

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM EDGEFIELD COUNTY  
Court of General Sessions

S.C. SUPREME COURT

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

Case Nos. 2017-GS-19-01817,  
2017-GS-19-01818,  
2017-GS-19-01819, and  
2015-GS-19-00351

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The State, ..... Respondent,

v.

Montrell Deshawn Troutman, ..... Petitioner.

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APPENDIX – VOLUME II of II

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1           **A**     Out of fear, scared of my life.

2           **Q**     Did you want to hurt anyone?

3           **A**     No, sir.

4           **Q**     Were you trying to hurt Leric?

5           **A**     No, sir.

6           **Q**     What were you trying to do that night?

7           **A**     Just go home.

8                   **MR. DRYLIE:** No further questions, Your Honor.

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

10                   **MS. RADLEIN:** Yes, Your Honor.

11                                   CROSS-EXAMINATION

12           BY MS. RADLEIN:

13           **Q**     Montrell Troutman, how tall are you?

14           **A**     Six-three.

15           **Q**     Six-three?

16           **A**     Yes, ma'am.

17           **Q**     And how much do you weigh?

18           **A**     Now?

19           **Q**     How much do you weigh?

20           **A**     I hadn't weighed myself in a while.

21           **Q**     How much did you weigh two years ago?

22           **A**     Probably about 175.

23           **Q**     You said you're six-three, approximately 175?

24           **A**     Yes, ma'am.

25           **Q**     Now, on that day, you had a loaded gun, right?

1           **A**    Yes, ma'am.

2           **Q**    You were going kind of fast, so I'm going to  
3           try to get some clarification on some things. What  
4           time did you wake up on June 6th of 2015?

5           **A**    I don't remember exactly what time I woke up,  
6           ma'am.

7           **Q**    You remember you took a shower?

8           **A**    Yes.

9           **Q**    Around what time do you remember taking a  
10          shower?

11          **A**    It had to be somewhere probably about 11:00,  
12          11:30.

13          **Q**    Okay. And you said you went to a friend's  
14          house?

15          **A**    Yes, ma'am.

16          **Q**    Elliott's house?

17          **A**    Yes, ma'am.

18          **Q**    What time did you see Elliott that day?

19          **A**    It had to be probably 1:00, 1:30, somewhere up  
20          in that area.

21          **Q**    And how long were you at Elliott's house?

22          **A**    We was there for a while. I don't know exactly  
23          how long I was there, was there for a while.

24          **Q**    Five minutes?

25          **A**    No, ma'am.

- 1           Q     Ten minutes?
- 2           A     No. We was there for, like, a couple hours,  
3           some hours, because I was cooking on the grill.
- 4           Q     Oh, you were cooking on the grill?
- 5           A     Yes, ma'am.
- 6           Q     Where did you get the food?
- 7           A     Another friend bought it.
- 8           Q     What were you cooking?
- 9           A     Chicken and ribs and hamburgers and stuff like  
10          that.
- 11          Q     And Elliott had a grill?
- 12          A     No, ma'am. We had to go to another friend  
13          house and carry it to his house.
- 14          Q     So when did you go to the other friend's house?
- 15          A     When all the plans -- it had to be probably  
16          about 1:40, 1:30. I don't remember exactly what  
17          time, ma'am.
- 18          Q     And who is this other friend?
- 19          A     Well, his name -- I don't know his real name.  
20          We call him June.
- 21          Q     J-u-n-e?
- 22          A     Yes, ma'am.
- 23          Q     So it's you, June, Elliott, and you mentioned  
24          an OB?
- 25          A     No, June wasn't there. We went to his house

1 and got the grill. That's the dude where we got the  
2 grill from. We went to June house and got the  
3 grill.

4 Q I apologize. And then you go back to Elliott's  
5 house?

6 A Yes, ma'am.

7 Q So now you're -- you're saying it's around  
8 1:00, 1:30?

9 A Yes, somewhere up in there.

10 Q You testified on direct that, at that point,  
11 you left to go to the store; is that correct?

12 A No, we cooked first. We did all the cooking.  
13 I went home and took a shower and everything before  
14 we went to the store. It was later on when we went  
15 to the store. OB came on later. He wasn't there  
16 when we first start cooking.

17 Q I apologize. I didn't realize you left the  
18 house and then went back. I apologize.

19 So you -- at the house, cooking on the grill  
20 for at least a couple hours and then you go home?

21 A Yes, ma'am.

22 Q And then you go back to Elliott's house?

23 A Yes, ma'am. I went home to take a shower to  
24 get the smoke smell off me.

25 Q So you took two showers?

1           **A**    Yes, ma'am.

2           **Q**    And so you went to Elliott's house twice that  
3           day; is that what you're saying?

4           **A**    Yes, ma'am.

5           **Q**    How did you get from your house to Elliott's  
6           house?

7           **A**    I walked.

8           **Q**    And then the second time?

9           **A**    I walked.

10          **Q**    And then when did you get in the car with OB?

11          **A**    It was in like -- it was in the evening time,  
12          the early evening time.

13          **Q**    Early evening?

14          **A**    Yes, ma'am.

15          **Q**    What time is --

16          **A**    I mean, like, it had to be somewhere around  
17          3:30, somewhere up in there, 3:00, 3:30, four  
18          o'clock, somewhere up in there. I don't remember  
19          exactly what time it was.

20          **Q**    So late afternoon?

21          **A**    Yes.

22          **Q**    Okay. So at 3:30, you're saying now that you  
23          went back to Elliott's house; is that your testimony  
24          today?

25          **A**    Yes, ma'am.

1 Q And then you said at what time now did you go  
2 to the store with OB?

3 A Like I said, I don't know exactly what time it  
4 was, ma'am. It had to be somewhere 3:00, 3:30, four  
5 o'clock around that area. I don't know exactly what  
6 time.

7 Q And which store did you go to?

8 A Went to the Amoco uptown.

9 Q And who was driving?

10 A OB.

11 Q And where was Elliott?

12 A In the back seat.

13 Q And so you're saying OB made a decision to go  
14 to Leric Merriweather's house?

15 A Yes. We was on our way back from the store and  
16 he seen all the people out there. So he said he  
17 fixing to stop for a second; we wasn't going to be  
18 there for long.

19 Q And how far is that from your house?

20 A I don't know exactly how far, but it's not that  
21 far from my house.

22 Q So if you didn't want to be there, why didn't  
23 you just go home?

24 A Because I was waiting on them so we could go  
25 back to Elliott house. Elliott wasn't there, so I

1           couldn't go to his house by myself.

2           **Q**     That's not making sense for me. Let me see if  
3           I can figure this out. So you're saying Elliott  
4           wasn't home because Elliott was with you?

5           **A**     Yes, ma'am.

6           **Q**     So if Elliott -- you guys weren't done cooking  
7           on the grill; is that it?

8           **A**     No. We was finished cooking on the grill.

9           **Q**     So you're just hanging out?

10          **A**     Yes. We didn't never get to eat nothing yet,  
11          that's why. We was going back to eat.

12          **Q**     The food would have been cold by then?

13          **A**     We had it in the oven on warm.

14          **Q**     Okay. So you -- so now you're at Leric's  
15          house. And where did you say you're standing? You  
16          said you were in the road?

17          **A**     Yes, ma'am.

18          **Q**     And is it your testimony you didn't go into the  
19          yard?

20          **A**     I went into the yard just to speak to everybody  
21          and came right back out the yard.

22          **Q**     You spoke to Leric, right?

23          **A**     Yes, ma'am.

24          **Q**     What did you say to him?

25          **A**     I just said, What's up; hey, like, you know.

1 Q That's it?

2 A Yes, ma'am.

3 Q But you didn't -- you had problems with him,  
4 but you said what's up to him?

5 A Not at that moment, ma'am. We didn't have  
6 problems yet.

7 Q You didn't previously testify that you had  
8 problems with him a week before?

9 A Oh, you're talking about there. I thought you  
10 said that day. He didn't start with me that day.  
11 Like I say, we always have problems there sometimes.  
12 We either talk it out and say, you know, forgive  
13 each other.

14 THE COURT: I need you to slow down. Okay?

15 THE WITNESS: Okay.

16 BY MS. RADLEIN:

17 Q So you said you always have problems, right?

18 A I didn't say always, ma'am. I say sometimes we  
19 have problems.

20 Q I apologize. Sometimes you have problems?

21 A Yes, ma'am.

22 Q So the week before, you didn't have problems?

23 A Yes, ma'am, we had problems.

24 Q So why are you going to his house?

25 A Like I said, we wasn't supposed to have been

1 there. And I went with a friend and he said we  
2 wasn't going to be there long. Like I said, we have  
3 problems, but at the time we were still, like, kind  
4 of speaking to each other, but we wasn't, like,  
5 really messing with each other. So since I went by  
6 his house, I just spoke to him, you know. I didn't  
7 want to be rude.

8 **Q** Do you recognize this?

9 **A** Yes, ma'am.

10 **MS. RADLEIN:** Permission for the witness to  
11 step down.

12 **THE COURT:** What exhibit number is it?

13 **MS. RADLEIN:** I apologize. State's Exhibit 25.

14 **THE COURT:** Sir, you may step down.

15 (Witness leaves the witness stand.)

16 BY MS. RADLEIN:

17 **Q** Where is your house on here?

18 **A** I can't see that good. Can I step up some?

19 **THE COURT:** I need you to speak up. Okay, sir?

20 (Witness reviewing document.)

21 BY MS. RADLEIN:

22 **Q** I'll help you out. Right here?

23 **A** Yes.

24 **Q** And Leric's house is down here?

25 **A** Yes, ma'am.

1 Q So how long does it take you to walk from here  
2 to here?

3 A Probably about five, seven, ten minutes,  
4 something like that.

5 Q So if you had problems with the man, you could  
6 have just left or not even step foot on his yard and  
7 go home, right?

8 A Like I said, we wasn't supposed to have been  
9 there long.

10 Q But if you said you have problems with someone,  
11 why would you stay at their house?

12 A Like I said, ma'am, we had problems, but at the  
13 same time, we squashed it. So we were still, like,  
14 speaking to each other, but we weren't messing with  
15 each other, so.,

16 Q All right. What time do you recall getting  
17 there?

18 A Like I said, ma'am, I don't know exactly what  
19 time it was; I wasn't looking at a clock.

20 Q So one o'clock, you know you were at Elliott's  
21 house, right?

22 A Yes, ma'am.

23 Q Two o'clock, still at Elliott's house?

24 A Yes, ma'am.

25 **THE COURT:** Hold on a minute. Do you still

1 need him standing or can he --

2 **MS. RADLEIN:** I apologize, Your Honor.

3 (Witness resumes the witness stand.)

4 BY MS. RADLEIN:

5 **Q** Two o'clock, still at Elliott's house?

6 **A** Yes, ma'am.

7 **Q** Three o'clock?

8 **A** Probably about 3:00, 3:30, four o'clock, that's  
9 when OB came over.

10 **Q** OB came over after you took your second shower  
11 or before?

12 **A** Yes, ma'am.

13 **Q** Oh, after. So then you leave, go to the store?

14 **A** Yes, ma'am.

15 **Q** How long does it take to get to the store?

16 **A** Like I said, I don't know what time, but it  
17 didn't take us that long.

18 **Q** A minute?

19 **A** Longer than a minute.

20 **Q** Five minutes?

21 **A** I'd say about 15 minutes, 15 to 20 minutes.

22 **Q** Which store?

23 **A** We went to the Amoco uptown, the gas station.

24 **Q** So now we're a little after four o'clock. You  
25 leave there. Do you stop anywhere on the way?

- 1           **A**     No, ma'am.
- 2           **Q**     So then you go to Leric's house?
- 3           **A**     Yes, ma'am.
- 4           **Q**     So I say around 4:30?
- 5           **A**     Like I said, ma'am, I don't know exactly what  
6           time it was.
- 7           **Q**     So you're at his house. You see something  
8           going on?
- 9           **A**     Yes, ma'am.
- 10          **Q**     And you're not saying anything?
- 11          **A**     No, ma'am.
- 12          **Q**     So your testimony is you had no words exchanged  
13          with Leric Merriweather?
- 14          **A**     Not at the time, ma'am.
- 15          **Q**     What does that mean?
- 16          **A**     Like, at the beginning, I didn't have no words  
17          with him.
- 18          **Q**     Okay. At the end?
- 19          **A**     Well, after he got into the altercation, that's  
20          when he started turning his attention towards me.
- 21          **Q**     So the words coming out of your mouth would  
22          have been?
- 23          **A**     I didn't do nothing to you. What's going on?
- 24          **Q**     So someone is saying stuff to you and you're  
25          just --

1           **A**     Yeah. I put my hands up like {indicating}  
2           defense, I don't want no problem. I don't know  
3           what's going on. What's going on? You know.

4           **Q**     And then you just leave? That's your  
5           testimony, you just leave?

6           **A**     Well, like I said, I turned and see the dudes  
7           taking off their shirts and stuff and Johnny Martin  
8           told me just go, just go home, go home. And I  
9           leave.

10          **Q**     I just want to make sure it's clear. Your  
11          testimony is that no words cursing out Leric  
12          Merriweather came out of your mouth?

13          **A**     No, ma'am.

14          **Q**     Okay. So let's clear some things up. We're a  
15          little after 4:30, 5:00 and you say you go home now?

16          **A**     Yes, ma'am.

17          **Q**     And what's the first thing you said you did?

18          **A**     Well, we were sitting on my porch, me and my  
19          fiancée, and her mother and her sister came over.  
20          And her mother asked me to ride to the store with  
21          her. So I got in the car with her and rode to the  
22          store -- well, we went to Johnny house and then we  
23          went to the store.

24          **Q**     So you get home. You tell her about what  
25          happened?

- 1           **A**     Yes, ma'am.
- 2           **Q**     And what do you tell her?
- 3           **A**     I just told them, like, they starting with me  
4           again.
- 5           **Q**     Were you upset?
- 6           **A**     Yes, ma'am.
- 7           **Q**     Pretty upset, right?
- 8           **A**     Not pretty upset, but I was upset.
- 9           **Q**     You were cursing, right?
- 10          **A**     No, ma'am, not like -- not towards them, no. I  
11          wasn't cussing like that, ma'am.
- 12          **Q**     So then you call your mother-in-law?
- 13          **A**     What you mean I called her? She was already at  
14          my house. You talking about when I called her?
- 15          **Q**     You just said your girlfriend was there?
- 16          **A**     Yeah, my girlfriend. Then my mother-in-law and  
17          her sister came over.
- 18          **Q**     So you're saying around 4:30 that day, you  
19          didn't call her?
- 20          **A**     Ma'am, like I said again, I don't know exactly  
21          what time it was.
- 22          **Q**     You said you go to Johnny's house?
- 23          **A**     Yes, ma'am.
- 24          **Q**     And who's Johnny to you?
- 25          **A**     That's my brother-in-law -- well, my fiancée's

1 brother.

2 **Q** And so Connie Martin is your fiancée's -- or  
3 girlfriend's mom and Johnny Martin's mother?

4 **A** Yes, ma'am.

5 **Q** And what kind of car does she drive?

6 **A** A green Honda.

7 **Q** And so after that, you go to Johnny's house.  
8 How long are you at Johnny's house?

9 **A** No more than about 10 or 15 minutes, if that  
10 long. Like I said, I don't know -- I don't be  
11 watching the clock, ma'am.

12 **Q** And what are you doing there?

13 **A** Just went over there to get some money so we  
14 can go to the store and get some more beer.

15 **Q** That's it?

16 **MR. DRYLIE:** Objection; 403 and 404.

17 **THE COURT:** Can y'all approach?

18 (Whereupon, a bench conference was held off  
19 the record, in the presence of the jury, but out of  
20 the hearing of the jury.)

21 **THE COURT:** Objection overruled.

22 BY MS. RADLEIN:

23 **Q** That's all you did at Johnny's house?

24 **A** No, ma'am.

25 **Q** What else did you do at Johnny's house?

1           **A**     I had got some cocaine from him.

2           **Q**     What did you need that for?

3           **A**     You know, every once in a while, I use a little  
4 bit. I just wanted to calm myself down.

5           **Q**     You're saying what happened at Leric's house,  
6 him essentially telling you to leave his house, got  
7 you that upset?

8           **A**     No. It's not actually why I got upset. It's  
9 because he trying to jump on me. Him and all his  
10 friends trying to jump on me.

11          **Q**     Oh, so you're saying he touched you?

12          **A**     No. I didn't say he touched me. I said, they  
13 tried to jump on me. He was telling me I can get  
14 it, too.

15          **Q**     So he's in your face when he's saying that?

16          **A**     Yeah. He was coming up close to me, yes.

17          **Q**     How close did he get to you when he said that?

18          **A**     He was coming from that way {indicating}. He  
19 probably got, like, about -- he probably got about  
20 right up in there.

21          **Q**     And so your testimony today is he got in your  
22 face and said, You can get it, too?

23          **A**     Yes.

24                **THE COURT:** Let the record reflect it's  
25 approximately four feet -- three to four feet.

1           You can be seated, sir.

2           BY MS. RADLEIN:

3           **Q**    And how long were you at Leric's house?

4           **A**    Ma'am, like I say, I wasn't watching a clock.

