

24553

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions

Appellate Case No.2018-000393

Diane S. Goodstein, Circuit Court Judge

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SC Court of Appeals

The State of South Carolina.....Respondent,

v.

James Alfonza Biggs III.....Appellant.

RECORD ON APPEAL

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1 MR. BYRD: I feel like some of you are
2 probably acquainted with about what five-seven,
3 five-six is. That's not it. So there is testimony
4 of at least one other person there. Let me move on
5 to that. I want to talk to you all a little bit
6 about Hunter Eadie. Hunter Eadie claims that he
7 was there buying marijuana about a half hour before
8 the incident. Right? He tells you he buys
9 marijuana. No problems. Does not see a gun. No
10 issues of any kind. He tells you they shake hands
11 and he leaves. Shakes hands and leaves.

12 Folks, there is absolutely no
13 indication of malice in this case. Just not there.
14 It's not. The State would like you to believe that
15 since a gun was used in this crime that means that
16 James Biggs had malice towards the victims. We
17 don't see that. We don't. You cannot connect
18 those dots that easily. Sure. Clearly a gun was
19 used. Clearly. I want to again point out there's
20 no evidence connecting that gun to James Biggs.
21 None. None. What do we hear he did? He walked to
22 the Pontiac. Heard the sound of a fight. Heard
23 him screaming bloodcurdling screams for help. We
24 see him run away. He runs away. State wants you
25 to believe it's odd that he left his cell phone.

1 If he's running because he is scared of course he
2 was leaving his cell phone. He's leaving his car.
3 Leaving his car. Do you know what happened to make
4 him so scared, to make him run, leave his car,
5 leave his cell phone? You don't. I don't. They
6 don't. They have told you they don't. If we don't
7 know we cannot convict him of murder. We cannot.

8 I want to circle back to one thing if I
9 can real quick. The traffic stop when he got
10 tickets. He got a ticket for marijuana. Ticket
11 for speeding. He was going fast obviously. Deputy
12 Holt from the Charleston County Sheriff's Office
13 testified that as a result of this stop he searched
14 Mr. Biggs's car. Did not find a gun. Searched the
15 car, no gun. Nothing. It is just not there. I
16 told you when we first spoke that I wanted you to
17 keep an open mind and I wanted you to consider the
18 evidence and whether or not the State would present
19 the evidence that you would need for them to meet
20 their burden. And it's frankly not there. It's
21 not. And I cannot overemphasize to you that if you
22 have to sit there and you have to guess and you
23 have to say well, what if this or very simply as so
24 many of the testimony, so many of the witnesses
25 have testified, if you have to say to yourself I

1 don't know what happened just like they did, just
2 like they did, then you absolutely have to find
3 James Biggs not guilty. Thank you very much. I
4 know it's been a long week. Appreciate all of your
5 service.

6 THE COURT: Thank you, Mr. Byrd. All
7 right. Ladies and gentlemen, I'm going to stand
8 up. Is anybody in need to take a quick break?
9 Very well. It will take me probably about
10 30 minutes to deliver the charge to you. Here's
11 what we are going to do. In a moment I'm going to
12 ask you to step back to your jury room. Do not
13 discuss this matter. Do not allow anyone to
14 discuss it with you because you have not heard any
15 charge on the law and you are not prepared to
16 deliberate. Leave your note pads in your seats.
17 Take your break. When everybody has had the break
18 that you need, knock on the door and you will
19 return. We will be waiting your knock to return.
20 When you return I will deliver the charge on the
21 law to you. If you will go with the bailiff.

22 (Thereupon, the jury exited the
23 courtroom at 12:31 p.m.)

24 THE COURT: Counsel, if you wish to
25 take a quick break, but don't go far because I need

1 you back here for the charge.

2 (Brief recess.)

3 THE COURT: Those of you in the
4 audience, let me just share with you that once I
5 begin the charge I don't want anyone to leave. So
6 if you would like to leave and not be present for
7 the charge, you probably want to leave now. And
8 the reason for that is I need the jury to be able
9 to listen to me uninterrupted. So once the charge
10 has begun then you have got to remain until the
11 charge is over. So if you want to leave it is
12 perfectly fine. I just ask you to do that now.

13 (Whereupon the jury entered the
14 courtroom at 12:39 p.m.)

15 THE COURT: All right. Ladies and
16 gentlemen, you have now heard the witnesses,
17 received the evidence and you have heard the
18 closing arguments of the attorneys. It is now my
19 duty to explain to you the law applicable to this
20 case. Ladies and gentlemen, there are two
21 indictments involved in this case. Each of these
22 two indictments charge the Defendant, Mr. Biggs,
23 with murder. I remind you that the fact that Mr.
24 Biggs, the Defendant, was arrested, charged and
25 indicted in this case is not evidence in this case

1 and it cannot be considered by you as evidence of
2 guilt in this case, nor does it create any
3 presumption or inference of guilt.

4 Ladies and gentlemen, these documents,
5 these indictments are simply the formal written
6 instruments which contain the charge made against
7 the Defendant. They are the formal documents by
8 which a case is brought into court. Ladies and
9 gentlemen, each indictment charges a separate and
10 distinct offense. You must decide each indictment
11 separately and the evidence and the law applicable
12 to it uninfluenced by your decision as to any other
13 indictment. The Defendant may be convicted or
14 acquitted on any or all of the offenses charged.

15 You will be asked to write a separate
16 verdict of guilty or not guilty for each
17 indictment. Ladies and gentlemen, I am now going
18 to read to you the allegations of each of the
19 indictments. It is the State that has the burden
20 of proving each element of each of these
21 indictments. Ladies and gentlemen, 2016-GS-18-0111
22 alleges that in Dorchester County, on or about
23 November the 30th, 2015, with malice aforethought
24 the Defendant, James Alfonza Biggs, III did shoot
25 and kill one Jamal Armstrong. The victim did die

1 as a proximate result thereof, this offense being
2 in violation of common law Section 16-3-10 of the
3 South Carolina Code of laws as amended.

4 Indictment 2016-GS-18-0112 alleges that
5 in Dorchester County, on or about November 30th,
6 2015, with malice aforethought the Defendant, James
7 Alfonza Biggs, III did kill one Tyrell Miles by
8 shooting him multiple times, the victim did die as
9 a proximate result thereof, this offense being in
10 violation of the common law in Section 16-3-10 of
11 the South Carolina code of laws as amended.

