

VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
DeAndrea G. Benjamin, Circuit Court Judge

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Dec 09 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROSHAMEL DONSHEA PARKER,

APPELLANT

APPELLATE CASE NO. 2020-000453

RECORD ON APPEAL

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1 Ryan told you about the DNA. Lieutenant Nates was about
2 GSR. I'm really not going to talk too much about GSR. As
3 you heard from her, everybody had it on them. In a small
4 building like this, it's kind of going to get everywhere.
5 It doesn't really tell us very much. But the DNA, the
6 autopsy and the firearms, they tell an interesting story,
7 one that is the same as Jimmy Rogers'. First, let me tell
8 you about the law itself. Murder is the killing of
9 another person with malice aforethought. Keep all of this
10 in mind as you're considering this. Attempted murder is
11 when a person with intent to kill attempts to kill another
12 person with malice aforethought, either expressed or
13 implied. Okay. So these two crimes, murder and attempted
14 murder are very similar. It's just with the intent to
15 kill -- attempt to kill a person or the actual killing of
16 a person. So the key is that malice. What is that malice
17 aforethought, what does that mean. That's a legal term.
18 People don't use the term, malice, very often in their
19 every day lives. Malice is murder and does not
20 necessarily import ill will towards a specific person.
21 You don't have to say, I'm definitely trying to kill Jimmy
22 Rogers. It signifies a general malignant recklessness for
23 the lives and safety of others or a condition of the mind
24 which shows a heart regardless of social duty, fatally
25 bent on mischief. I love that phrase. Fatally bent on

1 mischief. It means, up to no good. All right. That's
2 when you have malice in your heart. When you have that
3 bad intent, when you have, when this Defendant had the
4 intent to rob Cory Jenkins. That's malice and that's that
5 heart fatally bent on mischief. Getting into trouble,
6 doing something that you know you shouldn't do. Next, we
7 have attempted armed robbery. Now attempted armed robbery
8 is pretty simple. It's the attempt to take the personal
9 property of another while armed with a deadly weapon and a
10 pistol is a deadly weapon. Now in this case, the robbery
11 wasn't completed, a shootout happened, a slaughterhouse
12 got created before the robbery could be finished. So it's
13 just attempted armed robbery. Had they been able to take
14 Cory's marijuana or take Cory's money, then it would be
15 armed robbery, but they didn't get away with it. So it's
16 just attempted. And finally, we have the possession of a
17 weapon in the commission of a violent crime. It's pretty
18 simple. Did you have a firearm that you used during the
19 commission of what the State calls a violent crime. Now
20 attempted armed robbery, attempted murder and murder are
21 all violent crimes. So if you find him guilty of murder,
22 attempted murder or armed robbery and if he had a weapon
23 when he did it, then he's guilty of possession of a weapon
24 during the commission of a violent crime. Now the State
25 has to prove these things to you. And I'll tell you why

1 we have to, beyond a reasonable doubt. And a lot of you
2 are going to ask yourselves, what's a reasonable doubt.
3 What's that mean. Well, proof beyond a reasonable doubt
4 is proof that leaves you firmly convinced. Okay. There
5 are very few things in this life that we know for certain.
6 The things that we know for certain are the things we
7 experience ourselves. The things we see, smell, taste.
8 Those are the things in life we know for certain. There
9 are very few things that we can say with absolute
10 certainty happened to somebody else and the law does not
11 require the State to prove this happened with absolute
12 certainty. Okay. If you are absolutely certain about
13 what happened, you'd be a witness. After you've seen,
14 heard, been there. That's why we don't have to prove it
15 to absolute certainty, but rather, just beyond a
16 reasonable doubt, firmly convinced. If you find we
17 haven't firmly convinced you, you must find him not
18 guilty. But if you are firmly convinced of the
19 Defendant's guilt, you must find him guilty. So part of
20 your job as jurors is to judge the credibility of
21 witnesses. Okay. And most of the witnesses you all saw
22 this week, they were law enforcement, they were expert
23 witnesses. They -- what they saw and what they heard.
24 You know, there's lots of documentation and photographs.
25 So a lot of these things aren't going to be applicable to

1 that. But keep these factors in mind particularly when it
2 comes to those who aren't, Ray Rose and Jimmy Rogers.
3 Were those witnesses straight-forward or were they
4 hesitant in answering questions. And then, you've got to
5 ask yourself, if they were, why were they that way? Jimmy
6 Rogers was, I think, about as real of a person I've ever
7 seen take a witness stand. He was certain in what he knew
8 and when he didn't know something, he said, I don't know.
9 And when Ms. Zmroczek tried to ask him about his
10 toxicology, I've never seen it, no one ever told me, I
11 have no idea. But when it came to what happened that
12 night, steady as a rock. How does the witness know the
13 facts they're testifying to? Were they present during the
14 incident? Were they on-scene after it occurred? Once
15 again, Jimmy is present at the scene. Same with Ray. He
16 was present when the events that happened to him happened
17 to him. But law enforcement, they all come around after
18 the scene, right. They all show up when it's all said and
19 done, when it's finished. And you've got to take that
20 into account when we tell you what happened. And was the
21 testimony of the witness strengthened or weakened by other
22 testimony or evidence. We are going to go through what
23 the forensics and that other analysis shows in a second.
24 And so you'll have an idea of whether Jimmy Rogers'
25 testimony is strengthened by that and is there a reason

1 why a witness would want to lie. Did they come in and say
2 one thing or endorse something else. Bias, right. Y'all
3 can take everything a witness says is true or you can take
4 part of it or you can take none of it. All right. Y'all
5 are the people who saw these witnesses testifying. You
6 heard them. You heard both the direct and you heard the
7 cross-examination. You get to be the judge of whether
8 they're believable or not. Just because someone says
9 something and they're under oath doesn't mean it's
10 necessarily true. But in your normal experience of
11 people, you can evaluate its credibility in listening to
12 them and understanding them. Now, let's go through the
13 investigation and the crime scene that happens. All
14 right. So one thing I always do when you get something
15 like this is you think to yourself, what things don't fit.
16 What doesn't make sense to me. And there are a lot of
17 individual pieces of evidence in this case that seem a
18 little weird. But it's when you put them together that I
19 see the real picture comes out. Okay. So this is just --
20 as you all know, Investigator Jackson went into the house.
21 All right. We were coming back to it quite a bit, just to
22 kind of refresh where things are. We have number 23,
23 number 11 and number 10. All right. Shell casing 23 and
24 shell casing number 11 came from the gun that we believe
25 was possessed by the Defendant. Shell casing number 10

1 came from the gun that we believe came from the victim.
2 Okay. And I'll get into all that, but right there -- and
3 so here is Dr. Durso's diagram. Now, she went through it
4 all with you connecting which one went where and there's a
5 little, nice little chart at the bottom. A, B, C, D, L,
6 M, E and so forth. It tells you about their directions.
7 How some were downwards, some were left to right and how,
8 really, the one in the arm, J and K, she really couldn't
9 tell you much anything about because an arm can be in any
10 direction whatsoever. So I went ahead -- there's some
11 nice little lines to show the trajectory she talked about.
12 So what she called gunshot wound number 1, basically
13 straight down through Cory's face. And then we have
14 gunshot wound number 2 which started on the right wrist,
15 went through his chest and then went south, like down.
16 And then G, H and I have that real -- what you'd say is a
17 real shallow cut straight down. So one of these stands
18 out as different than the rest. And so we have two
19 questions to ask ourselves. One, why is one of these so
20 different. And two, why are the bullets heading down.
21 Because you'd think when you are pointing a pistol at
22 somebody -- all the testimony is, bullets go straight.
23 They don't curve. They don't move around walls. They go
24 straight. So how did it go straight. So how does
25 straight down -- first, let's talk about that F to H shot.

1 Okay. This was the shot that she said was within one
2 inch, right. I believe it had soot, but no stippling. It
3 was very close. That shot that's different from all the
4 others. That shot -- if you were buying an object from
5 somebody else, if you were getting ready to exchange
6 money, you would be close. You would be, say, within
7 arm's reach of each other. If you pulled your gun and
8 stuck it in someone's chest and pulled the trigger, that's
9 the kind of shot you would get. A shot across the body,
10 that's the first shot. That's the shot Roshamel Parker
11 made. That's the shot that started this. Number 23 and
12 number 11 here in the kitchen, one of those two is that
13 shot. That shot started having Cory bleeding. Cory then
14 responds, the shot in the face. You heard Dr. Durso.
15 That first shot, that shot across the body, wouldn't
16 incapacitate him. All right. That wasn't the fatal shot
17 and that's when he responds and that fits Jimmy Rogers'
18 story. That is Jimmy Rogers' story. They were in the
19 kitchen and Cory followed. Those first two shots, further
20 in the kitchen. Those shell casings, back at the exits.
21 That's the one shell casing of Cory's that could have come
22 from the kitchen. That's where all this blood comes from,
23 those two wounds right there and it also explains -- and
24 this is something that's been bothering me for a long
25 time, ladies and gentlemen. This is State's 121. This is

1 the Glock 23. Okay. This is the gun, in his statement,
2 the Defendant says was his with his extended mag, a ton of
3 bullets and two fired rounds. Now, when Agent Ryan
4 testified, the DNA on that weapon, the DNA on the trigger
5 guard and on that gun, it belonged to Cory Jenkins.
6 That's weird, that was something that made no sense to me
7 for a long time but it is a shot taken within an inch of
8 the body. That's how his blood got on there. That's why
9 the victim's DNA is on that pistol. It's that shot, that
10 trigger guard. Right underneath the barrel of that
11 firearm, that's that first shot. That's that shot across
12 the body. That's the one that stands out. So the next
13 thing Jimmy says, after the shots started, Cory starts
14 backing out of the kitchen. He starts retreating. Okay.
15 And remember, he has been shot at this point. He retreats
16 back this way (indicating). All of the rest of the shell
17 casings are in that living room. So when he continues to
18 fire, he is backing up and you can see that through
19 State's 92. All right. There are two separate things
20 that happened. Two separate shots that go off. And then,
21 this pile, the pile that Jimmy said where Cory would have
22 been, he was backing up dripping blood the entire way. So
23 this is into the living room. Now, it's not that long of
24 a distance. These rooms are tiny. That's State's 92, 91,
25 90 and 34. It's kind of trailed. It goes all the way

1 back, back to exactly where Jimmy said. Cory's backing
2 up, Jimmy's behind him and now, we can explain why the
3 other shots are down. Now, it makes sense. Roshamel
4 starts shooting from this area (indicating). Cory has
5 been shot. He is holding himself and he is like this
6 (indicating) trying to get out. He is bent over. That's
7 why the shots were going down his body. Not because
8 they're firing from above him, but because his body is
9 turned down. He is bent over. That's why all those
10 bullets are coming down and not across, are not straight
11 because they are firing straight at him. It's just that
12 he has now gotten himself lower and he is backing up.
13 They are trying to kill Cory. Jimmy's -- and we know Cory
14 was still standing up. We know Cory went this way. How
15 -- and you say, Mr. Potts, how do we know this and it's
16 because of number 13. Number 13 are the three teeth. The
17 three teeth, which were Cory Jenkins', that got shot when
18 he is bent over, that bullet comes down and knocks out his
19 teeth and that is where his teeth landed. Right in front
20 of the TV set. Right where Jimmy said he was. Right
21 there (indicating) and what else did we see around the
22 victim? Well, we see weird individual droplets of blood.
23 As you see from Cory's exit, he's been losing a good
24 amount of blood. He's dripping blood everywhere. These
25 are small, discreet droplets and where else in the

1 evidence have we seen small, discreet droplets. Well,
2 we've seen them in Jimmy's bedroom. Why was Jimmy's blood
3 everywhere. Those small, discreet droplets by the TV set,
4 that's Jimmy. That's exactly where Jimmy told you he was.
5 It started -- Cory pushed him back and then he tried to
6 get behind the TV set. That's where it is. Now, Jimmy's
7 not hit too bad, right. You see in the video and you see
8 these droplets, he's not gushing out blood. But that's
9 what this is. The evidence shows that Jimmy's story, what
10 Jimmy told you all, what he testified to is backed up by
11 the forensic evidence. It's backed up by the analysis of
12 the gunshot wounds and the investigator's pictures and
13 firearms. Jimmy puts the pieces together. Now, why was
14 Jimmy's blood and Jimmy told you. When the slaughtering
15 is over, when the Defendant and Gwan Perry have made their
16 way out of the home to the awaiting car in the street,
17 Jimmy knows that this is not over. He knows law
18 enforcement is sure to arrive. There have been, at this
19 point, almost a dozen shots fired in his home. He knows
20 it's just a matter of time. And Jimmy, you know, he
21 panics and I understand why. Jimmy's got a prior record,
22 right. He told you about it. Grand larceny, he's got
23 false information. You know, Jimmy doesn't have the best,
24 you know, opinion of law enforcement. I understand. He
25 probably hasn't had that many great encounters. So it's

1 his house, he's been in trouble before, there's guns and
2 drugs and money and for Jimmy, it's a bad combination. So
3 he goes running around the house trying to figure out what
4 he can do. He ends up hiding them in the back yard,
5 putting the money in the bricks, tossing one gun in one
6 bush, the other gun and marijuana in the bushes. He tries
7 to hide them and for Jimmy, that made sense. Was he a
8 little -- did he really want to admit he did that? No.
9 Jimmy was -- he did not want to implicate himself that
10 much. All right. I just tossed them back there. Well,
11 that money's clearly hidden, right. You don't toss money
12 and it ends up under bricks, right. And that's why his
13 blood is over all of it. That's why his DNA is over
14 everything. Jimmy panicked and once you panic, once you
15 have started to do that, it just kind of rolls on you.
16 It's kind of stuck and it isn't until much later, all
17 right, days later, that he starts coming out with the full
18 story about what happened. And that's, you know, I
19 understand Jimmy but I can't endorse him. Now, we'll talk
20 about the last C word, the cover-up. Now, in this
21 cover-up, you should start with Gwan Perry. Gwan Perry,
22 you heard, lied about where he was shot. The first thing
23 he told law enforcement, he was shot on James Street. So
24 they ended up going through James Street, checking with
25 everybody to see if anyone heard any shots, to see if they

