MEADORS:** Thank you.

6 **MR. WHITLARK:** No, Your Honor.

7 **THE COURT:** This court stands adjourned.

8 (Whereupon, the proceedings are concluded)

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WITNESSES

Bailey, KCSD

ARREST WARRANT NUMBER

K141873

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury
Date: FEB 07 2007

VERDICT

Guilty
[Signature]
Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-28-0015

The State of South Carolina

County of Kershaw

COURT OF GENERAL SESSIONS

February TERM 2007

THE STATE

vs.

Derrick McDonald

Indictment for

MURDER

SC Code: 16-3-10
CDR Code:0116
Class FEL/EXM(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CLERK OF COURT
KERSHAW COUNTY, S.C.
FEB 7 2007 11:34 AM

ATTEST True, Correct & Certified
Copy of Original on File in this
Court

1553

[Signature]
Clerk of Court

Kershaw County

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

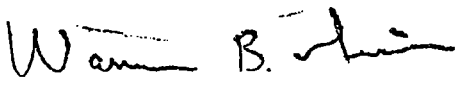
INDICTMENT

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Kershaw County present upon their oath:

MURDER

That Derrick McDonald did in Kershaw County on or about December 12, 2006, feloniously, willfully and with malice aforethought, kill one Joshua Zoch by means of repeatedly hitting and kicking the victim and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10

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



Warren B. Giese, SOLICITOR

WITNESSES

Catoe, KCSD

ARREST WARRANT NUMBER

K142527

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: FEB 07 2007

VERDICT

Guilty

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-28-0016

The State of South Carolina

County of Kershaw

COURT OF GENERAL SESSIONS

February TERM 2007

THE STATE

vs.

Derrick McDonald

Indictment for

BURGLARY/(AFTER 6/20/85)

1ST DEGREE

SC Code: 16-11-311

CDR Code: 079

Class FEL-EXM(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST True, Correct & Certified Copy of Original on File in this Court

Derrick McDonald
Clerk of Court Kershaw County

07 FEB 07 PM 3:44
CLERK OF COURT
KERSHAW COUNTY
SOUTH CAROLINA

1555

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

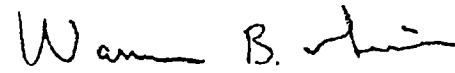
INDICTMENT

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Kershaw County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That Derrick McDonald did in Kershaw County on or about December 12, 2006, willfully and unlawfully enter the dwelling of Joshua Zoch, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness, in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

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



Warren B. Giese, SOLICITOR

WITNESSES

Catoe, KCSD

ARREST WARRANT NUMBER

K142531

ACTION OF GRAND JURY

~~THE BILL~~

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

[Signature]
Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-28-0022

The State of South Carolina

County of Kershaw

COURT OF GENERAL SESSIONS

February TERM 2008

THE STATE
vs.

Christopher Ryan Whitehead

Amended Indictment for

MURDER

SC Code: 16-3-10
CDR Code:0116
Class FEL/EXM(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

RECORDED
INDEXED
FEB 20 11 2:39
CLERK OF COURT
KERSHAW COUNTY, S.C.

ATTEST True, Correct & Certified
Copy of Original on File in this
Court

[Signature]
Clerk of Court Kershaw County

1557

WITNESSES

Catoe, KCSD

ARREST WARRANT NUMBER

K142529

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: FEB 01 2007

VERDICT

Guilty
Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-28-0019

The State of South Carolina

County of Kershaw

COURT OF GENERAL SESSIONS

February TERM 2007

THE STATE
vs.

Christopher R. Whitehead

Indictment for
BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST True, Correct & Certified
Copy of Original on File in this
Court

Jay McDaniel
Clerk of Court Kershaw County

CLERK OF COURT
KERSHAW COUNTY
SOUTH CAROLINA

FEB 01 2007 11:34 AM

1559

ROBERT CANIHAN
Name

249-11-0433
Social Security Number

200 TROWBRIDGE
Address

12/15/01
Current Date

9:20 PM
Current Time

Columbia, S.C., 29229
City, State, Zip Code

01/22/89
Date of Birth

(803) 7884112
Home Phone

(803) 556-1597
Work Phone

On Tuesday the 12th December 2006 AT 2:00pm Chris Whitehead got off of work and picks me up. We go to the mall & I got a new Cell Phone & shoes. We then went to pick up (DJ) DERRICK McDonald and then we went to McDonalds in Blythwood and eat and from there we went to Sonic. I had on a ski mask and was joking around while Chris talked to a girl in the back and DJ was talking to Leroy. I don't know Leroy's last name. We then left Sonic and went to the two notch Walmart and Chris and DJ got a ski mask. So we went riding and Chris said you know we need to do something with these mask, and I ask and DJ ask like what. and Chris said like beat ^{JOSHLY} ~~Chris~~ ass. because he's a snitch, and I told Chris I didn't think he was a snitch. He (Chris) then ask if me and DJ wanted to ride and we said whatever.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