12 Ladies and gentlemen, the Defendant,
13 Mr. Biggs, has pled not guilty to these indictments
14 and that plea puts the burden on the State to prove
15 the Defendant guilty. A person charged with
16 committing a criminal offense in South Carolina is
17 never required to prove himself or herself not
18 guilty. I charge you that it is an important rule
19 of law that the Defendant in a criminal case no
20 matter the seriousness of the charge or charges
21 will always be presumed to be innocent of the
22 crimes for which the indictment or indictments were
23 issued unless guilt has been proven by evidence
24 satisfying you of that guilt beyond a reasonable
25 doubt. This presumption of innocence does not end

1 when you begin your deliberations, but it
2 accompanies the Defendant throughout the trial
3 until you reach a verdict of guilt based on
4 evidence satisfying you of that guilt beyond a
5 reasonable doubt. And you do this analysis for
6 each of these indictments separately and
7 independently.

8 The presumption of innocence is not
9 merely a legal theory or legal phrase. It is a
10 substantial right to which every Defendant is
11 entitled unless you, the jury, are satisfied from
12 the evidence of the Defendant's guilt beyond a
13 reasonable doubt.

14 The State has the burden of proving the
15 Defendant guilty beyond a reasonable doubt. What
16 then is reasonable doubt in the law? Ladies and
17 gentlemen, a reasonable doubt is the kind of doubt
18 that would cause a reasonable person to hesitate to
19 act. The State has the burden of proving the
20 Defendant guilty beyond a reasonable doubt. Some
21 of you may have served as jurors in civil cases
22 where you were told that it is only necessary to
23 prove that a fact is more likely true than not such
24 as by the greater weight of the evidence or the
25 preponderance of the evidence. In criminal cases

1 the State's proof must be more powerful than that.
2 It must be beyond a reasonable doubt.

3 Proof beyond a reasonable doubt is
4 proof that leaves you firmly convinced of the
5 Defendant's guilt. There are very few things in
6 this world that we know with absolute certainty and
7 in criminal cases the law does not require proof
8 that overcomes every possible doubt if based on
9 your consideration of the evidence you are firmly
10 convinced that the Defendant is guilty of the
11 crimes charged -- of the crime charged. In other
12 words, you will do this for each of these
13 indictments. If you are convinced that the
14 Defendant is guilty of the crime for which you are
15 considering, you must find the Defendant guilty of
16 that crime that you are considering.

17 If, on the other hand, you think there
18 is a real possibility that the Defendant is not
19 guilty, you must give the Defendant the benefit of
20 the doubt and find him not guilty of the charge
21 that you are considering. I remind you that during
22 this trial you and I have certain duties to
23 perform. As the trial judge it is my
24 responsibility to preside over the trial of this
25 case and I also have the duty to rule on the

1 admissibility of the evidence which has been
2 offered during the trial. I have the additional
3 duty to charge you regarding the law applicable to
4 this trial and to this case. As the presiding
5 judge I am the sole judge of the law of this case
6 and it is your duty as jurors to accept and to
7 apply the law as I now state it to you.

8 If you already have any idea as to what
9 the law is or what it should be and it does not
10 agree with what I tell you the law is, you are by
11 your oath obligated and must abandon that
12 preconceived idea because you are sworn to accept
13 the law and apply the law exactly as I state it to
14 you. In every case tried in this court before a
15 jury the jury, you, become the sole, the exclusive,
16 the only judge of the facts. A trial judge cannot
17 intimate, comment on or make any statement to a
18 trial jury about the facts in the case since you,
19 the jury, are the sole judges of the facts in this
20 case. You are not to infer from what I may have
21 said during the progress of this trial or ruling on
22 the admissibility of evidence or otherwise or
23 anything that I say now during the course of this
24 instruction to you that I have any opinion about
25 the facts in this case. The law does not allow me

1 to have an opinion about the facts in this case.

2 This is a matter solely for you, the
3 jury, to determine. As jurors it is your duty to
4 determine the effect, the value, the weight and
5 believability of the evidence presented during this
6 trial.

7 Now, there are normally two types of
8 evidence which are generally presented during a
9 trial. One is called direct evidence. The other
10 is called circumstantial evidence. Direct evidence
11 proves the existence of a fact and does not require
12 deduction. Circumstantial evidence is proof of a
13 chain of facts and circumstances indicating the
14 existence of a fact.

15 Crimes may be proven by circumstantial
16 evidence. The law makes no distinction between the
17 weight or value to be given to either direct or
18 circumstantial evidence; however, to the extent the
19 State relies on circumstantial evidence all of the
20 circumstances must be consistent with each other
21 and when taken together point conclusively to the
22 guilt of the accused, of the Defendant, beyond a
23 reasonable doubt.

24 If these circumstances merely portray
25 the Defendant's behavior as suspicious the proof

1 has failed. The State has the burden of proving
2 the Defendant guilty beyond a reasonable doubt and
3 this burden rests with the State regardless of
4 whether the State relies on direct evidence,
5 circumstantial evidence or some combination of the
6 two. You should weigh all the evidence in the
7 case. After weighing all the evidence in the case
8 if you are not convinced of the guilt of the
9 Defendant beyond a reasonable doubt you must find
10 the Defendant not guilty.

11 I'm going to give you examples of what
12 I am talking about with direct and circumstantial
13 evidence. Let's go back to February. It's cold.
14 Snow is forecast. You walk outside. You look up
15 and snow hits you right in the face. You go back
16 in say and it's snowing outside. You are an
17 eyewitness to the snow. You know it through your
18 senses. That is direct evidence. It is testimony.
19 Your statement is that you observed it snowing. It
20 is direct evidence perceived with one of your
21 senses.

22 Circumstantial evidence. It's
23 February. It's cold. Snow is forecast. Outside
24 before you turn in for the evening and all you see
25 is your poor, pitiful, brown, crunchy grass. You

1 wake up in the morning and snow covers everything.
2 But the sky is blue. Well, here's what you know.
3 You know that it's February. Snow is forecast.
4 Last night all you saw was brown, crunchy grass
5 when you turned in and in the morning the sun is
6 shining, but there's snow that covers everything.
7 What you know through inference and all of the
8 collateral facts that you do know point to
9 conclusively that it snowed overnight.

10 So when you say it snowed overnight you
11 didn't perceive it with your senses. You didn't
12 see it snow overnight, but you know it snowed
13 overnight because of what you know from the
14 circumstances. That's circumstantial evidence
15 because you know it snowed through inference from
16 what you do know.

17 Now, ladies and gentlemen, necessarily
18 you must determine what we call the credibility of
19 witnesses who have testified in this case.

20 Credibility simply means believability.

21 Believability. It becomes your duty as jurors to
22 analyze and to evaluate the evidence and determine
23 which evidence convinces you of its believability.