1 found any shell casings, if they saw any blood. There was
2 nothing there. Then he deactivated his Facebook and by
3 the time Jimmy had gotten around to identifying him, law
4 enforcement couldn't find him anywhere. Now, that's
5 really what I'm going to talk to you about as far as Gwan
6 Perry is concerned. This is not Gwan Perry's case today.
7 Gwan Perry's case will be another day. We'll have his
8 day. This is about our Defendant, Roshamel Parker. So
9 let's get a timeline straight. This incident occurs on
10 March 25th. It's not until five days later that he's
11 placed on guard at the hospital on March 30th. You heard
12 Officer Fulmore and Investigator Duckett start telling you
13 about that and he passed that first note to Ray Rose on
14 March 31st, right near midnight. Right between April 1st
15 and March 31st and it's until two days later that he
16 writes a statement after getting in touch with
17 Investigator Duckett. Now, let's talk about this note for
18 a minute. Tell her -- tell them if they ever want to see
19 me and Gwany free again, swerve on Unc and fast. Time is
20 of the essence. This Defendant knows that the net is
21 closing. He knows he's under guard. He has to act fast.
22 WhoBang, Bread, Jefe, Marlow, tell her to relay the
23 message to them. Appreciate you. Swerve on Unc and fast.
24 In Jimmy Rogers' home that evening, ladies and gentlemen,
25 there were four people. Cory, who he already knew had

1 passed, Gwan Perry and Jimmy Rogers, the man people knew
2 as Unc. Go swerve on Unc and fast. Why not Gwan? Gwan
3 was with him. Gwan was the guy he was working with. Unc
4 is the loose ends. Unc's the one that he hadn't heard was
5 dead. Unc's the one who can tell the story. Unc's the
6 one who can tell the truth. Now, Jimmy told you he had
7 reasons not to come to court. Those were his words. I'm
8 not going to speculate, but you take that for what it is.
9 Now, two days after he's written this note, two days after
10 he's given it to Roy Rose -- Ray Rose and he hasn't heard
11 a thing from law enforcement about that note. All right.
12 It's time to meet with Investigator Duckett because he
13 knows Unc's taken care of. Now, I can say what I want and
14 there's no one to contradict him, but the evidence does.
15 Let's go through the statement. The whole thing's in
16 evidence. I've cut out some parts of it, but you all will
17 be able to look at the whole thing, all the full pages.
18 So he starts off by saying, And I called and told him --
19 that's Cory, that his uncle's house is the trap. Now,
20 what that means is, we were going to -- I called him and
21 told him, let's meet at your uncle's house. Let's meet at
22 Unc's house. He is the one who initiated this. He's the
23 one who's trying to get this together. When the armed
24 robbery occurs, it's his idea. That's why he's trying to
25 set it up. This is him admitting to setting it up, except

1 in the context of his story, right, there's a villain,
2 there's visions from beyond. There's all sorts of things,
3 but nothing happens to Roshamel Parker -- sorry, he
4 doesn't do anything. Everything happens to him. He's not
5 a protagonist. If anything, he's just a guy who happened
6 to be around something and he doesn't even say that
7 because he doesn't have to worry about Unc anymore. And
8 then he tells Investigator Duckett that his money was with
9 the Glock. All right. I had a Glock 23 and my bread. He
10 said, no, but he seen the -- but my tool was out. I was
11 about to count the bread out and that's when the shooting
12 started. Now, he says he had \$3,500 of the \$3,800 that he
13 and Cory -- that Cory wanted and he kept that money in the
14 same place he kept this (indicating). His pocket. This
15 Glock 23, it has a very large magazine. As you can see in
16 the picture, it sticks out a whole bunch. Even best case
17 scenario, he had the 3,500 in 35 \$100 bills. Keeping
18 those two together without accidentally pulling the gun
19 seems an arduous task. I don't think pockets have been
20 made on Earth that can hold both that money and that gun,
21 but that's what he says and Cory must have just
22 accidentally seen it and that's what set him off. Then he
23 says, I fired just the one shot. You all heard that
24 yesterday. We know he fired two, but why would he say he
25 just fired the one shot. It's probably because he just

1 remembers the one shot, that first shot, that shot was
2 Cory's. After that, Cory almost certainly shot him in the
3 face. That's why there's two pools of blood. At that
4 point, he's distracted. He has a gunshot wound to the
5 face. He's forgotten the second shot, that first shot,
6 that one to Cory's ribs, that's memorable. That's the one
7 he knows. He knows the shell casing. That's why he's got
8 to explain the shot. Next, he says, after he fell down
9 and had his vision, I crawled to the door reaching for the
10 handle. I think I fell through the whole screen. I
11 crawled to my serve car and got dropped off at the
12 hospital. And later, I crawled out that MF with nothing.
13 I left everything. And so here he is bleeding from the
14 face. And he's crawling on his hands and knees to the
15 door from that kitchen after Cory, because Cory is the one
16 retreating. He's crawling after Cory on his hands and
17 knees and throughout all these blood drops falling off
18 Cory, there's no hand prints. No -- not a single hand
19 print anywhere. We've got footprints. No hand prints.
20 He's on his hands and knees crawling out, it's just not
21 true. By the time he gets to the hospital, and that
22 video's in evidence, he's walking around unaided. Don't
23 get me wrong, he's hurt. All right. He's got a bullet in
24 his face, but he can still walk. He can still do things.
25 I'm sure it distracted the heck out of him, but he's not

1 crawling on his hands and knees after he fell to the
2 floor. It's just unbelievable. And then, no one else is
3 there. So Investigator Duckett, I did talk to his uncle
4 and the people. That's how I know you were not alone. I
5 never saw no one. Just me in the kitchen with Murder, his
6 uncle stayed in the front. Like I said, it's a trap. All
7 right. So once again, he puts Jimmy right where Jimmy
8 says he was. All right. Behind Cory in the living room,
9 but there was no one else there. Whoever did -- whoever
10 did the other shots, probably thought I was dead already
11 because even I did. On my dead mama and kids, I saw no
12 one, Bro. Just me and him and Unc. This building is not
13 large. It is a tiny home. There is no room for Gwan
14 Perry to hide. There is no room for a third shooter to be
15 lying in wait. This is obvious, there's a person there
16 because he was with him, but he had to deny it. He knows
17 he has to say Gwan wasn't there. So that's what he does.
18 In his story, Gwan is just a random guy who happens to
19 save the day, who comes in on a white horse, maybe hears
20 some gunshots outside and then just starts shooting.
21 That's nuts. It's crazy. Or maybe, he's some other drug
22 buyer for Cory, right. Maybe Cory's tired of selling
23 \$3,800 worth of marijuana and now he wants to sell \$100
24 worth of marijuana to some random guy. So he just walks
25 in on another drug transaction. That's not realistic

1 either. It's unbelievable. It doesn't happen. There's a
2 reason why drug transactions are done in trap houses and
3 in secret. Random people just don't come in. It doesn't
4 happen. It's not a thing. This is unbelievable. It
5 makes no sense. It doesn't make sense with the evidence.
6 So if you said you only shot one time, explain how Murder
7 was hit more than five times if that was only you in the
8 house. I don't know. I never heard no shots. My whole
9 life flashed before me. I never knew what happened until
10 a day or two later. The only reason I shot from the floor
11 was to see if I was alive. Why can't he admit Gwan was
12 there. And this also is upsetting to think about, he has
13 dealt with Cory nine or ten times. Unc said that's
14 probably about right and you all heard him testify, right.
15 He's been there plenty of times, but Unc had never seen
16 Gwan before. When Gwan came, that was weird. That was
17 different. You've got to ask yourself, why was it
18 different this time. Why can he not admit Gwan Perry was
19 there. Because when you bring two guys with two guns to
20 the house, it certainly looks like it might be a robbery
21 and when you do something different that you've never done
22 before when you're having a transaction, it makes it
23 suspicious. That's why he cannot admit Gwan was there.
24 That's why, even though against all evidence, he has to
25 say that. It's because he's stuck. He knows if he admits

1 Gwan was there, it makes the robbery so much more easily
2 identifiable. At this point, he's just hoping Unc has
3 been taken care of and he doesn't have to worry, but he's
4 still got to get himself out of trouble. That's why his
5 statement's the way it is. That's why he says what he
6 says. Ladies and gentlemen, this case will soon be in
7 your hands and I ask you to look at all of the evidence
8 from the forensics, from the testimony and from the
9 Defendant's statements. Look at it and evaluate it. What
10 makes sense? What is believable? When something is
11 unbelievable, when it's unreasonable -- if it's
12 unreasonable, it's not a reasonable doubt. If it's
13 unbelievable, it's not a reasonable doubt. Ladies and
14 gentlemen, when you consider the evidence in its totality,
15 when you consider everything, leaves you firmly convinced,
16 then I ask you to find the Defendant guilty. Guilty of
17 murder and the death of Cory Jenkins, guilty of attempted
18 murder for the attempted killing of Jimmy Rogers, guilty
19 of attempted armed robbery for the drug -- for trying to
20 rob the drugs from Cory. And finally, guilty of
21 possession of a weapon during the commission of a violent
22 crime because he did all of those things and he is guilty.
23 Thank you so much.

24 THE COURT: Thank you. We'll give Ms. Zmroczek just
25 a second to set up.

1 MS. ZMROCZEK: Thank you, Your Honor. May it please
2 the Court.

3 THE COURT: Yes, ma'am.

4 MS. ZMROCZEK: Thank you. Good morning. I would
5 like to thank you on behalf of Mr. Parker and on behalf of
6 everyone here. It's been a long week. The schedule has
7 been a little hectic and crazy and sometimes it didn't
8 always flow as it was supposed to. But what we know is
9 that you've paid attention to this case and that's what we
10 ask. That's what your duty is. As Mr. Potts told you,
11 this is my last opportunity to talk to you. When I'm
12 finished, Mr. Potts will have an opportunity to get up and
13 rebut what I'm saying. I'll tell you that this is the
14 hardest time for any defense attorney because I can't come
15 back up and challenge what he says. So my presentation
16 may be a little bit longer, but it's my last opportunity.
17 This is our opportunity to tell you what we think the
18 evidence shows and we do that -- you all have been brought
19 here and selected and you've had to sit and listen without
20 being able to ask any questions. And our job is to
21 hopefully ask the questions so that they can answer the
22 questions in your mind. But I'll just tell you, in this
23 case, I suspect you probably have a lot more questions
24 than answers. So how I've set up my closing, I want to
25 talk to you about my fears, talk to you about the evidence

1 that the State would like to focus on and then talk to you
2 about the actual evidence and you'll be reminded this
3 several times in the jury charge. Judge Benjamin will
4 tell you that even though we put in evidence and even
5 though I'm up here arguing and I'm going to lay out
6 different scenarios for you, that we never have the
7 burden. The burden never shifts to the Defendant to prove
8 himself innocent, to prove somebody else guilty. That
9 burden -- the burden always rests with the State and it's
10 done that way for a very important reason because you're
11 here to answer a very important question or questions of
12 fact. And if the State hasn't given you the answers, then
13 Judge Benjamin is going to give you the law and you must
14 rely on the law. She's going to talk to you about
15 reasonable doubt and I'm going to talk to you about it
16 briefly because Mr. Potts said there are things that don't
17 make sense and real probabilities and things like that.
18 The Judge -- there's no 50/50, 60/40, 90, 80, 10 yard
19 line. There's no like, way to define reasonable doubt.
20 There are just words and things that you're comfortable
21 with and the Judge is going to tell you what the law says.
22 Even if you think that guilt is likely, that's not enough.
23 This is the highest burden in a juror's prudence. You're
24 talking about taking people's liberty away. It's a high
25 standard and he says, absolutely, don't have to prove it

1 beyond all certainty. Is it reasonable? And those are
2 questions, as we go through the evidence and even as they
3 come back up, that you need to ask yourself. Is there a
4 reason -- and the duty is, is there a reason to find him
5 innocent? Because he, as the Judge will instruct you, is
6 innocent. He is presumed innocent unless and until the
7 State provides you all the evidence to strip away that
8 innocence. Ladies and gentlemen, in this case, we submit
9 they haven't even come close. This whole case -- their
10 whole case starts on this attempted armed robbery. Those
11 are the questions that, hopefully, you'll get to ask
12 yourself when you're deliberating back in there is, who
13 shows up to an attempted armed robbery with \$3,500.00
14 dollars? Who does that? Who -- they want you to believe
15 that there's one car. You'll have the map of how long it
16 takes to get from ■ Samson Circle to Richland County
17 Memorial Hospital. Six, seven minutes, but in that time,
18 they split cars. They took time to split cars and one
19 hides a gun or gets rid of his gun or what? That's just
20 as unreasonable as any other scenario that they would like
21 you to present. What is reasonable is that Cory Jenkins
22 is a drug dealer and he did business out of Jimmy Rogers'
23 house. Is it reasonable that more than one person bought
24 drugs from Cory? And those are the kinds of questions
25 that I hope that you keep in mind as we're going through

1 and I want to start off with my biggest fear. I have an
2 especially in-depth thesis and that is this. And it's --
3 I talk about Cory and his business. That's not a slight
4 on his character. It is what it is. You know, it's just
5 like Mr. Parker purchasing drugs. Those are illegal
6 things, but that doesn't make what happened what the State
7 wants it to be. A verdict -- and the Judge is going to
8 tell you this. A verdict in this case cannot be based on
9 sympathy, passion, prejudice or emotion. So the sympathy
10 or the emotion or the passion for the death of Cory at
11 such a young age, it is awful. We are not trying to take
12 that away, but it was not because of Mr. Parker. The
13 prejudice, yes. This was drugs. There were drugs
14 involved and as jurors, you have to just take that and set
15 it aside because it does play. It doesn't play out in
16 this case at all and if you remember way back to Monday
17 when we were asking questions and you were standing up, we
18 both selected you, the Defense and the State, because we
19 knew that you could be fair and impartial and you said you
20 could and we have no doubt about that. So ladies and
21 gentlemen, here we are and when I was little, my dad used
22 to always say, a picture's worth a thousand words, and in
23 this -- I've never found it to be more true than in this
24 case. So when I was little -- I'm the oldest of seven.
25 When I was little, my dad just wanted boys. He played

1 college football. He just -- he ended up with seven
2 daughters. It was not what he expected. So he trained us
3 -- he was a college football player. He wanted us to be
4 athletes. He knew that that was the life that he wanted.
5 So I was a swimmer. I swam all through college actually
6 and in doing so, I had to do a lot of training. I had to
7 get up and go to practice at 4:30 in the morning because
8 we lived in Louisiana. Where I lived, it was about 35
9 minutes from the pool. So we had to get up super early to
10 go to the pool and that was something that we did. My dad
11 would get up and run and before I could drive, my dad
12 would then drive me to the pool. So I began swimming in
13 about the third grade. In fifth grade, we did this little
14 science lesson where the teacher got all these eggs, these
15 chicken eggs, and they hatched in our classroom. And I
16 said, we have baby chicks. There's nothing cuter than a
17 baby chick. And I'm like, oh, I want a baby chick. My
18 dad's like, no. My mom's like, let her have it, it's not
19 going to live very long. We live in Louisiana. It's not
20 -- so I get the baby chick. I named it Eggbert and I
21 called it a he, I thought it was a he. Eggbert laid an
22 egg every single day. He was a great chicken. So every
23 morning when I would get up before practice, I would go to
24 his cage, get the egg, put it in the sink, get in a
25 bathing suit, get ready and get in the car. By the time

