

I N D E X

WITNESS

PAGE

No Witnesses.

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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No Exhibits.

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THE COURT: Will the attorneys approach for just a moment?

(Sidebar discussion.)

THE COURT: All right. And we're here today on a motion to reconsider; is that correct?

MR. BRANNON: We are, Your Honor.

THE COURT: Yes, sir. And I'm fine with the record. It was certainly timely filed.

MR. BRANNON: Thank you very much.

THE COURT: Thank you.

MR. BRANNON: Your Honor, did you want us to approach the bench, or do you want to argue here?

THE COURT: It's fine. However you want to do it.

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MR. BRANNON: Thank you. Your Honor, this is Tysean Edmondson. This is a Spartanburg County case.

And on April the 25th, Your Honor, you accepted his plea on two counts of ABHAN and one count -- unrelated count of unlawful carrying of a firearm.

THE COURT: Okay.

MR. BRANNON: The gun charge was not related to the subject incident dealing with the ABHANS.

1 Your Honor, my client is now 21 years of age,
2 and there were two codefendants. Your Honor, I
3 would submit to you that you accepted the plea or a
4 plea was submitted by the primary aggressor of the
5 three defendants, and -- and he was sentenced to
6 20 years.

7 THE COURT: Okay.

8 MR. BRANNON: You sentenced my client to
9 16 years. Your Honor, I'm respectfully asking that
10 you reconsider that sentence today.

11 Again, my client is 21 years of age. He was 20
12 years of age at the time of this incident.

13 He had no prior criminal history, Your Honor.
14 There was that pending charge, unlawful carrying,
15 but there had been no conviction. He had no prior
16 criminal convictions.

17 Your Honor, he's joined in court today by
18 several family members. They were in court on
19 April the 25th too.

20 Your Honor, I -- I know how busy you are and
21 you probably don't remember much about this, but
22 this was -- this was two cars traveling down the
23 road and shots fired from the car that my client was
24 a passenger in into a car -- the car in front of
25 them.

1 One of the bullets pierced the -- a window,
2 probably the back window; although, I'm not sure
3 which window it broke, and broken glass injured the
4 female passenger of the car. You saw some pictures
5 the day of the plea. And, Your Honor, I didn't do a
6 good enough job informing you. Yes. The woman was
7 injured and no doubt this was a serious situation,
8 but she was not struck with a bullet. She was
9 ~~struck with flying -- flying glass.~~

10 THE COURT: Okay. All right.

11 MR. BRANNON: Now, Your Honor, I want to go
12 back to something that I did say on the 25th. This
13 was a dispute between two girls and their boyfriends
14 who apparently both worked at the McDonalds near
15 what used to be the old Waccamaw Pottery Plant in
16 Spartanburg -- not plant, but Waccamaw Mall in
17 Spartanburg.

18 Your Honor, my client was simply a passenger in
19 an automobile driven by one gentleman. The other
20 guy in the car was the boyfriend of the girl in this
21 car that was fighting with the girl in the front
22 car.

23 Your Honor, all three occupants of the
24 automobile were charged with the same charges. One
25 of the last pieces of evidence that we received, and

1 Mr. Smith will confirm this, was the gunshot residue
2 tests that were done immediately upon the arrest of
3 all three individuals.

4 Your Honor, my client was initially charged
5 with discharging a firearm. Your Honor, Mr. Smith
6 will confirm for you, there was one speck of GSR
7 found on my -- on one of my client's hands, one
8 speck, which is one of the reasons I believe that
9 ~~Mr. Smith discharge -- dismissed the discharging of~~
10 firearm charge against my client.

11 Your Honor, I thoroughly explained the "hand of
12 one is the hand of all" to my client, and -- and --
13 and -- and why because of that, and given this
14 evidence, that when Mr. Smith made the -- the plea
15 offer and reduced the charge to ABHAN, that I
16 thought that he, quite frankly, had to plea.

17 Your Honor, he was in the wrong place at the
18 wrong time. He's been in jail now for nearly
19 two years. Your Honor, on the day of the plea, I
20 told you the number of days. I believe it was 289
21 days at that point, Your Honor. He's now been in
22 jail since April the 25th in the hands of the
23 Department of Corrections. This young man wasn't a
24 criminal on April the 26th, Your Honor -- excuse me
25 -- April the 25th.