[Signature]
Signature of Individual Giving Statement

[Signature]
Witness

[Signature]
Witness

1562

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

Because I had nothing else to do and no certain time to be home, THAT was about 11pm DJ was Real Quiet in the CAR while we were going to Josh's house, We pulled up to Josh's about 11:30pm, Chris knocked on the front door and Josh didn't answer. So Chris said that he was going to pull one of my moves and kick the door. So Chris went to the side door and he (Chris) busted it in. He went in first and me + DJ followed him to watch the fight. Josh was asleep on the couch and Chris yelled hey Bitch, and when Josh looked up, Chris HIT him with a glass lamp, Right AFTER THAT Josh was in a claze and Chris drags him off the couch part of the way THEN. Chris started pressuring DJ to hit Josh with the bat that was in the house and DJ then hit Josh in the back of

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

[Signature]
Signature of Individual Giving Statement

[Signature]
Witness

[Signature]
Witness

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

HEAD. AFTER THAT JOSH WAS BASICLY CRAWLING TRYING TO GET UP. AND THE WHOLE TIME CHRIS WAS TALKING SHIT TO HIM ABOUT BEING A SNITCH. AT THAT TIME CHRIS KICKED JOSH IN THE RIBS, AND ASK JOSH WHERE THE WEED WAS AND JOSH WAS JUST GRUNTING. THAT WHEN CHRIS ASK ME TO CHECK THE ROOM AND WE STARTED PULLING DROWS AND CHRIS SLIPPED THE MATTRESS AND DJ WAS JUST STANDING THEIR. THEN JOSH WENT UNCONSCIOUS AND I GOT JOSH A TOWEL AND PUT IT TO HIS HEAD. CHRIS SAID FUCK WE DON'T HAVE ANYTHING AND PUSHED THE CHRISTMAS TREE OVER ON JOSH. CHRIS THEN GOT MAD AGAIN AND TOOK THE HOUSE PHONE. BUT BEFORE CHRIS LEFT HE GOT SOME FROZEN CHICKEN FROM THE FREEZER AND PUT IT ON JOSH'S HEAD TO TRY AND STOP THE BLEEDING. AFTER THAT WE WENT BACK OUT THE SAMEWAY WE CAME IN.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

[Signature]
Signature of Individual Giving Statement

[Signature]
Witness

[Signature]
Witness

1564

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

we left and Chris dropped DJ OFF 1ST and me second and I guess he went home.

(Q) Did you Chris & DJ have on gloves? (A) yes.

Q WHAT KIND OF GLOVES?

(A) Purple Latex, and I had on 2 PAIR WHT and purple ones on top.

(Q) WHO'S CAR WAS YOU AND CHRIS AND DJ IN THAT NIGHT?

(A) Chris's Blue Honda Accord.

(Q) WHERE WAS THE BAT FROM THAT WAS USED TO HIT JOSH?

(A) IT WAS IN JOSH'S HOUSE, I JUST LOOKED OVER THEIR AND DJ PRICKED IT UP.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

Signature of Individual Giving Statement

Witness

Witness

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

(Q) WHAT WERE YOU, CHRIS & DJ WEARING THAT NIGHT?

(A) BLACK PANTS AND SHIRTS AND SKI MASK.

(Q) WHAT COLOR WAS THE SKI MASK?

(A) MINE WAS BLACK AND THEIRS WAS BLACK OR DARK BLUE.

(Q) DID YOU CHANGE CLOTHS THAT NIGHT AFTER THE INCIDENT?

(A) YES, AND CHRIS DONE SOMETHING WITH THEM.

I ASK INV DANNY CATOE TO WRITE THIS FOR ME AND THIS IS IN MY OWN WORDS AS THEY ARE WRITTEN.