1 my dad came back, we would go to practice and one of the
2 things that my dad always said is -- we had this dog and
3 she was ornery. She lived until about 18. Her name was
4 Lucy. She used to chase that chicken around like crazy.
5 We finally had to build a big cage for her with a big sun
6 light. My dad's like, that dog's going to kill that
7 chicken, it's fine. So this went on for years and years
8 and years and years. Every morning, I'd get the egg, put
9 it in. My junior year -- the end of my junior year, I get
10 up, just like every other morning, and I go to get the
11 egg. When I go to get the egg, what I find is a
12 slaughterhouse to use Mr. Rogers' term. There is blood
13 everywhere, but no chicken and I'm following the trail of
14 blood, which leads right to the doghouse and there it is.
15 Lucy in the doghouse, chicken head here, chicken body here
16 (indicating) and I am screaming at 4:30 in the morning in
17 my neighborhood at the top of my lungs. My dad comes back
18 from his run and he's like, what in the world. And I
19 said, Lucy finally killed Eggbert, and I'm rambling and
20 screaming and he's like, settle down. He's like, no, no.
21 No, no, no. When I got up this morning, I noticed that
22 Eggbert's head had been severed from his body.
23 Apparently, something got him in the middle of the night.
24 He said, it was bloody, I was going to clean it up after
25 my run before we went swimming. What must have happened

1 is when he left that cage open, Lucy sees his friend --
2 her friend and she goes and she takes him into the
3 doghouse. And I'm like, dad, they are not friends. They
4 are not friends. And so for years, my dad, I believe, was
5 trying to have me convinced that my dog didn't kill my
6 chicken. When I graduated from college, my dad gives me
7 one gift and it's a picture that he snapped one morning of
8 Lucy and Eggbert sitting in the doghouse and he said, this
9 is what they did all the time because they were friends.
10 And it wasn't until I saw this picture that I even had the
11 remote thought that, well, maybe he's right. And ladies
12 and gentlemen, I don't mean to distract you with dogs and
13 -- stories of dogs and chickens, but it's the picture and
14 it's the assumptions that are made. And in this case, law
15 enforcement told you -- I asked Investigator Duckett, so
16 your whole theory about them being together is based on
17 Jimmy Rogers? Yes. Because ladies and gentlemen, again,
18 when you watch those videos and you see that they come in
19 two separate cars and their two separate types of
20 behavior, what they do have in common is that they buy
21 drugs. But to base everything on Jimmy Rogers, who the
22 State wants to say is in fear for his life for whatever
23 reason that he has to not come here. Well, we submit that
24 there are several, several, other reasons. Well, he has
25 -- and Mr. Potts even mentioned it. He has a record. And

1 then he mentioned some grand larceny and some, you know,
2 false information. What he left out of that record, but
3 that you did hear about was ABHAN and us lawyers get into
4 a really bad habit of speaking in acronyms all the time.
5 But what ABHAN is, is assault and battery of a high and
6 aggravated nature. That's what Jimmy Rogers has on his
7 record, too. He's running a trap house. I agree, just
8 like I told you at the beginning, the State, with their
9 three C's and I would add a fourth C at the end about
10 corroboration and that's what we're going to talk about.
11 But I want you, ladies and gentlemen -- you'll get this
12 back there, but we didn't have an opportunity to watch it
13 and I want you to watch it because this, ladies and
14 gentlemen, is the Jimmy Rogers -- it's not days later.
15 3/26 13:21. This is the next -- this is not even 24
16 hours. This is not days later and here's Mr. Rogers.

17 (Whereupon, a video was published for the jury.)

18 MS. ZMROCZEK: Does that gun match? No. They're
19 telling you Jimmy came clean. He's been completely
20 honest. He's still covering. Does that gun match? No.
21 No. In fact, even yesterday when I tried to, you know,
22 get him to explain to me how this unidentified DNA gets in
23 and how the money gets in the bricks. And he says, I just
24 tossed it, it didn't look like that to me. It don't look
25 like that to me. Ladies and gentlemen, his blood is in

1 these bricks with the money. It's in this separate bush
2 with the gun. It's at the door at the back where he takes
3 it outside. No. He was trying to save Cory. He was
4 trying to save himself. He wasn't trying to save Cory.
5 It's in the kitchen and we're going to talk about -- I've
6 said several times, the crime scene tells a story and it
7 tells several stories. Unfortunately, not one of those
8 stories is going to match the State's position and it's
9 certainly not going to get you beyond a reasonable doubt.
10 But let's continue because even here, with two officers
11 and Investigator McCoy -- these officers are trained.
12 They're trained in interrogation. Look how close he's
13 sitting. You know, they're trying to -- and they're
14 telling him, look, we found this. You're the victim. We
15 found this. It's fine. Just tell us who did it. No. My
16 DNA's not going to be there.

17 (Whereupon, a video continued to be published for the
18 jury.)

19 MS. ZMROCZEK: It looks bad.

20 (Whereupon, a video continued to be published for the
21 jury.)

22 MS. ZMROCZEK: Interesting how the State's position
23 is that the trap house and the drug dealer are the
24 victims, but the person, the drug buyer that gets shot in
25 the face, no. Not a victim.

1 (Whereupon, a video continued to be published for the
2 jury.)

3 MS. ZMROCZEK: He sees two guns, he sees the drugs
4 and takes the money. That's all he did. That's what he
5 says. What's interesting -- and you'll listen -- you'll
6 get to hear, when he finds those two guns because Mr.
7 Potts' theory that there was no doubt that Gwan Perry
8 fired two shots, but what the State's forgetting is that
9 Cory's gun jammed. Cory's the one who goes and picks up
10 that gun, that 23. That's why his blood, ladies and
11 gentlemen, is in the trigger guard and in the trigger
12 pull. It's because his gun jammed, and then he goes and
13 picks up the other gun that he could find because he was
14 going to take these -- there's a robbery -- I have no
15 doubt that there was a robbery that was going to be
16 planned by Jimmy and by Cory to take their money
17 separately and individually. That's why when Mr. Perry
18 shows up separately at the hospital with his drug money
19 still on him, that's why he still has his money.

20 (Whereupon, a video continued to be published for the
21 jury.)

22 MS. ZMROCZEK: Where were those two guns at? In the
23 floor right by Cory. Does that support the fact that his
24 gun, which we already have a picture of, we know was
25 jammed, he goes and picks up that other gun and that's why

1 the blood is on the trigger guard?

2 (Whereupon, a video continued to be published for the
3 jury.)

4 MS. ZMROCZEK: Ladies and gentlemen, how does he get
5 gunshot residue on his hands? On his hands. How did he
6 do that? Because he shot the gun. Either he shot the 23
7 or he shot Cory's because guess whose DNA is on both of
8 those trigger guards. Theirs.

9 (Whereupon, a video continued to be published for the
10 jury.)

11 MS. ZMROCZEK: Don't do that to me. Don't mess me
12 up. Jimmy Rogers is looking out for Jimmy Rogers.

13 (Whereupon, a video continued to be published for the
14 jury.)

15 MS. ZMROCZEK: He -- you'll hear this all in the body
16 cam videos and you'll hear it again. To move the TV. To
17 move the TV. Ladies and gentlemen, there wasn't many
18 moving of that TV in that room. That TV was plugged up.
19 It was playing March Madness. He wasn't just there to
20 move a TV. That TV was set. It was -- they were -- it
21 was literally playing with bullet holes in it.

22 (Whereupon, a video continued to be published for the
23 jury.)

24 MS. ZMROCZEK: He didn't think nothing about people
25 coming into his house to meet Cory to buy drugs because

1 it's a trap house.

2 (Whereupon, a video continued to be published for the
3 jury.)

4 MS. ZMROCZEK: That's his theory. You know what he
5 is leaving out, because he is the hero. He wants to talk
6 about Gwan or whomever being the hero. He's getting the
7 hero complex. You proceeded to try and contaminate and
8 you did cover up your crime. You put things outside. You
9 didn't toss them. You walked back there, you put the
10 money under there. You did that. You, Jimmy Rogers.
11 That's why -- when you watch that first video, again, of
12 Officer Robinson and he is doing that lame ass attempt to
13 pump on Cory. That is embarrassing. That is embarrassing
14 for him to say. He is trying to be the hero. He can't
15 call 911, but he is giving CPR with a cell phone in his
16 hand. No.

17 (Whereupon, a video continued to be published for the
18 jury.)

19 MS. ZMROCZEK: I didn't see nobody shooting.

20 (Whereupon, a video continued to be published for the
21 jury.)

22 MS. ZMROCZEK: I didn't see nobody shooting.

23 (Whereupon, a video continued to be published for the
24 jury.)

25 MS. ZMROCZEK: But it wasn't me. I can't tell you

1 how that gunshot residue got on my hand because it had to
2 have been Cory because it wasn't me.

3 (Whereupon, a video continued to be published for the
4 jury.)

5 MS. ZMROCZEK: Well, ladies and gentlemen, we know
6 that they -- they, I don't know what Gwan Perry did. But
7 we do know what Roshamel Parker did because he even told
8 the cops that he fell through the screen and that -- and
9 he goes and he admits to buying drugs and he fell through
10 the screen. He says he doesn't have enough money and he
11 says he got shot in the kitchen and ladies and gentlemen,
12 all of that is corroborated. All of it. All of it.

13 (Whereupon, a video continued to be published for the
14 jury.)

15 MS. ZMROCZEK: Did Cory say anything? All I heard
16 from him was gurgling. Ladies and gentlemen, this is the
17 most important piece of evidence in this whole case. So
18 I'm going to let you listen to it and I am going to stop
19 stopping it.

20 (Whereupon, a video continued to be published for the
21 jury.)

22 MS. ZMROCZEK: And then, it sounded like I heard that
23 little boy say, you know what it is. This is Jimmy
24 Rogers. This is Jimmy Rogers' statement. The truth.
25 Jimmy Rogers. Did Cory say anything? He was gurgling.

1 And then, I heard that little boy say, you know what it
2 is. Ladies and gentlemen, those four or five words are
3 the State's entire case on attempted armed robbery. But
4 when you actually listen to the evidence and you look at
5 it and you hear about that closeup shot, could it make
6 sense that Gwan Perry, who I don't represent, who my guy
7 doesn't even know, because he knows he's buying drugs.
8 But does it make sense that Cory, who has just shot my
9 client in the face and is now shooting everyone else and
10 Gwan Perry is shooting back. And then Cory goes down and
11 Gwan Perry puts that last shot in him. That up close shot
12 and says, you know what it is. Does that makes sense? It
13 makes just as much sense as, oh, it's an attempted armed
14 robbery. No, no, no. Because ladies -- and I get that
15 they're trying to solve a crime and it's easy for me to
16 play arm chair quarterback, but that's why we have these
17 things. That's why we have these discovery tools because
18 listen to what Duckett does. Duckett takes that sentence
19 and he doesn't take it in the totality. What he does is,
20 he says, Oh, and you know that to be a robbery? What?
21 No, no, no. If they had come in and said that, yeah.
22 Maybe, but that's not what he just testifies to right
23 here.

24 (Whereupon, a video continued to be published for the
25 jury.)

1 MS. ZMROCZEK: When he first got there. So now,
2 Duckett's trying to take it back because he's got to fix
3 it because what he just said is, Cory's gurgling. The
4 little boy says, that's what time it is. And then,
5 Duckett says, But when he first got there?

6 (Whereupon, a video continued to be published for the
7 jury.)

8 MS. ZMROCZEK: Again, the rest is self-serving, Jimmy
9 Rogers' take on what happened. But ladies and gentlemen,
10 you can't get past his words and what happened. If they
11 want you to believe Jimmy Rogers then believe him.

12 Believe what he says, which is, You know what it is, which
13 is their whole basis for this armed robbery or attempted
14 armed robbery. And again, I submit, does it make sense
15 that people who are buying drugs show up with money?

16 Sure. Does it make sense that people who are going to arm
17 rob somebody show up with money to armed rob them of the
18 marijuana? No. And they say, Jimmy was throughout that
19 whole house. This happened so fast. And so I'm very
20 visual. So that's why I have all these charts, ladies and
21 gentlemen, because just like I said, the crime scene tells
22 the story. So what does the crime scene tell us? It
23 tells us that -- even though they didn't test, that Jimmy
24 goes in his room and opens that cabinet and when you look
25 -- you get to look at those pictures and see if you see

1 any grocery bags in there. You know why? Because that's
2 where he keeps all the weed. They said that he came -- he
3 -- Mr. Parker came to buy one bag of weed. That's not
4 what they found in the woods. You will get to take it
5 back there. You know, there's pictures of this drawer
6 being open and a little drop of blood because they found a
7 \$1,000.00 some-odd dollars in the woods that never went
8 back in his room. And executed any search warrant on what
9 else he was hiding in there. Why is there blood by his
10 dresser? It's because he was putting the rest of his
11 money. You'll hear later on as you watch this in the jury
12 room that somebody -- from the time that he was let out in
13 the hospital just a few hours later, you'll find that he
14 says somebody broke into his house. No, no. He calls his
15 daughter so that she can come and get the rest of the
16 proceeds. All of these orange pictures, these are the .40
17 caliber shells from an unknown gun. Okay? Now, remember,
18 if Gwan and Parker are working together, why is all this
19 shooting over here (indicating)? No, no. Read Mr.
20 Parker's statement. He says he didn't have enough and
21 Murder -- Cory tells him, I've got other people coming.
22 He says, come on, man, and he shoots him in the face. You
23 heard what his toxicology was. Does that make people
24 paranoid? Shoots him in the face. Officer Duckett and
25 everyone wants you to believe that there's no way that he

1 could have known that anybody else was in that house. He
2 was shot in the face. You have the pictures. That bullet
3 is still in his ear. He's deaf. He is laying on the
4 ground. He fires off that one shot to see if he's alive.
5 This one (indicating) that's furthest away from the crime
6 scene. But what about this right here (indicating)? Does
7 it make sense that when Cory's gun jams and somebody goes
8 in here to take Mr. Parker's gun and they fire off a shot
9 this way (indicating), that it goes back and to the right?
10 Is that a possibility? It's just as a possibility as
11 everything else that they want you to believe, ladies and
12 gentlemen. And it can't just not be a possibility because
13 the Defendant says it. And then, we have -- these are A,
14 B and C. These are the three shots prior -- from Cory's
15 gun before it jams. I labeled it A because they want to
16 tell you, well, this was the first shot or this was the
17 first shot. No, no. This in the kitchen where he's going
18 to lay out his money and count the drugs is where Cory
19 decides that he has had enough of Mr. Parker not having
20 his money correct. And he's done and he puts that bullet
21 in him and he goes away and that's where that first shot
22 is because guess what, if it wants to be -- so the fatal
23 flaw with Mr. Potts' argument about that first shot being
24 from the 23 is that that's not the shot that was found in
25 the body from that shot. That was the .40. That was the

1 unknown .40. Just like all the other shell casings that
2 were found in that body, that's the unknown .40. That
3 wasn't the .23, as much as they need it to be and they
4 want it to be. And then, he even says, and he starts
5 bleeding and he's holding himself. Guess what we don't
6 have, ladies and gentlemen? We don't have any of Cory's
7 blood in here because he was not shot in that kitchen. He
8 took out Mr. Parker and was going to do his business. I
9 can't tell you what Gwan Perry was thinking. I don't
10 know, but I do know that all of these shots go off over
11 here (indicating). Not in the kitchen. If Gwan Perry was
12 the hero and trying to save the day, then he would have
13 shot him right here (indicating). No. Because he comes
14 in the door to be another serve. To buy some more
15 marijuana and it's just business as usual in this trap
16 house because that's how it worked and all of these shell
17 casings -- you'll see the pictures. All of these come
18 back to that .40, including this fatal one right here
19 (indicating). Including this one right under the body
20 where he puts it in him and he says, you know what it is.
21 Because ladies and gentlemen, the Judge is going to tell
22 you, she is going to charge you on the law about mere
23 presence. And just because Mr. Parker was present at this
24 scene does not make him guilty under hand of one, hand of
25 all and she's going to tell you about third party guilt.

