

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Allendale County

Honorable Perry M. Buckner, Circuit Court Judge  
\_\_\_\_\_

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LAPARIS SHMEL FLOWERS,

APPELLANT

APPELLATE CASE NO 2018-000099

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RECORD ON APPEAL  
\_\_\_\_\_

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INDEX

INDEX .....	i
TRANSCRIPT OF TRIAL DATED JANUARY 8-11, 2018.....	1
<i>JACKSON V. DENNO</i> HEARING .....	61
TESTIMONY	
CHARLES BROWN .....	61
OPENING STATEMENT BY MR. HOLLEN .....	163
OPENING STATEMENT BY MR. KOGER.....	170
TESTIMONY	
LOUISE PINCKNEY .....	173
JIM EVANS.....	179
LISH SABB .....	193
GABRIEL FORNARI.....	208
TRACY ROBERTS.....	217
ELIZABETH SMITH .....	225
ELIZABETH ROLLINS.....	232
TYQUAN CHARLTON.....	244
JARRELL MURRAY .....	279
BRANDON LEWIS.....	297
QUATIQUE MANOR.....	308
JANICE ROSS.....	327
HALEY NELSON.....	341

CHARLES BROWN .....	396
TYLER STURKIE.....	466
PAUL MEEH.....	490
JAMES GREEN.....	504
MOTION FOR DIRECTED VERDICT.....	527
COURT'S RULING .....	535
COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY .....	534
CLOSING ARGUMENT BY MS. LEGETTE.....	547
CLOSING ARGUMENT BY MR. KOGER.....	572
JURY CHARGE .....	589
VERDICT .....	625
MOTION FOR NEW TRIAL.....	631
COURT'S RULING .....	632
SENTENCING .....	633
INDICTMENTS .....	644
CERTIFICATE OF COUNSEL .....	654

## DIRECT EXAMINATION OF PAUL MEEH BY MS. LEGETTE

1 swab from the rear middle seat area -- seat cushion area,  
2 and that did match the DNA profile of Tyquan Charlton.

3 The probability of randomly selecting an  
4 unrelated individual having a DNA profile matching this item  
5 is approximately one in 810 sextillion.

6 Russell Smart and Brandon Lewis were excluded  
7 as contributors to that item.

8 Q And as it relates to that particular swab that  
9 matched Tyquan Charlton, which I believe was your Item  
10 Number 2?

11 A Yes, two.

12 Q And that was 68.2. What is that identified as  
13 being?

14 THE COURT: Hold on. Let him answer the  
15 question.

16 She's asking you if that was State's Exhibit  
17 Number 2 -- sorry, exhibit number.

18 A Yes, that is correct. And that is described as  
19 being swabs from the rear middle seat cushion area.

20 BY MS. LEGETTE:

21 Q And that is blood?

22 A Correct -- or it was submitted as blood.

23 Q Submitted as blood. Okay. And that matched  
24 Tyquan Charlton?

25 A Correct.

## DIRECT EXAMINATION OF PAUL MEEH BY MS. LEGETTE

1 Q Now, let's go back to Item Number 69, which is  
2 your Item 10.1 -- State's 69, your Item 10.1. You said  
3 you got no DNA from that?

4 A No DNA profile was developed from that.

5 Q You testified earlier about touch DNA. As it  
6 relates to a shell casing, how difficult or not difficult  
7 is it to find touch DNA on items such as shell casings?

8 A It's extremely difficult on shell casings  
9 because there are several factors that play into that.

10 Number one, shell casings are usually made of  
11 brass, which degrades DNA. It's from the older dynamic  
12 test. So you often see in government buildings that the  
13 handles are made of brass, and that's so people don't set --  
14 it kills bacteria and degrades DNA.

15 The second thing is that the shell casing has  
16 obviously gone through extreme heat and pressure. That all  
17 degrades DNA as well. So I would say one in a thousand or  
18 one in two thousand shell casings may make enough DNA to do  
19 a profile.

20 Q Is it possible for someone to handle an object  
21 and DNA not be found on it?

22 A Yes, it is.

23 MS. LEGETTE: Thank you. I have no further  
24 questions. Please answer any questions from  
25 Mr. Koger.

## CROSS EXAMINATION OF PAUL MEEH BY MR. KOGER

1 CROSS EXAMINATION

2 BY MR. KOGER:

3 Q Just to clarify again, State's Exhibit 69, the  
4 cartridge case, head stamped "WIN .9 millimeter Luger,"  
5 there was no DNA profile developed, correct?

6 A Correct, sir.

7 Q Okay. And you don't have any type of DNA  
8 results on Mr. Flowers in these reports, correct?

9 A No, sir.

10 MR. KOGER: Thank you. No further questions.

11 THE COURT: Redirect.

12 MS. LEGETTE: None, Your Honor.

13 THE COURT: As to this witness.

14 MS. LEGETTE: We ask that he be excused, please.

15 MR. KOGER: No objection.

16 THE COURT: You may step down. You're excused.

17 Leave my exhibits with me, take your file as soon as  
18 I can get them.

19 Counsel approach.

20 (Off-the-record discussion held.)

21 THE COURT: Call your next witness.

22 MR. HOLLEN: State calls James Green.

23 Thereupon,

24 JAMES GREEN

25 was called as a witness, having been first duly sworn,

## CROSS EXAMINATION OF PAUL MEEH BY MR. KOGER

1 was examined and testified as follows:

2 THE COURT: Take a seat, make yourself  
3 comfortable. Adjust the chair and microphone to your  
4 height.

5 Keep your file, but leave my exhibits.

6 THE WITNESS: Yes, sir.

7 THE COURT: State your full name, spell your last  
8 name, and speak up.

9 THE WITNESS: James Green, G-R-E-E-N.

10 THE COURT: Mr. Green, because of the sound in  
11 this courtroom, you're going to have to speak up. It  
12 goes straight up to the ceiling, and I actually have  
13 court reporters that's sitting where Mona is sitting  
14 right now that tell me they can't hear the witness,  
15 even with a microphone.

16 THE WITNESS: Yes, sir.

17 THE COURT: So it gets blurry. I have to remind  
18 people constantly not to mumble in this courtroom.  
19 I'm sure I won't have to do that with you, Mr. Green.  
20 Just speak up for me.

21 THE WITNESS: Yes, sir.

22 THE COURT: Your witness, Counsel. Direct  
23 examination.

24 MR. HOLLEN: Thank you, Your Honor.

25 DIRECT EXAMINATION

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 BY MR. HOLLEN:

2 Q Mr. Green, who do you have work for?

3 A I'm employed by SLED.

4 Q And is that commonly known as the -- well, it's  
5 the South Carolina Law Enforcement Division, SLED,  
6 correct?

7 A Yes, sir.

8 Q How long have you been with SLED?

9 A Since June of 2005.

10 Q And did you have any law enforcement experience  
11 before you went to work for SLED?

12 A Yes, sir. I worked for Mt. Pleasant police  
13 department. That's like in North Charleston for about  
14 three and a half years before coming to SLED.

15 Q And what department do you work in now?

16 A I'm in forensic services laboratory, in the  
17 firearms department.

18 Q Do you have any special education or  
19 qualifications, training, that allow you to do your job?  
20 Can you explain that to us?

21 A Yes, sir. When I was first hired to SLED I  
22 began a firearm and tool mark course of instruction. It's  
23 about three, three-and-half-year course of instruction.  
24 And an apprentice studying under court-qualified firearms  
25 examiners, learning to do what I do now.

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 Q And have you testified in State court before?

2 A Yes, sir.

3 Q Ever been qualified as an expert in State court?

4 A Yes, sir.

5 Q Approximately how many times?

6 A Sixty-two times in the State court.

7 Q Exactly 62 times?

8 A Yes, sir.

9 MR. HOLLEN: Your Honor, at this time I would  
10 offer Mr. Green as an expert in the area of firearms  
11 identification.

12 THE COURT: Any objection to his qualifications?

13 MR. KOGER: No objection, Your Honor.

14 THE COURT: Ladies and gentlemen of the jury,  
15 you'll recall my earlier instructions concerning  
16 expert testimony. The witness is qualified in  
17 firearm identification.

18 Without objection, you may proceed, Solicitor.

19 MR. HOLLEN: Thank you, Your Honor.

20 BY MR. HOLLEN:

21 Q Mr. Green, what kind of evidence are you  
22 frequently given to test in criminal cases?

23 A Commonly we are given fired bullets, fired  
24 cartridge cases, and occasionally firearms for testing.

25 Q Before we go any further, can you describe for

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 me what you just referred to. You said "casings, fired  
2 casings, bullets."

3 What are the parts of a bullet as you --  
4 how you identify them?

5 A Excuse me. My dad says he's going to Walmart to  
6 buy a pack of bullets. And what he's really referring to  
7 is a cartridge. A cartridge is a complete unfired piece  
8 of ammunition. It is composed of the bullet projectile,  
9 the cartridge case, which is just simply nothing but a  
10 container to hold the bullet, and powder, and the primer.  
11 So when a cartridge is fired, you will have a fired bullet  
12 in a fired cartridge case.

13 Q So the part of the bullet that is fired is the  
14 actual bullet.

15 A No. The part that goes down the barrel is the  
16 bullet, yes.

17 Q Thank you for correcting me.

18 Mr. Green, as you said, you tested some  
19 items in this case; is that correct?

20 A Yes, sir.

21 Q I'm going to hand you some items that have been  
22 marked for identification and entered into evidence as  
23 State's Exhibits 70.1, 70.2, 70.3, 70.4, 70.5, .6, and .7.  
24 And I'm going to ask if you recognize this.

25 MR. HOLLEN: May I approach the witness?

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 THE COURT: You may approach.

2 MR. HOLLEN: Thank you, Your Honor.

3 A Ladies and gentlemen of the jury, if you see me  
4 looking at evidence and rolling it around in my fingers,  
5 what I'm doing is when we get evidence in the firearms  
6 department, if it's big enough to mark, we will take a  
7 Dremel tool and light pencil and we scribe our lab number  
8 and item number and our initials on it. So that is what  
9 I'm doing, just looking for those.

10 Yes, sir. State's Exhibit 70.1 through 70.7  
11 are the evidence items I examined in this case.

12 Q All right. Agent Green, what are -- can you  
13 explain to the jury, or to all of us in layman's terms,  
14 what kind of criteria you used to examine bullets,  
15 cartridges, that sort of thing?

16 A Yes, sir. Excuse me. The first thing we do  
17 when we get a fired piece of ammunition, whether it is a  
18 bullet or cartridge case is we examine it to make sure it  
19 is fired. It sounds very simple, but a lot of times we  
20 will get stuff that is not fired. Somebody finds a bullet  
21 on the floor when we're loading up and they submit it,  
22 say, "look to see if it's fired."

23 If it is fired, we will look to see if  
24 there's any trace evidence on it. Is there any possible  
25 blood on it, any body tissue that did not come from the

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 autopsy. Is there any wall board, plastic, some kind of  
2 building material, basic paint if it's shot into the wall.

3 If it serves any value, any value to a  
4 potential investigation, we will collect it. If not, we  
5 will decontaminate it or clean the bullet or cartridge  
6 casing and examine it. What we are doing is looking for  
7 class characteristics.

8 Class characteristics are different  
9 characteristics, whether it's a firing pin shape on a  
10 cartridge case, type of pre-case on the primer. Those are  
11 determined by the manufacturer when they are making the  
12 firearms. So they know that they want them to have these  
13 types of characteristics.

14 If we have multiple items, multiple bullets,  
15 as in this case, we will see class characteristics will be  
16 the rifling patterns, how many lands and grooves are in pair  
17 on the firearm. And the widths of those lands and grooves  
18 and the direction of twists. This is going to be -- if  
19 those match, one item to the next, we will look at it  
20 microscopically and see if we find a common source.

21 Q So different makers of different guns use  
22 different rifling patterns on the inside of a barrel; is  
23 that right?

24 A Yes, sir. Some share commons, like six grooves,  
25 right twists is a shared common. The class

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 characteristics are common. But what's not common are the  
2 individual characteristics. Those are unique to each  
3 specific firearm. It's like DNA to a firearm, or  
4 fingerprints.

5           There have been studies that I've taken part  
6 in where a firearm examiner does a rigor, something like a  
7 manufacturer, in getting consecutively made barrels and  
8 consecutively made slots to see if there's any kind of  
9 carry-over to include the characteristics. Because if there  
10 is a unique carry-over, it's going to be with tools made one  
11 right after the other, right after the other, right after  
12 the other.

13           And in those studies we found you can't  
14 differentiate if you know what you're looking for, to  
15 consecutively made firearms on those two different  
16 characteristics, if they truly are unique to a specific  
17 firearm.

18       Q     Thank you, Mr. Green.

19           In this case, were you able to make any  
20 findings on the items that you were provided?

21       A     Excuse me, yes, sir.

22       Q     Can you, referring to the State's exhibit  
23 number, give us some information about what your findings  
24 were in this case?

25       A     Yes, sir. State's Exhibit 70.1 was a fired

## , DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 bullet. And State's Exhibit 70.7 is a fired bullet  
2 jacket.

3 Q And can you tell us what is the difference  
4 between a bullet and a bullet jacket?

5 A When you have a jacketed bullet, if you think  
6 about it like M&Ms, everybody likes M&Ms, you got the  
7 chocolate inside, and you got the candy coating shell.

8 Moving to the bullets now. The bullet is the  
9 candy coating. You see, the bullet jacket is the candy  
10 coating, and the core is the shell. If you take an M&M and  
11 throw it on the floor, part of the candy coating will fall  
12 off, break off. It's the same thing with bullets. If they  
13 hit something hard enough, the jacket will separate.

14 So State's Exhibit 70 was the bullet. It was  
15 a little damaged, but it's still the bullet, 70.1. And  
16 State's Exhibit 70.7 is just the jacket portion of the  
17 bullet.

18 Q Do you have any information in your report about  
19 where it states Exhibit 70.1, or from whom it was removed?

20 A May I look at my report?

21 Based on the information provided to me on  
22 the evidence log-in sheets, I have no direct knowledge. But  
23 it says it was collected from Brandon Lewis.

24 Q Okay. And State's Item 70.7?

25 A It was collected from under the rear passenger

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 seat.

2 Q And you were able to make a finding about those  
3 two items?

4 A Yes, sir. State's Exhibit 70.1 and 70.7 were  
5 both fired by the same firearm.

6 Q Were you were able to determine that those were  
7 the same firearm?

8 A Yes, sir.

9 Q Did you examine State's Exhibits 70.2, 70.3 --  
10 just those two?

11 A State's Exhibit 70.2 and 70.3, yes, sir, I did.

12 Q And what are those items?

13 A State's Exhibit 70.2 is a fired bullet. And  
14 State's Exhibit 70.3 is also a fired bullet.

15 Q Where did -- do you have information in your  
16 report about where State's 70.2 and 70.3 came from?

17 A State's Exhibit 70.2 is listed from  
18 Russell Smart, and 70.3 was from the trunk of the vehicle.

19 Q And as far as a specific firearm, were you able  
20 to make any findings on those two items?

21 A No, sir. State's Exhibit 70.2 and 70.3, they  
22 were somewhat fairly damaged, and the markings on them  
23 were not -- the individual markings, they were  
24 insufficient to make a definitive call. So it was an  
25 inconclusive answer, which is a fancy word for, "I don't

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 know."

2                   They share the same class characteristics as  
3 State's Exhibits 70.1 and 70.7. They very well could have  
4 been fired by the same firearm, but I was unable to tell  
5 that due to damage and linear marks.

6           Q     Okay. There were a couple of other items in  
7 this case that you looked at; is that correct?

8           A     Yes, sir.

9           Q     What about State's 70.5 and 70.6?

10          A     Okay. State's Exhibit 70.5, you probably can't  
11 even see it. It is a little tiny speck of a piece of  
12 metal, and it looks like a part of a copper jacket from a  
13 bullet. Like, that candy coated shell. But it is so  
14 small, it didn't even register on my balance -- or my  
15 scale, to give me a weight. It weighed less than .02  
16 grains, and it was nothing -- a penny weighs 40 grams, so  
17 it weighs less than one gram. It's just a little tiny  
18 piece of something. And I was able to determine if it was  
19 a bullet fragment -- that came from someplace.

20                   State's Exhibit 70.6, the slide as well,  
21 it's just a small-to-look-at crack, and it was  
22 inconclusive with the others. It could have been fired by  
23 the same gun as 70.1 casing, State's Exhibit 70.7, or it  
24 could have been a different firearm. It was just too  
25 damaged and too small to test.

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 Q Okay. So 70.5 and 70.6 are simply too small to  
2 test?

3 A Yes, sir.

4 Q What about 70.4?

5 A State's Exhibit 70.4 is a fired .9 millimeter  
6 Luger caliber cartridge case. It has the same caliber as  
7 State's Exhibit 70.1, 70.2, 70.3, 70.7. It's the same  
8 caliber, all .9 millimeter Luger. But this is the only  
9 fired cartridge case that I received in this case.

10 Q And so you can't say if that was containing one  
11 of those fired projectiles?

12 A Correct. It was just a fired cartridge case.

13 Q Were all of the items you looked at consistent  
14 with one another as far as caliber?

15 A On those, I can't tell the caliber. State's  
16 Exhibit 70.1, 70.2, 70.3, and 70.7 were all consistent  
17 with .9 millimeter Luger caliber.

18 Q Okay. So it is a .9 millimeter Luger caliber  
19 cartridge or --

20 A Yes, sir.

21 Q Okay. Were you able to make any other  
22 determinations in your expert opinion given the  
23 characteristics of the bullet? You said, rifling and  
24 right or left twists; is that correct?

25 A Yes, sir.

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 Q Did those, or do those characteristics match  
2 certain firearms?

3 A Yes, sir. When a firearms examiner -- excuse  
4 me, firearms manufacture is making a firearm, they  
5 actually have to provide the rifling specifications to the  
6 FBI and the ATF. They keep a running list of those.

7 For instance, for such as this, where a  
8 firearm examiner like myself gets a fired bullet, fired  
9 bullets, we can take the width of the rifling, according to  
10 the grooves, the direction of the twist, and the caliber,  
11 and plug that into a computer program they give us, and that  
12 will spit out the list or provide us with a list of possible  
13 firearms that we know of that have rifling specifications  
14 like those exhibited on that firearm.

15 We, in turn, give that list to the same  
16 agency, or the investigating agency, if it's not too large.  
17 Because sometimes I got like a nine-page list, and that's  
18 not going to help anybody.

19 But if it's a relatively small list, like  
20 this one, we will provide that to the agency saying, "If you  
21 are looking for a firearm, you may want to start looking  
22 under these categories."

23 Q Okay. Again, in your expert opinion, Mr. Green,  
24 the list of firearms that those projectiles, the cartridge  
25 casing, could have come from, are they more likely an

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 automatic or a revolver? And let me back up.

2 Can you explain the difference between  
3 those two for us?

4 A Yes. A revolver, if you have ever watched an  
5 old western movie, or heard somebody talk about a six-gun  
6 or a wheel gun, it's a firearm designed with multiple  
7 chambers in the cylinder. And when you pull the trigger,  
8 the gun does the work for you. It rotates the cylinder,  
9 the gun goes off. The trigger then empties the next  
10 cylinder, the gun goes off, around until you run out of  
11 ammunition. It can be five shots, six shots, some nine  
12 shots.

13 They all have multiple chambers and when you  
14 fire it, the cartridge case is not ejected. It stays in the  
15 gun until you open the chamber and eject yourself.

16 An automatic pistol is like the police and  
17 military carry now. It has a magazine. You load the  
18 cartridge in the magazine, load the pistol, pull the slide  
19 back, and go forward. It loads the cartridges into the  
20 trigger, it extracts, ejects, goes forward, keeps shooting  
21 until you run out of ammunition, until you shot.

22 Once again, a pistol has one chamber, and you  
23 fire it. If it's working properly, the cartridge case will  
24 be extracted and expelled or expelled.

25 Q And I don't want to get into specifics, but in

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 general, back to the question I asked before, what is your  
2 opinion on whether these items were fired from a revolver  
3 or an automatic weapon?

4 A I can't say for sure, because I don't have the  
5 gun, but judging by the characteristics on Items 70.4 or  
6 State's Exhibit 70.4, that was definitely fired from a  
7 pistol, based on the cartridge resting in my hand.

8 The bullets you can look at, fragments, the  
9 list I gave, it's about 99.9 percent semi-automatic pistol,  
10 with what I was actually provided.

11 Q So it would be unusual, in your opinion, for a  
12 bullet with those characteristics to have been fired by a  
13 revolver?

14 A Yes, sir.

15 Q All right. Let's talk about typical ejection  
16 patterns. Now, you said that an automatic weapon ejects  
17 the cartridge out; is that right?

18 A Yes, sir.

19 Q What is, in general, the -- what direction and  
20 where does that automatic weapon spit out the casing?

21 A First, that is not a test that we do at SLED  
22 because all of the variances involved. But it has a very  
23 general rule that when a cartridge case is extracted and  
24 ejected, generally it will go back and to the right.