24 In determining the believability of witnesses who
25 have testified in this case you may believe one

1 witness over several witnesses or several witnesses
2 over one witness, you may believe a part of the
3 testimony of a witness and reject the remaining
4 part of the testimony of that same witness. You
5 may believe the testimony of a witness in its
6 entirety or you may reject the testimony of a
7 witness in its entirety.

8 You may consider whether any witness
9 has exhibited to you any interest or bias or
10 prejudice or other motive in this case, and you may
11 also consider the appearance and the manner of a
12 witness while on the witness stand.

13 Now, ladies and gentlemen, the rules of
14 evidence ordinarily do not permit witnesses to
15 testify to their opinions or conclusions. An
16 exception to this rule exists for witnesses we call
17 expert witnesses. A witness who by education and
18 experience has become an expert in some art or
19 science, profession or calling and those witnesses
20 may state an opinion as to relevant and material
21 matters in which the witness claims to be an expert
22 and that witness may also state the reasons for the
23 opinion. You should consider any expert opinion
24 received in evidence in this case and like any
25 other evidence give it the weight you think it

1 deserves. If you decide that the opinion of an
2 expert witness is not based on sufficient education
3 and experience or if you conclude that the reasons
4 given in support of the opinion are not sound or
5 that the opinion is outweighed by other evidence,
6 you may disregard the opinion entirely. An expert
7 witness's opinion is to be given no greater weight
8 than that of other witnesses simply because the
9 witness is an expert. Further, you are not
10 required to accept an expert's opinion even though
11 it is not contradicted.

12 Now, ladies and gentlemen, I instruct
13 you and I emphasize that the fact that the
14 Defendant did not testify is not, is not, a factor
15 to be considered by you in any way in your
16 deliberations or in your consideration on the issue
17 of whether the Defendant is not guilty. It must
18 not be considered by you in any manner whatsoever.
19 A Defendant has the constitutional right to remain
20 silent and the assertion of this right must not be
21 considered by you in your deliberations. I repeat,
22 on your oath you are to draw no conclusion
23 whatsoever from the fact that the Defendant in this
24 case did not testify. In fact, the fact that the
25 Defendant did not testify should not, should not,

1 even be discussed in the jury room.

2 The burden of proof as I have stated to
3 you is and remains on the State. The Defendant is
4 not required to prove himself not guilty. The
5 burden of proof remains on the State to prove guilt
6 beyond a reasonable doubt. This again applies to
7 each indictment individually.

8 Now, in order to establish criminal
9 liability criminal intent is required. For
10 example, the mental state required to be proven by
11 the State for a particular crime might be purpose,
12 intent, knowledge, recklessness, criminal
13 negligence. Criminal intent must be proven by the
14 State beyond a reasonable doubt. Criminal intent
15 is always a matter that must be determined by the
16 jury from the circumstances surrounding the
17 situation. There is no way to prove intent to a
18 mathematical certainty. There is no way medical
19 science could dissect a person's brain and
20 determine what the person had in mind so the law
21 says that criminal intent may be inferred from the
22 circumstances shown to have existed. This is how
23 you make a determination of whether or not the
24 element requiring intent was present. It is not
25 necessary to establish intent by direct and

1 positive evidence, but intent may be established by
2 inference in the same way as any other fact by
3 taking into consideration the act of the parties
4 and all the facts and circumstances of the case.

5 Criminal intent is a mental state, a
6 conscious wrongdoing. It is up to you to determine
7 what the Defendant intended to do based on the
8 circumstances shown to have existed. Criminal
9 intent can arise from an act, failure to act. It
10 may arise from -- depending upon the crime charged
11 it can arise under the law in different ways. It
12 can arise from recklessness, indifference to duty
13 or consequences that are considered by the law to
14 be the equivalent of criminal intent depending, of
15 course, on the law applicable to the crime charged.

16 Now, ladies and gentlemen, I am going
17 to define for you the crime of murder. I'm going
18 to define it for you and then I'm going to talk
19 about and define certain of the words used in the
20 definition or words used in the offense.

21 Ladies and gentlemen, the State must
22 prove beyond a reasonable doubt that the Defendant
23 killed another person with malice aforethought.
24 Those are the elements of murder. Malice is
25 hatred, ill will or hostility towards another

1 person. It is the intentional doing of a wrongful
2 act without just cause or excuse and with an intent
3 to inflict an injury or under circumstances from
4 which the law will infer an evil intent.

5 Malice aforethought does not require
6 that malice exists for any particular amount of
7 time before the act is committed. But malice
8 aforethought, meaning malice, must exist in the
9 mind of the Defendant just before and at the time
10 the act is committed. Therefore, there must be a
11 combination of the previous evil intent and the
12 act. Malice aforethought may be express or
13 implied. Inferred I should say. Malice
14 aforethought may be express or inferred. These
15 terms, express and inferred, do not mean different
16 kinds of malice, but merely the manner in which
17 malice may be shown to exist. That is either by
18 direct evidence or by inference from the facts and
19 circumstances which are proved. Express malice is
20 shown when a person speaks words which express
21 hatred or ill will for another or when the person
22 prepared beforehand to do the act which was later
23 accomplished, for example, lying in wait for a
24 person or any other act or preparation going to
25 show that the deed was within the Defendant's mind

1 would be express malice.

2 Malice may be inferred from conduct
3 showing a total disregard for human life. Inferred
4 malice may arise when the deed is done with a
5 deadly weapon. A deadly weapon is any article,
6 instrument or substance which is likely to cause
7 death or great bodily harm. Whether an instrument
8 has been used as a deadly weapon depends on the
9 facts and circumstances of each case. The
10 following are examples and just examples of
11 instruments which may be deadly weapons. A dagger,
12 a knife, a slingshot, metal knuckles, a razor,
13 gasoline, a fire bomb, a Molotov, these are merely
14 examples of deadly weapons.

15 Now, ladies and gentlemen, there are --
16 I am now going to go over with you the verdict
17 form. But before I do that there is a couple of
18 things I want to tell you about the verdict form.
19 The first thing I want to tell you is that your
20 verdict must be unanimous. This verdict must be
21 the verdict of each and every one of you. This is
22 not a verdict for the majority. This is not a
23 verdict of any one. This verdict must be
24 unanimous. That means, again, it must be the
25 verdict of each and every one of the 12 of you.

1 Which brings me to my alternates. When my jury
2 leaves me on this case if y'all will remain here in
3 the courtroom for me I would appreciate it. All
4 right.

