



STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Marlboro County  
Honorable Steven H. John, Circuit Court Judge

ORIGINAL

THE STATE,

RECEIVED  
RESPONDENT,

JAN 31 2019

SC Court of Appeals

v.

PHILLIP ANTONIO STACKHOUSE

APPELLANT

APPELLATE CASE NO 2017-002048

RECORD ON APPEAL

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1 say? She's looking right at him from the control room. He  
2 falls. Every witness testified he never got back up. And  
3 who was there with him when he fell? Who has she just seen  
4 hitting him or stabbing at him with his arms. Now, she  
5 admits she never saw anything in his hands. She couldn't  
6 see. All she could see was him doing this. But he falls  
7 and never gets back up. And when she gets up there he was  
8 laying in a pool of blood. So she comes out of the control  
9 room, it's all glass. You can look at the pictures. It's  
10 all glass. She's in the control room. She goes down a few  
11 steps. Comes through two doors. Comes back out. All  
12 glass. She can see. She comes out and she meets Phillip  
13 Stackhouse at the bottom of the stairs, right here. It  
14 happened up here at the top of the stairs. She meets him  
15 down here. So he hadn't gone anywhere. She's gotten out  
16 there quick enough that she meets him at the bottom of the  
17 steps. And as she's coming down he's doing this. Flicking  
18 his wrist. Leaving all of these splotches of blood where  
19 he just stabbed Oliver Johnson. She goes up to check on  
20 Oliver Johnson. Okay. She doesn't know yet that he's  
21 dead. She doesn't know that he's laying in a pool of blood  
22 yet. All she knows is he fell and he hadn't moved. Okay.  
23 Where does Phillip Stackhouse go? He's downstairs. Nobody  
24 is watching him because Patrice McQueen is going up  
25 checking on Oliver Johnson. He takes that shank, he can't  
26 get anybody in the unit to take it so he slides it under

1 the door to another Muslim inmate. It's not in the unit  
2 anymore. It's gone. It's gone. Doesn't mean it didn't  
3 happen. It doesn't mean it didn't happen. You heard the  
4 doctor's testimony. These injuries did not happen from  
5 somebody that's hitting him with a fist. It happened from a  
6 sharp object. The side of his head sliced open. You seen  
7 the stab wounds in his chest and arm. You're going to have  
8 these. You're going to have the autopsy report. Read it.  
9 Examine it. Understand what those injuries were. They  
10 were deep. They weren't superficial. So he hands the  
11 shank off to the other inmate and where does he go? He  
12 eventually goes back to his room. Because when Patrice  
13 McQueen sees he's, see's Oliver Johnson down there not  
14 moving in a pool of blood, well, we've got to lock this  
15 unit down. By that point, Heyward is coming in, Sergeant  
16 Heyward is coming in. They got to lock it down. So she  
17 starts locking the unit down. And he's in his room and  
18 what was he doing in his room? What is the defendant doing  
19 in his room? What would you do if you just stab somebody?  
20 I don't know. Well, Jason Goins says, well he was taking  
21 off all of his clothes that had blood on them, he was  
22 tearing them in strips and he was flushing them down the  
23 toilet. They're gone. It doesn't change what happened.  
24 It doesn't change this. When Jason Goins confronts him  
25 about why he did that, had some more choice words to say  
26 about Oliver Johnson, didn't he? He wasn't happy. But

1 when Patrice McQueen came to get his ID, ahhh, he didn't  
2 know anything about that, of course. He's in a prison. He  
3 didn't expect anybody else to say what they saw. What does  
4 he do besides tear up of his clothes and flushed them down  
5 the toilet, what does he do? He knows what he's done. And  
6 he knows other inmates have seen it and potentially Officer  
7 McQueen has seen it. So what else does he start doing?  
8 He's thinking ahead. He knows what's getting ready to  
9 happen. So he starts packing his stuff up. It's all  
10 packed up at the door. It's all thrown in on top of his  
11 mattress, sitting neatly in the doorway. All of his  
12 belongings including if you look right there, what do you  
13 see in there? You see a pair of tennis shoes. He couldn't  
14 flush the tennis shoes. He could clean them up but he  
15 couldn't flush them. So that's where he left them. They  
16 weren't on him, they were in his room. Remember this is  
17 one of the key items here. Okay. He knew what was going  
18 to happen. He packed up all his stuff and got it ready  
19 because he knew he was going to lock up. He knew what he  
20 had done. What happens to the victim? He's taken from  
21 medical to the hospital and was pronounced dead there. He  
22 never moves. He never breaths. No one finds a pulse or  
23 heart rate on him. He, I submit to you, actually died on  
24 the floor right outside of his room that morning. He never  
25 had a chance. Nobody ever saw a weapon. He didn't have a  
26 weapon. But whoever did this to him sure had a weapon.

1 And I submit to you that the evidence shows Phillip  
2 Stackhouse is the one who did this to him. You have two  
3 witnesses that were there saying they saw him do it. But  
4 what else do you have? You also have -- when crime scene  
5 came in what did they find? They found that SCDC shirt in  
6 the trash can. Not -- in the unit, out on the floor and  
7 you'll see the trash can if you look at the map. She's got  
8 where everything is on here. The trash can is right here.  
9 Here's the stairs. Right over from the bottom of the  
10 stairs is the trash can where they find the SCDC shirt.  
11 And what's on the shirt? First of all, it's got the  
12 number, number 122 written in permanent marker in the back  
13 of it. Here it is. Remember who is in cell number 122?  
14 Phillip Stackhouse. And not only that, you'll have your  
15 DNA report from your sled agent, your DNA analysis. Which  
16 says that they examined cuttings and scrapings from the  
17 shirt that was found in the trash can with cell number 122  
18 on it. Whose blood did they find on it? Oliver Johnson's.  
19 But what else did they find on it? They tested it for  
20 ownership which means they test the neck, the underarms for  
21 whose DNA is on that and what does the report say? That  
22 the major contributor for that shirt was none other than  
23 the defendant, Phillip Stackhouse. Remember the pieces to  
24 the puzzle. Cell 122. The victim's blood is on it. The  
25 defendant's DNA was in the neck and the underarms. And  
26 then you find the shoes, his shoes, his shoes now.

1 Remember, he went back to the room. He tore his clothes as  
2 best he could. Flush what he could down the toilet. Shoes  
3 can be flushed down the toilet. He took them off and left  
4 them there. He's in prison, what else is he going to do  
5 with them? He didn't have them on but he left them there.  
6 I would imagine he attempted to clean them. But they did  
7 do some presumptive testing on those shoes. You look at  
8 the report. They, too, tested positive for blood. He may  
9 have clean them but he couldn't clean it all. Now, they'll  
10 tell you it wasn't enough left and he did a pretty good  
11 job. There wasn't enough left for DNA but there was blood.  
12 His shoes, the defendant's shoes, taken from his cell. And  
13 then what was the last person we heard from? You have all  
14 the evidence, you have all the witnesses that we could  
15 bring to you from that seen that will testify. And then we  
16 brought you one more witness and that was Clifford  
17 Thompson. He, too, is an inmate but not at Evans. He's  
18 not connected to this incident. He is not connected to  
19 these inmates. He's been at Broad River in Columbia for  
20 the last twelve years. He's been working in the law  
21 library there. Minding his own business. A quiet fellow.  
22 And he told you he described himself as a bottomless well.  
23 Any many of the other inmates were very comfortable with  
24 him. He helped them with their legal whatever they needed  
25 for their case, he helped them. He was like a bottomless  
26 well. They could tell him stuff and it went in and it

1 never came out. But he has been there for a long time.  
2 And he told you his lost his mother in January and he felt  
3 the loss that was there in this case. And he knew he had  
4 information about it. And he felt the need to come  
5 forward. He has no reason to come forward. He serving his  
6 sentence. What did he tell you? Remember the pieces of  
7 the puzzle. How do they fit together? He didn't meet the  
8 defendant until he came to Broad River and he started  
9 helping him with his case. Getting him cases and looking  
10 up things for him. He would come by the lock up cell and  
11 give him information and the defendant got really  
12 comfortable with him. And then he had this incident, this  
13 incident where his hand was injured and he wanted more  
14 extensive time with Clifford Thompson to figure out what to  
15 do with that claim. So in November they had the  
16 opportunity to meet in a much more private setting. And  
17 Clifford Johnson explained to you how that went. It was -  
18 -- it was in the computer room in a place away from other  
19 inmates, away from guards, where they could talk privately.  
20 And the defendant was very comfortable. Remember what he  
21 said? He just sat back. He gave him a pen and even gave  
22 him some of that sour gum or sour taffy. He sat back as  
23 Clifford Thompson was reading over his grievance all of a  
24 sudden he felt the need to tell him. You know what I'm im  
25 here for, don't you? You know what they've accused me of?  
26 Well, my roommate is trying to tell on me but I'm gonna

1 tell you what happened. I stabbed him up. I wet him up,  
2 was the language he used. I wet him up. What does that  
3 mean? It means he stabbed him enough to create blood to  
4 make somebody wet. He wet him up. And he told him it  
5 happened on the top tier. Where did it happen? On the top  
6 tier. Now, remember Clifton Thompson has never been to  
7 Evans. He's been at broad River. He hadn't had any  
8 contact with these people. Told him he wet him up, it  
9 happened on the top tier and then he handed off the shank  
10 to another Muslim. Another Muslim. Remember what Jason  
11 Goins told you, he handed the shank off under the door into  
12 the other unit to another Muslim. It's the pieces of the  
13 puzzle. How do they fit together? This is an important  
14 case for everyone involved. Not only for us but for  
15 Phillip Stackhouse too. I want you to go back and I want  
16 you to review everything that's in evidence. Look at every  
17 photograph. Read every report. Read the autopsy. How do  
18 those pieces fit together? And remember the key is right  
19 there. It all makes sense if you believe what she says and  
20 Patrice McQueen has no reason to tell you anything but the  
21 truth. She saw the defendant attacking Oliver Johnson and  
22 he fell and die right there. No one else was around. And  
23 that corroborates what Jason Goins says. Even though you  
24 might like Jason. Yes, he's in prison and he's serving  
25 time for whatever but what else happened to Jason? Jason  
26 set up here in testified but what happened to him a month

1 after he gave his statement? He was stabbed twenty-seven  
2 times for giving that statement. I submit to you he --  
3 this didn't happen. This not what happened, he would've  
4 given that statement. He's not going to put his life on  
5 the line if that's not what really happened. But Jason  
6 Goins statement makes complete sense with Patrice McQueen's  
7 testimony. Clifford Thompson statement in his testimony  
8 makes complete sense if you believe Patrice McQueen's  
9 testimony. It all fits together. But you must review it  
10 and make that decision and I know that you can. I have  
11 complete confidence in you and I thank you for your  
12 service. Thank you.