X Michael [Signature]

12-15-06- 9:51pm

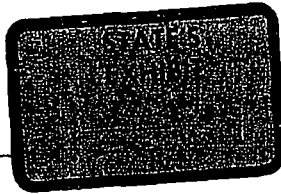
I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

[Signature] Signature of Individual Giving Statement

[Signature] Witness

[Signature] Witness

1566



Derrick McDonald
Name

249-85-6861
Social Security Number

283 Boney Rd
Address

12-16-06
Current Date

12:24 AM
Current Time

Blythe Wood SC 29016
City, State, Zip Code

08-08-88
Date of Birth

786-8821
Home Phone

Work Phone

About 5:30 or 6:00pm Tuesday the 12th - 2006
of December Chris whitehead AND Robert
Came to my house. And ASK IF I WANTED TO
MAKE some money. AFTER A WHILE I DECIDED TO
go with them. We left AND WENT TO SONIC
AND I check on trying to get my JOB BACK.
AFTER we left the sonic we went to WALMART
on two notch and bought a ski mask and some
a BOX OF purple latex gloves. WE WERE STILL
IN THE parking lot when chris call zach, and
ask him to see if someone was AT home.
zach told him that he would call back in 10 min
but Chris call him back and told him the
situation was being handled.

THE THATS WHEN ~~we~~^{THEY} STARTED planning on how
we WERE going to get into the house but you
still didn't know whos house it was going to
be.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or
hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement
consisting of 0704 pages and a true copy has been given to me this date

Derrick McDonald
Signature of Individual Giving Statement

[Signature]
Witness

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

I didn't know who's house it was until we were already there. Chris had told me that I was ~~not~~ ^{to} stay put outside to make sure no one came up. So Chris parked beside the road in front of the house and we went to the side door. THE door was sturdy and we all the kicked the door on the count of (3). Chris + Robert went in and myself and I shut the door behind me and I went to another window to watch out. THATS when my name was and I went INTO the living Room, dinning Room AREA. CHRIS then cut on the lights and picked up a glass bowl with Flower Pedals in it picked it up over his head a hit Josh in the head with it while Josh was asleep on the couch. THEN Chris draged Josh out the couch. ~~and~~ BUT I FIRST grabed a bat that was against the wall and I started hitting JOSH in the Body

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 24 pages and a true copy has been given to me this date.

Derrick McDonald
Signature of Individual Giving Statement

Ann Danny Lake
Witness

1568

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

THEN Chris tried to stop me to ask Josh a Question about where the money + Dope was, And I could stop the bat and I hit Josh in the back of THE HEAD. I also think I hit him one time in the temple area of his head. Josh then started bleeding more and I got scared. THATS when Robert + Chris started kicking and stomping Josh. Chris then told me to go get the car and pull it up. THE last thing I saw was Chris pushing the tree over on. Josh + Chris + Robert came out with plastic bags of stuff and told me to pop the trunk I did and got in the BACK seat. Then Chris dropped me off at my house a gave some DVDs and stuff THAT I didn't want. So I burned them and my cloths in a burn Barrel AT my house. All OF my cloths + shoes and everything burned completely up.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 3 pages and a true copy has been given to me this date.