25 Q So the gun is pointed in a certain direction,

## DIRECT EXAMINATION OF JAMES GREEN BY MR. HOLLEN

1 the cartridge is going to go back and to the right, in  
2 general?

3 A Yes, sir.

4 MR. HOLLEN: The Court's indulgence, Your Honor.

5 (Pause.)

6 MR. HOLLEN: Mr. Green, I don't have anything  
7 further. Please answer anything Mr. Koger has.

8 THE COURT: Cross examination.

9 CROSS EXAMINATION

10 BY MR. KOGER:

11 Q But, Mr. Green, as far as your answer to the  
12 last question, "back and to the right," there also have  
13 been studies conducted that show that bullets can be  
14 ejected in other directions, correct?

15 A I'm sorry. Say that again.

16 Q I said, there are studies out there that shows  
17 that that's just a general premise about back and to the  
18 right. There have been studies out there that show that  
19 cartridges can -- can be ejected in other directions,  
20 correct?

21 A Oh, yes, sir. It's a very general. Back and to  
22 the right is very general.

23 Q Okay. All right. And you are -- I just want to  
24 clarify, you was not given a gun to do any comparison  
25 with, correct?

## CROSS EXAMINATION OF JAMES GREEN BY MR. KOGER

1 A That's correct.

2 Q All right. And as you just testified to, you  
3 can't be for sure because you didn't get a gun to compare,  
4 correct?

5 A Correct.

6 Q So you did not receive a gun in this case, to  
7 compare?

8 A No. All I received was State's Exhibit 70.1  
9 through State's Exhibit 70.7.

10 Q Okay. And as a matter of fact, you cannot  
11 conclusively state that another gun that -- or two guns  
12 were not involved in this case, can you?

13 A That's correct.

14 Q Okay. Now, and you also said here, the .9  
15 millimeter Luger, that is actually you mentioned that you  
16 receive a hit or something, and you came back with some  
17 other firearms, correct, for a .9 millimeter Luger?

18 A Like I said, well, when I put the rifling  
19 specifications into the GRC program the FBI provided to  
20 us, that is where the list and the report came from.

21 Q So basically, evidence in this case, or the one  
22 you identified, goes back to 62 different brands of .9  
23 millimeter Lugers, right?

24 A That share those specifications, yes, sir.

25 Q Okay. And that is in your report?

## CROSS EXAMINATION OF JAMES GREEN BY MR. KOGER

1 A Yes, sir.

2 MR. KOGER: Thank you. No further questions.

3 THE COURT: Redirect.

4 MR. HOLLEN: Nothing further, Your Honor.

5 THE COURT: As to this witness.

6 MR. HOLLEN: I'm going to ask that he be  
7 excused.

8 THE COURT: Any objection, Mr. Koger?

9 MR. KOGER: No objections, Your Honor.

10 THE COURT: Mr. Green, leave my exhibits for the  
11 court reporter. Make sure she gets all of them. You  
12 get your file, and you are excused from the trial of  
13 this case. You may leave the courtroom.

14 THE WITNESS: Thank you, sir.

15 THE COURT: Thank you very much.

16 Madam Foreperson, ladies and gentlemen of the  
17 jury, we will stop at this point so you can have your  
18 delicious lunch, which will be served to you. Please  
19 do not discuss this case during lunch, you haven't  
20 heard all the evidence in this case. And I'll get  
21 back with you after I know that you have all had a  
22 chance to have lunch and take a break.

23 Please retire to your jury room at this time.

24 (The Jury exits the courtroom at 1:01 p.m.)

25 THE COURT: Counsel approach.

## CROSS EXAMINATION OF JAMES GREEN BY MR. KOGER

1 (Off-the-record discussion held.)

2 (Lunch recess.)

3 THE COURT: State ready to proceed?

4 MS. LEGETTE: Yes, Your Honor.

5 THE COURT: Defendant ready to proceed?

6 MR. KOGER: Yes, Your Honor.

7 THE COURT: All right. Counsel, it's my  
8 understanding that you have agreed on some sort of  
9 stipulation.

10 MS. LEGETTE: That's correct, Your Honor.

11 THE COURT: Do you want to publish it to the  
12 jury?

13 MR. KOGER: Yes, Your Honor.

14 MS. LEGETTE: Yes, Your Honor.

15 THE COURT: What is the stipulation?

16 MS. LEGETTE: That the Item Number 7, which is  
17 the bullet removed from Brandon Lewis --

18 THE COURT: Item Number --

19 MS. LEGETTE: Seven.

20 THE COURT: Don't give me an item, just an  
21 exhibit number.

22 MS. LEGETTE: Beg the Court's indulgence. I  
23 believe it's --

24 THE COURT: Items aren't in evidence; exhibits  
25 are. That is why I make SLED agents define -- they

## STIPULATION PUBLISHED.

1 love to use their item numbers.

2 MS. LEGETTE: The State is ready, Your Honor.

3 The stipulations are that State's Exhibit Number  
4 70.1 is a bullet that was removed from the left arm  
5 of Brandon Lawrence Lewis and thereafter examined at  
6 SLED by Agent Green. That State's Exhibit Number  
7 70.2 is the bullet removed Russell Smart and  
8 thereafter examined by Agent Green. And then that  
9 State's Exhibit-- well, SLED Item Number 60 was the  
10 blood standard of Russell Smart, but it was dried by  
11 Betty Butler from SLED and turned into State's  
12 Exhibit Number 66 and then delivered to Forensic  
13 Analyst Paul Meeh of SLED. And that the chain of  
14 custody on SLED items admitted during the trial of  
15 this case are intact.

16 THE COURT: Aren't they already in evidence,  
17 each one of these exhibits?

18 MS. LEGETTE: They are, Your Honor, but we just  
19 stipulated to the chain of custody because we didn't  
20 have the doctor come down from Augusta or any of the  
21 other chain witnesses.

22 THE COURT: Well, we put on the record at the  
23 beginning of this case that there was no objection to  
24 the chain of custody.

25 MS. LEGETTE: We did, Your Honor.

## STIPULATION PUBLISHED

1 THE COURT: Do you want -- just tell me, do you  
2 want the jury to be informed of that? Is that the  
3 purpose of this stipulation?

4 MS. LEGETTE: Pretty much, Your Honor, that the  
5 bullet itself came out of the arm of Brandon Lewis,  
6 because we didn't have a doctor testify that he took  
7 it out of his arm. So, more or less, it was simply a  
8 way of covering all of our steps.

9 THE COURT: And with that --

10 MS. LEGETTE: The State would rest.

11 THE COURT: And is the Defendant going to put up  
12 any evidence?

13 MR. KOGER: No, Your Honor.

14 THE COURT: All right. Then I'm going to bring  
15 the jury back and let you publish the stipulation.

16 Bring us the jury, Mr. Freddy.

17 (The Jury enters the courtroom.)

18 THE COURT: Madam Foreperson, members of the  
19 jury, we will now continue with the testimony in the  
20 trial of this case.

21 Solicitor.

22 MS. LEGETTE: Thank you, Your Honor. At this  
23 time, Your Honor, the State offers Court's Exhibit  
24 Number 6 as a stipulation in the case of State versus  
25 Laparis Flowers.

## STIPULATION PUBLISHED

1           The State of South Carolina, by and through the  
2           undersigned attorneys, Tameaka A. Legette and  
3           Brian Hollen, and Defendant Laparis S. Flowers,  
4           individually and through his counsel of record,  
5           Joshua Koger, Junior, hereby agree and stipulate as  
6           follows: That State's Exhibit Number 70.1 is the  
7           bullet that was removed from the left arm of Brandon  
8           Lawrence Lewis and thereafter examined at SLED by  
9           Special Agent Jamie Green.

10           That State's Exhibit Number 70.2 is a bullet  
11           that was removed from the body of Russell Smart and  
12           thereafter examined at SLED by Special Agent  
13           Jamie Green.

14           That the blood standard of Russell Smart, dried  
15           by Betty Butler of SLED and turned into State's  
16           Exhibit Number 66, which was then delivered to  
17           forensic analyst Paul Meeh of SLED.

18           That the chain of custody on SLED items admitted  
19           during the trial of this case are intact.

20           Signed this day by Laparis S. Flowers,  
21           Joshua Koger, Junior, attorney for Defendant,  
22           Tameaka A. Legette and Brian Hollen.

23           THE COURT: Mr. Koger, has the State adequately  
24           published the stipulation to which you and your  
25           client agree?

## STIPULATION PUBLISHED

1 MR. KOGER: Yes, Your Honor.

2 THE COURT: Ladies and gentlemen of the jury,  
3 you will have the witness stipulation in your jury  
4 room as exhibit number what?

5 MS. LEGETTE: It'll be Court's Exhibit Number 6,  
6 Your Honor.

7 THE COURT: Are you wanting it -- well, as a  
8 Court's exhibit normally, you wanting the exhibit to  
9 go to the jury?

10 MS. LEGETTE: Yes, Your Honor. We're marking it  
11 as State's Exhibit Number --

12 THE COURT: You agree it's Court's Exhibit  
13 Number 6; is that right?

14 MS. LEGETTE: Yes, Your Honor. We can remark it  
15 as State's Exhibit Number 87.

16 THE COURT: All right. Remark as State's 87  
17 to go to the jury; is that correct, Mr. Koger?

18 MR. KOGER: That's correct, Your Honor.

19 THE COURT: You'll have it in your jury room  
20 with you, and the stipulation and the agreement, it's  
21 an understanding that both sides agree it's not  
22 necessary to prove the fact, that they have agreed on  
23 it. And that's the purpose for the stipulation,  
24 rather than you having to hear testimony in order to  
25 conclude that fact, they agree that the fact is true.

## STIPULATION PUBLISHED

1 You will have the written stipulation with you in  
2 your jury room.

3 *(Whereupon, State's Exhibit No(s). 87 marked for*  
4 *identification and received in evidence.)*

5 THE COURT: Call your next witness.

6 MS. LEGETTE: The State rests at this time,  
7 Your Honor.

8 THE COURT: Any there any matters of law that I  
9 need to take up at this time?

10 MR. KOGER: Yes, Your Honor.

11 THE COURT: Madam Foreperson, ladies and  
12 gentlemen of the jury, I'm going to ask you to go to  
13 your jury room. Please don't discuss this case. You  
14 haven't heard all the evidence. You haven't heard  
15 the arguments of the attorneys, my charge on the law.  
16 I'm probably going to be able to get you home early  
17 this afternoon. We probably won't finish until in  
18 the morning. I have some matters of law that I have  
19 to take up.

20 I'll let you know after I take up the matters --  
21 they are going to take a while, I'm not going to let  
22 you sit in the jury room and be late getting home  
23 tonight, because it's going to take several hours to  
24 do the argument and charge. And I don't want that to  
25 happen to you.

## STATE RESTS

1           So please go to your jury room, let me take up  
2           some matters of law, and I'll be back with you just  
3           as quick as I can and let you know.

4           (The Jury exits the courtroom at 2:13 p.m.)

5           THE COURT: Mr. Koger.

6           MR. KOGER: Your Honor, may it please the Court.

7           THE COURT: Come forward to the Bench. Come  
8           forward.

9           MR. KOGER: Yes, sir.

10          May it please the Court. At this time, I would  
11          ask for a directed verdict on all the charges on  
12          behalf of my client, Laparis Flowers. The State has  
13          not set forth sufficient evidence to warrant this  
14          case to be submitted to a jury.

15          THE COURT: Solicitor, come forward.

16          MS. LEGETTE: Thank you, Your Honor.

17          Thank you, Your Honor. I would respectfully ask  
18          the Court to deny the motion for directed verdict.  
19          The State has met its burden, Your Honor. And when  
20          the Court is ruling on a Motion for Directed Verdict,  
21          as the Court is well aware, the Court is concerned  
22          with the exhibits of evidence and not its weight.

23          In this case, Your Honor, we have several  
24          witnesses who have testified about the murder charge  
25          itself, with regards to the date of when the incident

## MOTION BY DEFENSE

1 occurred at, I believe it was Barton Road, at  
2 Pinewood Apartments, as well as the identification of  
3 the individual who committed the murder.

4 We have testimony of Jarrell Murray, who  
5 testified and identified Laporis Flowers, as being  
6 the person who he saw open fire on the car he was  
7 sitting in among with Russell Smart, Brandon Lewis,  
8 and Tyquan Charlton.

9 He indicated that he heard several shots before  
10 he jumped out and ran, and he actually was able to  
11 observe and see his face.

12 In addition, Your Honor, and that goes as far as  
13 the murder is concerned, as well as the attempted  
14 murder on Jarrell Murray's life, given that there  
15 were several shots that were actually fired.

16 With regards to identification from Tyquan  
17 Charlton, Tyquan Charlton also testified that he  
18 actually knew Laporis Flowers previously, that he was  
19 able to see him, observe him pull up next to the car  
20 and open fire. He also heard several shots.

21 Additionally, he indicated he knew Laporis  
22 Flowers previously. He also recognized Laporis  
23 Flowers's voice.

24 He, himself, was shot in the jaw. You heard,  
25 testimony from, I believe it was, Lish Sabb, from

## MOTION BY DEFENSE

1 EMS, who talked about how emergent his condition was,  
2 how his heart stopped on the way to -- in the  
3 transport to MCG in August.

4 Additionally, Dr. Fornari came into the  
5 courtroom and testified that Tyquan Charlton had been  
6 shot in the jaw, and that his condition was critical.  
7 He stabilized him and then sent him to a trauma unit.

8 Also, Mr. Charlton testified that his condition,  
9 his diagnosis, was that the bullet basically lodged  
10 in his neck and was crushed up. And if he moves  
11 improperly at sometime he might become paralyzed.

12 Additionally, Mr. Charlton testified about there  
13 being several persons in the car, including Russell  
14 Smart, who was the driver, as well as Jarrell Murray,  
15 who was inside the car on the passenger side, front  
16 passenger side, as well as himself being on the back  
17 passenger side, and Brandon Lawrence Lewis being  
18 directly across from him in the back driver's side.

19 The bullet that actually shot Tyquan Charlton  
20 had come by Jarrell Murray -- I'm sorry -- by Brandon  
21 Lawrence Lewis and hit Tyquan Charlton in the jaw.

22 Additionally, you heard testimony from, I  
23 believe it was Brandon Lawrence Lewis, who talked  
24 about the episode leading up to the Pinewood  
25 Apartments incident and what happened thereafter.

## MOTION BY DEFENSE

1           He talked about how once-- once he was shot he  
2           told Russell, "Man, I have been hit, pull off, pull  
3           off." And Russell was able to tell him, "I have been  
4           hit, too."

5           And then Russell began to drive away very  
6           slowly.

7           Based on that, Your Honor, he also talked about  
8           how there was Tyquan Charlton sitting beside him, and  
9           that Jarrell Murray had been in the front passenger  
10          seat. He talked about how Russell Smart drove away  
11          slowly, about five miles per hour, and then swerved  
12          into a yard. He jumped out and he ran because he  
13          believed someone might be coming after him. He  
14          didn't know where the persons were.

15          Your Honor, given the fact that there were  
16          several bullets fired, he didn't know how many  
17          bullets were fired, but there were several fired  
18          obviously, as testified to by the crime scene agent.

19          She indicated there were four defects to the  
20          actual vehicle itself, including the projectiles she  
21          was able to retrieve from the vehicle, the fragment  
22          and decor, as well as the projectile in the trunk, as  
23          well as the other projectiles that were recovered  
24          from the arm of Brandon Lawrence Lewis who was  
25          treated at the hospital, as well as the bullet taken

## MOTION BY DEFENSE

1 out of the left -- right lung of Russell Smart.

2 According to crime scene, as well as Dr. Janice  
3 Ross, the bullets were moving from left to right, and  
4 they were coming across the car.

5 They were moving left to right, and they not  
6 only hit Russell Smart and killed him, they also hit  
7 Brandon Lawrence Lewis, hit him in the arm and went  
8 across to hit Tyquan Charlton, nearly killing him and  
9 very likely and very easily could have killed Jarrell  
10 Murray if he had not been lucky enough to jump out  
11 and run.

12 You also heard from Captain Manor of the  
13 Allendale Police Department, who indicated that  
14 Mr Brandon Lewis told him who shot him, the person  
15 identified as Laparis Flowers, or Pat Pat. He then  
16 got -- let's see -- Lieutenant Matt Brown to come and  
17 see Brandon Lawrence Lewis. Brandon Lawrence Lewis  
18 then told Lieutenant Matt Brown the same thing in  
19 front of Captain Manor as well as Special Agent Jeff  
20 Croft. He told him it was Laparis Flowers, he  
21 identified Laparis Flowers as being the person who  
22 opened fire on them and shot them.

23 Additionally, Brandon Lawrence Lewis was able to  
24 pick Mr. Laparis Flowers out of a photo line-up,  
25 indicating he had known him for some time.

## MOTION BY DEFENSE

1           He also indicated there was Tyquan Charlton's  
2 identification of Mr. Laparis Flowers as the person  
3 who was doing the shooting. And there was  
4 Mr. Jarrell Murray identification photo line-up of  
5 Mr. Laparis Flowers as the person doing the shooting.

6           We also heard testimony about there being a  
7 vehicle, the white Alero that Mr. Laparis Flowers was  
8 known to drive, identified as driving, and that  
9 vehicle had GSR in that vehicle on the steering  
10 wheel, on the gear shift.

11           You heard testimony that the white Alero is,  
12 according to Tyquan Charlton, was a white Alero that  
13 Mr. Laparis Flowers was driving when he rolled up on  
14 them. According to Tyler Sturkie from GSR trace  
15 evidence of SLED, GSR can get on an inanimate object  
16 from being in the vicinity of where a gun was fired,  
17 or from a person who fired a gun recently or has GSR  
18 on their hands, transferring it to the actual vehicle  
19 itself.

20           And you also heard from Dr. Janice Ross that  
21 Russell Smart, his manner of death was homicide, and  
22 his cause of death was exsanguination due to a  
23 gunshot wound from his left arm, cutting through his  
24 chest, cutting the aorta and going into his right  
25 lung, which caused the actual murder of

## MOTION BY DEFENSE

1 Mr. Russell Smart.

2       Thereafter, Your Honor, given the fact that all  
3 the witnesses who testified, Jarrell Murray and I  
4 believe it was Tyquan Charlton, didn't see anyone  
5 else in the vehicle aside from Lapolis Flowers.

6       According to the firearms expert, while he could  
7 not identify all the projectiles as being from the  
8 same gun, they were inconclusive due to damage, it is  
9 very likely that they could have been fired by the  
10 same firearm. However, we don't have a firearm to  
11 compare them to.

12       With regards to the possession of weapon during  
13 the commission of a violent crime, Your Honor, there  
14 were four projectiles in -- four projectiles or four  
15 defects found in the car of Russell Smart. There  
16 were several fragments found in the car, along with a  
17 projectile in the trunk as well as a projectile in  
18 the arm of Russell Smart, a projectile -- sorry -- in  
19 the chest of Russell Smart, projectile in the arm of  
20 Brandon Lewis.

21       And though we did not find an actual firearm, we  
22 had witnesses testify that Lapolis Flowers, they  
23 actually saw the gun, saw him open fire, and that he  
24 had a weapon, and that he did discharge this causing  
25 them their injuries.

## MOTION BY DEFENSE.

1           So, Your Honor, we believe we have sustained our  
2     burden in this case. We would ask the Court to deny  
3     the Motion for Directed Verdict. The venue in this  
4     matter is Allendale County, we have proved that  
5     through several witnesses over several days.

6           As for there being a specific intent to kill,  
7     Your Honor, he did open -- according to witnesses, he  
8     opened fire on the vehicle, firing at least four  
9     shots.

10          It could have been more shots, but there were at  
11     least four shots. One of those shots did kill the  
12     first target, Mr. Russell Smart, very likely could  
13     have killed Jarrell Murray, and also could have  
14     killed Tyquan Charlton. His condition was emergent,  
15     as testified to by Dr. Fornari, and EMS worker, Lish  
16     Sabb, as well as Brandon Lawrence Lewis. He also  
17     sustained a gunshot wound to the left arm.

18          However, unlike Russell Smart, he had a left arm  
19     shot as well, it could have easily traveled through  
20     his left arm into his left chest into his right chest  
21     and thereby killed him as well.

22          So, Your Honor, we believe that we have  
23     sustained our burden and ask the Court respectfully  
24     to deny the Motion for Directed Verdict and send this  
25     matter to the jury.

## MOTION BY DEFENSE

1 THE COURT: Thank you.

2 Mr. Koger, your Motion for Directed Verdict, you  
3 understand that I'm required to apply the existence  
4 or non-existence of evidence at this stage. Your  
5 motion is respectfully denied. Be seated, Counsel.