13 THE COURT: Mr. Stephens?

14 MR. STEPHENS: May it please, The Court?

15 THE COURT: Yes, sir.

16 **CLOSING ARGUMENTS- STEPHENS:**

17 MS. MUNNERLYN: Solicitor? Ladies and gentlemen, I,  
18 too, would like to thank you. Y'all been very attentive  
19 this week and I certainly appreciate it. Just briefly as I  
20 told you in my opening statement Tuesday, I believe it was,  
21 this case is to be tried and a verdict reached after the  
22 State has proven their case beyond a reasonable doubt.  
23 It's not to be decided on sympathy or prejudice or fear or  
24 bias. This is to be tried when the State meets their  
25 burden. And as the solicitor said everyone in the

1 Department of Corrections has rights, victims, and the  
2 accused and there's nothing worse than someone being killed  
3 than the wrong person being accused and convicted of that  
4 murder.

5 And I just like to go down, I kind of organized my  
6 notes to go through witness by witness and we'll start with  
7 Patrice McQueen. Now -- and I like to just say that, you  
8 know, we've sat here this week and I think working or  
9 living at the Department of Corrections has got to be  
10 tough. It's different from what we do and we have to tip  
11 our hat to all of them. Now, Ms. McQueen was for some  
12 reason she was a little reluctant with me. I guess that's  
13 because I'm a defense attorney. But I wasn't trying to  
14 trick her. I was just trying to get to the facts and one  
15 of those was and this is Defendant's Exhibit 1 and it shows  
16 the control booth. And all I was getting at was right  
17 there where it says, exit, when you go down that exit, when  
18 you go down those stairs, she's going to have a blind spot  
19 for a few minutes. And that's not taking anything away  
20 from her or how she does her job it's just a fact that  
21 nobody can see everything at one time. That morning she  
22 was monitoring everybody coming back from breakfast.  
23 Cherokee has four wings. Two on this side and two on this  
24 side. And you can look this way or look that way but you  
25 can't see everything and that's not taking anything away  
26 from her or how she does her job. But everyone was coming

1 in and she says she was kind of looking down and she saw  
2 somebody look up real fast and she so inmates running and  
3 she looked up and she saw two men fighting. And I believe  
4 from what she said in her testimony was she saw both of  
5 them fighting. She says she went down the stairs and I  
6 believe that's when Officer Tillman was coming up and I  
7 believe Officer Tillman said she met Officer McQueen in the  
8 hall, this hall right here under the exit sign, and that  
9 would've left Officer Lockey in the control room. Officer  
10 Tillman says, she went to get a stretcher and then she let  
11 Officer McQueen on to C wing. Of course, the stretcher  
12 wasn't in the closet. She so inmates, Officer Tillman,  
13 says she saw other inmates around who she later saw, knew  
14 to be Oliver Johnson. But she never saw Phillip  
15 Stackhouse. Now, one thing that was -- and a lot of the  
16 State's case is built on credibility of Jason Goins and a  
17 lot of what's been said here is what Jason Goins alleges.  
18 Now, one thing about that morning if you remember Jason  
19 Goins testimony he claims when he left the second tier, the  
20 upper tier, he said Oliver Johnson was still moving. I  
21 don't know if you remember that in his testimony. But he  
22 said Oliver Johnson was still moving. And he never said he  
23 saw Officer McQueen and Officer McQueen says she never saw  
24 Jason Goins. So there's an inconsistency in somebody's  
25 testimony. I know you can't remember everything but if you  
26 can remember seeing Phillip Stackhouse, you should be able

1 to remember seeing Jason Goins if he's the star witness.  
2 Officer Lockey, you never heard from Officer Lockey. Now,  
3 the sled agent said he took a statement from Officer Lockey  
4 but she was never called to testify. She gave a statement.  
5 She was the only one that was in the control room the whole  
6 time. And I submit to you that that would've been  
7 important evidence for the State to bring. I think that  
8 constitutes one piece of reasonable doubt that we didn't  
9 hear from Officer Lockey. Now, we next heard from DOC  
10 personnel, McClellan Watson and Heyward who came in that  
11 morning, none of them ever saw any weapons. None of them  
12 ever saw any blood on Phillip Stackhouse. You remember, I  
13 believe it was Officer Heyward, who doesn't work at DOC  
14 anymore, I think he works in Charlotte, he wasn't quite as  
15 reluctant but he said there's always lots of weapons in the  
16 Department of Corrections. And then next we heard from the  
17 medical personnel. And then we heard from Major West whose  
18 head of security. Now, here's another thing that goes to  
19 Jason Goins credibility, he said that Phillip Stackhouse  
20 was packing of his belongings. Major West said he came in  
21 about 10 o'clock that morning and he packed up Phillip  
22 Stackhouse's belongings. That's what he said in his  
23 testimony. Major West, the head of security for the  
24 Department of Corrections, packed up Phillip Stackhouse's  
25 stuff and then he went and he was the one who removed  
26 Phillip Stackhouse's clothes from Phillip's body while he

1 was in lock up. So Jason Goins is saying one thing. He's  
2 got an ax to grind with Phillip Stackhouse. Major West,  
3 the head of security, he's given testimony he says he's the  
4 one who packed up the clothes. That goes to Jason Goins  
5 credibility. Then we next heard from all of the other EMS  
6 and medical personnel, sled agents. We heard from Tammy  
7 (sic) Edwards who was the sled crime scene person. And she  
8 took all of the pictures of everything and I think -- this  
9 is number 4 and number 5 and this shows the upper tier and  
10 this is where the stairs begin, right here and you have to  
11 go down those stairs. You can see the top step and then  
12 you come back here to these benches. You know, they said  
13 they were a blood trail down the stairs to the benches.  
14 And she also took pictures of these, of this bucket with  
15 this blanket in it. This is exhibit 25 and 26, this would  
16 have been from upstairs in Oliver Johnson and Gabriel  
17 Russell's room. This blanket in the bucket. And the  
18 reason I bring that up is because you remember Ms. McQueen  
19 said when she went up the stairs she saw somebody in Oliver  
20 Johnson and Gabriel Russell's room. She said she didn't  
21 know who it was. Gabriel Russell testified that was him.  
22 He said he had gone downstairs or, excuse me, he had gone  
23 down the walkway, gotten a bucket, and some water and he  
24 was cleaning his blanket. Ms. McQueen came in and told him  
25 go down the stairs to those benches. So I submit to you  
26 the blood trail could have been made by Gabriel Russell

1 because he was cleaning a bloody blanket and then it also  
2 could have been made because do you remember the DOC  
3 personnel, they pick up Mr. Johnson went down the stairs  
4 and then placed him on the gurney. So that could have --  
5 either one of those could have accounted for the blood on  
6 the stairs. Mr. Gabriel Russell said, yeah, I put my hands  
7 up and I went down the stairs and went to the bench. I  
8 went and sat on the bench. And that's where they found  
9 blood. Dr. Presnell did the autopsy. She said, of course,  
10 the major wound to the chest was the cause of death. She  
11 said other injuries were consistent with the fistfight.  
12 She can't say if it was only one weapon used. And, you  
13 know, again that gets to everybody, Ms. Tillman, Ms.  
14 McQueen, Gabriel Russell, Lockey, no not Lockey because she  
15 didn't testify, but Tillman, McQueen, Gabriel Russell,  
16 everybody said there were lots of folks around Oliver  
17 Johnson. Their were lots of other inmates up there. Lots  
18 of other inmates up there. And then Clifford Thompson, he  
19 was an interesting gentleman. And I submit that, you know,  
20 as I said yesterday and I talked with Mr. Thompson he has  
21 been working in that law library for years. He had a case  
22 that he did right by himself with no help at all. It went  
23 to the Court of Appeals in the State of South Carolina. He  
24 went to the South Carolina Supreme Court. He has filed --  
25 he had first filed a Common Pleas action in Berkeley  
26 County. He's filed a case in Richland County. He does --