5 Now, the next matter that I want to
6 mention to you before I go over the verdict form is
7 that there are two indictments. For each of the
8 two indictments there are two possible verdicts.
9 And the two possible verdicts have been written on
10 this paper. You are to take no hidden meaning from
11 the order in which the two possible verdicts have
12 been placed on paper. It's just reality if there
13 are going to be two things put on a piece of paper
14 one has to be first and one has to be second. So
15 please do not take or have the belief or the
16 thought that there's any comment on or intimation
17 what ought to be your verdict from the order in
18 which these matters are put on paper. I just as
19 easily could put what is now the second possible
20 verdict first or what is now the first possible
21 verdict second.

22 Now, ladies and gentlemen, I hope you
23 can see me. The top of this is called a caption,
24 if you will, just the title of the case. It has
25 the indictment numbers written here and where we

1 are and then the caption of the case or the title
2 of the case. The instructions say please circle
3 the appropriate verdict below and follow the
4 accompanying instructions carefully. No. 1, as to
5 the charge of murder of Jamal Armstrong we the jury
6 unanimously find the Defendant, and with regard to
7 this indictment there are two possible verdicts.
8 Whichever is your unanimous verdict you will circle
9 that verdict so that it is clear which of these two
10 possible verdicts is the verdict of this jury with
11 regards to this indictment. The two possible
12 verdicts are guilty and not guilty.

13 No. 2, as to the charge of murder of
14 Tyrell Miles, we the jury unanimously find the
15 Defendant, and there are two possible verdicts,
16 irrespective of which is the unanimous verdict of
17 this jury, you will circle that verdict so it is
18 clear which of these two possible verdicts on the
19 second indictment is the unanimous verdict of this
20 jury. And the two possible verdicts are guilty and
21 not guilty.

22 When you have completed your
23 deliberations and you have circled your two
24 verdicts, one with regards to No. 1, one with
25 regards to No. 2, you will stop. You will end your

1 deliberations. You will sign the verdict form, and
2 you know who you are, Mr. Presiding Juror, and then
3 you will date the verdict form and for your
4 informational purposes today is the 23rd of
5 February, 2018. I will ask you to date the verdict
6 form as well.

7 Now, in a moment -- and once you have
8 reached your verdicts return to the courtroom, you
9 are going to pass the verdict form to our bailiff
10 who will pass it to me. You do not publish the
11 verdict. Now, in just a moment I'm going to ask
12 the 12 of you to step to your jury room. I'm going
13 to instruct you don't discuss the matter or allow
14 anyone to discuss it with you. But I'm going to
15 tell you why. When you step to your jury room on
16 this case I'm going to turn to these lawyers and
17 I'm going to ask two questions. Have I given this
18 jury all of the law that they may need for their
19 deliberations and have I stated it for them
20 correctly. In the event that I need to bring you
21 back out because I have stated something
22 incorrectly I'm going to ask you in advance to
23 please allow me to correct my error in your minds.
24 In the event that I need to bring you back out
25 because I have failed to give you an instruction

1 that you may need for your deliberations I am going
2 ask you please don't consider that instruction with
3 any emphasis. Just know this is my one chance to
4 give you all of the law may you need for your
5 deliberations and state it to you correctly.

6 In the event that I do not need to
7 bring you back out you will be brought the verdict
8 form, the exhibits and an instruction to begin your
9 deliberations along with your notes. Remember, as
10 you deliberate your notes are for your eyes only.
11 They are not to be used in any way other than to
12 refresh your recollection.

13 Now, ladies and gentlemen, I'm going to
14 leave you with one concluding thought and it's
15 this: The word verdict comes from the Latin phrase
16 veredicto which means to speak the truth which is
17 now your task. Please step to your jury room.
18 Leave your note pads in your seat. Do not discuss
19 this matter or allow anyone to discuss it with you
20 and we will be with you shortly except for my
21 alternates. They are going to stay here with me.

22 (Thereupon, the jury exited the
23 courtroom at 1:15 p.m.)

24 THE COURT: All right. Ms. Felder, Ms.
25 Ward, you both acknowledged to me that you are of

1 course my alternates by your names as I called
2 them. I appreciate that. What I'm going to ask
3 you to do for me is I'm going to ask you to give me
4 15 minutes more once the deliberations have begun.
5 Because should something happen to one of our
6 jurors I think I can stop the deliberations and
7 seat one of you and start them anew and save the
8 trial. So once the deliberations have begun I'm
9 going to ask you for that 15 minutes. And y'all
10 can keep the count if you wish and we have lunch.

11 So I would like you to have a little
12 something to eat as well. What is going to happen
13 is my bailiffs, I don't know which one, but they
14 are going to put you in another room. I need to
15 keep you separate from the jury panel. All right.
16 Very well. If you will step with our bailiffs you
17 are going into another area. And likewise they
18 will hold on to your notes. Don't lose them. Any
19 addition or exceptions from the State?

20 MS. MIMS: No, Your Honor.

21 THE COURT: From the defense?

22 MR. BYRD: Briefly, Your Honor. Just
23 object to the exclusion of a mere presence charge.

24 THE COURT: Yes.

25 MR. BYRD: To the jury. And an

1 objection to the exclusion of a voluntary
2 manslaughter on the verdict form.

3 THE COURT: Thank you. I would cite
4 for you with regard to the mere presence charge,
5 with regards to mere presence, it is a charge that
6 is used where there is some doubt over whether a
7 person is guilty of a crime by virtue of accomplice
8 liability, arising out of accomplice liability.

9 Secondly, mere presence is generally an
10 issue where the State intends to establish a
11 Defendant's possession of contraband such as drugs
12 because the Defendant is present where the
13 contraband is found. In other words, some sort of
14 constructive possession. There's a case called
15 State v. Stokes 339 S.C. 154 528 S.E. 2d 430 that
16 says where the State's view of the evidence was the
17 Defendant was the only person present and committed
18 the crime alone the charge of mere presence on the
19 basis of accomplice liability is unnecessary.

20 And I also state for you State v.
21 Dennis that says where the Defendant's position is
22 that the Defendant was not there and did not do the
23 act charged there is no issue regarding whether the
24 Defendant was an aider or abettor. I share that
25 with you.

1 With regards to voluntary manslaughter,
2 of course, the elements of voluntary manslaughter
3 are that a charge on voluntary manslaughter is not
4 appropriate where there is no evidence that the
5 Defendant shot the victims in the heat of passion
6 upon sufficient legal provocation. Of course, the
7 definition of voluntary manslaughter is the
8 unlawful killing of a human being in sudden heat of
9 passion upon sufficient legal provocation and there
10 is simply is no evidence to support that charge. I
11 would note that even in your argument your
12 statement was no one knows why he was scared. All
13 right. Now, so thank you for that noting your
14 exception for the record. Anything else?