Derrick McDonald

Signature of Individual Giving Statement

Lawrence Coke

Witness

Page 3 of 9 Pages

Witness

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

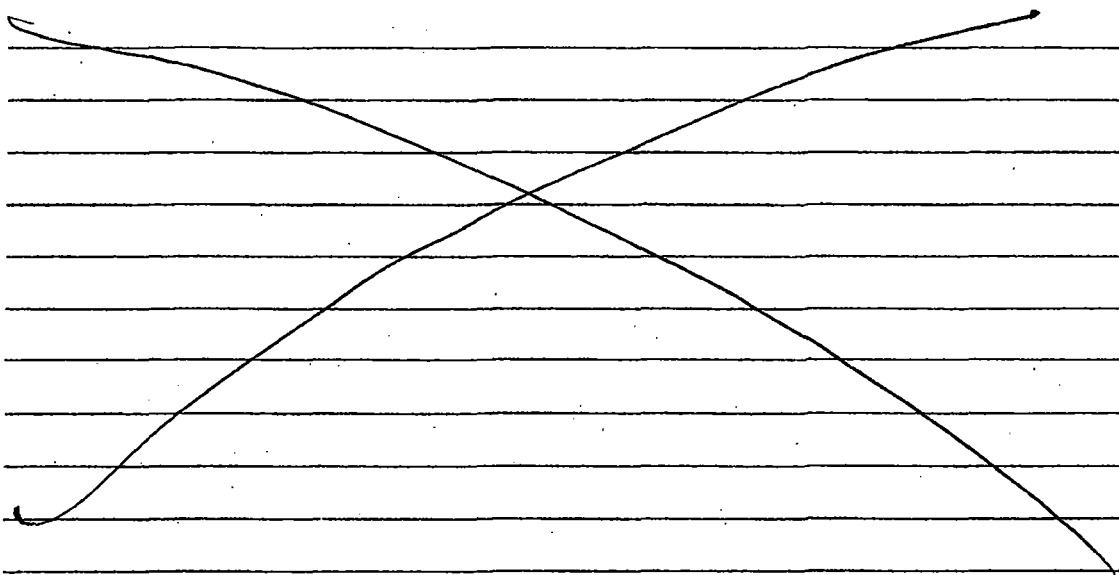
Date of Birth

Home Phone

Work Phone

I Ask INU Danny Catoe to WRITE my STATEMENT for me and this is WRITTEN in my own words.

Derrick McDonald
12-16-06-

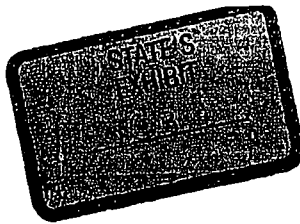


I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this date.

Derrick McDonald
Signature of Individual Giving Statement

Danny Catoe
Witness

1570



Name ROBERT CANNAN

Social Security Number 249-77-0433

Address 202 T BOW BRIDGES

Current Date 12/15/06

Current Time 9:20 PM

City, State, Zip Code Columbia, S.C., 29229

Date of Birth 01/22/89

Home Phone (803) 788 4112 Work Phone (803) 556-1597

On Tuesday the 12th December 2006 AT 2:00pm Another PERSON got off of work and picks me up. We go to the mall & I got a new cell phone & shoes. We then went to pick up Another PERSON and then we went to McDonalds in Blythewood and eat and from there we went to Sonic. I had on a ski mask and was joking around while Another PERSON talked to a girl in the back and Another PERSON was talking to Leroy. I don't know Leroy's last name. We then left Sonic and went to the two notch Walmart and Another PERSON got a ski mask. So we went riding and Another PERSON said you know we need to do something with these mask, and I ask and Another PERSON ask like what. and Another PERSON said like beat Another PERSON'S ass. because he's a snitch and I told Another PERSON I didn't think he was a snitch. Another PERSON then ask if me and Another PERSON wanted to ride and we said whatever.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

Robert Cannan
Signature of Individual Giving Statement

Danny Cotoe
Witness

[Signature]
Witness

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

Because I had nothing else to do and no certain time to be home, THAT was about 11pm another person was Real Quiet in the car while we were going to Josh's house. We pulled up to Josh's about 11:30pm another person knocked on the front door and Josh didn't answer. So another person said that he was going to pull one of my moves and kick the door. So another person went to the side door and he another person busted it in. HE went in first and me + another person followed him to watch the fight. Josh was asleep on the couch and another person yelled hey Bitch, and when Josh looked up, another person HIT him with a glass lamp. Right AFTER THAT Josh was in a daze and another person drags him off the couch part of the way THEN another person started pressuring another person to hit Josh with the bat that was in the house and another person then hit Josh in the back of