1. he assists inmates, he advises inmates and he's been doing  
2 that for years. But he claimed that he didn't know  
3 anything about this statute where an inmate comes in after  
4 they've been sentenced and assist the State they can have  
5 their sentence reduced. They can have their sentence  
6 reduced. So I submit to you that Clifford Thompson, you  
7 know, he had worked on Phillip Stackhouse's case, he claim  
8 Phillip Stackhouse got there in the summer. Phillip  
9 Stackhouse testified he didn't get there until mid-  
10 September. Phillip Stackhouse said that he paid Mr.  
11 Thompson some money to file a motion for a speedy trial in  
12 October. Then there was some dispute about exactly when  
13 this injury to his hand happen, was it in November, was it  
14 in January? You know, he had mentioned something about  
15 November. Mr. Stackhouse had a document here where it  
16 actually happened in January or the report was made in  
17 January. Then Phillip Stackhouse paid him again in  
18 February to do a motion and then in the last month Mr.  
19 Thompson assisted Phillip Stackhouse in preparing subpoenas  
20 for this week of court. So Mr. Thompson knew that this was  
21 a time he had to do something because the trial was coming  
22 up and if he was going to testify and get some help under  
23 the statute for assistance he had to do it. Phillip  
24 Stackhouse testified that he had let Mr. Thompson have his  
25 whole file of discovery, rule 5 and in that file it  
26 would've had Jason Goins statement. It would've had Jason

1 Goins statement. The thing that's the bedrock of this case  
2 of the solicitor. And Mr. Thompson he claims that when he  
3 first started talking to Phillip Stackhouse, Phillip  
4 Stackhouse told him I've been accused but my roommate Jason  
5 Goins is lying on me. He's trying to say I confessed to  
6 him. You got to remember they always want to put, they  
7 always want to put Phillip Stackhouse in 122 but Jason  
8 Goins lived there to. Jason Goins and Phillip Stackhouse  
9 were roommates. Jason Goins had access to everything in  
10 that room. You know, he was the one that claimed that  
11 Phillip was packing up his belongings and Major West said,  
12 no, I'm the one who packed up his belongings. So Clifford  
13 Thompson knew the case was coming up for trial so he added  
14 a little bit to it and said something that about claiming  
15 that Phillip had confessed to him. And then, you know, he  
16 lost me on this candy business. He kept talking about this  
17 piece of candy and so I just, you know, I don't think  
18 Clifford Thompson is credible. I don't think his testimony  
19 can be believed because he's a savvy legal person and  
20 claims he doesn't know he can get help for testifying to  
21 against somebody else. But I would submit he is not  
22 believable. The tennis shoes, they keep making a big deal  
23 about these tennis shoes. They said there was some blood  
24 on them but they never identified whose blood it was. You  
25 know, it could have been Phillip Stackhouse's blood. It  
26 could have been Jason Goins blood for all we know. And we

1 don't know how the blood gets there. So I don't think  
2 that's an important part of this case. The only thing that  
3 bothers me about this SCDC shirt and I've wondered from the  
4 time I heard about this shirt in the trash can right under  
5 the control booth, is why would somebody go take a shirt  
6 and put it in the trash can in front of the control booth  
7 and then run to their room to take off their other clothes  
8 and start tearing them up and flushing them. Why don't you  
9 flush them all? Why are you going to leave something here  
10 and then go flush the rest of it? And I believe that gets  
11 back to who put the shirt there -- I told you at the  
12 beginning there won't be able to prove who put that shirt  
13 there. Did Jason Goins put it there? Did Jason Goins go  
14 and do something to the shoes? He's the one who's got a  
15 beef with Phillip Stackhouse. What's his motive for  
16 shading the truth? What's his motive for his testimony?  
17 You know, he -- the solicitor alluded to the fact he  
18 accused Phillip Stackhouse of having something to do with  
19 him being stabbed a month after this happened or after he  
20 given a statement. He claimed -- he claimed it was in  
21 discovery. Phillip Stackhouse testified he didn't even get  
22 his discovery until a year later. Maybe it wasn't Phillip  
23 Stackhouse that had anything to do with the stabbing, being  
24 stabbed. Maybe somebody was stabbing to get to Jason Goins  
25 because he had more to do with Oliver Johnson than we know.  
26 Somebody knows. You know, another thing about Goins was

1 when he was testifying he said that Phillip and Oliver  
2 Johnson were fighting. And Jason Goins said, he said, he  
3 didn't see a knife. He thought he was just punching him.  
4 I think later on he may have said something different. But  
5 when you first started testifying he said I didn't see a  
6 knife. I thought he was just punching him. And then he  
7 said that he closed the door after Phillip left and it was  
8 just him and Oliver Johnson in that room. And you remember  
9 what Phillip said when he testified. He said he had been  
10 down the hall to pray. And when he came back Oliver  
11 Johnson confronted him and said Jason Goins was in the room  
12 and they fought and Phillip Stackhouse left. But he left  
13 Jason Goins in the room with Oliver Johnson. And, you  
14 know, Jason Goins claims that like I said he claimed that  
15 Oliver Johnson was moving. McQueen said he never moved.  
16 So that goes to Jason Goins' credibility. It goes to, did  
17 Ms. McQueen have a blind spot. It goes to reasonable  
18 doubt. Is there reasonable doubt that Phillip Stackhouse  
19 is guilty of what he is accused of? Gabriel Russell,  
20 Oliver Johnson's roommate, he said when he came back from  
21 breakfast -- now, he says, Jason Goins said, he ate  
22 breakfast with Gabriel Russell. Gabriel Russell said that  
23 Gabriel Russell ate breakfast by himself. So that goes to  
24 Jason Goins' credibility. Gabriel Russell says when he got  
25 back, he saw a lot of people around his room up there.  
26 That goes again there was a lot of people around that room

1 and the doctor said she doesn't know how many knives were  
2 involved or how many weapons were involved. He had to get  
3 the CO's attention to get on to the wing. And said he --  
4 and then he said he went to tell McQueen. He said when he  
5 went in the room nobody was in the room. Jason Goins  
6 claims, Jason Goins now, the star witness, he claims  
7 Phillip Stackhouse in the room. Jason Goins is in the room.  
8 Oliver Johnson is in the room. And Gabriel Russell in the  
9 room. Gabriel Russell said, nope, when I got back I went in  
10 the room and saw a maes and when I left that's when I saw  
11 Oliver Johnson. He went got a bucket and some water. But  
12 he says there was nobody in the room. And he went and was  
13 cleaning his blanket and McQueen told him to go down the  
14 stairs and go to the rock. And then, you know, the only  
15 person that saif a weapon was passed was Jason Goins. And  
16 that's what Clifford Thompson says because he read it in  
17 the discovery package of Phillip Stackhouse. He read Jason  
18 Goins statement and he read what Jason Goins had said.  
19 That he had passed the knife to a Muslim. And -- so I ask  
20 agent August if -- because Phillip Stackhouse said there  
21 weren't about eight or nine Muslim in the whole Cherokee  
22 dorm. If they had tried to identify the Muslims and they  
23 didn't, and didn't take statement from Lockey and she was  
24 the only one in the control room the whole time. She was  
25 only one who could see continuously what was going on  
26 because McQueen had a blind spot in a period of time when

1 she couldn't see. Tillman had gone try to get a stretcher.  
2 So Lockey would've been important. Again, another thing  
3 Jason Goins said, he claims everybody was in the room. He  
4 claims Phillip Stackhouse was on top of Oliver Johnson  
5 beating him and beating him and beating him and if you look  
6 at the picture, there's a picture in here when they took  
7 Phillip Stackhouse, it's the one that it may have showed  
8 he's, got a yellow uniform on and it shows his chest and  
9 his arms and his hands and there's no marks on his hands  
10 and his arms. If he was on top of somebody beating them  
11 like, you'd would at least have one snit knuckle but his  
12 hands didn't have any. That goes to Jason Goins  
13 credibility. What's he got the gain? What's his grudge?  
14 What's his beef with Phillip Stackhouse? Nobody testified  
15 they saw a knife. Even Jason Goins said and when he  
16 claimed when Phillip and Oliver Johnson, excuse me for  
17 being slow but I'm trying to remember these names and keep  
18 them straight, that when Phillip Stackhouse and Oliver  
19 Johnson were fighting he said, I didn't see a knife. And  
20 then later on he said he saw a knife. He said he ate  
21 breakfast with Gabriel Russell. Gabriel Russell said no he  
22 didn't. Reasonable doubt. It goes to his credibility.  
23 You can't believe Jason Goins. The whole case rest on  
24 Jason Goins. He's the only one that claims Phillip  
25 Stackhouse struck the fatal blow. He said Oliver Johnson  
26 was still moving. Patrice McQueen said, no, he wasn't. He

1. fell and never got up. Who could see what? Was there a  
2. blind spot? Was there a time that she couldn't see? There  
3. was a crowd of inmates around and nobody could say it was  
4. was only one weapon. Gabriel Russell was cleaning his  
5. blanket. McQueen said that's so. Sled documented with a  
6. picture that goes to Gabriel Russell's credibility. He's  
7. more credible. And then Phillip Stackhouse said he was in  
8. a fist fight. Dr. Presnell autopsy says some of the  
9. injuries could have been consistent with a fist fight. The  
10. blood trail, they want to claim it was 122, I submit to you  
11. the blood trail could have been made by Gabriel Russell  
12. after he cleaned the blanket and went down and sat down on  
13. the bench. It could have been by, the blood trail could  
14. have been made by the officers moving the body. The shirt,  
15. again, the shirt, why you gonna take a shirt off and put it  
16. in a trash can and then go straight and cut up the rest of  
17. your clothes. So that doesn't make sense, he goes to his  
18. credibility. He's in room 122 also. He's got access to  
19. room 122. That doesn't mean -- it doesn't mean -- we don't  
20. know who put the shirt there. We don't know how the shirt  
21. got there. Again, Phillip Stackhouse said he was in a fist  
22. fight and the only ones in the room were Jason Goins and  
23. Oliver Johnson and Jason Goins said after the fight, he  
24. closed the door so nobody could see. They also took a  
25. sheet from Phillip Stackhouse's room from his cell but  
26. didn't have any blood on. They took it because it had a