1 There is strong evidence of a third party that is guilty
2 of murder or whatever he's guilty of, voluntary
3 manslaughter. I don't know. I don't represent him.
4 That's not my problem. But what my problem is, is that
5 there is no evidence besides Jimmy Rogers to say that they
6 were there together. Especially, because they get to the
7 hospital in separate cars. Especially, because Mr. Parker
8 admits to everything that he did. What about that note?
9 You mean the note where he says, swerve on Unc, the man
10 that just tried to kill me. And what he learns about four
11 days later -- remember, this note is April 1st. So he
12 knows by now that there's been another person. Don't let
13 him come back to this hospital and finish off the job.
14 Don't let me do that. Ladies and gentlemen, this picture,
15 the blue, is the DNA of Mr. Parker and it's corroboration
16 and it tells the story. It tells the story. They want to
17 say -- there's no testimony that there was a car in the
18 middle of the street picking up two people. No. He says
19 he went there with Serve, who he didn't want to get in
20 trouble. He barely makes it out, goes outside, cuts
21 through the -- falls through the screen, which you'll see.
22 It's all supported by the evidence. That can't lie. That
23 can't be changed. Ladies and gentlemen, this is what
24 happened. Cory Jenkins' DNA, trigger, trigger guard.
25 That's not -- again, this wasn't the gun that put that

1 shot -- it doesn't make sense because it all lines up to
2 the other gun. But what makes sense is Cory picking up
3 this gun (indicating). That's how his DNA got on there.
4 That's how his DNA got on there because his gun jammed.
5 This is the unknown DNA on the nine, but what is known,
6 the partial profile is contributor to unidentified male A
7 on the trigger -- excuse me, on the slide and on the
8 handle. On the slide and on the handle is Jimmy Rogers'
9 DNA. There was definitely a plan that night and that plan
10 was by Cory and by Jimmy because doesn't it make sense
11 that if they know somebody's coming to buy a pound of
12 weed, that they're going to have money and they're just
13 going to take it because he never has money, right? It
14 makes sense. The Judge is going to tell you to use your
15 common sense and I often agree with that. This is a
16 situation that none of you have ever been in before. So
17 you have to take your common sense and put it in an
18 unrealistic situation because you haven't been in that
19 situation. You've never been shot in the head because you
20 didn't have your money right. You've never struggled to
21 get out of the house because somebody has tried to kill
22 you. You've never gone to buy weed and walked into who
23 knows what. So when you take that common sense and add it
24 up with the evidence, ladies and gentlemen, it shows you
25 who the guilty party is. I absolutely agree that there was

1 a reason that Jimmy Rogers didn't want to be here to
2 testify. I absolutely agree with that and that reason has
3 to do with his guilt in this scenario. Gwan Perry will
4 have his day in court and I agree, you shouldn't focus on
5 that. But what you have to focus on is the fact that
6 there is no proof that they were acting in concert. There
7 is no proof that they acted together because there's no
8 proof that Mr. Parker did anything, but go and buy drugs
9 and get shot in the face because he didn't have enough
10 money. I've talked for quite some time that you're going
11 to have this evidence. You won't have them on the
12 diagrams, but you'll have all the rest of it. And then,
13 you can remember this diagram to ask you what makes sense
14 and what's reasonable. Is there reason to doubt the State
15 has met their burden? But ladies and gentlemen, as I
16 close, I want to tell you this. When I looked at that
17 picture of my dog and my chicken in the doghouse together,
18 it's a possibility I hadn't considered and the State
19 doesn't want you to consider this, ladies and gentlemen.
20 But the reason that we have jurors, the reason we have you
21 all here, we've held you hostage and just been talking at
22 you is because this is so important and I want each and
23 every one of you individually to be proud of your verdict
24 because when Gwan Perry comes, they can convict him of
25 murder or voluntary manslaughter or all the other things

1 that he is guilty of. But ladies and gentlemen, you need
2 to be proud to tell the State they have not proven this
3 case. We have a lot of doubts about what happened and
4 because of those doubts, ladies and gentlemen, Roshamel
5 Parker is not guilty of murder, he is not guilty of
6 attempted murder and he is not guilty of attempted armed
7 robbery or possession of a gun during the commission of a
8 violent crime. Ladies and gentlemen, he is not guilty
9 because not only did he not do it, but they didn't prove
10 it. Just be proud of the verdict that you give. Thank
11 you.

12 MR. FYALL: May it please the Court, Your Honor.

13 THE COURT: Yes, sir.

14 MR. FYALL: As we told you at the beginning,
15 coordination, crime and cover-up and what Ms. Zmroczek's
16 closing just now, there's another C word that has come to
17 mind and that's conjecture, right? A lot of speculation
18 about things that are literally impossible. All right?
19 She wants you to believe that Cory shot a gun, Cory then
20 picked up Mr. Parker's gun, shot that gun, Gwan Perry came
21 in and shot a gun and I think she implied that Jimmy also
22 had GSR on his hands because he shot a gun. That's
23 scientifically impossible based on the evidence. If you
24 look at the evidence, what did the experts say, right?
25 Not me. Not Ms. Zmroczek. Not Mr. Potts. What did the

1 experts say? He said, in that house, three guns, period.
2 Three sets of shell casings from three guns.

3 MS. ZMROCZEK: Your Honor, we would object that
4 evidence said it could be three or four.

5 THE COURT: All right.

6 MR. FYALL: That's not the evidence said, Your Honor,
7 but I'll get to that.

8 THE COURT: All right. Objection's overruled.

9 MR. FYALL: He said of the shell casings found in
10 that house, they were fired by three guns, right? Now,
11 there's a fourth gun possibly if you want to just strain
12 your imagination, right, and believe that Cory was shot
13 five times, right, in Mr. Rogers' house, right? The shell
14 casings from that gun just magically disappeared, right?
15 And then, the bullets from the other shell casings of the
16 gun from the house magically disappeared. If you want to
17 believe that, then, yes, there's a fourth gun, but what's
18 the reasonable thing to believe? That the bullets in Cory
19 in Mr. Rogers' house where he is found dead came from the
20 shell casings in Mr. Rogers' house, right? The Judge is
21 going to instruct you on that and you can use common
22 sense. All right? You're not allowed to -- you're
23 allowed to use your common sense when you go back there in
24 the jury room and not make up a fourth gun where there
25 isn't. All right? Trust the science. Trust the experts.

1 Trust the facts. Don't trust that fourth C word, that
2 conjecture. Also, again, don't believe me. Don't believe
3 Ms. Zmroczek or Mr. Potts. Believe the experts. Jennifer
4 Nates, what did she tell you? How you get GSR. Not just
5 from firing a gun. All right? From being near a gun that
6 was fired or touching something, i.e., a gun that had been
7 recently fired and I didn't know this. Ms. Nates is much
8 smarter than I am when it comes to this stuff. She said
9 studies show that the GSR can travel with the bullet, I
10 think she said, up to 80 feet. All right? So if you're
11 being shot at and bullets are coming at you, you will have
12 GSR and everyone had GSR. That's just the fact. Okay?
13 That's what the experts have testified to. Why's Mr.
14 Rogers' DNA on the gun? Because he was bleeding. What
15 did the experts say? Presumptive positive for blood. All
16 right? Which means he had to pick that gun up after he
17 had been shot and we all know he hid it in his backyard.
18 All right? That's what the expert said, right? That's
19 not conjecture. All right. I have one more C word for
20 you and I'm going to get to that in a minute. There's,
21 I'll call it, a cultural thing here with some of the
22 things Mr. Rogers said. So, you know, let's say football,
23 for instance, right? If I said, you know, Prescott at 350
24 yards, and then Ezekiel Elliott had 125 yards rushing.
25 All right? In slang, that doesn't mean those things

1 happened in sequence, right? It means in addition to,
2 right, and if you've lived and used your living experience
3 and met people like Mr. Rogers, right, that's just what
4 that means. People say, and then, right? Not to say that
5 something happened after something else. It's just a way
6 of saying, and here is what else that happened. All
7 right? And so listen to exactly what he says in total.
8 Not broken up.

9 (Whereupon, a video was published for the jury.)

10 MR. FYALL: All right. That's the real reason
11 they're taking that statement. He said he was next to
12 Cory and heard him gurgling. All right? And I guess Ms.
13 Zmroczek wants you to believe that Gwan Perry then reaches
14 around Jimmy Rogers and says, you know what it is, shoots
15 Cory, and then just leaves Mr. Rogers alone, right?
16 Common sense, right? Trust the evidence. Don't trust the
17 conjecture. Lastly, before I close, law enforcement did
18 search Jimmy Rogers' home. All right? She wants you to
19 believe that the marijuana belonged to Jimmy Rogers.
20 Well, you have evidence about that. The marijuana was in
21 sealed plastic bags inside of grocery bags. The two that
22 were found in the back by the fence line and if you look
23 in the pictures, there's one more package of marijuana
24 sealed exactly like that and where is that? In Cory's car
25 when they executed the search warrant, right? The

1 evidence shows that was Cory's weed and they were there to
2 do a transaction. We are not here to tell you, believe
3 Jimmy Rogers because we want you to believe Jimmy Rogers.
4 We're telling you to believe Jimmy Rogers based on the
5 evidence and that leads to the third C word. Back before
6 I had to do a lot of work in this office preparing for
7 trials, I used to watch a show. You may have watched it.
8 It's called NCIS. All right? And there's the main
9 character on there, he's a tough guy. His name is Gibbs
10 and he's, you know, the leader of this law enforcement
11 agency and he always tells his people, there's no such
12 thing as coincidence. And the way I interpreted it is, if
13 you think something is a coincidence, what you actually
14 have is evidence. So you may believe it as a coincidence
15 that Gwan Perry and Roshamel Parker were at the same house
16 having a shootout with the same person and they just so
17 happened to do it minutes apart because the neighbor
18 heard the gunshots and called the police and law
19 enforcement then responds, right? That's not a
20 coincidence. That's evidence that they were working
21 together. Not a coincidence that they end up at the
22 hospital at roughly the same time, right? That's evidence
23 that they were working together. It's not a coincidence
24 that Mr. Parker gets to the hospital, realizes there's a
25 police guarding his room, right. And that he's a suspect

1 in a murder and he tried to pass a note that just so
2 happens to mention Gwan Perry. Just so happens to mention
3 Gwan Perry and asks them to swerve on the only living
4 victim of the incident. That's not a coincidence. That's
5 evidence. It would be ridiculous to believe that all of
6 those things just so happened to occur independently of
7 each other and have nothing to do with one another. I
8 think he also wants you to believe that it's just a
9 coincidence that right after he passes that note to the
10 nurse, right, with instructions to go swerve on Unc and
11 after that, he says, yes, here's my opportunity. Here's
12 my opportunity to talk to law enforcement now that the
13 other person, the only other person that was there to tell
14 the story has been dealt with. Ladies and gentlemen,
15 that's not coincidence. That is evidence. Evidence and
16 there's one more thing that Ms. Zmroczek mentioned that I
17 want to talk to you about. She talked to you about this
18 -- both shell casings from Roshamel's gun being in the
19 kitchen, right? And like we said, the experts told you
20 that both of those shell casings came from the Defendant's
21 gun. Now, she wants you to believe that Cory shot those
22 or at least one of them. If that's the case, then the
23 only way that's likely or possible is that there's this
24 big shootout in here. All right? Cory's gun jams, he
25 manages to run away from that shooter with his back

1 turned, right, go into the kitchen around here
2 (indicating). All right? Retrieve Roshamel's gun, and
3 then shoot it only one more time after his gun jams.
4 That's impossible. He would have died in the kitchen and
5 quite frankly, Unc would be dead, too. All right. Don't
6 believe the conjecture. Believe the evidence. It's not
7 coincidence. It's evidence. When the evidence in this
8 case, the evidence, shows that Roshamel Parker and Gwan
9 Perry went in that house with the intent to do an
10 attempted armed robbery. All right? This is not a drug
11 deal gone bad. This is a drug deal that was meant to go
12 bad from the beginning and she's right. Gwan Perry's not
13 on trial, but his actions are on trial because under the
14 hand of all, the hand of all, they are judged together for
15 trying to kill Cory, for trying to kill Unc. And you'll
16 hear about transferred intent from the Judge. Even if
17 they were shooting at Cory and Unc got injured, that's
18 transferred intent for attempted murder and for attempted
19 armed robbery. You know what it is. The possession of a
20 weapon during a violent crime. We're not asking you to
21 suspect that he's guilty. All right? We're not asking
22 you to believe people just because we want you to believe
23 them. We're asking you to believe the evidence because
24 the evidence will leave you firmly convinced that Roshamel
25 Parker is guilty. Thank you.

1 THE COURT: All right. Ladies and gentlemen of the
2 jury, at this time, we're ready for closing -- I mean, for
3 the charge on the law. We're going to take a break
4 because we've been going about two hours. And so we're
5 going to take a quick bathroom break. The charge I have
6 is going to take a little bit of time. And so instead of
7 us trying to go through this, we'll take about 10 minutes
8 or so for you to stretch, use the restroom and we'll
9 receive you back in the courtroom. Please, do not discuss
10 the case. Thank you.

11 (Whereupon, the jury was excused from open court for
12 a break.)

13 THE COURT: All right. So let's take about 10
14 minutes, we have been going about two hours.

15 MR. POTTS: Thank you, Your Honor.

16 (Whereupon, a short break was taken.)