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

[Signature]
Signature of Individual Giving Statement

[Signature]
Witness

[Signature]
Witness

1572

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

HEAD. AFTER THAT JOSH WAS BASICLY CRAWLING
 TRYING TO GET UP. AND THE WHOLE TIME ANOTHER PERSON
 WAS TALKING SHIT TO HIM ABOUT BEING A SNITCH.
 AT THAT TIME ANOTHER PERSON KICKED JOSH IN THE RIBS,
 AND ASK JOSH WHERE THE WEED WAS AND JOSH
 WAS JUST GRUNTING. THAT WHEN ANOTHER PERSON ASK ME
 TO CHECK THE ROOM AND WE STARTED PULLING
 DRAWS AND ANOTHER PERSON SLIPPED THE MATTRESS AND
 ANOTHER PERSON WAS JUST STANDING THEIR. THEN JOSH WENT
 UNCONSCIOUS AND I GOT JOSH A TOWEL AND PUT
 IT TO HIS HEAD. ANOTHER PERSON SAID FUCK WE DON'T HAVE
 ANY THING AND PUSHED THE CHRISTMAS TREE OVER
 ON JOSH. ANOTHER PERSON THEN GOT MAD AGAIN AND TOOK
 THE HOUSE PHONE. BUT BEFORE ANOTHER PERSON LEFT HE GOT
 SOME FROZEN CHICKEN FROM THE FREEZER AND PUT
 IT ON JOSH'S HEAD TO TRY AND STOP THE BLEEDING.
 AFTER THAT WE WENT BACK OUT THE SAME WAY
 WE CAME IN.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or
 hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement
 consisting of 5 pages and a true copy has been given to me this date.

[Signature]
 Signature of Individual Giving Statement

[Signature]
 Witness

[Signature]
 Witness

Name _____

Social Security Number _____

Address _____

Current Date _____

Current Time _____

City, State, Zip Code _____

Date of Birth _____

Home Phone _____

Work Phone _____

We left and another person dropped ^{another} person off 1st and me second and I guess he went home.

Q) Did you ^{another} person & ^{another} person have on gloves? ^(A) Yes.

Q) What kind of gloves?
A) Purple latex and I had on a pair w/rt and purple ones on top.

Q) Where was the BAT from that was used to hit Josh?

A) It was in Josh's house I just looked over their and ^{another} person picked it up.

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[Signature]
Signature of Individual Giving Statement

[Signature]
Witness

[Signature]
Witness

1574

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

Q) WHAT WERE YOU ^{AND THE PERSON} ^{AND THE PERSON} WEARING THAT NIGHT?

A) BLACK PANTS and SHIRTS and ski mask.

Q) WHAT color was the ski mask?

A) mine was black and theirs was black or dark blue.

Q) DID you change clothes that night AFTER the incident?

A) yes, and ^{another} person done something with them.

I ASK INV. DANNY CATOE TO WRITE this for me and this is in my own words AS THEY are WRITTEN.

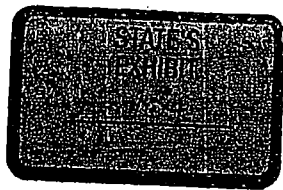
[Signature]
12-15-06 9:51 pm

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this date.

[Signature]
Signature of Individual Giving Statement

[Signature]
Witness

[Signature]
Witness



Darrick McDonald

Name

249-85-6861

Social Security Number

283 Boney Rd

Address

12-16-06

Current Date

12:24 AM

Current Time

Blythe Wood SC 29016

City, State, Zip Code

08-08-88

Date of Birth

786-8821

Home Phone

Work Phone

About 5:30 or 6:00pm Tuesday the 12th - 2006
 of December Another Person AND Another Person
 Came to my house. And ASK IF I WANTED TO
 MAKE some money AFTER A WHILE I DECIDED TO
 go with them. We left AND WENT TO SONIC
 AND I check on trying to get my JOB BACK.
 AFTER we left the sonic we went to WALMART
 on two notch and bought a ski mask and some
 a box of purple latex gloves. WE WERE STILL
 IN THE parking lot when Another Person^{SON} call zach, and
 ask him to see if someone was AT home.
 zach told him that he would call back in 10 min
 but Another Person^{SON} call him back and told him the
 situation was being handled.
 THE THATS WHEN ~~we~~^{THEY} STARTED planning on how
 we WERE going to get into the house but you
 still didn't know whos house it was going to
 be.

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 hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement
 consisting of 02 pages and a true copy has been given to me this date

Darrick McDonald

Signature of Individual Giving Statement

Donny Cate

Witness

1576

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

I didn't know who's house it was until we were already there. Another person had told me that I was ~~not~~ ^{not} to stay put outside to make sure no one came up. So another person parked beside the road in front of the house and we went to the side door. The door was sturdy and we all kicked the door on the count of (3). Another person + another person went in and myself and I shut the door behind me and I went to another window to watch out. THAT'S when my name was and I went into the living room, dining room AREA. Another person then cut on the lights and picked up a glass bowl with flower petals in it. Picked it up over his head and hit Josh in the head with it while Josh was asleep on the couch. THEN another person dragged Josh out the couch. ~~and~~ BUT I FIRST grabbed a bat that was against the wall and I started hitting Josh in the body.