1 little stain on it. There was no blood on him. No blood  
2 on his clothes. And, you know, it rest on Jason Goins  
3 credibility. I submit to you there's enough here to doubt  
4 his credibility. McQueen, like I said, she was reluctant  
5 to answer my questions. I can understand that but she had  
6 a blind spot. There was a period of time when she couldn't  
7 see what was going on, on the second floor. There was a  
8 crowd of inmates around. They was crowd of inmates around  
9 and the doctor can't say it was only one weapon being used.  
10 Clifford Thompson, we just throw him on out the door,  
11 because I don't think he's credible at all from what he  
12 testified to yesterday. The shirt, why you gonna put a  
13 shirt in the trash can and then run down there and clean up  
14 the rest of your, um, flush the rest of your clothes. The  
15 defendant's tennis shoes in room 122, Jason Goins stated in  
16 122. He's got something I don't say nefarious, but he is,  
17 he's got a beef with Phillip Stackhouse for some reason.  
18 As I said, it's terrible for somebody to be killed. It is  
19 also for somebody to be wrongly accused and wrongly  
20 convicted of that crime when there's reasonable doubt and  
21 when there's problem with the credibility of the witness  
22 who is the only one that claims it happened as the State's  
23 theory says it did. I would just ask you to consider all  
24 the evidence. As the solicitor said, look at the pictures.  
25 Look at the pictures of Phillip Stackhouse when they  
26 checked his hands. If he had beaten Oliver Johnson, like

1 Jason Goins said he did, he would have at least one snit  
2 knuckle. Patrice McQueen had a blind spot. Jason Goins  
3 lacks credibility. Clifford Thompson is a rat looking for  
4 cheese. SCDC shirt how it got there, we don't know, he  
5 came out of Jason Goins' room as did those tennis shoes.  
6 They came out of Jason Goins room. Jason Goins said Phillip  
7 Stackhouse packed his belongings. The major with SCDC said  
8 no, I pack them. We would submit there's enough reasonable  
9 doubt that you can't find Phillip Stackhouse guilty of  
10 murder today. You can't find him guilty of murder. They  
11 were in a fight but he didn't kill Oliver Johnson. And we  
12 would ask you to let him remain not guilty. Thank you very  
13 much.

14 THE COURT: Final argument from the State.

15 MS. MUNNERLYN: Thank you, Your Honor. May it please,  
16 The Court?

17 THE COURT: Yes, ma'am.

18 MS. MUNNERLYN: Mr. Stephens?

19 MR. STEPHENS: Solcitor.

20 **REBUTTAL CLOSING ARGUMENTS- MUNNERLYN:**

21 MS. MUNNERLYN: Ladies and gentlemen, this is my last  
22 opportunity to speak with you and I just wanted to address  
23 a few things in reply to what Mr. Stephens has said and I  
24 want to keep you focused. Remember what I told you, I  
25 can't answer every single question. And I don't have to

1 remove every single doubt. Okay. It's reasonable doubt.  
2 Okay. And remember when witnesses, the witnesses testify,  
3 ten people are seeing the same thing. They're all going to  
4 focus on different things going on. Okay. Everybody  
5 doesn't see everything exactly the same and remember it  
6 exactly the same. That's why I say -- you have to look at  
7 it like a puzzle and how does it fit. How does the  
8 testimony of various people fit together? When does it  
9 make sense? Considering the credibility of all of those  
10 people and giving those that are most credible the greatest  
11 weight. Then fit it together and how does that make sense?  
12 Mr. Stephens wants to raise a number of things that I would  
13 call red flags. Just wants to raise little red flags to  
14 make you question those. But most of them make absolutely  
15 no difference at all. Okay. Patrice McQueen, he wants to  
16 talk about this momentary blind spot, when you come down  
17 those stairs and you have to come out but remember does it  
18 really make any difference because Patrice McQueen said she  
19 saw Oliver Johnson fall and she still in the control room.  
20 Never move. When she came came up there, he's still in the  
21 same place. He never moved. He never moved. So when do  
22 the injuries happen? While she was watching. Right before  
23 he fell. When she saw Phillip Stackhouse wildly attacking  
24 him. That's when the injuries happened. It's not some  
25 other, maybe it was Jason or Gabriel Russell came out,  
26 well, we can always raise all kinds of crazy theories but

1 what does the evidence support? What does the evidence  
2 support? What did the witnesses see? What makes sense  
3 with what they saw? He wants to talk about Jason Goins a  
4 lot and that he has a beef with Phillip Stackhouse. But  
5 there is no evidence, no evidence that he had any beef with  
6 Stackhouse other than he has now been victimized himself as  
7 a result of providing a statement in this case. He's not  
8 after Stackhouse. He's become a victim himself. Was there  
9 anybody else who said they saw him assaulting Oliver  
10 Johnson right before he fell? No. No. Not a soul came up  
11 and said that. Gabriel Russell, yeah, there's some  
12 inconsistencies there. Remember these people are in prison  
13 and they're still going to be in prison after this. It's  
14 your job to determine credibility. Was Gabriel Russell  
15 telling everything he knew? I don't know. Jason Goins  
16 says he was there for the first fight. But Gabriel Russell  
17 claims it was all over when he got there and he doesn't  
18 know a thing. And he was just trying to clean the blood up  
19 out of his stuff. There's no evidence he had any beef with  
20 Oliver Johnson or Jason Goins or anybody else. What makes  
21 sense? Why would these people say or not say something?  
22 Particularly the inmates? Okay. Mr. Stephens wants to  
23 talk about Miranda Lockey being one of the, one of the  
24 other correctional officers that was there. You know,  
25 there were many, many, many other inmates there too which  
26 we have not brought before you that have not provided any

1 statements or anything. But just because we don't bring  
2 witnesses before you doesn't mean that it's anything to the  
3 case, quite honestly. You have to determine this case and  
4 what's before you. You've heard testimony that Miranda  
5 Lockey wasn't even certified yet. She didn't even know how  
6 to work all of the controls. She wasn't really even aware  
7 of what all she was supposed to be doing. She couldn't be  
8 in the control room by herself. She is no longer even  
9 employed at Evans. She's not even there. So they didn't  
10 testify, don't worry about it. You have to consider what's  
11 before you. Who did testify? Who did see something? Who  
12 did provide information? Okay. Mr. Stephens also talked  
13 about Major West. Now, Major West I think, you know, I  
14 have a different recollection of Major West's testimony  
15 than Mr. Stephens. I think what Major West testified to is  
16 that he went and got Stackhouse's belongings and took them  
17 when they took him to lock up. Not that -- they were mostly  
18 packed up when he got there. Not that he went in there and  
19 pack them all up. But he went and got them physically from  
20 cell 122 and took them over to where they needed to be  
21 because he's not going to be in cell 122 anymore. I think  
22 Mr. Stephens is misinterpreting Major West testimony. But  
23 y'all heard it, y'all determine. Okay. And I think what  
24 Major West said was he went and he gathered that up and  
25 took it over. He got the shoes and transfer those to Mark  
26 Creech, the sled agent. And those were later tested and

1 has it's been testified to. He got -- he went to the  
2 defendant's lock up cell, got his clothing. Of course, we  
3 all know that wasn't the clothing he was wearing at that  
4 time. That wasn't the clothing he was wearing when it's  
5 alleged that he because he had already gotten rid of it.  
6 But you make that determination. I don't think that's what  
7 he testified to. There's a lot of discussion about the  
8 bucket with the blanket and Gabriel Russell cleaning. He's  
9 in prison. He don't want blood all over his stuff. He's  
10 going to stay there. It's Oliver Johnson's blood. We know  
11 that. Everybody knows that's whose blood it was. He just  
12 wanted it not on his stuff. So he's cleaning it off of his  
13 stuff. It makes perfect sense. Clifford Thompson, you  
14 know, Clifford Thompson admitted he had helped the  
15 defendant with many things and I think if you look at this  
16 paperwork he was talking about it in various states but  
17 this was dated back in November and that was on the  
18 grievance, the hand injury. Okay. He did admit he helped  
19 him with the motion for a speedy trial back in February but  
20 he didn't even have his Rule 5 then. He's helped him with  
21 paperwork forms. The subpoenas, he just gave him, the forms.  
22 He didn't help him fill them out. He just -- remember, he  
23 said they were standing in line at the mailroom and he  
24 needed some help with some forms and he said well I've just  
25 got some extras here, I'll give you these. He's not going  
26 through his case with him and acting like his attorney.

1 He's just looking up case law for him or giving him forms  
2 or helping him with the motion form, however, that is. He  
3 testified he never solved the Rule 5 in this particular  
4 case. The only real in-depth meeting they had in private  
5 was one of the computer room where he confessed to him  
6 because he felt so comfortable because he had been so  
7 helpful to him and because he never in a million years  
8 believed he would come say what he had said. Mr. Stephens  
9 wants to argue there was no blood on Mr. Stackhouse. Look  
10 at the photos. Of course, there's no blood on Mr.  
11 Stackhouse. He's already cleaned up by the time he's taken  
12 to lock up, by the time they take the pictures. We know  
13 Oliver Johnson didn't have much of a opportunity to fight  
14 back. Phillip Stackhouse shouldn't have many injuries.  
15 All he's doing is hitting with the knife. Oliver Johnson  
16 wasn't fighting back at him. Who died? Oliver Johnson.  
17 And he didn't have an opportunity to ever do anything. I  
18 think when you consider all of this, you just need to stay  
19 focused on what was presented to you. The witnesses who  
20 did come forward, who did testify and how can you make  
21 those fit? How can you make this incident make sense? And  
22 I submit to you the only way it makes sense is that Phillip  
23 Stackhouse stabbed Oliver Johnson with that shank and  
24 disposed of that weapon and the shirt and the shoes. Thank  
25 you.