6 And I'm going to ask you now, Solicitor and  
7 Mr. Koger, to approach the bench.

8 Approach the bench -- not the Clerk's bench, the  
9 Court's bench.

10 (Off-the-record discussion held.)

11 THE COURT: All right. Mr. Koger, would you and  
12 Mr. Flowers come around.

13 Madam Clerk, would you please swear in  
14 Mr. Flowers.

15 Thereupon,"

16 LAPARIS FLOWERS

17 was called as a witness, having been first duly sworn,  
18 was examined and testified as follows:

19 THE COURT: Come to my microphone, if you would,  
20 Mr. Flowers.

21 State your full name for the record.

22 THE WITNESS: Laparis Flowers.

23 THE COURT: Mr. Flowers, at this time I'm going  
24 to explain to you certain of your rights. If you do  
25 not understand anything that I say, please let me

## RIGHTS GIVEN BY THE COURT TO THE DEFENDANT

1 know. If you want me to explain anything in further  
2 detail, please let me know.

3 You understand?

4 THE WITNESS: Yes, sir.

5 THE COURT: All right. We have now reached the  
6 stage of the trial where you may present your  
7 defense. You have the right to testify in your own  
8 behalf. However, no one, not this Court, not your  
9 attorney, not the Solicitor, no one can make you  
10 testify.

11 In the event you have a record for any  
12 conviction involving dishonesty or false statement or  
13 for a crime punishable by imprisonment of more than  
14 one year, and this Court determines as a matter of  
15 law that the probative value admitting this evidence  
16 outweighs its prejudicial effect to you, the  
17 Solicitor would be able to introduce this record for  
18 impeachment purposes to attack your credibility or  
19 your believability.

20 It is my understanding from the Solicitor that  
21 you have a previous conviction for conspiracy to  
22 commit armed robbery. Is that your understanding,  
23 Mr. Koger?

24 MR. KOGER: Yes, Your Honor.

25 THE COURT: And you have advised Mr. Flowers of

## RIGHTS GIVEN BY THE COURT TO THE DEFENDANT

1 that?

2 MR. KOGER: Yes, Your Honor.

3 THE COURT: Is that everything, Solicitor?

4 MS. LEGETTE: Yes, Your Honor.

5 THE COURT: You understand that if I were to  
6 make that finding, she could bring that out if you  
7 testified, if I elected and found as a matter of law  
8 that the probative value of admitting that evidence  
9 outweighs its prejudicial effect to you.

10 The Solicitor, if you testified, would be able  
11 to introduce this record of yours, this conviction  
12 for conspiracy to commit armed robbery, to attack  
13 your credibility or your believability.

14 Do you understand that?

15 THE WITNESS: Yes, sir.

16 THE COURT: If I were to make that finding as a  
17 matter of law.

18 If you elect not to take the witness stand, I  
19 will charge the jury in my charge on the law to the  
20 jury that they are not to give the fact that you did  
21 not testify any consideration whatsoever, and there  
22 is to be absolutely no prejudice to you because you  
23 did not testify.

24 You have a constitutional right to remain  
25 silent. The burden of proof as to your guilt rests

## RIGHTS GIVEN BY THE COURT TO THE DEFENDANT

1 on the State of South Carolina, and that burden of  
2 proof must be beyond a reasonable doubt.

3 The decision as to whether or not you testify  
4 will be left entirely up to you. You can talk with  
5 your attorney, but it is not your attorney's  
6 decision. It is your decision, and only your  
7 decision.

8 So the ultimate decision as to whether or not  
9 you testify in this case is entirely yours.

10 Would you like a moment to talk to your  
11 attorney?

12 THE WITNESS: No, sir. I am aware, and I wish  
13 to remain silent.

14 THE COURT: You do not wish to testify?

15 THE WITNESS: No, sir.

16 THE COURT: And is that your decision and no one  
17 else's?

18 THE WITNESS: Yes, sir.

19 THE COURT: And no one has promised you anything  
20 or threatened you in any manner in making that  
21 decision? In other words, it is your decision of  
22 your own free will and your own accord?

23 THE WITNESS: Yes, sir, I'm aware.

24 THE COURT: And you do not wish to testify in  
25 the trial of this case; is that correct?

## RIGHTS GIVEN BY THE COURT TO THE DEFENDANT

1 THE WITNESS: That is correct, sir.

2 THE COURT: Thank you very much. You may return  
3 to your seat.

4 I'm going to bring the jury back and I'm going  
5 to say, "You've heard from the State. We'll now hear  
6 from the Defense," and my understanding is, Mr.  
7 Koger, that you will rest.

8 I have given the lawyers at lunch the  
9 October 25th, 2017 case of the State versus King. It  
10 is in Westlaw, it's not even -- it's 2017 Westlaw  
11 4800004. It affects my charge. I intend to hold a  
12 charge conference with the attorneys in chambers this  
13 afternoon because I think this completely changes the  
14 charge that the State submitted to me as their  
15 proposed charge.

16 I invited Mr. Koger to read it, and I will  
17 discuss it in chambers since it's barely 60 days old,  
18 from the Supreme Court of South Carolina. It  
19 completely changes prior -- well, it completely  
20 changes the statute, if you read the statute  
21 literally for attempted murder, and we also have  
22 contrasted in this case with the offense of murder,  
23 which is a completely different general intent crime  
24 from attempted murder, which has now been held in the  
25 State versus King to be a specific intent crime,

## RIGHTS GIVEN BY THE COURT TO THE DEFENDANT

1 which I will discuss with the attorneys in chambers,  
2 so that the charge can be made.

3 I have advised them in State versus Bate, which  
4 was decided at the end of last year by the Supreme  
5 Court, that if Mr. Flowers does not put up any  
6 testimony, that the Defendant will get final argument  
7 tomorrow morning.

8 You agree, Solicitor, that that is correct?

9 MS. LEGETTE: Yes, Your Honor.

10 THE COURT: Very well. Have I accurately stated  
11 what occurred at the bench, Mr. Koger?

12 MR. KOGER: Yes, Your Honor.

13 THE COURT: And you agreed that you would get  
14 final argument and that we need to discuss the effect  
15 of State versus King on the charge.

16 MR. KOGER: Yes, Your Honor.

17 THE COURT: Very well. Mr. Flowers, I meant to  
18 ask you this, and you're still under oath, so I want  
19 to make sure.

20 Did you understand everything that I went over  
21 with you about your right to testify?

22 THE WITNESS: Yes, sir.

23 THE COURT: You didn't have any questions of me  
24 about it?

25 THE WITNESS: No, sir.

## RIGHTS GIVEN BY THE COURT TO THE DEFENDANT

1 THE COURT: Very well. Thank you very much.  
2 Bring us the jury, Mr. Freddy.

3 (The Jury enters the courtroom.)

4 THE COURT: Madam Foreperson, ladies and  
5 gentlemen of the jury, you have now heard the  
6 evidence from the State of South Carolina. You will  
7 now hear from the Defendant.

8 You may call your first witness, Counsel.

9 MR. KOGER: Your Honor, the Defense rests.

10 THE COURT: Ladies and gentlemen of the jury,  
11 you have now heard all the evidence in this case, but  
12 you have not heard the closing arguments of the  
13 attorneys nor received my charge on the law.

14 Because it is 25 till three, and because I have  
15 to have a charge conference with the attorneys on the  
16 law, there are matters of law involving my charge  
17 that I have to take up with the attorneys in this  
18 case. We will conclude this case first thing in the  
19 morning rather than keeping you here after dark this  
20 afternoon, before you receive the case.

21 Now, it is drizzling rain outside. So I want  
22 everybody to be extremely careful on the roads  
23 getting home. I will get you home early today. We  
24 will start back at 10 o'clock in the morning and  
25 finish this case promptly in the morning.

## DEFENSE RESTS

1 I want you to be careful on the way home, and I  
2 want everybody to get here safely in the morning  
3 because there's a little chance the rain will happen  
4 the next few days. I don't know whether it'll be  
5 raining or not, but we will have some wet roads. So  
6 I want everybody to be careful.

7 Please be in your jury room prior to 10:00 a.m.  
8 in the morning so we can start at 10:00 a.m. and get  
9 finished, and I can get you home, ladies and  
10 gentlemen.

11 Thank you for your patience. Thank you for your  
12 service. I will look forward to seeing each and  
13 every one of you in the morning at 10:00 a.m.

14 You are now excused for the balance of today.  
15 You may leave the courtroom at this time.

16 Thank you very much. We'll continue tomorrow.

17 THE COURT: Everyone else remain seated while  
18 the jury is leaving.

19 (The Jury exits the courtroom at 2:35 p.m.).

20 THE COURT: All right. I'm going to need to --  
21 I think my law clerk has actually given you all each  
22 a copy of the State versus King. Is that right?

23 MS. LEGETTE: Yes, Your Honor.

24 MR. HOLLEN: Yes, Your Honor.

25 THE COURT: Both of you, I need you to have read

## COLLOQUY

1 this -- it's lengthy, it's about -- looks like it's  
2 about 15 -- ten or 12, 15 pages, but I need for you  
3 to be prepared to be able to discuss it when you come  
4 in.

5 I will go over with you in chambers both the  
6 verdict form and my entire charge in chambers so that  
7 you both will know prior to your arguments in the  
8 morning exactly what the Court intends to charge in  
9 this case so that you can tailor your closing  
10 arguments to the charge on the law that the court  
11 gives, particularly in light of the King case, which  
12 I think completely changed the charge on the law in  
13 South Carolina on attempted murder. So be prepared  
14 to discuss it.

15 Anything further on the record outside the  
16 presence of the jury from the State of South  
17 Carolina?

18 MS. LEGETTE: Not from the State, Your Honor.

19 THE COURT: From the Defendant?

20 MR. KOGER: Not from the Defense, Your Honor.

21 THE COURT: Mr. Koger, I'm assuming since you  
22 have rested, you renew your motion for directed  
23 verdict at the close of all the evidence, just as you  
24 made at the close of the State's case; is that  
25 correct?

## COLLOQUY

1 MR. KOGER: That's correct, Your Honor.

2 THE COURT: And for the reasons that I stated,  
3 your Motion for Directed Verdict at the close of all  
4 the evidence is respectfully denied.

5 MR. KOGER: Thank you, Your Honor.

6 THE COURT: All right. Counsel, I'll call you  
7 back into chambers in just a moment, we'll have the  
8 charge conference. This Court stands adjourned until  
9 10:00 a.m. tomorrow morning.

10 (Court adjourned for the day. Proceedings to  
11 continue on 1-11-2018.)

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1-11-2018 PROCEEDINGS

1 In the Court of General Sessions for the  
2 State of South Carolina, County of Allendale

3  
4 Case No.: 2014GS0300229

5 00231, 00232, 00233, 00234

6 State of South Carolina,

7 Plaintiff(s),

8 vs.

Transcript of Record

9 Laparis Shemel Flowers,

10 Defendant(s).

11  
12  
13  
14  
15  
16 January 11, 2018

17 Allendale, South Carolina

18  
19  
20  
21  
22 BEFORE:

23 The Honorable Perry M. Buckner  
24  
25

## COLLOQUY

1 THE COURT: Thank you. Good morning, and please  
2 be seated.

3 Let the record reflect that yesterday afternoon  
4 for sometime, I had a charge conference with the  
5 attorneys involved in the trial of this case. They  
6 have agreed to the charge.

7 They have agreed to the verdict form. We have  
8 also agreed to the oral argument. The State will  
9 argue first. They asked for 30 minutes, which I told  
10 them is fine, followed by a closing argument by  
11 counsel for the Defendant, who will also have 30  
12 minutes.

13 There was one addition to the charge this  
14 morning. They asked me to give them copies of my  
15 charge, which I was happy to do so. I have been over  
16 that addition to the charge, which involves the fact  
17 that the inference of malice is a wrongful  
18 presumption. They both agree that should be added.  
19 I met with them this morning concerning that addition  
20 in chambers.

21 Now, ladies and gentlemen, the courtroom is a  
22 public place, and we invite the public to be here.  
23 But we do not tolerate any emotional outbursts of any  
24 kind during trial, or when a verdict is published.  
25 If you cannot control your emotions, then I suggest

## COLLOQUY

1 you get up and leave now, because I will not tolerate  
2 for this jury any type of emotional outburst, and I  
3 will enforce that with the contempt powers of this  
4 court.

5 So I better not hear any type of remark of any  
6 type, favorable or unfavorable, out of respect for  
7 the jury.

8 Does everyone understand that, and does anyone  
9 wish to leave at this time?

10 (No response.)

11 THE COURT: It appears everyone understands and  
12 no one wishes to leave.

13 Bring us the jury, please.

14 (The Jury enters the courtroom.)

15 THE COURT: Good morning, Madam Foreperson.  
16 Good morning, ladies and gentlemen of the jury.  
17 Thank you for being here on time.

18 We will now continue with the trial of this  
19 case. You will hear the closing arguments of the  
20 attorneys followed by my charge to you on the law  
21 which applies to this case. I ask that you listen  
22 carefully to the attorneys and the Court.

23 Solicitor, you may proceed.

24 CLOSING ARGUMENT BY THE STATE.

25 MS. LEGETTE: Thank you, Your Honor. May it

## CLOSING ARGUMENT BY THE STATE

1 please the Court.

2 THE COURT: Proceed.

3 MS. LEGETTE: Mr. Koger.

4 THE COURT: Counsel approach.

5 (Off-the-record discussion held.)

6 THE COURT: Proceed. Let -- just a moment. Let  
7 him get in position so he can see as well.

8 (Pause.)

9 THE COURT: Can everybody on the jury see the  
10 screens?

11 (The Jurors indicate affirmatively.)

12 THE COURT: Okay. You see all of this?

13 JUROR: Yes, sir.

14 THE COURT: Can you see?

15 MR. KOGER: I can see.

16 THE COURT: Come on up a little forward if you  
17 need to.

18 Can you see everything?

19 THE DEFENDANT: I can.

20 THE COURT: If you can't see this board right  
21 here, you let me know. Just raise your hand.

22 Proceed.

23 MS. LEGETTE: Thank you, Your Honor.

24 Good morning.

25 THE JURORS: Good morning.

## CLOSING ARGUMENT BY THE STATE

1 MS. LEGETTE: Good morning. December the 6th,  
2 2014 was a time to kill for Laparis Flowers. Laparis  
3 Flowers is a killer. Laparis Flowers is a killer.  
4 And on December the 6th, 2014, he went in search. He  
5 went looking for who he wanted to kill.

6 His intent was to steal, to kill, to murder,  
7 destroy. To steal lives, to kill, to murder, to  
8 destroy the objects of his anger.

9 Now, ladies and gentlemen, Mr. Flowers sits  
10 before you today cloaked in a robe of righteousness.  
11 A robe of righteousness. The trial judge is going to  
12 tell you that he sits there cloaked in that robe of  
13 righteousness until and unless the State meets its  
14 burden of proof and takes off that robe of  
15 righteousness.

16 I submit to you today that the robe of  
17 righteousness is already off. We have taken it off.  
18 We have snatched it off. Because beyond a reasonable  
19 doubt, you already knew.

20 Now, ladies and gentlemen, I really don't want  
21 to insult your intelligence, but I feel like I'm  
22 going to have to insult your intelligence this  
23 morning because there are a few things the State must  
24 go over again, and again, and again, and again.

25 Laparis Flowers, for his actions on

## CLOSING ARGUMENT BY THE STATE

1 December 6th, 2014 has been charged with murder of  
2 Russell Smart, attempted murder of Tyquan Charlton,  
3 attempted murder of Jarrell Murray, and attempted  
4 murder of Brandon Lewis. Also possession of a weapon  
5 during the commission of a violent crime. That is  
6 why he's here. And that is what we believe we have  
7 proven.

8 It is not my intent to prosecute an innocent  
9 man. Not so. We do not prosecute the innocent, only  
10 the guilty.

11 Now, ladies and gentlemen, I'll tell you the  
12 words of Johnny Cochran. If you feel that it does  
13 not fit, then you must acquit. But we believe we  
14 have met the burden of proof. So let us now go  
15 forward because you have been convinced beyond a  
16 reasonable doubt. All doubt being resolved.

17 Now, let's talk about what we learned at trial,  
18 the Judge will ultimately tell you at the end of this  
19 case. Let's go through attempted murder. I don't  
20 want to go with murder first, this is not a normal  
21 case. It is a simple case, but I'll go over the  
22 attempted murder first. Because through the  
23 attempted murder, you will see Laparis Flowers is  
24 also guilty of the murder of Russell Smart.

25 So what does attempted murder require? If I'm

## CLOSING ARGUMENT BY THE STATE

1 wrong, the trial judge will tell you what the law is.  
2 It is his province. But attempted murder just  
3 briefly.

4 My daddy likes math, and I really was not good  
5 at math. Y'all can see, I talk too fast, and I was  
6 transposing numbers. I'm not real good at math, but  
7 there are a few things I can do. So we are going to  
8 do a little equation this morning. We are going to  
9 take the law and apply it to the facts. For the  
10 facts, and apply it to them.

11 Let's start. Attempted murder requires that a  
12 defendant attempted to kill another person. In here,  
13 I have put down, Tyquan Charlton, Brandon Lewis,  
14 Jarrell Murray, with malice aforethought. And he  
15 must have had a specific intent to kill.

16 So what have we proven? Let's talk about the  
17 case we put before you. I want you to remember the  
18 number 13. Thirteen, some say 13 is an unlucky  
19 number. I don't believe 13 is an unlucky number.  
20 Thirteen is the beginning of something else.

21 You get to 12 and you finish, 13 is the  
22 beginning of something else. The beginning of a new  
23 day. A day when you get the truth.

24 So what 13 things do I want to discuss today?  
25 Let's look at 13 things. Tyquan Charlton's

## CLOSING ARGUMENT BY THE STATE

1 identification of Laparis Flowers. How do you know  
2 Laparis Flowers is guilty of attempted murder?

3 Number one, you have his name. So we will go  
4 ahead and check off our box. It is a little simple  
5 equation, but we are going to check off our box, the  
6 Defendant. Tyquan Charlton said, "I know Laparis  
7 Flowers, I have known him for years. I saw him that  
8 night."

9 He said, "Y'all tried to flex on my little  
10 cousin." Y'all tried to flex on my little cousin.  
11 Is that what this is about?

12 You roll up, come up on people in a car, open  
13 fire because they try to flex on your little cousin?  
14 Who is that cousin? Jaqwavian. Toot. They had  
15 issues in the club. Remember? Lobster House, issue  
16 in club. Somebody said Laparis was mad. He was  
17 cussing. Toot brother might have got into it. Toot  
18 and Dee. Toot, Jaqwavian, his little cousin.

19 Tyquan Charlton said, "He pulled out the gun.  
20 He started shooting at us in the car. I was hit in  
21 the jaw with a bullet."

22 The doctor talked about how emergent his  
23 condition he was. He said the bullet lodged in his  
24 neck. If he move, he may be paralyzed. Attempted  
25 murder. He's lucky to be alive. Possible paralysis.

## CLOSING ARGUMENT BY THE STATE

1 That's what Tyquan Charlton said.

2 Let's talk about Tyquan Charlton's demeanor. I  
3 noticed something. I noticed something. It seemed  
4 like Mr. Charlton came here and sat on that witness  
5 stand, Mr. Koger called it "the great equalizer."  
6 Did you see Tyquan Charlton? Did you see him stand  
7 up and look? You could tell he was afraid. Did you  
8 see his demeanor? Did you see him? He didn't want  
9 to look over there at Mr. Flowers. He didn't want to  
10 look over there because he was so afraid.

11 What else did Tyquan Charlton say? On December  
12 the 10th, in the hospital, with a Slurpee in his  
13 mouth, a Slurpee, Lieutenant Brown said he had a  
14 Slurpee, he was taking water out of his mouth like  
15 you have at the dentist, telling him, "It was Laparis  
16 Flowers who shot into the car where I was."

17 He then identified him, number two, in a photo  
18 line-up on December the 10th. And if that wasn't  
19 enough, go back to Tuesday of this week. Tuesday, he  
20 came in here and identified him one more time. That  
21 is three.

22 Then number four, he identified the photo  
23 line-up that he originally -- this photo line-up  
24 right here -- this one. This picture. This photo  
25 line-up, he identified as being his photo line-up.

## CLOSING ARGUMENT BY THE STATE

1 where he picked out Laparis Flowers. That is number  
2 four.

3 And as if that ain't enough, number five, in  
4 open court, before all of you, with fear in his eyes  
5 and a tremble in his voice, he picked him out again  
6 in open court.

7 Five identifications from Tyquan Charlton.

8 Five. Five. The same man over and over and over. I  
9 told you, I was going to insult your intelligence,  
10 but I have to.

11 What does that mean? Laparis Flowers is guilty.  
12 He is guilty of attempted murder of Tyquan Charlton.  
13 Remember when Tyquan Charlton was sitting in that  
14 car, on the back passenger side, bullets flying all  
15 the way across that car, all the way across that car,  
16 threw a rock at that car, into the left side jaw, the  
17 head area of Tyquan Charlton.