15 MS. MIMS: No, ma'am.

16 MR. BYRD: Nothing, Your Honor.

17 THE COURT: Very well. If you would
18 both of you please look at the exhibits, look at
19 the verdict forms and please assure that what is
20 going to the jury is what is supposed to go to the
21 jury. And once you have done that, Ms. Catherine,
22 you are going to take the exhibits and the verdict
23 form back to the jury and their note pads. And if
24 you would remember to give the jury, please, an
25 instruction to begin their deliberations. And then

1 share with the alternates that the jury has begun
2 their deliberations so they can start keeping the
3 15 minutes.

4 (Discussion off the record.)

5 THE COURT: Bring the jury back out.

6 (Whereupon the jury entered the
7 courtroom at 1:24 p.m.)

8 THE COURT: I did forget to give you
9 one short instruction. I actually remembered just
10 as you were leaving. All 12 of you must be present
11 to deliberate. So in the event that you need to
12 take a break, somebody needs to take a comfort
13 break, that's fine. Stop your deliberations, take
14 your break and resume your deliberation when 12 of
15 you are together again. That's so y'all -- the 12
16 of you can be there for all of the deliberation.
17 That's the reason for that instruction. Lunch has
18 been delivered. It is perfectly fine to have some
19 lunch and deliberate. Not a problem with that at
20 all. When you step back to your jury room you are
21 going to be given the exhibits, your note pads and
22 the verdict form and you are to begin your
23 deliberations. I hope your lunch is to your
24 liking. If you will please step to the jury room
25 and begin your deliberations.

1 (Thereupon, the jury exited the
2 courtroom at 1:25 p.m.)

3 (Thereupon, the jury began deliberating
4 at 1:30 p.m. and reached a verdict at 2:29 p.m.)

5 THE COURT: Anything from the State
6 before we bring the jury out?

7 MS. MIMS: No, Your Honor.

8 THE COURT: Thank you. Anything from
9 the defense before we bring our jury out?

10 MR. BYRD: No, Your Honor.

11 THE COURT: Let's have the jury,
12 please.

13 (Whereupon the jury entered the
14 courtroom at 2:52 p.m.)

15 THE COURT: All right. Mr. Presiding
16 Juror, it is my understanding the jury has reached
17 its verdict; is that correct?

18 THE FOREPERSON: Yes, ma'am.

19 THE COURT: If you will pass it,
20 please, to Ms. Catherine.

21 (Verdict handed to The
22 Court.)

23 (Brief pause.)

24 THE COURT: All right.

25 THE CLERK: In the matter of State of

1 South Carolina versus James Alfonza Biggs, III,
2 indictment numbers 2016-GS-18-0111 and
3 2016-GS-18-0112. As to the charge of murder of
4 Jamal Armstrong we the jury unanimously find the
5 Defendant guilty. As to the charge of murder of
6 Tyrell Miles we the jury unanimously find the
7 Defendant guilty. Signed by foreperson Leroy
8 Pinckney dated February 23rd, 2018.

9 THE COURT: Ladies and gentlemen, if
10 this was your verdict when you were in the jury
11 room and it continues to be your verdict here in
12 the courtroom please indicate by raising your right
13 hands.

14 Let me observe that all my jurors have
15 their hands raised or right hands raised. Thank
16 you so much. Anything from the State before we
17 dismiss the jury?

18 MS. MIMS: No, Your Honor.

19 THE COURT: From the defense?

20 MR. BYRD: No, Your Honor.

21 THE COURT: Very well. Ladies and
22 gentlemen, I want to thank you for your service on
23 this jury and on this jury panel this week. You
24 are now at liberty to discuss this matter should
25 you chose to do so. So when you go home this

1 evening and that person who has been more and more
2 curious, tonight you are at liberty to talk about
3 this case if you want to. And let me share this
4 with you. The practice of law is an art. It is
5 not a science. Sometimes lawyers want to reach out
6 to jurors as they improve what they do and they may
7 ask what can I do better, I am learning, what was
8 helpful, what wasn't helpful. Do you have any
9 constructive criticism for me. If you are
10 comfortable talking about it that's fine. If you
11 are not just let them know you don't want to talk
12 about it. These lawyers are not going to press you
13 to do that.

14 Ladies and gentlemen, let me remind you
15 that you have an exemption for your service should
16 you choose to exercise that exemption in a court of
17 record, not magistrate court or municipal court,
18 but Common Pleas, General Sessions should you
19 choose to exercise that exemption and those years
20 would be for 2019 and 2020. You are now not
21 eligible to serve on a jury for the balance of
22 2018. So should you happen to receive a summons,
23 and sometimes that will occur, just call the
24 clerk's office and let them know because they will
25 be able to look it up and excuse you so that you

1 don't have to come to St. George.

2 And those of you who might be dashing
3 off to work tonight, do not do it on my account.
4 It is up to you. But you might be tired so it is
5 up to you. Now, those for whatever reason need
6 something today to give to your employer, we are
7 getting that for you. Ms. Catherine, you got them,
8 right? They will get those for you either today or
9 the weekend or Monday, whenever it is that you
10 might need that.

11 I want you to know that your service on
12 this jury panel is critical and has been critical
13 to our way of life, to our system of justice. We
14 are a citizen based judicial system. And I want
15 you to know that on behalf of me and behalf of all
16 of us involved in the judicial system we are so
17 grateful for every single tick of the clock and you
18 have given us so many ticks of the clock this week.
19 We are so grateful for your time.

20 I will share with you that in just a
21 moment I will be hearing from counsel and then I
22 will proceed to sentencing. Sometimes jurors want
23 to know if they are curious and want to remain,
24 that is perfectly fine. If you are ready to go
25 that is also perfectly fine. You just leave with

1 all of our gratitude. I used to tell folks that
2 your jury check is in the mail and the clerk of
3 court said don't tell them that. You can't tell
4 them that. Your check is not in the mail. But it
5 will be shortly. I always talk about when I
6 qualify jurors we talk about the fact that if you
7 had anything unusual going on like a trip to Tahiti
8 please let me know and I will transfer your
9 service. I didn't do qualifications this week so
10 y'all didn't get to hear about the trip to Tahiti.
11 But if you had I would tell you that your jury
12 check will get you to Jedburg on your trip to
13 Tahiti as you travel. It is a very small token of
14 all that you have given to us which is of course
15 your dear and precious time. We are very grateful
16 for that.