1        **THE JURY CHARGE:**

2            THE COURT:        All right. Ladies and gentlemen, it is  
3        now my duty and responsibility to give you the law that you  
4        will apply to the facts and evidence you find to be true  
5        and have been presented to you in this particular matter.

6            Now, in this particular matter I told you at the very  
7        beginning I would not indicate to you at any point in time  
8        what I take the facts of this case are because it wasn't my  
9        job. It was your job and your responsibility to listen to  
10       the facts and see whether or not the State proven to you  
11       the guilt of the defendant beyond a reasonable doubt.

12           Now, as the law, if you came into this courtroom with  
13       any preconceived ideas of what the law is or what it ought  
14       to be or what it should be or what you would hope it would  
15       be, you'll disregard that. You will take the law as I now  
16       give it to you and apply to the facts and evidence  
17       presented to you in this particular matter.

18           Now, I told you the very beginning one of your jobs  
19       and duties and responsibilities was to judge the  
20       credibility and that is the believability of the witnesses  
21       that have come before you and testified in this matter.  
22       Now, in doing so you can believe one witness against  
23       several, several against one, you can believe a portion of  
24       what a witness says and disregard the remaining portion of  
25       it. If you've got a good sound reason for doing so you can

1 disregard its entirety, the testimony, of a particular  
2 witness. You look at whether or not that witness exhibit  
3 to you any kind of interest, motive, bias, prejudice that  
4 they might have in giving you their testimony. How do they  
5 come about the information that they gave you. The  
6 opportunity for knowledge. In this particular matter it's  
7 your job to look at all the evidence and find that evidence  
8 regarding that particular matter that helps you make the  
9 decision whether or not the State has proven the defendant  
10 guilty beyond a reasonable doubt. You don't have any  
11 friends reward, you don't have any enemies to punish. Your  
12 verdict cannot be result of any kind of passion, prejudice  
13 or sympathy. It has to be just an examination of the facts  
14 and evidence and then weighing that evidence against the  
15 State's burden to prove the defendant guilty beyond a  
16 readable doubt.

17 There are two types of evidence presented in every,  
18 basically, every single case. They're called direct  
19 circumstantial evidence. Now, direct evidence that the  
20 testimony of a person regarding who claims to have actual  
21 knowledge of the fact. What happened in front of me? What  
22 I saw? What I heard? What took place?

23 Circumstantial evidence is a chain of facts indicating  
24 the existence of the fact. The law doesn't make any  
25 distinction between the two greater degree of proof over  
26 one is not, over the other is not required. But to the

1 extent that the State may rely upon circumstantial  
2 evidence, all of the circumstances have to be consistent  
3 with each other and when taken together point conclusively  
4 to the guilt of the accused beyond a reasonable doubt. If  
5 the circumstances merely betray the defendant's behavior as  
6 suspicious then that proof has failed. The State, I'll say  
7 it several more times, the State has the burden of proving  
8 the defendant guilty beyond a reasonable doubt. And it  
9 rest on the State regardless of whether it's direct or  
10 circumstantial evidence or some combination of the two. In  
11 this particular witness I qualified the witness to give  
12 their opinion. Sometimes they're called expert witnesses  
13 but, basically, what we've done is we're qualifying to give  
14 their opinion. Usually we don't allow people to give their  
15 opinion. They have to tell you. What I saw. What I  
16 heard. What took place in my presence. But some witnesses  
17 by their training expertise, education in a particular  
18 field we will allow them to give their opinion. Now, that  
19 doesn't give them any special status. Just because the  
20 Court qualifies them to give their opinion you weigh all of  
21 the evidence the same, you judge all of the evidence the  
22 same, you look at all of the witnesses the same. To the  
23 indictment, and I told you at the very beginning, the State  
24 brought the charge against the defendant for the crime of  
25 murder and prepare that indictment. To that indictment the  
26 defendant pled not guilty. That put the burden of proof on

1 the State of South Carolina immediately to prove the  
2 defendant guilty beyond a reasonable doubt. At that point  
3 in time the defendant was presumed innocent. When the  
4 trial started the defendant is presumed innocent. Now, the  
5 defendant is presumed innocent unless and until based upon  
6 the evidence that's been presented to you, you believe the  
7 State has prove to you the guilt of the defendant beyond a  
8 reasonable doubt. The presumption of innocence we liken it  
9 to a robe of righteousness. It's placed on the shoulders  
10 of the defendant and it stays on the shoulder of the  
11 defendant unless and until the State rips that robe of  
12 righteousness from the shoulders of the defendant by the  
13 evidence which convinces you of the guilt of the defendant  
14 beyond a reasonable doubt. This is not just some legal  
15 theory or legal phrase. It is a substantial right to which  
16 every defendant, every American, is entitled unless and  
17 until you are satisfied that the State has proven to you  
18 the guilt of the defendant beyond a reasonable doubt.

19 Reasonable doubt. The kind of doubt that would give  
20 an ordinary reasonable person to hesitate to act. Proof  
21 beyond a reasonable doubt is proof that leaves you firmly  
22 convinced the defendant is guilty of the crime charged.  
23 Now, there are very few things we can know with absolute  
24 certainty and the law doesn't require the State of South  
25 Carolina to give you that kind of proof. What is required  
26 is based upon the evidence presented, you are firmly

1 convinced that the defendant is guilty of the crime  
2 charged, you must find the defendant guilty. On the other  
3 hand, based upon the evidence presented to you, you are not  
4 firmly convinced the defendant is guilty of the crime  
5 charged, you must give the defendant the benefit of the  
6 doubt and find him not guilty. The defendant is charged  
7 with the crime of murder. The State must prove beyond a  
8 reasonable doubt that the defendant killed another person  
9 with malice aforethought.

10 Malice that's hatred or ill will or hostility towards  
11 another person. It's the intentional doing of a wrongful  
12 act without just cause or excuse with an intent to inflict  
13 any injury or under circumstances that the law would infer  
14 an evil intent. It indicates a wicked or a depraved spirit  
15 intent on doing wrong. Now, malice aforethought does not  
16 require that, that malice exist for any particular time  
17 before the act is committed. But it has to exist in the  
18 mind of the defendant just before and at the time the act  
19 is committed. So there's this combination of evil intent  
20 and the act. Malice aforethought can be expressed or  
21 implied.

22 Express means that you've done something or said  
23 something that clearly expresses malice. You look at that  
24 from the evidence that's been presented.

25 Implied malice can come from all of the circumstances  
26 surrounding from the facts in this matter. It could be a

1 total disregard for human life but what you're looking at  
2 is whether or not there's this ill will, hostility towards  
3 another person, the intentional doing of a wrongful act  
4 without just cause or excuse with the intent to inflict an  
5 injury or under the circumstances that the law would infer  
6 an evil intent.

7 That's the law. That's the law that you're going to  
8 apply to the facts and evidence that have been presented to  
9 you in this particular matter. The verdict form is very  
10 straightforward. It's got the caption of the case. "The  
11 State of South Carolina versus Phillip Stackhouse,  
12 defendant, murder." "On the charge of murder, we the jury  
13 by unanimous consent find the defendant Phillip Stackhouse"  
14 and there's two choices and I put one before the other  
15 don't assign anything to that, I've got to put one before  
16 the other. "Not guilty or guilty."

17 Now, Mr. Foreman, when you're jury has well and truly  
18 deliberated, they have reached that unanimous verdict,  
19 you'll take this verdict form, you will check the  
20 appropriate box. You will sign your name. Put today's  
21 date indicating that indeed is the unanimous verdict of the  
22 jury. So if they come -- we come back and the jury is  
23 requested to affirm their verdict, all members of the jury  
24 can raise their right hand and say, yes, that is my  
25 verdict. After it's read by the clerk.

26 Now, I said unanimous, I don't know how many times.

1 But it means exactly what you think it means. It means 12-  
2 0. It does not mean 11-1, 10-2 any combination, thereof:  
3 So what ever verdict you place on this verdict form, Mr.  
4 Foreman, every member of the jury must agree that is their  
5 individual verdict in this particular matter.

6 What I'm going to ask that you do, Mr. Foreman, is  
7 Madam, Alternate you'll stay with us please. The other  
8 members of the jury, Mr. Foreman, you go to the jury room.  
9 Do not -- do not begin your deliberations until the bailiff  
10 hands to you the verdict form, and the exhibits. When that  
11 is done, you may begin your deliberations. So, Mr.  
12 Foreman, take all of the regular members of the jury to the  
13 jury room. Madam, Alternate stay with us please. Go  
14 ahead. Thank you.

15 (Whereupon, the jury exits the courtroom at 10:51 p.m.)

16 THE COURT: All right. So Ms. Johnson, you being  
17 the alternate in this case your job was to step in the  
18 shoes of one of the regular members of the jury should they  
19 be unable to go forward, you know, if somebody got sick or  
20 whatever. I can't tell you how many times, it happens a  
21 lot. We were not expecting it to but it does happen a lot.  
22 It just didn't happen in this particular case. I am able  
23 to excuse you from your jury service in this particular  
24 matter and your services are done for this week and you've  
25 got that the three year exemption from coming back to  
26 circuit court jury duty. So you're excused. Thank you,

1 ma'am.

2 (Whereupon, the alternate juror was excused)

3 THE COURT: All right. Exceptions, deletions,  
4 additions to the charge from the State?

5 MS. MUNNERLYN: None, Your Honor.

6 THE COURT: Exception, deletions, additions to the  
7 charge from the defense?

8 MR. STEPHENS: After conferring with my client, we  
9 have none, Your Honor.

10 THE COURT: Very good. All right. First thing I  
11 we want to do is tell you, solicitor and Mr. Stephens, you  
12 did everything that the court would expect of both of you  
13 in representing your respective interest. You did a good  
14 job for each of your respective parties and I want to  
15 commend both of you for that.