5           I don't know exactly how long it was.

6           **Q**    So that lasted, what, a few seconds?

7           **A**    Well, yeah, you can say that, a few seconds.

8           And then they was -- like I said, I was looking --

9           looked to my left and I seen all them getting ready.

10          Then Johnny came to the road, told me to go ahead

11          and go home.

12          **Q**    You previously testified you were there for at

13          least 30, 45 minutes, right?

14          **A**    Like I say, ma'am, I don't know exactly how

15          long I was there.

16          **Q**    Did you previously testify that you were there

17          for 30 to 45 minutes?

18          **A**    Ma'am, like I said again, I don't

19          know exactly --

20          **Q**    It's a yes or no question.

21          **THE COURT:** I don't need both of you talking at

22          the same time. You may proceed.

23          BY MS. RADLEIN:

24          **Q**    It's yes or no.

25          **A**    Yes.

1           Q     So now your testimony is you don't remember how  
2           long you were there?

3           A     I don't remember, ma'am.

4           Q     So at what point in those four hours before you  
5           killed Leric around 8:43 did you go get a gun?

6           A     Like I said, I went home after my mother-in-law  
7           went to the store. I tried to take a nap. I was  
8           spinning. And then I heard somebody --

9           Q     I'm sorry. You were what?

10          A     Trying to take a nap.

11          Q     And then you said, I was something --

12          A     My head was spinning.

13          Q     Why was it spinning?

14          A     Because I was drinking.

15          Q     Carry on. You tried to take a nap?

16          A     Yeah. Then I heard somebody at the road  
17          calling my name real loud. It was Raymond Harris.  
18          So I went to the road and talked to him.

19          Q     Okay. So you took a nap. How long was your  
20          nap?

21          A     Like I said again, ma'am, I don't know exactly  
22          how long I took a nap.

23          Q     At 8:43, you shot someone and you don't  
24          remember what you were doing that day?

25          A     I didn't say I didn't remember what I was doing

1 that day. I said I don't know how long I was taking  
2 a nap.

3 Q An hour?

4 A Like I said, ma'am, I don't know exactly if it  
5 was an hour. I don't know --

6 Q So this gun -- what did the gun look like?

7 A It was black and small.

8 Q Was it about the size of this, State's Exhibit  
9 29?

10 A It's smaller.

11 Q Smaller.

12 And when did you get this gun?

13 A After Raymond Harris told me they was riding  
14 around the car with guns.

15 Q When did you get the gun?

16 A Oh, probably about a week or two before this  
17 happened.

18 Q Why did you get it a week or two before this  
19 happened?

20 A For protection.

21 Q But didn't you just testify on direct that you  
22 buried it?

23 A Yes, ma'am.

24 Q How good is a buried gun?

25 A Well, I couldn't keep it in my house around my

1 kids. So I kept it somewhat close so I can, you  
2 know, get to it.

3 Q So four hours after you leave Leric  
4 Merriweather's house, somewhere in between that  
5 time, you get a gun?

6 A Yes, ma'am.

7 Q And somewhere in between that time, you find  
8 Leric down the road?

9 A I didn't find him; they found me.

10 Q They came to your house?

11 A No, ma'am. I was walking up the street. They  
12 was -- like I said, they was proceeding to go up the  
13 street, and they see me, they stopped and they  
14 backed their car back up.

15 Q Let's talk about that a little bit. Looking at  
16 State's Exhibit 21 --

17 MS. RADLEIN: Your Honor, permission for the  
18 witness to step down.

19 THE COURT: Yes.

20 (Witness leaves the witness stand.)

21 BY MS. RADLEIN:

22 Q You testified on direct that you left your  
23 house, which is here, around here?

24 A Yes, ma'am.

25 Q And you -- you've got to keep your voice up.

- 1 You went to -- whose house you went to?
- 2 **A** What time -- what time you said when I left?
- 3 **Q** You told me you don't know what time it was.
- 4 **A** I said what time -- what part of you saying
- 5 when I left?
- 6 **Q** After you got the gun?
- 7 **A** Oh, yeah, I left my house. I left my house and
- 8 I went behind my house. See, there's a street right
- 9 here {indicating}. And this is just a path you go
- 10 over through here. It's a path you go through
- 11 there. And I went to TK house, his backyard, but he
- 12 wasn't there.
- 13 **Q** So then -- so you're saying TK's house is
- 14 somewhere over here {indicating}?
- 15 **A** Yes, ma'am, through the path. I told you where
- 16 the path was.
- 17 **Q** Right. So after TK wasn't there, why didn't
- 18 you just walk back home?
- 19 **A** I just put my headphones on and go on around
- 20 the road and go home.
- 21 **Q** You agree that it's a longer route to go up to
- 22 Morange, back around and down, correct?
- 23 **A** Yes, ma'am.
- 24 **Q** So why did you do it?
- 25 **A** Because I wanted to put my headphones on,

1 listen to some music and release some steam.

2 Q So you couldn't put your headphones back on and  
3 walk back the same way you went?

4 A I could have, but I didn't, ma'am.

5 Q That's because you knew they were there?

6 A No, ma'am.

7 Q So you get there. Where did you have the gun?

8 A In my back pocket. I put it in there.

9 Q So you're walking down the street and you said  
10 -- your testimony was that you walked down the  
11 middle of the street, correct?

12 A Yes, ma'am.

13 Q And you see their car? You see Leric's car?

14 A Yes, ma'am.

15 Q If you were in that much fear, why didn't you  
16 just turn back where you came from?

17 A Because like I said, I was going down the  
18 street. I figured I'd try to talk my way out of it,  
19 you know, so they can leave me alone, but that  
20 didn't work.

21 Q You went down there armed with a gun?

22 A Yes, ma'am.

23 Q You didn't have any fear at that point, did  
24 you?

25 A Yes, ma'am.

1           **Q**     You had a gun?

2           **A**     Yeah, but that don't mean nothing, ma'am. Like  
3           I -- like I said again, ma'am, I didn't want no  
4           trouble. I just went down there so I can go home.  
5           Like, sometimes we could talk it out sometimes, you  
6           know, so.

7           **THE COURT:** Sir, hold on.

8           Can he have a seat? Do you need him up?

9           **MS. RADLEIN:** Yes, Your Honor.

10          **THE COURT:** All right. Well, continue  
11          questions that relate to him being standing so he  
12          can sit back down. Do you need him up still?

13          **MS. RADLEIN:** Yes, Your Honor.

14          **THE COURT:** All right, sir. If you'll stand --  
15          you may stand right where you were. Okay?

16          BY MS. RADLEIN:

17          **Q**     So you testified that they were in their car,  
18          correct?

19          **A**     Yes, ma'am.

20          **Q**     And as you're walking up, your testimony is  
21          that they got out of their car and walked to you?

22          **A**     Yes, ma'am.

23          **Q**     And where were you when they started walking to  
24          you?

25          **A**     I was coming up the street.

1 Q You can use this.

2 A I don't -- like I said, I don't -- like I said,  
3 I was coming up the street --

4 THE COURT: Mr. Troutman, if you're pointing  
5 out something on there, stand to the side so the  
6 jury can see, please.

7 THE WITNESS: I was coming up this street  
8 {indicating}.

9 BY MS. RADLEIN:

10 Q I'm sorry. I couldn't see you.

11 A I was coming up this street {indicating}.

12 Q All right. And where did you get when you --  
13 when they got out of the car?

14 A Like, a little -- little before Tony -- Tony  
15 Ryans' house.

16 Q And then what did they do?

17 A They got out the car. They was asking me, you  
18 know, they was talking to me like, Boy, what's going  
19 on? I was like, I don't want no problem with y'all.

20 Q So how close were they to you?

21 A Well, like I said, I was coming up the street.  
22 And one was on this side, one was on the other side.  
23 And I got to the back of the -- by the back of the  
24 car and they was, like, on the side of the car.

25 Q So your testimony is that the car was in the

1 middle of the road?

2 **A** No. They was, like, halfway on the grass and  
3 halfway on the road.

4 **Q** All righty. Where was Leric?

5 **A** On the driver's side of the car.

6 **Q** By the trunk?

7 **A** Coming towards that way.

8 **Q** And where was Carlo?

9 **A** I think he was somewhere by the tree.

10 **Q** But when he first got out of the car, he was in  
11 the road, correct?

12 **A** I guess, if he walked -- if he walked towards  
13 the tree.

14 **Q** You said you're watching them?

15 **A** Yeah. I really -- I wasn't watching Carlo  
16 because Carlo really wasn't, you know, threatening  
17 me or nothing like that. I was watching the ones  
18 that was, like, threatening me, talking to --

19 **Q** Oh, so -- I apologize. You're saying as soon  
20 as they got out the car, they started threatening  
21 you?

22 **A** They was talking to me, yeah. They were like,  
23 Man, you know what I'm saying, you ain't from around  
24 here; you're not supposed to be around here. And  
25 I'm like, Man, I don't want no trouble with y'all;

1 y'all please leave me alone. You know, because  
2 sometimes I can talk to them and sometimes they'll  
3 listen to me.

4 **Q** So you have the car here on the side of the  
5 road?

6 **A** Yes, ma'am.

7 **Q** So you have Keith where?

8 **A** On the passenger side, like, towards the back  
9 of the car like.

10 **Q** And where are you standing?

11 **A** Like, behind the trunk. Behind the car,  
12 behind, like, by the trunk.

13 **Q** Could you, like, reach out and touch it?

14 **A** Yeah, because I put my headphones on the trunk.  
15 And I was like, Man, I don't want no problems with  
16 y'all; y'all please stop. And then that's when they  
17 slapped my headphones and stuff off the trunk. And  
18 that's when I went back a little bit and picked up  
19 my headphones and stuff as I'm looking at them at  
20 the same time and I put it in my pocket. I didn't  
21 put it back together or nothing. I just put it all  
22 in my pocket.

23 **Q** You put your headphones on the car of someone  
24 you claim has been threatening you?

25 **A** Yes, because, like I said, sometimes we can

1 talk. Sometimes we can talk it out sometimes, you  
2 know.

3 Q So Leric's here. He doesn't have a shirt on,  
4 correct?

5 A Yes, ma'am.

6 Q He doesn't have a shirt on?

7 A No.

8 Q So you saw that he did not have a shirt on?

9 A Yes, ma'am.

10 Q And then you previously testified that you  
11 remember him wearing basketball shorts, correct?

12 A Yes, ma'am.

13 Q You have Keith over there?

14 A Yes, ma'am.

15 Q And you testified previously that his hands  
16 were down, correct?

17 A Whose hands were down?

18 Q Leric's hands.

19 A When he got out the car?

20 Q Yes.

21 A He came out, then he became aggressive towards  
22 me. That's what I said.

23 Q And how close did he get to you?

24 A Probably, like, right up in this area.

25 Q So you had this gun, right?

1           **A**     Yes, ma'am.

2           **Q**     Before all that happened, didn't you pull the  
3           gun out your pocket and rack a round?

4           **A**     Yes, ma'am.

5           **Q**     You didn't testify to that today on direct, did  
6           you?

7           **A**     Yes, ma'am. I told you -- he asked me -- my  
8           lawyer asked me and I told him I took the gun out  
9           and I racked it and I put it back in my pocket.

10          **Q**     Once you put the gun back in there, you racked  
11          the round. What does racking a round do? Put a  
12          bullet -- you got it ready, right?

13          **A**     Yes, ma'am.

14          **Q**     So then Leric is coming at you?

15          **A**     Yes, ma'am.

16          **Q**     How is he coming at you?

17          **A**     Aggressively.

18          **Q**     Is he in your face?

19          **A**     Almost was in my face, ma'am.

20          **Q**     How close did he get?

21          **A**     Probably a little -- probably up in this range.  
22          And you got Keith Mathis coming from this side with  
23          a bottle, fixing to launch it at me. Both of them,  
24          like, cornered me here and was coming at me like --  
25          Keith was coming at me like at an angle. He was

1 coming, like, this way.

2 Q You said they were on the opposite sides of the  
3 car?

4 A Keith Mathis was on the other -- on the  
5 passenger side of the car by the trunk, by the back  
6 door, by the back door.

7 Q And you have Leric where?

8 A Like, coming towards me from where the back --  
9 the back door on the right-hand side -- I mean, the  
10 left-hand side from the driver's side of the car.  
11 He was coming towards me. And Keith Mathis was  
12 coming towards me this way with a bottle turned up  
13 like this here, fixing to launch it at me.

14 Q Is your testimony today that he only had one  
15 bottle?

16 A Like I said, ma'am, I seen one bottle. And  
17 then I didn't see where he got the other bottle  
18 from, but it was another bottle he had in his hand.

19 Q Oh, so your testimony today is that he had two  
20 bottles?

21 A Yes, ma'am.

22 Q But you didn't tell the police that before?

23 A No, ma'am. Like I said, all the stuff happened  
24 so fast, I didn't remember every detail of it.

25 Q But didn't you speak to the police twice?

- 1           **A**    Yes, ma'am.
- 2           **Q**    A week apart?
- 3           **A**    Yes, ma'am.
- 4           **Q**    So you have Leric -- today your testimony is  
5           that he's this close, correct?
- 6           **A**    Yeah. Like I said --
- 7           **Q**    But previously you had him back here, correct?
- 8           **A**    He was coming towards me. Like I said, I don't  
9           know exactly how far we was from each other, but he  
10          was pretty -- he was coming close towards me, coming  
11          to me aggressively, both of them was coming at me.
- 12          **Q**    So Leric's coming at you. At what point do you  
13          pull the gun out a second time?
- 14          **A**    When they was getting closer to me, I was in  
15          fear of my life and I just pulled the gun out and  
16          just shot.
- 17          **Q**    You shot at him?
- 18          **A**    I just pulled the gun out and shot. I don't  
19          know -- like I said, again --
- 20          **Q**    But, previously, you said you didn't know where  
21          you were shooting?
- 22          **A**    I didn't. I just --
- 23          **Q**    But if he's --
- 24          **A**    -- pulled the gun out and just shot. Like I  
25          said, I was in fear. I was in fear of my life. I

1 was in dan -- my life was in danger. And as they're  
2 coming at me with the bottle and as they're coming  
3 at me, all I did is shot.

4 Q Can you stand down here?

5 A (Witness complies.)

6 Q Thank you.

7 Your testimony is that Leric got this close to  
8 you?

9 A Somewhere up in that range, ma'am.

10 Q No, stay down. I'll move back.

11 You're saying he got this close to you?

12 A That -- probably a little bit farther, but he  
13 was coming towards me aggressively. He was coming  
14 towards me. So I don't know exactly how far -- he  
15 was coming towards me. He was getting pretty close.

16 Q Extend your arm.

17 A (Witness complies.)

18 Q He's coming that close to you and your  
19 testimony is you didn't know you shot him?

20 A I didn't know I shot anybody, ma'am.

21 Q Put your arms up.

22 A (Witness complies.)

23 Q This close to you, rushing at you?

24 A Yes, ma'am.

25 Q And your testimony today is that you didn't

1 know you shot a man?

2 **A** Yes, ma'am, because after that happened, he  
3 took off running.

4 **Q** And you continued shooting, didn't you?

5 **A** Like I said, I was scared. My finger was stuck  
6 on the trigger.

7 **Q** Was he running at you?

8 **A** Not at that --

9 **Q** After you shot him the first time, did he run  
10 towards you?

11 **A** He ran and then he turned around, then he  
12 turned.

13 **Q** So your testimony today is a little different?

14 **A** What you mean a little different?

15 **Q** You're saying he's running towards you?

16 **A** Like I said, when he was running towards me,  
17 then after I shot, they turned around and ran behind  
18 the house.

19 **Q** Maybe it's my fault. I said after you shot him  
20 the first time?

21 **A** Like I said, ma'am, I didn't know I shot  
22 anybody.

23 **Q** My question is a yes or no. After you shot him  
24 the first time?

25 **A** Yes, he ran.

1 Q He turned and ran away from you?

2 A Yes, ma'am.

3 Q Correct?

4 A Yes, ma'am.

5 Q And as he's running away from you -- put your  
6 hands up -- you're still shooting?

7 A Yes, ma'am, scared. My finger's still on the  
8 trigger.

9 Q Yes or no?

10 A Yes, ma'am.

11 Q His back is towards you?

12 A Yes, ma'am. It happened so fast.

13 Q Then you have Keith over here. Now you're  
14 claiming he had two bottles in his hand?

15 A Yes, ma'am. Like I said, I didn't see him pick  
16 up the second one, but he had --

17 Q Now you're claiming he has two bottles in his  
18 hand, yes or no?

19 A Yes, ma'am.

20 Q But two years --

21 **THE COURT:** Hold on. Let him finish his answer  
22 before you start. He's got a right to explain his  
23 answer. Okay? Go ahead.

24 BY MS. RADLEIN:

25 Q But two years ago, you never said that,

1 correct?

2 **A** No, ma'am.

3 **Q** Leric's going that way {indicating}, then you  
4 turn -- put your hands up.

5 **A** (Witness complies.)

6 **Q** Shot here {indicating} and then you turned.

7 **A** No, ma'am.

8 **Q** You said Keith was on this side?