17 THE COURT: Okay. Bring them in.

18 (Whereupon, the jury came into open court at
19 approximately 12:21 p.m.)

20 THE COURT: All right. Thank you. Ladies and
21 gentlemen of the jury, you have received all of the
22 evidence, you have heard the arguments of the parties and
23 now it is my responsibility to charge you as to the law.
24 I'll remind you that during this trial, you and I have
25 certain duties to perform. As a trial Judge, it is my

1 responsibility to preside over the trial of this case and
2 I also have the duty to rule on the admissibility of
3 evidence offered during this trial. You are to consider
4 only the competent evidence before you. If there was any
5 testimony ordered stricken from the record in this case
6 during this trial, you must disregard that testimony. You
7 are to consider only the testimony which has been
8 presented from the witness stand, any exhibits which have
9 been made a part of the record in this case and any
10 stipulations of counsel. I have the additional duty to
11 charge you the law applicable to this case. As the
12 presiding Judge, I am the sole Judge of the law in this
13 case and it is your duty as jurors to accept and apply the
14 law as I state it to you. If you already have any idea as
15 to what the law is or what the law ought to be and it does
16 not agree with what I now tell you the law is, you must
17 abandon this idea because you are sworn to accept the law
18 and apply the law exactly as I state it to you. In every
19 case tried in this court before a jury, the jury becomes
20 the sole and exclusive judge of the facts in a case. A
21 trial Judge cannot comment on, state or make any statement
22 to a trial jury about the facts in a case. Since you, the
23 jury, are the sole judges of the facts in the case, you
24 are not to infer from what I have said during the progress
25 of this trial in ruling upon the admissibility of evidence

1 or otherwise, anything that I say now during the course of
2 this instruction to you that I have an opinion about the
3 facts in this case. The law does not allow me to have an
4 opinion about the facts in this case. This is a matter
5 solely for you, the jury, to determine. As jurors, it is
6 your duty to determine the effect, the value, the weight
7 and truth of the evidence presented during this trial.

8 Ladies and gentlemen of the jury, there are two types
9 of evidence which are generally presented during a trial.
10 Direct evidence and circumstantial evidence. Direct
11 evidence directly proves the existence of a fact and does
12 not require deduction. Circumstantial evidence is proof
13 of a chain of facts and circumstances indicating the
14 existence of a fact. Crimes may be proven by
15 circumstantial evidence. The law makes no distinction
16 between the weight or value to be given to either direct
17 or circumstantial evidence. However, to the extent that
18 the State relies on circumstantial evidence, all of the
19 circumstances must be consistent with each other and when
20 taken together, point conclusively to the guilt of the
21 accused beyond a reasonable doubt. If these circumstances
22 merely portray the Defendant's behavior as suspicious, the
23 proof has failed.

24 The State has the burden of proving the Defendant
25 guilty beyond a reasonable doubt. The burden rests with

1 the State regardless of whether the State relies on direct
2 evidence, circumstantial evidence or a combination of the
3 two.

4 Necessarily, you must determine the credibility of
5 witnesses who have testified in this case. Credibility
6 simply means believability. It becomes your duty as
7 jurors to analyze and to evaluate the evidence in
8 determining which evidence convinces you of its truth. In
9 determining the believability of witnesses who have
10 testified in this case, you may believe one witness over
11 several witnesses or several witnesses over one witness.
12 You may believe a part of the testimony of a witness and
13 reject the remaining part of the testimony of that same
14 witness. You may believe the testimony of a witness in
15 its entirety or reject the testimony of a witness in its
16 entirety. You may consider whether any witness has
17 exhibited to you any interests, bias, prejudice or other
18 motive in this case. You may also consider the appearance
19 and manner of a witness while on the witness stand.

20 Ladies and gentlemen of the jury, a person who has a
21 past criminal record is competent to testify during a
22 trial. A past record does not affect the ability of that
23 witness to testify. The past record may only be
24 considered by you, if at all, in determining the witness'
25 believability. Remember, you're the sole judges of the

1 facts in this case and the believability of any and all
2 witnesses.

3 There's been evidence presented that witnesses have
4 made prior statements which are not consistent with the
5 witness' present testimony. You may use this evidence to
6 decide whether to believe a witness. You may also use
7 evidence of the earlier contradictory statements to
8 determine the truth of those statements. It is up to you
9 to decide whether to believe the earlier statements or the
10 testimony given at trial. If a witness is shown to have
11 knowingly testified untruthfully concerning any material
12 matter, you may consider this in determining whether to
13 trust a witness' testimony as to other matters. You may
14 reject all testimony of that witness or give it -- give
15 all or part of the testimony the weight that you think it
16 deserves.

17 We've had quite a few experts testify in this case
18 and as I told you earlier, the rules of evidence
19 ordinarily do not permit witnesses to testify to opinions
20 or conclusions. An exception to this rule is for
21 witnesses we call expert witnesses. A witness who, by
22 education and experience, has become an expert in some
23 art, science, profession or calling may state an opinion
24 as to relevant and material matters in which the witness
25 claims to be an expert and may also state the reason for

1 giving -- reasons for giving the opinion. You should
2 consider any expert opinion received in evidence in this
3 case and like any other evidence, give it the weight you
4 think it deserves. If you decide that the opinion of the
5 expert witness is not based on sufficient education and
6 experience or if you conclude that the reason given in
7 support of the opinion are not sound or that the opinion
8 is outweighed by other evidence, you may disregard the
9 opinion entirely. An expert witness' testimony is to be
10 given no greater weight than that of other witnesses
11 simply because the witness is an expert. Further, you are
12 not required to accept an expert's opinion even though it
13 is not contradicted.

14 Ladies and gentlemen of the jury, the indictments in
15 this case allege several different offenses against the
16 Defendant. As I told you on Monday, the charges are -- in
17 indictment number one, the Defendant is charged with
18 murder. In the second indictment, the Defendant is
19 charged with attempted murder. The third indictment,
20 attempted armed robbery. And then, in the last -- the
21 fourth indictment is possession of a weapon during the
22 commission of a violent crime. Each indictment charges a
23 separate and distinct offense. You must decide each
24 indictment separately on the evidence and the law
25 applicable to it uninfluenced by your decision as to any

1 other indictment. The Defendant may be convicted or
2 acquitted on any or all of the offenses charged. You will
3 be asked to write a separate verdict of guilty or not
4 guilty for each indictment.

5 As I told you on Monday, the indictments charge the
6 Defendant with murder, attempted murder, attempted armed
7 robbery and possession of a weapon during the commission
8 or attempt to commit a violent crime. I remind you that
9 the fact that the Defendant was arrested, charged and
10 indicted in this case is not evidence in this case and
11 cannot be considered by you as evidence of guilt in this
12 case, nor does it create any presumption or inference of
13 guilt. These documents are simply the formal written
14 instruments which contain the charges made against the
15 Defendant. They are the formal documents by which this
16 case is brought into court.

17 In this case, the Defendant has pled not guilty to
18 these indictments and that put -- and that plea puts the
19 burden on the State to prove the Defendant guilty. A
20 person charged with committing a criminal offense in South
21 Carolina is never required to prove himself innocent. I
22 charge you that it is an important rule of the law that
23 the Defendant in a criminal trial, no matter what the
24 seriousness of the charge may be, will always be presumed
25 to be innocent of the crime for which the indictment was

1 issued unless guilt has been proven by evidence satisfying
2 you of that guilt beyond a reasonable doubt.

3 This presumption of innocence does not end when you
4 begin your deliberations, but it accompanies the Defendant
5 throughout the trial until you reach a verdict of guilt
6 based on evidence satisfying you of that guilt beyond a
7 reasonable doubt. The presumption of innocence is like a
8 robe of righteousness placed about the shoulders of the
9 Defendant which remains with the Defendant until it has
10 been stripped from the Defendant by evidence satisfying
11 you of the Defendant's guilt beyond a reasonable doubt.
12 The presumption of innocence is not mere legal theory. It
13 is not just a legal phrase. It is a substantial right to
14 which every defendant is entitled unless you, the jury,
15 are satisfied from the evidence of the Defendant's guilt
16 beyond a reasonable doubt.

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

1 It must be beyond a reasonable doubt. Proof beyond a
2 reasonable doubt is proof that leaves you firmly convinced
3 of the Defendant's guilt. There are very few things in
4 this world that we know with absolute certainty and in
5 criminal cases, the law does not require proof that
6 overcomes every possible doubt. If, based on your
7 consideration of the evidence, you are firmly convinced
8 that the Defendant is guilty of the crime charged, you
9 must find the Defendant guilty. If, on the other hand,
10 you think there's a real possibility that the Defendant is
11 not guilty, you must give the Defendant the benefit of the
12 doubt and find him not guilty.

13 In order to establish criminal liability, criminal
14 intent is required. For example, the mental state
15 required to be proven by the State for a particular crime
16 might be purpose, intent, knowledge, recklessness or
17 criminal negligence. Criminal intent must be proven by
18 the State beyond a reasonable doubt. Criminal intent is
19 always a matter that must be determined by the jury from
20 the circumstances surrounding a situation. There is no
21 way to prove intent to a mathematical certainty. There's
22 no way medical science can dissect a person's brain and
23 determine what the person had in mind. So the law says
24 that criminal intent may be inferred from the
25 circumstances shown to have existed. This is how you make

1 a determination of whether or not the element requiring
2 intent was present. It is not necessary to establish
3 intent by direct and positive evidence, but intent may be
4 established by inference in the same way as any other fact
5 by taking into consideration the acts of the parties and
6 all of the facts and circumstances of the case. Criminal
7 intent is a mental state, a conscious wrongdoing. It is
8 up to you to determine what the Defendant intended to do
9 based on the circumstances shown to have existed.
10 Criminal intent can arise from action or a failure to act.
11 It may arise from negligence, recklessness or an
12 indifference to the duty or the consequences that is
13 considered by the law to be the equivalent of criminal
14 intent.

15 Next we'll talk about transferred intent. If the
16 Defendant, with malice aforethought, attempts to kill
17 another person, but by mistake injures or kills a
18 different person, the Defendant still has the intent to
19 kill. The intent to kill is merely transferred from the
20 original person the Defendant attempted to kill to the
21 actual person killed or injured. The Defendant would be
22 guilty of assault and battery with the intent to kill just
23 as if the attempt had resulted in the death or injury of
24 the person the Defendant attempted to kill.

25 Where a person inflicts a fatal injury on another

1 person and that other person dies at a later time, you
2 must be convinced beyond a reasonable doubt that the
3 infliction of the first injury was the proximate cause of
4 the victim's death.

5 Give me one second. I think these are out of order.

6 All right, I'll start over. As I stated to you earlier,

7 the Defendant is charged with murder. And at this time, I

8 am going to go over the Statute with you, which is our

9 Statute 16-3-10. The Defendant is charged with murder.

10 The State must prove beyond a reasonable doubt that the

11 Defendant killed another person with malice aforethought.

12 Malice is hatred, ill will or hostility towards another

13 person. It is the intentional doing of a wrongful act

14 without just cause or excuse and with an intent to inflict

15 an injury or under circumstances that the law will infer

16 an evil intent. Malice aforethought does not require that

17 malice exist for a particular time before the act is

18 committed. But malice must exist in the mind of the

19 Defendant just before and at the time of the act -- at the

20 time the act is committed. Therefore, there must be a

21 combination of the previous evil intent and the act.

22 Malice aforethought may be expressed or inferred. These

23 terms, express or inferred do not mean different kinds of

24 malice but merely the manner in which malice may be shown

25 to exist. That is either by direct evidence or by an

1 inference from the facts and circumstances which are
2 proven. Expressed malice is shown when a person speaks
3 words which express hatred or ill will for another or when
4 the person prepared beforehand to do the act which was
5 later accomplished. For example, lying in wait for a
6 person or any other acts of preparation going to show that
7 the deed was within the Defendant's mind would be
8 expressed malice. Malice may be inferred from conduct
9 showing a total disregard for human life.

10 The Defendant in this case is also charged with
11 attempted murder. The Defendant is charged with attempted
12 murder. In order to prove this crime the State must prove
13 the Defendant attempted to kill another person with malice
14 aforethought, either expressed or implied. Malice is
15 hatred, ill will or hostility towards another person. It
16 is the intentional doing of a wrongful act without just
17 cause or excuse and with the intent to inflict an injury
18 or under circumstances that the law would infer an evil
19 intent. Malice aforethought does not require that malice
20 exist for any particular time before the act is committed,
21 but malice must exist in the mind of the Defendant just
22 before and at the time of the act -- at the time the act
23 is committed. Therefore, there must be a combination of
24 the previous evil intent and the act. Malice aforethought
25 may be expressed or inferred. These terms, malice --

1 these terms, expressed and inferred, do not mean, once
2 again, different kinds of malice but merely the manner in
3 which malice may be shown to exist. That is either by
4 direct evidence or by inference from the facts and
5 circumstances which are proved. Expressed malice is shown
6 when a person speaks words which express hatred or ill
7 will for another or when the person prepared beforehand to
8 do the act which was later accomplished. For example,
9 lying in wait for a person or any other acts of
10 preparation going to show that the deed was within the
11 Defendant's mind would be expressed malice. Malice may be
12 inferred from conduct showing a total disregard for human
13 life. Inferred malice may also --

14 MS. ZMROCZEK: Your Honor, may we approach?

15 (Whereupon, a bench conference was held in the
16 presence of the jury but out of the hearing of the
17 jury.)

18 THE COURT: All right. If facts are proved beyond a
19 reasonable doubt sufficient to raise an inference of
20 malice to your satisfaction this inference would be simply
21 an evidentiary fact to be considered by you, the jury,
22 along with other evidence in the case and you may give it
23 the weight you decide it should receive. A specific
24 intent to kill is an element of attempted murder.
25 Specific intent means intending a certain result to

1 actually occur, not accidentally or involuntary. Intent
2 may be shown by acts and conduct of the Defendant and
3 other circumstances from which you may naturally and
4 reasonably infer intent. Evidence of the character of the
5 act, the character of the instrument used, the manner in
6 which it was used, the purpose to be accomplished and the
7 resulting wounds or injuries may be considered in
8 determining the intent with which the act was committed.
9 Intent may be -- may also be inferred when it is
10 demonstrated that the Defendant voluntarily and willfully
11 commits an act, the natural tendency of which is to
12 destroy another's life.

13 Attempt. An attempt is an effort to accomplish a
14 crime which does not succeed. An attempt includes a
15 specific intent to do a particular criminal act along with
16 an act, falling short of the act intended. The State must
17 show more than mere preparation and intent. There must be
18 some overt act committed in the effort to commit the
19 crime. Intent means intending the result which was
20 supposed to occur, not accidentally or involuntary.
21 Intent may be shown by acts and conduct of the Defendant
22 and other circumstances from which you may naturally and
23 reasonably infer intent.