16 MR. STEPHENS: Thank you, Your Honor.

17 THE COURT: If you would, get with the court  
18 reporter, make sure we got all the proper exhibits going to  
19 the jury before they get sent in please. With that, we'll  
20 be at ease until the jury needs us.

21 MS. MUNNERLYN: Thank you, Your Honor.

22 MR. STEPHENS: Your Honor, I appreciate your  
23 understanding and disposition during this trial.

24 THE COURT: Not a problem. But y'all make sure  
25 y'all got all the proper exhibits going back to the jury.

26 (Whereupon, the jury starts their deliberations at 10:53

1 a.m.)

2 THE COURT: All right. I understand that the jury  
3 has reached a verdict. Is the State ready to proceed?

4 MS. MUNNERLYN: The State's ready, Your Honor.

5 THE COURT: The defense?

6 MR. STEPHENS: Yes, sir.

7 THE COURT: All right. Very good. Ask the jury to  
8 come in please.

9 (Whereupon, the jury enters the courtroom at 11:59 a.m.)

10 THE COURT: All right. Mr. Foreman, has the jury  
11 reached a verdict in this matter?

12 MR. FOREPERSON: Yes, we have, Your Honor.

13 THE COURT: All right. And the verdict form, could  
14 you send that to the clerk please, sir?

15 (Whereupon, the juror complies)

16 THE COURT: All right. Madam, clerk, you may  
17 publish the verdict.

18 **THE VERDICT:**

19 THE CLERK: Case number 2016-GS-34-426, State  
20 versus Phillip Stackhouse, on the charge of murder, we the  
21 jury by unanimous consent find the defendant, Phillip  
22 Stackhouse, guilty, September 21, 2017. Signed: Jerry  
23 Dupree, Foreman. Is this your verdict so say you all and  
24 would you raise your right hand?

25 (Whereupon, all the jurors raise their hand)

1 THE COURT: The jury having affirmed their verdict  
2 by the raising of their -- you can put it down, -- thank  
3 you. I'm sorry. The jury having affirmed their verdict by  
4 the raising of their right hand, does the State wish the  
5 jury polled?

6 MS. MUNNERLYN: No, Your Honor.

7 THE COURT: Does the defense wish the jury polled?

8 MR. STEPHENS: No, sir, Your Honor.

9 THE COURT: All right. Very good. Mr. Foreman,  
10 ladies and gentlemen of the jury, I want to thank you for  
11 your service. You did exactly what the Court ask you to  
12 do. That is to well and truly deliberated, reach a  
13 unanimous verdict in this particular matter. I know that  
14 you were watching, obviously, paying attention to the facts  
15 and evidence in this matter. You -- we know we ask you to  
16 do a difficult thing. It's difficult for, if any of y'all  
17 are in a relationship, you know, for two people to agree to  
18 where they're gonna go for dinner. So we understand that  
19 the responsibility we gave you in this particular matter  
20 was a great responsibility. I want to thank you for your  
21 service. I want to thank you for the attention and the  
22 effort you put into this matter. You're excused from jury  
23 duty from this week and you've earned an exemption for  
24 coming back to jury duty for three years from circuit court  
25 jury duty. Now, if your local magistrate or city judge or  
26 federal judge happens to subpoena you for jury duty, you

1           gotta go see them. You just don't have to come back and  
2           see us for three years. So with that, you are now excused.  
3           Thank you very much.

4           (Whereupon, the jury exits the courtroom at 12:02 p.m.)

5           THE COURT:       All right. Solicitor, let me hear from  
6           you please, ma'am.

7           MS. MUNNERLYN: Your Honor, of course, you've heard the  
8           facts in the case and what happened in regards to the death  
9           of Oliver Johnson. Both this defendant and the victim were  
10          incarcerated at Evans Correctional Institution when this  
11          incident happened. This was a very violent death. He  
12          suffered numerous stab wounds which the one in the middle  
13          judge, obviously, is the one that ultimately killed him  
14          with a sharp object or knife having penetrated his heart.  
15          And I do have his family present, Your Honor, and I would  
16          like to give his father an opportunity to speak if he  
17          wishes.

18          THE COURT:       Would you inquire?

19          MS. MUNNERLYN: He does not wish to speak, Your Honor.

20          THE COURT:       All right. Very good. Solicitor, if  
21          you could go over the prior record of Mr. Stackhouse for  
22          the Court please?

23          MS. MUNNERLYN: Yes, sir. Your Honor, it came out in  
24          testimony, of course, he has the conviction for which is  
25          currently serving a thirteen (13) year sentence that's for  
26          assault and battery with intent to kill. Then, in

1 addition, he has the conviction that we discussed during  
2 the trial which was from 1998, it was a common-law robbery  
3 conviction in 2000 and a petty larceny in 2001.

4 THE COURT: Thank you, ma'am. Anything further  
5 from the State?

6 MS. MUNNERLYN: No, Your Honor.

7 THE COURT: All right. Very good. Mr. Stephens?

8 MR. STEPHENS: Yes, sir, Your Honor. You heard the  
9 facts. You know the situation. He's been in the  
10 Department of Corrections but he scheduled to be released  
11 in January. I don't know if he wants -- I think he tells  
12 me he's got a brother in the courtroom I think would like  
13 to address the Court if you will allow it.

14 THE COURT: All right. Is there someone in the  
15 audience that wants to address the Court regarding Mr.  
16 Stackhouse?

17 MR. STACKHOUSE: Me.

18 THE COURT: All right, sir. If you would stand up  
19 and can you just speak loudly, if you want to come up to  
20 the rail, you can come right up here to the rail, right up  
21 there. Right there. And just tell me your name and I'll  
22 be glad to hear from you, sir.

23 MR. STACKHOUSE: Cristopher Stackhouse.

24 THE COURT: Yes, sir. I'll be glad to hear from  
25 you.

26 MR. STACKHOUSE: Your Honor, it is that I've been

1 here every day and, you know, I watch this trial and I  
2 watched in your respectable position so as, you know, the  
3 solicitor, this great attorney, you know, and on behalf of  
4 the family, first of all, you know, I would say to the  
5 parents, you know, I wasn't there. None of us were there.  
6 We don't know what happened. You know, we seen all the  
7 allegations and all that other stuff that was brought  
8 before this Court, you know, but what I would say as I said  
9 to News 15 when this first took place, you know, that time  
10 like for the condolence from my family we sympathize, you  
11 know, we lost a lot of great people in our family. Phillip  
12 had two siblings to be killed, you know, and things that  
13 I'm even dealing with right now, you know, of suits against  
14 that wrongful death, you know, and that type stuff. And  
15 Phillip lost his mom while he was in prison. And his  
16 sister said to me two days ago, there's two things she  
17 asked God for and one of -- one of the prayers was that her  
18 brother make it home to see his mom alive. The second is  
19 this right here when this occurred, you know, because she's  
20 out-of-state and just to -- you know she wanted to be here,  
21 you know, when the solicitor ask on yesterday was she here  
22 that was one of the questions. She couldn't be here  
23 because she just adopted to disable kids in Greenville,  
24 South Carolina and she has to have her own which is, you  
25 know, his niece and nephew. And, you know, so I even stand  
26 on behalf of her, you know, because, you know, it's a tough

1 situation, you know, for us all, you know, we got one man  
2 did. He can't speak but, you know, I understand how the  
3 system goes, you know, these people speak for them, you  
4 know, such as the prosecutor, you know, with him, his  
5 attorney, you know, and all of this, you know, I'll say  
6 this, you know, in respect to your rough position again. I  
7 say, you know, I seen the way things were conducted, you  
8 know, the right way even the other day with the jury when  
9 she asked my little brother for cigarette. One thing that  
10 wasn't mentioned to you that I said to Ms. Sabrina and that  
11 I said to the jury, I told her two of your other juries  
12 that were sitting here, when they was lost and did not get  
13 back here, I said to them it's not good that you're seen  
14 talking to us because nothing don't need to be seen  
15 coerced, persuaded, or anything. The first thing you don't  
16 want nobody from the victim side thing that or the judge  
17 himself. I said to the young lady when she asked my little  
18 brother for the cigarette the other day, that's the only  
19 thing she did was ask for cigarette but I said to her and  
20 when Sabrina came out and I thought she would even say that  
21 to you that, you know, that day that part was left out. I  
22 said, ma'am, it's not even good that you asking my little  
23 brother for cigarette because I understand how these things  
24 goes and I know people are watching we don't want nothing  
25 to look the wrong way, you know, as I -- before I take my  
26 seat and I know the way things, you know, the Court handled

1 things and the way Court, you know, go about things but I  
2 want you to know we're not bad people, you know, regardless  
3 of what took place again I say none of us here was there,  
4 you know, but to over stand the facts, you know, and all  
5 those allegations things that was brought to this place,  
6 you know, I just ask you on behalf of myself, his sister  
7 that's not here that's taken care of two disable kids, you  
8 know, other brothers, the family, you know, that you could  
9 find some way in your heart, you know, to sympathize, you  
10 know, and give him, you know, the best that you think. You  
11 know, at the end of the day the only thing I can say to you  
12 that I trust that the most high touch your heart that you  
13 make the rightful decision. You know, because at the end  
14 of the day this is something you, nobody else in this  
15 courtroom, this is something you that hold the highest  
16 position office in this State trial you have to deal with  
17 and I just ask you, you know, I understand the appeal stage  
18 and all that, I understand on that but I'm just saying to  
19 you, you know, that you find somewhere in your heart  
20 because it's been a long time since we've seen him and  
21 even, you know, I know we all here have rights,  
22 constitutional rights, but I say this to you with the back-  
23 and-forth even with him coming here, you know, it was hard  
24 for us to see him and I know other people that was in these  
25 facilities that had even worse charges they would see their  
26 loved ones but, Your Honor, I'm saying to you, you wasn't