1 Your Honor, 16 years is the better part of this
2 man's productive adult life. He was in the wrong
3 place. Your Honor, he needs to be punished because
4 of the hand of one is the hand of all, but, Your
5 Honor, I submit to the Court that three years is
6 significant. I don't expect, Your Honor, that
7 you're going to cut a 16-year sentence to time
8 served. I don't believe that, but, Your Honor, I
9 believe that 16 years for this man's role is too
10 significant a penalty, and I would ask the Court to
11 cut the 16-year sentence.

12 THE COURT: All right.

13 MR. BRANNON: Your Honor, I'm going to blame
14 myself for not being thorough enough on April the
15 25th. I didn't tell you some of these things. And
16 for that, I -- I ask the Court to forgive me.

17 THE COURT: Thank you. I appreciate this
18 argument on behalf of your client.

19 Yes, sir. State?

20 MR. SMITH: Your Honor I've got a couple of
21 exhibits that were shown to you at the plea. I
22 showed them to Mr. Brannon last time.

23 MR. BRANNON: I have seen them.

24 MR. SMITH: I would just like to hand them up.

25 THE COURT: Sure.

1 MR. SMITH: Your Honor, I'll just address a
2 couple of his points.

3 First off, obviously, the State believes that
4 this sentence was appropriate. This Deandre Foster,
5 who plead to the exact same plea deal as
6 Mr. Edmondson, was sentenced to 20 years the day
7 after Mr. Edmondson got 16 years.

8 Mr. Brannon says that Ms. Thompson was hit by a
9 ~~piece of glass, not a bullet. I'm not exactly sure~~
10 where he's getting that. If you look at the
11 pictures, the -- the back glass did -- did not fully
12 shatter. It breaks. And then you can actually see
13 the front glass, which would be in or around where
14 her head would've been and that actually the bullets
15 going forward and striking the front glass.

16 Additionally, at the plea I mentioned that
17 there was another part of her hair that was twisted
18 up where a bullet had -- we believe had gone through
19 her hair but without actually touching her head.
20 So, certainly, the State believes this was a
21 fortunate situation in which all three were not
22 charged with murder.

23 Your Honor, as to -- we -- we do agree with him
24 that he has no connection to this person, but that
25 would be a reason the State thinks that he should be

1 sentenced to what he was sentenced to.

2 Essentially, Douglas Jones, who was before you
3 but backed out of the plea, is the only connection
4 to the victim in this case. He dates a former
5 roommate of the victim. They had a falling out. It
6 escalated between them, and then she got Mr. Jones
7 to go take care of it.

8 And I guess Mr. Jones picked up Mr. Foster.

9 ~~The State believes that Mr. Jones picked up~~
10 Mr. Foster and Mr. Edmondson, who both admitted that
11 they were carrying weapons that night, and then they
12 went over to her house.

13 I don't know if you remember from the plea,
14 Your Honor, but the victim was lead over to her
15 boyfriend's house. And this is a house that these
16 people don't know the location of, none of these

17 three defendants do. It was given to them by
18 Mr. Jones' girlfriend.

19 And he says within a minute of leaving his
20 house, a car pulls in behind him and he feels
21 they're following too closely, and then shots are
22 hitting him.

23 So the State's contention would be that they
24 stalked them or targeted them over to that location.
25 And it was known among all three individuals what

was going to be done when they got behind the car.

Fortunately, Your Honor, there was a sheriff's deputy that was about a half a block away and then gets into a car chase. During this car chase, three weapons are thrown out of the car, an AR-15 and two pistols. Both Mr. Edmondson and Mr. Foster claimed the same pistol. I'm not sure why that is, but they both claimed to possess the same pistol.

Your Honor, recovering the pistol, it's impossible to tell which gun fired in this case. I don't know whether that's fortunate for the State or unfortunate for the defendant, I don't know, but they're not revolvers so there's not spent shell casings in them.

The clips that are actually recovered in them have what appear to -- in been both the pistols appears to be a full magazine based off my review and going over to the evidence room, so I don't know if they reloaded after this. It was a substantial chase, about a ten-minute chase where they're throwing this evidence out of the vehicle.

Your Honor, when the chase comes to an end, Mr. Edmondson jumps out of the back of the car, and he gets apprehended by a K-9 about five minutes later. As we discussed in court, an officer got

*FT II
Never
throw
anything*

1 injured in the process of chasing after him.

2 One of the things and I think the primary thing
3 that they are making him to be the least culpable
4 person in this is because there's only one speck of
5 GSR on him. However, Your Honor, I don't know if
6 you've seen GSR testimony, but -- and what happened
7 in this case, multiple other people stuck their
8 hands out during when -- the non-drivers stuck their
9 hands out the window.