9 **A** Yeah. He end up coming across. He's running  
10 -- they was like -- when they ran by the house, they  
11 was side to side with each other. He had done came  
12 and ran around the car and kept on going that way.  
13 I didn't never turn the gun that way.

14 **Q** You pull the trigger at Leric, you keep  
15 shooting {indicating}, and your testimony today is  
16 that Keith ran?

17 **A** Yes, ma'am.

18 **Q** In front of the gun?

19 **A** Yes, ma'am.

20 **Q** Does that really make sense to you?

21 **A** That's what happened, ma'am.

22 **Q** So Keith Mathis, a car. You know how wide a  
23 car is?

24 **A** Yes, ma'am.

25 **Q** You put him at the back passenger door?

1           **A**     Yes, ma'am.

2           **Q**     And you're saying a man is going to run toward  
3 shooting bullets. That's your testimony?

4           **A**     Ma'am, like I said again, he ran in front of  
5 me, yes, ma'am.

6           **Q**     So then, at that point, he's running?.

7           **A**     Yes, ma'am.

8           **Q**     And you're still shooting?

9           **A**     Yes, ma'am.

10          **Q**     And then you hit Carlo?

11          **A**     I didn't know I hit him neither, ma'am.

12          **Q**     But you hit Carlo?

13          **A**     I don't know. Like I said, I didn't know I  
14 shot anybody, ma'am.

15          **Q**     So your testimony is that you did not shoot  
16 Carlo?

17          **A**     Like I said, I don't know if I shot anybody,  
18 ma'am.

19          **Q**     Today? Today is October 19th, 2017 --

20          **A**     I told them I didn't --

21                **THE COURT:** Hold on a minute. I don't need  
22 both of you talking at the same time. My court  
23 reporter can't take down when both of you are  
24 talking at the same time. Ask a question, please,  
25 ma'am. And then let her finish and you answer. And

1 let him finish his answer. Okay?

2 BY MS. RADLEIN:

3 Q Today, as we stand here, is it your testimony  
4 you did not shoot Carlo Harris?

5 A Like I said again, two years ago today, I said  
6 I didn't know if I shot anybody.

7 Q So you didn't shoot Carlo?

8 A Like I said again, ma'am --

9 MR. DRYLIE: Asked and answered at this point.

10 THE COURT: Objection sustained.

11 BY MS. RADLEIN:

12 Q As they're running, you empty your clip, don't  
13 you?

14 A Like I said, it happened so fast, ma'am.

15 THE COURT: Answer the question, please.

16 THE WITNESS: Yes..

17 BY MS. RADLEIN:

18 Q And you keep clicking on the gun, didn't you?

19 A No, ma'am.

20 Q How many rounds were in your gun?

21 A Like I say, I don't know, ma'am.

22 Q How many times did you pull the trigger?

23 A I can't recall that neither, ma'am. It  
24 happened so fast and I was scared, ma'am, like I'm  
25 telling you.

1           **Q**    Okay.  How many gunshots -- what did they sound  
2           like?

3           **A**    Like gunshots.

4           **Q**    What do they sound like?

5           **A**    Pow, pow, pow, I guess.

6           **Q**    Okay.  Pow, pow, pow, that's three?

7           **A**    Uh-huh.

8           **Q**    Do you remember hearing the sound?

9           **A**    Yes, ma'am -- really, like I said, I was  
10          scared.  Everything happened so fast.

11          **Q**    Pow, pow, pow, pow, pow?

12          **A**    I wasn't counting.

13          **Q**    But you just said, yes, ma'am, you remember  
14          hearing the sounds?

15          **A**    I mean, of course, you're going to have to hear  
16          the sounds, but I wasn't counting.  I don't know,  
17          you know, like I said again, I'm scared, in fear,  
18          everything is happening so fast, ma'am.

19                **THE COURT:**  Sir, can you come back and sit  
20          down.

21                       (Witness resumes the witness stand.)

22          BY MS. RADLEIN:

23          **Q**    After you left the scene, you left walking,  
24          didn't you?

25          **A**    It was, like, a fast walk.

- 1           **Q**     You left walking, didn't you?
- 2           **A**     Fast.
- 3           **Q**     Yes or no?
- 4           **A**     Yes.
- 5           **Q**     And you left walking up Morange Street,
- 6           correct?
- 7           **A**     Yes.
- 8           **Q**     And you didn't go home, correct?
- 9           **A**     No, ma'am.
- 10          **Q**     And you didn't call the police, did you?
- 11          **A**     No, ma'am.
- 12          **Q**     You didn't call -- who did you call?
- 13          **A**     My mother-in-law and my girlfriend.
- 14          **Q**     Mama, right?
- 15          **A**     Yes, ma'am.
- 16          **Q**     And you called Mama at 8:52, correct?
- 17          **A**     I don't know what time it was, ma'am.
- 18          **Q**     And you called her again at 8:54?
- 19          **A**     I don't know what time it was, ma'am.
- 20          **Q**     And again at 8:58?
- 21          **A**     I don't know what time it was, ma'am.
- 22          **Q**     And again at 9:35?
- 23          **A**     Like I said, I don't know what time it was,
- 24          ma'am.
- 25          **Q**     But you did not call the police?

1           **A**    No, ma'am.

2           **Q**    So for an entire hour, you were hiding,  
3           correct?

4           **A**    Yes, ma'am.

5           **Q**    Hiding with that gun, correct?

6           **A**    No, ma'am.

7           **Q**    When you left, you told Elliott that you just  
8           got two, didn't you?

9           **A**    No, ma'am.

10          **Q**    Elliott's your friend, right?

11          **A**    Yes, ma'am.

12          **Q**    You hang out with Elliott, right?

13          **A**    Yes, ma'am.

14          **Q**    He was one of your first friends when you moved  
15          here, right?

16          **A**    Yes, ma'am.

17          **Q**    That night, the officers collected gunshot  
18          residue from your hand, right?

19          **A**    Yes, ma'am.

20          **Q**    And while you were there, you said, My life is  
21          ruined, right?

22          **A**    Like I said, I don't remember that, ma'am.

23          **Q**    And when they asked you about the gun, you told  
24          them that Leric pulled the gun on you, correct?

25          **A**    Yes, ma'am.

- 1           **Q**    And you told them that you took the gun away  
2           from him, correct?
- 3           **A**    Yes, ma'am.
- 4           **Q**    And that's when the shooting happened, correct?
- 5           **A**    Yes, ma'am.
- 6           **Q**    Then when you were formally interviewed, you  
7           told them that you guys were scuffling?
- 8           **A**    Yes, ma'am.
- 9           **Q**    In fact, you told them, Leric was behind me;  
10          now Leric was grabbing my arm; when Leric grabbed my  
11          arm, that's when Leric had dropped the gun.  
12          Correct?
- 13          **A**    Yes, ma'am.
- 14          **Q**    And you told them, It fell out of the back  
15          pocket. Correct?
- 16          **A**    Yes, ma'am.
- 17          **Q**    And you said, The gun fell and he seen I  
18          grabbed it and he ran, all both of them ran.  
19          Correct?
- 20          **A**    Yes, ma'am.
- 21          **Q**    You told the police, I think it was the right  
22          pocket, the back, it dropped. Correct?
- 23          **A**    Yes, ma'am.
- 24          **Q**    You told them that he started running and you  
25          shot again, correct?

- 1           **A**    I don't remember, ma'am.
- 2           **Q**    You told them that he threatened to shoot you  
3           with that gun, correct?
- 4           **A**    I don't remember, ma'am.
- 5           **Q**    You told them it was his gun, correct?
- 6           **A**    Yes, ma'am.
- 7           **Q**    You did tell them that there was only one gun,  
8           correct?
- 9           **A**    Yes, ma'am.
- 10          **Q**    You told them, I didn't even know it was a  
11          bullet in the air?
- 12          **A**    I don't remember that, ma'am.
- 13          **Q**    You said, I shot, I shot. I said, oh, shit, so  
14          I shot two more times?
- 15          **A**    I don't remember that, ma'am.
- 16          **Q**    You repeatedly told them, It wasn't mine; all I  
17          know is it wasn't mine. Correct?
- 18          **A**    I don't remember that, ma'am.
- 19          **Q**    You said, It was already cocked, that's why I  
20          said, oh, shit?
- 21          **A**    I don't remember that, ma'am.
- 22          **Q**    I ain't even know I shot nobody because I seen  
23          both of them still running?
- 24          **A**    Yes, ma'am.
- 25          **Q**    I never stopped shooting?

- 1           **A**     I don't remember that, ma'am.
- 2           **Q**     No, I never stopped shooting.
- 3                     And then a week later, you met with law
- 4           enforcement again, right?
- 5           **A**     Yes, ma'am.
- 6           **Q**     Then you said, All right, be honest with you,
- 7           listen, Leric didn't have no gun. I bought a gun?
- 8           **A**     Yes, ma'am.
- 9           **Q**     You lied to the police that night, didn't you?
- 10          **A**     Yes, ma'am.
- 11          **Q**     Over and over again, right?
- 12          **A**     Yes, ma'am.
- 13          **Q**     But today you're telling the truth?
- 14          **A**     Yes, ma'am.
- 15          **Q**     You left that scene, correct?
- 16          **A**     Yes, ma'am.
- 17          **Q**     You didn't call for help?
- 18          **A**     No, ma'am.
- 19          **Q**     You just hid?
- 20          **A**     Yes, ma'am.
- 21          **Q**     But you were acting in self-defense?
- 22          **A**     Yes, ma'am.
- 23          **Q**     You felt disrespected, didn't you?
- 24          **A**     What you mean?
- 25          **Q**     You said they were making fun of you. You felt

- 1 disrespected, didn't you?
- 2 **A** No, ma'am, not like that. I just felt hurt. I  
3 wasn't dis -- felt disrespected.
- 4 **Q** So your feelings were hurt?
- 5 **A** Yes, ma'am.
- 6 **Q** But when you confronted them in the road that  
7 day, you never saw anyone with a gun, did you?
- 8 **A** They confronted me, ma'am.
- 9 **Q** You never saw anyone with a gun, did you?
- 10 **A** No. He told me he was going to get his gun.
- 11 **Q** You didn't see anyone with a gun, did you? Yes  
12 or no?
- 13 **A** No.
- 14 **Q** Carlo did not have a gun?
- 15 **A** No.
- 16 **Q** Leric did not have a gun?
- 17 **A** He told me he was going to get his gun.
- 18 **Q** Leric did not have a gun?
- 19 **A** I don't know.
- 20 **Q** Yes or no, did he put a gun in your face?
- 21 **A** No.
- 22 **Q** Did he point a gun at you?
- 23 **A** I don't think he had -- they had a chance to,  
24 ma'am.
- 25 **Q** Leric didn't have a shirt on, correct?

1           **A**     Yes.

2           **Q**     He had on basketball shorts, correct?

3           **A**     Yes.

4           **Q**     Did you see a gun at the front of his body?

5           **A**     Like I said, ma'am, it happened so fast.

6           **THE COURT:** Sir, please answer the question.

7           **THE WITNESS:** No.

8           BY MS. RADLEIN:

9           **Q**     In fact, when you lied to the police about them  
10           touching you, your testimony now is that they never  
11           touched you, correct?

12          **A**     No.

13          **Q**     It's because they never did, correct?

14          **A**     Yes.

15          **Q**     Keith Mathis did not have a gun, correct?

16          **A**     No. He had a bottle.

17          **Q**     A bottle?

18          **A**     Yes, ma'am.

19          **Q**     What's a bottle going to do to a gun?

20          **A**     Ma'am, he was fixing to launch it at me, ma'am.

21          **Q**     What's a bottle in comparison to a gun?

22          **MR. DRYLIE:** Objection.

23          **THE COURT:** Grounds?

24          **MR. DRYLIE:** Judge, I think that that would

25               call for some speculation on his part. It's not a

1 question that he would necessarily have personal  
2 knowledge of.

3 **THE COURT:** Overruled. If he knows the answer,  
4 he can answer it.

5 BY MS. RADLEIN:

6 **Q** Answer it.

7 **A** It can do -- it can do bodily harm to me,  
8 ma'am.

9 **Q** Bodily harm?

10 **A** Yes, ma'am.

11 **Q** When you spoke to the police two years ago, you  
12 didn't mention that Keith had two bottles in his  
13 hand, did you?

14 **MR. DRYLIE:** Objection; asked and answered  
15 before, several times I believe.

16 **THE COURT:** Objection sustained.

17 BY MS. RADLEIN:

18 **Q** Keith Mathis never threatened to kill you, did  
19 he?

20 **A** Yes, ma'am.

21 **Q** So your testimony is he threatened to kill you?

22 **A** Well, he threatened me, ma'am. That's how I  
23 took it.

24 **Q** Did he threaten to take your life?

25 **A** Yes, ma'am. I mean, that's how I took it. A

1 threat is a threat, ma'am.

2 Q What words did he use to threaten you?

3 A Like I said, he -- well, Leric said he was  
4 going to burn my house down. And he's saying, You  
5 ain't going to be able to live around here; you not  
6 even from around here; you know, we're going to do  
7 such and such things to you.

8 Q That wasn't your testimony.

9 A That's what --

10 Q I asked you what did Keith Mathis?

11 A Like I said again, he was telling me the things  
12 they were going to do. He was saying so much stuff  
13 and both of them was talking at the same time and I  
14 can't tell you word for word.

15 Q So now they're talking at the same time, got  
16 it.

17 **THE COURT:** Is that a question?

18 **MS. RADLEIN:** I apologize, Your Honor.

19 BY MS. RADLEIN:

20 Q Leric never had a knife, did he?

21 A No, ma'am.

22 Q Carlo didn't have a knife, did he?

23 A No, ma'am.

24 Q Keith Mathis didn't have a knife, did he?

25 A No, ma'am.

1           **Q**     You essentially shot and killed an unarmed man,  
2           correct?

3           **A**     Like I said, ma'am, he was coming at me  
4           aggressively, and one of them fixing to launch a  
5           bottle at me and coming aggressively. He's told me  
6           he was going to get his gun. I didn't know what to  
7           think, ma'am.

8           **Q**     You shot and killed an unarmed man, correct?

9           **A**     Like I said again, ma'am, they was coming at me  
10          aggressively, one of them had a bottle. They was  
11          fixing to hurt me.

12                   **MS. RADLEIN:** Your Honor, can you instruct him  
13          to answer the question?

14                   **THE COURT:** Sir, answer the question, then you  
15          can explain.

16                   **THE WITNESS:** Yes.

17                   BY MS. RADLEIN:

18           **Q**     When you put that gun in your back pocket, it  
19           was fully loaded, right?

20           **A**     Yes.

21           **Q**     Did you put the bullets in there?

22           **A**     No, ma'am.

23           **Q**     So the gun already had bullets in it?

24           **A**     Yes, ma'am.

25           **Q**     Where did you get the bullets from?

1           **A**     It came with -- it'd came with the gun already.

2           **Q**     A gun you don't know who you bought it from,  
3           right?

4           **A**     Yes, ma'am.

5           **Q**     So you don't even know what type of bullets  
6           were in there?

7           **A**     No, ma'am.

8           **Q**     But you were the only one with a gun?

9           **A**     Yes, ma'am.

10          **MS. RADLEIN:** No further questions at this  
11          time.

12          **THE COURT:** Any redirect?

13          **MR. DRYLIE:** No redirect.

14          **THE COURT:** Sir, you may step down. Thank you.  
15          Call your next witness, please.

16          **MR. DRYLIE:** The defense rests at this time.

17          **THE COURT:** Can the lawyers approach, please?

18                 (Whereupon, a bench conference was held off  
19          the record, in the presence of the jury, but out of  
20          the hearing of the jury.)

21          **THE COURT:** All right. Ladies and gentlemen,  
22          the defense has rested. You have heard all of the  
23          testimony that you're going to hear in this case.  
24          What I need you to do right now, I need you to step  
25          to the jury room. There are some matters of law

1 that we need to take up outside of your presence.  
2 Do not, do not discuss the case at all. We'll get  
3 you back out here as quickly as possible.

4 (The jury retires to the jury room.)

5 **THE COURT:** All right. I'm going to stand at  
6 ease for just a minute. Okay?

7 (Brief Recess.)

8 **THE COURT:** Ma'am, you in the pink, I'm not  
9 sure who you are with the child, this is the second  
10 time I've come in here that you didn't get up. When  
11 he says for you to rise, you don't rise for me, you  
12 rise for what this robe represents out of respect.  
13 If you don't get up again, I'm going to hold you in  
14 contempt of court. Am I clear on that?

15 **MS. CARTER:** (No response.)

16 **THE COURT:** Ma'am?

17 **MS. CARTER:** Yes.

18 **THE COURT:** What's your name?

19 **MS. CARTER:** Abigail Carter.

20 **THE COURT:** Okay.

21 All right. Mr. Drylie, I'm assuming that you  
22 have some motions to make or renew.

23 **MR. DRYLIE:** I do, Judge. At this point, we  
24 renew all previous trial objections, as well as our  
25 pretrial objections. We'd renew our directed

## CLOSING ARGUMENT

1  
2           **MS. RADLEIN:** Back on June 6 of 2015, that man,  
3 Montrell Troutman, left his house on a mission. We  
4 started this case telling you about this mission and  
5 we're here now right before you get to go deliberate  
6 and remind you of that. He was a man on a mission  
7 to find Leric Merriweather, to confront him, and  
8 then he took his life. He left children without  
9 their father. He left parents without their son,  
10 siblings without their brother. That man right  
11 there. He accomplished his mission that night.