17 Ladies and gentlemen, I have now
18 completed my comments. I thank you for your
19 service at this time. You are free to go or
20 remain. If you wish to remain in the jury box for
21 sentencing that is perfectly fine. If you want to
22 go that's fine. Probably want to remain here
23 because there is a lot of people in the courtroom
24 so if you wish to remain you can certainly remain
25 here in the jury box. Otherwise have a very good

1 weekend. Thank you so much.

2 (Thereupon, the jury was excused at
3 3:00 p.m.)

4 THE COURT: Mr. Byrd, anything further
5 at this time?

6 MR. BYRD: Nothing, Your Honor.

7 THE COURT: Mr. Byrd, Mr. Nelson, if
8 you would please come forward with Mr. Biggs. All
9 right. Now, on behalf of the State do the victims'
10 families wish to be heard?

11 MS. MIMS: Yes, ma'am. One person is
12 representing the victims' families and would like
13 to be heard.

14 THE COURT: Be delighted to hear from
15 them. Identify yourself for our record.

16 MS. WHACK: Tisa Whack.

17 THE COURT: And spell your last name.

18 MS. WHACK: W-H-A-C-K.

19 THE COURT: I am listening.

20 MS. WHACK: I am the mother of Tyrell
21 Jamal Miles. And I just want to speak on behalf of
22 my family and the Armstrong family. Through our
23 horrible situation we have become connected. It's
24 like we now two families bound in one. And the
25 fact that Tyrell was taken from us, a new husband,

1 the father of a three-year-old at the time of the
2 murder, a day shy of his son's third birthday, for
3 me to be able to pick my grandson up now and for
4 him to ask me where is daddy at? Daddy's in
5 heaven? For his classmates that daddies come pick
6 them up and he doesn't have a father to pick him
7 up. And for a kid in his class to say oh, Dion is
8 the one with no father. Kids don't know the
9 difference.

10 (Thereupon, the Defendant began to
11 faint.)

12 THE COURT: Hold on. All right. We
13 need to call EMS. If you can please place a phone
14 call. What we need to do at this point, because
15 the Defendant is entitled to hear what you have to
16 say, we are going to be at ease right now. Okay?

17 (Brief pause.)

18 THE COURT: Let me just tell you while
19 they are coming, I'm going to step in chambers.
20 When they have had a chance to attend to him just
21 please let me know. We will be at ease.

22 (Brief recess.)

23 MR. NELSON: Your Honor, is it all
24 right if he sits down?

25 THE COURT: Absolutely. And she can

1 come back around.

2 MS. MIMS: Yes, ma'am.

3 THE COURT: We are back on the record
4 in the sentencing of Mr. Biggs, and Ms. Whack, I am
5 listening.

6 MS. WHACK: Okay. Just to reiterate
7 what I said before, two families bonded by one
8 senseless tragedy. We lost sons, brothers, dads,
9 husbands, cousins, nephew gone too soon. Parents
10 is not supposed to the bury their children,
11 especially at the hands of another. Tyrell was my
12 only child. So therefore when he left this earth a
13 part of me left and I don't have anybody else to
14 take that place. He was a father, he was a son.
15 His dad's only baby, his baby boy. He was married
16 July of that same year. His son was about to turn
17 three. He had lots of plans for his future, but
18 those plans were cut off at the senseless act of
19 this murderer. Jamal, the son of Laquetta and
20 Sean. Their baby boy. Preparing to get his
21 diploma and surprise his mother to say I finally
22 got it. I finished school. Cut off. No wife, no
23 child she will ever see from Jamal because that's
24 gone. He will be in jail, but guess what? His
25 family still gets to see him, contact him, talk to

1 him. We will be talking to our children in a grave
2 trying to keep a memory of my son to his child so
3 that way he doesn't forget him. How many
4 three-year-olds you know -- do you remember at
5 three? Much people don't remember things at that
6 age. So we have to instill that in him. Jamal and
7 Tyrell were taken too soon and for the wrong
8 reason. Such a tragedy to such young people. I
9 don't know what's going on in this world people
10 don't value life, but they don't give life so they
11 have no right to take life. There's only one
12 person that does that. That's God. And if it was
13 from him I could accept it. But at the hands of
14 another person to take my child away from me with
15 no explanation? That's just cruel. And three
16 years later we going through reliving the whole
17 thing over again? I walk into an empty room. His
18 same trophies, his same anything is in his room.
19 Laquetta, me and her, we became the best of friends
20 through this. But I surely wish I would have met
21 her under different circumstances.

22 I don't even know what to say after
23 that. I just ask you to give the punishment due to
24 the crimes that were committed to the fullest of
25 your ability. And I thank you for allowing me to

1 speak.

2 THE COURT: Thank you for speaking.

3 MS. TUCKER: Judge, Your Honor, I'm
4 Reverend Mary Tucker and I have known Tisa since
5 she was a little girl, over 40 years. I have known
6 Tyrell because he grew up with my granddaughter. I
7 have a granddaughter that age. Young men get in
8 different things, but I saw him blossoming and
9 become a father, a loving father and a husband. I
10 saw him in a phase of his life that he had gotten
11 where he knew he was going and what he was doing.
12 Much tragedy from an accident that I know he knew
13 it was God that brought him through. My heart is
14 heavy, but for both families, for all three
15 families, because of the evil, but the pain is
16 greater because I know they have lost, someone has
17 been taken from them, someone that I loved, a young
18 man that I think was on his way to great things to
19 be that for his wife and to honor his mother and
20 his grandmother that he loved so dearly that went
21 home. But I thank God for the person he had
22 become, but short lived because his life was taken.
23 And I pray that you will do justice for him. It
24 won't bring him back, but would help with some
25 closure during this grieving, painful time for his

1 family and his loved ones, for his church and the
2 community.

3 THE COURT: Thank you.

4 MS. MIMS: That's all, Your Honor.

5 THE COURT: Mr. Byrd, Mr. Nelson.

6 MR. BYRD: Your Honor, please the
7 Court, I know that Mr. Biggs's mother and aunt
8 would like to be heard.

9 THE COURT: Sure. Just identify
10 yourself for our record.

11 MS. MARION: Latasha Marion. I'm the
12 mother of James Biggs.

13 THE COURT: Yes, ma'am.

14 MS. MARION: James is 24 years old
15 currently. He's never been in any trouble. Never
16 had a criminal background. He's never known
17 violence. He's never had any issues with anyone.
18 Everyone loved James. The verdict was really not
19 what we expected. I do not believe the verdict.
20 However, it is what it is. I just -- I also -- I
21 mean I guess I want you to know for the families I
22 mean I understand and I feel sorry for them. You
23 know, it is not like I'm just being mean or
24 anything, but I know my son. I have lived with him
25 all my life. He graduated from high school, went

1 to Trident Tech College. He worked. He always
2 maintained a job always. He was a good citizen.