18 That means the Defendant attempted to kill. He  
19 had a specific intent -- he ain't just fired one  
20 bullet, not two bullets, not three bullets, but at  
21 least four bullets. Let me show you this car.

22 Can I show you this car? You see this car. Can  
23 I show you this car? Look at this car. Just look  
24 here. You got A, you got B, C, you got D. You got  
25 four defects. You got four men, at least four shots.

## CLOSING ARGUMENT BY THE STATE

1 That is attempted murder. That is specific intent to  
2 kill.

3 Somebody called or texted to ask him where is  
4 Jaqwavian, that he's around at Pinewood. Laparis  
5 Flowers got in his little white car and rolled up on  
6 Pinewood where he thought he walked in and got in the  
7 back. What did he do? Opened fire. Boom. Boom.  
8 Boom. Boom. Four shots. Four men. One dead.  
9 Three survivors.

10 Laparis Flowers is a killer. He tried to kill  
11 Tyquan Charlton. He didn't succeed, but he is still  
12 a killer.

13 Let us talk about Brandon. Where is Brandon  
14 Lewis? Yeah, yeah. Brandon Lewis walked in here,  
15 y'all, and Brandon Lewis, I hated to embarrass  
16 Brandon Lewis, he came in here in shackles. I  
17 couldn't hide from you that Brandon Lewis is in  
18 Federal prison. Brandon Lewis is an inmate, has been  
19 there since 2015, he said. He will be there until  
20 2021. He is going back there to Federal prison.  
21 Yes, he is.

22 What did Brandon Lewis tell you? "I know  
23 Laparis Flowers. I have known Laparis Flowers for  
24 years. I saw him that night."

25 Pat Pat shot into the car. Laparis Flowers

## CLOSING ARGUMENT BY THE STATE

1 shot. I was shot in the arm. The bullet removed.

2 Let's talk about the inmate, the snitching, the  
3 code. It's a code. It is a code, he is sitting in  
4 prison. He has to go back. He has to go back. And  
5 because he had to go back there, he can't sit in here  
6 and identify a man and then he would have to go back  
7 and tell the boys. He has to go back to the prison.  
8 Surely they are going to ask him what he did.

9 He had to know that. Man, I didn't do anything,  
10 man, I didn't, man, I -- that is what the inmate  
11 Brandon Lewis came in here and did. That is what he  
12 did.

13 But look at this. That goes back to what he's  
14 already said, before he was an inmate, when it was  
15 fresh on his mind, when he cried.

16 Now, I've never been a man. Know many men. My  
17 daddy, my brother, strong men. Strong willed black  
18 men. Stand up. Large men. I don't see the men in  
19 my family cry unless it is very, very deep.

20 You had another black man, a man that come in  
21 here and told you that he went to see Brandon Lewis,  
22 before he got to be -- before he came. You know,  
23 code, snitch, you know, he broke down and cried when  
24 we asked him about Russell.

25 When he asked him about Russell, and what did

## CLOSING ARGUMENT BY THE STATE

1 Brandon Lewis tell him? He told Detective Manor it  
2 was Laparis Flowers who shot. It was Laparis  
3 Flowers.

4 And then, again, on December the 6th, he said it  
5 again two times, to Lieutenant Brown from SLED. He  
6 didn't really want to, but he did. And then, the  
7 third time he identified him in the photo line-up.  
8 That is three times. That is three identifications.  
9 That is three.

10 This right here, this is Brandon Lewis'  
11 identification. That is the third one, y'all.  
12 That's the third identification of Brandon Lewis.  
13 Three separate identifications, all of the same man,  
14 Laparis Flowers;

15 I told you that robe of righteousness -- that  
16 robe of righteousness, oh, it's filthy. It is  
17 filthy. We have now taken it off, it's on the floor.

18 Shooter. Four young men in a car. Where was  
19 Brandon Lewis sitting? Right behind Russell. Right  
20 behind Russell. Close enough to see the man who  
21 tries to kill him.

22 Now, you think that attempted murder, he didn't  
23 die. He had a shot in the arm, left arm. Russell  
24 Smart got shot in the left arm. And that shot in the  
25 left arm of Russell Smart killed him. It went

## CLOSING ARGUMENT BY THE STATE

1 through his body. It cut across his body. It cut  
2 into his aorta. It cut through his lung. It cut  
3 through to the other lung. And it killed him. And  
4 because Brandon Lewis had the same fate as he, he  
5 could have been done the same way.

6 Laparis Flowers tried to kill. He had the  
7 intent to kill when he opened fire on that car.  
8 There was four young men. When he pulled up, the  
9 element of surprise. They weren't even paying him  
10 attention. They were not even looking at him. The  
11 element of surprise.

12 He tried to kill Brandon Lewis. And what does  
13 that mean? Laparis Flowers is a killer. Laparis  
14 Flowers is a killer. Laparis Flowers does not have a  
15 robe of righteousness. Laparis Flowers does not wear  
16 a robe of righteousness. Killers don't get to wear  
17 the robe of righteousness.

18 He is guilty. He is guilty. We are going to  
19 just go ahead and mark off Tyquan and Brandon.

20 Now, let's talk about Jarrell Murray. Jarrell  
21 Murray, what did Jarrell Murray say? He said he knew  
22 Laparis Flowers. He had known him for years. He saw  
23 him that night. The car pulled up door to door.  
24 Laparis Flowers pulled out the gun. He began to  
25 shoot at us in the car.

## CLOSING ARGUMENT BY THE STATE

1 He jumped out and ran away. Jarrell Murray  
2 sitting in a similar position as Tyquan Charlton,  
3 only the far passenger's side, and he jumped out and  
4 run, but he heard several shots. He didn't know how  
5 many. I believe Tyquan said he didn't know how many,  
6 but he heard several shots. He had four defects in  
7 that car.

8 Jarrell Murray. He tried to kill Jarrell Murray  
9 as well. The bullets were going straight across.  
10 Straight -- if you look at the way this car is cut  
11 up, the bullets are going straight across this car.  
12 They are head shots and they are upper body shots.  
13 That is intent to kill. The specific intent to kill.  
14 That is the intent to kill. Laporis Flowers tried to  
15 kill Jarrell Murray.

16 Let's talk about Jarrell Murray. The victim.  
17 Did y'all see him? I'll go back again to what  
18 Mr. Koger said about this seat, the great equalizer.

19 Did you see how Jarrell Murray made him feel  
20 really calm? I saw him walk in the door, keep his  
21 back straight. But when he got on the stand, he  
22 hunkered down. I could barely see him.

23 But did you listen? Did you listen? I could  
24 barely hear him. He almost wanted to whisper. I  
25 have seen it, I have heard it in his voice, and I

## CLOSING ARGUMENT BY THE STATE

1        felt it. But all in one, I know when I have seen it.  
2        They sat on the witness stand and had to stand up,  
3        and I had no choice but to ask, and in his whisper,  
4        hushed tone, he told you about Laparis Flowers.

5        Let's talk again about how many times. How many  
6        times did he -- he said it was Laparis Flowers  
7        December 6th, 2014, to Lieutenant Matt Brown. That  
8        is one.

9        He identified him in a line-up on December 6th,  
10       2014. That is two. Lookie here. And then that is  
11       the third one, y'all. That's Jarrell Murray  
12       identifying Laparis Flowers.

13       Then, number three, he came to court on Tuesday,  
14       sat in that equalizing box, hunkered down like a  
15       scared little boy. Jarrell Murray stood up to a  
16       killer. A face probably he'll never forget, and told  
17       you it was Laparis Flowers.

18       Then he turned around and identified the photo  
19       line-up that he had already seen on December 6th, as  
20       being the one that he filled out. This same one  
21       right here. I know I'm insulting your intelligence,  
22       I have no choice. No choice. Because at the end of  
23       all this, you will have no choice. I don't want to  
24       leave you with no choice. No doubt. None. And what  
25       did he do the fifth time? Sat there. I asked him,

## CLOSING ARGUMENT BY THE STATE

1 "Do you see the man? Do you see the man who shot  
2 into that car four times? Boom. Boom. Boom. Boom.  
3 Do you see him in here?"

4 What did he say? "There he is. There he is in  
5 the blue. There he is." That's what he said, the  
6 the one in the blue shirt.

7 Five times. Five identifications. Five. What  
8 does that mean? Laparis Flowers is guilty of  
9 attempted murder of Jarrell Murray. Laparis Flowers  
10 is guilty of attempted murder of Brandon Lewis.

11 Laparis Flowers is guilty of attempted murder of  
12 Tyquan Charlton. And because of all that, Laparis  
13 Flowers is guilty of murder of Russell Smart.

14 We are just going to go ahead and mark it off.

15 Malice. What is malice? Before we go to  
16 malice, let's talk about this. What was five plus  
17 three plus five, 13. Thirteen. Thirteen times  
18 Laparis Flowers has been identified as the shooter  
19 into that Crown Vic on December 6th, 2013. Thirteen  
20 times. You can't deny it. It is simple math. I may  
21 not have the mind of a mathematician, but even I can  
22 count to 13. Five plus three plus five equals 13.

23 I told you I would insult you. I am sorry, but  
24 it's 13. No denying it. He has been identified 13  
25 times. He is guilty. He is guilty.

## CLOSING ARGUMENT BY THE STATE

1           Now, ladies and gentlemen, what is malice? What  
2 is malice? Malice, the Judge is going to tell you  
3 what malice is. Malice is basically evil. Wicked.  
4 Depraved. And has to be aforethought. It has to be  
5 aforethought.

6           But malice is evil, wicked, heart bent on doing  
7 wrong, bent on doing wrong. And that is what Lapolis  
8 Flowers had in his heart.

9           Don't be fooled by the baby face. Do not be  
10 fooled by the baby face and the little boy doe eyes.  
11 Because behind those eyes is the heart of a killer.  
12 The heart of a wicked and evil man, and that is what  
13 he did on December the 6th, 2014.

14           Now, listen again. Aforethought can be just  
15 before. It has to be before. Basically like you lie  
16 in wait, or you make a plan to go there.

17           What does he do? Best testimony was, found out  
18 where Dee was, went to Pinewood, get in the car, goes  
19 over there. He don't live there. What is he doing  
20 in Pinewood? He is looking for these men. These men  
21 that flexed on his little cousin. That is malice  
22 aforethought.

23           And we had discussed the specific intent to  
24 kill. His intent was to kill them. Look at Russell  
25 Smart. Look at him lying here, bullet in his arm,

## CLOSING ARGUMENT BY THE STATE

1 cut through his heart and aorta. His intent was to  
2 kill. He just (inaudible). Russell may have pulled  
3 off.

4 Remember, Brandon told you, "Russell, I got hit,  
5 man, pull off." Russell said, "me, too," and he  
6 drove away at five miles an hour. He may have saved  
7 Tyquan, he may have saved Brandon, too. In his last  
8 dying breath, he drove away.

9 Intent to kill. He killed Russell, and he  
10 intended to kill every single soul in that car, for  
11 no other reason than they flexed. Somebody --  
12 somebody just rived on his little cousin. That is  
13 intent to kill, he just didn't get the chance.

14 Now, ladies and gentlemen, let's talk about the  
15 murder. But really the murder is already done. You  
16 might as well check it off. We have been going  
17 through it the whole time. The murder, the  
18 Defendant -- my speaker is going dead. Laparis  
19 Flowers killed another person, Russell Smart, with  
20 malice aforethought.

21 We talked about the wickedness, the evil. You  
22 open fire in a car filled with people, and you shoot  
23 four times, head shots -- head shots, body shots,  
24 cutting across vital organs. You intend to kill  
25 them.

## CLOSING ARGUMENT BY THE STATE

1 Malice, evil. He went looking for them. And  
2 malice can be with expressed or inferred. Expressed  
3 means basically I speak words to you, or I have ill  
4 will. Now, somebody said he was mad. He left the  
5 Lobster House angry. Cussing. He was upset. But he  
6 was prepared. He went looking for them. That can be  
7 seen as expressed malice.

8 Or malice can be inferred from the use of a  
9 deadly weapon. Your expert came and you saw him. He  
10 told you that he got shell casings, he got  
11 projectiles, he got bullets, he got fragments. He  
12 got cord -- a cord, which is also from a bullet.

13 Basically what he did was, he opened fired,  
14 shell casing, .9 millimeter. It was a .9 millimeter.  
15 A firearm. A gun. A deadly weapon. Malice is  
16 inferred with the use of a deadly weapon.

17 Now, that means he is guilty of murder of  
18 Russell Smart.

19 Let's go back one more time, because just in  
20 case you are yet still not convinced, if it's still  
21 not clear, I'm going to insult you one more time. I  
22 got to. I apologize, but I got to insult you one  
23 more time.

24 I direct your attention. Laparis Flowers is a  
25 killer. Identification. What do we have? Three

## CLOSING ARGUMENT BY THE STATE

1 different dates, at three different times, at three  
2 different places. All saying the same thing, all say  
3 the same thing. All ID the same man. It is simple.

4 You already heard, shot and killed Russell, shot  
5 Tyquan in the face, shot Brandon Lewis in the arm,  
6 shot at Jarrell Murray.

7 Corroborate. Let's discuss this here. What do  
8 these other witnesses say? Look at what the  
9 witnesses all say. Even if you had to take Brandon  
10 out, Brandon says the same thing as Tyquan and  
11 Jarrell, except he pulls back because of where he  
12 lives, because when he comes from court and all of  
13 them say, how was it.

14 Tyquan says, and Jarrell says, and Brandon says,  
15 left the Lobster House. Left with Russell, catching  
16 a ride. Russell was driving. Tyquan in the back  
17 seat. Everybody says the same thing. Tyquan was in  
18 the back passenger seat. Everybody says, Jarrell was  
19 in the front. Everybody says Russell was driving.  
20 Everybody says Brandon was on the driver's side  
21 behind Russell.

22 They went to Pinewood Apartments. They all say  
23 it. They all say it. All of them. Even Brandon.  
24 He got right up to the car. They were sitting at  
25 Pinewood Apartments. The white car pulled up, the

## CLOSING ARGUMENT BY THE STATE

1 driver window -- I'm sorry to go over it again. I  
2 know it's a little boring. I know it's boring. But  
3 you cannot leave here with any doubt. No -- beyond a  
4 reasonable doubt is authentic.

5 Because that is the kind of doubt to cause a  
6 reasonable man to take action. If you didn't believe  
7 what you heard from that chair you would have  
8 reasonable doubt, but I want you to leave the  
9 courtroom and feel like you didn't have a choice,  
10 that there is no doubt.

11 I'm going to leave it all on the floor for you,  
12 because there's no doubt. Everybody says the same  
13 thing, over and over and over, 13 times. None of  
14 them differ, they all say it.

15 They don't ever hear Pat Pat. Laparis. He  
16 pulled out a gun. He opened fire. They all said it.

17 Consistent, consistent, consistent. Except for  
18 Brandon refused to identify him in court.

19 Consistent. Consistent. They all pick him out.

20 They all pick him out. One by one by one, all  
21 of them. Three line-ups, three different men, the  
22 same thing. All of them. No doubt. They took him  
23 out. Consistent.

24 What does it mean? Laparis Flowers is guilty.

25 He is a guilty man. He is guilty.

## CLOSING ARGUMENT BY THE STATE

1           Yes, I insulted you. Yes, I apologize. But  
2           it's necessary. It is needed. He is a killer.

3           And ladies and gentlemen, it can't because  
4           Mr. Koger is going to bring a lot of stuff up about  
5           oh, what about this and what about that? And  
6           hypothetical this and hypothetical that. But I don't  
7           want to talk about the hypothetical. I want to  
8           discuss what really happened that night. All of the  
9           rest. What happened.

10          The white Alero. The white Alero, let's discuss  
11          the white Alero. The white Alero belonged to Laparis  
12          Flowers. We have proof that over and over and over  
13          again, the white Alero belonged to Laparis Flowers.

14          Look here, his name is on the contract document  
15          found in the car. In the car of Laparis Flowers.  
16          That is his car, he and his mother's. He signed for  
17          it. Laparis Flowers.

18          Laparis Flowers' ID is in the trunk of the  
19          Alero. It is his car. It's his car. Laparis  
20          Flowers in his white Alero. Look at your video.  
21          Look at your video. Laparis Flowers is getting in  
22          that white Alero. He is identified by Detective  
23          Manor -- Captain Manor. He is getting in the white  
24          Alero. It is his car. His car. His Alero. It  
25          belongs to him. He drives it. He controls it.

## CLOSING ARGUMENT BY THE STATE

1 Anybody else could not have driven it. Let's just  
2 talk about it. Let's talk about that.

3 Oh, somebody else drove it. And then the  
4 question, Laparis Flowers had him move it. You're  
5 knowledge in the investigation is that Laparis  
6 Flowers had him move the car.

7 Anyone else that drove that car only drove it  
8 because he told him to. And it is found on the  
9 property of his relative. Edith Bates, Jennifer  
10 Bates, his momma, her relative. His relative. The  
11 white Alero.

12 Steering wheel tells an interesting story, don't  
13 they? Let's talk about it. Look at Russell Smart.  
14 Russell Smart, gunshot residue. Laparis Flowers,  
15 gunshot residue, GSR on the steering wheel. Laparis  
16 Flowers GSR because Laparis Flowers fired the gun  
17 into the green car from his white Alero and then he  
18 drove away. Things that make you say, hmm.

19 The gear shift, Laparis Flowers' gear shift.  
20 His hand on the gear shift. Laparis Flowers was the  
21 shooter driving that car.

22 Let's forget about the hypothetical. This is  
23 not a coincidence. He wants you to believe that it  
24 is a coincidence, but it's not a coincidence. There  
25 are no such things as coincidence.

## CLOSING ARGUMENT BY THE STATE

1           Mr. Koger said one more interesting thing. He  
2           talked about how they went to the house in north  
3           Augusta, but you didn't find anything related to this  
4           crime at my client's house.

5           No, sir, we didn't. No, sir, we didn't. We  
6           didn't find a gun there. I would have liked to have  
7           had a gun to bring to you to show you that the  
8           bullets matched. No gun.

9           No clothes. I would like to have had clothes to  
10          bring to you to show you the GSR on them, but no  
11          clothes. I would have loved to have bullets -- I'm  
12          sorry, bullet that were not fired at his house,  
13          bullets to match, or the gun.

14          They weren't in that house in north Augusta.  
15          They didn't find anything there. They didn't find  
16          the car there either. It is clearly his car. They  
17          didn't find the car there. No clothes there. No gun  
18          there. No bullets there.

19          But guess what? Those same clothes that  
20          Mr. Koger brought up to you, brought to your  
21          attention, about we didn't find them in the house,  
22          the same clothes, in the video the man who is wearing  
23          those same clothes is Lapolis Flowers. Oh, yeah.  
24          There it is.

25          Lapolis Flowers is wearing the same clothes in

## CLOSING ARGUMENT BY THE STATE

1 the video. Those same clothes. So the police go  
2 goes to the place where the person lives looking for  
3 evidence. They went there. They didn't find the  
4 clothes that he was wearing in the video. Look at  
5 the video.

6 They didn't find the clothes. They didn't find,  
7 the gun. They didn't find bullets. They didn't find  
8 the car at his house.

9 What did he do with it? Where did it all go?  
10 Where is the gun? Where is the bullets? Uh-huh. It  
11 could have been put on fire, but we found it. He  
12 just happened not to have his clothes in North  
13 Augusta.

14 He is clearly seen wearing the clothes in the  
15 video. Oh, where are the clothes at, y'all? These  
16 clothes. The clothes.

17 One place you would look, your house in North  
18 Augusta. And they wouldn't have found that car, but  
19 it was at his relatives' house. He ditched it. He  
20 disposed of the evidence. He disposed of the  
21 evidence. He got rid of it all. We found the car.  
22 He can't deny the car.

23 He can't deny it. He can't hide it away, it is  
24 his car, it is his, he drove it. And there was  
25 nothing that could be found, and if there was

## CLOSING ARGUMENT BY THE STATE

1 something to be found it had already been cleaned.

2 The young man had his car cleaned.

3 Now, ladies and gentlemen, forget about these  
4 hypotheticals. What happened is just like they  
5 said, just like they said: Jarrell Murray, Tyquan  
6 Charlton, Brandon Lewis.

7 Laparis Flowers, ladies and gentlemen, is a  
8 wicked and evil man. He is a killer. It's time to  
9 speak the truth.

10 December 6th, 2014 was a time to kill for  
11 Laparis Flowers. He went to Pinewood Apartments to  
12 kill, murder, and destroy. He did that. And now  
13 it's time to speak the truth. A verdict of guilty  
14 will speak the truth. I have insulted you today, and  
15 for that I do apologize. But I want you to leave out  
16 of this courtroom without any doubt, beyond any  
17 reasonable doubt.