12           You heard a lot of testimony. Earlier that  
13 day, it started at this cookout. What Leric  
14 Merriweather wanted to do was put his two little  
15 boys on the Slip 'N Slide. Then he decided, I'm  
16 going to put some food on the grill. He wasn't  
17 looking for trouble that day, but on that day,  
18 trouble found him, not once but twice. It came to  
19 his house, and the second time, gunned him down at a  
20 friend's house. No regard for human life, none  
21 whatsoever.

22           A verbal altercation earlier that day. Leric  
23 didn't want that gun at his house. That's what  
24 happened. People started exchanging words and  
25 someone pulled out a gun. He gets involved. He

1 shoves him and says, Get out my yard; I don't want  
2 it around my kids. Can you blame him? Then roughly  
3 four hours later, it cost him his life.

4 You heard him testify. For four hours, what  
5 was he really doing? What we know he did was he got  
6 a gun because he didn't have it when he was at the  
7 cookout. He did not have it with him at the  
8 cookout. So for four hours, what was he doing?

9 And then what we know he did was find Leric  
10 Merriweather outside of a friend's house. He walked  
11 by his car. You heard from all of the witnesses  
12 that were there and the two other victims in this  
13 case, and then he walked back by his car.

14 The Judge will tell you, he told you when we  
15 started this case, you guys are essentially the fact  
16 finders. You get to decide the facts in this case.  
17 Each and every one of you are the sole judges, the  
18 only judges of the credibility and the believability  
19 of each and every witness that took that witness  
20 stand. Each of you. Each of you.

21 You got to hear from Santonio Ryans. Santonio  
22 Ryans told you that this is his house right here  
23 {indicating}, about a mile from where we are right  
24 now. He told you that Leric pulled right under that  
25 tree. He told you he was talking to him. He told

1           you that Ken was there. Ken's little son,  
2           five-year-old Jonathan, was there. He said Leric  
3           was in the driver's seat, Carlo was in the passenger  
4           seat, and Keith was in the back.

5           Yeah, Leric was upset, but Santonio testified  
6           that he told him, Hey, the guy you're talking about  
7           is walking up the road. And he testified that Leric  
8           got quiet; he lowered his voice. He testified that  
9           he stayed in the car. It wasn't until that man  
10          {indicating} from Miami, Florida, walked by.

11          Montrell Troutman wants you to believe he was  
12          in fear. If you're in fear, why are you going to  
13          the person that you supposedly are afraid of? Why  
14          do you pass his car not once but twice? He even  
15          testified that he put his headphones on the man's  
16          car. Why? Why were you even that close to someone  
17          else's vehicle on the side of the road at his  
18          friend's house? You're in that much fear that, in  
19          those four hours, you go get armed with a gun and  
20          you walk up to the person you're afraid of? Does  
21          that really make sense?

22          You heard from Carlo Harris and he testified to  
23          what he recalls. And you heard from Keith Mathis  
24          and he testified to what he recalled. And you heard  
25          from Kendrick Nicholson, the other guy standing

1 there next to Antonio, and he testified to what he  
2 recalled. And what all four of them say was that  
3 man {indicating} walked in the yard by the driver's  
4 side door, walked in the yard by the driver's side  
5 door and walked back mouthing some words, and that's  
6 when they got out the car. They did not go looking  
7 for him; he went looking for them just how he  
8 testified, his feelings were hurt.

9 I submit to you, ladies and gentlemen, he felt  
10 disrespected because he was told to go home, but now  
11 he wants to manufacture some story about what  
12 happened. What happens when you tell so many  
13 different stories? You create a web. You don't  
14 even remember what lie you told, but he wants to  
15 come in this courtroom today and say, well, now I'm  
16 telling the truth. And he wants each of you to  
17 believe him.

18 He's charged with murder. Our South Carolina  
19 General Assembly has codified what murder is and  
20 it's this simple: Murder is the killing of a person  
21 with malice aforethought either expressed or  
22 implied.

23 Some of you may be wondering what exactly does  
24 that mean. Malice is exactly what you think it is.  
25 It's hatred, evil intent, malice.

1           An aforethought, all that really means is that  
2           at the time that the act occurred, that there was an  
3           evil intent formed. There's no long period of  
4           premeditation; it just has to be right at that time.  
5           That's how you get malice aforethought. There  
6           doesn't have to be this long week, two-week,  
7           month-long plan that you may see on TV. Of proving  
8           premeditation, it can exist right at the time of the  
9           murder. And I submit to you, ladies and gentlemen,  
10          Montrell Troutman killed Leric Merriweather with  
11          malice. And in this case, we actually have  
12          expressed and implied malice.

13                 For expressed malice, after he shot and killed  
14          Leric, shot at Keith Mathis and Carlo Harris, he  
15          went to his friend's house. He got up here and told  
16          you that Elliott -- you remember him. Elliott was  
17          the one that said, After the shooting, he came by  
18          and said he got two. I said, What does got mean?  
19          He said, That's street talk for killing. And two,  
20          that meant two people. That's what he understood it  
21          to mean.

22                 Does that sound like a man who was, one, in  
23          fear for his life and then took someone else's life  
24          in self-defense? He thought he killed two people  
25          when he left. That's malice. That is evil.

1           He wants to get up here and tell you that he  
2 never went there, that he went straight down the  
3 road, but he also told you that Elliott was one of  
4 his good friends. He even said he was with him  
5 earlier that day, but you heard me ask Elliott --  
6 Alexander Mack, but he goes by Elliott -- Did you  
7 see him early in the day or late in the day? Late  
8 in the evening. That's his so-called best friend  
9 when he moved up here.

10           That four-hour time period I told you about  
11 where he left and went and got a gun and then walked  
12 over to them with the gun, that's evil, ill hatred,  
13 malice. When he admitted to racking a round in it  
14 and then presenting it, that is expressed malice,  
15 ladies and gentlemen.

16           Now, what do we have for implied malice? That  
17 means you can infer, based on someone's action, that  
18 there was an evil intent.

19           He got up there and told you and admitted that  
20 they were unarmed. He shot at unarmed people.  
21 Leric Merriweather didn't even have on a shirt and  
22 he had on basketball shorts. There was no evidence  
23 of a gun.

24           You heard from Deputy Lyell who testified that  
25 he searched the area and, to the best of his

1 knowledge, a gun wasn't recovered. You heard from  
2 Investigator Curtis Morris who controlled his crime  
3 scene and said there was not a gun found at his  
4 crime scene, but he wants you to believe he just  
5 dropped a gun.

6 Now, someone in fear for their life -- work  
7 this out with me -- in fear for their life that  
8 people are going to attack him, leaves the gun  
9 behind?

10 Implied malice. When he shot Leric, I had him  
11 stand here in front of you -- this was his chance to  
12 explain how this happens -- he pointed that gun and  
13 he put Leric right there in front of him and told  
14 the story several times that he didn't know he shot  
15 someone. That close.

16 But what did he tell the police initially?  
17 That when he shot, he just kept on shooting. Does  
18 that sound like someone in fear for their life or  
19 acting in self-defense? Own it. I shot him. Just  
20 own it, you're in that much fear, you're shooting  
21 because someone is threatening to kill you. But he  
22 couldn't even fully admit to that. It wasn't a  
23 trick question.

24 If you are in self-defense, you have to fear  
25 serious bodily injury or death. That means you can

1 meet force with force. So if deadly force is coming  
2 at you, you use deadly force. He's saying he didn't  
3 know he shot anybody, I was just shooting to scare.  
4 Well, then, that's not self-defense. It can't be.  
5 He continued to shoot at a man running away.

6 He said that Keith Mathis was over here and  
7 Leric was over here. He said the gun was this way,  
8 aiming this way. And he wants you to believe that  
9 another man is running towards the gunshots and  
10 that's how he ended up in the line of fire. Ladies  
11 and gentlemen, I submit to you that is simply not  
12 true.

13 You heard Antonio out there in shock at his  
14 house. He couldn't move. He just stood there.  
15 That man turned that gun and aimed it at another  
16 unarmed man. And he wants you guys to believe him  
17 today, another manufactured story that he couldn't  
18 even make it make sense right here.

19 All five bullets were fired. You heard  
20 Investigator Curtis Morris, five shell casings were  
21 recovered, five. And then you heard Antonio and  
22 Keith testify how they just heard him clicking,  
23 click, click, even after it was empty. Evil, ill  
24 hatred.

25 And he admitted to saying he kept shooting as

1 they were running away. That's not self-defense.  
2 Even if you believe his story, it simply can't be.  
3 They were running away. I intentionally asked him,  
4 So they were running towards you? He should have  
5 said yes, but, no, he said they were running away..  
6 Self-defense says they're running towards you with a  
7 deadly weapon. Murder says they're running away.

8 The shots were not close range. You heard  
9 Dr. Ross. She said there was no evidence of soot or  
10 stippling on Leric Merriweather, that means it was a  
11 distant shot. That was a distant shot. No threat.

12 She even testified that the angle was down and  
13 to the right. What do you do when you see a gun or  
14 something coming at you? You duck and run.

15 I submit to you Leric Merriweather saw that  
16 gun. He just couldn't move fast enough. And like  
17 Keith Mathis testified, he probably had that  
18 adrenaline, instantly put his hand over his heart  
19 and he ran towards the house, towards safety trying  
20 to get away from gunfire. Evil, ill hatred, that's  
21 implied malice, ladies and gentlemen.

22 He even admitted there was never a physical  
23 altercation. That first story he told to the  
24 police, yeah, almost worked, that there was a  
25 scuffle, the gun may have gone off, but even in that

1 first story, he admitted they were running away.

2 Then he comes back to correct himself. He  
3 admits that he lied, probably because the story  
4 wasn't making sense anymore. He admitted that he  
5 was lying that Leric never had a gun. He admitted  
6 there was only one gun. And he admitted on this  
7 stand today that no one ever touched him, no one had  
8 the present ability to do anything. His own words  
9 say they didn't get a chance to. No one touched  
10 him. No one had a gun.

11 He wants you to believe that Keith Mathis was  
12 throwing a bottle. What's a bottle in comparison to  
13 a live bullet? Do you really believe Keith Mathis  
14 is going to, what, throw a bottle and then run  
15 towards the gun? That doesn't make sense.

16 And what he did after, you heard me ask him,  
17 Did you call 9-1-1? No. He calmly walked away, was  
18 the testimony of each credible witness in this case,  
19 with the gun in his hand.

20 And you heard Deputy Lyell. The call comes out  
21 at 8:43. He wasn't in custody till 9:44. If you  
22 just shot someone in self-defense, lights and sirens  
23 are there, Deputy Lyell testified he was arriving  
24 lights and sirens, that's a point of safety. The  
25 police are here; let me go give them this gun, tell

1       them, hey, I just shot people trying to attack me.

2               But, no, he manufactured a story for you guys  
3       here today, for you 12 to decide, hey, he was in  
4       fear of his life. What else can he say? Everyone  
5       knew who he was. Everyone would identify him. His  
6       own friend Elliott's going to say, I just got two.  
7       So what's he going to do? Try to convince a jury.

8               The Judge is going to also charge you on a  
9       lesser-included offense. It's going to be for  
10      voluntary manslaughter. But I submit to you, ladies  
11      and gentlemen, once you find malice, it's murder.

12              Part of the Judge's charge is going to let you  
13      know that words alone are not enough for voluntary  
14      manslaughter. He's going to -- you're going to have  
15      to believe that he was in the heat of passion, that  
16      he couldn't cool down, that he left Leric  
17      Merriweather's house maybe around four o'clock. And  
18      we know approximately four hours later, in that  
19      time, he did what he said he went to do and then  
20      went looking for him armed with a gun. That's not  
21      manslaughter, that's malice and that's murder.

22              He's also charged with two counts of attempted  
23      murder, which is almost identical to the murder  
24      statute. The only difference, it's an attempt.

25              Let's give him the benefit of the doubt and

1 let's say we believe him. I'll show you where it  
2 doesn't work. When he put Keith here and said he  
3 went this way and then went this way, with someone's  
4 back to you, it's no longer self-defense. But the  
5 credible testimony is he turned and aimed.

6 Keith doesn't know how he wasn't shot because  
7 he said that gun was pointed at him. Antonio  
8 testified that that gun was pointed at him. Carlo  
9 we know got hit in the leg. He continued to shoot  
10 with no regard for human life and attempted to kill  
11 two other people that day with that same malice,  
12 same definition applies. In that second, malice is  
13 like that {indicating}. There doesn't need to be a  
14 lengthy premeditation.

15 You're also going to get lesser included of  
16 attempted murder. It's going to be assault and  
17 battery of a high and aggravated nature, as well as  
18 an assault and battery in the first degree. It's  
19 the State's position if you believe there was  
20 malice, if you believe all of this existed, it's  
21 attempted murder and nothing less.

22 Finally, he's charged with possession of a  
23 firearm during the commission of a violent crime.  
24 We know he had a knife -- I mean, a firearm. And  
25 violent crime, as defined in South Carolina,

1 includes murder and includes attempted murder. So  
2 if you believe he's guilty of these two, he's guilty  
3 of this, simply being in possession of a firearm  
4 while carrying out a violent crime.

5 The State's burden in this case is proof beyond  
6 a reasonable doubt. People always wonder what is a  
7 reasonable doubt when it comes to the law. There's  
8 a few things in life that we can calculate with a  
9 mathematical certainty. There isn't a number you  
10 can put on it. Reasonable doubt is simply proof --  
11 it's not proof beyond any doubt. It just has to  
12 leave you firmly convinced, that is it, firmly  
13 convinced of the defendant's guilt. And like I told  
14 you guys, you judge the credibility.

15 This is a burden that we have in each and every  
16 case. It's a burden we welcome. It's on us to  
17 prove, not the defense to disprove. It's on us.  
18 And I submit to you we have met our burden in this  
19 case.

20 You're going to get a charge on self-defense.  
21 It's quite lengthy. But it's the State's position  
22 that we have disproved each and every element.

23 First, Montrell Troutman has to be without  
24 fault in bringing on the difficulty. I believe we  
25 have proven to you by credible testimony that he

1 walked to them while they were still in the car,  
2 that he lured them out, that he cocked his gun and  
3 waited. He doesn't get this {indicating}.

4 He must have actually believed he was in  
5 imminent danger of losing his life. This isn't an  
6 "or"; it's an "and". All of this must exist. He  
7 told you no one had a knife. He told you no one had  
8 a gun. No reasonable person will believe that he  
9 was in imminent danger. He doesn't get to see this.

10 And if it's based on his actual belief, a  
11 reasonable prudent person of ordinary firmness and  
12 courage would have entertained the same belief. We  
13 already know he wasn't in actual imminent danger  
14 because he said there was no gun and no knife. So I  
15 don't think he gets this one either.

16 And that he had no other probable means of  
17 avoiding the danger. You heard from our witnesses  
18 that he was in a car. He made it his purpose to get  
19 to them.

20 Now, in the roadway, he could have turned  
21 around. His house is right down the street from  
22 where this happened. Or he could have gone back the  
23 same path, if we believe him, he could have gone  
24 back the same way, but he got a gun and left his  
25 house. He was looking for trouble. He doesn't get

1 any of this.

2 There's no self-defense in this case. He  
3 brought on the difficulty. He was the instigator  
4 through his words and his actions. He left his  
5 house with a loaded gun seeking a confrontation. He  
6 was not in imminent danger of death or serious  
7 bodily injury. His own words gives you that. His  
8 own testimony told you that. And he had a duty to  
9 retreat and he refused.

10 Leric Merriweather was five foot, five inches  
11 at the time of his death. And you heard that man  
12 tell you he was six-three. That's something you can  
13 consider if you are considering self-defense and you  
14 determine if that's reasonable that someone you  
15 tower over without a weapon with no shirt on was  
16 really harming you when he didn't touch you, he was  
17 not close to you, for the purposes of a close  
18 contact wound, so to speak, that's for you guys to  
19 consider.

20 This was simply a senseless killing because  
21 Montrell Troutman got his feelings hurt. You heard  
22 his words, because -- I submit to you because he  
23 felt disrespected, he had a score to settle, can't  
24 kick him out your yard even if I'm causing trouble,  
25 I'm allowed to stay. So what I'm going to do, I'm

1 going to find you. Wherever you are, I'm going to  
2 come find you. That's what he purposed in his mind  
3 that day.

4 Saturday, June 6 of 2015, Leric Merriweather  
5 was not looking for trouble. He was (indicating).

6 I submit to you, ladies and gentlemen, that  
7 when you go back to that jury room and you begin  
8 your deliberations, you consider all of the  
9 evidence, you consider it all; you judge the  
10 testimony, judge it, judge it. You have gunshot  
11 powder, GSR, left on his hand over an hour after  
12 this occurred. Hid for an hour. That's not someone  
13 who's out there because he did something in  
14 self-defense.