1 there I'm speaking to you what I've seen and what my family  
2 has experienced even the warden of the prison said it was  
3 okay for us to see him when he was housed here. But when I  
4 called here it was a different thing. It was a back-and-  
5 forth thing. And I want to stand in my rightful place to  
6 respect that which is law and not get in trouble with the  
7 law but I was explaining to these people, I was explaining  
8 to you but it's like nobody here had a care in the world.  
9 And even though, you know, this young man that's standing  
10 in front of you with these braces on his hands, he still  
11 has rights. And I seen him through the whole process his  
12 rights were violated as if he was already convicted as if a  
13 decision of guilty was already been made. That's what was  
14 displayed and this was what was showed. And I know you  
15 can't handle what everybody else does. I know you can only  
16 speak for yourself. But I'm just making you aware of the  
17 calamity that was taken place in the whole process of  
18 everything. The young man who was speaking on yesterday,  
19 Mr. Eagleton, was the only person that I can say that I  
20 seen just and fair and deem by that which is law, you know,  
21 through the whole process when everything took place.  
22 Reached out to my family. He didn't go into any details  
23 about nothing but he stated that even as of yesterday he  
24 spoke for himself, he never had a personal problem with  
25 him. And I know you heard a lot of things come in your ear  
26 the last few days and I know you've seen a lot of

1 situations like this. But I'm just standing, you know,  
2 before you, you know, as an honorable judge on this day,  
3 you know, to ask you that you can find your heart to have  
4 the best mercy on him. And, you know, again I say to the  
5 family I apologize, you know, the loss of your loved one.  
6 As I came and out and said to News 15, 13, you can go back  
7 and do re-contraction of it, I spoke there because I work  
8 in a funeral home and we lost two siblings. At the  
9 untimely death, prematurely, we lost two siblings, female  
10 and male by the hands of someone else that wasn't their  
11 fault. And we didn't get this justice. But I'm fightin  
12 through the system to get this justice so I say, you know,  
13 do you guys, you know, that I wish you well and, you know,  
14 and I hope that you can find in your heart to forgive and  
15 ask God, you know, sovereign God to direct your power and  
16 to show y'all some more, you know, that's my prayer for  
17 today. That's my request. And that's from a heart. And  
18 my peace and love into you guys. And, again, judge I say  
19 to you before I take my seat that, you know, even through  
20 the process of Monday until now, me and my brother, me and  
21 my brothers, we had our personal talk and we've been made  
22 to feel like we was a terrorist. We been made to feel that  
23 way because of the things that we've seen. The things  
24 we've seen out of our own eyes. It seems like the  
25 advantage that was taken from us and I'm not even just  
26 speaking about him I'm talking about that support and I

1 appreciate you the other day, you know, when the solicitor  
2 asked that we be removed from the victim that is coming in,  
3 Your Honor, I know that family. I know that family well  
4 from the Dillon area. I served that family many times  
5 through the funeral service that I worked. So we're not  
6 those type of people, is what I'm saying to you, that's not  
7 our character. That's not our character but I know the  
8 ways and you know, the system, I know the things of  
9 protection for everybody, you know, a human body but I just  
10 want to say to you that, you know, sometimes you don't know  
11 things until it's brought to your attention. All other  
12 judges across the State, a lot of times we don't do things,  
13 you people in your position don't know things until it's  
14 brought to your attention and I'm the one, you know, some  
15 of your colleagues they'll tell you Chris Stackhouse he'll  
16 bring it to your attention and respect.

17 MR. STEPHENS: I understand.

18 MR. STACKHOUSE: If I have to do it in black-and-  
19 white that's just what I believe in because I believe  
20 black-and-white don't lie. People who have a black-and-  
21 white don't, humans lie, black-and-white don't. And what I  
22 mean by that I'm talking about paperwork when it's -- so I  
23 say to you, you know, I thank you for giving me this time,  
24 you know, upon this waiting people, the chance to be able  
25 to come in front of you and speak, you know, that which is  
26 pure, that which is right. You know, I just say to you,

1 you know, again and all that you deal with I wish you the  
2 best, you know, and that even to the future to come. You  
3 know, but I say to you I thank you. I thank you. And I  
4 asked that you, you know surely have mercy on my cousin ---

5 THE COURT: Thank you, sir.

6 MR. STACKHOUSE: --- that was raised up in the same  
7 house like a brother. Thank you.

8 THE COURT: Thank you.

9 MR. STACKHOUSE: Yes, sir.

10 THE COURT: Mr. Stephens?

11 MR. STEPHENS: Thank you, Your Honor. Thank you for  
12 that. And also I would only say -- I don't think Mr.  
13 Stackhouse was the say anything -- I would only ask you to  
14 show any mercy you can. You know what happened or what the  
15 allegations are. You know he's been at the Department of  
16 Corrections for the last few years. I don't know what I  
17 can add to that. We would just ask you to show any mercy.  
18 He just wanted me to ask you is there anyway you can help  
19 him get on back to the Department of Corrections today.  
20 He's desirous of getting out of the Marlboro County  
21 Detention Center.

22 THE COURT: All right, sir. Thank you.

23 MR. STEPHENS: Thank you.

24 **SENTENCING:**

25 THE COURT: 2016-GS-34-426, The State of South

1 Carolina versus Phillip Stackhouse regarding this  
2 particular matter, the Court has heard all of the matters  
3 presented during this trial. In this particular matter the  
4 Court heard and, obviously, reviewed the photographs  
5 regarding the violence for which the victim suffered in  
6 this matter. I do take into consideration all the matters  
7 that were presented. I do take into consideration that,  
8 obviously, Mr. Stackhouse was in jail for another crime  
9 that had allegations of violence in it. The potential  
10 sentence for the crime of murder goes from thirty (30)  
11 years to life without the possibility of parole. The  
12 sentence in this matter is, the defendant is committed to  
13 the State Department of Corrections for a determinate term  
14 of forty-two 42 years. Thank you very much.

15 MR. STEPHENS: Thank you, Your Honor.

16 MS. MUNNERLYN: Thank you, Your Honor.

17 MR. STEPHENS: Your Honor, does he get credit from the  
18 time this happened?

19 THE COURT: It would be my belief that the  
20 Department of Corrections would not so credit that because  
21 he was actually serving a sentence and the credit would be  
22 going to that particular crime.

23 MR. STEPHENS: All right, sir.

24 THE COURT: Thank you very much.

25 (Whereupon, Court adjourned at 12:25 p.m. for this trial)  
26

1 FRIDAY, SEPTEMBER 22, 2017 AT 9:30 A.M

2 MOTION FOR A NEW TRIAL:

3 THE COURT: This is going back in the matter of the  
4 State of South Carolina versus Phillip Stackhouse regarding  
5 the offense as set forth and I think it was 2016-GS-34-426,  
6 I believe -- hold on one second -- that's correct,  
7 regarding the charge of murder. The defense counsel, Mr.  
8 Stephens, has a matter before the Court. Yes, sir?

9 MR. STEPHENS: Yes, sir, Your Honor. It just kind of  
10 slipped my mind yesterday to make a motion for a new trial  
11 under Rule 29 and, specifically, for the Court allowing the  
12 last-minute witness to testify and I would just like to put  
13 that on the record.

14 THE COURT: All right, sir. In regarding that  
15 motion for a new trial I would respectfully decline to  
16 grant that motion. I do find that the evidence presented  
17 in this matter was of more than sufficient quality and  
18 depth to affirm the jury's verdict as they did regarding  
19 the crime of murder and I respectfully declined to grant  
20 your motion for a new trial. Thank you very much.

21 MR. STEPHENS: Thank you, Your Honor.

22 THE COURT: Yes, sir.

23 MS. MUNNERLYN: Thank you, Your Honor.

24 (Whereupon, Court adjourned at the conclusion of this case  
25 and it's entirety on September 22, 2017 at 9:39 a.m.)

CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Marlboro County, South Carolina, on the 18<sup>th</sup> through the 22<sup>nd</sup> day of September, 2017.

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

s/ Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

February 5, 2018

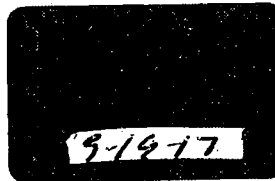
# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER  
Governor



MARK A. KEEL  
Chief



Michael August  
South Carolina Law Enforcement Division  
4400 Broad River Road  
Columbia, SC 29210

**DNA ANALYSIS**  
May 10, 2017  
SLED LAB: L16-02614  
Your Case No: 33160022  
Incident Date: 02/23/2016  
[V-Deceased] Oliver Johnson  
[S] Phillip Stackhouse

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief  
South Carolina Law Enforcement Division

### SEROLOGY ANALYSIS

#### Items Submitted:

- |   |                                           |
|---|-------------------------------------------|
| 1 | Swabs from outside of Cell 218            |
| 2 | Swabs from floor near bench designated #1 |

#### Results of Examinations:

- |   |                                                               |
|---|---------------------------------------------------------------|
| 1 | Presumptive testing for blood was positive. See DNA analysis. |
| 2 | Presumptive testing for blood was positive. See DNA analysis. |

### DNA ANALYSIS

#### ITEMS ANALYZED:

- |    |                                      |
|----|--------------------------------------|
| 10 | Buccal swabs from Phillip Stackhouse |
| 24 | Blood standard from Oliver Johnson   |



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

May 10, 2017

- 1 Swabs from outside of Cell 218
- 2 Swabs from floor near bench designated #1
- 4.1 Cutting from front, left sleeve of shirt
- 4.2 Swab from scraping neck and underarm areas of shirt
- 9.1 Swabs from tongue and strings of left shoe
- 9.2 Swab from interior of shoes
- 21 Right hand fingernail clippings from Oliver Johnson
- 22 Left hand fingernail clippings from Oliver Johnson

### EXAMINATIONS

DNA analysis was performed on the items above using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in the following table(s).