3 THE COURT: Thank you.

4 MS. MCDANIEL: Your Honor, my name is
5 Harriet McDaniel. I am the aunt of James Biggs.
6 Today is not a good day for anyone pretty much. I
7 do sympathize with the bereaved family here. There
8 is not a win/win. But in my heart I know for a
9 fact my nephew did not do this. There's no way he
10 could have simultaneously did what was said or what
11 was implied. There was no proof to say that he was
12 beyond a shadow of a doubt that he did it. He is a
13 reputable, good character, well mannered. I have
14 some family members that don't give me that
15 respect. They may not say yes, ma'am to me, but
16 this young man has always, never, ever has
17 disrespected me, my sisters, his grannie or anyone.
18 He is a well, good standing man. I hope and pray
19 that God's will be done that you will search for
20 the true killer who did this.

21 THE COURT: Ma'am, I'm going to stop
22 you there. Because this jury has spoken, a jury of
23 12 people unbiased from the community selected to
24 serve on this jury. They have found him guilty.
25 And I cannot allow you in front of the victims'

1 family to say that. To say that, that's not
2 appropriate for me to add to their pain in that
3 regard.

4 MS. MCDANIEL: Yes, ma'am.

5 THE COURT: So I'm going to stop you
6 from telling me what you are telling me because
7 this case has been tried. The jury has spoken. I
8 won't allow you to make those comments,
9 particularly in front of the family.

10 MS. MCDANIEL: I do apologize. I
11 apologize to the family as well. Please know it
12 was not my intention. We all have emotions right
13 now that we are having to accept. So just know God
14 as my witness I mean no harm to not one person in
15 here.

16 THE COURT: Yes, ma'am. If you will
17 direct your comments to me.

18 MS. MCDANIEL: I am sorry. I am
19 learning. First time. I apologize. But just know
20 that we just pray that God will have mercy upon us.

21 THE COURT: Thank you. Thank you very
22 much. Mr. Byrd or Mr. Nelson.

23 MR. BYRD: Thank you, Your Honor.
24 Latasha Marion, James's mother, told you some about
25 him, told you he graduated from high school.

1 Attended Trident Tech, doing really well there. He
2 was getting his associate degree in
3 entrepreneurship, had dreams of opening up his own
4 business. As she said, he was a hard worker,
5 working two jobs when he got arrested, Your Honor.
6 I will tell you on a personal level I have also
7 enjoyed speaking with James. Any time I visited
8 with him he was a very soft-spoken man. He's a
9 smart guy. I enjoyed all of our visits working
10 with him. I hate it was under these circumstances
11 to be frank. They didn't mention, Your Honor, he
12 does and has always since he was a child attended
13 Mt. Moriah Baptist Church. He has a daughter I
14 believe five years old now.

15 Regardless of whatever sentence Your
16 Honor imposes she will be a grown woman when he
17 sees her. I would ask he is still a young man,
18 25 years old. I would ask that you give him the
19 opportunity to be able to at some point later in
20 his life and in his daughter's life to have a
21 relationship. Give him a chance at that life, Your
22 Honor. I would ask that you give him the minimum
23 sentence in this matter so he does have that
24 opportunity. Thank you, Judge.

25 THE COURT: Thank you so much.

1 Anything.

2 MR. NELSON: Nothing.

3 (Brief pause.)

4 THE COURT: All right. Anything from
5 anyone before I pass sentence on Mr. Biggs?

6 MS. MIMS: No, ma'am.

7 MR. BYRD: No, Your Honor.

8 THE COURT: Very well. With regards to
9 2016-GS-18-111 which is the indictment for murder,
10 Mr. Biggs, I'm going to sentence you and place you
11 in the South Carolina Department of Corrections for
12 the balance of your life. With regards to
13 2016-GS-18-112 which is the indictment for murder,
14 I'm going to commit you to the state Department of
15 Corrections for the balance of your life. These
16 sentences will run concurrent.

17 Very well. That will conclude these
18 matters. I would appreciate it and I would like
19 for the Defendant's family if they would exit first
20 please. And then the victim's family will meet
21 with the solicitor's office. You may take your
22 leave.

23 (These proceedings were concluded at
24 3:37 p.m., February 23, 2018, Dorchester County,
25 South Carolina.)

CERTIFICATE OF REPORTER

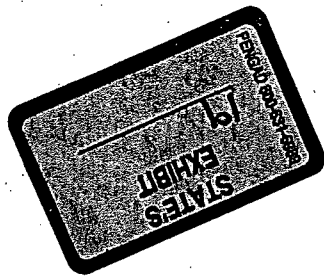
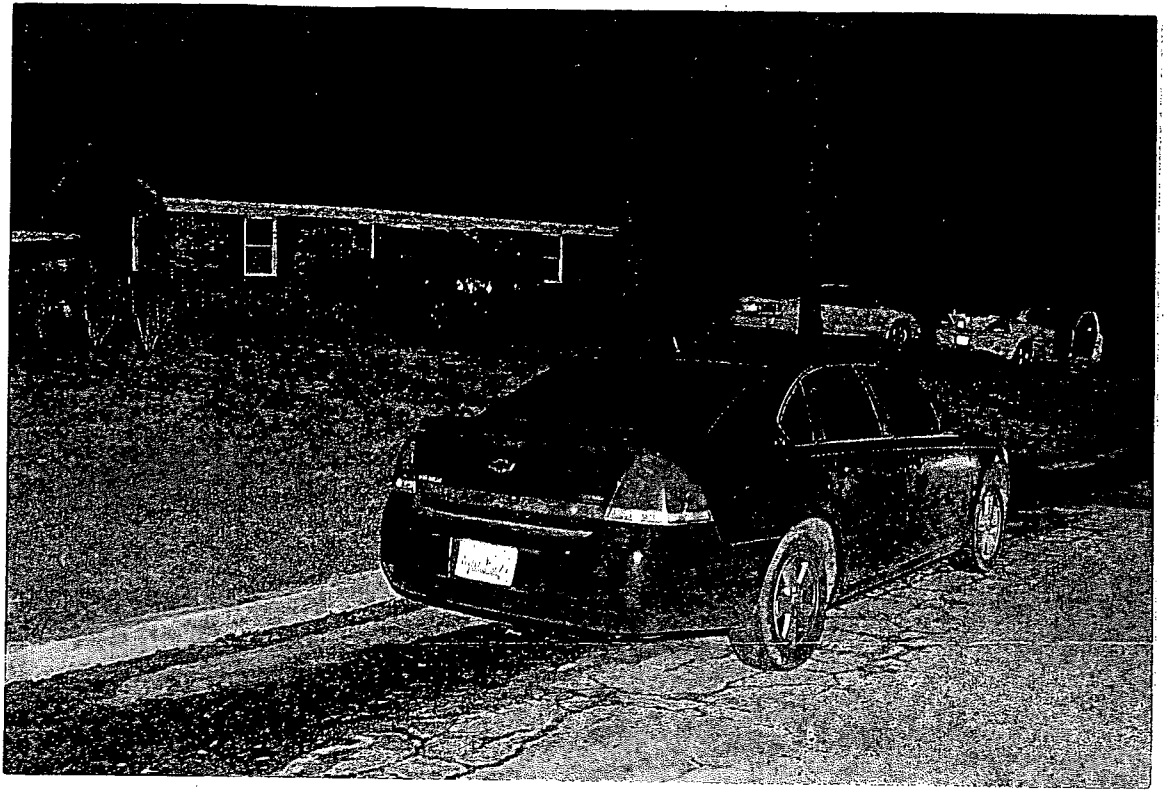
I, Ruth C. Weese, Registered Diplomate Reporter for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 17th day of May, 2018 at Charleston, Charleston County, South Carolina.