15 What each and every one of you have, and it's  
16 something you've had with you your entire life, is  
17 common sense. Something I tell every jury, don't  
18 leave your common sense behind. You can take it  
19 with you into that jury room.

20 You can use your common sense and speak justice  
21 in this case, speak a verdict that speaks the truth.  
22 And that verdict is Montrell Troutman is guilty of  
23 murder, Montrell Troutman is guilty of two counts of  
24 attempted murder, and he's guilty of being in  
25 possession of that weapon while committing those

1 crimes. Thank you.

2 **THE COURT:** Defense counsel.

3 **MR. DRYLIE:** In their opening and now their  
4 closing, the State told you that Montrell Troutman  
5 was a man on a mission; that he was out with the  
6 intent to kill Leric Merriweather on June 6, 2015;  
7 that he was trying to accomplish this mission. If  
8 Montrell Troutman was a man on a mission, then why  
9 didn't he just walk up and shoot Leric Merriweather?

10 Ask yourself what makes more sense, that  
11 Montrell Troutman walking home was confronted by  
12 Leric Merriweather and Keith Mathis or that Montrell  
13 Troutman went out that afternoon looking to get into  
14 a fight and then gave them a chance to argue and  
15 defend themselves before shooting? It doesn't make  
16 sense. It surely doesn't sound like Montrell was a  
17 man on a mission based on the testimony that's been  
18 presented in this case. Use your common sense and  
19 ask yourself what's more believable.

20 Let's walk through the sequence of events that  
21 we've learned about. We learned from Montrell that  
22 Leric had been picking on him and threatening him  
23 before this happened. He had been picking on  
24 Montrell because Montrell was the new guy in town.  
25 He wasn't from here.

1           Then we get to the events of June 6, 2015.  
2           Leric Merriweather is having a barbecue. The State  
3           described it as a peaceful gathering in their  
4           opening. However, we learned from Abigail Carter  
5           that at that barbecue, Leric Merriweather put his  
6           hands on Dwayne Jones and knocked him down. And  
7           it's important to note that Abigail didn't say that  
8           Leric Merriweather got in a fight with Montrell  
9           Troutman or that he pushed Montrell Troutman or that  
10          Montrell Troutman pushed him. This fight was  
11          between Leric and Dwayne.

12          The only two witnesses that we hear from that  
13          were at that barbecue were Abigail Carter and  
14          Montrell Troutman. Santonio Ryans wasn't there when  
15          this happened. Kendrick Nicholson wasn't there when  
16          this happened. Darius wasn't there when this  
17          happened. Pooh wasn't there when this happened, and  
18          Carlo wasn't there.

19          We also know that after Leric hit Dwayne, he  
20          threatened Montrell. He told him, You can get it  
21          too, Miami. And that's when Retrell Carter shows  
22          up.

23          And I want y'all to stop and think about her  
24          testimony for a minute. When Retrell Carter gets  
25          there, she testifies that she hears a commotion.

1 She doesn't know what started the commotion. But  
2 what is Montrell Troutman doing? He is walking down  
3 the street towards his house. He's not staying,  
4 looking for an altercation. He's not staying,  
5 looking for a fight. He's walking away. So we know  
6 that Montrell goes back home.

7 And he got up here and he told y'all today that  
8 when he went home, he talked with his mother-in-law,  
9 Constance Martin -- he calls her his mother-in-law,  
10 Ma in his phone -- and that they went over to Johnny  
11 Martin's house and then they went to buy beer. And  
12 he was very honest with y'all, he told y'all what he  
13 did, he went and bought cocaine. He's not proud of  
14 it, but it's something that he did. Now -- he gets  
15 back home and he lays down and he hears someone  
16 calling his name.

17 Now, what is Leric doing in this time? Think  
18 about what we've heard in this case. After Montrell  
19 leaves, who does Leric call? Leric calls his boys.  
20 He calls Carlo and he calls Pooh, and they come  
21 springing over to Leric's house, according to their  
22 testimony. They go and they get beer because  
23 they're going to calm down. And then, according to  
24 them, they were going to go back home, but they  
25 stopped at Santonio Ryans' house. It doesn't make

1 sense.

2 Leric and his boys were out looking for a fight  
3 for them -- they parked right down the road from  
4 Montrell's house. Montrell's house was about three  
5 or four houses down from Santonio. It's right down  
6 the street. If they're not out looking for a fight,  
7 why are they parked right over there?

8 And then we get back to Montrell. What's  
9 Montrell doing at this time? He's at home and he  
10 hears something from Raymond Harris. And he does,  
11 he goes and gets a gun for protection and he decides  
12 to walk up back through the woods to his friend TK's  
13 house. Now -- he wants to talk with him about  
14 what's going on, just to vent to get some steam off  
15 his chest.

16 His friend's not home, and so what does  
17 Montrell do? He walks down Morange Street towards  
18 his house. He's trying to get home. The whole  
19 time, he's just trying to get home.

20 Now, the State wants you to believe that  
21 Montrell is a man on a mission. If Montrell is out  
22 looking to kill Leric Merriweather, why doesn't he  
23 go up Rosa Hill Street to where Leric Merriweather  
24 lives? Montrell's walking down Morange, heading  
25 home. For all Montrell knows, Leric is still at his

1 barbecue.

2 Now, when Montrell's walking down Morange, he  
3 sees the Charger with Leric Merriweather in it.  
4 Here's where the testimony differs the most: The  
5 State's witnesses came in here and they told their  
6 side and Montrell came in here and told his side.  
7 But let's look at who we heard from:

8 Santonio Ryans, friend of Leric Merriweather's,  
9 grew up here in Edgefield and went to school  
10 together. Kendrick Nicholson, friend of Leric  
11 Merriweather's, joked with him about coming to the  
12 party, went to school together. Carlo Harris and  
13 Pooh, essentially Leric's best friends, the one he  
14 called when he was getting ready to go out, they  
15 were there.

16 Now, these guys are all from Edgefield. They  
17 all grew up together and they were all friends.  
18 They all have an extreme bias in favor of Leric.  
19 They're on Leric's team.

20 Now, I am sure that they are all very upset  
21 that their friend died; however, that doesn't mean  
22 that they don't have a motive to lie and a bias to  
23 lie in favor of Leric.

24 Now, two of them state that they saw Montrell  
25 get out of a car up the road on Morange Street, but

1 that doesn't make sense because, you see, according  
2 to the pictures, if the car's parked this way and  
3 Carlo Harris is here in the passenger seat and Keith  
4 Mathis is in the back, how are they looking back  
5 behind them? Were they both looking back behind  
6 them at that exact moment to see Montrell get out of  
7 the car? And if they did see Montrell get out of a  
8 car, why weren't they saying anything to Leric right  
9 then? Neither of them testified that they told  
10 Leric that they saw Montrell get out of the car.

11 It doesn't make sense. I don't think anyone  
12 ever saw Montrell get out of a car. Montrell didn't  
13 get out of a car. He was walking home.

14 Think about how they talked about Leric in this  
15 incident. They say he was talking loud, but not one  
16 of them would really say that he was mad or upset.  
17 Now, they'd admit to him having his fist up, but  
18 every time I asked them about being angry or upset,  
19 they would be like, no, not really. They're trying  
20 to cover for their friend.

21 So Montrell is walking down the street and he  
22 tells you he's walking on the middle of the street.  
23 And according to Montrell, Leric's in front of him  
24 and Keith Mathis is in front of him and they're  
25 blocking his way from getting home.

1           Montrell's not picking a fight. He says, I  
2           don't want to get in a fight with you guys; I'm not  
3           here for that. But Leric's coming at him and Keith  
4           is there coming at him and words are being  
5           exchanged. And Montrell, he showed them his gun.  
6           He was hoping that would allow him to keep walking  
7           and get on home.

8           Now, you heard from Santonio that Leric said,  
9           I'm going home to get my gun, and then walks back  
10          over to his car. There's no way for Montrell to  
11          know whether or not Leric had a gun in that car at  
12          that moment. You heard from Montrell when he said  
13          he heard Leric say that he was going to get a gun,  
14          walked to his car, got in and he got back out.

15          At that moment when Montrell is there, he is  
16          outnumbered. He's outnumbered anywhere from five to  
17          two to two to one, depending on how you want to look  
18          at it. But there's Leric Merriweather, there's  
19          Carlo Harris, there's Keith Mathis, there's Santonio  
20          Ryans and there's Kendrick Nicholson. They're all  
21          there and they're all friends of Leric.

22          Now, Montrell told you when he pulled that  
23          trigger, he was scared. He just wanted to go home.  
24          He was worried these people were going to seriously  
25          injure him or kill him. He's outnumbered. There's

1 Keith Mathis there with a bottle. There's Leric  
2 coming at him. And Montrell doesn't know whether he  
3 has a gun or not.

4 The Judge is going to charge you on the law in  
5 a few minutes and one of the things he's going to  
6 tell you is that when someone is justified shooting  
7 the first shot, they're justified in shooting until  
8 the danger ends. Leric's been threatening him. He  
9 said he was going to get a gun. Montrell thinks  
10 Keith Mathis is about to throw a bottle and hit him.

11 At this moment, Montrell has nowhere to  
12 retreat. He can't retreat. You see, his house is  
13 up the road this way. He can't go back this way at  
14 this moment. Those guys have a car; they can get  
15 him so much easier. He has nowhere to go and he's  
16 justified in firing that first shot.

17 And the State wants to harp on the fact that  
18 Montrell said that he didn't know he shot anybody,  
19 but when Leric gets shot, he starts running and he  
20 runs all the way around the house, and that  
21 testimony is uncontradicted.

22 When Montrell shot, he was in fear of his life  
23 and he was scared. These people are parked right  
24 down the road from his house.

25 Now, Montrell told you the shooting happens and

1 he drops the gun and he leaves. Who else left that  
2 night? Montrell is not the only one who leaves the  
3 scene of the crime. Pooh leaves. Pooh has been --  
4 Pooh's best friends are Carlo Harris and Leric  
5 Merriweather, both have been shot, and he says he  
6 stays around for five minutes. What in the world  
7 can be so important that Pooh has to leave at that  
8 moment? He doesn't talk to police until May of  
9 2017; he told you that.

10 And while we're here talking about the subject  
11 of the police, why didn't we hear from more of them?  
12 The only two we heard from during the course of this  
13 trial was Eddie Lyell, who said Montrell complied  
14 and turned himself in, and Curtis Morris, the crime  
15 scene investigator who took pictures and documented  
16 evidence.

17 The State's alleging that a murder happened and  
18 they haven't called up an investigator to tell you  
19 what they did to try and deduce what happened, who  
20 they talked to, when they talked to them? Why is  
21 that? Now -- and why would Pooh leave after he's  
22 allegedly been a victim of a violent crime and never  
23 talked to police until this year? What in the world  
24 was he trying to hide?

25 After Montrell shoots, he knows he can't go

1 home. He is scared of these people. He doesn't  
2 want to bring this trouble in on his girlfriend, his  
3 girlfriend's kids and his mother-in-law who are all  
4 there at the house.

5 Montrell goes in the woods, he calls his  
6 girlfriend, he calls his girlfriend's mom and he  
7 asked to talk to police and police tell him to turn  
8 himself in and he does. He comes towards them, he  
9 lies down and he turns himself in.

10 Later he's interviewed that night and he lies.  
11 I told you that in my opening. We told you that  
12 from the very beginning that Montrell Troutman lied  
13 to police the first night that he talked to them.  
14 He made a mistake. Don't judge him off of that  
15 mistake, judge him off of the credibility and the  
16 biases and the believability of the people that have  
17 testified here in court.

18 Now, one of the things I want to point out to  
19 y'all, and you're going to have all the evidence  
20 back in the jury room, but right here, we've got a  
21 picture of a bunch of shell casings. And all of the  
22 shell casings with the exception of one, which is in  
23 the grass, are in the road.

24 Now, Santonio Ryans testified, when he was in  
25 here, that when Montrell started shooting in the

1 driveway -- started shooting, he was in the  
2 driveway. How can that be true if all the shell  
3 casings are in the road?

4 We heard from an EMS worker who said when he  
5 got there, there were a whole bunch of people  
6 around, gathering around. I think that one shell  
7 casing that was in the grass was probably on the  
8 road, it's right by the road, and got kicked or  
9 moved. There's tons of people there moving in and  
10 out. But the majority of the shell casings all  
11 there are in the road.

12 Now, the State brought a GSR kit into court  
13 today -- or not today, this week, an empty one, the  
14 blank one, remember, that they opened up and showed  
15 you-all the stuff that was inside. They brought  
16 that GSR kit into court, yet they couldn't bother to  
17 do a GSR kit on anyone but Montrell Troutman. Why  
18 didn't they do one on Leric Merriweather? Why  
19 didn't they do one on Carlo Harris or Pooh? There's  
20 no reason for them not to have to done that.

21 Think about reasonable doubt for a minute and  
22 what I told you about at the beginning of my  
23 opening, you know, that it's like a three-story  
24 courthouse, and criminal court is the highest floor  
25 that we have. What we need in this case is guilt

1 beyond a reasonable doubt.

2 And isn't it a real possibility that someone  
3 involved besides Montrell here had a weapon? And  
4 isn't it a real possibility that Leric and Pooh were  
5 blocking Montrell from getting to his house? And  
6 isn't it a real possibility they had parked right  
7 down the street from where he lived that they were  
8 out trying to start a fight with him? Isn't it a  
9 real possibility that the witnesses called by the  
10 State let their bias for their deceased friend  
11 influence their testimony? Isn't it a real  
12 possibility that Montrell was just trying to get  
13 home that night? And isn't it a real possibility  
14 that every shot Montrell fired was in that roadway  
15 as he was trying to escape? And isn't it a real  
16 possibility that Montrell fired these shots to save  
17 himself from bodily harm?

18 We think it is. We think it's a real  
19 possibility that this is a case of self-defense.  
20 Doubt abounds in this case. And because of these  
21 real possibilities, we're asking you to return a  
22 verdict of not guilty in favor of Montrell Troutman  
23 on all charges. Thank you.

24 **MS. RADLEIN:** Smoke screens. Don't lose focus.  
25 I implore you, do not lose focus. Like I told you

1           previously, the defendant's own testimony takes him  
2           out of the realm of self-defense.

3           The defense attorney wants to suggest that we  
4           were hiding something, that's simply not the case.  
5           Simply not the case.

6           Troutman's own words says he kept shooting  
7           unarmed men. That is murder.

8           He wants you to believe that Leric was  
9           threatening him for a week or so, picking on him --  
10          what, calling him names? -- for about a week. But  
11          his own testimony said he went to his cookout.

12          I told you guys about that thing you have your  
13          entire life, common sense. If you're that scared of  
14          somebody, don't go to the man's house. It's plain  
15          and simple. Plain and simple.

16          I submit to you, ladies and gentlemen, that  
17          when he went to that guy's house, when he went to  
18          Leric Merriweather's house, anything he may have  
19          been feeling before then, not considered. Because  
20          if he thought that his life was in danger at four  
21          o'clock on June 6, that danger was gone. So what  
22          we're left with are his actions afterwards. Because  
23          if you're really in fear for your life, you don't go  
24          to someone's house.

25          He wants you to believe, well, he was riding, I

1 didn't know they were going to stay there. They're  
2 in the same neighborhood, the Buncombe area, same  
3 neighborhood. He told you the walk home is five  
4 minutes, maybe five to seven I think that was his  
5 words. But you heard from Darius. He says it takes  
6 him a couple minutes.

7 You saw Darius, 16 at the time. He didn't want  
8 to be here. He's that man's neighbor. His  
9 neighbor. He said he left the cookout, too, because  
10 he heard them arguing. And then what he says  
11 afterwards is when he got home, he was still upset  
12 and cursing, venting to his girlfriend. Then  
13 whatever he did after that, what we know is, because  
14 we're here today, what we know is he got a gun,  
15 plain and simple.

16 This isn't the perfect case. If it was, we  
17 probably wouldn't be here. Is it the perfect story?  
18 There are some things we're just not going to know.  
19 Sure, we would love to if we had a camera following  
20 him for those four hours, but we just don't. And  
21 for the defense to suggest that we need to explain  
22 every little thing, there's only one person in this  
23 courtroom that knows, just one.

24 Darius has no motive to lie. He was nervous.  
25 I told you guys you are the fact finders, not me,

1 not Montrell Troutman and not his defense attorneys.  
2 You-all are. You get to judge each and every  
3 witness that took that seat, put their hand up and  
4 took an oath.

5 The defendant took an oath. Some things now he  
6 can't remember, but on that night -- now he said,  
7 yeah, I lied that night. Okay. He lied. He lied.  
8 It was elaborate. Over and over and over, the gun  
9 wasn't mine. He had the gun in his back pocket.  
10 Oh, the back pocket of his basketball shorts.

11 It was detailed, scuffling. He admitted to it.  
12 Then a week later, yeah, no, be honest with you, I  
13 lied, he didn't have a gun. But he wants you, you  
14 guys, to judge his credibility and say that it  
15 weighs more than all of the witnesses that testified  
16 this week. One man.

17 One thing about Santonio, remember, his house,  
18 Ken, his friend, and his five-year-old son that was  
19 there that was screaming when gunshots rang out, Ken  
20 testified he thought he had been shot the way he was  
21 screaming. No disregard for human -- no regard for  
22 human life, evil intent.