18 Laparis Flowers, the robe of righteousness is in  
19 the garbage. Incinerated. On fire. It is over.

20 Speak the truth this day. Find Laparis Flowers  
21 guilty of murder, of attempted murder of Tyquan  
22 Charlton, of attempted murder of Brandon Lewis, of  
23 attempted murder of Jarrell Murray, and the weapon,  
24 because he had to use a firearm to kill. He is a  
25 killer.

## CLOSING ARGUMENT BY THE STATE

1 Thank you.

2 CLOSING ARGUMENT BY THE DEFENSE

3 MR. KOGER: May it please the Court.

4 THE COURT: Proceed.

5 MR. KOGER: Ms. Legette, Mr. Hollen.

6 Laparis Flowers is not a killer. Laparis  
7 Flowers is not the shooter in this case.

8 Now, I admire Ms. Legette's passion, and I  
9 admire Ms. Legette's emotion. But as jurors, y'all  
10 are to listen to all of the evidence that was placed  
11 in this courtroom during this week, and also take  
12 into consideration what was not placed into evidence  
13 on this particular week.

14 Now, the State would have you, to bolster the  
15 case, primary, solely on identification. And I'm  
16 going to deal with that later in my closing. But  
17 this is their whole case and the entire case. And  
18 everything that was placed into evidence this week or  
19 not placed in, is taken for consideration in this  
20 case against Mr. Laparis Flowers.

21 He tried to minimize the fact that there was no  
22 firearm. But indeed these deeds were committed by a  
23 firearm. Out of all the pieces of evidence we had  
24 over here, and I think we had maybe about 80-some-odd  
25 pieces of evidence, no gun. No gun.

## CLOSING ARGUMENT BY THE DEFENSE

1           Agent Green from SLED testified to doing these  
2           steps, finding this ballistics, this case and what  
3           have you. But he also testified to that he can't  
4           even conclusively say whether it was more than one  
5           gun used on that particular night.

6           And then the other parties' testimony was, well,  
7           the casing of the .9 millimeter that we found, it  
8           goes back to 62 brands of guns.

9           Sixty-two brands of guns. A murder, three  
10          counts of attempted murder, and one count of  
11          possession of a weapon during the commission of a  
12          violent crime, no gun.

13          But the State wants you to really not consider  
14          that because it doesn't help their case.

15          Second, search warrants were issued and  
16          executed. Obviously they started video before they  
17          got the search warrant, before they approached the  
18          Magistrate for the search warrant, and they wanted to  
19          execute the search warrant. Don't let the State tell  
20          you, well, because of some clothes on a video, they  
21          really didn't want to find the clothes.

22          Okay. They executed a search warrant in north  
23          Augusta, as stated. No firearms, no ammunition, no  
24          magazines connected with firearms. No black sweater.  
25          No white thermal shirt. No camouflage pants. No

## CLOSING ARGUMENT BY THE DEFENSE

1 Nike white Air Jordans.

2 The Defendant's grandmother, Ms. Edith Bates,  
3 said, "Don't need a search warrant, come on in and  
4 look."

5 No firearm, no firearm magazines, no ammunition,  
6 no black sweater, no white thermal shirt, no  
7 camouflage pants, and no white shoes.

8 Don't let the State tell you, well, that is  
9 okay. That is a minor part of this case, not finding  
10 these items in the residence or the places in which  
11 Mr. Flowers were, because they were not important.  
12 They would not have gotten the Magistrate to sign the  
13 warrant to go look for them. Okay. To go look for  
14 them. That's number one.

15 Number two, Ms. Legette gave the number 13 as  
16 being the number in this particular case. Thirteen,  
17 that is the number. But I submit to you another  
18 important number, 48.

19 Forty-eight is the fourth number. Forty-eight  
20 is the time that that Oldsmobile white Alero -- and  
21 by the way, no firearms, no magazines, no ammunition,  
22 no clothes found in that Oldsmobile also.

23 But nevertheless, 48, that is the number. What  
24 is 48? Forty-eight hours is the time from the  
25 alleged incident until the time that the car was

## CLOSING ARGUMENT BY THE DEFENSE

1           secured.

2           Agent Brown testified to the car was secured at  
3           3:45 a.m. That's morning, the morning hours of  
4           December 8th.

5           This incident happened on December 6th, around  
6           3:15 in the morning hours. He admitted -- he agreed  
7           that the car was unsecured for 48 hours. He also  
8           said during the investigation that he know of at  
9           least one other person that drove the car, and also  
10          he didn't know who else had been in the car during  
11          that particular time.

12          That person that drove the car, we don't know  
13          who else he had in the car, what they had on their  
14          person, what they had on they hand, what they had on  
15          their clothes, it was 48 full hours that we don't  
16          know what kind of traffic went in and out of that  
17          car.

18          That is not hypothetical, that is a fact. And  
19          Agent Brown from SLED stated that. And he also  
20          stated that even though he's not the gunshot residue  
21          expert, he stated the gunshot residue can be  
22          transferred.

23          So let's go to the gunshot residue transfer  
24          expert. He said that, you know, gunshot residue was  
25          detected here, it was detected here, and it was

## CLOSING ARGUMENT BY THE DEFENSE

1 detected here. But he also said that it could be  
2 transferred. And it could be transferred very  
3 easily.

4 As a matter of fact, he gave the example of  
5 cooking with flour. He say, if you have flour on  
6 your hand and grab a cup, and somebody else come  
7 behind you and grab that cup, they can get trace  
8 evidence of flour on them.

9 As a matter of fact, over a New Year's holiday,  
10 I attempted to put some gumbo -- I wanted to watch a  
11 football game, and I had to use a little flour to get  
12 the gumbo to thicken. And flour is very messy to  
13 work with. It's the example that he used on gunshot  
14 residue.

15 He said it can be transferred by hand or  
16 clothing. Again, 48. Forty-eight hours, we don't  
17 know how many people was in that car or traveled  
18 through that car.

19 And here's another thing, too, that Agent  
20 Sturkie testified to, where I think is the most  
21 important. And I'm going to -- just excuse me for  
22 this reading off the paper this one time, but I want  
23 to get the language right, because I want to be sure.

24 He said several times, "No information can be  
25 provided as to the time frame in which the particles

## CLOSING ARGUMENT BY THE DEFENSE

1 were deposited."

2 No information can be provided as to the time  
3 frame in which the particles were deposited. He  
4 stated that it could have been deposited before  
5 December 6th, 2014 at 3:15. It could have been  
6 deposited after December 6th, 2014. No time frame  
7 can be provided.

8 Again, the State wants you to minimize that, but  
9 we can't minimize because guess what? They called  
10 Agent Sturkie, I didn't put Agent Sturkie on the  
11 stand. They called Agent Sturkie.

12 They put the information out there. So you  
13 can't -- you can't have -- you can't have it at least  
14 come out and then when it's not favorable, minimize  
15 it. They have to prove they case beyond a reasonable  
16 doubt. The entire case beyond a reasonable doubt.

17 Now, let's go to the identification because that  
18 is the major part of their case. The identification.  
19 Well, let's look into the identification.)

20 Okay. First of all, let's start off with  
21 Brandon Lewis. Now, it's been testified to that he  
22 made an identification on December 7th, but nobody  
23 wants to talk about the first time he was talked to,  
24 four hours -- about seven hours later in a hospital  
25 on December 6th. Nobody else there. No one wanted

## CLOSING ARGUMENT BY THE DEFENSE

1. to talk about it. The SLED has got the lead SLED  
2. agent, Agent Brown. Yes, they talked to him, but I  
3. really don't want to talk about it. Lead SLED agent.

4. Okay. Detective Manor, I don't know. I wasn't  
5. inside, I don't know what they said the day before.

6. You know why they tried to minimize that.

7. Because on December 6th, Brandon Lewis did not tell  
8. them what they wanted to hear. Brandon Lewis told  
9. them on December 6th, "I don't know, I couldn't  
10. identify the car, I couldn't identify the driver, I  
11. can't identify the gun." That is what he told them  
12. on December 6th. Okay. He told them that.

13. Now, why do you think then that back on  
14. December 7th, and even Detective Manor stated, "Well,  
15. Brandon Lewis trusts me because I have known him for  
16. a while."

17. Detective Manor was sent on December 7th to get  
18. a positive identification because they didn't get one  
19. on December 6th. And Detective Manor sat on that  
20. stand and tried to deny he knew nothing about the  
21. December 6th interchange between two SLED agents in  
22. Augusta, Georgia.

23. You have to take these things into consideration  
24. to see whether the identification was -- is out.

25. Okay. And not -- and not under the influence of law

## CLOSING ARGUMENT BY THE DEFENSE

1 enforcement. You have to look at that, because the  
2 first time, you know, they trying to say the first  
3 time they talked to Brandon Lewis, he identified him.  
4 The first time they talked to Brandon Lewis, he did  
5 not identify. And that was December 6th in the  
6 hospital.

7 Okay. But they want you to not really -- you  
8 know, really consider that. Okay.

9 And here is another thing that I am going to  
10 talk about with you. The second interview, and I'm  
11 going to go to the second interview on December 7th,  
12 it was audio taped of Brandon Lewis. The interview  
13 with Ty Charlton was video taped. Okay. The  
14 interview with Jarrell Murray were audio taped. So  
15 all of the positive information that they could use,  
16 it was audio taped or video taped, but just so  
17 happened the December 6th interview in Augusta with  
18 Brandon Lewis was not video taped or audio taped.

19 Take those things into consideration, and this  
20 was back on December the 6th, 2014, near the time of  
21 this incident. Okay? And here is another thing,  
22 too, you have to wonder. If you want to get a true  
23 depiction, the true flavor of what was said at those  
24 the initial interviews on December the 6th, 2014, if  
25 you want to see how they responded to the question,

## CLOSING ARGUMENT BY THE DEFENSE

1 and it was audio taped, in relation to Mr. Murray and  
2 Lewis --

3 MS. LEGETTE: Your Honor.

4 THE COURT: Counsel approach.

5 (Off-the-record discussion held.)

6 THE COURT: Let's move along.

7 MR. KOGER: And testified to. There was a tape  
8 by Mr. Murray in this case, an audio tape. Okay.

9 All right. So you have to look at -- you have  
10 to look at that, too, when you are trying to come to  
11 a determination whether Mr. Flowers is guilty or not  
12 guilty of these particular charges.

13 And also, too, again, going to Mr. Charlton,  
14 Ty Charlton, now -- and this was stated by SLED  
15 agent, too, and he also answered it, too. On  
16 December 10th, when the statement was taken from  
17 him -- and there is a video tape of Mr. Charlton,  
18 too -- that he don't know how he got in the car, and  
19 he doesn't know where he got in the car. But yet he  
20 testified to an identification that he could identify  
21 Mr. Flowers on that particular day.

22 And, also, too, he said three times, he used the  
23 term, "I was drugged on that day."

24 I was drugged on that day. I was drugged on  
25 that day. Now, maybe he meant under the influence of

## CLOSING ARGUMENT BY THE DEFENSE

1 medication. I don't know. But basically he say, I  
2 -- you know, he say that, "I was drugged."

3 So you have to look at does the liability and  
4 the accuracy of that identification.

5 First of all, he said, "I don't know how I got  
6 into the car, I don't know where I got into the car,  
7 I was drugged on that particular day, but I can  
8 identify Laparis Flowers as the shooter.

9 And why -- and why are all of these  
10 identifications back on December 6th or December 7th  
11 or December 10th is the point, because that is closer  
12 to the event. That is closer to the event, and you  
13 have to take that into consideration when you trying  
14 to determine the reliability and the accuracy of  
15 these statements. You have to take that into  
16 consideration.

17 With Mr. Murray, again, some type of -- it's  
18 something there that, you know, they talked about the  
19 interview at the Magistrate's office, but they  
20 wasn't at -- law enforcement wasn't as forthright  
21 about where my first interaction with him. Well, we  
22 went to the house, and he didn't -- he wanted to  
23 talk, according to law enforcement, the ones that  
24 testified -- he wanted to talk in a more, I guess,  
25 private place. Didn't want cops to be at his house.

## CLOSING ARGUMENT BY THE DEFENSE

1 That's the reason that they give.

2 But then they took him right down the road.

3 They had a Magistrate office -- offices to take him  
4 inside to talk with him. Several SLED agents spoke  
5 with him outside.

6 Now, you are supposed to be considerate of his  
7 wishes, supposedly at the house, according to  
8 testimony, that I don't want law enforcement at my  
9 house, I don't want, I guess, people to know, I don't  
10 want -- I just want this to be a little more private.

11 And then they take him to the Magistrate's  
12 office and have the interview outside. The interview  
13 outside, in daylight, with several, I would imagine,  
14 uniformed law enforcement officers.

15 You have to see whether that makes sense. Okay?  
16 You have to see whether that makes sense, whether  
17 there was, again, some type of influence, some type  
18 of hesitation on the part of the witnesses in this  
19 case. And that goes to their -- their accuracy and  
20 their feeling in these identifications.

21 Now, the State has to prove their case beyond a  
22 reasonable doubt, and that is a high burden. And  
23 they not only have to prove their case beyond a  
24 reasonable doubt, but they have to prove every  
25 element of their case beyond a reasonable doubt.

## CLOSING ARGUMENT BY THE DEFENSE

1 They got to prove identifications beyond a reasonable  
2 doubt. Any evidence has to be competent and proven  
3 to beyond a reasonable doubt.

4 And that is a very high standard. Another  
5 thing, too, when it comes to the attempted murder,  
6 again, Mr. Flowers is not the shooter, and he's not  
7 the killer.

8 But as Ms. Legette stated on the notebook right  
9 here, on her big pad right here, she sat out an  
10 element of attempted murder. And her interpretation  
11 of specific intent -- and, again, the Judge is going  
12 to give you the law on this case. Her interpretation  
13 of specific intent is that he had a specific intent  
14 to attempt to kill who was in that car.

15 But go back to testimony in this case, and this  
16 is what Ms. Legette said on -- in her closing, that  
17 this supposedly started over an argument between  
18 Mr. Jaqwavian Williams and Mr. Gray over a blown kiss  
19 in relation to Tracy Roberts. Okay.

20 And that because of that, that Mr. Smart  
21 appeared, showed his weight, gun was not seen, but he  
22 was taking a message that he had a weapon. Okay?

23 MS. LEGETTE: Objection, Your Honor. May we  
24 approach?

25 THE COURT: Counsel approach.

## CLOSING ARGUMENT BY THE DEFENSE

1 (Off-the-record discussion held.)

2 THE COURT: Objection sustained.

3 MR. KOGER: And that somehow, Russell Smart  
4 intervened in the argument Mr. Flowers would be upset  
5 that it pertained to his cousin, Jaqwavian Williams  
6 and Toot. That was about the testimony about how  
7 this thing supposedly got started. Okay?

8 In relation to specific intent to kill, that was  
9 said that the only person that the shooter would be  
10 after -- and, again, Mr. Laparis Flowers is not the  
11 shooter -- would be Russell Smart because there was  
12 no testimony to Jarrell Murray being involved in that  
13 altercation concerning that. There was no testimony  
14 of Brandon Lewis being involved in that altercation  
15 surrounding that. And there was no testimony that  
16 Ty Charlton was involved in that altercation  
17 surrounding that.

18 So specific intent. Again, Mr. Flowers is not  
19 the killer, is not the shooter. But on a matter of  
20 law, listen to the Judge's instruction on attempted  
21 murder, and make the proper decision.

22 You must make the decision with everything in  
23 this case, and you must decide beyond a reasonable  
24 doubt whether Mr. Flowers is guilty as charged. You  
25 look into the identifications, not just the actual

## CLOSING ARGUMENT BY THE DEFENSE

1 subsequent identifications, but what went behind  
2 these identifications, what came from the stand in  
3 reference to these identifications.

4 Look at what was said on the stand by law  
5 enforcement, and they are going to ask you what the  
6 witnesses with -- on these identifications.

7 Also, look at -- in these 85 pieces of evidence  
8 that was submitted here during the last three days,  
9 what was not submitted here?

10 No gun. The bullets that were found matched up  
11 with 62 different brands of guns. Okay.

12 The car being unsecured for 48 hours. Now,  
13 again, if any of that was important they would have  
14 put it in evidence. But it is important that the car  
15 was unsecured for 48 hours. And at least, from the  
16 investigation, as Agent Brown stated, at least one  
17 person had access to the car. But he doesn't know  
18 who had total access to the car. Okay.

19 Look at those things. Because this case is not  
20 just about the identification. This is not a case on  
21 identification. This is everything. Everything that  
22 came out that was submitted in evidence, and what  
23 they was not able to submit into evidence. This is  
24 the search for the truth, and that was what the  
25 Honorable Judge Buckner indicated to you at the

## CLOSING ARGUMENT BY THE DEFENSE

1 beginning. This is a search for the truth, and this  
2 journey has taken several days this week.

3 I need for you to go back in that jury room, as  
4 I know you will, and look at everything. Recall  
5 every piece of testimony. Not just portions of it,  
6 not just portions that are advantageous to the State,  
7 and not just portions that are advantageous to the  
8 the Defendant, but everything. And I'm confident at  
9 the end of this journey, that you will find that  
10 Laparis Flowers is not a killer, Laparis Flowers is  
11 not the shooter, Laparis Flowers is not guilty of the  
12 murder of Russell Smart. Laparis Flowers is not  
13 guilty of the attempted murder on Tyquan Charlton.  
14 Laparis Flowers is not guilty of the attempted murder  
15 of Brandon Lewis. Laparis Flowers is not guilty of  
16 the attempted murder of Jarrell Murray. And Laparis  
17 Flowers is not guilty of possession of a firearm on  
18 that particular night during the commission of a  
19 violent crime.

20 And I am confident you will come back and you  
21 will end this search for justice, and your verdict  
22 will be fair, it will be true. And it will be just,  
23 and it'll be not guilty on all counts for Laparis  
24 Flowers.

25 Thank you.

## CLOSING ARGUMENT BY THE DEFENSE

1 THE COURT: Madam Foreperson, ladies and  
2 gentlemen of the jury, I have to do a couple of  
3 things as a matter of law before I charge the jury.  
4 Because I have to take up those things, I'm going to  
5 let you take a break.

6 Don't discuss the case. You haven't heard my  
7 charge yet. Don't discuss it amongst yourselves.  
8 I'm going to ask you to retire to your jury room, use  
9 the restroom, stretch your legs, talk about anything  
10 but this case.

11 I'm going to bring you right back, but I got to  
12 take care of a couple matters of law.

13 Thank you. Please retire to your jury room.

14 (The Jury exits the courtroom.)

15 THE COURT: All right. I want to put on the  
16 record, outside the presence of the jury. There were  
17 two objections during the closing arguments of the  
18 Defendant.

19 The first objection by the Solicitor was to the  
20 reference to a tape. I overruled that objection  
21 because there was evidence that there was an audio,  
22 and in one case a video tape, of one of the victims  
23 of the attempted murder.

24 The Solicitor further objected that counsel for  
25 the Defendant should not be allowed to speculate on

## CLOSING ARGUMENT BY THE DEFENSE

1        why the tape was not admitted into evidence or the  
2        contents of the tape. I sustained the objection as  
3        to the contents because that would be speculation.

4        And I also sustained the objection as to why the  
5        Solicitor did not put the tape into evidence because  
6        that would also be speculation and conjecture.

7        Later on, in Mr. Koger's argument, the Solicitor  
8        objected a second time. This was to an argument  
9        concerning Russell Smart putting his hand in his  
10       pants.

11       Is that right, Solicitor?

12       MS. LEGETTE: Oh, yes, Your Honor. What he --  
13       what he actually said, Your Honor, was that Russell  
14       Smart may have put his hand in his pants as having a  
15       gun, and there was no testimony in --

16       THE COURT: And I sustained that objection  
17       because there was no testimony as to that, and I  
18       wanted there to be a record of it, as to occurred in  
19       the bench conferences.

20       All right. I have been over with counsel the  
21       addition to the charge that I told you about this  
22       morning, and the reason for it being that the burden  
23       shifting presumption argument, or conclusive  
24       presumption argument, allegedly depriving the  
25       Defendant of his due process of law. And, therefore,

## CLOSING ARGUMENT BY THE DEFENSE

1 I intend to explain to the jury that it is not a  
2 conclusive presumption in part of my charge on  
3 murder, when I get to the point that malice can be  
4 inferred from the use of a deadly weapon.

5 Both lawyers have indicated to me they agree  
6 with that addition to the charge in our conference  
7 this morning.

8 Since you have agreed to the verdict form and  
9 you've agreed to the contents of the charge, I think  
10 we are ready to proceed.

11 Anything further from the State?

12 MS. LEGETTE: Not from the State, Your Honor.

13 THE COURT: From the Defendant?

14 MR. KOGER: Not from the Defendant, Your Honor.

15 THE COURT: All right. Bring us the jury,  
16 please.

17 (The Jury enters the courtroom.)