### RESULTS

The DNA profile developed from items 1, 2; and 4.1 matches the DNA profile of Oliver Johnson. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 16 nonillion.

The DNA profile developed from item 4.2 is a mixture of at least three individuals. The partial DNA profile of the major contributor to this mixture matches the DNA profile of Phillip Stackhouse. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this item is approximately 1 in 260 quintillion. Due to the inability to calculate a statistic, no comparisons will be offered regarding the minor contributors to this mixture.

The partial DNA profile developed from item 9.1 is a mixture of at least two individuals. Due to the inability to calculate a statistic, no comparisons will be offered.

The DNA profile developed from item 9.2 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture matches the DNA profile of Phillip Stackhouse. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this item is approximately 1 in 240 septillion. The partial DNA profile of the minor contributor(s) to this mixture is insufficient for interpretation.

No DNA profile foreign to Oliver Johnson was developed from item 21.

The DNA profile developed from item 22 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture is consistent with the DNA profile of Oliver Johnson. The partial DNA profile of the minor contributor(s) is insufficient for interpretation.

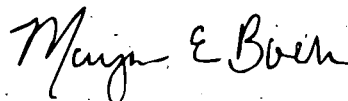


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**Note:** Any remaining evidence and/or packaging will be returned to the requesting agency.

*This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.*



Maryann E. Boehm  
Forensic Scientist



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

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SLED LAB No. L16-02614  
May 10, 2017

Page 4 of 5

Table 1- Globalfiler

Case Items	10 Phillip Stackhouse	24 Oliver Johnson	1 Swabs from outside of Cell 218	2 Swabs from floor near bench designated as #1	4.1 Cutting from front left sleeve of shirt	4.2 Swabs from scraping neck and underarm areas of shirt
D3S1358	16	15,16	15,16	15,16	15,16	(14),15,16,(17), (18)
vWA	15,18	15	15	15	15	15,(17),18
D16S539	9,10	10	10	10	10	9,10,(11)
CSF1PO	11,12	11,12	11,12	11,12	11,12	(10),11,12
TPOX	8,9	9,11	9,11	9,11	9,11	(8),9,(11)
Yindel	2	2	2	2	2	2
AMEL	XY	XY	XY	XY	XY	XY
D8S1179	12,13	13	13	13	13	12,13,(14)
D21S11	28,30	30.2,32.2	30.2,32.2	30.2,32.2	30.2,32.2	28,30,(30.2),(32.2)
D18S51	15,17	12,13	12,13	12,13	12,13	(13),15,17,(18), (19)
DYS391	10	10	10	10	10	10
D2S441	11,13	11,12	11,12	11,12	11,12	11,(12),13,14
D19S433	11,13	13	13	13	13	11,12,13
TH01	7	7,9,3	7,9,3	7,(8),9,3	7,9,3	(6),7,(8),(9,3)
FGA	23,28	26	26	26	26	(21),23,(24),(26), 28
D22S1045	11,16	14,15	14,15	14,15	14,15	11,(14),15,16, (17)
D5S818	11,13	11,13	11,13	11,13	11,13	11,13
D13S317	12,13	8,13	8,13	8,13	8,13	(8),(10),(11),12, 13
D7S820	8,10	11	11	11	11	8,10,(11)
SE33	17,28.2	26.2,31.2	26.2,31.2	26.2,31.2	26.2,31.2	(17),(18),(28.2),(31.2)
D10S1248	14,15	14,15	14,15	14,15	14,15	(13),14,15
D1S1656	14,17	15,17.3	15,17.3	15,17.3	15,17.3	14,(15),17,(17.3)
D12S391	18,19	18,20.1	18,20.1	18,20.1	18,20.1	18,19,(20),(20.1)
D2S1338	21,22	19,23	19,23	19,23	19,23	(17),(19),21,22, (23),(24)



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Case Items	9.1 Swabs from tongue and strings of left shoe	9.2 Interior of shoes	21 Right hand fingernail clippings from Oliver Johnson	22 Left hand fingernail clippings from Oliver Johnson
D3S1358	(15),16	16	15,16	15,16
vWA	(15),(18)	15,18	15	15
D16S539	(9),(10)	9,10,(13)	10	10
CSF1PO	(11),(12)	11,12	11,12	11,12
TPOX	(8),(9)	8,9	9,11	9,11
Yindel	(2)	2	2	2
AMEL	X(Y)	XY	XY	XY
D8S1179	(10),12,13,(14)	(10),12,13,(15)	13	13
D21S11	(28),(30)	28,30	30.2,32.2	30.2,32.2
D18S51	(15)	(12),15,17	12,13	12,13
DYS391	-	10	10	10
D2S441	(11),(12),(13),(14)	11,13	11,12	11,12
D19S433	11,(12),(13)	11,13	13	(11),13
TH01	(6),7	7	7,9.3	7,9.3
FGA	(20),(23),(26),(27), (28)	(21),23,28	26	26
D22S1045	11,(15),16	11,16	14,15	14,15
D5S818	(11),(23)	11,(12),13	11,13	11,13
D13S317	(12)	12,13	8,(12),13	8,(11),13
D7S820	(8),(10)	8,10	11	11
SE33	-	17,28.2	26.2,31.2	26.2,(28.2),31.2
D10S1248	(13),14,15	14,15	14,15	14,15
D1S1656	(12),(14),(17)	14,17	15,17.3	15,17.3
D12S391	-	18,19	18,20.1	18,20.1
D2S1338	(19),(25)	21,22	19,23	19,(21),23

( ) = 100-725 r/us    - = no result    Bold = major contributor    Inc = Inconclusive



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

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WITNESSES

Michael B August

SLED

Law Enforcement Case #: 33-16-0022  
284

*M B August*

WAIVER OF PRESENTMENT

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

ARREST WARRANT NUMBER  
2016A3410100082

ARRESTED ON: 2016-02-25

ACTION OF GRAND JURY

*June Bill*

*Jawanda Hamington*

Grand Jury Foreperson

Date

*10/18/16*

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:  
2016-GS-34-0426

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:  
October 2016

THE STATE

vs.

*ine*

Phillip Antonio Stackhouse

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

RECEIVED

OCT 03 2017

SC Court of Appeals

WILLIAM B. ROGERS, JR.  
CLERK OF COURT

William B. Rogers, Jr., Solicitor

FILED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF MARLBORO )

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

At a Court of General Sessions, convened on October 18, 2016, the Grand Jurors of Marlboro County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

*ine file*

That Phillip Antonio Stackhouse did in Marlboro County, on or about February 23, 2016, willfully, feloniously, and intentionally kill the victim, Oliver Johnson, with malice aforethought, either express or implied, by means of Stab, and the victim did die as a proximate result thereof on or about 2/23/2016 in Marlboro County, in violation of Section 16-03-0010, S. C. 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.

*William B. Rogers, Jr.*

WILLIAM B. ROGERS, JR.  
SOLICITOR

STATE OF SOUTH CAROLINA )  
 COUNTY OF Mar bbro )  
 STATE VS. )  
Phillip Antonio Stackhouse )  
 AKA: )  
 Race: B Sex: M Age: 36 )  
 DOB: SS#: )  
 Address: )  
 City, State, Zip: )  
 DL#: SID#: )

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#: 2016-GS-34-0426  
 A/W#: 2016A3410100082  
 Date of Offense: 2/23/2016  
 S.C. Code § : 16-03-0010; 16-03-0020  
 CDR Code #: 0116

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Murder / Murder (30-280)

CONVICTED OF or  PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS( CSC  §17 25-4 5  
 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.

Elizabeth R Munnery 60284  
 Munnery, Elizabeth R SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 90 ~~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 § 17-25-75.  
 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.

*No credit for previous weeks probation in jail currently on the case*

SPECIAL CONDITIONS:  
 RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_ days/hours  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ Public Service Employment

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_  
 Obtain GED   
 Attend Voc. Rehab. or Job Corp \_\_\_\_\_  
 May serve WE beginning \_\_\_\_\_  
 Substance Abuse Counseling \_\_\_\_\_  
 Random Drug/Alcohol testing \_\_\_\_\_

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) \$ \_\_\_\_\_

RECEIVED  
 JUNE 03 2017  
 SC Court of Appeals

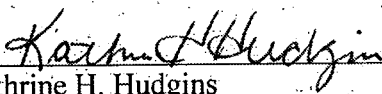
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender, Fund  
 Other: \_\_\_\_\_  
 Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 to Clerk during probation and shall be collected before any other fees.

TOTAL \$ \_\_\_\_\_  
 Clerk of Court/ Deputy Clerk Aisha M. Williams  
 Court Reporter: Risha Carter  
 SCCA/217 (07/2016)  
 Presiding Judge \_\_\_\_\_  
 Judge Code: \_\_\_\_\_  
 Sentence Date: 9/21/17

## 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

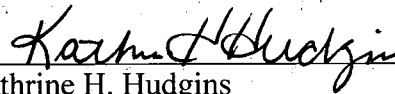
ATTORNEY FOR APPELLANT

This 31st day of January, 2019.

## 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 31st day of January, 2019.