23 But you have Ken, then you have our victims,  
24 Keith, Carlo. They all testified. And one thing  
25 I'm sure you noticed, each time we placed that

1 little car on that picture, they all placed it in  
2 the general same spot, not exactly, each time all  
3 four of them testified. They weren't identical  
4 because you know why? Because we're human.  
5 Everyone has their own life experience, they have  
6 their own perceptions and they remember things the  
7 way they remember things.

8 But one thing was consistent is that that man  
9 walked in front of that car and that man walked back  
10 behind that car and then he took his headphones off  
11 and put it on the trunk of the man's car that you  
12 are scared of, if you're not asking for a fight  
13 then.

14 But what did Leric have? Nothing. His own  
15 words told you that. Montrell Troutman took this  
16 stand and said that Leric did not have a gun.  
17 Because he didn't. He did not. You don't get force  
18 if force isn't given. You don't just do it. It has  
19 to be reasonable before you put someone else's life  
20 in your hands.

21 And he wants to take the stand because things  
22 don't perfectly align and ask you guys to find him  
23 not guilty because things aren't perfect. You know  
24 why they're not perfect? Because he didn't make  
25 them perfect. He's the reason why we're here today.



1 Carolina and the defendant will receive a fair and  
2 impartial trial.

3 I want you to understand that when I use the  
4 word defendant, I refer to Mr. Montrell Deshawn  
5 Troutman.

6 Furthermore, the charges alleged in the  
7 indictment are murder, two counts of attempted  
8 murder and possession of a weapon during the  
9 commission of a violent crime. And to these  
10 charges, the defendant has entered a plea of not  
11 guilty. This plea of not guilty places the burden  
12 of proof on the State to prove the guilt of the  
13 defendant to you, the jury, beyond a reasonable  
14 doubt.

15 Now, during this trial, ladies and gentlemen,  
16 you and I have had separate duties to perform. As  
17 the trial judge, it is my responsibility to preside  
18 over this trial. And I also have the duty to rule  
19 upon the admissibility of the evidence offered  
20 during the process of this trial.

21 In that regard, you're to consider only the  
22 competent evidence before you and you are to  
23 disregard from your mind any testimony ordered  
24 stricken from the record of this case during the  
25 process of this trial, if there was any. And you

1 are to consider only the testimony which has been  
2 presented from this witness stand together with any  
3 exhibits admitted into the record of this case and  
4 any stipulations of counsel made into the record, if  
5 there were any.

6 Furthermore, I have the additional duty to  
7 charge you on the applicable law of this case. And  
8 in that regard, I am the sole judge of the law in  
9 this case. It is your duty to accept and apply the  
10 law as I state it to you. If you have any  
11 preconceived ideas as to what the law is or what the  
12 law ought to be and it does not agree with what I  
13 tell you the law is, you are obligated under your  
14 oath to abandon these preconceptions because you are  
15 sworn to accept the law precisely as I state it to  
16 you.

17 Now, ladies and gentlemen, I remind you that  
18 the fact the defendant was arrested, charged and  
19 indicted in this case is not evidence in this case  
20 and cannot be considered by you as evidence of guilt  
21 in this case nor does it create any presumption or  
22 inference of guilt.

23 The indictment, ladies and gentlemen, is simply  
24 the formal, written instrument which contains the  
25 charges made against the defendant. It is the

1 formal document by which this case is brought into  
2 this court.

3 Now, the indictments in this case allege  
4 several different offenses against the defendant.  
5 The charges, as I told you a minute ago, are murder,  
6 two counts of attempted murder and possession of a  
7 weapon during the commission of a violent crime.  
8 Each indictment charges a separate and distinct  
9 offense. You must decide each indictment separately  
10 on the evidence and the law applicable to it,  
11 uninfluenced by your decision as to any other  
12 indictment.

13 The defendant may be convicted or acquitted on  
14 any or all of the offenses charged. You will be  
15 asked to write a separate verdict of guilty or not  
16 guilty for each indictment.

17 It is vital, ladies and gentlemen, to  
18 understand that the defendant is presumed under the  
19 law to be innocent of the charges against him. The  
20 defendant has no obligation to prove his innocence.  
21 It is a fundamental rule of our law that a  
22 defendant, irrespective of the seriousness of the  
23 charges against him, is always presumed innocent of  
24 the crimes for which he is charged unless and until  
25 his guilt has been proven by evidence that satisfies

1           you, the jury, beyond a reasonable doubt.

2           The presumption of innocence, ladies and  
3 gentlemen, is not a mere legal theory or a legal  
4 phrase. The presumption of innocence is very  
5 important. And you need to understand that this  
6 presumption accompanies the defendant from the time  
7 of his arrest and appearance in this court and  
8 continues with the defendant even after you retire  
9 to the jury room to deliberate. In other words, the  
10 defendant receives the benefit of the presumption of  
11 innocence until the very end of this trial when you,  
12 the jury, will deliberate upon the evidence and  
13 decide whether the State has proven his guilt beyond  
14 a reasonable doubt.

15           Now, what is a reasonable doubt in the law? A  
16 reasonable doubt is the kind of doubt that would  
17 cause a reasonable person to hesitate to act. Proof  
18 beyond a reasonable doubt is proof that leaves you  
19 firmly convinced of the defendant's guilt.

20           Now, there are very few things in this world  
21 that we know with absolute certainty, so even in  
22 criminal cases, the law does not require proof that  
23 overcomes every possible doubt. If, based on your  
24 consideration of the evidence, you are firmly  
25 convinced that the defendant is guilty of the crimes

1 charged, you must find him guilty. If, on the other  
2 hand, you think there is a real possibility that he  
3 is not guilty, you must give him the benefit of the  
4 doubt and find him not guilty.

5 Please understand, ladies and gentlemen, that  
6 reasonable doubt may arise from evidence which has  
7 been presented in the case or from the lack of  
8 evidence in the case. It is your responsibility to  
9 determine whether or not reasonable doubt exists as  
10 to the guilt of this defendant.

11 I charge you that the defendant is entitled to  
12 every reasonable doubt arising in the whole case.  
13 If, upon any issues of fact essential to conviction  
14 and a verdict of guilty, you have a reasonable doubt  
15 as to how that issue should be resolved, it would be  
16 your duty to resolve that reasonable doubt in favor  
17 of the defendant.

18 Thus, in summary, it is important to understand  
19 that a defendant is not required to prove his  
20 innocence. Instead, the State is required by law to  
21 prove every essential element of the offenses  
22 charged against the defendant by evidence which  
23 satisfies you, the jury, of his guilt beyond a  
24 reasonable doubt. Only then can you convict the  
25 defendant and find him guilty.

1           Now, there are two types of evidence which are  
2 generally presented during a trial, direct evidence  
3 and circumstantial evidence. Direct evidence  
4 directly proves the existence of a fact and does not  
5 require deduction. Circumstantial evidence is proof  
6 of a chain of facts and circumstances indicating the  
7 existence of a fact. Crimes may be proven by  
8 circumstantial evidence.

9           The law makes no distinction between the weight  
10 or value to be given to either direct or  
11 circumstantial evidence. However, to the extent the  
12 State relies on circumstantial evidence, all of the  
13 circumstances must be consistent with each other and  
14 when taken together, point conclusively to the guilt  
15 of the accused beyond a reasonable doubt. If these  
16 circumstances merely portray the defendant's  
17 behavior as suspicious, the proof has failed.

18           The State has the burden of proving the  
19 defendant guilty beyond a reasonable doubt. This  
20 burden rests with the State regardless of whether  
21 the State relies on direct evidence, circumstantial  
22 evidence or a combination of the two.

23           Now, ladies and gentlemen, in this trial, you,  
24 you are the sole and exclusive judge of the facts.  
25 And as I told you previously, I am the judge of the

1 law. Do not infer that I have an opinion about the  
2 facts in this case from anything that I have said  
3 during the course of this trial in ruling upon the  
4 admissibility of evidence or otherwise or from  
5 anything that I say during the course of this charge  
6 to you.

7 In this regard, the law simply does not permit  
8 me to have an opinion about the facts. As jurors,  
9 it is your duty alone to determine the effect, value  
10 and weight of the evidence presented during the  
11 course of this trial.

12 Now, in determining what the facts in this case  
13 are, you, ladies and gentlemen, must judge the  
14 credibility, which simply means the believability of  
15 the witnesses, and the value of weight to be given  
16 to their testimony. You alone must decide the force  
17 and effect of the testimony.

18 Now, in making this decision, there are many  
19 things you may and should take into consideration,  
20 such as the appearance and manner of the witness on  
21 the stand, a characteristic often referred to as the  
22 demeanor of the witness; was the witness forthright  
23 or hesitant; was the witness' testimony consistent  
24 or did it contain discrepancies; what was the  
25 ability of the witness to know the facts about which

1 he or she testified; did the witness have a cause or  
2 reason to be biased and prejudiced in favor of the  
3 testimony he or she gave; was the testimony of the  
4 witness corroborated or made stronger by other  
5 testimony and evidence or was it made weaker or  
6 impeached by such other testimony and evidence.

7 As jurors, please understand you have the right  
8 to believe a small portion of a witness' testimony  
9 and discard the larger portion or vice versa. You  
10 may believe all of a witness' testimony or none.  
11 You may believe the testimony of a single witness  
12 against that of many witnesses or the other way  
13 around.

14 In exercising your mental processes in  
15 attempting to decide the verdict, the law simply  
16 requires that you exercise your good judgment, your  
17 common sense, your sense of logic and reason and  
18 your experiences in life. You then apply these  
19 attributes to the evidence and apply the law as I  
20 state it to you and thus arrive at a verdict.

21 Now, ladies and gentlemen, during the course of  
22 this trial, you heard testimony or evidence of an  
23 individual having a past or a prior criminal record.  
24 A person who has a past or a prior criminal record  
25 is competent to testify in a trial. A past record

1 does not affect the ability of that witness to  
2 testify. The past record may only be considered by  
3 you, if at all, in determining the witness'  
4 believability. Remember, you are the sole judges of  
5 the facts in this case and of the believability of  
6 any and all of the witnesses.

7 Now, during the course of this trial, you heard  
8 the testimony of individuals that were qualified as  
9 expert witnesses. The rules of evidence -- and I'm  
10 going to give you this charge again. The rules of  
11 evidence, ladies and gentlemen, ordinarily do not  
12 permit witnesses to testify to opinions or  
13 conclusions. An exception to this rule exists for  
14 witnesses that we call expert witnesses. A witness  
15 who, by education and experience, has become an  
16 expert in some art, science, profession or calling  
17 may state an opinion as to a relevant and material  
18 matter in which the witness claims to be an expert  
19 and may also state the reasons for the opinion.

20 You, ladies and gentlemen, should consider any  
21 expert opinion received in evidence in this case,  
22 and like any other evidence, give it the weight that  
23 you think it deserves. If you decide that the  
24 opinion of an expert witness is not based on  
25 sufficient education and experience or if you

1       conclude that the reasons given in support of the  
2       opinion are not sound or that the opinion is  
3       outweighed by other evidence, you may disregard the  
4       opinion entirely.

5               Furthermore, an expert witness' testimony is to  
6       be given no greater weight than that of other  
7       witnesses simply because the witness is an expert.  
8       Further, you are not required to accept an expert's  
9       opinion even though it is not contradicted.

10              And there's also been evidence presented during  
11       the case or the trial that a witness or witnesses  
12       made prior statements which are not consistent with  
13       the witness' present testimony. You may use this  
14       evidence to decide whether to believe the witness.  
15       You may also use evidence of the earlier  
16       contradictory statements to determine the truth of  
17       those statements. It is up to you to decide whether  
18       to believe the earlier statements or the testimony  
19       given at trial.

20              If a witness is shown to have knowingly  
21       testified untruthfully concerning any material  
22       matter, you may consider this in determining whether  
23       to trust the witness' testimony as to other matters.  
24       You may reject all testimony of that witness or give  
25       all or part of the testimony the weight that you

1 think it deserves.

2 Now, ladies and gentlemen, in order to  
3 establish criminal liability, criminal intent is  
4 required. For example, the mental state required to  
5 be proven by the State for a particular crime might  
6 be purpose, intent, knowledge, recklessness or  
7 criminal negligence.

8 Criminal intent must be proven by the State  
9 beyond a reasonable doubt. Criminal intent is  
10 always a matter that must be determined by the jury  
11 from the circumstances surrounding the situation.

12 There is no way, ladies and gentlemen, to prove  
13 intent to a mathematical certainty. There is no way  
14 that medical science can dissect a person's brain  
15 and determine what the person had in mind. So the  
16 law says that criminal intent may be inferred from  
17 the circumstances shown to have existed. This is  
18 how you make a determination of whether or not the  
19 element requiring intent was present.

20 It is not necessary to establish intent by  
21 direct and positive evidence, but intent may be  
22 established by inference in the same way as any  
23 other fact by taking into consideration the acts of  
24 the parties and all the facts and circumstances of  
25 the case.

1 Criminal intent is a mental state, a conscious  
2 wrongdoing. It is up to you to determine what the  
3 defendant intended to do based on the circumstances  
4 shown to have existed.

5 Criminal intent can arise from action or a  
6 failure to act. It may arise from negligence,  
7 recklessness or an indifference to duty or to  
8 consequences that is considered by the law to be the  
9 equivalent of criminal intent.

10 Now, ladies and gentlemen, the defendant in  
11 this case is charged with the murder of Leric  
12 Merriweather. The State must prove beyond a  
13 reasonable doubt that the defendant killed Leric  
14 Merriweather with malice aforethought.

15 Malice, ladies and gentlemen, is hatred, ill  
16 will or hostility towards another person. It is the  
17 intentional doing of a wrongful act without just  
18 cause or excuse and with an intent to inflict an  
19 injury or under circumstances that the law will  
20 infer an evil intent.

21 Malice aforethought does not require that  
22 malice exist for any particular time before the act  
23 is committed, but malice must exist in the mind of  
24 the defendant just before and at the time the act is  
25 committed. Therefore, there must be a combination

1 of the previous evil intent and the act.

2 Malice aforethought may be expressed or  
3 inferred. These terms, expressed and inferred, do  
4 not mean different kinds of malice, but merely the  
5 manner in which malice may be shown to exist, that  
6 is either by direct evidence or by inference from  
7 the facts and circumstances which are proved.

8 Expressed malice is shown when a person speaks  
9 words which express hatred or ill will for another  
10 or when the person prepared beforehand to do the act  
11 which was later accomplished. For example, lying in  
12 wait for a person or any other acts of preparation  
13 going to show that the deed was within the  
14 defendant's mind would be expressed malice. Malice  
15 may be inferred from conduct showing a total  
16 disregard for human life.

17 Now, ladies and gentlemen, if you find that the  
18 State has failed to prove beyond a reasonable doubt  
19 that the defendant committed the murder of Leric  
20 Merriweather, you must consider whether the State  
21 has proven that the defendant committed the  
22 lesser-included offense of voluntary manslaughter.  
23 To prove voluntary manslaughter, the State must  
24 prove beyond a reasonable doubt that the defendant  
25 took the life of another in the sudden heat of

1           passion based on sufficient legal provocation. Both  
2           heat of passion and sufficient legal provocation  
3           must be present at the time of the killing to  
4           constitute voluntary manslaughter.

5           Sudden heat of passion may, for a time, affect  
6           a person's self-control and temporarily disturb a  
7           person's reason. The sudden heat of passion must be  
8           the type that would make an ordinary person unable  
9           to coolly reflect on his actions and would produce an  
10          uncontrollable impulse to do violence.

11          Sufficient legal provocation must be the type  
12          that would make a person of ordinary reason and  
13          caution become enraged and to lose control  
14          temporarily. The provocation needed for voluntary  
15          manslaughter must come from some act of or related  
16          to the victim.

17          Words alone, however vulgar or insulting, are  
18          not enough to be legal provocation. Where death is  
19          caused by the use of a deadly weapon, the words must  
20          be accompanied by some overt threatening act which  
21          could have produced the heat of passion. The  
22          exercise of a legal right no matter how offensive it  
23          is to another is never sufficient legal provocation  
24          for voluntary manslaughter.

25          If the heat of passion had cooled or if there

1 was enough time between the provocation, if any, and  
2 the killing for the passion of a reasonable person  
3 to cool, the killing would not be voluntary  
4 manslaughter.

5 In deciding whether a reasonable person would  
6 have had enough time to cool off, you should  
7 consider all the circumstances surrounding the  
8 killing. You may consider the nature of the  
9 provocation, if any, the defendant's mental and  
10 physical state, and the circumstances and  
11 relationships between the parties.

12 Now, ladies and gentlemen, the defendant is  
13 also charged with attempted murder of Carlo Harris  
14 and of Keith Mathis. A person who, with the intent  
15 to kill, attempts to kill another person with malice  
16 aforethought, either expressed or implied, commits  
17 the offense of attempted murder. Intent is defined  
18 as I previously defined it for you in this charge.

19 Now, in order to prove this crime, the State  
20 must prove the defendant attempted to kill Carlo  
21 Harris and he attempted to kill Keith Mathis with  
22 malice aforethought, either expressed or implied. A  
23 specific intent to kill is not an element of  
24 attempted murder, but there must be a general intent  
25 to commit serious bodily injury.