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Derrick M. Daniels
Signature of Individual Giving Statement

Ann Denny Cate
Witness

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

Home Phone

Work Phone

THEN ANOTHER PERSON tried to stop me to ask josh a question about where the money + Dope was and I could stop the bat and I hit josh in the back of THE HEAD. I also think I hit him one time in the temple AREA OF his head. JOSH then STARTED Bleeding more and I got scared. THATS when ANOTHER PERSON ANOTHER PERSON started kicking and stomping JOSH ANOTHER PERSON then told me to go get the car and pull it up. THE last thing I saw was ANOTHER PERSON pushing the tree over on JOSH. Then ANOTHER PERSON ANOTHER PERSON came out with plastic bags of stuff and told me to pop the trunk I did and got in the BACK SEAT. Then ANOTHER PERSON dropped me OFF AT my house a gave some AIDS and stuff THAT I didn't want. SO I burned them and my cloths in a burn Barrel AT my house. All OF my cloths + shoes and every thing burned completely up.

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Derrick McDonald

Signature of Individual Giving Statement

Shirley Day Cole

Witness

age 3 of 3 Pages

Witness

1578

Name

Social Security Number

Address

Current Date

Current Time

City, State, Zip Code

Date of Birth

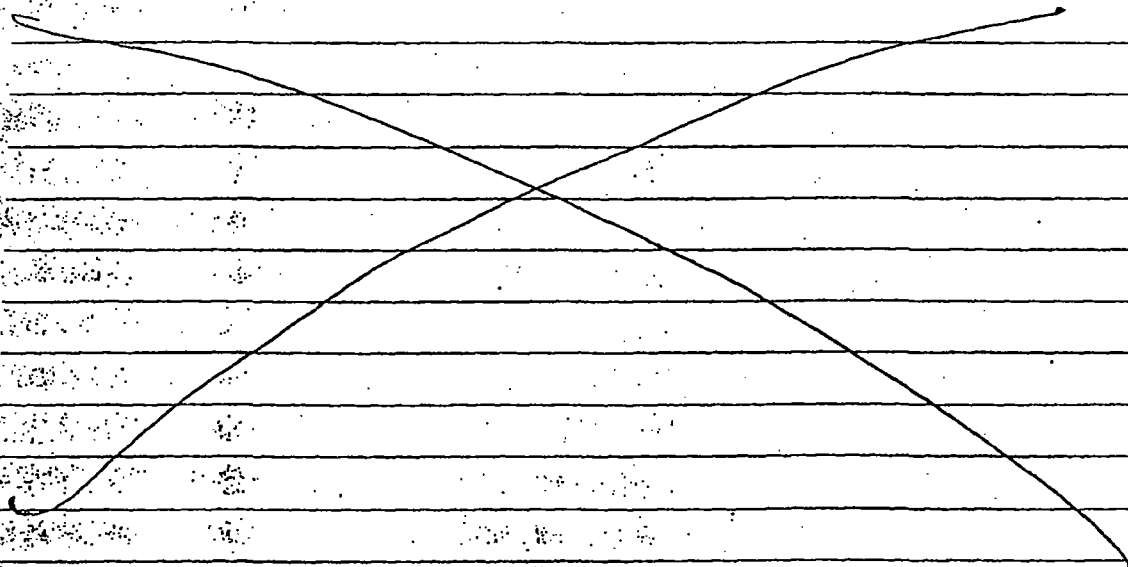
Home Phone

Work Phone

I Ask INV Danny Catoe to WRITE my STATEMENT for me and this IS WRITTEN in my own words.

Derrick McDonald

12-16-06-



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Derrick McDonald

Signature of Individual Giving Statement

Danny Catoe

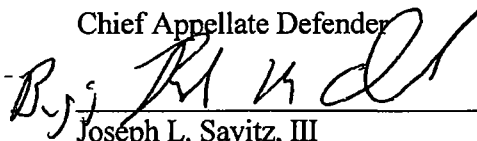
Witness

CERTIFICATE OF COUNSEL FOR APPELLANTS

Counsel for appellants certify 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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."



Robert M. Dudek
Chief Appellate Defender



Joseph L. Savitz, III
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEYS FOR APPELLANTS

May 28, 2010