24 Attempted armed robbery. The Defendant is charged
25 with attempted armed robbery. In order to prove this

1 offense the State must prove beyond a reasonable doubt
2 that the Defendant attempted to take personal property
3 from the person or presence of another person. The
4 property is in the presence of a person if it is within
5 the person's reach, inspection, observation or control so
6 that the person could, if not overcome with violence or
7 prevented by fear, keep possession of the property. The
8 State must also prove beyond a reasonable doubt that the
9 Defendant attempted to or had intention to carry the
10 property away intending to permanently deprive the owner
11 of the property and to keep the property for the
12 Defendant's own use. The slightest removal of the
13 property or the complete possession of the property, even
14 for an instant, by the Defendant is sufficient to show a
15 taking and carrying away of the property. The taking and
16 carrying away of the property must have been done with
17 violence or by putting the owner of the property in fear
18 of violence. Finally, the State must prove beyond a
19 reasonable doubt that the Defendant was armed with a
20 deadly weapon during the robbery. A deadly weapon is an
21 article, instrument or substance which is likely to cause
22 death or great bodily harm. Whether an instrument has
23 been used as a deadly weapon depends on the facts and
24 circumstances of each case.

25 The Defendant is also charged in this case with

1 possession of a weapon during the commission of a violent
2 crime. The State must prove beyond a reasonable doubt
3 that the Defendant was in possession of a firearm or
4 visibly displayed what appeared to be a firearm during the
5 commission of a violent crime. A firearm means any
6 machine gun, automatic rifle, revolver, pistol or any
7 weapon which will and is designed to or may be readily
8 converted to expel a projectile. In order to find the
9 Defendant guilty of possession of a weapon during the
10 commission of a violent crime, you must first find the
11 Defendant guilty of either committing a violent crime or
12 attempting to commit a violent crime. Ladies and
13 gentlemen of the jury, I submit to you that murder,
14 attempted murder and attempted armed robbery are all
15 classified as violent crimes under our law.

16 An issue in this case is the identification of the
17 Defendant as a person who committed the crime charged.
18 The State has the burden of proving identity beyond a
19 reasonable doubt. You must be satisfied beyond a
20 reasonable doubt of the accuracy of the identification of
21 the Defendant before you may convict the Defendant.
22 Identification testimony is an expression or belief or
23 impression by a witness. You must determine the accuracy
24 of the identification of the Defendant. You must consider
25 the believability of each identification witness in the

1 same way as any other witness. You may consider whether
2 the witness had an adequate opportunity to observe the
3 offender at the time of the offense. This will be
4 affected by things like how long or short a time was
5 available, how far or close the witness was, the lighting
6 conditions and whether the witness had a chance to see or
7 know the person in the past. Once again, I instruct you,
8 the burden of proof is on the State and it extends to
9 every element of the crime charged. And this specifically
10 includes the burden of proving beyond a reasonable doubt
11 the identity of the Defendant as the person who committed
12 the crime. If after examining the testimony, you have a
13 reasonable doubt as to the accuracy of the identification,
14 you must find the Defendant not guilty.

15 Ladies and gentlemen of the jury, mere presence at
16 the scene is not sufficient to prove someone guilty of a
17 crime. A Defendant's presence where a crime is being
18 committed or mere association with the person who commits
19 a crime does not make a Defendant an accomplice or an
20 aider and abettor of the person committing the crime. The
21 burden is on the State to prove every element of the crime
22 charged. If you find, after reviewing all of the
23 evidence, that the State has proved that the Defendant was
24 only present at the scene of a crime and that they have
25 not proved beyond a reasonable doubt any other

1 participation in the crime, then you must find the
2 Defendant not guilty. The law is that proof of at the
3 scene of a crime is not sufficient to find someone guilty.

4 Ladies and gentlemen of the jury, next I will charge
5 you as to accomplice liability. If a crime is committed
6 by two or more people who are acting together in
7 committing a crime, the act of one is the act of all. A
8 person who joins with another to commit an unlawful act is
9 criminally responsible for everything done by the other
10 person which happens as a probable or natural consequence
11 of the acts done in carrying out the common plan and
12 purpose. For example, two people can be guilty of killing
13 another person when only one of the two had a gun, there
14 was only one bullet and only one of the two fired the shot
15 that caused the death. If two or more people are
16 together, acting together, assisting each other in
17 committing the offense, the act of one is the act of all.
18 As it is sometimes said, the hand of one is the hand of
19 all. Prior knowledge that a crime is going to be
20 committed without more is not sufficient to make a person
21 guilty of that crime. Mere knowledge that another person
22 is going to commit a crime, even if the Defendant is
23 present when the crime is committed, is not sufficient to
24 convict the Defendant as a principal. Guilt as a
25 principal is shown by actual or constructive presence at

1 the scene as a result of prior arrangement. Therefore, a
2 finding of a prior arranged plan or common scheme is
3 necessary for a finding of guilt as a principal. The
4 State must prove beyond a reasonable doubt by competent
5 evidence the theory of the hand of one is the hand of all.
6 A principal in a crime is one who either actually commits
7 the crime or who was present, aiding, abetting or
8 assisting in committing the crime. When a person does an
9 act in the presence of and with the assistance of another,
10 the act is done by both. Where two or more, acting with a
11 common plan or intent, are present at the commission of a
12 crime, it does not matter who actually commits the crime,
13 all are guilty. The hand of one is the hand of all.
14 Present at the commission of a crime means to be
15 sufficiently near participation in the crime. Then you
16 must find -- present at the commission of a crime means to
17 be sufficiently near participation in the crime. The law
18 means that proof of at the scene of the crime is not
19 sufficient to find someone guilty.

20 Next we'll talk about proximate cause. Where a
21 person inflicts a fatal injury on another person and that
22 other person dies at a later time, you must be convinced
23 beyond a reasonable doubt that the infliction of the first
24 injury was the proximate cause of the victim's death.
25 Proximate cause is the direct cause, it is the immediate

1 cause, it is the efficient cause, it is the cause without
2 which the death of the victim would not have resulted.
3 There must be a chain of causation from the time of the
4 injury inflicted by the Defendant until the time of the
5 victim's death. Proximate cause does not necessarily mean
6 that it occurred immediately prior to the death. There
7 may be more than one proximate cause. The acts of two or
8 more persons may combine together to be a proximate cause
9 of the death of a person. The Defendant's act may be
10 regarded as the proximate cause if it is a contributing
11 cause of the death of the victim. The fact that other
12 causes also contribute to the death of the victim does not
13 relieve the Defendant from responsibility. The
14 Defendant's act need not be the sole cause of the death
15 but must be a proximate cause contributing to the death of
16 the victim. It is not a defense to show that the victim
17 might have recovered had he been treated according to the
18 most approved surgical or medical standards or as a
19 reasonable prudent doctor would have treated in the case
20 or even by showing that the treatment was negligent. If,
21 however, the death was caused not by the wound or the
22 injury that the victim had, but was caused by the gross,
23 erroneous, willful, deliberate treatment, the Defendant
24 would not be liable. In other words, negligence on the
25 part of someone else would not relieve the Defendant from

1 liability if the injury was the proximate cause of the
2 victim's death. However, gross negligence or intentional
3 activity on the part of the practitioners would relieve
4 the Defendant of liability. The propriety of the medical
5 procedures is an integral question in determining
6 causation.

7 All right. Ladies and gentlemen of the jury, the
8 Defendant in this case contends that there's evidence
9 before you indicating that someone acting separately and a
10 part from him may have committed the crimes of murder,
11 attempted murder -- the crimes of murder, attempted
12 murder, attempted armed robbery and possession of a weapon
13 during the commission of a violent crime and that evidence
14 raises a reasonable doubt with respect to the Defendant's
15 guilt. In this regard, I charge you that the Defendant,
16 in a criminal case, has the right to rely on any evidence
17 produced at trial that has a rational tendency to raise a
18 reasonable doubt with respect to his or her own guilt. I
19 previously charged you with regard to the State's burden
20 of proof, which never shifts to the Defendant. The
21 Defendant does not have to produce any evidence that
22 proves the guilt of another but may rely on evidence that
23 creates a reasonable doubt. In other words, there is no
24 requirement that this evidence must prove or even raise a
25 strong probability that someone other than the Defendant

1 committed the crime. You must decide whether the State
2 has proven the Defendant's guilt beyond a reasonable
3 doubt, not whether the other person or persons may have
4 committed the crimes.

5 Ladies and gentlemen of the jury, the Defendant in
6 this case did not testify. I instruct you and emphasize
7 that the fact that the Defendant did not testify is not a
8 factor to be considered by you in any way in your
9 deliberations and your consideration on the question of
10 the guilt or innocence of the Defendant. It must not be
11 considered by you in any manner whatsoever. A Defendant
12 has the Constitutional right to remain silent and the
13 assertion of this right must not be considered by you in
14 any of your deliberations. I repeat, under your oath,
15 you're to draw no conclusion whatsoever from the fact that
16 the Defendant in this case did not testify. The fact that
17 the Defendant did not testify should not even be discussed
18 by you in the jury room. The burden of proof, as I stated
19 to you, is on the State. The Defendant is not required to
20 prove his innocence. The burden of proof remains on the
21 State to prove guilt beyond a reasonable doubt.

22 Ladies and gentlemen of the jury, the State and
23 Defendant in this case are entitled to the individual
24 opinion of each juror on the issues of fact in this case.
25 It is the duty of each of you to consider and weigh all of

1 the evidence in the case and from such evidence to
2 determine, if you can, the question of the guilt or
3 innocence of the Defendant. There's nothing peculiarly
4 different in the way a jury considers the evidence in a
5 criminal case from that in which a reasonable person
6 treats any question depending upon evidence presented to
7 them. You're expected to use your good sense, consider
8 the evidence in a case for only the purposes for which it
9 has been admitted and give it a reasonable and fair
10 construction in the light of your common knowledge of the
11 natural tendencies and inclinations of human beings. If
12 the accused be proved guilty beyond a reasonable doubt,
13 say so. If not so proved, guilty beyond a reasonable
14 doubt, say so.

15 Your verdict in this case will be one of two forms.
16 If, from the evidence and the law, you find that the
17 Defendant is not guilty of the crimes charged, you will
18 circle not guilty on the verdict form that I will give you
19 and the Foreman will sign his name. If, on the other
20 hand, you find that the Defendant is guilty based upon the
21 evidence and the law which you have heard, you will circle
22 guilty on the verdict form and the Foreman will sign his
23 name. Your verdict must be unanimous. It must be guilty
24 or not guilty. The law requires that a jury verdict be
25 unanimous, which means that all the jurors must agree.

1 The only two forms on the verdict are guilty or not
2 guilty. Mr. Foreman, once the jury reaches a verdict of
3 not guilty or guilty, circle the verdict on the face of
4 the verdict form and sign your name under the verdict to
5 signify that what you have circled is the verdict of all
6 the jurors. Then you will knock on the door and indicate
7 to the Bailiff that you all have reached a verdict. I
8 will give you a copy of these instructions in written form
9 during your deliberations. You may refer to the
10 instructions to guide your decision making. You must
11 consider the instructions as a whole and not follow some
12 and ignore others. We're going to send you back to the
13 jury room. Let me go over the verdict form with you right
14 now. This is the verdict form. All right. Mr. Foreman,
15 I'm going to give you a copy of the verdict form so that
16 you can read along with me. Can you hand that to him?
17 All right. It reads, In the State of South Carolina,
18 County of Richland, State of South Carolina versus
19 Roshamel D. Parker, Defendant, in the Court of General
20 Sessions for the Fifth Judicial Circuit. And it has the
21 indictment numbers there. 2019-GS-4107, 109, 110 and 112.
22 It says, Verdict form. Please circle the appropriate
23 verdict below and follow the accompanying instructions
24 carefully. It says, Number one. As to the indictment
25 alleging murder. We, the jury, unanimously find the

1 Defendant -- and you have guilty and not guilty there.
2 You will circle one or the other.

3 Then the next question is, Number two. As to the
4 indictment alleging attempted murder. We, the jury,
5 unanimously find the Defendant guilty or not guilty.

6 Number three. As to the indictment alleging
7 attempted armed robbery. We, the jury, unanimously find
8 the Defendant guilty or not guilty.

9 And number four. As to the indictment alleging
10 possession of a weapon during the commission of a violent
11 crime. We, the jury, unanimously find the Defendant
12 guilty or not guilty. In order to find -- you'll see the
13 note under there. In order to find the Defendant guilty
14 of possession of a weapon during the commission of a
15 violent crime, you must first find the Defendant guilty of
16 either committing a violent crime or attempting to commit
17 a violent crime. And as I told you in my jury charge,
18 murder, attempted murder and attempted armed robbery are
19 all violent crimes. At that time, you will stop and end
20 your deliberations. Mr. Foreman, you sign where it says,
21 presiding juror and date it. And then you will knock on
22 the door and inform the Bailiff that you all have reached
23 a verdict. Remember, that verdict must be unanimous.
24 That means all 12 of you must agree. We are going to send
25 you all back in the jury room. It's going to -- your

1 lunch is probably already there. We will send the jury
2 charge back and the exhibits back. And then you can begin
3 your deliberations. But do not begin deliberating until
4 you receive the evidence and it's quite a bit. So we're
5 going to go through that and send it back. So it may be a
6 second. So go ahead and start eating your lunch. And
7 then they'll knock on the door and they'll bring the
8 evidence, the exhibits, they'll bring the jury charge, the
9 verdict form and then you can begin your deliberations.
10 All right. I'll take that back from you. Yes. All
11 right. Thank you.

12 (Whereupon, the jury was excused from open court at
13 approximately 1:06 p.m.)

14 THE COURT: All right. Any objections or exceptions?

15 MS. ZMROCZEK: Your Honor, there was one that -- and
16 I didn't -- I'm sorry that I cut you off. I felt like it
17 had already been slipped in once and I wanted to make sure
18 that we didn't talk about the gun. But when you were
19 describing intent -- and I'm on page 23 but I don't know
20 if I have the same pages as you all.

21 THE COURT: No. I moved some stuff around because it
22 wasn't -- like some of the stuff was just kind of --

23 MS. ZMROCZEK: On my page 23, which is the end of the
24 definition -- or the charge, excuse me, on intent, it
25 says, Evidence of the character of the act, the character

1 of the instrument used, in the manner in which it was
2 used, the purpose to be accomplished, the results, wounds,
3 injuries may be considered in determining intent. So that
4 part was read to the jury. And so as not to draw
5 attention to it, I don't think we have to come back and
6 charge them on intent.