1           Intent means intending the result which  
2           actually occurs not accidentally or involuntary.  
3           Intent may be shown by acts and conduct of the  
4           defendant and other circumstances from which you may  
5           naturally and reasonably infer intent. Evidence of  
6           the character of the act, the character of the  
7           instrument used, the manner in which it was used,  
8           the purpose to be accomplished, and the resulting  
9           wounds or injuries may be considered in determining  
10          the intent with which the act was committed.

11          Intent may also be inferred when it is  
12          demonstrated that the defendant voluntarily and  
13          willfully commits an act, the natural tendency of  
14          which is to destroy another's life.

15          Now, ladies and gentlemen, if you find the  
16          State has failed to prove beyond a reasonable doubt  
17          that the defendant is guilty of attempted murder as  
18          to Carlo Harris, you must determine whether the  
19          State has proven beyond a reasonable doubt the  
20          lesser-included offense of assault and battery of a  
21          high and aggravated nature. A person commits the  
22          offense of assault and battery of a high and  
23          aggravated nature if the person unlawfully injures  
24          another person and great bodily injury to another  
25          person results or the act is accomplished by means

1 likely to produce death or great bodily injury.

2 Great bodily injury means bodily injury which  
3 causes a substantial risk of death or which causes  
4 serious permanent disfigurement or protracted loss  
5 or impairment of the function of a bodily member or  
6 organ.

7 Now, ladies and gentlemen, if you find the  
8 State has failed to prove beyond a reasonable doubt  
9 that the defendant is guilty of attempted murder as  
10 to Keith Mathis, you must determine whether the  
11 State has proven beyond a reasonable doubt the  
12 lesser-included offense of assault and battery in  
13 the first degree as it relates to Keith Mathis.

14 A person commits the offense of assault and  
15 battery in the first degree if the person unlawfully  
16 offers or attempts to injure another person with the  
17 present ability to do so and the act is accomplished  
18 by means likely to produce death or great bodily  
19 injury. Great bodily injury is defined as I  
20 previously defined it for you.

21 Ladies and gentlemen, the defendant is also  
22 charged with possession of a weapon during the  
23 commission of a violent crime. The State must prove  
24 beyond a reasonable doubt that the defendant was in  
25 the possession of a firearm during the commission of

1 a violent crime. A firearm means any machine gun,  
2 automatic rifle, revolver, pistol or any weapon  
3 which will, is designed to or may be readily  
4 converted to expel a projectile.

5 In order to find the defendant guilty of  
6 possession of a weapon during the commission of a  
7 violent crime, you must find the defendant guilty of  
8 either committing a violent crime or attempting to  
9 commit a violent crime. Murder and attempted murder  
10 are violent crimes. The State must prove beyond a  
11 reasonable doubt that the weapon further advanced or  
12 helped in the commission of a crime.

13 Now, ladies and gentlemen, the defendant has  
14 raised the defense of self-defense. Self-defense is  
15 a complete defense and if it is established, you  
16 must find the defendant not guilty.

17 The State has the burden of disproving  
18 self-defense by proof beyond a reasonable doubt.

19 If you have a reasonable doubt of the  
20 defendant's guilt after considering all the  
21 evidence, including the evidence of self-defense,  
22 then you must find the defendant not guilty. On the  
23 other hand, if you have no reasonable doubt of the  
24 defendant's guilt after considering all the  
25 evidence, including the evidence of self-defense,

1 then you must find the defendant guilty.

2 The following elements are required to  
3 establish self-defense: One, without fault. First,  
4 the defendant must be without fault in bringing on  
5 the difficulty. If the defendant's conduct was the  
6 type which was reasonably calculated to and did  
7 provoke a deadly assault, the defendant would be at  
8 fault in bringing on the difficulty and would not be  
9 entitled to an acquittal based on self-defense.

10 Two, imminent danger. The second element of  
11 self-defense is that the defendant was actually in  
12 imminent danger of death or serious bodily injury or  
13 that the defendant actually believed he was in  
14 imminent danger of death or serious bodily injury.

15 If the defendant was actually in imminent  
16 danger, it must be shown that the circumstances  
17 would have warranted a person of ordinary firmness  
18 and courage to strike the fatal blow to prevent  
19 death or serious bodily injury. If the defendant  
20 believed he was in imminent danger of death or  
21 serious bodily injury, it must be shown that a  
22 reasonably prudent person of ordinary firmness and  
23 courage would have had the same belief.

24 In deciding whether the defendant actually was  
25 or believed he was in imminent danger of death or

1       serious bodily injury, you should consider all the  
2       facts and circumstances surrounding the crime,  
3       including the physical condition and characteristics  
4       of the defendant and the victim.

5               The defendant, ladies and gentlemen, does not  
6       have to show that he was actually in danger. It is  
7       enough if the defendant believed he was in imminent  
8       danger and a reasonably prudent person of ordinary  
9       firmness and courage would have had the same belief.

10              The defendant has the right to act on  
11       appearances even though the defendant believes --  
12       beliefs may have been mistaken. It is for you to  
13       decide whether the defendant's fear of immediate  
14       danger of death or serious bodily injury was  
15       reasonable and would have been felt by an ordinary  
16       person in the same situation.

17              Words, ladies and gentlemen, accompanied by  
18       hostile acts may, depending on the circumstances,  
19       establish self-defense.

20              Evidence of prior difficulties between the  
21       defendant and the victim may be considered in  
22       deciding whether a threat existed, whether the  
23       defendant had a reason to believe a threat existed  
24       and how serious that threat was.

25              The relative sizes, age and weights of the

1 defendant and the victim may be considered in  
2 deciding the apparent or actual need for force and  
3 self-defense and the amount of force needed.

4 The reputation of the victim as a violent  
5 person may be considered in deciding whether there  
6 was a need for force, whether the defendant had  
7 reason to believe there was a need for force and  
8 whether deadly force was reasonably necessary.

9 Prior instances of violence by the victim may  
10 be considered in deciding whether the defendant  
11 actually believed he was in imminent danger of death  
12 or serious bodily injury or was actually in imminent  
13 danger.

14 Threats made by the victim may be considered in  
15 determining whether the defendant actually was or  
16 believed he was in imminent danger.

17 The final element of self-defense is that the  
18 defendant had no other probable way to avoid the  
19 danger of death or serious bodily injury than to act  
20 as the defendant did in this particular instance.

21 A person, ladies and gentlemen, cannot be  
22 required to make an exact calculation as to the  
23 degree or amount of force which may be needed to  
24 avoid death or serious bodily harm. Therefore, in  
25 self-defense, the defendant has the right to use the

1 force needed to avoid death or serious bodily harm.

2 The force used in self-defense does not have to  
3 be limited to the degree or amount of force used by  
4 the victim. The defendant has the right to use so  
5 much force as appeared to be necessary for complete  
6 self-protection in which a person of ordinary reason  
7 and firmness would have believed to be needed to  
8 prevent death or serious bodily harm.

9 If the defendant is justified in defending  
10 himself or others and in firing the first shot, then  
11 the defendant is also justified in continuing to  
12 shoot until it is apparent that the danger of death  
13 or serious bodily injury has completely ended.

14 Now, ladies and gentlemen, I am now drawing  
15 near the conclusion of my charge to you. And I want  
16 you to clearly understand that you are not partisans  
17 or advocates for the State of South Carolina or the  
18 defendant. It is your duty, ladies and gentlemen,  
19 to determine the facts and then take and apply the  
20 law which has been given to you by this Court and  
21 thus arrive at a verdict.

22 Now, once you retire to the jury room, the  
23 bailiff will give the verdict form to you, Madame  
24 Forelady. When you, the jury, arrive at a verdict  
25 as to the offenses charged in this case, the

1 Forelady will indicate the verdict on the verdict  
2 form.

3 If the State has failed to prove the guilt of  
4 the defendant beyond a reasonable doubt, you will  
5 indicate your verdict by placing an X beside not  
6 guilty. Likewise, if the State has proven the guilt  
7 of the defendant beyond a reasonable doubt, your  
8 verdict will be an X beside guilty. You will do  
9 this for each charge listed on the verdict form.

10 Madame Forelady, once the decision has been  
11 made, you will indicate the verdict of the jury on  
12 the verdict form.

13 The verdict, ladies and gentlemen, that you  
14 render in this case must be the verdict of each and  
15 every juror. It must be your unanimous verdict.  
16 All 12 jurors must agree on the verdict which you  
17 authorize the Forelady to write for the jury.

18 Ladies and gentlemen, I want you to further  
19 understand that the order in which the choices of  
20 verdict appear on the verdict form are not  
21 suggestive of any verdict on the part of the Court.  
22 The verdict in this case is to be determined by you,  
23 the jury, not the Court.

24 Furthermore, please understand that even though  
25 I will give the verdict form to the Forelady, it is

1 not her verdict alone. It is the verdict of all 12  
2 of you. And, again, I emphasize that it must be  
3 unanimous.

4 I'm also going to give you-all a copy of these  
5 instructions in written form. During your  
6 deliberations, you may refer to the instructions to  
7 guide your decision making. You must, ladies and  
8 gentlemen, consider the instructions as a whole and  
9 not follow some and ignore others.

10 Please, Madame Forelady, return these  
11 instructions to the Court at the time that your  
12 verdict is rendered.

13 I am now going to ask you-all to retire to the  
14 jury room, but do not, do not begin your  
15 deliberations until you're instructed to do so. The  
16 law requires, ladies and gentlemen, that I consult  
17 with the attorneys to make sure that I have not left  
18 anything out of these instructions. After I have  
19 spoken with the attorneys, the bailiff will bring in  
20 the items of evidence and a copy of these  
21 instructions, along with the verdict form, and  
22 instruct you to begin your deliberations.

23 Now, during your deliberations -- during your  
24 deliberations, should you have any questions, pen  
25 and pencil or pen and paper or pencil and paper, I'm

1 not exactly sure what they supply back there, a  
2 writing utensil, obviously, and something to write  
3 on will be provided to you should you have any  
4 questions during your deliberations. It will be  
5 your responsibility, Madame Forelady, to reduce such  
6 questions to writing, knock on the door, let the  
7 bailiff know you have a question and they'll get it  
8 to me and I'll answer it how I deem appropriate.  
9 Okay?

10 Likewise, when you-all have reached a unanimous  
11 verdict, filled out the verdict form, signed and  
12 dated it, knock on the door, let the bailiff know  
13 that you-all have reached a verdict and we will get  
14 you back into the courtroom as promptly as possible.

15 Before I let you go to the jury room, does  
16 everyone on the jury feel okay? Anyone not feeling  
17 well?

18 All right. I'm going to ask that you step to  
19 the jury room, but do not, do not begin your  
20 deliberations until you're instructed to do so.

21 (The jury retires to the jury room.)

22 **THE COURT:** Any exception or objection to the  
23 charge by the State?

24 **MS. RADLEIN:** None from the State, Your Honor.

25 **THE COURT:** Defense counsel?

1           **MR. DRYLIE:** No, Your Honor.

2           **THE COURT:** All right. Y'all look and gather  
3 the items of evidence, please.

4           (Pause.)

5           **THE COURT:** Do y'all have any objection to me  
6 excusing the jurors in the back?

7           **MS. RADLEIN:** No objection.

8           **MR. DRYLIE:** No objection.

9           (The judge excused the alternates off the  
10 record.)

11           (The jury commences its deliberations at  
12 2:58 P.M.)

13           (A recess transpired.)

14           (The following occurred during jury  
15 deliberations at 6:10 P.M.)

16           **THE COURT:** All right. It is ten after 6:00.  
17 I'm going to bring the jury out. I'm going to send  
18 them home for the day. I mentioned that I may bring  
19 them out here and see if they were going to get a  
20 verdict in the next 30 minutes or so. I'm going to  
21 just -- I'm going to send them home and come back in  
22 the morning at nine o'clock.

23           Bring me the jury, please, sir.

24           Because if I ask them that question, they're  
25 going to have to just -- send them back out maybe

1 Bring me the jury, please.

2 (The jury enters the courtroom at 9:15 A.M.)

3 **THE COURT:** Good morning, ladies and gentlemen.  
4 I hope you-all had a nice evening. I have to bring  
5 you in here, and what I'm getting ready to do, I'm  
6 getting ready to send you right back and tell you to  
7 continue your deliberations. And you may sit there  
8 and think, well, why didn't you just stick your head  
9 in the door down there and tell us to do that  
10 without bringing us all the way down here? But  
11 everything needs to be on the record, that's why I  
12 have to bring you in here, address everything on the  
13 record and send you right back out. Okay?

14 So what I'm going to do is I'm going to ask you  
15 to return to the jury room and continue your  
16 deliberations. All right? You-all are free to go  
17 back to the jury room.

18 (The jury retires to the jury room to  
19 continue its deliberations at 9:18 A.M.)

20 **THE COURT:** All right. We'll stand at ease.

21 (A recess transpired.)

22 **THE COURT:** All right. It's my understanding  
23 that the jury has a verdict. As I tell -- as I  
24 always say prior to a jury coming back in and  
25 verdict being returned, I remind you-all, regardless

1 of what the verdict is, to keep your emotions in  
2 check. Failure to do so will result in you being  
3 held in contempt of court by virtue of fine and/or  
4 incarceration. If you do not believe that you can  
5 keep your emotions in check, now is your time to  
6 leave the courtroom.

7 All right. Anything from the State before I  
8 bring the jury?

9 **MS. RADLEIN:** Nothing from the State, Your  
10 Honor.

11 **THE COURT:** Defense counsel?

12 **MR. DRYLIE:** No, Your Honor.

13 **THE COURT:** Bring me the jury, please, sir.

14 (The jury returns to open court to report  
15 its verdict at 12:56 P.M.)

16 **THE CLERK:** Madame Foreperson, has the jury  
17 reached a verdict?

18 **FORELADY:** Yes, we have.

19 (The Clerk hands the verdicts to the Judge.)

20 **THE COURT:** You may publish the verdict.

21 VERDICT OF THE JURY

22 **THE CLERK:** Will the defendant please stand?

23 State of South Carolina, County of Edgefield,  
24 the State of South Carolina versus Montrell Deshawn  
25 Troutman, as to the charge of the murder of Leric

1 Merriweather, we, the jury, unanimously find the  
2 defendant, Montrell Deshawn Troutman, not guilty.

3 As to the charge of voluntary manslaughter of  
4 Leric Merriweather, we, the jury, unanimously find  
5 the defendant, Montrell Deshawn Troutman, guilty.

6 As to the charge of attempted murder of Carlo  
7 Harris, we, the jury, unanimously find the  
8 defendant, Montrell Deshawn Troutman, not guilty.

9 As to the charge of assault and battery of a  
10 high and aggravated nature of Carlo Harris, we, the  
11 jury, unanimously find the defendant, Montrell  
12 Deshawn Troutman, guilty.

13 As to the charge of attempted murder of Keith  
14 Mathis, we, the jury, unanimously find the  
15 defendant, Montrell Deshawn Troutman, not guilty.

16 As to the charge of assault and battery in the  
17 first degree of Keith Mathis, we, the jury,  
18 unanimously find the defendant, Montrell Deshawn  
19 Troutman, guilty.

20 As to the charge of possession of a weapon  
21 during the commission of or attempt to commit a  
22 violent crime, we, the jury, unanimously find the  
23 defendant, Montrell Deshawn Troutman, guilty.

24 Madame Forelady and ladies and gentlemen of the  
25 jury, if that is your verdict, please indicate by

1 raising your right hand.

2 All hands were raised.

3 **THE COURT:** All right. Anything from defense  
4 counsel at this time?

5 **MR. DRYLIE:** Judge, we just ask you that you  
6 poll the jury.

7 **THE COURT:** All right. Poll the jury.

8 **THE CLERK:** Do you want me to do the not  
9 guilties or just the guilties?

10 **THE COURT:** Just the guilty.

11 **THE CLERK:** Just the guilties.

12 The verdict of the jury reported to the Court  
13 was guilty of voluntary manslaughter. Jonathan  
14 Durdan -- excuse me, I've got the wrong -- Trinika  
15 Mason, was this your verdict in the jury room and is  
16 this -- is this still your verdict? Please answer  
17 yes or no.

18 **JUROR:** Yes.

19 **THE CLERK:** Jennifer Stevens?

20 **JUROR:** Yes.

21 **THE CLERK:** Evelyn Chanti?

22 **JUROR:** Yes.

23 **THE CLERK:** Carina Riddick?

24 **JUROR:** Yes.

25 **THE CLERK:** Mattie Samuels?

1           **JUROR:** Yes.

2           **THE CLERK:** Albert Jackson?

3           **JUROR:** Yes.

4           **THE CLERK:** Wendell Smith?

5           **JUROR:** Yes.

6           **THE CLERK:** Christina Bailey?

7           **JUROR:** Yes.

8           **THE CLERK:** Jasper Agner?

9           **JUROR:** Yes.

10          **THE CLERK:** Ann Turner?

11          **JUROR:** Yes.

12          **THE CLERK:** Cynthia Buist?

13          **JUROR:** Yes.