Ruth C. Weese

Ruth C. Weese
Registered Diplomate
Reporter



000521

Call Log (169)

* These details are cross-referenced from this device's contacts

#	Type	Parties	Timestamp	Duration	OTHER CALLER	EST.
19	Missed	From: 8437149570 Ma*	11/30/2015 11:05:32 PM(UTC+0)	00:00:00	Latosha marion	6:05:32 PM
20	Incoming	From: 8433241762 Butta*	11/30/2015 10:58:49 PM(UTC+0)	00:00:35	Tyrell Miles	5:58:49 PM
21	Missed	From: 8433241762 Butta*	11/30/2015 10:57:35 PM(UTC+0)	00:00:00	Tyrell miles	5:57:37 PM
22	Missed	From: 8433241762 Butta*	11/30/2015 10:57:07 PM(UTC+0)	00:00:00	Tyrell miles	5:57:07 PM
23	Outgoing	To: 8433109357 Jasssi*	11/30/2015 10:53:38 PM(UTC+0)	00:06:25	Jasmine Scott	5:53:38 PM
24	Incoming	From: 8433241762 Butta*	11/30/2015 10:43:57 PM(UTC+0)	00:01:33	Tyrell miles	5:43:57 PM
25	Incoming	From: 8433109357 Jasssi*	11/30/2015 10:40:49 PM(UTC+0)	00:00:38	Jasmine Scott	5:40:49 PM
26	Outgoing	To: 8432970144 Eddie Jay Homie*	11/30/2015 10:40:39 PM(UTC+0)	00:00:07	Hunter Eddie*	5:40:39 PM
27	Incoming	From: 8438793077	11/30/2015 10:36:12 PM(UTC+0)	00:00:24		
28	Incoming	From: 8432970144 Eddie Jay Homie*	11/30/2015 10:32:54 PM(UTC+0)	00:01:25	Hunter Eddie	5:32:54 PM
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31	Incoming	From: 8435979180 Fendi*	11/30/2015 10:25:56 PM(UTC+0)	00:00:11		
32	Incoming	From: 8432970144 Eddie Jay Homie*	11/30/2015 10:22:03 PM(UTC+0)	00:00:11	Hunter Eddie	5:22:03 PM
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000522

WITNESSES

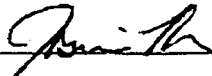
A Smith

Dorchester County Sheriff
15-012670

ARREST WARRANT NUMBER
2015A1810301101

Arrested: December 16, 2015

ACTION OF GRAND JURY



Foreperson of Grand Jury
Date: May 4, 2017

VERDICT

NOTED BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS18-0111

The State of South Carolina
County of DORCHESTER

COURT OF GENERAL SESSIONS

May 8, 2017 TERM

THE STATE
vs.

James Alfonza Biggs III

Indictment for

Murder

SC Code: 16-3-10

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.

FILED - RECORDS
2017 MAY -4 PM 2:57
CHERYL GOODMAN
CLERK OF COURT
DORCHESTER COUNTY

000523

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

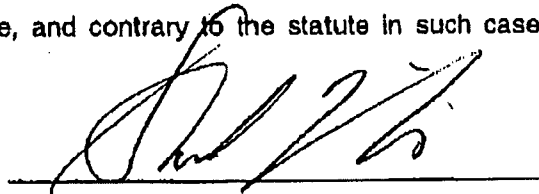
INDICTMENT
2016GS18-0111

As a Court of General Sessions, convened on May 4, 2017 the Grand Jurors of DORCHESTER County present upon their oath:

MURDER

That in Dorchester County on or about November 30, 2015, with malice aforethought, the defendant, James Alfonza Biggs III did shoot and kill one Jamal Armstrong. The victim did die as a proximate result thereof. This offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

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

A handwritten signature in black ink, appearing to read 'Sheila Mims', is written over a horizontal line.

(Sheila Mims, Solicitor

000524

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester)
STATE VS.)

INDICTMENT/CASE#: 2016GS18-0111

James Alfonza Biggs III)

A/W#: 2015A1810301101

AKA: _____)

Date of Offense: 11/30/2015

Race: BLACK Sex: M Age: 24)

S.C. Code § : 16-3-10

DOB: _____ SS#: _____)

CDR Code #: 0116

Address: _____)

City, State, Zip: _____)

DL#: _____ SID#: _____)

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

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

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

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

The charge is: As Indicted Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Mims, Shelia 15784 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 Life 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: 2-23-18

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling
§ 14-1-206 (Assessments 107.5 %) \$ _____ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100 Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ Other: _____

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

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

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

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

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

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Cheryl Graham
Court Reporter: Ruth Weese

Presiding Judge: Glenn S. Smith
Judge Code: 2115
Sentence Date: 2-23-2018

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions

Appellate Case No.2018-000393

Diane S. Goodstein, Circuit Court Judge

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SC Court of Appeals

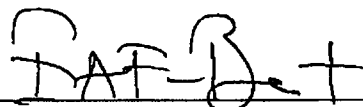
The State of South Carolina.....Respondent,

v.

James Alfonza Biggs III.....Appellant.

CERTIFICATE OF COUNSEL

The undersigned certified that this Record on Appeal complies with Rule 211(b), SCACR.



Elizabeth A. Franklin-Best
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(803) 765-1044
betsy@blumelaw.com

Dated this 30th day of May, 2019.