## JURY CHARGE BY THE COURT

18 THE COURT: All right. Ladies and gentlemen,  
19 Madam Foreperson, it is now my duty to charge you on  
20 the law of this case.  
21

22 The State of South Carolina has charged the  
23 Defendant, Laparis Flowers, with murder in Indictment  
24 Number 2014 GS 0300229; attempted murder in  
25 Indictment Number 2014 GS 0300233; attempted murder

## JURY CHARGE BY THE COURT

1 in Indictment Number 2014 GS 0300231; a third  
2 attempted murder in Indictment Number 2014 GS  
3 0300232; and finally, with possession of a weapon  
4 during the commission of a violent crime in  
5 Indictment Number 2014 GS 0300234.

6 I remind you that the fact that the Defendant  
7 was arrested, the fact that the Defendant was  
8 charged, the Defendant was indicted, is not evidence  
9 in this, nor does it create any presumption of guilt.

10 The indictments, ladies and gentlemen, are  
11 simply the formal written instruments which contain  
12 the charges made against the Defendant. The  
13 indictments are the formal documents by which the  
14 case is brought into this court, the Court of General  
15 Sessions of Allendale County.

16 Now, the Defendant has pled not guilty to each  
17 of these indictments, and that plea of not guilty  
18 puts the burden on the State of South Carolina to  
19 prove the Defendant guilty beyond a reasonable doubt.

20 A person charged with committing a criminal  
21 offense in South Carolina is never required to prove  
22 himself innocent.

23 I charge you, ladies and gentlemen, that it is  
24 an important rule of law that the Defendant in a  
25 criminal trial, no matter what the seriousness of the

## JURY CHARGE BY THE COURT.

1 charge may be, will always be presumed to be innocent  
2 of the crime for which the indictment or indictments  
3 were issued unless guilt has been proven by evidence  
4 satisfying you of that guilt beyond a reasonable  
5 doubt.

6 The presumption of innocence does not end when  
7 you begin your deliberations, but it accompanies the  
8 Defendant throughout the trial until you, the jury,  
9 reach a verdict of guilt based on evidence satisfying  
10 you of that guilt beyond a reasonable doubt.

11 The presumption of innocence is not a mere legal  
12 theory, it's not just a legal phrase. It is a  
13 substantial right to which every defendant is  
14 entitled unless you, the jury, are satisfied from the  
15 evidence of the Defendant's guilt beyond a reasonable  
16 doubt.

17 What is a reasonable doubt in the law? A  
18 reasonable doubt is the kind of doubt that would  
19 cause a reasonable person to hesitate to act. The  
20 State has the burden of proving the Defendant guilty  
21 beyond a reasonable doubt.

22 Some of you may have served in the past as  
23 jurors in a civil case, such as a contract case or a  
24 wreck case, both examples of civil cases, where you  
25 were told as far as burden of proof that it was only

## JURY CHARGE BY THE COURT

1        necessary to prove that a fact is more likely true  
2        than not true. We call that the burden of proof in a  
3        civil case, by the greater weight or preponderance of  
4        the evidence.

5                In a criminal cases, such as the case here, the  
6        State's proof must be more than that. It must be  
7        beyond a reasonable doubt. Proof beyond a reasonable  
8        doubt is proof that leaves you firmly convinced of  
9        the Defendant's guilt.

10                There are very few things in the world that we  
11        know with absolute certainty. And in criminal cases,  
12        ladies and gentlemen of the jury, the law does not  
13        require proof that overcomes every possible doubt.

14                If, based on your consideration of the evidence,  
15        you are firmly convinced that the Defendant is guilty  
16        of the crime or crimes charged, you must find him,  
17        the Defendant, guilty.

18                On the other hand, if you think there is a real  
19        possibility that the Defendant is not guilty, you  
20        must give the Defendant the benefit of the doubt, and  
21        find the Defendant not guilty.

22                Now, I remind you, the jury of this trial, you  
23        and I have had certain duties to perform. As the  
24        trial judge, it has been my responsibility to preside  
25        over the trial of the case. And I also have the duty

## JURY CHARGE BY THE COURT

1 to rule on the admissibility of evidence offered  
2 during this trial.

3 You are to consider only the competent evidence  
4 before you. If there was any testimony ordered  
5 stricken from the record in this case during this  
6 trial, you must disregard that testimony. You are to  
7 consider only the testimony which has been presented  
8 from the witness stand, any exhibits which have been  
9 introduced into evidence, and you've heard me say are  
10 in evidence as a part of the record in this case, and  
11 any stipulation which may have been made by counsel  
12 during the course of the trial of this case between  
13 the parties.

14 I also have the additional duty, ladies and  
15 gentlemen, to charge you the law that applies to this  
16 case, as the presiding judge. I am the sole judge of  
17 the law, and it is your duty as jurors to accept and  
18 to apply the law as I now state it to you.

19 If any of you on this jury already have any idea  
20 or opinion about what you think the law is, or what  
21 you feel the law ought to be, and it does not agree  
22 with what I now tell you the law is, you must abandon  
23 any of your preconceived ideas or opinions because  
24 you took an oath. And in that oath you sworn, when  
25 the court reporter gave it to you at the beginning of

## JURY CHARGE BY THE COURT

1 the trial, that you would accept and you would apply  
2 the law exactly as I now state it to you.

3 In every case tried in this courtroom before a  
4 jury, the jury becomes, as I told you at the outset,  
5 the sole and the exclusive judge of the facts in the  
6 case.

7 A trial judge such as myself cannot intimate,  
8 state, comment on, or make any statement whatsoever  
9 to a trial jury such as yourself about the facts in a  
10 case.

11 Since you, ladies and gentlemen of the jury are  
12 the sole judges of the facts in this case, you are  
13 not to infer anything from what I have said during  
14 the progress of this trial in ruling upon the  
15 admissibility of any evidence, or otherwise, or any  
16 objection, or anything that I say during the course  
17 of this instruction to you, that I have any opinion  
18 whatsoever about the facts in this case.

19 The law does not allow me to have an opinion  
20 about the facts in this case. This is a matter  
21 solely for you, ladies and gentlemen, the jury, to  
22 determine, based on evidence introduced during the  
23 trial of the case.

24 As jurors, it becomes your duty to determine the  
25 effect, the value, the weight, and ultimately the

## JURY CHARGE BY THE COURT

1 truth or the believability of the evidence that's  
2 been presented during the trial of this case.

3 Now, there are two types of evidence generally  
4 presented in a trial. Like many things in the law,  
5 we have names for those two general types of  
6 evidence. It's called direct evidence and  
7 circumstantial evidence.

8 Direct evidence is the testimony of a person who  
9 claims to have actual knowledge of a fact, such as an  
10 eyewitness to an event. Direct evidence is evidence  
11 which immediately establishes the main fact to be  
12 proved.

13 Circumstantial evidence, as contrasted with  
14 direct evidence, is proof of a chain of facts and  
15 circumstances indicating the existence of a fact.  
16 Circumstantial evidence is evidence which immediately  
17 establishes collateral facts from which the main fact  
18 may or may not be inferred.

19 Circumstantial evidence is based on inference  
20 and not on personal knowledge or personal  
21 observation.

22 The law makes absolutely no distinction between  
23 the weight or the value to be given to either direct  
24 evidence or circumstantial evidence, nor is a greater  
25 degree of certainty required of circumstantial

## JURY CHARGE BY THE COURT

1 evidence than of direct evidence.

2 You, ladies and gentlemen of the jury, should  
3 weigh or consider all the evidence in this case, both  
4 direct and circumstantial. After considering all the  
5 evidence in this case, both direct and  
6 circumstantially, if you are not convinced of the  
7 guilt of the Defendant beyond a reasonable doubt, you  
8 must find the Defendant not guilty.

9 On the other hand, after weighing, hearing,  
10 deciding all the evidence in the case, both direct  
11 and circumstantial, if you are convinced of the guilt  
12 of the Defendant beyond a reasonable doubt, you must  
13 find the Defendant guilty.

14 Necessarily, you are going to have to  
15 determine, as I told you at the outset, the  
16 credibility, which simply means the believability of  
17 the witnesses who have testified in this case.

18 It becomes your duty as jurors to analyze, to  
19 evaluate the evidence, and determine which evidence  
20 convinces you of its truth and its believability.

21 In determining the believability of the  
22 witnesses who have testified in this case, you may  
23 believe one witness over several, or several  
24 witnesses over one witness. You may believe a part  
25 of the testimony of a witness' testimony and reject

## JURY CHARGE BY THE COURT

1 the remaining part of the testimony of that same  
2 witness.

3 You may believe the testimony of a witness in  
4 its entirety or you may reject the testimony of a  
5 witness in its entirety.

6 You may consider whether any witness has  
7 exhibited to you any interest, any bias, any  
8 prejudice or other motive in this case. You may also  
9 consider the -- what I told you is called -- the  
10 demeanor of the witness, the appearance of the  
11 witness, the manner of the witness while the witness  
12 is on the witness stand.

13 Any thing that is in evidence, ladies and  
14 gentlemen of the jury, you, as the jury, have the  
15 right to consider in deciding upon the credibility or  
16 the believability of the witnesses who have testified  
17 during the trial of this case.

18 Now ordinarily, ladies and gentlemen, our rules  
19 of evidence do not permit witnesses to get on the  
20 witness stand and take an oath and say my opinion is  
21 so and so, because we do not allow normally witnesses  
22 to give opinions or conclusions.

23 An exception to our opinion rule in the rules of  
24 evidence is for those witnesses we call expert  
25 witnesses. A witness who claims by education and

## JURY CHARGE BY THE COURT

1 training or experience, claims to have become an  
2 expert in some art, science, or profession, may give  
3 an opinion as to the subject the witness claims to be  
4 an expert in. And they also give the reasons for his  
5 or her opinion.

6 You should consider any expert opinion given by  
7 the witness, and like any other evidence in this  
8 case, you give it the weight you think it deserves.  
9 If you decide that an expert witness' opinion is not  
10 based on sufficient education and experience, or if  
11 you decide that the reasons given in support of the  
12 opinion are not sound, or that the opinion of the  
13 expert is outweighed by other evidence, you may  
14 disregard the opinion entirely.

15 An expert witness' opinion is to be given no  
16 greater weight than that of any other witness simply  
17 because the witness is an expert, and you do not  
18 have to accept an expert's opinion even though it is  
19 uncontradicted.

20 I charge you, ladies and gentlemen, and  
21 emphasize the fact that the Defendant did not testify  
22 in this case is not a factor for you to be considered  
23 in any way in your deliberations and in your  
24 consideration of the guilt or innocence of the  
25 Defendant.

## JURY CHARGE BY THE COURT

1           The fact that the Defendant did not testify must  
2           not be considered by you in any manner whatsoever. A  
3           Defendant has the constitutional right to remain  
4           silent. And the assertion of your constitutional  
5           right to remain silent must not be considered by you,  
6           the jury, in your deliberations.

7           I repeat, under the oath which you took as a  
8           juror, you're going to draw no conclusion whatsoever  
9           from the fact that the Defendant in this case did not  
10          testify. The fact that the Defendant didn't testify  
11          should not be discussed at all in your jury room.

12          The burden of proof, as I stated to you, is on  
13          the State of South Carolina. The Defendant is not  
14          required to prove innocence. The burden of proof  
15          remains on the State to prove guilt beyond a  
16          reasonable doubt.

17          I charge you, ladies and gentlemen, and remind  
18          you, that the burden of proof in the trial of this  
19          case is on the State, and that burden of proof beyond  
20          a reasonable doubt extends to every element of the  
21          crimes charged, and I am going to go over those  
22          elements with you. And this specifically includes  
23          the burden of proving beyond a reasonable doubt the  
24          identity of the Defendant as the person who committed  
25          the crime.

## JURY CHARGE BY THE COURT

1 Identification testimony, ladies and gentlemen  
2 of the jury, is an expression of belief or an  
3 impression by which you, as the jury, must determine  
4 the accuracy of the identification of the Defendant.  
5 You have to determine the believability or  
6 credibility of each identification witness in the  
7 same way as any other witness.

8 You must be satisfied as a jury beyond a  
9 reasonable doubt of the accuracy of the  
10 identification of the Defendant before you may find  
11 the Defendant guilty.

12 On the other hand, if after examining the  
13 testimony, you have a reasonable doubt as to the  
14 accuracy of identification, you must find the  
15 Defendant not guilty.

16 You have heard the words during this trial,  
17 "stipulation." A stipulation, I've told you during  
18 the trial is an agreement, an admission or a  
19 concession made in a judicial proceeding by the  
20 parties hereto or their attorneys.

21 Stipulations are binding upon the parties or  
22 attorneys who make them. A stipulation is an  
23 agreement, an understanding that the Court and the  
24 jury must accept the stipulation as binding upon the  
25 parties.

## JURY CHARGE BY THE COURT

1           If counsel for the parties in this case have  
2 stipulated to any fact, or any fact has been admitted  
3 by counsel, you will regard that fact as a jury as  
4 being conclusively true as to the party or parties  
5 making the stipulation or admission.

6           Now, ladies and gentlemen, I told you that there  
7 were five indictments in this case, and I've got them  
8 here on my desk, and they each charge different  
9 offenses. Well, in some part they do. We have three  
10 different offenses, and then we have three that are  
11 charged the same offense.

12           And the Defendant, because there are multiple  
13 charges and they do allege different offenses against  
14 Defendant, I want you to understand, Defendant  
15 Laparis Flowers is charged in Indictment Number --  
16 and I gave you at the outset of my charge -- of  
17 murder, and that is of Russell Smart.

18           The Defendant, Laparis Flowers, is charged in  
19 another indictment number, which I gave you at the  
20 beginning of the -- of my charge, 2014 GS 0300231,  
21 with attempted murder, and that is the attempted  
22 murder of Tyquan Charlton.

23           The third is, Defendant Laparis Flowers is also  
24 charged in Indictment 2014 GS 0300232, in the  
25 attempted murder of Jarrell Murray.

## JURY CHARGE BY THE COURT

1           Fourth, the Defendant Laparis Flowers is charged  
2 in Indictment Number 2014 GS 0300233, with the  
3 attempted murder of Brandon Lewis.

4           And fifth and last, the Defendant Laparis  
5 Flowers, is charged in Indictment Number 2014 GS  
6 0300234, with possession of a weapon during the  
7 commission of a violent crime.

8           Each charge is a separate and distinct offense,  
9 and I'm going to define them for you. You must  
10 decide each charge separately on the evidence and the  
11 law that applies to it. If you find the Defendant  
12 guilty of murder or attempted murder in this case,  
13 then you may also find the Defendant either guilty or  
14 not guilty of possession of a weapon during the  
15 commission of a violent crime.

16           If you find the Defendant not guilty of murder  
17 and all the attempted murders in this case, then you  
18 cannot find the Defendant guilty of possession of a  
19 weapon during the commission of a violent crime  
20 because you have to be guilty of a violent crime in  
21 order to be guilty of possession of a weapon during  
22 the commission of a violent crime.

23           You will be asked to write a separate verdict on  
24 a separate verdict of either guilty or not guilty for  
25 each indictment and charge following the instructions

## JURY CHARGE BY THE COURT

1 that I'm going to give you on your verdict form,  
2 which I'll go over with you in a moment.

3 Now, in order to establish criminal liability,  
4 criminal responsibility, criminal intent is required.  
5 And I'm going to give you some examples of criminal  
6 intent.

7 Criminal intent is the mental state required to  
8 be proven by the State beyond a reasonable doubt, and  
9 it might be for any particular crime. Let me give  
10 you examples of criminal intent. It might be --  
11 sometimes it might be purpose, it might be intent, it  
12 might be knowledge, it might be recklessness, it  
13 might be malice, it might be criminal negligence.  
14 Those are examples of criminal intent.

15 Criminal intent must be proven by the State  
16 beyond a reasonable doubt. Criminal intent is always  
17 a matter that must be determined by the jury from the  
18 circumstances surrounding the situation based on  
19 evidence introduced during the trial of the case.

20 Now, ladies and gentlemen, there is no way to  
21 prove intent to a mathematical certainty. There is  
22 no way that medical science can dissect a person's  
23 brain and determine what that person had in mind. So  
24 the law says, ladies and gentlemen, that criminal  
25 intent may be inferred from the circumstances shown

## JURY CHARGE BY THE COURT

1 to have existed, based on evidence introduced during  
2 the trial of the case.

3 This, ladies and gentlemen, is how you, as the  
4 jury, make a determination of whether or not any  
5 element requiring criminal intent was or was not  
6 present.

7 It is not necessary to establish criminal intent  
8 by direct and positive evidence, but intent may be  
9 established by inference in the same way as any other  
10 fact by taking into consideration from the evidence  
11 the acts of the parties and all of the facts and  
12 circumstances of the case based on the evidence  
13 introduced during the trial of the case.

14 Criminal intent is a mental state. It is a  
15 conscious wrongdoing. It is up to you, ladies and  
16 gentlemen, the jury, to determine what the Defendant  
17 intended to do based on the circumstances shown to  
18 have existed from evidence introduced during the  
19 trial of the case.

20 Ladies and gentlemen, I charge you that in  
21 Indictment Number 2014 GS 0300229, all right, the  
22 Defendant, Lapolis S. Flowers, is charged with the  
23 offense of murder.

24 For this offense, murder, the State must prove  
25 beyond a reasonable doubt that the Defendant Lapolis

## JURY CHARGE BY THE COURT

1 Flowers, killed another person with malice  
2 aforethought.

3 Malice is hatred, ill will, hostility towards  
4 another person. It is the intentional doing of a  
5 wrongful act without just cause or excuse, and with  
6 an intent to inflict an injury or under circumstances  
7 that the law will infer an evil intent.

8 Now, malice aforethought does not require the  
9 malice exist for any particular time before the act  
10 is committed, but malice or ill will, or hostility,  
11 or hatred must exist in the mind of a defendant just  
12 before and at the time the act is committed.

13 Therefore, there must be a combination of this  
14 evil intent, this hostility, and the act based on  
15 evidence introduced during the trial of the case.

16 Now, as aforethought may be expressed or  
17 inferred. These terms, express and inferred, do not  
18 mean different kinds of malice. Malice is exactly  
19 what I defined for you.

20 But it merely is the manner in which malice may,  
21 be shown to exist. That is, either by direct  
22 evidence or by inference from the facts and  
23 circumstances which are proven based on evidence  
24 introduced during the trial of the case.

25 Expressed malice is shown when a person speaks

## JURY CHARGE BY THE COURT

1 words which express hatred or ill will or hostility  
2 for another, or when the person prepares beforehand  
3 to do the act which was later accomplished.

4 For example, lying in wait for a person or any  
5 other act of preparation going to show that the deed  
6 was within the Defendant's mind would be expressed  
7 malice.

8 Malice may be inferred from conduct showing the  
9 total disregard for human life. Inferred malice may  
10 also arise when the deed is done with a deadly  
11 weapon.

12 A deadly weapon is any article, instrument, or  
13 substance which is likely to cause death or great  
14 bodily harm. Whether an instrument has been used in  
15 the death depends on the facts and circumstances of  
16 each case based on evidence introduced during the  
17 trial of the case.

18 The law says that if one intentionally kills  
19 another with a deadly weapon, the implication of  
20 malice may arise. If facts are proven beyond a  
21 reasonable doubt by the State sufficient to raise an  
22 inference for malice to your satisfaction, this  
23 inference would be simply an evidentiary fact to be  
24 taken into consideration by you, the jury, along with  
25 other evidence in the case.

## JURY CHARGE BY THE COURT

1           And you may give it such weight as you determine  
2           it should receive, and it can be rebutted, now the  
3           evidence in this case based on your view of the  
4           evidence.

5           I charge you, ladies and gentlemen, that in  
6           Indictment Numbers 2014 GS 0300231, 2014 GS 0300232,  
7           and Indictment 2014 GS 0300233, the Defendant,  
8           Laparis S. Flowers, is charged with the offense of  
9           attempted murder.

10          In order to prove this crime, the State must  
11          prove that the Defendant attempted to kill another  
12          person with malice aforethought.

13          This event, attempted murder, requires a  
14          specific intent to kill another person with malice  
15          aforethought.

16          Malice, as I told you, imports wickedness. It  
17          springs from depravity, a wicked heart, a depraved  
18          spirit, a heart devoid of social duty, and a heart  
19          that is fatally bent on mischief.

20          It involves hatred. Malice involves hatred, ill  
21          will, or hostility towards another person. It is the  
22          intentional doing of a wrongful act without just  
23          cause or excuse, and with an intent to kill a person.

24          Malice aforethought, remember as I told you for  
25          murder, does not require that malice exists for any

## JURY CHARGE BY THE COURT

1 particular time before the act is committed. But  
2 malice must exist in the mind of the Defendant just  
3 before and at the time the act is committed.

4 Therefore, there must be a combination of this  
5 evil intent, or malice, and the act itself based on  
6 evidence introduced during the trial of the case.