14          **THE CLERK:** Margaret Nolletti?

15          **JUROR:** Yes.

16          **THE CLERK:** As of the -- as to the verdict of

17          guilty for assault and battery of a high and

18          aggravated nature of Carlo Harris, was this your

19          verdict in the jury room and is this still your

20          verdict? Trinika Mason?

21          **JUROR:** Yes.

22          **THE CLERK:** Jennifer Stevens?

23          **JUROR:** Yes.

24          **THE CLERK:** Evelyn Chanti?

25          **JUROR:** Yes.

1           **THE CLERK:** Carina Riddick?

2           **JUROR:** Yes.

3           **THE CLERK:** Mattie Samuels?

4           **JUROR:** Yes.

5           **THE CLERK:** Albert Jackson?

6           **JUROR:** Yes.

7           **THE CLERK:** Wendell Smith?

8           **JUROR:** Yes.

9           **THE CLERK:** Christina Bailey?

10          **JUROR:** Yes.

11          **THE CLERK:** Jasper Agner?

12          **JUROR:** Yes.

13          **THE CLERK:** Ann Turner?

14          **JUROR:** Yes.

15          **THE CLERK:** Cynthia Buist?

16          **JUROR:** Yes.

17          **THE CLERK:** Margaret Nolletti?

18          **JUROR:** Yes.

19          **THE CLERK:** As to the guilty verdict of assault  
20          and battery in the first degree of Keith Mathis, was  
21          this your verdict in the jury room; is this still  
22          your verdict? Trinika Mason?

23          **JUROR:** Yes.

24          **THE CLERK:** Jennifer Stevens?

25          **JUROR:** Yes.

1           **THE CLERK:** Evelyn Chanti?

2           **JUROR:** Yes.

3           **THE CLERK:** Carina Riddick?

4           **JUROR:** Yes.

5           **THE CLERK:** Mattie Samuels?

6           **JUROR:** Yes.

7           **THE CLERK:** Albert Jackson?

8           **JUROR:** Yes.

9           **THE CLERK:** Wendell Smith?

10          **JUROR:** Yes.

11          **THE CLERK:** Christina Bailey?

12          **JUROR:** Yes.

13          **THE CLERK:** Jasper Agner?

14          **JUROR:** Yes.

15          **THE CLERK:** Ann Turner?

16          **JUROR:** Yes.

17          **THE CLERK:** Cynthia Buist?

18          **JUROR:** Yes.

19          **THE CLERK:** Margaret Nolletti?

20          **JUROR:** Yes.

21          **THE CLERK:** As to the guilty verdict of

22           possession of a weapon during the commission of or

23           attempting to commit a violent crime, was this your

24           verdict in the jury room and is this still your

25           verdict? Trinika Mason.

1           **JUROR:** Yes.  
2           **THE CLERK:** Jennifer Stevens?  
3           **JUROR:** Yes.  
4           **THE CLERK:** Evelyn Chanti?  
5           **JUROR:** Yes.  
6           **THE CLERK:** Carina Riddick?  
7           **JUROR:** Yes.  
8           **THE CLERK:** Mattie Samuels?  
9           **JUROR:** Yes.  
10          **THE CLERK:** Albert Jackson?  
11          **JUROR:** Yes.  
12          **THE CLERK:** Wendell Smith?  
13          **JUROR:** Yes.  
14          **THE CLERK:** Christina Bailey?  
15          **JUROR:** Yes.  
16          **THE CLERK:** Jasper Agner?  
17          **JUROR:** Yes.  
18          **THE CLERK:** Ann Turner?  
19          **JUROR:** Yes.  
20          **THE CLERK:** Cynthia Buist?  
21          **JUROR:** Yes.  
22          **THE CLERK:** Margaret Nolletti?  
23          **JUROR:** Yes.  
24          **THE CLERK:** The jury's been polled, Your Honor.  
25          **THE COURT:** Anything further?

1           **MR. DRYLIE:** Judge, at this time, we just renew  
2 all our motions, pretrial and during the trial, and  
3 all objections and renew our motions for a directed  
4 verdict and request a new trial.

5           **THE COURT:** All right. The Court's rulings  
6 remain the same as to each of said motions for  
7 reasons previously stated and the ruling remains the  
8 same as to each.

9           Does the State have sentencing sheets?

10          **MS. RADLEIN:** Beg the Court's indulgence.

11                   (Pause.)

12          **THE COURT:** All right. Ladies and gentlemen,  
13 while the State is providing sentencing sheets to  
14 the Court, I will tell you that you -- at this time,  
15 you have fulfilled your responsibilities as jurors  
16 and you are free to leave if you want to leave at  
17 this point.

18               I told you throughout the trial of this case,  
19 you're not to discuss this case with anyone. Okay?  
20 When I release you here today, you can discuss this  
21 case, you can talk about it all you want to.  
22 However, no one can make you talk about it if you  
23 don't want to talk about it. So when I release you  
24 here today, if somebody approaches you and asks  
25 about it and talk to you about it and you told them

1       you don't want to talk about it and they don't leave  
2       you alone, you let the Court know and it'll be taken  
3       care of. Okay?

4                You-all will receive a check in the mail for  
5       your service this week, the proverbial statement,  
6       the check's in the mail. I will tell you do not  
7       plan on laying any large ticket items aside, that  
8       check's not going to cover it. It might buy your  
9       family, depending on how many's in your family, it  
10      might buy you a Happy Meal or something at  
11      McDonald's. The truth of the matter is we can't  
12      compensate you for what your service is worth.

13               I know that jury service -- I don't know if any  
14      of you were on a jury, I don't remember whether you  
15      stood when I asked the question in qualification  
16      whether or not you've ever served on a jury before,  
17      if this was your first time or not, I hope you  
18      learned this isn't television, this isn't  
19      television. Television, in my opinion, for what  
20      it's worth, has done more to harm our judicial  
21      system than anything. This is real life.

22               I will tell you, as we went through the  
23      qualification process on Monday, you heard me --  
24      each of you, as part of that panel, stood up and  
25      gave just a small glimpse of where you work, if

1       you're married, your spouse, et cetera, just a  
2       little bit of information. I say that to say it  
3       takes different people from different walks of life  
4       to do what you're doing and what you've done this  
5       week.

6                You would not want me or any other judge walk  
7       in the courtroom on Monday and look at one of the  
8       deputies and say, go find the first 12 people on the  
9       street, bring them up here, let's try this case.  
10       You would not want that nor would you want me or  
11       some panel of judges sitting up here and making  
12       those decisions, the decisions that you-all have  
13       made.

14               Our system, ladies and gentlemen, our jury  
15       system is not perfect because it's created by man,  
16       but it's the best in the civilized world. I can  
17       promise you that; I can promise you that.

18               I hope it was a learning experience for you  
19       this week. And if you're ever called upon to serve  
20       again, that you'll be willing to serve like you did  
21       this week. I can promise you whether you are in  
22       civil court or criminal court in any capacity and  
23       you were seated at one of these tables, you would  
24       want people such as yourselves serving on jury,  
25       serving as jurors and not like I said earlier,

1           having deputies go out and finding 12 people and put  
2           them in that box.

3           So what is going to take place now is  
4           sentencing. Okay? You-all are free to stay and  
5           watch, but you don't have to. I would encourage you  
6           to stay. You need to know -- you ought to know what  
7           goes on. You've seen that part of it. But you have  
8           a right to leave at this time if you want to leave.  
9           If any of you wish to leave, I will give you that  
10          opportunity now.

11          Again, I want to thank you for your service.  
12          If you want to leave, you're free to leave at this  
13          point. I will need the Forelady, I need you stay  
14          and sign the indictments.

15          (The jurors were excused.)

16          **MS. RADLEIN:** Your Honor, may I approach?

17          **THE COURT:** Yes.

18          (Pause.)

19          **THE COURT:** All right. Let me hear from --  
20          what I'd like to hear first, from the State, is the  
21          defendant's prior record. Can you give me that for  
22          the record?

23          **MS. RADLEIN:** Thank you, Your Honor. The  
24          defendant's prior record is a 2000 possession of  
25          cocaine; a 2004 two counts of resisting an officer,

1 a damage to property; in 2012, he has a battery and  
2 an aggravated assault with a deadly weapon, as well  
3 as moving traffic violation. And that's the extent  
4 of the defendant's prior record. And the State has  
5 a position on sentencing at the appropriate time, as  
6 well as victim impact.

7 **THE COURT:** All right. Let me hear with  
8 regards to victim impact.

9 **MS. RADLEIN:** Thank you, Your Honor. Standing  
10 next to me is Christa Harris. She is the cousin to  
11 Abigail Carter, which is -- she's also the cousin to  
12 Leric Merriweather's children.

13 **THE COURT:** All right. Let me say this: Any  
14 comments from the victims, victim's family, comments  
15 need to be directed to me, to the Court. All right?

16 **MS. RADLEIN:** Yes, Your Honor. And then we'll  
17 hear from Keshia, Leric Merriweather's sister.

18 **THE COURT:** Tell me your name, please, ma'am.

19 **MS. HARRIS:** My name is Christa Harris.

20 **THE COURT:** Yes, ma'am, Ms. Harris.

21 **MS. HARRIS:** My name is Christa Harris. I'm  
22 speaking on behalf of my cousin, Abigail Carter. I  
23 was also her son's teacher at the Head Start.

24 Since the death of Leric Merriweather, it has  
25 been hard for his two kids, especially the youngest

1           one,           O.M.           , which wherever Leric  
2           went,    O.M.    was right by his side. And the death  
3           has affected him. He still have nightmares to this  
4           day. And he's constantly asking is his dad coming  
5           back home. While in school, if anything is  
6           mentioned about his mother and father, he always  
7           respond by saying, I don't have a dad.

8           I was    O.M.    teacher during the time of  
9           Leric's death and    O.M.    had a hard time napping  
10          during that time. I would have to either rock him  
11          to sleep or either have him sit at the table to  
12          write, draw, where even he would draw pictures of  
13          his father.

14          As a teacher and a cousin, most of    O.M.    time  
15          was spent with me, so I had to be that support  
16          system inside the classroom to help him with his  
17          dad. Sometimes he still have good days and  
18          sometimes he have bad days, but he just wanted his  
19          dad. That's all I have to say.

20          **THE COURT:** Thank you, ma'am.

21          **MS. HARRIS:** You're welcome.

22          **MS. RADLEIN:** Thank you, Your Honor. Just to  
23          add on to that, in speaking with Abigail, she still  
24          indicates that the children still suffer and still  
25          question where their dad is and is asking why this

1 man had to take their daddy's life.

2 And then next you'll hear from his sister,  
3 Keshia, who will speak on behalf of herself and her  
4 parents.

5 **THE COURT:** Tell me your name, please.

6 **MS. MERRIWEATHER:** Nakeshia {phonetic}  
7 Merriweather.

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

9 **MS. MERRIWEATHER:** My name is any Nakeshia  
10 Merriweather and it has affect the family and  
11 friends and -- the only thing I can say, we miss  
12 him. That's all I can say. I can't do it.

13 I still miss him to this day. He was, like,  
14 not only a brother, but he was, like, one of my  
15 sons, too, that came to me for everything. My mama  
16 suffers. She's sick now. It's just a hurtful loss  
17 for everyone.

18 **THE COURT:** Thank you, ma'am.

19 **MS. RADLEIN:** Thank you, Your Honor.

20 **THE COURT:** Anyone else?

21 **MS. RADLEIN:** I believe that's it, Your Honor.

22 **THE COURT:** All right. Anything else from the  
23 State?

24 **MS. RADLEIN:** Yes, Your Honor. In regards to  
25 sentencing, the State is requesting the maximum

1 sentence in this case, which would be 65 years if  
2 all the charges are ran consecutive. I believe it's  
3 appropriate in this case.

4 You've sat through the entire trial, as well as  
5 pretrial, and what the defendant did on that day was  
6 take another man's life. That was his point of  
7 leaving the house that day. And I believe that's  
8 the appropriate sentence in this case. Thank you,  
9 Your Honor.

10 **THE COURT:** All right. Mr. Drylie.

11 **MR. DRYLIE:** Thank you, Judge.

12 Just to tell you a little bit about Montrell,  
13 he's 39 years old. He's from Miami, Florida.  
14 Judge, I've never had any doubts about his  
15 competency, but I will tell you he's been on  
16 disability for most of his life due to some mental  
17 health issues. Judge, I do think he's had a  
18 substance abuse, alcohol and drug, problem for most  
19 of his life.

20 Judge, he came up here with his girlfriend's  
21 family to be closer. They've been e-mailing me  
22 throughout the trial just asking how it's going.  
23 Due to some financial situations, I don't think  
24 they're able -- they haven't been able to be here,  
25 Judge.

1           Judge, you heard his record. There's not a  
2 whole lot on there. I know there's that aggravated  
3 assault that the solicitor brought up, but looking  
4 at that, it looks like he's got 33 days. I don't  
5 believe he's ever been to prison.

6           Judge, I don't think the maximum sentence would  
7 be appropriate in this case. Judge, we'd ask for a  
8 concurrent sentence. And, you know, he exercised  
9 his right to go to trial and we'd ask that there not  
10 be any trial tax associated with that.

11           **THE COURT:** How much time -- how long has he  
12 been in jail?

13           **MR. DRYLIE:** He's been in since June 6, 2015.  
14 I did not add up those days, but I can do that for  
15 you.

16           **THE COURT:** If you'll do that, please. Well,  
17 never mind, my law clerk can do it right here on the  
18 computer.

19           (Pause.)

20           **THE COURT:** Anything further, Mr. Drylie?

21           **MR. DRYLIE:** No, Your Honor.

22           **THE COURT:** Mr. Troutman, anything you want to  
23 tell me, sir?

24           **DEFENDANT:** No, sir.

25           (Pause.)

## 1 SENTENCE OF THE COURT

2 **THE COURT:** All right. On 2017-GS-19-1819,  
3 possession of a weapon, the defendant's hereby  
4 committed to the county detention center for a  
5 period of 868 days, give him credit for 868 days as  
6 to that offense.

7 On 2017-GS-19-1817, defendant's committed to  
8 the State Department of Corrections for a period of  
9 20 years.

10 On the voluntary manslaughter, 2015-GS-19-351,  
11 the defendant's committed to the State Department of  
12 Corrections for a period of 30 years.

13 2017-GS-19-1818, A&B first, the defendant is  
14 committed to the State Department of Corrections for  
15 a period of ten years.

16 The A&B first and the voluntary manslaughter  
17 charge, those sentences are to run consecutive for a  
18 total of 40 years. As to the ABHAN, the 20-year  
19 sentence, that is to run concurrent to  
20 2017-GS-19-1818 and 2015-GS-19-351.

21 **MS. RADLEIN:** Thank you, Your Honor.

22 **MR. DRYLIE:** Thank you, Judge.

23 **THE COURT:** Good luck to you, sir.

24 Madame Forelady, I need you to stay to sign the  
25 indictments.

1           You-all are free to go. I hope you-all have a  
2 nice weekend, relaxing weekend. How about that?

3           Let me say this before you-all leave: Not long  
4 after I got on -- right after I got on the bench,  
5 we'd go and sit with the judges for a couple weeks  
6 in criminal court and a couple weeks in civil court.  
7 And I've had judge -- a judge told me before when I  
8 came into this position that sentencing is the  
9 hardest part of this job. We, as judges, don't  
10 always get them right. We try to. We try to.

11           Part of what you heard going on as part of this  
12 case dealt with drugs and alcohol. About 95-plus  
13 percent of what ends up in criminal courtrooms in  
14 this state and across this country are drugs and  
15 alcohol. Get rid of that, it would shut criminal  
16 courts down in large part, in large part. It is  
17 tragic. I see it day in and day out. These men and  
18 women that work in the sheriff's department see it  
19 day in and day out, terrible decisions that young  
20 people make when dealing with drugs and alcohol that  
21 have tremendous consequences.

22           So I hope you learned something this week. I  
23 hope you had a good experience. It's tough. Jury  
24 service is tough. They're tough decisions. That's  
25 what we deal with in law enforcement, prosecution,

1 defense lawyers. That's what we deal with day in  
2 and day out in this setting. And so I'm glad you  
3 had an opportunity to serve. I know it's tough;  
4 I've been there. So thank you for your service. I  
5 can't tell you how much I appreciate it and I know  
6 the lawyers do. Thank you.

7 (The remaining jury was excused.)

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END OF PROCEEDINGS

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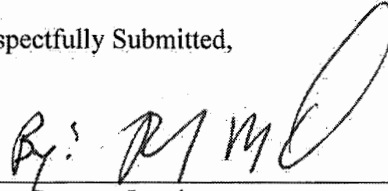
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CERTIFICATE OF COUNSEL FOR APPELLANT

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,

By: 

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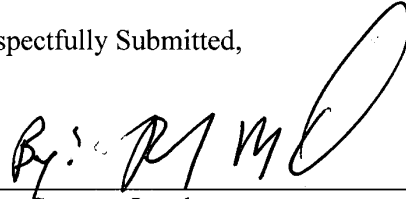
This 8th day of March, 2019.

ATTORNEYS FOR APPELLANT

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This 8th day of March, 2019.

ATTORNEYS FOR APPELLANT

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