7 THE COURT: But you're -- that's intent for an armed
8 robbery. So we have to talk about the weapon in there
9 because you have to be able to say that there was --

10 MS. ZMROCZEK: And I guess it just -- I guess the way
11 that it came across was confusing to me.

12 THE COURT: Yeah. Well, we just added it with the
13 intent on the murder. But that's intent under the armed
14 robbery. I mean, you all can correct me if I'm wrong, but
15 is that what -- because that --

16 MS. ZMROCZEK: Yeah. I just want to make sure that
17 it flowed that way.

18 THE COURT: Attempted armed robbery, whether an
19 instrument has been used as a deadly weapon depends on the
20 facts and circumstances of each case. So that's the
21 definition of armed robbery which is separate from the
22 inference from the deadly weapon and the murder.

23 MS. ZMROCZEK: Right. And I guess because it was
24 just --

25 THE COURT: Yeah.

1 MS. ZMROCZEK: You see what I'm saying, with the
2 definition of intent, it was under the definition of
3 intent.

4 THE COURT: It's under intent or armed robbery?

5 MS. ZMROCZEK: No. It was the intent that I had.

6 MR. POTTS: It was under the attempt, the attempt
7 charge.

8 THE COURT: And you know what. That was -- I can
9 really take that out because I think it's duplicative.

10 MS. ZMROCZEK: Yeah.

11 THE COURT: -- because it's already in there. It
12 already -- it's under attempted armed robbery or under
13 attempted -- that language, I read it twice. I know I
14 did.

15 MS. ZMROCZEK: Right.

16 THE COURT: I'm going to take some of the language
17 out because even under murder and attempted murder, all of
18 that malice stuff is duplicative.

19 MS. ZMROCZEK: If we can just look at it before you
20 send it back.

21 THE COURT: Yes.

22 MR. POTTS: And, Your Honor, I do have a separate
23 issue as well. In the transferred intent charge, Your
24 Honor, it talks about, The Defendant will be guilty of
25 assault and battery with intent to kill.

1 MS. ZMROCZEK: Yeah. I saw that.

2 THE COURT: I saw that and I thought it was -- after
3 I said it, it was using -- so I need to change that to
4 attempted murder.

5 MS. ZMROCZEK: Yes. And we would agree with that.

6 THE COURT: Do you want me to bring them back -- I
7 can bring them back out and read it to them.

8 MR. POTTS: I'm not very concerned by it.

9 MS. ZMROCZEK: I think as long as it's correct in the
10 charge that we send back, Your Honor.

11 THE COURT: Okay. So it's going to read, The
12 Defendant would be guilty of attempted murder just as if
13 the attempt had resulted in the death or injury of the
14 person the Defendant attempted to kill.

15 MS. ZMROCZEK: Yes.

16 MR. POTTS: Yes, Your Honor.

17 MS. ZMROCZEK: I think that's proper.

18 THE COURT: All right. So we've got to get that
19 language. All right. Let me get with her and try to
20 figure out how --

21 MR. FYALL: We'll just look through the evidence we
22 have.

23 THE COURT: Okay. Yeah.

24 MR. POTTS: Thank you, Your Honor.

25 (Whereupon, a short break was taken while the Court

1 Reporter and Attorneys goes over the evidence.)

2 THE COURT: All right. And is it juror number 61.

3 THE JUROR: Depasquale, last name.

4 THE COURT: Depasquale and Ms. Stoudemire-Barnes.

5 THE JUROR: Yes.

6 THE COURT: All right. I want to thank you on behalf
7 of everyone here for your service this week. In the words
8 of my former boss, being an alternate is like being asked
9 to the dance, but not being asked to dance. As you can
10 see, all of the other jurors have returned. But we have
11 to have alternates just in case emergencies occur. And so
12 I do want to thank you all for being here. Although you
13 will not be able to deliberate with them, your services
14 here was very important this week. So I do want to thank
15 you on behalf of everyone here for being here. Your -- I
16 know, like I said on Monday, it's a sacrifice to leave
17 your jobs and your families. But as you can see, there
18 are matters that come up that can only be resolved by
19 swell citizens and I do want to thank you for being here
20 and your participation this week. You are free to leave.
21 You are free to speak with anyone. You do not have to
22 speak with them if you do not choose to. Sometimes the
23 lawyers will talk -- want to talk to you to get your
24 feelings on the case and what you may think. But if you
25 don't want to, you don't have to. You're free to leave at

1 this point. If you wish to stay and see what your fellow
2 jurors have come up with, you can hang out here in the
3 courtroom. Just let the bailiffs know and they will
4 escort you around. All right?

5 (Whereupon, the alternates were excused from the
6 trial of the case.)

7 (Whereupon, a recess was held.)

8 THE COURT: All right. We're just going to put on
9 the record that you all have reviewed it and it's going to
10 go back.

11 MR. POTTS: I object. I'm joking.

12 THE COURT: Thank you. All right. So we made those
13 corrections and I appreciate you all catching, because it
14 wasn't in the one for murder. But I think we stuck it in
15 there for attempted and didn't take it out. So we'll mark
16 this as Court Exhibit -- what number?

17 COURT REPORTER: It'll be Number 2.

18 THE COURT: 2?

19 COURT REPORTER: Yes, ma'am.

20 THE COURT: Well, we'll send it back and they can
21 begin their deliberations and everybody's looked at the
22 evidence and is satisfied and you all looked at the
23 verdict form?

24 MS. ZMROCZEK: We have.

25 THE COURT: You all looked at the verdict form? It's

1 what I read.

2 MS. ZMROCZEK: Yes.

3 MR. POTTS: Yes, ma'am.

4 MS. ZMROCZEK: And, Your Honor, just to make sure
5 that we preserved our --

6 (Whereupon, Court's exhibit number 2 was marked for
7 identification purposes.)

8 MS. ZMROCZEK: And we would just renew our --

9 THE COURT: Hold on one second. Give her a chance --

10 MS. ZMROCZEK: Sorry.

11 THE COURT: She has -- what time is it?

12 COURT REPORTER: 1:52.

13 THE COURT: All right. So they're beginning at 1:52.

14 (Whereupon, the jury begins deliberations at 1:52
15 p.m.)

16 MS. ZMROCZEK: Okay. And now, Your Honor, we would
17 just make sure that -- make sure that we were covered on
18 the record that we had renewed and protected all of our
19 previous objections.

20 THE COURT: Yes, ma'am. So noted for the record.

21 MS. ZMROCZEK: All right. Thank you.

22 THE COURT: If you all can give Hazel a number to
23 call, she'll -- if we have a question.

24 (Whereupon, a break was taken awaiting the verdict.)

25 THE COURT: All right. Are we ready?

1 MR. POTTS: The State's ready, Your Honor.

2 MS. ZMROCZEK: We're ready. Yes.

3 THE COURT: All right. Before we -- before I bring
4 the jury in, please refrain from any outbursts. If you
5 feel that you cannot refrain from any outbursts, please
6 leave at this time. But we'll not have any outbursts in
7 the presence of the jury. And so if you cannot -- if you
8 feel like you will not be able to control yourself, I am
9 giving you an opportunity to leave at this time. All
10 right. Thank you. You may bring them in.

11 (Whereupon, the jury came into open court with the
12 verdict at approximately 5:42 p.m.)

13 THE COURT: All right. Thank you. Mr. Foreman, it
14 is my understanding from the bailiffs that you all have
15 reached a verdict. Is that correct?

16 MR. FOREMAN: Yes, ma'am.

17 THE COURT: And is that verdict unanimous?

18 MR. FOREMAN: Yes, ma'am.

19 THE COURT: All right. If you can pass the verdict
20 form to the Clerk and we will -- I mean, to the bailiff
21 and we'll have the Clerk publish it. All right. I am
22 going to ask the Clerk to publish.

23 MADAM CLERK: Indictment numbers 2019-GS-40-0107,
24 2019-GS-40-0109, 2019-GS-40-0110 and 2019-GS-40-0112. The
25 State of South Carolina versus Roshamel D. Parker. As to

1 the indictment alleging murder. We, the jury, unanimously
2 find the Defendant guilty.

3 As to the indictment alleging attempted murder. We,
4 the jury, unanimously find the Defendant guilty.

5 As to the indictment alleging attempted armed
6 robbery. We, the jury, unanimously find the Defendant not
7 guilty.

8 As to the indictment alleging possession of a weapon
9 during the commission of a violent crime. We, the jury,
10 unanimously find the Defendant guilty. This is signed
11 Foreperson, juror number 294, March 5th, 2020. Mr.
12 Foreman, are these your verdicts and the verdicts of the
13 entire jury?

14 MR. FOREMAN: Yes, ma'am.

15 THE COURT: All right. Anything else from the jurors
16 before I release them?

17 MS. ZMROCZEK: We would ask to poll the jury, Your
18 Honor.

19 THE COURT: All right. Madam Clerk, I'd ask that you
20 poll the jury by number, please.

21 MADAM CLERK: Yes, Your Honor. Ladies and gentlemen
22 of the jury, I'm going to ask you two questions regarding
23 your verdict. If you'll answer yes or no to both
24 questions. Juror number 294, were these verdicts?

25 THE JUROR: Yes, ma'am.

1 MADAM CLERK: Are they still your verdicts?

2 THE JUROR: Yes, ma'am.

3 MADAM CLERK: Juror number 174, were these your
4 verdicts?

5 THE JUROR: Yes, ma'am.

6 MADAM CLERK: Are they still your verdicts?

7 THE JUROR: Yes, ma'am.

8 MADAM CLERK: Juror number 54, were these your
9 verdicts?

10 THE JUROR: Yes, ma'am.

11 MADAM CLERK: Are they still your verdicts?

12 THE JUROR: Yes, ma'am.

13 MADAM CLERK: Juror number 144, were these your
14 verdicts?

15 THE JUROR: Yes, ma'am.

16 MADAM CLERK: Are they still your verdicts?

17 THE JUROR: Yes, ma'am.

18 MADAM CLERK: Juror number 245, were these your
19 verdicts?

20 THE JUROR: Yes, ma'am.

21 MADAM CLERK: Are they still your verdicts?

22 THE JUROR: Yes, ma'am.

23 MADAM CLERK: Juror number 43, were these your
24 verdicts?

25 THE JUROR: Yes, ma'am.

1 MADAM CLERK: Are they still your verdicts?

2 THE JUROR: Yes, ma'am.

3 MADAM CLERK: Juror number 131, were these your
4 verdicts?

5 THE JUROR: Yes, ma'am.

6 MADAM CLERK: Are they still your verdicts?

7 THE JUROR: Yes, ma'am.

8 MADAM CLERK: Juror number 234, were these your
9 verdicts?

10 THE JUROR: Yes, ma'am.

11 MADAM CLERK: Are they still your verdicts?

12 THE JUROR: Yes, ma'am.

13 MADAM CLERK: Juror number 206, were these your
14 verdicts?

15 THE JUROR: Yes, ma'am.

16 MADAM CLERK: Are they still your verdicts?

17 THE JUROR: Yes, ma'am.

18 MADAM CLERK: Juror number 215, were these your
19 verdicts?

20 THE JUROR: Yes, ma'am.

21 MADAM CLERK: Are they still your verdicts?

22 THE JUROR: Yes, ma'am.

23 MADAM CLERK: Juror number 184, were these your
24 verdicts?

25 THE JUROR: Yes, ma'am.

1 MADAM CLERK: Are they still your verdicts?

2 THE JUROR: Yes, ma'am.

3 MADAM CLERK: Juror number 93, were these your
4 verdicts?

5 THE JUROR: Yes, ma'am.

6 MADAM CLERK: Are they still your verdicts?

7 THE JUROR: Yes, ma'am.

8 MADAM CLERK: The jury's been polled, Your Honor.

9 THE COURT: All right. Thank you. All right.

10 Ladies and gentlemen of the jury, I do want to thank you
11 on behalf of everyone that was here. As I told you all on
12 Monday, we understand that this is a sacrifice for you to
13 leave your jobs and your families and whatever else you
14 had planned to be here this week. You all have been
15 attentive, an attentive jury, and I know that you all were
16 back there in the jury room working hard. So I do want to
17 thank you for your service and fulfilling your civic duty
18 here. As you can see, matters do arise in this courtroom
19 and in courtrooms all across the State, as a matter of
20 fact, all across the country. And under our Constitution,
21 this is the way that we -- that these matters are
22 resolved, between -- before 12 jurors like yourself all
23 around the country. So I do want to thank you for
24 fulfilling your civic duty and you are free to leave. You
25 are free to speak to whoever you want to. You can talk

1 about the case. You can go on the internet and research
2 any issue you want to research. You do not have to come
3 back tomorrow. I am -- let me see the attorneys for one
4 second.

5 (Whereupon, a bench conference was held in the
6 presence of the jury but out of the hearing of the
7 jury.)

8 THE COURT: All right. If you would like to -- in
9 just a short moment, we will be doing sentencing. If you
10 would like to stick around, you are more than welcome to
11 do so. Just let the bailiffs know. And then they will
12 bring you back in and have you seated for the sentencing
13 portion of the trial. If you wish to leave, you are free
14 to leave. Once again, thank you. Have a safe ride home
15 and a wonderful weekend. Thank you.

16 (Whereupon, the jury was excused from the trial of
17 the case.)

18 THE COURT: While she's doing that, I will -- we'll
19 take about five minutes while she's getting the sentencing
20 sheets.

21 MR. FYALL: Yes, ma'am.

22 (Whereupon, a short break was taken.)

23 THE COURT: All right. You may be seated.

24 MS. ZMROCZEK: Judge, if I may just renew my motions.
25 I also mentioned --

1 THE COURT: Yes, ma'am.

2 MS. ZMROCZEK: Your Honor, at this time, we would
3 make a motion -- an additional motion in addition to
4 renewing all my previous motions to set aside the verdict
5 given the inconsistency of the not guilty on the attempted
6 armed robbery, Your Honor, which clearly was the State's
7 basis for malice. For those -- for that reason, we would
8 argue that this verdict be set aside and a new trial be
9 granted.

10 THE COURT: All right. Any response? Yes, sir.

11 MR. FYALL: Your Honor, the case law says, the
12 verdicts, even though they are inconsistent, if they are
13 supported by the facts they are to stand. And so we would
14 ask that you deny that motion.

15 THE COURT: All right. I'm going to deny the motion
16 for a new trial. I think based on the evidence that was
17 put before the jury, there's the issue of fact as to -- an
18 issue of fact as to the murder and attempted murder and
19 the possession of a weapon during a violent crime for the
20 jury to decide, as they did. As you noted when I -- I
21 think you noted when I did the directed verdict, I think
22 my word -- scintilla of evidence on the armed robbery and
23 the jury came back with a not guilty on that charge. Your
24 motion -- for all of the reasons stated, the motion for a
25 new trial is denied. The motions -- your earlier motions

1 are -- were renewed and preserved for the record. And
2 also, your motions on the directed verdict were -- you
3 renewed those and they're renewed and preserved for the
4 record.