7 Intent, ladies and gentlemen, means intending  
8 the result which occurs, not something that occurs  
9 accidentally or involuntarily. Attempted murder then  
10 is the attempt to kill a person with expressed  
11 malice, or more completely defined, attempted murder  
12 is the performance of an act or acts which tend but  
13 fail to kill a human being, when such acts are done  
14 with expressed malice, namely with a deliberate  
15 intention, unlawfully, to kill another human being.

16 I charge you, ladies and gentlemen, and in the  
17 last indictment, 2014 GS 0300234, the Defendant,  
18 Laparis S. Flowers is charged with the possession of  
19 a weapon during the commission of a violent crime.  
20 For this offense, the State must prove beyond a  
21 reasonable doubt that the Defendant was in possession  
22 of a firearm or physically displayed what appeared to  
23 be a firearm during the commission of a violent  
24 crime.

25 A firearm means, according to our law, any

## JURY CHARGE BY THE COURT

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

4 In order to find the Defendant guilty of  
5 possession of a weapon during the commission of a  
6 violent crime, you must first find the Defendant  
7 guilty of committing a violent crime.

8 I charge you, ladies and gentlemen, that under  
9 the laws of the State of South Carolina, the offenses  
10 of murder and attempted murder are violent crimes  
11 under the laws of the State of South Carolina.

12 The State must prove the possession of a weapon  
13 during the commission of a violent crime beyond a  
14 reasonable doubt that the weapon furthered, advanced,  
15 or helped in the commission of a violent crime.

16 Now, Madam Foreperson, I told you I would  
17 prepare a verdict form for you. My law clerk also  
18 wants whatever you write on this verdict form, for  
19 you to write on the indictments in the block, where  
20 it says, "verdict," and sign your name and date.

21 Pay absolutely no attention, Madam Foreperson  
22 and ladies and gentlemen, to the order in which I  
23 wrote the forms of verdict. We obviously had to  
24 write one in front of the other, and the order of the  
25 verdict form has no significance whatsoever.

## JURY CHARGE BY THE COURT

1           Your verdict form has got one, two, three,  
2           four -- five pages because there are five  
3           indictments. So we have a separate verdict form on  
4           each. And I've got instructions written on the  
5           verdict form.

6           So let me explain it to you. The verdict form  
7           has the caption of the case at the top. It says,  
8           "State of South Carolina, County of Allendale, State  
9           of South Carolina versus Laparis S. Flowers,  
10          Defendant."

11          In the court of general sessions -- that is this  
12          court, ladies and gentlemen, that means criminal  
13          court -- and it gives all the indictment numbers on  
14          the verdict form at the beginning. So it gives all  
15          five indictment numbers that I have been over with  
16          you during my charge to you on the law.

17          And then it has the word "verdict." Now, the  
18          first question on your verdict form, "We the jury, by  
19          unanimous consent, find the Defendant, Laparis S.  
20          Flowers, in Indictment Number 2014 GS 0300229, and  
21          the first form of verdict is guilty of murder of  
22          Russell Smart. If that be your form of verdict,  
23          Madam Foreperson, you would check on the line beside  
24          that form of verdict for the entire jury.

25          Or the second form of verdict under the first

## JURY CHARGE BY THE COURT

1 question, we the jury, by unanimous consent, find the  
2 Defendant, Laparis S. Flowers, in Indictment Number  
3 2014 GS 0300235, is not guilty of the murder of  
4 Russell Smart.

5 If that be your form of verdict, you would check  
6 on the line for the entire jury that form of verdict.  
7 You must find one form of verdict or the other. You  
8 cannot find both. It must be either guilty or not  
9 guilty.

10 The second question on your verdict form, we the  
11 jury, by unanimous consent, find the Defendant,  
12 Laparis S. Flowers, in Indictment Number 2014 GS  
13 0300231, and the first form of verdict under the  
14 second question is guilty of attempted murder of  
15 Tyquan Charlton. If that be your form of verdict,  
16 you would make a checkmark on the line beside that  
17 form of verdict.

18 The second form of verdict under question two is  
19 not guilty of attempted murder of Tyquan Charlton.  
20 If that be your form of verdict, you would check on  
21 the line beside that form of verdict. You must find  
22 one form of the the verdict or the other for question  
23 two. You cannot find both. Either guilty or not  
24 guilty of the attempted murder of Tyquan Charlton.

25 Your third question on your verdict form, we the

## JURY CHARGE BY THE COURT

1 jury, by unanimous consent, find the Defendant,  
2 Laparis S. Flowers, in Indictment Number 2014 GS  
3 0300232, the first form of verdict under question  
4 three is guilty of the attempted murder of Jarrell  
5 Murray. If that be your form of verdict, you would  
6 check on the line beside that form of verdict.

7 The second form of verdict under question three  
8 is not guilty of the attempted murder of Jarrell  
9 Murray. If that be your form of verdict, you would  
10 check, Madam Foreman, for the entire jury on the line  
11 beside that form of verdict.

12 You must find one form of verdict or the other  
13 for question three. You cannot find both. Either  
14 guilty or not guilty of the attempted murder of  
15 Jarrell Murray.

16 Question four, we the jury, by unanimous  
17 consent, find the Defendant, Laparis S. Flowers in  
18 Indictment Number 2014 GS 0300233, the first form of  
19 verdict under question four, guilty of the attempted  
20 murder of Brandon Lewis. If that be your form of  
21 verdict, Madam Foreperson, you would check on the  
22 line beside that form of verdict.

23 The second form of verdict under question four  
24 is not guilty of the attempted murder of Brandon  
25 Lewis. If that be your form of verdict, you would

## JURY CHARGE BY THE COURT

1 check on the line beside that form of verdict.

2 You must, to question four, find one form of  
3 verdict or the other. You cannot find both. Either  
4 guilty or not guilty of attempted murder of Brandon  
5 Lewis, in question four.

6 At the bottom of Page 4 I have put instructions  
7 for you. I put them in bold print. If you find the  
8 Defendant, Laparis Flowers, not guilty of murder and  
9 attempted murder of Tyquan Charlton, and the  
10 attempted murder of Jarrell Murray, and the attempted  
11 murder of Brandon Lewis, and you find the Defendant  
12 not guilty of murder of Russell Smart, then you must  
13 find the Defendant in question five not guilty of  
14 possession of a weapon during the commission of a  
15 violent crime.

16 But if you find the Defendant either guilty of  
17 murder of Russell Smart or attempted murder of Tyquan  
18 Charlton, or the attempted murder of Jarrell Murray,  
19 or the attempted murder of Brandon Lewis, then you  
20 would need to answer question five.

21 Question five, which is the last page of your  
22 verdict form says, "We, the jury, by unanimous  
23 consent, find Laparis S. Flowers on the charge of  
24 possession of a weapon during the commission of a  
25 violent crime either guilty of possession of a weapon

## JURY CHARGE BY THE COURT

1       during the commission of a violent crime," if that be  
2       your form of verdict, you would check on the line  
3       beside that, or not guilty of possession of a weapon  
4       during the commission of a violent crime. If that be  
5       your form of verdict, you would check on the line  
6       beside that.

7               When you have completed the verdict form and  
8       followed my instructions, you would then sign your  
9       name on the verdict form, where it says, foreperson,  
10      for the entire jury. I have already put in the date.  
11      I have already put in the location, Allendale, and I  
12      have indicated to you in italics at the bottom of the  
13      verdict form to indicate your findings by checking  
14      the appropriate line and certify the findings by your  
15      foreperson's signature.

16             When you reach a verdict, you would knock on  
17      your jury room door and inform the bailiff that  
18      you've reached a verdict, and we will bring you back  
19      out into the courtroom to publish your verdict.

20             Now, ladies and gentlemen, your verdict must be  
21      unanimous. That is, it must be the verdict of each  
22      and every one of you. All 12 of you must agree on  
23      the verdict.

24             Madam Foreperson, ladies and gentlemen of the  
25      jury, I have now charged you on the law in order to

## JURY CHARGE BY THE COURT

1 try to help guide you to a just result in this case.  
2 You are the judges of the facts in this case. And  
3 based on your determination of the facts, from the  
4 evidence introduced during the trial of the case,  
5 and on the law as I've just explained it to you, you  
6 will soon begin your deliberations.

7 You have been selected as fair and impartial  
8 jurors. You have taken an oath to fairly and  
9 impartially try and determine the facts of this case  
10 from the evidence, and when you comply with that  
11 oath, ladies and gentlemen, no one can criticize your  
12 verdict.

13 But you are to decide the case based solely on  
14 the testimony from the witness stand that you have  
15 heard, on any exhibits which have been introduced  
16 into evidence, and any stipulation which you may have  
17 heard.

18 You will have the exhibits with you. I will  
19 send them into your jury room. They will be with you  
20 during your deliberations.

21 And if we have an exhibit that requires  
22 equipment to play it, just write a note to me,  
23 through the bailiff, knock on the door, tell the  
24 bailiff you want to hear the exhibit, and we'll bring  
25 you back out in the courtroom and use the equipment

## JURY CHARGE BY THE COURT

1 in the courtroom for you to listen or view the  
2 exhibit.

3 Do you understand?

4 (No response.)

5 THE COURT: So we won't have to try to move the  
6 equipment into the jury room, we will play it in the  
7 courtroom at your request whenever you decide.

8 You must decide the issues in this proceeding  
9 without any bias or prejudice for either party. You  
10 cannot allow yourself to be governed by prejudice for  
11 or against any person. You can't allow yourself to  
12 be governed by public opinion or by any other  
13 arbitrary factor, such as emotion.

14 You must base your decision solely on the  
15 evidence which has been introduced during the trial  
16 of the case. Both the Defendant, Lapolis Flowers,  
17 and the State of South Carolina have the absolute  
18 right to expect that each of you will carefully and  
19 impartially consider all of the evidence in this  
20 case, and that you will follow the law as I have  
21 instructed to you it will be in reaching your verdict  
22 in this case.

23 Now, ladies and gentlemen, I'm going to ask you,  
24 if you would, at this time, my jury, please retire to  
25 your jury room. Do not begin your deliberations. It

## JURY CHARGE BY THE COURT

1 it may be necessary for me to bring you back for some  
2 additional instruction.

3 When it is time for you to begin your  
4 deliberations, I will send the verdict form in to you  
5 by the bailiff along with all of the exhibits which  
6 have been introduced into evidence during the trial  
7 of the case, and have the bailiff inform you that you  
8 may then commence your deliberations.

9 Madam Foreperson, please do not forget that when  
10 you publish the verdict later on, after you reach a  
11 verdict in this case, that my law clerk will want you  
12 to write on the indictments, whatever words you have  
13 written on the indictments whatever words you've  
14 written on the verdict form that I have explained to  
15 you. So do not leave the courtroom without him  
16 coming to you and having you do that. He will bring  
17 it to you.

18 All right. Please retire to your jury room. My  
19 alternates please remain in the courtroom with me.  
20 Jury will retire to the jury room.

21 (The Jury exits the courtroom at 1:21 p.m.)

22 THE COURT: First of all, on behalf of Allendale  
23 County and this court, I want to thank all three of  
24 you. I watched you this entire week, and all a Judge  
25 can ask of a juror is that you listen and listen

## ALTERNATE JURORS RELEASED BY THE COURT

1       carefully. And all three of you did that.

2               And I want you to know how much I appreciate  
3       your service, your willingness to serve. No one  
4       became ill, or for some legal reason couldn't  
5       continue. You never know when you start. I have  
6       actually had a case -- it wasn't these lawyers --  
7       I've had a case where I had five alternates and had  
8       to use all five in three days. There's not many  
9       people get sick. Our court reporter, bless her  
10      heart, came to work sick today. And, you know,  
11      things happen. So we have to meet all.

12             This concludes your service for the week. I  
13      told you I was going to get you home early. I'm  
14      going to keep my word to you.

15             I realize that we don't pay you a lot. Did we  
16      treat you okay? I hope so. I always look for ways  
17      to try to improve it.

18             And I can't let you go back in the jury room.  
19      This concludes your service. I'd like you to stay,  
20      if you would like to. If you're interested in the  
21      outcome, I'd be happy for you to stay.

22             And sentencing, if the jury votes for  
23      conviction, will occur right after the verdict. And  
24      you can stay for that as well, if you prefer. Or if  
25      you would like to get on home to your family, I will

## ALTERNATE JURORS RELEASED BY THE COURT

1 now send you back.

2 If anybody needs a work excuse, where did they  
3 need to go?

4 THE CLERK: Angela has them.

5 THE COURT: Angela has got them. See Angela.

6 We'll give you a work excuse for serving on the jury.

7 We're going to mail you your check in the mail, that  
8 exorbitant -- how much do we pay?

9 THE CLERK: Twenty-five a day.

10 THE COURT: Twenty-five a day. We're going to  
11 pay you \$25 a day for this important service which  
12 will be mailed to you at the address you got your  
13 subpoena on. And we thank you for that service.

14 Anybody have a question they want to ask me  
15 about anything? Now is the time. If you got a  
16 problem or a question, ask me. Because you're off  
17 the jury now, and I can answer a question. I can't  
18 do it with a jury, but I can do it for y'all.

19 Everybody happy to be going home?

20 Thank you for your service. This concludes your  
21 service. You may leave the courtroom or remain with  
22 us as you desire. You may leave at this time.

23 Thank you.

24 (Alternate jurors dismissed from the courtroom.)

25 THE COURT: Everyone else remain seated while

## ALTERNATE JURORS RELEASED BY THE COURT

1 the jury is leaving.

2 THE JURORS: If we're going to remain, where do  
3 we go?

4 THE COURT: Just have a seat anywhere you want  
5 to. We'd love to have you.

6 Any exceptions or additions to the Court's  
7 charge from the State of South Carolina?

8 MS. LEGETTE: None from the State, Your Honor.

9 THE COURT: From the Defendant?

10 MR. KOGER: None from the Defense, Your Honor.

11 THE COURT: I'm going to ask you both to come  
12 forward, and carefully. I know Mona has been feeling  
13 a little under the weather, but y'all got to get with  
14 Mona. I want you to certify with me on the record,  
15 you are satisfied the court reporter has all the  
16 exhibits. Go through them with her. I've got a  
17 list. She knows that. She says I'm the only Judge  
18 -- am I the only one that does that?

19 THE COURT REPORTER: Yep.

20 THE COURT: She said the rest of the judges  
21 don't even pay any attention to the exhibits. I  
22 don't understand how you try a case without that. We  
23 have had some real problems with exhibits.

24 My biggest problem has been the lawyers take  
25 the exhibit back to their table and put it in their

## ALTERNATE JURORS RELEASED BY THE COURT

1 file, and give it to their investigator, and they  
2 take it home with them. And then they don't  
3 understand why the court reporter doesn't have it.

4 You've got some stuff leaning on your table.  
5 You better -- or on the floor, or you did have. You  
6 make sure it hasn't been introduced into evidence.

7 Please come forward with the court reporter and  
8 do it at this time.

9 (Attorneys confer with court reporter regarding  
10 exhibits.)

11 THE COURT: All right. Let's come to order.

12 Is the State satisfied that the court reporter  
13 has all the exhibits?

14 MR. HOLLEN: We are, Your Honor.

15 THE COURT: Does the State have any objection to  
16 my giving the verdict form, which I've been over with  
17 and you've approved, to the bailiff along with the  
18 exhibits and telling the bailiff they may take the  
19 exhibits and the verdict form into the jury, and  
20 telling the jury they may now commence their  
21 deliberations?

22 MR. HOLLEN: We have no objection, Your Honor.

23 THE COURT: Mr. Koger, is the Defendant  
24 satisfied that the court reporter has all the  
25 exhibits?

## ALTERNATE JURORS RELEASED BY THE COURT

1 MR. KOGER: Yes, Your Honor.

2 THE COURT: Does the Defendant have any  
3 objection to my giving the bailiff the verdict form  
4 and all the exhibits and having the bailiff go to the  
5 jury room, take the verdict form and the exhibits,  
6 and tell the jury they may now commence their  
7 deliberations?

8 MR. KOGER: No objection, Your Honor.

9 THE COURT: Very well. Here's the verdict form,  
10 take all the exhibits and the verdict form into the  
11 jury and tell them, the jury, they may now commence  
12 their deliberations and make sure they have a pad and  
13 a pen in the jury room.

14 THE BAILIFF: Yes, sir. All of them have it.

15 THE COURT: We will be at ease while we wait for  
16 the jury. If you are going to leave, give a cell  
17 number to my law clerk, because we may get a question  
18 from the jury -- I'm talking about the lawyers now.  
19 We may get a question from the jury, and we might get  
20 a verdict. I don't know when. And in order for you  
21 to know, I want you to get lunch, but dog gone it, I  
22 don't know when the jury is going to come back with  
23 anything. And we are not going to sit around here  
24 and go on the Easter egg hunt for lawyers.

25 So you give me a cell number. If we call you,

## ALTERNATE JURORS RELEASED BY THE COURT

1       you better be able to get here in five minutes. So  
2       don't go too far.

3       MR. HOLLEN: I'm not going anywhere.

4       (Whereupon, the Court was in recess.)

5       (Jury deliberations.)

6       THE COURT: I understand, Counsel, that the jury  
7       has reached a verdict. Anything from the State  
8       before we publish the verdict?

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

11      THE COURT: Anything from the Defendant before  
12      we publish the verdict?

13      MR. KOGER: No, Your Honor.

14      THE COURT: Now, ladies and gentlemen, I'm happy  
15      for you to be in the courtroom, but I will not allow  
16      any type of emotional outburst of any type when this  
17      verdict is published. If you cannot control your  
18      emotions, I'm going to ask you to get up and leave  
19      now.

20      If anyone has any outbursts, I'm going to  
21      enforce this rule of contempt powers in this court,  
22      and I'm going to have you arrested and held in  
23      contempt. The jury deserves respect, and I don't  
24      expect there to be any type of outburst. So if you  
25      can't control your emotions, please leave now.

## ALTERNATE JURORS RELEASED BY THE COURT

1           Very well. All right. Bring us the jury.

2           (The Jury enters the courtroom.)

3           THE COURT: Madam Foreperson, the jury has  
4 reached a unanimous verdict; is that correct?

5           THE FOREPERSON: Yes, correct.

6           THE COURT: Madam Clerk, you may publish the  
7 verdict.

8           The Defendant and counsel will rise.

9           THE CLERK: In the Court of General Sessions, in  
10 the town of Allendale, State of South Carolina versus  
11 Laparis Flowers: We the jury, by unanimous consent,  
12 find the Defendant, Laparis S. Flowers, in Indictment  
13 2014 GS 03229, guilty of murder of Russell Smart.

14           We, the jury, by unanimous consent, find the  
15 Defendant, Laparis S. Flowers in Indictment 2014 GS  
16 03231, guilty of attempted murder of Tyquan Charlton.

17           We, the jury, by unanimous consent, find the  
18 Defendant, Laparis S. Flowers, in the Indictment 2014  
19 GS 03232, guilty of attempted murder of Jarrell  
20 Murray.

21           We, the jury, by unanimous consent, find the  
22 Defendant, Laparis S. Flowers, in the Indictment 2014  
23 GS 03233, guilty of attempted murder of Brandon  
24 Lewis.

25           We, the jury, by unanimous consent, find Laparis

## VERDICT

1 S. Flowers on the charge of possession of a weapon  
2 during the commission of a violent crime in  
3 Indictment 2014 GS 03234, guilty of possession of a  
4 weapon during the commission of a violent crime.

5 Ladies and gentlemen of the jury, is this your  
6 verdict?

7 (The Jury indicates.)

8 THE COURT: If this be your verdict as published  
9 by the clerk, would you indicate by raising your  
10 right hand, please.

11 (All jurors raise right hand.)

12 THE COURT: Thank you. Let the record reflect  
13 12 hands raised.

14 Mr. Koger, anything further from the jury before  
15 I dismiss the jury, from the Defendant?

16 MR. KÖGER: Yes, Your Honor. I would ask that  
17 the jury be polled.

18 THE COURT: Madam Clerk, I'm going to ask if you  
19 would poll the jury.

20 Ladies and gentlemen of the jury, the clerk is  
21 going to ask -- call your name. When your name is  
22 called, I'm going to ask you to please stand. She's  
23 going to ask you two questions.

24 The first question will be, "Was that your  
25 verdict as published by the clerk?" You answer yes.

## VERDICT.

1 or no.

2 "And is that still your verdict?" You would  
3 answer yes or no.

4 Madam clerk, please poll the jury.

5 Counsel, Defendant, please be seated.

6 THE CLERK: Ms. Crystal Ward, was that your  
7 verdict?

8 JUROR: Yes.

9 THE CLERK: Is that still your verdict?

10 JUROR: Yes.

11 THE COURT: Thank you. You may be seated.

12 THE CLERK: Ms. Jennie Wilson, was that your  
13 verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: Ms. Shaqueta Wright, was that your  
18 verdict?