10 Additionally, he gets into a foot pursuit that
11 ends up with him being tackled and taken down by a
12 dog. And then he's taken to the hospital prior to a
13 GSR being done, so there's ample opportunity for
14 that valuable evidence to have been destroyed. I
15 don't think it's indicative of anything other than
16 he was present in the car, which is undisputed.

17 And, Your Honor, I know we emphasized and part
18 of the reason why there is some uncertainty to this
19 case, is there was almost no cooperation from --
20 from anybody. He acknowledged that he was in the
21 car, and acknowledged that there were shots coming
22 from the car.

23 He would not say who was shooting. He ended up
24 saying the positioning of them, which the police
25 know that from seeing the camera and because the

1 other two stayed in the car, but he would refuse to
2 name who did it.

3 And, Your Honor, I -- and some of the body cam
4 notes, I mean, his position was that I'm man enough
5 to speak on what I did and I'm not going to speak on
6 what anybody else did. That's for them to do. And
7 the State's position would be that he chose his path
8 and he got a sentence that reflects what he did.

9 This could've been much worse. And we'd just ask
10 that you keep the sentence as it is, Your Honor.

11 MR. BRANNON: Response?

12 THE COURT: Certainly.

13 MR. BRANNON: Your Honor, forgive me, but on
14 April the 25th after the plea was concluded, I gave
15 my client my discovery package or I would hap -- be
16 happy to tell you, it's in the nursing notes from

17 the hospital as to how the -- the injury. So I
18 didn't make that up. It's in the medical records
19 about the flying glass.

20 Your Honor, I don't dispute that my client
21 never gave the police a full statement, if you will.
22 However, he did say, "I was in the car. I had a
23 gun, but I didn't shoot the gun." And Mr. Smith
24 just said, the clip from the gun that my guy claimed
25 possession of was still full.

1 Your Honor, the statements show that -- the
2 evidence does show that my client was at the
3 house -- the home of a friend for most of the day.
4 Somebody else pulls up, picks he and his friend up,
5 and we're in this situation.

6 Your Honor, I'm asking the Court to reduce the
7 16-year sentence. Thank you.

8 THE COURT: I tell you what ---

9 MR. BRANNON: And excuse me, there is one
10 other.

11 THE COURT: Absolutely.

12 MR. BRANNON: Your Honor, I want to be very
13 clear, the officer that was injured was not injured
14 by my client. My client did not strike that
15 officer. He -- I'm not -- I'm not belittling the
16 injury. I want the Court to know that my client

17 didn't hit the cop, didn't trip the cop. It was --
18 it's unfortunate that in the pursuit, he was
19 injured.

20 THE COURT: I gotcha.

21 MR. BRANNON: Thank you.

22 THE COURT: Okay. That makes sense, and I --
23 and I will tell you what I'm going to do. I will
24 tell you, Mr. Brannon, that if I do reduce the
25 sentence, which I may well do, if I do reduce his

1 sentence, it's going to be based on the fine
2 argument that you made at the time of sentencing and
3 the fine argument that you made here today. And I
4 appreciate that very much and how you came --
5 obviously, both sides very prepared, and I
6 appreciate that.

7 I'm going to take this matter under advisement.
8 I want to think about it a little bit. I will
9 notify both sides via e-mail. I anticipate doing
10 that within a day or so, but I just want to take a
11 few minutes to think about this case a little bit
12 more and review my notes from it.

13 I will put on the record that I got a very kind
14 letter about you, Mr. Edmondson, and I -- I just
15 received it today. And it was short, and so by the
16 time -- I had read it by the time I knew what it

17 was. But it was a letter from someone who had known
18 Mr. Edmondson and said that they had not seen you in
19 a little while, but that you were always a kind,
20 good, and considerate young man in their dealings
21 with you. And I cannot remember the person's name
22 and I'm very sorry, but I need to probably put on
23 the record that I did have some ex parte
24 communication from somebody, and I don't know who it
25 is.

1 C E R T I F I C A T E O F R E P O R T E R

2
3 STATE OF SOUTH CAROLINA

4 COUNTY OF SPARTANBURG

5
6 I, the undersigned, Lisa Scott, Circuit Court
7 Reporter for the Seventh Judicial Circuit of the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete10 transcript of record of all the proceedings had and
11 the evidence introduced in the hearing of the
12 captioned cause, relative to appeal in the Criminal
13 Court for Spartanburg County, South Carolina, on the
14 5th day of June, 2017.15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.17
18 October 8, 201919
20 /s/Lisa Scott21
22 *Lisa Scott*
23 *Circuit Court Reporter*
24
25