5 MS. ZMROCZEK: Thank you.

6 THE COURT: All right. Thank you. I'll be glad to
7 hear from the State. And then, I'll give -- if the
8 victim's family wishes to speak --

9 MR. FYALL: I have one person that wants to speak.

10 THE COURT: -- I'll give them an opportunity to
11 speak. And then, I'll hear from Ms. Zmroczek, any
12 mitigation that she may have.

13 MR. POTTS: Thank you, Your Honor. The Defendant's
14 prior record is two counts of burglary in the third degree
15 from 2010. In 2012, one count of trespass. Additionally,
16 one count of strong arm robbery out of Lexington County.
17 In 2013, violation of a beginner's permit. And 2014,
18 burglary second, violent, for which he received a seven
19 year sentence. Your Honor, Delilah Cedeano is going to
20 speak on behalf of the family. Cory's mother is here,
21 Your Honor, his aunt, his uncle and various friends and
22 family. They've been in the courtroom for this whole
23 trial and they ask to be heard at this time.

24 THE COURT: I'll be glad to hear from -- is there a
25 microphone? All right. If she can just speak up so the

1 Court can hear you. And your name for the record, ma'am?

2 MS. CEDEANO: Delilah Cedeano.

3 THE COURT: Did you hear the last name? Can you
4 spell the last name? Is there not a microphone we can put
5 up there? Do you want her to come down from there.

6 Ma'am, now, just state your full name for the record.

7 MS. CEDEANO: Delilah Cedeano, C-E-D-E-A-N-O.

8 THE COURT: Yes, ma'am.

9 MS. CEDEANO: I just wanted to say that, you know,
10 people are multi-faceted and I just wanted Your Honor to
11 know that my brother was not just the person that was
12 painted out to be in the courtroom. You know, he was a
13 son and a brother and a very, very good uncle who my
14 children miss dearly. And I'd just ask Your Honor to
15 please consider that the Defendant gets to see his family
16 and they get to see him. I will never be able to see my
17 brother again and I just ask that you please take that
18 into consideration. And please take into consideration
19 when you're issuing your sentence that we also have a fear
20 of what will happen when he comes out. You know, he
21 clearly stated in the letter that he has no problem taking
22 people out who don't serve in his best interest. And I
23 don't want to look over my shoulders and I just fear for
24 the safety of my children. Your Honor, I just ask -- not
25 coming from a vindictive place, but I just ask that you

1 please give him the maximum sentence without time served
2 or good behavior or anything like that. And on behalf of
3 my mother -- she just wants him to know that she forgives
4 him. She forgives him and she hopes that he can find
5 peace in his heart with what he's done. And although I
6 cannot say that I'm there yet, Your Honor, I just please
7 ask that you consider all of these things when you're
8 issuing your sentence. That's all I ask.

9 THE COURT: All right. Thank you, ma'am. On behalf
10 of the Court, I do want you to know -- and I notice the
11 family and all the family members that are here, that
12 we're sorry for your loss. I'm sorry that you had to go
13 through this trial this week and these unfortunate
14 circumstances. But thank you all for being here.

15 MR. FYALL: One last thing, Your Honor. I do want to
16 thank Investigators Duckett and Montgomery for their work
17 on this case. During the break, I did run outside and
18 talk to Mr. Rogers, since he's also a victim, to see if he
19 had any input. And he just asks Your Honor to give the
20 appropriate sentence based on the facts and he wanted me
21 to say that he appreciated not being put in jail.

22 THE COURT: All right. Thank you.

23 MR. POTTS: Your Honor, the State -- you've heard all
24 the evidence from the State, Your Honor. You obviously
25 know everything that happened in this case. We'd just ask

1 you to give the commensurate sentence with what happened
2 and his prior record, Your Honor.

3 THE COURT: All right. Thank you. All right. Yes,
4 ma'am, Ms. Zmroczek.

5 MS. ZMROCZEK: Thank you, Your Honor. I have advised
6 my client, obviously for appellate issues, not to speak.
7 And I've told the Court -- I told him I would tell the
8 Court that just because I don't want the Court to think
9 he's being disrespectful --

10 THE COURT: I understand.

11 MS. ZMROCZEK: -- and certainly -- in fact,
12 throughout this trial, Your Honor, we have been the ones
13 that have been addressing that a loss of a life is tragic
14 and we know this. And maybe -- you know, and maybe, it
15 was a mistake on my part. But when I received information
16 the Friday before this trial that 90 days before this,
17 that Mr. Jenkins had been arrested for attempted murder
18 because he thought somebody else was stealing or shorting
19 drugs from him and shot at him. And I had -- I didn't
20 have enough time to compare that nine millimeter that was
21 recovered in Richland County's evidence and that may be a
22 mistake on my part because I did not put that in front of
23 the jury. But, Your Honor, in looking at --

24 THE COURT: I don't understand what you're telling
25 me.

1 MS. ZMROCZEK: So -- and you may not be aware --
2 sorry. You may not be aware of this, but the Friday --

3 THE COURT: Is this a motion?

4 MS. ZMROCZEK: No.

5 THE COURT: I mean, what are you -- I don't
6 understand what you're telling me.

7 MS. ZMROCZEK: No. No. I was just saying -- what I
8 was just saying is --

9 THE COURT: I'm just trying to make sure it's not an
10 issue that was presented --

11 MS. ZMROCZEK: Right. Right. No. No. No. It was
12 -- what it was is something that was provided Friday and
13 it's not a motion. It's just, maybe, I should have asked
14 for a continuance in hindsight. But regardless of that,
15 Your Honor, going forward in looking at, first of all, Mr.
16 Parker's record, the burglary thirds were all non-violent,
17 Your Honor. And then, I think he had a violation of a
18 learner's permit. And certainly, everyone in this case
19 had some sort of record. And the world of drugs does not
20 make it any better, Your Honor, and maybe that will change
21 if -- you know, if they legalize marijuana so we won't
22 have people having to do this in trap houses and things
23 like that. I don't know. But what I do know is that Mr.
24 Parker does have children and that he, you know, to this
25 day, still maintains that he went there to go buy drugs.

1 And the physical evidence that was presented by the
2 experts, Your Honor, clearly shows that he was shot in the
3 kitchen and that it was the gun of Mr. Perry who arrived
4 separately at the hospital, Your Honor, that took the life
5 of Mr. Jenkins. For those reasons, Your Honor, and
6 understanding that there's a mandatory minimum day for
7 day, with -- you know, with at least the first charge, we
8 would ask that the Court consider to give that minimum
9 sentence. Because even -- in 30 years, day for day, Mr.
10 Parker will, you know, be an old man if he is able to get
11 released. For those reasons, we would just ask the Court
12 to consider those when making your sentence.

13 THE COURT: The gun charge, is that run consecutive?

14 MR. POTTS: Unless sentenced to life for murder, I
15 believe.

16 MS. ZMROCZEK: Right.

17 THE COURT: Ma'am?

18 MS. ZMROCZEK: If he got sentenced to life. I think
19 if he gets a sentence over 20 years -- I can't remember,
20 Your Honor.

21 THE COURT: Ms. Zmroczek.

22 MS. ZMROCZEK: Yes.

23 THE COURT: How much time has he been in --

24 MS. ZMROCZEK: Your Honor, he was -- as you heard,
25 when he went to the hospital in March of 2018, March 25th

1 of 2018, he was officially put on lockdown on March 30th
2 of 2018. And so he's -- it's our contention that he has
3 been held since that time. And I'm sorry, I haven't
4 accrued the number of days.

5 MR. POTTS: I think, 705 days, Your Honor.

6 MS. ZMROCZEK: How many?

7 MR. POTTS: 705. It would be two years and 25 days.

8 THE COURT: You said March 31st, right?

9 MR. POTTS: 30th, Your Honor.

10 MS. ZMROCZEK: 30th.

11 THE COURT: 30th. 707 days.

12 MR. POTTS: I apologize, Your Honor.

13 THE COURT: The computer calculates.

14 MR. POTTS: It's a little better than I am.

15 THE COURT: All right. Anything else?

16 MS. ZMROCZEK: Nothing from the Defense.

17 MR. POTTS: Nothing from the State, Your Honor.

18 THE COURT: All right. Sir, on the indictment
19 2019-GS-40-107, you'll be sentenced to the State
20 Department of Corrections for 40 years. This sentence
21 runs concurrent to 2019-GS-40-109.

22 On indictment 2019-GS-40-109, you'll be sentenced to
23 the State Department of Corrections for 20 years. This
24 sentence runs concurrent to 2019-GS-40-107.

25 And 2019-GS-40-112, you'll be sentenced to the State

1 Department of Corrections for five years. This sentence
2 is consecutive to 2019-GS-40-109 and 2019-GS-40-107.
3 You'll be given credit for the 707 days that you have
4 served.

5 MR. POTTS: Thank you, Your Honor.

6 THE COURT: Anything else?

7 MR. POTTS: Nothing from the State, Your Honor.

8 MS. ZMROCZEK: No, Your Honor.

9 THE COURT: All right. Thank you.

10 MS. ZMROCZEK: Thank you.

11 MR. POTTS: Thank you, Your Honor.

12 (Whereupon, Defendant's Exhibits 15 and 16 were
13 marked for identification only.)

14 (Whereupon, State's Exhibit 135 was marked for
15 identification only.)

16 (Whereupon, proceedings were concluded at 6:47.)
17
18
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25

Call This # Tell them to tell Bam the
Same thing (803) 800-5388 595

Tell her to tell them if they wanna
See me and gwan Free again to
Swerve on Unk and fast ~~XXXXXXXXXX~~

Who Bang, Bread, Jefe
Marlo

Tell her relay the Message
to them appreciate You

596

Swing Back n

20 min

WITNESSES

(S) Chauncey B Duckett
- Columbia Police Department

ARREST WARRANT NUMBER

2018A4021600932

ACTION OF GRAND JURY

TRUE BILL

Kennia Powell

Foreperson of Grand Jury

Date:

JAN 15 2019

VERDICT

Guilty 3-5-2020

Foreperson of Petit Jury

Date:

DOCKET NO. 2019GS4000107

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

January TERM 2019

150

THE STATE
vs.

Roshamel Donshea Parker

Indictment for
MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

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

Defendant

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

Defendant

Witness:

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

SCANNED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on January 15, 2019, the
 Grand Jurors of Richland County present upon their oath:

MURDER

That Roshame! Donshea Parker did in Richland County, on or about
 March 25, 2018, kill the victim, Cory Jenkins, with malice aforethought,
 either express or implied, by means of a gunshot, and the victim did die as
 a proximate result thereof. All in violation of Section 16-03-0010, S. C.
Code of Laws, 1976, as amended.

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

Byron E. Gipson AS
 BYRON E. GIPSON, SOLICITOR

COUNTY OF Richland
STATE VS.
Roshamel Donshea Parker
AKA:
Race: BLACK Sex: M Age: 27
DOB: SS#:
Address: Middleton Street
City, State, Zip: Cayce, SC 29033
DL#: SID#:

INDICTMENT/CASE#: 2019GS4000107
A/W#: 2018A4021600932
Date of Offense: 3/25/2018
S.C. Code § 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lowd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Potts, Carter SC Bar# Defendant Zmrozczek, Aimee J. SC Bar#
SCD77193

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 40 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Recipient:
Substance Abuse Counseling
Random Drug/Alcohol testing

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 9.75.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Jeannette Mc Bride
Court Reporter: Holston
Presiding Judge: Judge Code: 2161 Sentence Date: 3-5-2020

WITNESSES

(S) Chauncey B Duckett
- Columbia Police Department

ARREST WARRANT NUMBER

2018A4021600933

ACTION OF GRAND JURY

TRUE BILL

Kenneth Powell
Foreperson of Grand Jury
Date:

JAN 15 2019

VERDICT

Guilty 3-5-2020

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS4000109

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

January TERM 2019

150

THE STATE
vs.

Roshamel Donshea Parker

Indictment for
ATTEMPTED MURDER

SC Code: 16-03-0029
CDR Code: 3410

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

Defendant

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

Defendant

Witness:

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

SCANNED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on January 15, 2019, the
 Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That Roshamel Donshea Parker did in Richland County on or about
 March 25, 2018, did with the intent to kill, attempt to kill Jimmy Rogers with
 malice aforethought, either expressed or implied. All in violation of SC
 Code of Laws § 16-3-29 (1976, as amended).

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

Byron E. Gipson
 BYRON E. GIPSON, SOLICITOR

602E OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Roshamel Donshea Parker

AKA: _____

Race: BLACK Sex: M Age: 27

DOB: [REDACTED] SS#: _____

Address: [REDACTED] Middleton Street

City, State, Zip: Cayce, SC 29033

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

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

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS4000109

A/W#: 2018A4021600933

Date of Offense: 3/25/2018

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

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

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

ATTEST: [Signature] 76417 Defendant [Signature] SCB77193
Potts, Carter SC Bar# Zmrozek, Aimee J. SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

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

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 707 days

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____
 Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge [Signature]
Judge Code: 2161
Sentence Date: 3-5-2020

WITNESSES

(S) Chauncey B Duckett
- Columbia Police Department

DOCKET NO. 2019GS4000112

The State of South Carolina

County of

Richland

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

Defendant

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

COURT OF GENERAL SESSIONS

January TERM 2019

150

Defendant

Witness:

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

ARREST WARRANT NUMBER

2018A4021600935

THE STATE
vs.

Roshamel Donshea Parker

ACTION OF GRAND JURY

TRUE BILL

Kerim Powell

Foreperson of Grand Jury
Date:

JAN 15 2019

VERDICT

Guilty 3-5-2020

Indictment for
WEAPONS / POSS. WEAPON DURING
VIOLENT CRIME, IF NOT ALSO
SENTENCED TO LIFE WITHOUT PAROLE
OR DEATH

SC Code: 16-23-0490
CDR Code: 0549

Foreperson of Petit Jury
Date:

SCANNED

COUNTY OF Richland
STATE VS.
Roshamel Donshea Parker

INDICTMENT/CASE#: 2019GS4000112
A/W#: 2018A4021600935
Date of Offense: 3/25/2018
S.C. Code § : 16-23-0490
CDR Code #: 0549

AKA: _____
Race: BLACK Sex: M Age: 27
DOB: [REDACTED] SS#: _____
Address: [REDACTED] Middleton Street
City, State, Zip: Cayce, SC 29033
DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser included Offense, Defendant Waives Presentment to Grand Jury (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] [Signature] [Signature] SCB77193
Potts, Carter SC Bar# Defendant Zmrozek, Aimee J. SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years on under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2019GS40109 & 2019GS40107
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 707
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. days

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fines:

§14-1-206 (Assessments 107.5 %)	\$	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75

TOTAL \$ 128.75

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
prmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk: Jeanette Mc Bride
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 2161
Sentence Date: 3-25-2020

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,

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED
Dec 09 2020
SC Court of Appeals

This 9th day of December, 2020.