19 JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR: Yes.

22 THE CLERK: Ms. Mary Willingham, was that your  
23 verdict?

24 JUROR: Yes.

25 THE CLERK: Is it still your verdict?

## VERDICT

1 JUROR: Yes.

2 THE CLERK: Mr. Darian Brooks -- Ms. I'm sorry.

3 Was that your verdict?

4 JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 JUROR: Yes.

7 THE CLERK: Shalice Penn, was that your verdict?

8 JUROR: Yes.

9 THE CLERK: Is it still your verdict?

10 JUROR: Yes.

11 THE CLERK: Mr. Kenneth Boynton, was that your  
12 verdict?

13 JUROR: Yes.

14 THE CLERK: Is it still your verdict?

15 JUROR: Yes.

16 THE CLERK: Ms. Deborah Jones, was that your  
17 verdict?

18 JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR: Yes.

21 THE CLERK: Ms. Ciera Sanders, was that your  
22 verdict?

23 JUROR: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR: Yes.

## VERDICT

1 THE CLERK: Mr. Kristopher Finley, was that your  
2 verdict?

3 JUROR: Yes.

4 THE CLERK: Is it still your verdict?

5 THE CLERK: Yes.

6 THE CLERK: Mr. Freddy Moore, was that your  
7 verdict?

8 JUROR: Yes.

9 THE CLERK: Is it still your verdict?

10 JUROR: Yes.

11 THE CLERK: Ms. Eva Williams, was that your  
12 verdict?

13 JUROR: Yes.

14 THE CLERK: Is it still your verdict?

15 JUROR: Yes.

16 THE COURT: Counsel, the jury has been polled,  
17 the verdict stands. Anything further from the  
18 Defendant as to the jury?

19 MR. KOGER: No, Your Honor.

20 THE COURT: Ladies and gentlemen of the jury,  
21 Madam Foreperson, I'm sending my law clerk to hand it  
22 to you right now, so that you can write the same  
23 words he's going to show you on the indictment that  
24 you wrote on the verdict form.

25 On behalf of Allendale County and this court, I

## VERDICT

1 want to thank you for your service. This concludes  
2 your service for the entire week.

3 If anybody needs a work excuse for serving on  
4 the jury this week, Angela with the clerk's office,  
5 is going is to be standing outside this door right  
6 here. She will provide you with a work excuse.

7 We are going to send you a check. Allendale,  
8 according to the clerk, pays \$25 a day. We going to  
9 be sending you a check for your service this week.

10 If you listened to me, you know that you are now  
11 exempt from jury service for three years, if you want  
12 to claim your exemption by work of your service this  
13 week.

14 Now, sometimes people are going to want to talk  
15 to you about your verdict. They try to improve the  
16 way they do business. If you want to discuss with  
17 anyone about your verdict, you can. If you don't  
18 want to discuss with anyone about the verdict, you  
19 don't have to.

20 If somebody tries to persist in talking to you  
21 and you don't want to talk about it, you get their  
22 name and you give it to me, and I'll handle that  
23 problem for you. You don't have to discuss with  
24 anybody about your deliberations if you desire not to  
25 do so.

## VERDICT

1 I want to thank you. All a judge can do is ask  
2 the jury to listen, and that is exactly what the 12  
3 of you did in this case. I want to thank you for  
4 your service in this case. This concludes your  
5 service in the case.

6 Did we treat you okay? Anybody have a problem  
7 with how you were treated on the jury? I'm always  
8 looking for ways to try to improve it. So if there's  
9 any way, you tell me about it, and I'll try to change  
10 it. I can promise you, my skin is tough, so you can  
11 give us any criticism you need.

12 I hope that we did treat you all right. I want  
13 to thank you for your service. I'm going to return  
14 you now to your homes and your families and your jobs  
15 with my thanks.

16 Now, I want you to know, when you leave here, if  
17 you'd like to stay for sentencing, all you have to do  
18 is walk around and you have got some of your fellow  
19 jurors, your alternates are on the back row, back/  
20 there. They stayed after I excused them.

21 You can come in and have a seat on the back row,  
22 or you can watch sentencing, which will occur in just  
23 a few minutes. If you don't want to, that's fine,  
24 you can head on home.

25 But sentencing is going to occur in just a few

## VERDICT

1 moments after I hear post verdict motions.

2 Does anybody have any questions they want to ask  
3 the Court about anything involving their service?

4 Everybody ready to get home?

5 I want to thank you for that service. We got  
6 everything signed out now? Thank you, Madam  
7 Foreperson for your service as foreperson, and thank  
8 you for signing these indictments.

9 You are now excused through this door. Everyone  
10 else remain seated while the jury is leaving.

11 (The Jury exits the courtroom at 1:38 p.m.)

12 THE COURT: Mr. Koger, are there any post  
13 verdict motions from the Defendant?

14 MR. KOGER: Yes, Your Honor. May it please the  
15 Court.

16 I move -- at this time, I move for a new trial  
17 on all of the charges that were set forth this week  
18 based upon the evidence that came out this week. It  
19 does not warrant guilty convictions on all of the the  
20 indictments.

21 THE COURT: Solicitor.

22 MS. LEGETTE: Your Honor, we would ask the Court  
23 to deny the motion and keep the verdict intact as  
24 spoken by the jury. We believe that there was  
25 adequate evidence that had gone to the jury as well

## DEFENSE MOTION

1 as to having convicted Mr. Flowers of these offenses.

2 THE COURT: Mr. Koger, I think there was -- at  
3 least I told you that at the close of the State's  
4 case and close of all the evidence, when you renewed  
5 your motions, I think there was adequate evidence to  
6 submit the case to the jury. Your motion for new  
7 trial is respectfully denied.

8 Mr. Koger, I'm going to ask you to bring your  
9 client as soon as -- just hold on for a minute. You  
10 see the Solicitor has got to fill out sentencing  
11 guidelines. Once she's filled it out, I'm going to  
12 ask you and your client to come forward along with  
13 the Solicitor.

14 Peggy, I want you to canvas -- I've got a number  
15 of victims here and families. Please explain to them  
16 the procedure, which you can do at victim's  
17 assistance office, and let me know if any of the  
18 victims wish to be heard for purposes of sentencing.  
19 I'll be happy to hear from them.

20 (Pause.)

21 THE COURT: You ready?

22 MS. LEGETTE: Yes, Your Honor, I believe so.

23 THE COURT: Mr. Koger, you and Mr. Flowers may  
24 come around for sentencing at this time.

25 MS. LEGETTE: If I may inquire of his address,

## SENTENCING

1 Your Honor. I just want to get the correct address.

2 THE COURT: Get it from Mr. Koger. He will get  
3 it.

4 I need a Social Security number and date of  
5 birth.

6 MS. LEGETTE: Yes, sir. I have that on there.

7 THE COURT: Counsel approach.

8 (Off-the-record discussion held.)

9 THE COURT: Put your bar number on there also.

10 All right. Solicitor, obviously, I have heard  
11 the evidence in this case, and I am familiar with the  
12 evidence in this case. I'm happy to hear from you  
13 now as the jury has spoken.

14 And, of course, Mr. Koger, I'm happy to hear  
15 from you and your client, if he wishes to address the  
16 Court.

17 And I understand from the victim assistance  
18 officer that the victims that are in the courtroom do  
19 not wish to address the court.

20 Is that right, Peggy?

21 VICTIMS ASSISTANCE OFFICER: No, Your Honor.

22 THE COURT: All right. Let me hear from you.

23 MS. LEGETTE: Thank you, Your Honor.

24 Your Honor, Mr. Laparis Flowers has a criminal  
25 record.

## SENTENCING

1 THE COURT: Let me hear it.

2 MS. LEGETTE: It extends back -- we even have  
3 his juvenile record. Just for sentencing, we had the  
4 juvenile record unsealed as well. We provided a copy  
5 to Mr. Koger.

6 As far as juvenile is concerned, he has a  
7 burglary second conviction, a burglary third  
8 conviction, and a simple assault and battery. Those  
9 were all from 2007 that stem from Allendale County.

10 He also had --

11 THE COURT: And what year was that?

12 THE COURT: 2007.

13 THE COURT: 2007. That's all juvenile?

14 MS. LEGETTE: They were all juveniles out of  
15 Allendale County.

16 In 2008, Your Honor, he had a conspiracy to  
17 commit armed robbery, which stemmed out of Charlotte  
18 Mecklenburg, North Carolina, and he ended up serving  
19 three years probation here in South Carolina, and  
20 that was in 2008.

21 I believe he still has a pending charge right  
22 now for something that actually happened while he was  
23 out in jail, in custody --

24 THE COURT: And what is that charge?

25 MS. LEGETTE: The charge, I believe, is assault

## SENTENCING

1 on a correctional officer at the Allendale County  
2 Detention Center as well as threatening a public  
3 official.

4 THE COURT: But he has not been convicted of  
5 that?

6 MS. LEGETTE: That is correct, Your Honor.

7 THE COURT: So it's a charge.

8 MS. LEGETTE: Yes, they're just charges.

9 Additionally, Your Honor, Mr. Flowers, while he  
10 was in custody at the Charleston County Detention  
11 Center, the gang unit at the Charleston County  
12 Detention Center has verified or validated him as a  
13 gang member while he's in house in Charleston County.

14 And that is gangster Disciples out of Allendale.  
15 So, Your Honor, we believe that Mr. Laparis Flowers  
16 -- you heard the evidence, we believe he is  
17 dangerous. We believe that he poses an undue threat  
18 to the community of Allendale, and to other people  
19 throughout the community, Your Honor.

20 Given his history with the criminal justice  
21 system, his propensity to do violence, at this time,  
22 Your Honor, we would ask the Court, humbly but  
23 respectfully, to sentence Mr. Laparis Flowers to life  
24 in prison.

25 Your Honor, I hate to ask that question, I hate

## SENTENCING

1 to ask, Your Honor, but unfortunately Mr. Laparis  
2 Flowers I've seen again and again. The three young  
3 men he almost killed, and Russell Smart who he did  
4 kill, Your Honor, those lives will forever be  
5 changed. They came in here with fear in their hearts  
6 and in their eyes. And, Your Honor, they stood up  
7 anyway.

8 And so I would ask this Court, Your Honor, to  
9 remand Mr. Laparis Flowers to the State Department of  
10 Corrections for the balance of his life. I don't ask  
11 you to stand on top of 30 plus 30 plus 30. But Your  
12 Honor, we have to send a message.

13 I would ask the court to send a message, and  
14 even if it's not life, I would ask you to send a  
15 message to the community, send a message to Laparis  
16 Flowers that these things will not be tolerated in  
17 Allendale County.

18 Thank you.

19 THE COURT: Does anyone else on behalf of the  
20 State wish to be heard?

21 MS. LEGETTE: No, Your Honor.

22 THE COURT: Mr. Koger, I'm now willing to hear  
23 from you in mitigation.

24 MR. KOGER: Yes, Your Honor. May it please the  
25 Court.

## SENTENCING

1           Mr. Flowers is 27 years of age. He received a  
2           diploma from (inaudible) Christian Academy. And as  
3           far as his employment past, he worked several jobs as  
4           a laborer. He worked security work in 2009 at  
5           MCGGRE. Most recently he was a lead person at a  
6           (inaudible) in Aiken, South Carolina.

7           In the courtroom here today, on behalf of  
8           Mr. Flowers, his mother, Jennifer Bates, and his  
9           father. I have known now his mother for  
10          approximately nine years. She is very supportive of  
11          Mr. Flowers, has always, from my conversations with  
12          her, and meeting with her, had Mr. Flowers' best  
13          interest at heart.

14          I had the opportunity to also meet with the  
15          father, Mr. Flowers, and he was very concerned about  
16          his son's plight. We talked on several occasions  
17          about how things could go this week, and, you know,  
18          we talked about how things were going at the time.

19          Mr. Flowers has a son that is three years of  
20          age.

21          THE COURT: How old is his child?

22          MR. KOGER: Three. Three years of age. And  
23          basically, we would ask that you would -- of course,  
24          the State has asked to send a message --

25          THE COURT: The State has asked for the maximum

## SENTENCING

1 penalty for murder, and you realize that there's a  
2 mandatory minimum for murder. And you have advised  
3 your client also that whatever sentence I give for  
4 murder, he would have to serve day for day.

5 MR. KOGER: Yes, Your Honor. Yes, Your Honor.  
6 And we would ask that, you know, as a Judge, because  
7 you have been a Judge for quite a while, Judge  
8 Buckner, but in balancing the aims of society and the  
9 needs of society and to send a message, a Judge also  
10 has the discretion to utilize some mercy.

11 And we would ask in this case take into  
12 consideration that his son is three years of age, and  
13 that he's going to miss all of his childhood, and all  
14 of his young adulthood. But you have an opportunity,  
15 Your Honor, by imposing -- by considering imposing  
16 the minimum of 30 in this particular case that may be  
17 that some type of relationship that can be there  
18 after 30 years.

19 Your Honor, I utilize the same request on behalf  
20 of his mother. I know his mother, and I know she is  
21 broken up about this. And now she's not hating the  
22 victims, you know, during my course of trial, of  
23 course I don't talk with the victims, the victims's  
24 family, anything like that. But I always at this  
25 point like to express my sympathy for family members

## SENTENCING

1 that was unfortunately the victims in this case.

2 So, as with any case, there are two sides, Your  
3 Honor, and seeing how to balance aims to society, the  
4 crime that was committed, but we would also like you  
5 to consider on this side of the scale, some mercy in  
6 reference to Mr. Flowers, in reference to his son, in  
7 reference to his mother.

8 So maybe one day she will still be able to see  
9 her son come home, and his father.

10 So we would ask that you would consider imposing  
11 the minimum -- the mandatory minimum in this case as  
12 opposed to life in prison.

13 THE COURT: Very well.

14 Mr. Flowers, is there anything you would like to  
15 tell me before I sentence you? I'll be happy to hear  
16 from you.

17 THE DEFENDANT: Yes, sir. I ask that you have  
18 mercy even though that I was found guilty by the jury  
19 by unanimous decision. Me and the deceased victim  
20 were friends, and this is a big misunderstanding,  
21 sir. That is all that I have to say, sir.

22 THE COURT: Anyone else wish to be heard from  
23 the Defendant, Mr. Koger?

24 MR. KOGER: No, Your Honor. They indicated that  
25 they would not like to speak.

## SENTENCING

1           THE COURT: Mr. Flowers, I have listened to the  
2 testimony in this case, and I clearly believe there  
3 was sufficient evidence for the jury to convict you.

4           I have listened also to the Solicitor tell me  
5 your previous criminal record, and I realize that I  
6 don't take into account the charge for which you have  
7 not been convicted, the charge of assaulting a police  
8 officer, because you haven't been convicted of that  
9 charge. But you have been convicted of burglary  
10 second, burglary third, and conspiracy to commit  
11 armed robbery as well as assault, one of which as a  
12 juvenile, and one of which as an adult. I have to  
13 take that into consideration.

14           The Solicitor asked me to impose the maximum  
15 penalty allowed by law. As your lawyer knows,  
16 Mr. Koger, the minimum sentence for murder is 30  
17 years, and you have to serve each day of that.

18           I take into consideration your age and the fact  
19 that you have a child, and that I'm certain that your  
20 family cares deeply for you.

21           On the other side of that fence, I also have to  
22 think about the families of the victims that are out  
23 there. Not only the victims that survived, but the  
24 family of the victim whose life we cannot restore.  
25 Whether he was a friend of yours or not, there is a

## SENTENCING

1 loss of life involved here, all of which I have to  
2 balance in fashioning my sentence.

3 Accordingly, the sentence of the Court on,  
4 Indictment 2014 GS 0300229, State versus Lapolis S.  
5 Flowers, for the offense of murder, sentence of the  
6 Court is the Defendant is committed to the State  
7 Department of Corrections for a term of 45 years.

8 On Indictment 2014 GS 0300231, attempted murder,  
9 on Indictment 2014 GS 0300234 -- excuse me, 233,  
10 attempted murder, and on Indictment 2014 GS 03 00232,  
11 attempted murder, on the three attempted murder  
12 charges, the sentence of the Court is that you be  
13 committed to the State Department of Corrections for  
14 a term of 30 years.

15 Finally, on Indictment 2014 GS 0300234,  
16 possession of a weapon during the commission of a  
17 violent crime, the sentence of the Court is that the  
18 Defendant is committed to the State Department of  
19 Corrections for a term of five years. That sentence  
20 will run consecutive to the murder sentence of 45,  
21 for a total of 50 years.

22 The sentences of 30 years for attempted murder  
23 will run concurrent to the other charges.

24 Thank you very much. The jury is dismissed.  
25 This concludes this case.

## SENTENCING

1 MS. LEGETTE: Thank you, Your Honor.

2 (Whereupon, the case concluded.)

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## SENTENCING

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CERTIFICATE

3

4

STATE OF SOUTH CAROLINA:

5

COUNTY OF BEAUFORT:

6

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

7

8

DATED this 16th day of July, 2018.

9

10

11

*Mona L. Manley /s/*

12

MONA L. MANLEY

13

Official South Carolina Court Reporter

14

Circuit Reporter for the 14th Circuit

15

(850) 893-6662

16

mmanley@scccourts.org

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WITNESSES

S/A Brown, SLED ✓

DOCKET NO. 2014-GS-03-00229

The State of South Carolina

County of Allendale

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

Defendant

COURT OF GENERAL SESSIONS

July Term 2015

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

A. EST WARRANT NUMBER

2014A0320100103

Date of Arrest: December 7, 2014

THE STATE

vs.

Laparis S. Flowers

Defendant

ACTION OF GRAND JURY

*True Bill*

*Paula K. Wall 7-23-15*  
Foreperson of Grand Jury

VERDICT

*Guilty*

Indictment for

Murder / Murder

Witness:

*Dawn Brown*  
Foreperson of Petit Jury

Date: Jan. 11, 2018

SC Code: 16-03-0010; 16-03-0020

CDR Code: 0116

C.C.C. PLS. and G.S.

INDICT



WITNESSES

S/A Brown, SLED ✓

DOCKET NO. 2014-GS-03-00231

The State of South Carolina

County of Allendale

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

Defendant

COURT OF GENERAL SESSIONS

July Term 2015

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

EST WARRANT NUMBER

2014A0310100135

Date of Arrest: December 9, 2014

THE STATE

vs.

ACTION OF GRAND JURY

Laparis S. Flowers

Defendant

VERDICT

Guilty

Indictment for

Attempted Murder

Witness:

SC Code: 16-03-0029

CDR Code: 3410

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date: Jan. 11, 2018

INDICT



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

WITNESSES

S/A Brown, SLED ✓

The State of South Carolina  
County of Allendale

Defendant

COURT OF GENERAL SESSIONS

July Term 2015

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

A EST WARRANT NUMBER

2014A0310100136

Date of Arrest: December 9, 2014

THE STATE

vs.

Lapolis S. Flowers

ACTION OF GRAND JURY

*Donna K. Wau*  
*True Blue*

*Donna K. Wau 7/23/15*  
Foreperson of Grand Jury

Defendant

VERDICT

*Guilty*

Indictment for  
Attempted Murder

Witness:

*Donna K. Wau*

Foreperson of Petit Jury  
Date: Jan. 11, 2018

SC Code: 16-03-0029  
CDR Code:3410

C.C.C. PLS. and G.S.

INDICT



WITNESSES

S/A Brown, SLED ✓

DOCKET NO. 2014-GS-03-00233

The State of South Carolina  
County of Allendale

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

Defendant

COURT OF GENERAL SESSIONS

July Term 2015

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

A EST WARRANT NUMBER

2014A0310100137

Date of Arrest: December 9, 2014

THE STATE

vs.

Laparis S. Flowers

Defendant

ACTION OF GRAND JURY

*True Bill*

Indictment for  
Attempted Murder

Witness:

*Ronald K. Wall 7-23-15*  
Foreperson of Grand Jury

SC Code: 16-03-0029  
CDR Code:3410

C.C.C. PLS. and G.S.

VERDICT

*Guilty*

*Debra B...*  
Foreperson of Petit Jury  
Date: Jan. 11, 2018

INDICT



WITNESSES

S/A Brown, SLED ✓

*[Handwritten signature]*

A. EST WARRANT NUMBER

2014A0310100138

Date of Arrest: December 9, 2014

ACTION OF GRAND JURY

*True Bill*

*Rose K Ware 7-23-15*  
Foreperson of Grand Jury

VERDICT

*Guilty*

*[Signature]*  
Foreperson of Petit Jury  
Date: Jan. 11, 2018

INDICT

DOCKET NO. 2014-GS-03-00234

The State of South Carolina

County of Allendale

COURT OF GENERAL SESSIONS

July Term 2015

THE STATE

vs.

Laparis S. Flowers

Indictment for

Weapons / Poss. weapon during violent crime,  
if not also sen

SC Code: 16-23-0490  
CDR Code:0549

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

## 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,



Taylor D. Gilliam  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 1st day of February, 2019.

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



---

Taylor D Gilliam  
Appellate Defender

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Division of Appellate Defense  
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Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of February, 2019.